

2009



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

U.S. Department of Labor's 2009 Findings on the Worst Forms of Child Labor



REPORT REQUIRED BY THE TRADE AND DEVELOPMENT ACT OF 2000

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REPORT REQUIRED BY THE TRADE AND DEVELOPMENT ACT OF 2000

SECRETARY OF LABOR
WASHINGTON

DEC 15 2010

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

Dear Mr. Vice President:

The enclosed report, titled *The Department of Labor's 2009 Findings on the Worst Forms of Child Labor*, is submitted in accordance with section 504 of the Trade Act of 1974 as amended (19 U.S.C. 2464). The report describes the efforts of 144 countries, non-independent countries, and territories to meet commitments to eliminate the worst forms of child labor. We hope this report is useful to the Congress.

Sincerely,



HILDA L. SOLIS
Secretary of Labor

Enclosure

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

SECRETARY OF LABOR
WASHINGTON

DEC 15 2010

The Honorable Nancy Pelosi
Speaker of the House of Representatives
Washington, DC 20515

Dear Madam Speaker:

The enclosed report, titled *The Department of Labor's 2009 Findings on the Worst Forms of Child Labor*, is submitted in accordance with section 504 of the Trade Act of 1974 as amended (19 U.S.C. 2464). The report describes the efforts of 144 countries, non-independent countries, and territories to meet commitments to eliminate the worst forms of child labor. We hope this report is useful to the Congress.

Sincerely,



HILDA L. SOLIS
Secretary of Labor

Enclosure

cc: The Honorable John Boehner, House Minority Leader

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SECRETARY OF LABOR
WASHINGTON

Over the past decade, the United States and more than 170 other countries have committed to work toward the prevention and elimination of the worst forms of child labor.

We consider this a matter of urgency.

The worst forms of child labor include slavery, forced or compulsory labor, debt bondage, trafficking, illicit activities, commercial sexual exploitation, and armed conflict as well as other hazardous activities that should not be carried out by children – regardless of their economic status, place of birth, gender, or background. Our countries have made this commitment by ratifying Convention 182 of the International Labor Organization (ILO), since the Convention’s adoption in 1999.

But according to recent ILO estimates, 115 million children worldwide continue to toil in labor that is hazardous to their health. While this data represents a decline since the last estimate was released four years ago, progress has slowed compared to previous years and further risks being reversed as a result of the global economic crisis.

As one of the countries that ratified this Convention, the United States must look at how we are addressing this issue at home. During my tenure as Secretary of Labor, we have added more than 350 new field investigators, issued regulations increasing protection for young workers in dangerous non-agricultural jobs, and instituted a tougher penalty structure for those who employ workers illegally. We are also exploring regulatory changes to offer increased protection for children working in the agricultural sector.

The United States is working to end the worst forms of child labor beyond our borders by working with like-minded countries to find viable alternatives to the exploitation of children. Our assistance helps families to improve their livelihoods and places children into valuable educational programs, keeping them out of dangerous and degrading work environments.

Last summer, I traveled to El Salvador and Nicaragua to get a first-hand look at the work we are supporting there. I had the chance to meet children, who as a result of these opportunities, now dream of being the first in their families to go to college or to pursue the future of a promising career.

This work upholds the U.S. Government’s commitments under Convention 182. The new initiatives that the Department of Labor funds abroad are now combining an emphasis on education for working children with interventions that help their parents work their way out of poverty. President Obama said it well: “progress in even the poorest countries can advance the prosperity and security of people far beyond their borders, including my fellow Americans.”

The U.S. Government also works to promote the global fight against the worst forms of child labor through research and reporting to provide needed information about the scope, nature and location of the problem, as well as examples of ways to address it. This year we have redesigned this report, *Findings on the Worst Forms of Child Labor*. We provide a concrete description of the steps countries are taking to address the problem and we suggest actions that would make a real difference in the lives and opportunities of these children. We hope this will assist and motivate governments around the world to take effective next steps to eliminate this exploitation. In combination with other reporting, such as the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor*, we believe we can make an enormous difference in the lives of tens of millions of children for whom there is no time to lose.



HILDA L. SOLIS
Secretary of Labor
December 15, 2010

THIS report was prepared under the direction of Sandra Polaski, Deputy Under Secretary for International Affairs; Marcia Eugenio, Director of the Office of Child Labor, Forced Labor, and Human Trafficking (OCFT); and Kevin Willcutts, Deputy Director, OCFT. Coordination of the report was by Charita Castro, Tina McCarter, Brandie Sasser, and Leyla Strotkamp. The writing, editing, and research were done by OCFT and other Bureau of International Labor Affairs (ILAB) staff: Wendy Blanpied, Bill Brumfield, Kathryn Chinnock, Katie Cook, Atta Cudjoe, Kusuma Cunningham, Chandra DeNap, Jessica Farmer, Mary Francis, Diantha Garms, Lucian Gatewood, Danielle Griswold, Susanna Groves, Sudha Haley, Thomas Heckroth, Misty Heggeness, Sharon Heller, Karina Jackson, Maureen Jaffe, Malaika Jeter, Grace Kaissal, Chanda Leckie, Marie Ledan, Jermaine Leonard, Kristin Lipke, John Mondejar, Eileen Muirragui, Sarah Newsome, Micaela Okamura, Kimberly Parekh, Angela Peltzer, Laura Recchie, Rachel Phillips-Rigby, Tanya Rasa, Amy Ritualo, Brandie Sasser, Samantha Schasberger, Michael Spangler, Leyla Strotkamp, Jose Toasa, Ana Valdes, Pilar Velasquez, Cara Vileno, Bogdan Vitas, Chris Watson, Patrick White, Liz Wolkomir, and Bruce Yoon.

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

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





Mandate

FINDINGS on the *Worst Forms of Child Labor* is the ninth annual report prepared by the U.S. Department of Labor in accordance with the Trade and Development Act of 2000 (TDA).¹ 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.”² 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.³ 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).⁴

The definition of the “worst forms of child labor” in the TDA is the same definition of the term contained in ILO Convention 182 (ILO C. 182). The TDA and ILO C. 182 define a “child” to be a person under the age of 18. 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.⁵

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

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

3. *Ibid.*, section 2462(b)(2)(H).

4. *Africa Growth and Opportunity Act, U.S. Code 19*, section 2466a. See also *U.S.-Caribbean Basin Trade Partnership Act, U.S. Code 19*, section 2703. See also *Andean Trade Preference Act/Andean Trade Promotion and Drug Eradication Act, U.S. Code 19*, section 3203.

5. 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>.

Overview

This report contains profiles of 125 independent countries and a summary report on 19 non-independent countries and territories designated as GSP beneficiaries and/or beneficiaries of trade preferences under the AGOA, CBTPA, and ATPA/ATPDEA. In addition, the report includes information on former GSP recipients that have negotiated free trade agreements with the United States, in view of Senate Report 111-66.⁶

Information in the profiles focuses on the period March 2009 through February 2010. Due to the redesign of the 2009 report and revised release date, important developments that occurred from February through October 2010 are also included. Each country profile contains a table with child labor statistics; a highlights paragraph that notes major steps or remaining problems; five text sections that describe the problem and different aspects of government efforts to address it; a table of information on relevant laws and ratification of international instruments; and a set of suggested actions. Each of these sections is described in detail below (See Section Content and Data Analysis).

This 2009 report differs from previous versions in a number of ways. It provides a sharper focus on the worst forms of child labor, mainly in the first section of the text, which highlights the prevalence and distribution of the problem. In previous reports USDOL provided an overview of children's work in each country that may have included cases that did not clearly constitute the worst forms of child labor. This year, USDOL chose to focus exclusively on the worst forms of child labor.

Article 3(d) of ILO Convention 182 defines the worst forms of child labor to include "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". This "hazardous work" is determined by individual governments, in coordination with workers' and employers' organizations. See ILO Convention 184, Art. 4; ILO Recommendation 190, Arts. 3-4. In this report, where possible, USDOL has identified statutory and regulatory provisions defining hazardous work and the specific activities deemed improper for children to undertake. However, in many countries such provisions were frequently found to be very limited, ill-defined, or were not found at all. To allow for



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

a reliable and complete report, USDOL acknowledges the national obligation to determine the scope of “hazardous work” under ILO Convention 182, but defines the worst forms of child labor under Article 3(d) in a broader sense.

The broader definition is used in light of the conclusion that to accept a definition of hazardous work to be only as that determined by each country would inaccurately portray the child labor situation in countries that have either not defined “hazardous work” or that have done so in a limited, incomplete or vague manner. Accordingly, USDOL has employed the ILO Recommendation 190 guidelines to adjudge the types of work deemed to be worst forms of child labor under Article 3(d) of ILO Convention 182. The guidelines indicate that the following types of work should generally be considered harmful to children: “(a) work which exposes children to physical, psychological or sexual abuse; (b) work underground, under water, at dangerous heights or in confined spaces; (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads; (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.” Therefore, where the “worst forms of child labor” is noted in this report, it includes work that USDOL has deemed to be work that is likely to harm the health, safety or morals of children under Article 3(d) of ILO Convention 182.

The sections that describe government efforts also differ from those in previous reports. These sections are organized to more closely track the types of efforts that the congressional TDA Conference Committee report indicated the President should consider when determining whether a country has met its obligations under the GSP program.⁷ (See below for a more complete discussion). As mentioned above, the report now contains a new paragraph highlighting the key findings in the report. Perhaps the most significant change is the inclusion for the first time this year of a set of proposed actions for each government to consider that would address the findings.

Additionally, ILO Convention 182 does not explicitly exclude from coverage work performed by children on bona

fide family farms.⁸ The ILO has included such work when considering the scope of ILO C. 182. Accordingly, this report reflects the ILO’s broad vision on this issue and does not distinguish based on the size or nature of the farms in its discussion of the worst forms of child labor in agriculture.

These changes to the 2009 report were made to enhance the report’s usefulness as a tool for policymakers and children’s advocates in the United States and abroad as they seek ways to eliminate the worst forms of child labor.

Methods

DATA COLLECTION AND SOURCES OF DATA

Information was gathered for this report through desk research and, to a limited extent, field work. The research was conducted between November 2009 and November 2010.

Desk research consisted of an extensive review of materials produced by a variety of sources such as USDOL, other U.S. Government agencies, foreign governments, international organizations, NGOs, U.S. Government-funded technical assistance and field research projects, academic research, independent research, media, and others. Examples of sources used include latest editions available of country laws relevant to child labor, ILO-IPEC SIMPOC and other national level child labor surveys, NGO reports on child labor in various countries, and ILO Committee of Experts direct requests and observations.

The Department of State and U.S. embassies and consulates abroad provided important information by gathering data from contacts, conducting site visits, and reviewing local media sources. A request for information from the public was published in the Federal Register, and a copy of the request was emailed and mailed to the Washington embassies of countries covered in the report.⁹ Data was also collected through site visits to certain countries

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

9. A copy of the request was also sent to the Permanent Mission of the Kingdom of Bhutan to the United Nations in New York. Countries with no embassy in the U.S. were not sent copies of the request. See U.S. Department of Labor, “Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor,” *Federal Register* vol. 75, no. 36 (February 24, 2010); available from <http://www.gpoaccess.gov/fr/index.html>.

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



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covered in the report, which included additional collection of documents as well as key informant interviews.

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. These factors make information on the worst forms of child labor difficult to obtain. Therefore in order to compile a credible report that is as comprehensive as possible, USDOL used the following methodology to collect and assess information.

◆ *Nature of information.* Whether the information about child labor and government efforts to combat it gathered from research, public submissions, or other sources is relevant and probative, and meets the definitions of the worst forms of child labor and government efforts as used in this report. (See Glossary for definitions.) Specific evidence of government efforts was preferred over unsupported assertions about such efforts.

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

However, in the case of child labor statistics, certain factors contribute to less frequent generation of new data.¹⁰ Because government and other efforts to address exploitative child labor take time to have an impact on national level rates of child labor, children's involvement in such activities does not change dramatically from year to year. Child labor surveys are carried out infrequently in part because the child labor picture does not change frequently (although there have been recent increases in the number of surveys carried out). In order to present an overall picture of children's work in as many countries as possible, USDOL used data for some countries that were up to 10 years old (1999) at the time compilation of this report began. For more information on statistics used in the report, please see

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

the Child Labor and Education Statistics: Sources and Definitions section.¹¹

- ◆ *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.
- ◆ *Extent of corroboration.* The extent to which the information about the use of child labor is corroborated by other sources.

LIMITATIONS

A reliance on online research as a major data collection method for the report means that less information was available for review for countries where Web access and technology is limited. It also may mean that there is less

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

information about countries with more closed government structures and less civil society participation. The lack of information may create an impression that a country has less serious problems with the worst forms of child labor than it has in reality. At the same time, the lack of information in some cases may create the impression that a government is doing less than it should, when it may be that information on such efforts was unavailable. Although countries with open and available information may sometimes appear to have larger problems relative to other countries, this may not be the case. In fact, countries that make information collection on child labor a priority are in a better position to eliminate the problem than those countries where such information is suppressed.

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

Although information was requested from the public, including through requests to governments covered in the report, only 29 out of the 125 countries and 19 non-independent counters and territories submitted information



in response to this request. In addition, since in-country data collection was conducted only in a small subset of countries, lack of access to in-country sources of information has likely led to some oversights and omissions in reporting.

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

SECTION CONTENT AND DATA ANALYSIS

Statistics table and “Highlights” paragraph

Each country profile begins with a statistical table. For approximately 40 country profiles, that table includes statistics on the percent of working children, school attendance rate, and the percent of children who combine school and work. For a smaller set of profiles, data on child work by sector is provided. For some profiles, none of these data are available from the sources used in this report. For more information on this table, see the section Statistical Sources and Definitions.

The country profile also highlights the most significant efforts to combat the worst forms of child labor the country undertook, major gaps in such efforts, and the most pressing problems facing the country with regard to worst forms of child labor. Where possible, this paragraph notes the most common worst forms of child labor in the country. In many cases, however, such information is not available. Given the serious nature of the issue, any case in which the Government itself is involved in the use of worst forms of child labor is also described in this paragraph.

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

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

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

The second section of each profile provides information on two criteria established in the TDA Conference Committee report: “1) whether the country has adequate laws and regulations proscribing the worst forms of child

labor” and “2) whether the country has adequate laws and regulations for the implementation and enforcement of such measures...”. This section describes a country’s legal framework in regard to the worst forms of child labor. Laws relating to the worst forms of child labor generally are comprised of labor laws and regulations as well as criminal law.

USDOL analyzed the laws and regulations of each country to determine the extent to which the country’s legal framework correspond to the standards called for in the TDA. In line with ILO’s Committee of Experts on the Application of Conventions and Recommendations, USDOL considered any law that could be used to prohibit the worst forms of child labor to constitute accordance with international standards. In line with current legal practice around most of the world, USDOL considered whether laws were comprehensive in their prohibitions of all variations of the particular worst form as well as all steps in the process of exploitation (for example, in regard to commercial sexual exploitation of children, are prohibitions in place for offering as well as procuring a child for sex and whether prohibitions applied to both boys and girls up to the age of 18). Finally, in order to focus on the most urgent problems as called for in ILO C. 182, USDOL focused on whether legal protections were in place regarding the specific worst forms of child labor that actually exist in the country.

This section also includes a table with information on selected international conventions the country has ratified, as well as education and child labor laws and policies it has adopted. The conventions include ILO C. 138 and 182; the UN Convention on the Rights of the Child and its Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography; and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol). A checkmark usually indicates the country has ratified the instrument. In some cases, a checkmark represents a case of acceptance, accession or succession to the instrument, given that these actions have the same legal effect regarding the substantive obligations of the instruments as ratification.¹²

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



Operationalization of standards

USDOL operationalized international standards on legal protections against the worst forms of child labor as follows.

The section first assessed a country's minimum age for admission to work and the age through which education is compulsory. Although these provisions are found in ILO Convention 138 (ILO C. 138) as opposed to ILO C. 182, they provide a foundation for protections against the worst forms of child labor. ILO C. 138 establishes that countries should set a minimum age for work of 15, or 14 for countries with lesser-developed economies. Per ILO C. 138, the minimum age through which education is compulsory should be at least equal to the minimum age for employment. It is possible that a low (or no) compulsory school age may encourage children below the legal age of employment to work, since they are not required to attend school. Because such work is illegal, it may be more hidden from public view than other forms of work, increasing the possibility of exploitation through involvement in hazardous work or other worst forms of child labor.

The section also assesses whether the country's laws provide protections against each worst form of child labor as established in ILO C. 182 Article 3, (a) through (d), if it was occurring in the country. In regard to forced child labor, USDOL considered whether forced child labor, debt bondage and/or child slavery exist in the country, and then assessed whether the law prohibits all manifestations of the problem. In regard to child trafficking, USDOL determined whether children were trafficked internationally and/or domestically and for what purposes.¹³ USDOL also determined whether the country was experiencing armed conflict, and then assessed relevant laws to protect children from this worst form of child labor. If there was no evidence of armed conflict in the country, USDOL assessed whether the minimum age for military recruitment was 18, and in cases in which armed conflict was found to exist, USDOL additionally assessed whether the law prohibits forced or voluntary recruitment of children for use in any armed conflict, both by the armed forces as well as other armed groups.

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

If child prostitution exists in the country, USDOL assessed whether the law prohibits recruitment, use, sale of and benefiting from the proceeds of child prostitution, while in regard to child pornography, whether laws prohibit the production, distribution/sale of, benefiting from, and possession of child pornography. In the case of use of a child by an adult in illicit activities, USDOL examined whether specific manifestations of such acts occur in the country—such as use of children for drug trafficking or in forced begging, and then assessed whether the law prohibits the use of a child in such activities.

In regard to hazardous activities, although the focus was on relevant hazardous labor that occurs in the country, given ILO C. 182's call for countries to establish comprehensive prohibitions absent hazardous work, USDOL generally assessed whether the countries' law prohibits all types of activities laid out in ILO R.190, paragraphs 3 and 4.

Section 3: Institutional Mechanisms for Coordination and Enforcement

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

USDOL identified two distinct concepts for analysis. The first refers to whether the country has "formal institutional mechanisms." Although the Conference Committee report speaks only to whether such mechanisms are in place in regard to investigation and complaints of the worst forms of child labor, ILO C. 182 Article 5 states that "Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention." USDOL applied this concept to all provisions of the Convention, not just enforcement. However, since the term "monitor" is often associated with enforcement, USDOL uses the term "coordinate" for this function.

The second concept USDOL analyzed was whether or not the country has mechanisms to investigate and address complaints relating to allegations of the worst forms of child labor. Specifically, USDOL operationalized the concept of enforcement as follows.

Operationalization of standards

Because ILO C. 182 discusses enforcement to only a limited extent, other international standards and practice were also considered as general guidelines, including those from ILO Conventions 81 and 129 on Labour Inspection and Labour Inspection in Agriculture respectively. To the extent possible, USDOL assessed whether the country had:

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

In most cases, USDOL did not have sufficient information to determine whether numbers of inspectors were sufficient in the country. If governments provided assessments about the sufficiency of the inspectorate, that information was included. USDOL considered the benchmarks developed by the ILO in regard to sufficient numbers of inspectors.¹⁴ Given the lack of information, however, USDOL was cautious in its assessment of adequate numbers of inspectors, and only in cases in which the number of inspectors was extremely small relative to the population did USDOL make findings of insufficiency.

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

14. According to the ILO, benchmarks for sufficient numbers of labor inspectors in relation to workers are: 1/10,000 for industrialized market economies, 1/15,000 for industrializing economies, 1/20,000 for transition economies, and 1/40,000 for lesser developed countries. See http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_gb_297_esp_3_en.pdf.

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

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

In writing the report, USDOL used the framework provided in R. 190, Art X15(f), which illustrates measures that countries might take to combat worst forms of child labor, such as “encouraging the development of policies by undertakings to promote the aims of the Convention...”. In ILO C. 182 and in comments from the ILO Committee of Experts, the terms programs and plans of action are often used interchangeably. Indeed, it is difficult to distinguish in some cases between a policy, a plan, and a program. For purposes of the TDA, a policy on worst forms of child labor is defined as a framework that lays out general principles that are intended to guide a government’s actions on child labor. Although policies may call for the passage of new laws and the establishment of new programs, for purposes of the TDA, whether laws are adopted or programs are implemented is discussed in the Laws and Regulations on Child Labor section or Social Programs to Eliminate or Prevent the Worst Forms of Child Labor section.

Operationalization of standards

In this section of the profiles, USDOL assessed whether governments had:

- ◆ Established specific child labor policies, any related development policies that explicitly incorporate the issue of child labor, or any related development policies that do not explicitly target child labor but that could impact the problem. USDOL determined that, because so few governments distinguish between worst forms of child labor and child labor when establishing policies, any policy on child labor, whether targeted to worst forms of child labor or not, would be discussed.
- ◆ Established policies that included specific action plans, assigned responsibilities, established goals, and set timetables.
- ◆ Implemented such policies.

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

This section responds to the Conference Committee report criteria that calls for a consideration of “whether social programs exist in the country to prevent the engagement of children in the worst forms of child labor, and assist in the removal of children engaged in the worst forms of child labor...”. This section describes any such programs, including programs to combat child labor that the country has implemented since 2001. Given that this edition of the report includes findings and suggested actions for the first time, USDOL determined it was relevant to provide this context on the efforts countries had made since the TDA report was first published. The section then discusses programs implemented during the reporting period.

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

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

Operationalization of standards

In this section, USDOL based its assessment on Articles 6 and 7 of ILO C. 182, which call for countries to urgently eliminate worst forms of child labor. ILO R. 190 was also used as a guide in determining the kinds of efforts governments might make, such as giving special attention to girls, providing training to employers and workers, and raising awareness about the problem. With this in mind, USDOL assessed whether governments had:

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

Other Issues

The issues that impact children's involvement in the worst forms of child labor are many and often not fully understood. In writing the TDA report, USDOL decided to focus on aspects of governments' efforts that appear likely to have a direct impact on the problem. Therefore laws, coordination and enforcement efforts, policies and programs explicitly targeted at child labor make up the bulk of the discussion. The report notes programs to combat poverty and promote education that may contribute to the elimination of the worst forms of child labor, while noting the need for further research.

The report excludes policies and programs such as infrastructure projects and health programs, which in some cases have been shown to support children's school attendance.¹⁵ The link to child labor is less direct than in the case of targeted child labor programs and it is difficult to assess the impact these interventions have on child labor.

The issue of access to education is discussed in a limited way. Each country profile notes whether, by law, countries have established free and compulsory primary education. Nonetheless, it should be kept in mind that barriers to access to education, such as legal and illegal school fees, transportation costs, and physical distances to schools may prevent families from sending their children to school and make the decision to have them work more attractive. Poor quality education may encourage families to value the practical skills, as well as income, that their children gain in the workplace over schooling.¹⁶

Another issue that impacts children's involvement in the worst forms of child labor is the problem of corruption related to enforcement of laws covering the worst forms of child labor. While some corruption is likely to exist in many countries, including the United States, specific, credible evidence regarding the problem is extremely limited. Global attention to the issue of human trafficking has made information on corruption among law enforcement and other officials working on this issue somewhat more available. Since an informed discussion of the problem was beyond the scope of this report, discussions of corruption have been excluded from the country profiles.

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

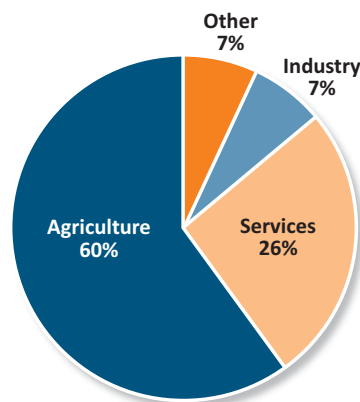
16. UNESCO, *Education for All - Global Monitoring Report: The Quality Imperative* 2005, 40-78; available from http://www.unesco.org/education/gmr_download/chapter2.pdf.

The Year in Review

ILO C. 182, one of the most widely ratified international labor conventions, came into force in 1999. During the ensuing years, countries have intensified their efforts to address the worst forms of child labor and progress has been made. Global estimates released in 2006 showed that the number of child laborers declined by 9.5 percent between 2000 and 2004. The number of children in hazardous work declined even faster than the number of children in child labor generally, at an impressive 24.7 percent.¹⁷ This encouraged the ILO and its member states to set an ambitious goal. They adopted a global action plan to eliminate the worst forms of child labor by 2016. However, since then progress has slowed. This year, the ILO released a new global estimate, tracking the change between 2004 and 2008. It reveals that the number of child laborers worldwide fell by just 3.2 percent, only about a third as much as during the previous four years. In 2008, of the 215 million child laborers world wide, more than half (115 million) were doing hazardous work.¹⁸ The 10.2 percent drop in the number of children in hazardous work that this represents was less than half as steep as it had been during the previous four years. There were other troubling trends. For example, hazardous work increased among children ages 15 to 17. And although the number of girls in child labor and hazardous work continued to steadily decline, the number of boys in child labor rose 7 percent, and the number of boys in hazardous work dipped less than 1 percent.

What types of work are children engaged in?

The majority of children's work continues to be in agriculture, followed by services, industry and other. Only one-fifth of child laborers are in paid employment status, with the majority serving as unpaid family workers.



17. International Labor Organization, *Accelerating action against child labor* (Geneva) 2010, 8-9.

18. *Ibid.*



School constructed with USDOL technical assistance funds in the Democratic Republic of the Congo.

ILAB/Chanda Leckie

What is perhaps most sobering about this slowing progress is that these estimates cover the period immediately preceding the global economic crisis, so the picture has potentially worsened in the past two years. Children have likely been drawn into child labor, including its worst forms, as economies and family finances weakened. The current economic crisis has also constrained the ability of donor countries to help by burdening them with high unemployment and rising budget deficits.

Devastating natural disasters added to the factors pushing children into worst forms of child labor. The shocks from the powerful earthquake that struck Haiti in January 2010 continue to reverberate in the lives of hundreds of thousands of children who lost parents and access to even the most basic social services. In Pakistan, floods engulfed huge swaths of the country, forcing millions of families to abandon their homes and livelihoods. Such disasters unleash a cascade of hardship for vulnerable and marginalized populations and severely tax the ability of governments, NGOs, and international organizations to provide social programs needed to protect them.

Conflict is another persistent barrier to progress. In areas torn by war or civil unrest, children are less likely to be in school due to lack of infrastructure and security, and therefore more likely to be involved in some form of labor. In the worst cases, children are recruited or forced to participate in active combat. In some cases, rebel and insurgent groups beyond government control engage in child soldier recruitment and use, while in others government and government-supported forces engage in this practice. Rebel and insurgent groups have recruited and used children in conflict during the period covered by this report in Afghanistan, Central African Republic, Chad, Colombia, Cote d'Ivoire, the Democratic Republic of the Congo, Ethiopia, India, Iraq, Lebanon, Pakistan, Philippines, Somalia, Sri Lanka, Uganda, and Yemen. States deemed to have unlawfully recruited, in some cases forcibly, or used child soldiers in government armed forces or government-supported armed groups include Chad, the Democratic Republic of the Congo, Somalia, and Yemen.

Economic and security challenges may tempt some governments to delay addressing the worst forms of child labor. But as countries search for paths to stability and

prosperity, fighting this problem can be key. The worst forms of child labor perpetuate a cycle of poverty, often denying children the opportunity to attend school and learn the skills they need to become productive adults. Such exploitation risks children's health and wellbeing, often leaving them with both physical and mental impairments. Breaking this cycle can unlock not only this generation's potential to improve its own livelihoods and futures, but also those of its children. On the largest scale, it can nurture sustainable economic development and help to build a more balanced global economy by enabling developing and emerging economies to consume more goods and services. Protecting the tens of millions of children engaged in worst forms of child labor and providing them with an education is not just the morally right thing to do. It is in everyone's interest.

Despite the recent slowdown in progress, many nations have signaled their determination to move forward in this effort. In May 2010 over 400 representatives from government, employer, worker, civil society and international organizations from 80 countries participated in a global child labor conference in the Netherlands. Their goal was to take stock of progress made since the adoption of ILO C. 182, identify remaining challenges, and agree on measures to accelerate progress towards eliminating the worst forms of child labor by 2016.

The outcome of this conference was a Roadmap for Achieving the Elimination of the Worst Forms of Child Labor by 2016. This document calls on all actors involved to "substantially upscale and accelerate action." It asserts that the progress made during the previous decade "demonstrates that the fight against child labor can be won with sound policy choices and substantial national and international resource commitments."¹⁹ The Roadmap states that governments have the primary responsibility for the elimination of the worst forms of child labor and for enforcing the right of all children to education, while workers' and employers' groups, civil society organizations, and international and regional organizations also have important roles to play. The Roadmap lays out policy priorities for countries, including adopting and enforcing legislation on child labor, especially its worst forms; developing and implementing national action plans; providing adequate resources to achieve policy goals; and supporting decent and productive work for adults and youth of working age.

19. *Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016*, Outcome Document, The Hague Global Child Labour Conference 2010.

On the 2010 World Day against Child Labor on June 12th, the ILO pushed for renewed urgency in fighting the worst forms of child labor, scaled-up global, national, and local-level efforts, and increased political and popular commitment to eliminating child labor.²⁰ Noting that the 2010 World Day coincided with the World Cup in soccer, the ILO called upon the world community to "Go for the Goal: End Child Labor."

That same month, member nations of the ILO also took concrete action to help accomplish this goal, specifically in regard to the plight of domestic workers. Many domestic workers are children, and many are subjected to the worst forms of child labor. These children may perform arduous work for long hours and they are particularly vulnerable to physical and sexual abuse given that their place of work is a private home in which they likely eat and sleep. For the first time, ILO member states agreed to work toward adopting a comprehensive new Convention, supported by a Recommendation, on "decent work for domestic workers."²¹ Since many countries lack any legal protections for domestic servants of any age, a new Convention and Recommendation in this area will provide important guidance to prevent the exploitation of workers in this sector. For child domestic workers, who may find themselves particularly isolated and defenseless, setting this process in motion is especially important.

Finally, at the September 2010 United Nations Summit on the Millennium Development Goals, child labor concerns were explicitly linked, for the first time, to the Millennium Development Goals (MDGs). These goals sets ambitious global targets that governments around the world are striving to meet in area such as poverty elimination and providing universal primary education by the year 2015. In reference to the first goal, on eliminating extreme poverty and hunger, the Summit's Outcome Document called on countries to take "...appropriate steps to assist one another in the elimination of the worst forms of child labor, strengthening child protection systems and combating trafficking in children through, inter alia, enhanced international cooperation and assistance, including support for social and economic development, poverty eradication programs and universal education."²²

20. <http://www.ilo.org/ipec/Campaignandadvocacy/WDA/WorldDay2010/lang-en/index.htm>

21. International Labor Organization, International Labor Conference, Provisional Record, 99th Session, Geneva, 2010, "Report of the Committee on Domestic Workers," 133.

22. UN General Assembly, *Keeping the promise: united to achieve the Millennium Development Goals*, New York, September 17, 2010; available from <http://www.un.org/en/mdg/summit2010/pdf/mdg%20outcome%20document.pdf>.

2010 Department of Labor Trade and Development Act Report Highlights

In addition to the collective efforts highlighted above, many countries have taken measures to address the worst forms of child labor on their own. This section highlights trends that emerge from the country profiles that follow in this report. First, we note some of the good practices and innovations in the areas of law, enforcement, policy, and social programs. Then we discuss some of the most common gaps where more action is needed.

HIGHLIGHTS IN THE AREA OF LAWS

Establishing a clear, strong legal framework is a crucial foundation for countries' efforts to prevent and eliminate the worst forms of child labor. Numerous countries strengthened their laws and stiffened penalties for violating them during the reporting period.

In Rwanda, the Government raised the minimum age for performing hazardous work from 16 to 18 years to conform to international standards. Other governments toughened prohibitions for hazardous work in specific sectors. For example, the Government of South Africa published new regulations listing hazardous activities forbidden for children under 18. The Government of Burkina Faso issued a hazardous child labor list that barred children under 18 from working in 12 sectors. Uruguay passed a new decree regulating agricultural work and requiring the government to publish an annual list of the 50 most dangerous forms of labor in agriculture prohibited for children and adolescents.

In the Philippines, the Government passed new legislation that authorizes the Department of Labor and Employment (DOLE) to close businesses for violating child labor laws. DOLE regional directors may now shut down workplaces and firms immediately where the work may cause a child imminent physical or mental harm. Similarly, in Colombia, a new law permits authorities to seize hotels that are used for the commercial sexual exploitation of children.

New anti-trafficking legislation was adopted in Jordan, Saint Lucia, and Zimbabwe. Jordan's law prohibits human trafficking, including trafficking of children, for

both forced labor and sexual exploitation. Saint Lucia's new provision defines sexual exploitation of children as a criminal offense.

Other countries bolstered compulsory education laws, which may help protect children from the worst forms of child labor. For example, Brazil amended its Constitution to increase the age for compulsory education from 14 to 17. Tonga raised its mandatory school age from 14 to 18. India's Right to Education Act, which promises free and compulsory elementary education for children between the ages of 6 and 14, came into force. Additional steps will be needed, however, to keep children in school and out of the worst forms of child labor. For instance, both Tonga and India lack a basic minimum age for employment, and the minimum age for hazardous work in India is 14, well below the international standard of 18.

HIGHLIGHTS IN THE AREA OF COORDINATION AND ENFORCEMENT

ILO C. 182 and R. 190 urge countries to establish mechanisms to monitor and coordinate efforts to combat the worst forms of child labor. A growing number of countries have established such coordinating mechanisms across government agencies. Often these inter-ministerial committees or task forces are chaired by Ministries of Labor and Employment. In Zambia, for example, the Ministry of Labor and Social Security chairs the National Steering Committee on Child Labor, which monitors and develops policies on child labor. In Tanzania, the Prime Ministers' Office of Regional Administration and Local Government chairs a National Intersectoral Committee on Child Labor that includes representatives from various government ministries and non-governmental organizations. In some countries, broader committees addressing child welfare and protection may include child labor in their portfolio. This is the case in Benin, for example, where the Ministry of Family and National Solidarity chairs a task force made up of five committees to protect children. Egypt has a General Committee for Child Protection, chaired by the Ministry of State for Family and Population, tasked with identifying and monitoring children at risk of exploitative labor. Many countries have set up similar coordinating committees to specifically address human trafficking, including the trafficking of children.

Laws can only prevent the worst forms of child labor if they are adequately enforced and this is often a challenge. Some countries established new institutions to help give their laws new "teeth." For example, in Panama, the Ministry of Labor established a new National Bureau against

Child Labor and for the Protection of the Adolescent Worker. This new office will have a presence throughout the country and will be responsible for enforcing child labor laws as well as providing training on these laws.

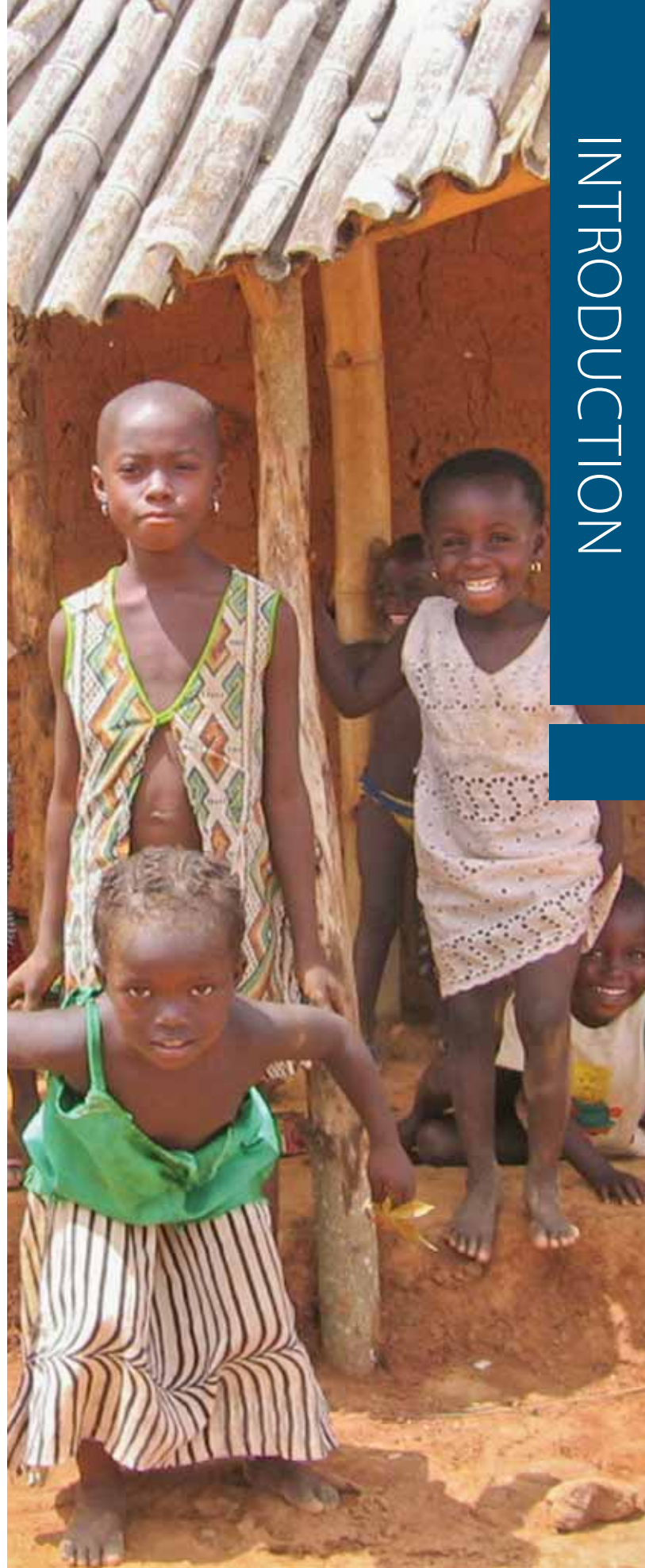
A number of countries fortified their ability to conduct inspections by hiring additional inspectors and providing staff with better guidance and training. In Indonesia, the Government hired an additional 231 labor inspectors, for a total of 2,200, tasked with withdrawing children from exploitative labor. In Bolivia, the Ministry of Labor developed a comprehensive guide and conducted trainings on child labor for all labor inspectors throughout the country. In Egypt, the Public Prosecutor's office provided training about forced child labor and trafficking to prosecutors working on children's cases and created a handbook on prosecuting such cases. In Sri Lanka, 240 labor, police, and probation officers were trained on child labor issues. Belize and Jordan trained inspectors on child labor as well.

In Thailand, the Government has begun to target inspections at workplaces where the worst forms of child labor are most likely to occur. The Department of Labor Protection and Welfare within the Ministry of Labor now prioritize inspections of small factories and workplaces with high concentrations of migrant and 15 to 17 year-old laborers, where the risk of hazardous labor is high. The Thai Government also collaborated with the Thai Frozen Food Association to conduct seminars and trainings on child labor for shrimp and seafood processors.

ILO R. 190 also urges countries to compile detailed information and statistical data on the nature and extent of child labor and child labor violations to help them identify problems and set priorities. Several countries took action in this area. In Argentina, the Ministry of Labor has established a Child Labor Monitoring Office to collect statistics on the incidence of child labor in the country. Similarly, Chile's National Service for Children implemented a national monitoring system to track cases of the worst forms of child labor. In Egypt, the Ministry of Manpower and Migration established and pilot tested a new central database to monitor child labor. In Brazil, the Government continued work on a consolidated database to monitor enforcement of laws against child labor, including commercial sexual exploitation, trafficking, and forced labor.

HIGHLIGHTS IN THE AREA OF POLICY

Policies and plans to prevent and eliminate worst forms of child labor provide roadmaps for action. Policy documents that focus on the worst forms of child labor provide



the most clear-cut indication of a country's political will to address this problem. Many countries have taken the extremely important step of integrating child labor concerns in broader child protection, poverty alleviation, and develop policy frameworks. The causes of child labor are complex and closely linked to lack of education and poverty, so meaningful solutions will dovetail with strategies to combat these related problems. Broader development, education, and poverty alleviation policies may well contribute to the elimination of the worst forms of child labor, even without an explicit focus on the problem. Many countries already have such policy frameworks, and in the past year, some countries have strengthened these policies.

The Government of Bangladesh approved the country's National Child Labor Policy 2010, which serves as a guiding instrument for the formulation of future laws and policies on child labor in both the public and private sectors. The Government of Belize's National Child Labor Policy, introduced in October 2009, establishes a multi-sectoral approach to combat exploitative child labor through consultations between governmental agencies, NGOs, the ILO and other relevant organizations. In Comoros, the Government adopted a National Action Plan to Combat Child Labor covering 2010 through 2015, which takes a holistic approach to the issue. This Plan aims to harmonize labor laws, sensitize and mobilize the population, promote universal primary education, increase access to secondary and non-formal education, provide services to victims and vulnerable children, address family poverty, collect systematic information on the worst forms of child labor, and establish a coordinating mechanism. Thailand launched the National Policy and Plan (NPP) to Eliminate the Worst Forms of Child Labor (2009-2014) and established provincial "women and child labor protection centers" to implement the plan at the provincial level. Finally, the Government of Tanzania released its National Acton Plan for the Elimination of Child Labor in June 2009. The plan highlights key stakeholders and ministries responsible for child labor interventions and proposes strategies such as poverty alleviation, capacity building for enforcement and protection mechanisms, and monitoring and evaluation to combat the worst forms of child labor.

Several countries mainstreamed child labor issues into broader policy agendas, including development, human rights, and youth protection. Such mainstreaming efforts often raise the profile of child labor issues, resulting in better budgetary support and more broad-based remediation. For example, in Indonesia, the Government's

National Mid-Term Development Plan (2010-2014) calls for addressing the worst forms of child labor in domestic work, transportation, construction, and mining sectors and provides specific targets and budgetary allocations. The country's National Development Planning Agency's Strategic Guidelines for 2009 also focused on removing children from worst forms of child labor. Kosovo's Strategy and Action Plan for Human Rights (2009-2011) highlighted the need to eliminate the worst forms of child labor under its component on children's rights. In Liberia, the government published its National Youth Policy Action Plan, which provides youth of legal working age with training in entrepreneurship skills and links to business mentoring programs and cooperatives.

Some countries adopted new policies prioritizing specific worst forms of child labor which may be of particular concern. For example, the Government of Mongolia adopted the State Policy on Herders, which clarifies the conditions and criteria for engaging children in herding so as to eliminate worst forms of child labor in that sector. In Sri Lanka, which emerged from a decades-long civil war in 2009, the Government developed a National Action Plan of the National Framework Proposal for Reintegration of Ex-combatants into Civilian Life in Sri Lanka. This policy includes rehabilitation services and access to educational opportunities for ex-child combatants.

HIGHLIGHTS IN THE AREA OF SOCIAL PROGRAMS

Many countries covered by this report reinforced social safety nets for families and children vulnerable to worst forms of child labor. Some programs explicitly target the worst forms of child labor, for instance, by transferring cash to families on the condition that children attend school, rather than working. Some combat child labor in specific sectors, some strive to provide working children with better, more accessible schools, and some focus on poverty elimination and the promotion of education, which implicitly address child labor.

In 2009, two evaluations of Brazil's child labor-focused cash transfer program, the Program to Eradicate Child Labor, showed very positive results. The program requires proof that children attend school. The same year, Ghana expanded its LEAP, an anti-poverty conditional cash transfer program which requires participating families keep their children out of child labor. Indonesia expanded a similar program to 13 provinces to reach over 500,000 impoverished households. In South Africa, small cash transfers known as Child Support Grants have been

associated with reduced poverty, improved health, and increased school attendance and performance. In Guatemala, more than 500,000 vulnerable families are benefiting from small cash transfers through the Mi Familia Progresá program, initiated in 2008, which conditions these transfers on children's school attendance and regular health checks.

Other countries have focused efforts on improving vulnerable children's access to education. In 2009, Chile's Ministry of Education operated educational reinsertion programs serving 1,100 children, including child laborers, in 13 regions. In Bolivia, the Government continued to implement a cash subsidy program, offering grants for primary school students conditional upon their attending school. The Government of Ghana funded a national school feeding program that provides lunches to encourage school attendance. Programs in Dominica subsidized the cost of textbooks for primary and secondary school students as well as providing free school lunches to primary school students in targeted areas. For the most vulnerable populations, such education subsidies and school feeding programs can be a significant incentive to send children to school and keep them out of work.

Many governments are addressing worst forms of child labor in specific sectors. These initiatives range in size and scope, from small programs to sector-wide efforts, sometimes involving international industry groups and donors. One high profile initiative targets the cocoa industry in Cote d'Ivoire and Ghana. Reports of exploitative and forced child labor that surfaced a decade ago spurred efforts and pledges to address the problem, including the Harkin-Engel protocol signed by the industry in 2001. The Governments of Cote d'Ivoire and Ghana, DOL, and the international cocoa industry launched a new Framework of Action in 2010, agreeing to coordinate and provide transparent tracking of efforts to accelerate the elimination of the worst forms of child labor in the production of cocoa in the context of the Harkin-Engel protocol.

The Government of Cote d'Ivoire also started a new project to combat child labor in cocoa production titled "Self Help Villages." It aims to monitor child labor, rehabilitate schools, and provide communities with other needed infrastructure. To date, the Government has begun activities in 10 villages in the cocoa growing region, and plans to expand the program to 21 more.

The Government of Nicaragua has collaborated with coffee producers and civil society organizations to eliminate

child labor in the harvesting of coffee in the Department of Jinotega. The National Commission for the Progressive Eradication of Child Labor and Protection of the Young Worker is working with coffee producers to ensure that children whose parents migrate to harvest coffee have educational opportunities on coffee plantations. Since children usually accompany their parents for the harvest, providing schooling in these receiving areas can prevent children from becoming involved in dangerous work.

Kenya's Government continued to raise awareness of child prostitution and child sex tourism among hotel and tour operators and lobbied companies in the hospitality industry to adopt and implement a code of conduct against child sex tourism. In 2009, an additional 66 hotels signed this code.

The country reports that follow include numerous other examples of programs addressing the worst forms of child labor. Many countries are investing their own resources and many more participate in externally-funded programs supported by a host of donors, international organizations, and NGOs. These programs provide educational alternatives to victims and at risk children, raise awareness of how child labor harms children and stunts their development, build host governments' capacity to address child labor, and improve the livelihoods of vulnerable families. But clearly, much more remains to be done. And it is the host governments that bear the primary responsibility for preventing and eliminating the worst forms of child labor in their countries.

The U.S. Experience

USDOL is a major funder of international efforts to address the worst forms of child labor, in part because our own experience teaches us that preventing such exploitation of children requires ongoing effort and vigilance. Like children everywhere, children in the United States can learn valuable skills from work that is appropriate for their level of development. Yet they can also fall victim to exploitation in the worst forms of child labor.

Many working children in the U.S. work on farms. In 2006, an estimated 1.12 million children and adolescents under age 20 resided on farms, and approximately half of them performed farm work. An additional 307,000 children and adolescents were hired to work on U.S. farms.²³ While the United States is in full compliance

23. See <http://www.cdc.gov/niosh/topics/aginjury/>.

with international standards and U.S. law, some of these children perform agricultural work that may jeopardize their health and safety. In 2006, an estimated 5,800 children and adolescents were injured while performing farm work. Over the period 1995 -2002, an average of 113 youth under age 20 died annually from farm-related injuries, including fatal injuries involving machinery, tractors, and motor vehicles and drowning.²⁴

Safeguarding agricultural workers' health and safety poses challenges, because workers are often mobile, the work may be seasonal, and often occurs in remote locations. USDOL's Wage and Hour Division (WHD) aims to protect youth working in agriculture through a variety of means, including investigations and outreach to farmers, farm labor contractors, workers, parents, teachers, federal agencies, and others who provide services to farmworkers. WHD is now focusing on strengthening regulatory protections for children working in agriculture.

Children work in other U.S. industries as well, some illegally, and an estimated 146,000 youth sustain work-related injuries and illnesses each year.²⁵ In May 2010, USDOL promulgated new regulations that expanded the list of hazardous occupations and processes prohibited for children under age 18. These new rules draw on technical recommendations from the National Institute for Occupational Safety and Health (NIOSH). They bar children from working at poultry slaughtering and packaging plants; riding on forklifts; working in forest fire fighting, forestry services, and timber tract management; operating power-driven hoists and work-assist vehicles; operating balers and compacters designed or used for non-paper products; and operating power-driven chain saws, wood chippers, reciprocating saws, and abrasive cutting discs.

WHD has stiffened penalties for employers that illegally employ child workers. Under the new penalty structure, employers who employ youth who are under the age for legal employment will face a minimum penalty of \$6,000 per violation for employing 12 and 13 year olds; for workers illegally employed under age 12, the minimum rises to \$8,000 per violation. WHD can assess up to \$50,000 for a child labor violation that results in a youth's serious injury or death, and this penalty can be doubled for repeat or willful violations up to \$100,000.

24. See <http://www.cdc.gov/niosh/topics/aginjury/>.
25. See <http://www.cdc.gov/niosh/topics/youth/>.

USDOL is committed to ensuring that U.S. child labor laws are strictly enforced. Every onsite investigation conducted by WHD has a child labor component. Child labor complaints, although not numerous, are given the highest priority within the agency. Each year, WHD regional and local offices undertake child labor compliance initiatives in a variety of industries, such as grocery stores, shopping malls, theaters, and restaurants, homing in on industries that traditional employ large numbers of young workers and are most likely to have problems with compliance.²⁶ Ending illegal child labor is a top USDOL priority, and WHD investigators use every tool available — from imposing civil money penalties to using the “hot goods” provision to prevent interstate commerce in goods produced by child labor — to end these violations.²⁷

Children in the U.S. are also exploited in criminal worst forms of child labor, such as prostitution and trafficking. Enforcement efforts provide a sense of the problem. In fiscal 2009, the Community Relations Unit of the Federal Bureau of Investigation (FBI) rescued 13 minors who were trafficking victims.²⁸ In 2003, the FBI, the Department of Justice's Child Exploitation and Obscenity Unit, and the National Center for Missing and Exploited Children launched the Innocence Lost National Initiative, which addresses the commercial sexual exploitation of children in the U.S. As part of the Initiative, the FBI's Crimes Against Children Unit (CACU) conducts national sting operations. Such operations in February and October of 2009 rescued a total of 107 child victims and led to the arrest of 124 pimps.²⁹ During fiscal year 2009, USDHS's Immigration and Customs Enforcement (ICE) investigations resulted in 26 convictions of human trafficking.³⁰ During the same period, ICE made over 1,400 arrests as part of Operation Predator, which targets child pornographers, child sex tourists and facilitators, human smugglers and traffickers of minors, criminal aliens convicted of offenses against minors, and those deported for child exploitation offenses who have returned illegally.³¹

26. 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 wellbeing of persons under these ages.

27. For information on the “hot goods” provision of the Fair Labor Standards Act, see USDOL, Enforcement Under the Fair Labor Standards Act, available at <http://www.dol.gov/elaws/esa/flsa/screen74.asp>

28. U.S. Attorney General, *Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons, Fiscal Year 2009*, Washington, DC, July 2010, 41; available from <http://www.justice.gov/ag/annualreports/tr2009/agreporhumantrafficking2009.pdf>.

29. *Ibid.*, 42.

30. *Ibid.*, 44.

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

During fiscal 2009, USHHS certified 51 children as victims of trafficking. When such children are found, various programs are available to help them. For example, USHHS manages programs that provide child victims of trafficking, among other populations, with shelter, including foster homes and residential treatment centers, as well as food, clothing, medical care, skills training, mental health services, and assistance adjusting their immigration status.³²

Addressing Gaps to Eliminate the Worst Forms of Child Labor

Despite advances against the worst forms of child labor in various countries, much more remains to be done. Each Country Profile in this report includes suggested actions that governments can take to help reduce the worst forms of child labor. This section discusses the most common gaps in countries' efforts to address the problem, which fall into four general areas: laws and regulations, coordination and enforcement, policy, and programs.

GAPS IN THE AREA OF LAWS AND REGULATIONS

The most commonly cited gap is the lack of comprehensive legal protections from exploitation in the worst forms of child labor. Many countries' labor and criminal laws protect some children from the worst forms of child labor, but do not provide protection to all. Often children work in sectors that are exempted from child labor laws or from labor laws more generally. For example, the majority of the world's child laborers work in agriculture, yet in many countries this sector is not covered under child or general labor laws. In such cases, governments should consider amending the laws to extend protection to all sectors of the economy, as called for in ILO standards. Child domestic servants remain vulnerable as well, because they work in private homes which generally fall outside the jurisdiction of labor laws. In these cases, the legal framework needs to be amended to ensure that children are protected from exploitation.

32. U.S. Department of Health and Human Services, *The Campaign to Rescue and Restore Victims of Human Trafficking: About Human Trafficking*, [August 10, 2010]; available from <http://www.acf.hhs.gov/trafficking/about/index.html#wwd>. See also U.S. Attorney General, *Annual Report to Congress*, 18, 19.

Some countries still lack a basic minimum age for employment, and those governments should consider amending laws to establish such a minimum age as called for in ILO standards. More commonly, some countries fail to specify a minimum age for hazardous work altogether, which is a serious omission that needs to be addressed. Other countries' minimum age for hazardous work is below 18, which fails to meet the standard set in ILO C. 182.³³ Another common gap is the lack of a clear definition of what constitutes hazardous work. Without such a definition, legal prohibitions against employing children in hazardous work cannot be effectively enforced. ILO C. 182 calls on countries to determine "by national laws or regulations or by the competent authority" the types of work to be considered hazardous, after consultations with employer and worker organizations. This is an important step that remains to be taken in many countries.

Providing free, compulsory education is an important tool to prevent and eliminate worst forms of child labor, and several country profiles note the need to amend educational laws. Some countries permit children to stop attending school when they are very young, too young to begin working legally. This greatly increases their risk of entering worst forms of child labor. In such cases, countries are urged to raise their compulsory education age to match the minimum age for work. Many more countries that mandate school attendance fail to make it free. While providing free, compulsory education may be a significant financial investment, it provides an enormous benefit to children of poor families, many of whom do not attend school because its cost is prohibitive. Those who attend may engage in the worst forms of child labor in order to pay for school fees, uniforms, books, and supplies. Therefore, making education free and accessible to all children should be the goal for countries that have made serious commitments to eliminate worst forms of child labor.

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

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

some of these countries children continue to be recruited and even forced to fight.

GAPS IN THE AREA OF COORDINATION AND ENFORCEMENT

As noted earlier, laws without enforcement have little impact. While some countries made progress in enforcing their child labor laws, this is an area where much work remains to be done. Many countries are seriously lacking in their capacity to effectively enforce their laws against worst forms of child labor. Many labor inspectorates are chronically understaffed and lack the resources, including vehicles, needed to conduct inspections on an adequate scale to identify and deter violations. Enforcement officials are often in need of training on applicable laws and how to identify cases of worst forms of child labor.

Even where inspections appear numerous, convictions and penalties may be rare. This raises the question of whether inspections are appropriately targeting workplaces (or brothels) where children are most frequently exploited.

Another frequently cited gap in enforcement is the lack of information. Many countries do not collect data or report on enforcement. Without such data, countries are not able to evaluate their progress in addressing worst forms of child labor. Some countries do collect such data, but fail to make it available to the public. Whatever the reasons for this lack of transparency, it denies citizens valuable information they may need to effect change.

Another frequently cited gap in the area of enforcement is the lack of a clear mechanism to coordinate efforts across the various entities responsible for implementing and enforcing laws. Without coordination it is difficult for countries to maximize the impact of their efforts.

GAPS IN THE AREA OF POLICY

Many countries have national policies in place to eradicate child labor and many include child labor as an explicit objective in related development or education policies. However failure to implement those policies is a common problem. Carrying out policies and action plans requires governments to allocate resources, assign responsibilities,

and make a real and ongoing commitment to deal with the problem. Many countries implement anti-poverty and other development plans that may indirectly affect the worst forms of child labor. In these cases, it would be desirable to launch research that assesses the impact of these programs on child labor.

There is an increasing body of knowledge on child labor around the world, including the worst forms of child labor, and countries interested in conducting such research can draw upon the methodologies and models that have been tested and validated elsewhere.

GAPS IN THE AREA OF PROGRAMS

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

Another frequently-cited gap is insufficient effort to raise public awareness on worst forms of child labor. Families and communities do not always understand the severe risks faced by children lured into domestic service or lucrative-sounding jobs in capital cities or wealthier countries, where many children may find themselves trafficked into prostitution, face physical abuse, or be forced into other forms of labor that profoundly harm them.

Finally, although larger-scale social and economic programs may well be an essential part of efforts to combat the worst forms of child labor, there is a need to better understand this relationship. Poverty is one of the main causes of child labor. Only by addressing these linked issues together can efforts to lift children and families out of this cycle truly succeed.

THE majority of the profiles in this report provide one or more of the following pieces of data: percentage of children counted as working, number of children counted as working, percentage of children counted as working by industry, percentage of children attending school, and percentage of children who combine school and work. This section describes the sources and provides definitions for these data. This section also discusses some of the strengths and weaknesses of these data. While in a few cases more current sources of data may be available than those used here, the report uses the most reliable, standardized sources available to date to allow for cross-country comparisons. Because reliable child labor surveys are not available for many countries, USDOL uses statistics in some cases as old as 10 years as of the writing of this report (1999). In the event that data did not exist from the sources described below, no other reliable and publicly available source of data exists for a country, or data existed but had not been analyzed to allow for cross-country comparisons, the report concludes that the statistics are “unavailable.”

WORKING CHILDREN

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

Data are from the UCW project¹ 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.²

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.”³ Economic activities can further be broken down into market and non-market activities. Market activities are those activities that lead to the production of goods and services that are primarily intended for sale or are sold on the market. Non-market activities are those activities that lead to the production of goods primarily for household final consumption. Non-market economic activities include, for example, bottling; dressmaking and tailoring; and the production of butter, cheese, or flour for the household’s own consumption. Non-market activities are typically excluded from current child labor surveys altogether or are not measured in enough detail to enable their full inclusion in an estimate of economic activity. For these reasons, the statistics on working children presented in this report generally represent children involved in market activities.

However, according to UCW researchers, typical child labor surveys do not collect enough detailed information on children’s activities to accurately measure economic activity.⁴ 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

1. 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.

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

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

4. 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.

work that excludes such services, as long as the definition used is clearly specified.⁵ 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, some surveys may refer to work activities in the past 12 months and are therefore likely to capture a higher proportion of working children than surveys with 7 day timeframes. The purpose of the survey—whether the survey is designed specifically to measure children's work and child labor (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.⁶ The ILO and UCW continue to investigate the effects of these survey differences on estimates of children's work.

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

PERCENT OF CHILDREN ATTENDING SCHOOL

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

PERCENT OF CHILDREN COMBINING SCHOOL AND WORK

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

5. 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.

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

BASIC EDUCATION

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

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

BONDED LABOR

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

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

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

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

CHILD

A person less than 18 years of age.

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

CHILD DOMESTIC SERVANTS

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

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

CHILD LABOR EDUCATION INITIATIVE

Since fiscal year 2001, the U.S. Congress has appropriated a total of \$249 million to USDOL for a Child Labor Education Initiative program to support international efforts to eliminate child labor through programs that will improve access to education in international areas with a high rate of abusive child labor.

Source: U.S. Department of Labor, Bureau of International Labor Affairs, *International Technical Cooperation*, [online, accessed November 11, 2010]; available from <http://www.dol.gov/ilab/programs/ocft/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. UNICEF, *Child Protection Information Sheet: Commercial Sexual Exploitation* (May 2006), available from http://www.unicef.org/protection/files/Sexual_Exploitation.pdf. See also ECPAT International, *CSEC Definitions*, available from <http://www.ecpat.net/eng/CSEC/definitions/csec.htm>. See also ILO Convention No. 182, *Worst Forms of Child Labor*, (June 17, 1999); available from <http://www.ilo.org/public/english/>

[standards/ipecc/ratification/convention/text.htm](http://www.ilo.org/public/english/standards/ipecc/ratification/convention/text.htm). Additional definitional aspects above provided by ILO-IPEC.

COMPULSORY EDUCATION

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

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

CONVENTION ON THE RIGHTS OF THE CHILD

The Convention on the Rights of the Child spells out basic rights of children, such as the right to survival; to develop to the fullest; to protection from harmful influences, abuse, and exploitation; and to participate fully in family, cultural, and social life. The Convention protects children’s rights by setting standards in health care, education and legal, civil, and social services. According to Article 32 of the Convention, children have the right “to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral, or social development.”

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

EDUCATION FOR ALL

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

In April 2000, delegates gathered again for the World Education Forum in Dakar, Senegal. After reviewing

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

Source: UNESCO, *The World Conference on Education for All*, Jomtien, Thailand (March 5-9, 1990), [conference proceedings]; available from http://www.unesco.org/education/efa/ed_for_all/background/world_conference_jomtien.shtml. See also UNESCO, *World Education Forum*, Dakar, Senegal (April 2000), [conference proceedings]; available from http://www.unesco.org/education/efa/wef_2000/index.shtml. See also UNESCO, *Education for All: Meeting Our Collective Commitments*, Text adopted by the World Education Forum Dakar, Senegal, April 26-28, 2000, available from http://www.unesco.org/education/efa/ed_for_all/dakfram_eng.shtml.

FORCED LABOR

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

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

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

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—

- ♦ 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;
- ♦ The use, procuring, or offering of a child for prostitution, for the production of pornography, or for pornographic purposes;
- ♦ 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;

- ◆ 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.

Since fiscal year 1995, the U.S. Congress has appropriated \$410 million to USDOL to support ILO-IPEC projects.

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

ILO RECOMMENDATION 190: WORST FORMS OF CHILD LABOR

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

INFORMAL SECTOR

Definitions of the informal sector vary widely. In general, the informal sector refers to areas of economic activity that are largely unregulated and not subject to labor legislation. A more precise description of the informal sector by ILO suggests "these units typically operate at a low level of organization, with little or no division between labor and capital as factors of production and on a small scale." Furthermore, where labor relations exist, interactions are not based on contracts or formal arrangements; rather they are grounded on casual employment, kinship, and personal or social relations. Because employers in the informal sector are not accountable for complying with occupational safety measures, children who work in

“hazardous” or “ultra-hazardous” settings likely run the risk of injury without any social protections. For this reason, households may be reluctant to indicate work by children in the informal sector, which can increase the probability of underreporting. In addition, because businesses in the informal sector are not usually included in official statistics, children working in informal sector enterprises do not show up in labor force activity rates.

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

LIGHT WORK

This report uses the definition of light work as established in ILO Convention 138, Minimum Age for Admission to Employment. Under Article 7(1) of the convention, “National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is—(a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.” Countries that have specified a minimum legal working age of 14 years may permit the employment or work of persons 12 to 14 years of age on light work as defined in Article 7(1).

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

MINIMUM AGE OF WORK

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

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

NON-FORMAL EDUCATION

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

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

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

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

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

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

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

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

POVERTY REDUCTION STRATEGY PAPER

A 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 3(a).

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

RATIFICATION

Ratification is a serious undertaking by a State formally accepting the terms of an international agreement, thereby becoming legally bound to apply it. Other ways

of becoming bound to an international agreement include acceptance, approval, accession, signature, or an exchange of notes.

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

For certain international agreements that require ratification, signing an agreement or enacting an agreement into domestic law by Congress, or a similar state organ, does not mean that the international agreement has been ratified. Signing an international agreement serves as a preliminary endorsement, albeit a formality, as signatories are not bound by the terms of the international agreement or in any way committed to proceed to the final step of ratification. However, a signatory is obliged to refrain from acts which would defeat the object and purpose of the international agreement, unless it makes its intention not to become a party to the international agreement clear. Similarly, appropriate state entities may signal approval of an international agreement, but that is only one of the requisite steps on the path toward official ratification. The final step requires that the instruments of ratification be submitted to the depositary.

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

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

TIMEBOUND PROGRAM

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

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

TRAFFICKING OF CHILDREN

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children provides a commonly accepted definition of human trafficking. It states: “(a) ‘trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of

vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs....” It goes on to state: “(c) the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this Article....”

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

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

WORST FORMS OF CHILD LABOR

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



Afghanistan

The Afghan Government has strengthened its legal framework against child labor by enacting a revised Labor Code. However, gaps in the legal framework remain, law enforcement faces many challenges, and there is a lack of programs to address the needs of exploited children. Children continue to engage in exploitative work in agriculture and carpet weaving, and there is evidence that children are still recruited by non-state armed forces.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Afghanistan are exploited in the worst forms of child labor,¹ especially in agriculture.² Agricultural work commonly exposes children to harmful pesticides, dangerous machinery and tools, and carrying of heavy loads. There are reports of children being involved in cultivation of poppies for opium production.³ Children also engage in exploitative work in carpet weaving, where they work in dim lighting for up to 12 hours per day.⁴ Children work in brick factories and as blacksmiths and auto mechanics.⁵ Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of coal and gems. In urban areas, some children belong to begging gangs or work as street vendors.⁶ They are vulnerable to extreme weather, accidents caused by proximity to vehicles, and criminal elements. Children also work as domestic servants, where they may be forced to work long hours, perform dangerous activities, and may be exposed to physical and sexual exploitation.⁷ There are also reports of harems of young boys used for sexual and social entertainment.⁸ Both boys and girls

are exploited as dancers and sex slaves as well as being trafficked internally for sexual exploitation.⁹

Afghanistan is a country of origin and transit for children trafficked to Iran, Pakistan, Saudi Arabia, Oman, Zambia, and Zimbabwe.¹⁰ Children are trafficked within Afghanistan for forced labor as beggars and are held in debt bondage in the carpet and brick kiln industries.¹¹ There is evidence of children being recruited by non-state armed groups, including for use as suicide bombers. Additionally, the United Nations reports that children had been affiliated with the Afghan National Police (ANP) during the reporting period, and that the ANP was taking steps to eliminate this practice by improving its age verification procedures.¹²



Laws and Regulations on the Worst Forms of Child Labor

The revised Labor Code, in effect in July 2008, sets the minimum age for employment at 18, although children may be employed in light work at age 15.¹³ It prohibits recruitment of children under 18 for work that is harmful to their health or causes physical damage

or disability.¹⁴ However, the legal framework lacks a list of hazardous jobs as defined by the labor code.¹⁵ Additionally, neither the labor law nor other laws provide protection against involvement in hazardous activities to children working in agriculture, small family enterprises, or domestic service.¹⁶

The Constitution prohibits forced labor.¹⁷ The Government of Afghanistan’s Countering Abduction and Human Trafficking law specifically prohibits trafficking in persons including for sexual exploitation and labor. The law covers domestic and international trafficking, recruitment, harboring, transportation, transfer, and receipt of children.¹⁸ The law also covers child prostitution and pornography, but it applies only to girls, leaving boys unprotected.¹⁹

The legal age for military service is 18 and there is no compulsory recruitment.²⁰

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

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor, Social Affairs, Martyrs, and Disabled (MOLSAMD) is the lead agency responsible for coordinating overall government efforts and policy to address child labor.²¹ There are also two inter-ministerial commissions; one chaired by the Ministry

of Interior (MOI), which holds monthly meetings on forced child labor; and another commission created by presidential decree that focuses on child soldiers.²²

MOLSAMD is primarily responsible for enforcing and detecting violations of labor laws. It employs only 20 inspectors to cover the country’s 34 provinces.²³ Although the revised Labor Code is now in force, the Government acknowledges that most of its provisions have not been implemented due to capacity constraints and lack of awareness within the layers of government.²⁴ Additionally, the Labor Code references a Labor High Council, established by MOLSAMD, as the highest decision making body relating to labor issues leaving in question the exact role for judicial review of child labor cases.²⁵ These hurdles, compounded by the current security situation, result in limited enforcement of child labor laws.²⁶ Further, working children are concentrated in the informal sector and agriculture, which are not covered by the labor law.²⁷

The MOI, which oversees the Afghan National Police, is responsible for enforcing laws relating to trafficking and sexual exploitation of children.²⁸ During the reporting period, the MOI identified 83 child victims of sex trafficking, but it is unclear whether any follow-up services were provided.²⁹

Government Policies on the Worst Forms of Child Labor

The Government of Afghanistan does not have a specific policy on child labor.³⁰ However, MOLSAMD, in cooperation with the Ministries of Justice and Interior, is 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.³¹

The Government’s National Education Strategic Plan establishes goals of improving quality of and access to primary education, but does not discuss how to meet the particular needs of working children.³² Additionally there is a lack of credible national or province level data on children engaged in the worst forms of child labor, making the development of policies and programs to address the problem difficult.³³

Finally, fewer than 10 percent of children in Afghanistan have formal birth registrations, and this is especially acute in rural areas. This creates problems in monitoring and enforcing laws such as the minimum age for employment and military recruitment.³⁴

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

MOLSAMD has more than 30 programs designed to provide social services to children at risk, especially street children and children in orphanages, including one program that removed 1,200 street children from day labor.³⁵

The Government participated in a USDOL-funded program aimed at children who were recruited and used as soldiers by warring factions. This project demobilized child soldiers.³⁶ Additionally, former child soldiers and other war-affected children were provided with reintegration support, including education in literacy and life skills, vocational skills training, and psychosocial and medical support.³⁷ The program ended in 2007 and no additional programs have been initiated despite a continuing need for assistance for children used as soldiers by non-state parties.

In January 2009, the Government began participating in a \$24 million social protection program funded by the European Commission that aims to combat child labor. It reintegrates orphans with their families to reduce the risk of exploitation and provides access to education and vocational and literacy training.³⁸

The Ministry of Women's Affairs' Initiative to Strengthen Policy and Advocacy through Communications and Institution Building launched a large anti-trafficking awareness campaign directed at women and girls during the reporting period.³⁹ Child victims of trafficking are generally placed with government social service agencies, orphanages, or NGO-run facilities.⁴⁰

The Government of Afghanistan acknowledges the absence of well-designed and comprehensive programs to eliminate the worst forms of child labor.⁴¹ In particular, children in the most common types of exploitative work, such as agriculture and carpet weaving, lack programs that meet their needs.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the Labor Code to include a list of hazardous occupations for children.
- Revise the Labor Code to ensure that children working in agriculture, domestic service, and family enterprises are protected from the worst forms of child labor.
- Extend coverage of laws relating to prostitution and pornography to boys.
- In the area of enforcement:
 - Allocate sufficient resources to conduct inspections in sectors and settings where exploitative child labor is common.
 - Provide training on worst forms of child labor issues to government officials responsible for enforcement.
 - Clarify the role of the Labor High Council and the courts in the judicial review of child labor cases.

IN THE AREA OF POLICIES:

- Develop a National Action Plan to combat the worst forms of child labor, including a focus on children working in agriculture, carpet weaving, domestic service, and street work.
- Ensure that the implementation of the National Education Strategic Plan includes attention to the needs of working children.
- Collect and make publicly available statistics on the incidence of the worst forms of child labor and enforcement efforts.
- Improve the birth registration system and conduct a campaign to provide birth certificates to all Afghan children.

IN THE AREA OF PROGRAMS:

- Promote the release of all children associated with armed groups.
- Expand the awareness-raising campaign from trafficking to all of the worst forms of child labor.
- Develop comprehensive and specific programs to eliminate the worst forms of child labor, particularly in agriculture, carpet weaving, and child soldiering.

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

² U.S. Embassy- Kabul, *reporting*, February 18, 2009, 2. See also U.S. Embassy- Kabul, *reporting*, March 15, 2010, para 4. See also Afghanistan Independent Human Rights Commission, *Situation of Child Labour in Afghanistan Research Report*, 2006, 11; available from http://www.aihrc.org.af/rep_child_labour_2006.pdf. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, July 28, 2009, 1.

³ IOM, *Trafficking in Persons in Afghanistan: Field Survey Report*, Kabul, June 2008, 48; available from http://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/docs/afghanistan/iom_report_trafficking_afghanistan.pdf. See also ILO, *Combating Child Labour in Asia and the Pacific: Progress and Challenges*, Geneva, 2005, 54; available from <http://www.ilo.org/public/english/region/asro/bangkok/14arm/download/combating.pdf>. See also U.S. Embassy- Kabul, *reporting*, February 18, 2009, 2. See also Iskander Aliev and Mirzojalol Shohjamolov, “Tajik Law Opens Window for Young Afghan Drug Smugglers”, Radio Free Europe/Radio Liberty, [online], April 4, 2010 [cited September 3, 2010]; available from http://www.rferl.org/content/Tajik_Law_Opens_Window_For_Young_Afghan_Drug_Smugglers/2002156.html.

⁴ U.S. Embassy- Kabul, *reporting*, February 18, 2009, 2. See also Afghanistan Independent Human Rights Commission, *Situation of Child Labour in Afghanistan*, 12. See also Government of Afghanistan, *Information on elimination of worst forms of child labor in Afghanistan*, December 30, 2007. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 1.

⁵ U.S. Department of State, “Afghanistan,” 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 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 on elimination of worst forms of child labor in Afghanistan*. See also U.S. Embassy- Kabul, *reporting*, January 23, 2009, 2. See also Afghanistan

Independent Human Rights Commission, *Situation of Child Labour in Afghanistan*, 3 and 12. See also U.S. Embassy- Kabul, *reporting*, March 15, 2010, para 4. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 1.

⁶ U.S. Embassy- Kabul, *reporting*, January 23, 2009, 2. See also U.S. Embassy- Kabul, *reporting*, March 15, 2010, para 4. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 1.

⁷ U.S. Embassy- Kabul, *reporting*, February 18, 2009, 2. See also U.S. Embassy- Kabul, *reporting*, March 15, 2010, para 4. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 1.

⁸ U.S. Department of State, “Afghanistan,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>. See also U.S. Embassy- Kabul, *reporting*, March 15, 2010. See also UN Special Representative of the Secretary-General for Children and Armed Conflict, *Visit of the Special Representative for Children & Armed Conflict in Afghanistan*, February 26, 2010, 9.

⁹ U.S. Embassy- Kabul, *reporting*, March 15, 2010, section 2A. See also U.S. Embassy- Kabul, *reporting*, February 18, 2009, para 3. See also UN Special Representative of the Secretary-General for Children and Armed Conflict, *Visit of the Special Representative for Children & Armed Conflict in Afghanistan*, 9.

¹⁰ U.S. Department of State, “Afghanistan (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>. See also U.S. Department of State, “Country Reports- 2009: Afghanistan.” 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. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 1.

¹¹ U.S. Department of State, “Country Reports- 2009: Afghanistan.” See also U.S. Embassy- Kabul, *reporting*, February 18, 2009. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 1.

¹² UN Special Representative of the Secretary-General for Children and Armed Conflict, *Visit of the Special Representative for Children & Armed Conflict in Afghanistan*, 5. See also Coalition to Stop the Use of Child Soldiers, “Afghanistan,” in *Child Soldiers Global Report 2008*, London, 2008, 41; available from <http://www.childsoldiersglobalreport.org/>. See also UN Security Council, *Report of the Secretary General on children and armed conflict in Afghanistan*, November 10, 2008, 1, 6-7.

- ¹³ Government of Afghanistan, *Labour Code*, (January 2008), article 13. See also U.S. Embassy- Kabul, *reporting, January 23, 2009*. See also U.S. Embassy- Kabul, *reporting, March 15, 2010*, para 2E. See also U.S. Department of State, “Country Reports- 2009: Afghanistan.” See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 2.
- ¹⁴ Government of Afghanistan, *Labour Code*, article 11. See also U.S. Embassy- Kabul, *reporting, February 18, 2009*, para 4.
- ¹⁵ Government of Afghanistan, *Labour Code*. See also Government of Afghanistan, *Constitution*, (January 4, 2004); available from http://www.oefre.unibe.ch/law/icl/af00000_.html.
- ¹⁶ Afghanistan Independent Human Rights Commission, *Situation of Child Labour in Afghanistan*.
- ¹⁷ Government of Afghanistan, *Constitution*, (January 4, 2004), article 49; available from http://www.oefre.unibe.ch/law/icl/af00000_.html. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 2.
- ¹⁸ U.S. Embassy- Kabul, *reporting, February 18, 2009*, 25a-c.
- ¹⁹ *Ibid.* See also U.S. Embassy- Kabul, *reporting, March 15, 2010*, para 7.
- ²⁰ U.S. Department of State, “Country Reports- 2009: Afghanistan.” See also Coalition to Stop the Use of Child Soldiers, “Child Soldiers Global Report 2008: Afghanistan.”
- ²¹ Government of Afghanistan, *Information on elimination of worst forms of child labor in Afghanistan*.
- ²² U.S. Embassy- Kabul, *reporting, March 15, 2010*.
- ²³ *Ibid.*
- ²⁴ *Ibid.*, para 6. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 3.
- ²⁵ Government of Afghanistan, *Labour Code*.
- ²⁶ U.S. Embassy- Kabul, *reporting, March 15, 2010*, para 7. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Afghanistan,” 57. See also U.S. Embassy- Kabul, *reporting, February 18, 2009*, para 6.
- ²⁷ U.S. Embassy- Kabul, *reporting, January 23, 2009*, 6 and 8. See also U.S. Embassy- Kabul, *reporting, March 15, 2010*.
- ²⁸ U.S. Embassy- Kabul, *reporting, March 15, 2010*, para 8.
- ²⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Afghanistan,” 57.
- ³⁰ Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 3.
- ³¹ 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. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 3.
- ³² Amanda Sim, *Afghanistan Research and Evaluation Unit, Confronting Child Labor in Afghanistan*, May 2009.
- ³³ Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 3. See also U.S. Embassy- Kabul, *reporting, March 15, 2010*, para 5.
- ³⁴ U.S. Department of State, “Trafficking in Persons Report- 2010: Afghanistan,” 57. See also U.S. Embassy- Kabul, *reporting, March 15, 2010*, para 7. See also U.S. Embassy- Kabul, *reporting, February 18, 2009*, para 6.
- ³⁵ U.S. Embassy- Kabul, *reporting, March 15, 2010*, para 2F.
- ³⁶ U.S. Department of Labor, *Demobilization of Child Soldiers and Socio-Economic Reintegration of War-affected Young People in Afghanistan*, ILAB Technical Cooperation Project Summary, Washington, DC, 2007.
- ³⁷ *Ibid.*
- ³⁸ U.S. Embassy- Kabul, *reporting, January 23, 2009*, 6.
- ³⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Afghanistan.”
- ⁴⁰ U.S. Embassy- Kabul, *reporting, February 18, 2009*, 26b.
- ⁴¹ Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 3.

Albania

The Government of Albania has made efforts to address the problem of child trafficking. However, the worst forms of child labor, including street work performed by children, remain significant issues. Enforcement efforts are too narrowly focused to address the variety of the worst forms of child labor found in the country.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	6 - 14 yrs.	19.0
Attending School	5 - 14 yrs.	91.0
Combining Work and School	7 - 14 yrs.	20.8



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Albania are exploited in the worst forms of child labor,⁴² including in street work. Many street children work as street or shop vendors, vehicle washers, and shoe-shiners. Street children have also been found begging and drug running.⁴³ Children working on the streets are exposed to a variety of dangers, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Children work in textile factories and mines.⁴⁴ Children working in chromium mines in Bater, Bulqiza, Borje, and Klos are exposed to chemicals, carry heavy loads, work long hours, and experience injuries from working with tools while in the mines.⁴⁵

Children work as farmers and shepherds.⁴⁶ Children working in agriculture are at risk of using potentially dangerous machinery and tools, carrying of heavy loads, and applying harmful pesticides.

Albania is a source country for trafficked children, including girls for commercial sexual exploitation.⁴⁷ Trafficking of children to Greece and Kosovo, and within Albania for begging and other work has been reported.⁴⁸ Ethnic Roma children are most at risk to be trafficked for forced begging.⁴⁹ Research did not reveal populations most at-risk for other forms of trafficking.

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code establishes the minimum age for work at 16.⁵⁰ Children age 16 and 17 may perform “easy jobs” provided the work is not harmful to their health and growth and may be employed only after completing a medical check that determines they are capable of working. In addition, the law stipulates that only adults 18 years of age and over may participate in “difficult or dangerous jobs” that pose danger to their health or personality.⁵¹ The definition of “easy jobs,” “difficult or dangerous jobs,” and rules governing vocational training is established by the Council of Ministers.⁵² The Labor Code specifically prohibits night work for persons below the age of 18, in a separate article than that which governs “easy jobs.”⁵³ Laws and regulations appear to offer no more specific guidance on prohibited hazardous work for children age 16 and 17.






The Constitution of Albania prohibits forced labor by any person, except for military service; for service compelled by a state of emergency, war or natural disaster that threatens human life or health; or when specified by a judicial decision.⁵⁴

The Criminal Code of Albania prohibits inducing or encouraging minors under fourteen to criminal activity, with sentences up to five years imprisonment.⁵⁵ The Criminal Code also prohibits prostitution.⁵⁶

Penalties for soliciting, mediating or gaining from prostitution with a minor girl are harsher than those penalties for the same offense with an adult.⁵⁷ The Criminal Code also prohibits producing, delivering, advertising, importing, selling, and publishing pornographic material in minors' premises, and is punishable by fine or up to two years imprisonment.⁵⁸ The Criminal Code was amended in 2008 to include the exploitation of children for begging as a criminal offense.⁵⁹ However, there does not appear to be additional laws to protect street children.

Albanian law prohibits trafficking in persons for all purposes.⁶⁰

The minimum age for voluntary military service is 18, and 19 for compulsory recruitment.⁶¹

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

Institutional Mechanisms for Coordination and Enforcement

A National Steering Committee for the Program on the Elimination of Child Labor is chaired by the Minister of Labor, Social Affairs, and Equal Opportunities, and is composed of representatives from the ministries of Labor (MOL), Education, Justice, and Interior; the President's Office; Employers' and Workers' organizations; and NGOs.⁶² Its mission is to give the government guidance on child labor issues.⁶³ The

Child Labor Unit of the MOL serves as secretariat for the Steering Committee and as the national focal point for child labor issues.⁶⁴

The Government of Albania has a Child Labor Monitoring System (CLMS). It is implemented with the assistance of local government committees.⁶⁵ Committees have been established in Tirana, Berat, Korca, Elbasan, and Shkodra.⁶⁶ They are composed of heads of municipalities, labor inspectors, social welfare officers, education officers, trade unions, employment officers, and community police.⁶⁷ Their goals are to identify child laborers and the risks to which they are exposed; to refer them to services for rehabilitation, provide them with short-term support to avoid re-entry, or both; and to track them subsequently to verify that they have been removed and that risk of re-entry has been eliminated.⁶⁸ As a result of these efforts 315 children from Elbasan and Shkoder were withdrawn from various forms of employment and returned to school.⁶⁹

The MOL is responsible for the enforcement of laws relating to child labor.⁷⁰ There are approximately 150 labor inspectors that enforce all labor laws, including those on child labor.⁷¹ The majority of inspections take place in shoe and textile factories.⁷² According to data from the Government of Albania, 362 children were identified as a result of labor inspections.⁷³ These children were given a variety of services and assistance, including school supplies, technical training, and medical and psychological assistance.⁷⁴

The Government of Albania does not have data on the number of child labor cases opened during the reporting period.⁷⁵ As child labor in Albania occurs in sectors other than textiles and footwear, the work of labor inspectors does not sufficiently cover child laborers.⁷⁶

Various government officials are responsible for identifying cases of commercial sexual exploitation of children and other crimes such as using children as drug runners. Such officials include social administrators in municipalities or communes; Child Protection Units in some of the main municipalities such as Korca, Elbasan, Shkoder, Durres, Kukes, Gjirokaster, and Pogradec; police; and labor inspectors.⁷⁷ Police refer trafficking cases to the General Prosecutor's Office.⁷⁸

The Ministry of Interior is responsible for enforcement of laws against trafficking in persons, and trained officials in anti-trafficking awareness and identification.⁷⁹ The intent of these trainings was to sensitize officials and improve their ability to identify potential trafficking victims.⁸⁰ Two cases involving trafficking of minors were opened in 2009.⁸¹ The Ministry of Justice operates a trafficking-in-persons hotline and the Children's Human Rights Center of Albania operates a National Child helpline, but no cases were received during the reporting period.⁸²

Government Policies on the Worst Forms of Child Labor

A number of policy frameworks on children's issues and development address the issue of child labor.

The National Strategy for Children (2005-2010) includes plans for awareness-raising on child labor, developing municipal and communal structures for protecting children at risk of child labor, and improving legislation concerning children and coordination between central and local governments, NGOs and international organizations to combat child trafficking.⁸³

The National Strategy for Development of Social Services (2005-2010) provides for an increase in the social protection coverage for working children, and decentralization and diversification of social services.⁸⁴ However, the plan does not identify concrete actions and there is no evidence on implementation efforts to improve social protection schemes for working children.

The National Strategy for Social Inclusion (2007-2013) includes a section which addresses child labor and the Child Labor Monitoring System.⁸⁵ The CLMS is also listed as a priority within the National Strategy for Socio-Economic Development.⁸⁶

In addition, the National Anti-Trafficking Strategy (2008-2012) includes a National Strategy on Child Trafficking and Protection of the Victims of Trafficking, which provides a comprehensive action framework on the issue.⁸⁷ Planned activities include awareness raising, capacity building, cooperation within law enforcement, legislative reform, victim protection, return and reintegration, and prevention of trafficking in children.⁸⁸

The National Strategy for Employment and Vocational Training includes provisions for improving vocational training services and providing employment opportunities for young people, which may benefit older children at risk of the worst forms of child labor.⁸⁹

The National Strategy on Youth and its National Action Plan includes the establishment of information units on youth employment in urban and rural areas; and the establishment of additional reintegration activities for ex-trafficked children, including vocational training courses, summer camps, street theaters, and engaging with peer educators in recreational activities with ex-trafficked children.⁹⁰

The Government of Albania has had a bilateral agreement with Greece to combat human trafficking since 2006.⁹¹

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

The Government participated in the \$3.5 million USDOL-funded regional project that ended in 2009 that worked to increase the outreach of institutions to eliminate the worst forms of child labor, to mainstream worst forms of child labor into national policies and legislation, and raise awareness.⁹² The project reported figures of 276 and 426 children withdrawn and prevented respectively, from the worst forms of child labor in Albania through the provision of education and vocational training opportunities.⁹³

The Government of Albania participated in a one year USD 0.918 million project for the prevention and elimination of the worst forms of child labor in Central and Eastern Europe funded by the Government of Germany⁹⁴

The Government of Albania continued its technical cooperation with ILO through a Decent Work Country Program, which includes as a priority the elimination of the worst forms of child labor, including trafficking of children.⁹⁵

The Government of Albania participated in a Youth Employment and Migration project, jointly implemented by the ILO, IOM, UNDP/United Nations Volunteer program, and UNICEF.⁹⁶ The project seeks to enhance decent work opportunities for young people and migration management through

better alignment of national youth, employment and migration strategies.⁹⁷

The Government of Albania participated in the Transnational Action against Child Trafficking (TACT) project, which was funded in 2006 by USAID, Austrian Development, the Norwegian Ministry of Foreign Affairs, Hellenic Aid, UNICEF, and the Oak Foundation.⁹⁸ The TACT project was implemented by Terre des Hommes, and sought to curb child trafficking in Albania through direct interventions, capacity

building, empowerment of at-risk communities, and advocacy.⁹⁹

While Albania has several programs in place to address trafficking, there is less emphasis on programs to assist children involved in street work. Research found no evidence of programs to combat the WFCL that are wholly funded and implemented by the Government without international assistance.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt specific legal or regulatory definitions of dangerous and difficult jobs that are prohibited for children age 16 and 17.
- Enact additional laws to provide protections for street children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Broaden enforcement efforts to target all sectors where child labor is occurring.
- Increase efforts to identify and assist children involved in street work.
- Implement research to determine reasons for low number of trafficking complaints on the government's hotline, and if needed, a comprehensive information campaign to educate the public on the mechanisms available for reporting suspected cases of trafficking and the public services available to victims of trafficking.
- Focus coordination efforts to combat trafficking in persons by assisting enforcement agencies in identifying trafficking cases.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to prevent children's involvement in the worst forms of child labor in street work.

⁴² Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2005. Data on children combining working and schooling are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working

children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴³ U.S. Department of State, "Albania," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136016.htm>. See also U.S. Embassy- Tirana, *reporting*, February 16, 2010.

⁴⁴ U.S. Department of State, "Country Reports- 2009: Albania."

⁴⁵ ILO-IPEC, *PROTECT CEE Fact Sheet - Albania*, 2005; available from <http://www.ilo.org/ippecinfo/product/download.do?type=document&id=1899>.

- ⁴⁶ U.S. Department of State, “Country Reports- 2009: Albania.”
- ⁴⁷ Ibid.
- ⁴⁸ Ibid.
- ⁴⁹ U.S. Department of State, “Albania (Tier 2 List),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 2009;; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/123135.htm>.
- ⁵⁰ Government of Albania, *Criminal Code of the Republic of Albania*; available from http://pbosnia.kentlaw.edu/resources/legal/albania/crim_code.htm.
- ⁵¹ Ibid.
- ⁵² Ibid.
- ⁵³ Ibid.
- ⁵⁴ Government of Albania, *Albanian Constitution*; available from <http://www.president.al/english/pub/doc/Albanian%20Constitution.pdf>.
- ⁵⁵ Albania, *Criminal Code*.
- ⁵⁶ Ibid, Government of Albania, “Albania,” in *Legislation of Interpol Member States on Sexual Offences against Children*, 2008; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/CsaAlbania.pdf>.
- ⁵⁷ Albania, *Criminal Code*.
- ⁵⁸ Government of Albania, “Sexual Offences against Children “.
- ⁵⁹ U.S. Department of State, “Country Reports- 2009: Albania.”
- ⁶⁰ U.S. Department of State, “Albania (Tier 2 List).”
- ⁶¹ Coalition to Stop the Use of Child Soldiers, “Albania,” in *Child Soldiers Global Report*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.
- ⁶² U.S. Embassy- Tirana, *reporting. February 16, 2010*.
- ⁶³ Ibid.
- ⁶⁴ Ibid.
- ⁶⁵ Ibid.
- ⁶⁶ Ibid.
- ⁶⁷ Ibid.
- ⁶⁸ Ibid.
- ⁶⁹ U.S. Department of State, “Country Reports- 2009: Albania.”
- ⁷⁰ U.S. Embassy- Tirana, *reporting. February 16, 2010*.
- ⁷¹ Ibid.
- ⁷² U.S. Department of State, “Country Reports- 2009: Albania.”
- ⁷³ U.S. Embassy- Tirana, *reporting. February 16, 2010*.
- ⁷⁴ Ibid.
- ⁷⁵ Ibid.
- ⁷⁶ Ibid.
- ⁷⁷ Ibid.
- ⁷⁸ Ibid.
- ⁷⁹ Ibid.
- ⁸⁰ Ibid.
- ⁸¹ Ibid.
- ⁸² Ibid.
- ⁸³ Ibid.
- ⁸⁴ Ibid.
- ⁸⁵ Ibid.
- ⁸⁶ Ibid.
- ⁸⁷ Ibid.
- ⁸⁸ Ibid.
- ⁸⁹ Ibid.
- ⁹⁰ Ibid.
- ⁹¹ Ibid.
- ⁹² ILO-IPEC, *Trafficking and other Worst Forms of Child Labour in Central and Eastern Europe (Phase II). Final Technical Progress Report.*, Geneva, January 2010.
- ⁹³ Ibid.
- ⁹⁴ ILO-IPEC official, E-mail communication, July 17, 2010.
- ⁹⁵ ILO-IPEC, *TPR-PROTECT CEE*.
- ⁹⁶ United Nations Development Programme, *Youth Employment and Migration: Reaping the benefits and mitigating the risks (2008 - 2011)*, [2010].
- ⁹⁷ Ibid.].
- ⁹⁸ Terre des Homes, *Terre des hommes Albania - TACT - Transnational Action against Child Trafficking*, [2010]; available from <http://www.tact-project.com>.
- ⁹⁹ Ibid.].

Algeria

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

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Although detailed information is lacking, children in Algeria are exploited in the worst forms of child labor,¹⁰⁰ primarily in agriculture. Children working in agriculture may engage in dangerous activities such as the operation of heavy machinery and tools, the transportation of heavy loads, and the application of harmful pesticides. Algerian children work in the construction sector and mechanic shops, where they face health and safety risks from heavy, motorized equipment and harmful materials. Children work on the streets as vendors and messengers, exposing them to a variety of dangers including severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.¹⁰¹

Children also work as domestic servants, some of whom may be victims of trafficking.¹⁰² Child domestic labor commonly involves long hours and may expose children to physical and sexual exploitation by their employer.

Laws and Regulations on the Worst Forms of Child Labor

Algeria's Labor Code sets the minimum age for employment at 16, but permits apprenticeships at age 15 under the authorization of a legal guardian.¹⁰³ The Ministry of Labor and Social Welfare may also grant permission for children under age 16 to work in certain fixed-term temporary jobs.¹⁰⁴ Article 15 of Algeria's Labor Code prohibits minors from participating in dangerous, unhealthy, or harmful work, or in work that may jeopardize their morality.¹⁰⁵ However the Code fails to define a minor or establish hazardous occupations prohibited to minors.¹⁰⁶ In addition, the Code only covers contract-based employment, and thus would not apply to informal work arrangements more likely to involve children.¹⁰⁷

In 2007, the Ministry of Justice announced that it had drafted a child protection law that would include strict clauses regarding the employment of children under age 16 and a hazardous work list; however, the parliament has not yet adopted the legislation.¹⁰⁸ The Algerian Constitution prohibits forced labor.¹⁰⁹ Algeria's Penal Code bars the use or recruitment of minors under age 19 for prostitution.¹¹⁰

In 2009, new anti-trafficking legislation came into force, criminalizing all forms of trafficking in persons and stipulating that the same punishments apply to trafficking for labor exploitation as for sexual exploitation.¹¹¹ The law amends the Criminal Code, lengthening the potential sentence by five years (to 15 years) when the victim is a known minor, with fines ranging from \$7,000 to \$22,100. Other aggravating factors (such as coercion) may trigger harsher penalties, irrespective of the victim's age.¹¹² The new legislation does not explicitly define the age of a minor. However, Government officials have stated that the legislation was drafted to conform to the definitions contained in the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, which defines a child as a person up to age 18.¹¹³

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

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Algeria has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Labor and Social Welfare leads the Government's efforts to investigate child labor cases and enforce minimum age laws.¹¹⁴ The Ministry conducts some surprise inspections of public sector enterprises. Most inspectors concentrate on urban areas, although more hazardous child labor is found in rural areas.¹¹⁵

The Ministry of Interior's National and Border Police and the Ministry of Defense's *gendarmerie* police force have law enforcement responsibilities relating to trafficking.¹¹⁶ The Ministry of Justice is charged with bringing trafficking cases through the criminal justice system; however, the Government has yet to prosecute any trafficking cases.¹¹⁷

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

Government Policies on the Worst Forms of Child Labor

The Algerian Government has not established a policy framework for the elimination of the worst forms of child labor. Algeria has adopted a National Action Program (2008-2015) on education that recognizes child labor as a potential barrier to education access and enumerates Algeria's legal protections for young workers.¹¹⁸ According to Algeria's Ministry of Education, the Government of Algeria does not consider hazardous child labor currently to be a problem in the country.¹¹⁹ The Government of Algeria lacks systematic data collection and analysis regarding the prevalence and nature of hazardous forms of child labor.¹²⁰

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

Since 2004, the Ministry of Labor has worked with the Ministry of National Education to implement awareness-raising campaigns on child labor laws through broadcast media and in schools. Research has not identified other social programs supported by the Government to address the worst forms of child labor.¹²¹

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

IN THE AREA OF LAWS AND REGULATIONS:

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

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordination mechanism to combat the worst forms of child labor.
- Ensure that child labor laws are effectively enforced in all geographic areas and sectors.
- Make publicly available enforcement statistics regarding the worst forms of child labor.

IN THE AREA OF POLICIES:

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

IN THE AREA OF PROGRAMS:

- Include activities that specifically address the worst forms of child labor into agendas of relevant Ministries, such as the Ministry of Labor and Social Welfare, Ministry of National Education, and the Ministry of Vocational Training.
- Institute programs to address the worst forms of child labor in the informal sector, to ensure services are provided to children not covered by the protections of the Labor Code, particularly in agriculture and domestic service.

¹⁰⁰ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

¹⁰¹ 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, 2f; available from <http://www.lesoirdalgerie.com/articles/2006/06/13/article.php?sid=39659&cid=2>. See also U.S. Embassy-Algiers, *reporting*, December 12, 2007, 2e. See also U.S. Department of State, “Algeria,” 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/119112.htm>. See also U.S. Embassy-Algiers, *reporting*, April 26, 2010, 1. See also

ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Algeria (ratification: 2001)*, [online] 2008 [cited March 12, 2010]; 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>.

¹⁰² UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention. Concluding observations: Algeria*, CRC/C/15/Add.269, Geneva, October 12, 2005, para 78; available from [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/d2316598f6190c4fc1257020049bd8d/\\$FILE/G0544259.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/d2316598f6190c4fc1257020049bd8d/$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, 23d.

¹⁰³ Government of Algeria, *Droit du travail*, article 15; available from <http://lexalgeria.free.fr/travail.htm>. See also Government of Algeria, *Loi no. 81-07 du 27 juin 1981*

relative a l'apprentissage, (1981); available from <http://www.fnac-dz.org/juridique/Document3.pdf>.

¹⁰⁴ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention. Second periodic reports of States parties due in 2000: Algeria*, March 3, 2005, para 94; available from [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/fef289cbac5d9292c12570180052d60d/\\$FILE/G0540613.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/fef289cbac5d9292c12570180052d60d/$FILE/G0540613.pdf).

¹⁰⁵ Government of Algeria, *Droit du travail*, article 15.

¹⁰⁶ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Algeria (ratification: 2001)*, [online] 2009 [cited August 3, 2009]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23505&chapter=9&query=%28C182%29+%40ref+%2B+%28Algeria%29+%40ref+%2B+%23YEAR%3E2008&highlight=&querytype=bool&context=0>. See also UN Committee on the Rights of the Child, *Concluding observations: Algeria*.

¹⁰⁷ ILO Committee of Experts, *Individual Observation, Minimum Age Convention, 1973 (No. 138) Algeria (ratification: 1984)*, [online] 2007 [cited March 12, 2010]; 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>.

¹⁰⁸ U.S. Embassy- Algiers, *reporting, April 26, 2010*, 2b.

¹⁰⁹ U.S. Department of State, “Algeria,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136065.htm>. See also U.S. Embassy- Algiers, *reporting, February 23, 2009*.

¹¹⁰ U.S. Embassy- Algiers, *reporting, April 9, 2009*.

¹¹¹ U.S. Department of State, “Algeria (Tier 2 Watch List),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 2010; available from <http://www.state.gov/documents/organization/142981.pdf>. See also U.S. Embassy- Algiers, *reporting, February 23, 2009*, 25c.

¹¹² U.S. Embassy- Algiers, *reporting, February 23, 2009*, 25b.

¹¹³ *Ibid.*, 25a.

¹¹⁴ U.S. Department of State, “Country Reports- 2008: Algeria,” section 6d.

¹¹⁵ U.S. Embassy- Algiers, *reporting, December 12, 2007*, 2b.

¹¹⁶ U.S. Embassy- Algiers, *reporting, February 23, 2009*, 24b.

¹¹⁷ U.S. Department of State, “Trafficking in Persons Report- 2010: Algeria.”

¹¹⁸ ILO Committee of Experts, *Individual Direct Request C182: Algeria (2009)*.

¹¹⁹ Algeria Ministry of Education, *Rapport national. L'éducation pour l'inclusion: La voie de l'avenir*; pursuant to 48th Session of the International Conference of Education, CIE, November, 2008; available from http://www.ibe.unesco.org/National_Reports/ICE_2008/algeria_NR08_fr.pdf.

¹²⁰ U.S. Embassy- Algiers, *reporting, April 26, 2010*, 1.

¹²¹ Algeria Ministry of Education, *Rapport national. L'éducation pour l'inclusion: La voie de l'avenir*. See also U.S. Embassy- Algiers, *reporting, April 26, 2010*, 2f.

Angola

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

Statistics on Working Children and School Attendance

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



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Angola are exploited in the worst forms of child labor.¹²² Many working children are engaged in the informal sector in street work, and in agriculture.¹²³ Children work in all provinces because of poverty and inadequate educational facilities.¹²⁴ The 27-year civil war, which ended in 2002, separated as many as 43,000 children from their families, many of whom then began to work in the informal sector.¹²⁵ Street children in Luanda engage in begging, prostitution, washing cars, and selling goods, such as food, electronics, and clothing.¹²⁶ These children face health and injury risks such as exposure to the sun and heat, poor air quality, heavy vehicular traffic, raw sewage, crime and gang activity.¹²⁷

Children work in agriculture, animal herding, and fishing.¹²⁸ Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of bananas, and pineapples.¹²⁹ Children working in agriculture are known to apply chemicals, use machinery and dangerous tools, and carry heavy loads.

Some children in rural areas work in artisan diamond mining.¹³⁰ Limited evidence also reveals an incidence of children working in charcoal.¹³¹ Children work in manual labor, working as mechanics or welders.¹³² Children in Luanda also work as domestic servants.¹³³ Children working in domestic services are at risk of working long hours and being exposed to physical and sexual exploitation by their employers.

In border areas and ports, children unload and transport goods.¹³⁴ Children are forced to act as couriers in an illegal cross border trade between Angola and Namibia in order to avoid import fees.¹³⁵ Children are also used in the sale and transport of illegal drugs.¹³⁶

Angola is a source and destination country for trafficked children.¹³⁷ Children are trafficked internally for work in agriculture, construction, domestic labor, and commercial sexual exploitation.¹³⁸ Angolan children are trafficked to the Democratic Republic of the Congo (DRC), Namibia, South Africa, and Europe, primarily Portugal, to perform a wide variety of work.¹³⁹ In 2009, Congolese officials broke up a group trafficking girls from the DRC to Angola which sold girls to the military for commercial sexual exploitation.¹⁴⁰ Children from the DRC were also trafficked to Angola to work in diamond mining camps in Lunda Norte and Lunda Sul.¹⁴¹

Laws and Regulations on the Worst Forms of Child Labor





The Labor Code sets the minimum age for employment at 14.¹⁴² During the reporting period, the Government of Angola adopted a new Constitution that prohibits school-age children from working.¹⁴³ Angolan laws set the age through which education is compulsory at 11, while the minimum age for children to work is 14. This standard makes children ages 12 to 14 particularly vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum age for work. The Labor Code allows children between the ages of 14 and 16 to work with their guardian's consent. Such consent is not required, however, if the child is married or otherwise deemed an adult.¹⁴⁴

The Labor Code states that work shall not inhibit the health, safety, or schooling of a child, and it prohibits those under age 18 from engaging in work deemed to be hazardous to their mental and physical health, including begging and carrying workloads. The Labor Code specifies that children under the age of 16 may not work at night or have back-to-back shifts.¹⁴⁵ However, those age 16 to 18 may work in a hazardous environment, if the work is deemed beneficial to their professional development by the Ministries of Labor and Health.¹⁴⁶ They may also work at night with a similar determination from the Ministry of Labor.¹⁴⁷ The Angolan Penal Code punishes those who employ minors in hazardous work.¹⁴⁸

The Constitution of Angola prohibits forced labor and slavery.¹⁴⁹ The Penal Code states specifically that the sale of a child under the age of 14 is prohibited, and that minors may not be forced to beg.¹⁵⁰ The trafficking of minors for sexual purposes is also prohibited, but the law does not prohibit trafficking for other purposes.¹⁵¹ Furthermore, the Constitution forbids the extradition of Angolan nationals, which may hamper regional efforts to prosecute Angolan nationals involved in international trafficking.¹⁵²

The Penal Code prohibits pimping. The statutory minimum sentence of 6 months for pimping a minor is less than the 1-year minimum required when the victim is an adult.¹⁵³ Promoting, facilitating or permitting the use of children under the age of 16 in pornography is also prohibited. Children 16 and older are not protected under the law from exploitation in pornography.¹⁵⁴

The minimum age for recruitment and enlistment in the armed forces is 16.¹⁵⁵ The use of a child for illicit purposes is not expressly prohibited in Angola.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Children's Council (INAC) is responsible for the coordination of government policies to combat all forms of violence against children, including trafficking and child labor.¹⁵⁶

INAC receives child labor complaints, and the Ministry of Public Administration, Employment, and Social Security (MAPESS) is responsible for enforcing labor laws in Angola.¹⁵⁷ However, there is not a structure in place for labor inspections in all districts.¹⁵⁸ Labor inspectors do not have the power to impose authority, and there is not a dissuasive enforcement mechanism in place.¹⁵⁹ Joint inspections are also carried out by provincial governments, health inspectors, tax authorities, social insurance, services for migrants, and financial authorities.¹⁶⁰ Additionally, the Ministry of Family and Women's Affairs (MINFAMU), investigates child labor complaints. However, there are no measures to facilitate collaboration between the labor inspectors and other bodies conducting inspections.¹⁶¹ The number of inspectors used and inspections performed by MAPESS during the

reporting period is not available. The budget provided for labor inspections is insufficient, lacking appropriate allocations for fuel, materials, and ongoing expenses such as rent and electricity.¹⁶² Child labor cases are adjudicated by MINFAMU courts for children under the age of 16, and in provincial courts for those over age 16.¹⁶³ No child labor cases were prosecuted during the reporting period.¹⁶⁴

The Ministry of the Interior, INAC, and the Government of Angola's Immigration Services are all responsible for enforcing criminal laws related to trafficking.¹⁶⁵ The Ministry of the Interior is in the process of developing a database on trafficking crimes. However, the database is not yet functioning.¹⁶⁶ The Government, in partnership with IOM, provided training to 251 police officers, 40 prosecutors, 359 law enforcement officers, 26 NGOs, and 51 stakeholders in anti-trafficking measures.¹⁶⁷ Although 33 trafficking victims were referred by authorities to care providers (largely civil society, religious, and international organizations), no investigations or prosecutions of trafficking-related crimes were conducted during the reporting period.¹⁶⁸

Government Policies on the Worst Forms of Child Labor

The Government reportedly has a plan to protect children's rights. The basis of the plan is to coordinate a network of schools, health workers, religious institutions, NGOs, and community leaders to combat child labor through a focus on education.¹⁶⁹ A significant challenge for this plan comes from the fact that the Government does not permit children without birth certificates to enroll in school, despite the fact that schooling is free and compulsory until the sixth grade. More than 3 million children in Angola remain undocumented due to the inability of families to register their children during Angola's 27-year civil war, and because of prohibitive registration fees.¹⁷⁰ The Government of Angola recently adopted a national policy to provide free birth registration for children under the age of 5, but this does not address problems faced by currently undocumented school-age children.¹⁷¹

The Government has incorporated child labor and education issues into some of its broader development policies. The Angolan Poverty Reduction Strategy recognizes that a leading cause of poverty is a lack

of access to basic services, such as education.¹⁷² The strategy also recognizes child labor and a lack of educational opportunities as causes and symptoms of poverty, establishing goals the strategy aims to achieve.¹⁷³ Among other objectives, the United Nations Development Assistance Framework for Angola aims to promote a sustainable livelihoods agenda and access to education.¹⁷⁴

Angola adopted 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. By doing so, the Government agreed to investigate and prosecute trafficking offenders, to aid trafficking victims, and to coordinate with its 23 fellow signatory governments as they implement these commitments.¹⁷⁵

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

Since 2001, the Government of Angola has participated in donor-funded projects to combat the worst forms of child labor, including a 1-year USDOL-funded project that conducted a baseline survey of the incidence of children in exploitive labor in Angola. Following the end of the armed civil conflict in Angola in 2002, UNICEF implemented a program to demobilize and rehabilitate former child soldiers in which the Ministry of Social Assistance and Reintegration collaborated with UNICEF.¹⁷⁶

The Government operates a hotline to receive reports of child trafficking, and funds the provision of services to victims of abuse and trafficking in Luanda who are older than 16.¹⁷⁷ During the reporting period, the Government ran an anti-trafficking awareness-raising campaign to correspond with preparations for the African Cup of Nations soccer tournament.¹⁷⁸

In partnership with UNICEF, the Government continued to operate 18 child protection networks that aided children age 9 to 16 who were victims of trafficking and other crimes. These children received rescue services; legal, social, and health services; and some were reunified with their families.¹⁷⁹ Social services (including legal, social, and health services) are lacking for victims under age 9.¹⁸⁰

The Government of Angola continued to participate in a jointly funded USDOL (\$3.48 million) and ChildFund (\$1.25 million) project to eliminate the worst forms of child labor and provide educational opportunities for victims of the worst forms of child labor. The project targets 2,653 children for withdrawal and 4,347 children for prevention from exploitive child labor in agriculture, herding, and charcoal making.¹⁸¹ Additionally, the Government of Angola participates in a 4-year \$14.75 million project funded by the European Union to combat child labor through education in 11 countries.¹⁸²

Donor funding has also supported several projects to provide access to education for vulnerable children. Among these projects is a teacher training program funded by UNICEF and Schools For Africa that has trained more than 20,000 teachers since 2002, and there is a project funded by UNICEF and the Nelson Mandela Foundation to build and reconstruct 1,500 schools.¹⁸³ The Government continues to work with UNICEF to identify and assist undocumented children, in order to help those children gain access to education and other services.¹⁸⁴

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

IN THE AREA OF LAWS AND REGULATIONS:

- Raise the age through which education is compulsory to 13.
- Eliminate the exceptions permitting young persons ages 16 to 18 to work in hazardous environments.
- Amend the Penal Code to prohibit the exploitation of children for illicit activities.
- Amend the Penal Code to strengthen penalties for those involved in:
 - the pimping of minors;
 - the use of children over age 16 for pornographic purposes; and
 - by raising the minimum age for military recruitment and enlistment to 18.
- Strengthen trafficking laws by prohibiting all trafficking of all children.
- Strengthen laws to prohibit the sale of all children.
- Amend the law to allow for the extradition of Angolan nationals charged with international trafficking.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Dedicate resources to labor inspectors working to monitor and enforce Angolan labor laws and regulations.
- Provide the appropriate authority for labor inspectors to have an impact on disciplined employers.
- Create measures for communication between all bodies performing investigations and inspections into labor law violations.
- Establish clear lines of authority to enforce each provision of the Labor and Penal Codes that address a worst form of child labor.
- Ensure the use of the existing trafficking database, or create an alternative system to monitor and investigate the worst forms of child labor, including trafficking.
- Investigate and prosecute trafficking cases when victims are identified.

IN THE AREA OF POLICIES:

- Permit unregistered children to have access to social services, including education.
- Use the results of the national survey on the worst forms of child labor to consider the targeting of existing social programs, and ones that may be possible when government revenues recover.

IN THE AREA OF PROGRAMS:

- Ensure that victims younger than age 9 have access to existing social services for trafficking victims.

¹²² Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2001. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

¹²³ U.S. Embassy- Luanda, *reporting*, May 14, 2010, 8. See also U.S. Department of State, "Angola," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, para 1 and 2.1A; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>.

¹²⁴ U.S. Department of State, "Country Reports- 2009: Angola." See also U.S. Embassy- Luanda official, E-mail communication to USDOL official, November 13, 2010.

¹²⁵ UNICEF, *Information by Country and Programme: Angola*, [online] 2009 [cited July 20, 2010]; available from http://www.unicef.org/infobycountry/angola_502.html?q=printme.

¹²⁶ Macro International, *Children Working in Luanda, Angola*, Washington, DC, 2008, 5, 33, 102-103. See also U.S. Department of State, "Country Reports- 2009: Angola."

¹²⁷ Macro International, *Children Working in Luanda*, 5, 104-105, 108. See also Christian Children's Fund and World Learning for International Development, *ONJOI: Education to Prevent Child Labor in Angola*, Technical Progress Report, September 28, 2007.

¹²⁸ Interactive Social Analysis, *Onjoi: Baseline Study on Child Labor and Education in Benguela*, Luanda, April 2008, 12, 14, 19.

¹²⁹ Ibid. See also U.S. Department of State, "Country Reports- 2009: Angola."

¹³⁰ U.S. Department of State, "Country Reports- 2009: Angola." See also U.S. Embassy- Luanda, *reporting*, May 14, 2010, 1.1A. See also Department of Labor, *Independent Final Evaluation of ONJOI - Education to Prevent Child Labor in Angola*, 2010. See also 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 Rafael Marques, *Diamonds of Humility and Misery*, March 24, 2006. See also Macro International, *Children Working in Luanda*.

¹³¹ Interactive Social Analysis, *Onjoi Baseline Study*.

¹³² Clare Ignatowski, Cristina Rodrigues, and Ramon Balestino, *Youth Assessment in Angola*, USAID, Washington, DC, March 31, 2006, 10; available from <http://www.usaid.gov/ao/youthassessment.pdf>. See also U.S. Department of State official, E-mail communication to USDOL official, July 24, 2008. See also U.S. Department of State, "Country Reports- 2009: Angola." See also Department of Labor, *Independent Final Evaluation of ONJOI*. See also U.S. Embassy- Luanda, *reporting*, May 14, 2010, 2A1. See also Macro International, *Children Working in Luanda*, 33.

¹³³ Macro International, *Children Working in Luanda*, 36 and 57. See also U.S. Embassy- Luanda, *reporting*, May 14, 2010, 2A1.

¹³⁴ U.S. Department of State, "Country Reports- 2009: Angola."

¹³⁵ U.S. Department of State, "Angola (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142981.pdf>. See also U.S. Embassy- Luanda, *reporting*, March 2, 2010, 3B. See also U.S. Embassy- Luanda, *reporting*, February 19, 2009. See also U.S. Department of State, "Country Reports- 2009: Angola."

¹³⁶ U.S. Embassy- Luanda, *reporting*, February 19, 2009, para 3B. See also U.S. Department of State, "Country Reports- 2009: Angola."

¹³⁷ U.S. Department of State, "Trafficking in Persons Report- 2010: Angola." See also U.S. Department of State, "Country Reports- 2009: Angola."

¹³⁸ U.S. Embassy- Luanda, *reporting*, May 14, 2010, para 3B. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Angola."

¹³⁹ U.S. Department of State, "Trafficking in Persons Report- 2010: Angola." See also U.S. Department of State, "Country Reports- 2009: Angola." See also U.S. Embassy- Luanda, *reporting*, March 2, 2010, 3B.

¹⁴⁰ U.S. Department of State, "Country Reports- 2009: Angola." See also U.S. Department of State, "Trafficking in Persons Report- 2010: Angola."

¹⁴¹ U.S. Embassy- Luanda, *reporting*, March 2, 2010, 3B. See also U.S. Department of State, "Country Reports- 2009: Angola."

¹⁴² Government of Angola, *Lei General do Trabalho de Angola*, (2006), article 11; available from <http://www.governo.gov.ao/LegislacaoD.aspx?Codigo=376>.

¹⁴³ Government of Angola, *Assembleia Nacional Comissao Constitucional*, (2010), articles 12 and 60; available from <http://aceproject.org/ero-en/regions/africa/AO/constituicao-da-republica-de-angola-2010/>.

- ¹⁴⁴ Government of Angola, *Lei General do Trabalho de Angola*, articles 11, 25 and 282. See also U.S. Embassy-Luanda, *reporting, May 14, 2010*, 2B1.
- ¹⁴⁵ Government of Angola, *Lei General do Trabalho de Angola*, article 287.
- ¹⁴⁶ *Ibid.*, articles 157, 284 and 281.
- ¹⁴⁷ *Ibid.*
- ¹⁴⁸ *Ibid.*, articles 281 and 285. See also Government of Angola, *Anteprojecto de Código Penal*, (2006), article 157; available from <http://www.governo.gov.ao/LegislacaoD.aspx?Codigo=76>.
- ¹⁴⁹ Government of Angola, *Assembleia Nacional Comissao Constitucional*, article 60. See also Government of Angola, *Anteprojecto de Código Penal*, 165.
- ¹⁵⁰ Government of Angola, *Anteprojecto de Código Penal*, article 157, 165. See also U.S. Department of State, “Country Reports- 2009: Angola.”
- ¹⁵¹ Government of Angola, *Assembleia Nacional Comissao Constitucional*, articles 12 and 60.
- ¹⁵² U.S. Embassy- Luanda, *reporting, March 2, 2010*, 5H.
- ¹⁵³ Government of Angola, *Anteprojecto de Código Penal*, articles 176 and 182.
- ¹⁵⁴ *Ibid.*, article 184.
- ¹⁵⁵ *Ibid.*, article 371.
- ¹⁵⁶ U.S. Embassy- Luanda, *reporting, May 14, 2010*, 4B. See also U.S. Department of State, “Country Reports- 2009: Angola.” See also U.S. Embassy- Luanda, *reporting, March 2, 2010*, 4B.
- ¹⁵⁷ U.S. Embassy- Luanda, *reporting, March 2, 2010*, 2C3. See also U.S. Department of State, “Country Reports- 2009: Angola.”
- ¹⁵⁸ CEACR, *Individual Observation concerning Labour Inspection Convention, 1947 (No. 81) Angola (ratification: 1976)*, 2009; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.
- ¹⁵⁹ ILO Committee of Experts, *Individual Observation concerning Labour Inspection Convention, 1947 (No. 81) Angola (ratification: 1976)*, [online] 2009 [cited 2010 October 20,]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.
- ¹⁶⁰ *Ibid.* See also ILO Committee of Experts, *Individual Observation concerning Labour Inspection Convention, 1947 (No. 81) Angola (ratification: 1976)*, [online] 2010 [cited 2010 October, 20]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>. See also U.S. Department of State, “Country Reports- 2009: Angola.” See also U.S. Embassy- Luanda, *reporting, March 2, 2010*, 2C3.
- ¹⁶¹ ILO Committee of Experts, *Individual Observation C81: Angola (2009)*. See also ILO Committee of Experts, *Individual Observation C81: Angola (2010)*. See also U.S. Department of State, “Country Reports- 2009: Angola.” See also U.S. Embassy- Luanda, *reporting, March 2, 2010*, 2C3.
- ¹⁶² ILO Committee of Experts, *Individual Observation C81: Angola (2009)*.
- ¹⁶³ U.S. Department of State, “Country Reports- 2009: Angola.”
- ¹⁶⁴ U.S. Embassy- Luanda, *reporting, March 2, 2010*, 2B2.
- ¹⁶⁵ *Ibid.*, 3A, 4B, and 6H. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Angola.” See also U.S. Department of State, “Country Reports- 2009: Angola.” See also U.S. Embassy- Luanda, *reporting, May 14, 2010*.
- ¹⁶⁶ U.S. Embassy- Luanda, *reporting, March 2, 2010*, 3A and 6H. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Angola.”
- ¹⁶⁷ U.S. Department of State, “Trafficking in Persons Report- 2010: Angola.”
- ¹⁶⁸ *Ibid.*
- ¹⁶⁹ U.S. Embassy- Luanda, *reporting, May 14, 2010*, para 2E1 and 2E2.
- ¹⁷⁰ U.S. Department of State, “Country Reports- 2009: Angola.” See also UNICEF, *Real Lives: Passport to a Better Future in Angola*, [online] 2009 [cited July 21, 2010]; available from http://www.unicef.org/infobycountry/angola_6584.html?q=printme.
- ¹⁷¹ UNICEF, *Information by Country and Programme: Angola*. See also Child Rights Information Network, *Angola-7th Session-2010*, 2010; available from <http://www.crin.org/docs/Angola.pdf>.
- ¹⁷² Government of Angola, *Estratégia de Combate à Pobreza*, 2005, 26, 34, 35; available from http://planipolis.iiep.unesco.org/upload/Angola/Angola_ECP.pdf.
- ¹⁷³ *Ibid.*, 33, 35, 65.
- ¹⁷⁴ United Nations, *United Nations Development Assistance Framework Angola*, 2005; available from http://www.unangola.org/pdf/UNDAF_English.pdf.
- ¹⁷⁵ 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.
- ¹⁷⁶ U.S. Department of Labor, *Technical Cooperation Project Summary: Protecting Children from Exploitive Labor Through Education Solutions (PROSOL)*, 2010. See also

Coalition to Stop the Use of Child Soldiers, “Angola,” in *Child Soldiers 1379 Report*, London, 2002; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/0/c560bb92d962c64c80256c69004b0797?OpenDocumen>.

¹⁷⁷ U.S. Embassy- Luanda, *reporting, March 2, 2010*, 6B. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Angola.” See also U.S. Department of State, “Country Reports- 2009: Angola.” See also U.S. Embassy- Luanda, *reporting, May 14, 2010*.

¹⁷⁸ U.S. Department of State, “Trafficking in Persons Report- 2010: Angola.” See also U.S. Embassy- Luanda, *reporting, May 14, 2010*, 2D1. See also U.S. Embassy- Luanda, *reporting, March 2, 2010*, 4C and 7A.

¹⁷⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Angola.” See also U.S. Embassy- Luanda, *reporting, March 2, 2010*, 6B.

¹⁸⁰ U.S. Department of State, “Country Reports- 2009: Angola.” See also U.S. Department of State, “Trafficking in Persons Report- 2010: Angola.”

¹⁸¹ Christian Children’s Fund and World Learning Inc., *Combating Exploitive Child Labor through Education in Angola (ONJOI)*, Project Document, Richmond, October 15, 2008, 22, 51.

¹⁸² ILO-IPEC official, E-mail communication to USDOL official, July 17, 2010. 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/ipecinfo/product/viewProduct.do?productId=8511>.

¹⁸³ Open Society Institute, *Angola: Slow Recovery*, [online] 2009 [cited July 21, 2010]; available from http://www.soros.org/initiatives/esp/articles_publications/articles/angola_20090518.

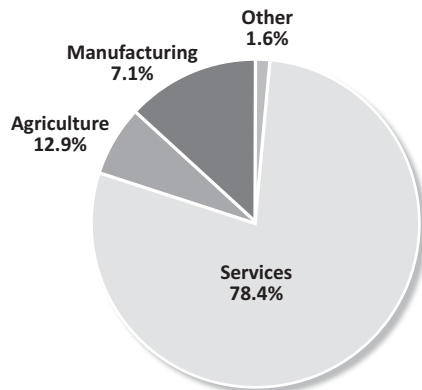
¹⁸⁴ U.S. Department of State, “Country Reports- 2009: Angola.”

Argentina

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

Statistics on Working Children and School Attendance

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



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in Argentina may be found working in the worst forms of child labor¹⁸⁵ in the agricultural and urban informal sectors, where, according to government sources, they may work long hours, perform arduous tasks, and be exposed to dangerous situations. Children of migrant workers and children of indigenous descent are particularly vulnerable.¹⁸⁶ Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of cables, fireworks, flowers, footwear, jojoba, lemons, matches, onions, pornography, potatoes, raspberries and sugarcane. In rural areas, some children work on farms producing tobacco, cotton, garlic, grapes, blueberries, olives, yerba mate, tomatoes, and strawberries, where they may handle


pesticides without proper protection.¹⁸⁷ In urban areas, some children engage in domestic service, where they may be vulnerable to physical and sexual abuse. They also work as performers, shining shoes, washing cars, and collecting and sorting trash for recycling.¹⁸⁸ Some children work in mining and construction, where they are exposed to dangerous heavy machinery and toxic chemicals.¹⁸⁹

Commercial sexual exploitation of children is also a problem. The Government of Argentina and other sources have found that child pornography and the recruitment of children for illicit activities, such as drug trafficking, are problems.¹⁹⁰ Incidents of child sex tourism have occurred particularly in Buenos Aires and the triborder area with Brazil and Paraguay. Paraguayan children have reportedly been trafficked to Argentina for the purpose of sexual exploitation.¹⁹¹

Bolivian children have also been reported to be involved in the forced production of garments in Argentina.¹⁹²

Laws and Regulations on the Worst Forms of Child Labor

In June 2008, Argentina adopted Law 26.390, which raised the legal minimum age for employment from 14 to 16, effective May 2010.¹⁹³ The law specifically prohibits the employment of children under age 16 in domestic service, and bars children ages 16 to 18 from working between the hours of 8:00 p.m. and 6:00 a.m.¹⁹⁴ In manufacturing, however, work is authorized until 10:00 p.m., exposing children to risks involved in night work.¹⁹⁵ Argentina has not adopted a comprehensive list of hazardous work for children.¹⁹⁶

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

Argentine Law 26.364 prohibits forced or compulsory labor.¹⁹⁷ Argentine law sets the minimum age for volunteering for the Argentine Armed Forces at 18.¹⁹⁸ The Penal Code outlaws child prostitution, including facilitating, promoting, or benefitting economically from the crime. However, there is no provision that prohibits using the services of a child prostitute.¹⁹⁹ The Penal Code also prohibits the use of children in pornographic shows and the production, publication,

and distribution of child pornography. However, it does not criminalize possession of child pornography for personal use.²⁰⁰

In April 2008, Argentina passed Law 26.364 prohibiting trafficking in persons both domestically and internationally for purposes of forced labor or sexual exploitation.²⁰¹

Institutional Mechanisms for Coordination and Enforcement

The Government of Argentina has established both national and provincial mechanisms for monitoring child labor issues. National-level coordination is the responsibility of the National Commission for the Eradication of Child Labor (CONAETI) headed by the Ministry of Labor and is comprised of representatives from the Ministry of Foreign Affairs, the Ministry of Social Development, the Ministry of the Economy, the Ministry of Education, among others.²⁰² Provincial governments operate Provincial Commissions for the Prevention and Eradication of Child Labor (COPRETI). As of 2009, COPRETI had been established in all provinces and members had been trained on child labor issues.²⁰³ In addition, the Office for Rescue and Caring of Victims of Trafficking, within the Ministry of Justice, Security and Human Rights, coordinates Government anti-trafficking efforts.

Provincial labor ministries and the national Ministry of Labor are responsible for enforcing child labor laws. They employ approximately 800 child labor inspectors. These inspectors received training during the reporting period on child labor and the new minimum age law. Child labor complaints can be registered through the CONAETI Web site.²⁰⁴ Information was not available on the number of child labor inspections carried out, the sectors in which they were carried out, or sanctions imposed as a result.

Laws against the commercial sexual exploitation of children are enforced by the Special Unit for the Eradication of Sexual Exploitation of Children and Adolescents within the Ministry of Justice.²⁰⁵ The Special Prosecutors' Office for Investigation of Kidnapping and Trafficking in Persons Crimes coordinates trafficking investigations nationally.²⁰⁶ A 24-hour hotline is available to report child trafficking and the city of Buenos Aires operates a hotline to

report cases of forced labor and labor exploitation. In addition, the National Institute against Discrimination, Xenophobia and Racism maintains a hotline for people to report sexual or labor exploitation.²⁰⁷

During the reporting period, authorities conducted 254 raids on suspected brothels and sweatshops.²⁰⁸ Ninety individuals were indicted, and the Government rescued 83 child trafficking victims who were referred to the Ministry of Social Development for assistance.²⁰⁹ During the period, law enforcement officials, judges, and prosecutors participated in trainings on prevention, investigation, and victim assistance provided by Government institutions, NGOs, and international organizations.²¹⁰

Government Policies on the Worst Forms of Child Labor

CONAETI is implementing Argentina's National Plan to Combat Child Labor, which calls for the national consolidation of data, research, coordination of child labor laws, awareness raising, inter-institutional collaboration, stronger inspection mechanisms, mainstreaming of child laborers into the formal education system, and a national program for the prevention and eradication of child labor in rural and urban settings.²¹¹ To support the plan, the Ministry of Labor has established an *Observatorio de Trabajo Infantil y Adolescente* (Child Labor Monitoring Office), with offices in the provinces, to collect statistics about the incidence of child labor.²¹²

Also in 2009, the Government of Argentina signed an agreement with MERCOSUR member countries to coordinate labor inspections, share good practices, and conduct trainings of labor inspectors on topics such as child labor, human trafficking, and forced labor.²¹³ 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.²¹⁴

In 2007, CONAETI signed an agreement with the *Red de Empresas Contra el Trabajo Infantil* (Network of Businesses against Child Labor), in which 71 businesses committed to efforts to prevent hiring children in their operations or those

of their subcontractors. Businesses represented include agricultural and agrochemical companies; service industry companies; supermarket chains; pharmaceutical companies; and soft drink companies.²¹⁵ During the reporting period, the *Red de Empresas Contra el Trabajo Infantil* established daycare programs for migrant worker families in the production of tobacco.²¹⁶

The Government of Argentina has integrated the issue of child labor into education, social and anti-poverty policies, and collaborated with private industry to create corporate social responsibility initiatives.

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

The Government of Argentina has carried out programs to combat child labor over the past decade, such as the *Luz de la Infancia* (Light of Childhood) program (2002 to 2004), which aimed to prevent and eradicate commercial sexual exploitation of children. The Government continued to implement programs to combat child labor through direct services, awareness raising, and capacity building during the reporting period. In 2009, the Government extended a program called *Jefes de Hogar* (Heads of Household), a cash transfer and employment training program, to workers in the informal economy.²¹⁷ This program targets vulnerable and unemployed populations with at least one child under the age of 18 by improving employability, reducing dependence on income from children's work and providing scholarships.²¹⁸ The Government provided scholarships to 13,684 children and incorporated 653 adults into the *Jefes de Hogar* program during the reporting period.²¹⁹ Also as part of the implementation of the National Plan for the Prevention and Eradication of Child Labor, the CONAETI implemented awareness-raising activities; identified and strengthened direct action programs to prevent and combat child labor; and conducted trainings for health professionals on child labor.²²⁰

During the reporting period, CONAETI trained members of the Network of Businesses against Child Labor and developed *Jardines de Cosecha* (Harvest Gardens), which provided seven daycare centers for children in tobacco-producing zones. In conjunction with several NGOs, the Government worked to address the commercial sexual exploitation of children (CSEC)

in the triborder area with Brazil and Paraguay by disseminating information and providing assistance to victims.²²¹ The Ministry of Education also operated a scholarship program to reintegrate child laborers into the school system.²²²

The Government of Argentina also participated in projects funded by international donors. For example, the IDB funded a project, implemented by the IOM, for the Prevention and Eradication of Child Labor in Migrant Families. It worked with families engaged in garbage scavenging, providing them with services and regularizing their immigration status.²²³ 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.²²⁴

The Government of Argentina and other associates and member governments of MERCOSUR are carrying out the *Niño Sur* (“Southern Child”) initiative to protect the rights of children and adolescents in the region.²²⁵ 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.²²⁶

The Government of Argentina has undertaken a variety of efforts to combat child labor. However, research indicates that social programs have not reached all children involved in the worst forms of child labor in the country, including in the agricultural sector, commercial sexual exploitation, and urban informal work.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Prohibit night work for children under age 18 in all employment sectors.
- Revise the Penal Code to prohibit any involvement in child prostitution.
- Prohibit the possession of child pornography.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

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

IN THE AREA OF PROGRAMS:

- Create and expand programs that remove children exploited in the worst forms of child labor, particularly in agriculture, commercial sexual exploitation, and urban informal work.
- Implement strategies to prevent children of migrant workers and children of indigenous descent from engaging in the worst forms of child labor.

¹⁸⁵ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2004. Reliable data on the worst forms of child labor are

especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children’s work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section of this report.

¹⁸⁶ The worst forms of child labor are defined by the ILO Convention 182 and ILO Recommendation 190. Committee on the Rights of the Child, *Consideration of Reports Submitted by State Parties under Article 44 of the Convention*, June 11, 2010; available from <http://www.unhcr.org/refworld/docid/4c32dae02.html>. See also CONAETI, *Trabajo infantil urbano*, [online] [cited May 7, 2010]; available from http://www.trabajo.gov.ar/conaeti/que_es/urbano.htm. See also CONAETI, *Trabajo infantil rural*, [online] [cited May 7, 2010]; available from http://www.trabajo.gov.ar/conaeti/que_es/rural.htm.

¹⁸⁷ CONAETI, *Trabajo infantil rural*. See also Ministry of Labor, Employment, and Social Security, *Por una niñez sin trabajo infantil*, 2005, 49-50; available from http://www.pronino.com.ar/futuro_hoy/Archivos-de-programa/Materiales-de-trabajo/Materiales-de-trabajo/poruna_ninessintrabajo-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/ipecc/documentos/simpoc_argentina.pdf. See also Pagina12, *El Drama de los Niños Ajeros*, [online] [cited May 7, 2010]; available from <http://www.pagina12.com.ar/diario/sociedad/3-120138-2009-02-18.html>.

¹⁸⁸ Ministry of Labor, Employment, and Security, *Por una niñez sin trabajo infantil*, 51-53.

¹⁸⁹ *Ibid.*, 50.

¹⁹⁰ Anti-Slavery International, *Contemporary Forms of Slavery in Argentina*, 2006, 6 and 8; available from http://www.child-trafficking.info/upload/Files/ais06_contsla_argentina081106.pdf. See also CONAETI, *Trabajo infantil urbano*. See also Ministry of Labor, Employment, and Security, *Por una niñez sin trabajo infantil*, 55.

¹⁹¹ 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 Ministry of Labor, Employment, and Security, *Por una niñez sin trabajo infantil*, 55. See also ILO and IOM, *La trata de Personas en el Paraguay*, Buenos Aires, 2005, 49-54; available from <http://oimconosur.org/archivos/descarga.php?id=../imagenes/archivos/75.pdf&name=La%20trata%20de%20personas%20en%20el%20Paraguay>. See also Anti-Slavery International, *Contemporary Forms of Slavery in Argentina*, 8.

¹⁹² Ignacio Arana Araya, “Prolifera la exportación de trabajo esclavo boliviano,” *El Mercurio* (Santiago), August 27, 2006; available from <http://www.sindicatomercosul.com.br/noticia02.asp?noticia=33144>. See also José Maggi, *Allanaron un taller textil ilegal con inmigrantes extranjeros*, [online] [cited May 7, 2010]; available from <http://www.pagina12.com.ar/diario/suplementos/rosario/9-12618-2008-03-06.html>. See also Tanja Bastia,

Child Trafficking or Teenage Migration? Bolivian Migrants in Argentina, IOM, Oxford, 2005, 65-66; available from http://www.childtrafficking.com/Docs/bastia_2005_teenage_migration_0108.pdf.

¹⁹³ Government of Argentina, *Prohibición del Trabajo Infantil y Protección del Trabajo Adolescente*, 26.390, (June 4, 2008), articles 2 and 23; available from <http://www.infoleg.gov.ar/infolegInternet/anexos/140000-144999/141792/norma.htm>.

¹⁹⁴ *Ibid.*, article 15.

¹⁹⁵ *Ibid.*, article 9.

¹⁹⁶ ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Argentina (ratification: 2001)*, [online] 2007 [cited May 7, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=20407&chapter=9&query=%28C182%29+%40ref+%2B+%28Argentina%29+%40ref&highlight=&querytype=bool&context=0>.

¹⁹⁷ Government of Argentina, *Prevención y Sanción de la Trata de Personas y Asistencia a sus Víctimas*, 26.364, (April 29, 2008), article 4; available from http://www.migraciones.gov.ar/pagina4/espanol/pdf/normativas/ley_26364.pdf.

¹⁹⁸ Government of Argentina, *Ley del Servicio Militar Voluntario*, (1994), article 8; available from <http://www.resdal.org.ar/Archivo/d000000a.htm>.

¹⁹⁹ Government of Argentina, *Código Penal Law 25.087*, (May 7, 1999), articles 5-8; available from <http://infoleg.mecon.gov.ar/infolegInternet/anexos/55000-59999/57556/norma.htm>. See also ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Argentina (ratification: 2001)*, [online] 2009 [cited May 7, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23471&chapter=9&query=%28C182%29+%40ref+%2B+%28Argentina%29+%40ref&highlight=&querytype=bool&context=0>.

²⁰⁰ Government of Argentina, *Modificación, Código Penal*, 26.388, (June 24, 2008), article 2; available from <http://www.infoleg.gov.ar/infolegInternet/anexos/140000-144999/141790/norma.htm>. See also ILO Committee of Experts, *Individual Direct Request C182: Argentina (2007)*.

²⁰¹ 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>.

²⁰² U.S. Embassy- Buenos Aires, *reporting*, March 11, 2010, para C1.

²⁰³ *Ibid.*

- ²⁰⁴ Ibid. See also Argentine Ministry of Labor official, E-mail communication to USDOL official, February 3, 2010.
- ²⁰⁵ Government of Argentina, *Explotación Infantil*, [online] [cited July 12, 2010]; available from <http://www.derhuman.jus.gov.ar/direcciones/asistencia/explotacion.htm>.
- ²⁰⁶ U.S. Embassy- Buenos Aires, *reporting, March 11, 2010*.
- ²⁰⁷ Ibid. See also U.S. Embassy- Buenos Aires, *reporting, March 15, 2010*.
- ²⁰⁸ U.S. Department of State, “Argentina (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>.
- ²⁰⁹ U.S. Embassy- Buenos Aires, *reporting, March 11, 2010*. See also U.S. Department of State, “Trafficking in Persons Report- 2009: Argentina.” See also 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>. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Argentina.” See also U.S. Embassy- Buenos Aires, *reporting, March 15, 2010*.
- ²¹⁰ U.S. Embassy- Buenos Aires, *reporting, March 15, 2010*.
- ²¹¹ CONAETI, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil*, 2006; available from <http://www.trabajo.gov.ar/conaeti/actividades/files/PlanNacCONAETI.pdf>.
- ²¹² Government of Argentina, *¿Qué es el Observatorio de Trabajo Infantil y Adolescente?*, [online] [cited July 13, 2010]; available from <http://www.trabajo.gov.ar/left/estadisticas/otia/index.asp>. See also Government of Argentina, *Avances en el sistema de información sobre el trabajo infantil en Argentina*, [online] April 30, 2010 [cited July 13, 2010]; available from <http://www.trabajo.gov.ar/left/estadisticas/DocumentosSUBWEB/area1/documentos/pp%20observatorio.ppt#301,1,Avances en el sistema de información sobre trabajo infantil en Argentina>. See also U.S. Embassy- Buenos Aires, *reporting, March 11, 2010*.
- ²¹³ MERCOSUR, *Plan Regional de Inspección del Trabajo del Mercosur*, Asunción, July 2, 2009.
- ²¹⁴ ILO, La Unión Industrial Argentina, Confederación General de Trabajo, and Ministerio de Trabajo, Employment, and Social Security, *Memorandum de Entendimiento para la Puesta en Marcha en la República Argentina del Programa de Trabajo Decente*, 2008; available from <http://www.oit.org.ar/documentos/MoU%20y%20PTDP.pdf>.
- ²¹⁵ Government of Argentina, *Al Convenio 59/07 entre el Ministerio de Trabajo, Empleo y Seguridad Social, la Comisión Nacional para la Erradicación del Trabajo Infantil (CONAETI) y Empresas y Entidades Comprometidas con la Prevención y Erradicación del Trabajo Infantil*, 2007; available from http://www.trabajo.gov.ar/downloads/conaeti/convenio_protocolo-adicional02.pdf. See also CONAETI, “Red de Empresas contra el Trabajo Infantil”, 2007; available from <http://www.trabajo.gov.ar/conaeti/institucional/infantil.html>.
- ²¹⁶ U.S. Embassy- Buenos Aires, *reporting, March 11, 2010*.
- ²¹⁷ Ibid.
- ²¹⁸ Argentine Ministry of Labor official, E-mail communication to USDOL official, February 3, 2010. See also Ministry of Labor, *Beneficiarios*, [online] November 8, 2007 [cited May 11, 2010]; available from <http://www.trabajo.gov.ar/jefes/beneficiarios/index.asp>.
- ²¹⁹ U.S. Embassy- Buenos Aires, *reporting, March 11, 2010*. See also Argentine Ministry of Labor official, E-mail communication, February 3, 2010.
- ²²⁰ Argentine Ministry of Labor official, E-mail communication, February 3, 2010.
- ²²¹ U.S. Department of State, “Argentina,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136098.htm>.
- ²²² Government of Argentina, *Contra el trabajo infantil, por la inclusión educativa*, [online] [cited July 13, 2010]; available from <http://www.me.gov.ar/monitor/nro14/breves.htm>.
- ²²³ 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#>.
- ²²⁴ 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>.
- ²²⁵ 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.
- ²²⁶ 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.

Armenia

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

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Armenia are exploited in the worst forms of child labor, including in agriculture.²²⁷ Children are engaged in seasonal agricultural work and may be exposed to potentially dangerous machinery and tools, carrying heavy loads, and the application of harmful pesticides.²²⁸ Rural children also work as shepherds for various livestock where they are vulnerable to infectious diseases from contact with animals.²²⁹ In cities, children engage in construction, manual labor, portering, and gathering waste metal, which may result in chronic pains and injuries.²³⁰

Some children are exploited in prostitution and others are forced to beg.²³¹ There are also reports of children being trafficked to the United Arab Emirates for sexual exploitation.²³²


Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age of employment at 16, however, children between ages 14 and 16 may

work for limited hours if they have an employment agreement with written consent from a parent or legal guardian.²³³ The Code also bars children under 18 from engaging in especially heavy and especially harmful works.²³⁴ A 2005 governmental decree defines the list of works that are heavy and harmful for children under 18.²³⁵

The Criminal Code prohibits using children in criminal activities such as prostitution and begging, as well as vagrancy and the production or dissemination of child pornography.²³⁶ The Criminal Code also prohibits and outlines penalties for crimes related to forced labor, trafficking in persons (including harboring, transferring and kidnapping), and sexually exploiting minors.²³⁷ If the victim of trafficking is a minor, the crime is treated as an aggravating circumstance, which carries stricter sentencing.²³⁸ Armenia's Constitution also prohibits forced labor.²³⁹ The Armenian Criminal Procedural Code provides for protection of victims and witnesses involved in criminal court proceedings, including in cases involving the trafficking of children.²⁴⁰

On December 12, 2009, President Serzh Sargsian signed into law, amendments to the Criminal Code that exempted trafficking victims from criminal prosecution for crimes committed as a direct result of being trafficked.²⁴¹ The same amendments, which took effect on January 2, 2010, increased the minimum penalty for convicted trafficking offenders, from 3 to 5 years imprisonment, and allowed for the confiscation of assets from convicted trafficking offenders.²⁴² The penalties for trafficking in children under age 18 are between 7 and 15 years imprisonment depending on the aggravating circumstances.²⁴³

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

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Armenia has established a coordinating mechanism to combat the worst forms of child labor. However, in 2005, the Government of Armenia formed an inter-agency National Committee for Child Protection headed by the Minister of Labor and Social Affairs, to ensure protection of children’s rights.²⁴⁴

One of the objectives of the committee is to assist in addressing the social problems of vulnerable children, including those susceptible to involvement in the worst forms of child labor.²⁴⁵

The Government of Armenia’s Council to Combat Human Trafficking headed by the Deputy Prime Minister, works at the ministerial level to coordinate government efforts to combat human trafficking, including that of children.²⁴⁶ On a lower level, an inter-agency group, chaired by the head of the International Organizations Department at the Foreign Ministry, assumes this coordination responsibility. The two organizations meet on a regular basis.²⁴⁷

The Armenian State Labor Inspectorate (SLI), a unit of the Ministry of Labor and Social Affairs (MOLSA), is responsible for enforcing labor laws, including all child labor laws.²⁴⁸ On a regional level, Child Protective Units within the 10 regional governors’ offices are charged with providing direction on child’s rights issues, including the worst forms of child labor. However, according to UNICEF, these units are not sufficiently funded, do not collaborate effectively with other agencies, and have insufficient monitoring and data collection processes.²⁴⁹ The SLI employs 140 to 150 labor inspectors to cover the entire country, which, according to the head of the legal oversight department of the SLI, is insufficient for making proactive investigations to identify exploitative child labor.²⁵⁰

While the SLI has a mandate to enforce child labor laws, the Government did not train inspectors in child labor issues.²⁵¹ SLI has not conducted any child labor inspections since it was established in 2005. The SLI does not have a system for registering complaints about instances of worst forms of child labor and SLI officials stated that no complaints of child exploitation had been received.²⁵² During the reporting period, the SLI managed to conduct approximately 15,000 labor inspections of 8,000 businesses, only a small fraction of the country’s 124,000 registered businesses.²⁵³

The Anti-Trafficking Division under the Department of Criminal Investigation, has five investigators, and the Police Unit against Human Trafficking, Drug Trafficking and Organized Crime in the Investigatory Department, has 10 investigators to handle trafficking cases including child trafficking. According to a government official, the division had an insufficient amount of resources and inspectors during the reporting period.²⁵⁴ No new criminal cases of trafficking in children were investigated in Armenia in 2009, but three cases were filed in the courts.²⁵⁵ In 2009, two cases of forced child begging went to trial. In one of these cases, one offender was

sentenced to 7 years in prison. In the other case, the offender is in detention awaiting trial. In these two cases, seven children were removed from forced labor.²⁵⁶ NGOs maintaining hotlines for reporting the sexual exploitation of children and child trafficking did not receive any calls regarding child trafficking complaints.²⁵⁷

Although the Government does not train police in enforcing laws against child sexual exploitation, the police investigated and removed five children from prostitution in four cases.²⁵⁸ Two criminals were sentenced for three years, another's sentence was suspended, one is under investigation, and another is being tried.²⁵⁹ Reportedly two of the cases were resolved in several months, although another case from 2008 is still ongoing.²⁶⁰

The Juvenile Police and the Child Support Center Foundation collaborate in enforcing laws against the use of children in illicit activities. The Government does not train law enforcement officials specifically about the use of children in illicit activities, such as begging.²⁶¹ The Juvenile Police has 280 investigators who mainly investigate crimes committed by children, but they also investigate adults who engage children in crime. The Government reported nine criminal investigations of possible violations mostly involving robbery.²⁶² The Child Support Center Foundation maintains a hotline for child protection and investigated two complaints of children coerced into robbery.²⁶³

Government Policies on the Worst Forms of Child Labor

In 2003, the Government of Armenia formally included a plan for the prevention of the worst forms of child labor and the trafficking of children for commercial sexual exploitation in its National Plan of Action for the Protection of the Rights of the Child 2004-2015. It also established the elimination of exploitive child labor and child trafficking as priorities for the next 5 years.²⁶⁴ In addition, the Government

has developed the Program on Securing the Right to Work of the Child, and Preventing and Eliminating Child Labor Exploitation and Economic Exploitation of the Child–2007-2009, which is part of the National Program of the Republic of Armenia for the Protection of Children's Rights.²⁶⁵ However, the implementation of the child labor program was delayed. No evidence was found of government-supported research being conducted on the worst forms of child labor or on the economic exploitation of children.²⁶⁶

The Government has worked with UNICEF to develop a program for 2010-2015, aimed in part at identifying and responding to child exploitation as well as creating a comprehensive policy framework for protecting vulnerable children.²⁶⁷ The program emphasizes the need to provide education to vulnerable children and increase school enrollment.²⁶⁸

On December 5, 2009, the Government signed a bilateral memorandum of understanding with the United Arab Emirates on combating trafficking in persons.²⁶⁹

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

During the reporting period, the Armenian Government continued implementing its national victim referral mechanism for trafficking victims.²⁷⁰ In 2010, the Government funded anti-trafficking activities including assistance in the operation of an NGO-run shelter for trafficking victims. Government funding also included social and psychological rehabilitation services for trafficking victims, youth awareness programs, and public awareness efforts, totaling an approximate budget of \$133,300.²⁷¹ Anti-trafficking efforts have constituted the bulk of the government's social programs aimed at reducing the worst forms of child labor. There is a deficit of programs that directly target the worst forms of child labor, particularly in agriculture and urban informal work.²⁷²

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

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Increase the funding, facilities, and training of Child Protective Units, as well as the State Labor Inspectorate to adequately record and investigate child labor violations.
- Provide additional training and resources to police and other law enforcement officials to investigate and prosecute violations related to trafficking in persons and commercial sexual exploitation, particularly involving children, and the engagement of children in illicit activities.

IN THE AREA OF POLICIES:

- Initiate studies to sufficiently assess the worst forms of child labor in Armenia.
- Take concrete actions to update the Programme on Securing the Right to Work of the Child, and Preventing and Eliminating Child Labor Exploitation and Economic Exploitation of the Child (2007-2009) and implement the updated plan.

IN THE AREA OF PROGRAMS:

- Create programs specifically addressing the needs of children in the worst forms of child labor, such as hazardous work in agriculture and in the urban informal sector.
- Continue to provide support for existing government initiatives to address forced begging and trafficking in persons.

²²⁷ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

²²⁸ U.S. Department of State, “Armenia,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136018.htm>. See also UNICEF, *Child Labor in the Republic of Armenia*, Yerevan, 2008, 8; available from http://www.unicef.org/armenia/Child_Labour_ENG_FINAL.doc. See also Haiyan Hua, *School Wastage Study Focusing on Student Absenteeism in Armenia*, UNICEF, 2008; available from http://www.unicef.org/armenia/School_Wastage_Study.pdf.

²²⁹ UNICEF, *Child Labour in the Republic of Armenia*, 8, 32, 37.

²³⁰ *Ibid.*, 8, 32. See also U.S. Department of State, “Country Reports- 2009: Armenia.”

²³¹ U.S. Department of State, “Country Reports- 2009: Armenia,” section 7c.

²³² Mira Antonyan, *Child Trafficking Phenomenon in Armenia: Study in the Scope of Awareness of Targeted Children and Public*, Armenian Association of Social Workers, February 16, 2010. See also U.S. Department of State, “Country Reports- 2009: Armenia,” section 6.

²³³ Republic of Armenia, *Labor Code of the Republic of Armenia*, (Adopted November 9, 2004, amended June 2, 2010). Republic of Armenia, *The Law of the Republic of Armenia on Child’s Rights*, (Adopted May 29, 1996).

²³⁴ Republic of Armenia, *Labor Code*.

²³⁵ Government of Armenia, *Decree on approving the list of works that are considered as heavy and harmful for persons under 18 years, pregnant women, and women caring for children up to one year*, (December 29, 2005).

²³⁶ Republic of Armenia, *Criminal Code*, (April 18, 2003, amended December 12, 2009).

²³⁷ *Ibid.* See also U.S. Department of State, “Country Reports- 2009: Armenia.”

²³⁸ Republic of Armenia, *Criminal Code*.

- ²³⁹ Republic of Armenia, *Constitution of the Republic of Armenia*, (Adopted July 5, 1995, amended November 25, 2005); available from <http://www.concourt.am/english/constitutions/index.htm>.
- ²⁴⁰ Republic of Armenia, *Criminal Procedural Code*, (Adopted July 1, 1999).
- ²⁴¹ Republic of Armenia, *Criminal Code*. See also U.S. Department of State, “Armenia (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, 2010.
- ²⁴² Republic of Armenia, *Criminal Code*.
- ²⁴³ Ibid.
- ²⁴⁴ U.S. Embassy- Yerevan, *reporting*, February 5, 2010, 2C I.
- ²⁴⁵ Government of Armenia, *Decree on creation of the National Committee on Protection of Children, and approving the charter and individual composition of the committee*, (October 10, 2005).
- ²⁴⁶ U.S. Embassy- Yerevan, *reporting*, February 5, 2010.
- ²⁴⁷ Ibid.
- ²⁴⁸ ILO, *Armenia*, [online] 2009 [cited March 31, 2010]; available from http://www.ilo.org/labadmin/info/lang--en/WCMS_114933/index.htm. See also Republic of Armenia, *Law on the State Labor Inspectorate of the Republic of Armenia*, (2005).
- ²⁴⁹ UNICEF, *Child Protection*, [online] 2007 [cited June 10, 2010]; available from <http://www.unicef.org/armenia/protection.html>. See also Josi Salem-Pickarts, *Evaluation of the Child Protection Programme in Armenia*, UNICEF, Yerevan, September 2007, 26; available from www.unicef.org/ceecis/Printing_Josi_Report_ENG.doc.
- ²⁵⁰ U.S. Embassy- Yerevan, *reporting*, February 5, 2010.
- ²⁵¹ Ibid.
- ²⁵² Ibid.
- ²⁵³ Ibid.
- ²⁵⁴ Ibid., 6.
- ²⁵⁵ U.S. Department of State, “Country Reports- 2009: Armenia,” section 6. See also U.S. Embassy- Yerevan, *reporting*, February 5, 2010. See also Antonyan, *Child Trafficking Phenomenon in Armenia: Study in the Scope of Awareness of Targeted Children and Public*, 28.
- ²⁵⁶ U.S. Embassy- Yerevan, *reporting*, February 5, 2010, 7.
- ²⁵⁷ Ibid.
- ²⁵⁸ Ibid.
- ²⁵⁹ Ibid.
- ²⁶⁰ Ibid.
- ²⁶¹ Ibid.
- ²⁶² Ibid.
- ²⁶³ Ibid., 9.
- ²⁶⁴ UNICEF, *National Plan of Action of the Republic of Armenia for the Protection of the Rights of the Child 2004-2015*, 2005, 26, 27; available from <http://www.unicef.org/armenia/NPAeng.pdf>.
- ²⁶⁵ Government of Armenia, *Third and Forth Joint Periodic National Report of the Republic of Armenia on the Implementation of the United Nations Convention on the Rights of the Child*, February 4, 2010, 5; available from Information unavailable.
- ²⁶⁶ UNICEF, *National Plan of Action*, 26, 27.
- ²⁶⁷ UNICEF, *Summary Results Matrix: Government of Armenia - UNICEF Country Programme, 2010-2015*, January 4, 2009; available from http://www.unicef.org/about/execboard/files/Armenia_SRM.For_Submission.01.04.pdf.
- ²⁶⁸ Ibid.
- ²⁶⁹ U.S. Embassy- Yerevan, *reporting*, February 5, 2010. See also U.S. Embassy- Yerevan, *Armenia Registers Progress in Its Efforts to Combat Human Trafficking*, [online] 2009 [cited March 31, 2010]; available from <http://armenia.usembassy.gov/tip2003>.
- ²⁷⁰ U.S. Department of State, “Trafficking in Persons Report- 2010: Armenia.”
- ²⁷¹ U.S. Embassy- Yerevan, *reporting*, February 5, 2010.
- ²⁷² Ibid., 5.

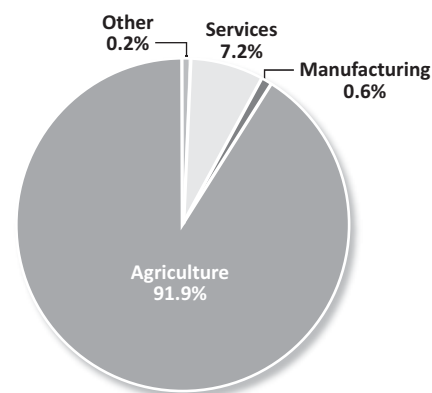
Azerbaijan

The Government of Azerbaijan has improved its legal and policy framework to address child trafficking.

Trafficking continues, as does the risk of exploitive child labor in agriculture. The country's Poverty Reduction Strategy and Decent Work Country Program both have cited the need for a national action plan specifically for child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	4.5 %
Attending School	5-14 yrs.	94.3%
Combining Work and School		Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in Azerbaijan are exploited in the worst forms of child labor,²⁷³ mostly in the agricultural sector.²⁷⁴ Children work in the cotton sector, where they may be exposed to long-working hours, extreme temperatures, dangerous tools, and pesticides. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of tea and tobacco. Children working in these sectors carry heavy loads and are also at risk of injury and illnesses, animal attacks, and insect bites.²⁷⁵ Reports suggest that as a result of declining agricultural production, particularly in the cotton sector, the prevalence of child labor in rural areas may have become less common. Further research in this area is needed.²⁷⁶

Children have also been reported to work in the construction industry.²⁷⁷

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

begging.²⁷⁸ Street children work long hours, and are exposed to violence, humiliation and abuse, extreme temperatures, drug use, and are vulnerable to prostitution and trafficking.²⁷⁹

Azerbaijan is a source country for children trafficked for forced labor and forced prostitution. Women and children are also trafficked internally for forced prostitution and forced labor including forced begging.²⁸⁰


Laws and Regulations on the Worst Forms of Child Labor

Article 249 of the Labor Code prohibits the employment of children under 15. At the age of 15, a child may enter into an employment contract with parental approval.²⁸¹

The Labor Code prohibits children under the age of 18 from working in hazardous conditions. It identifies specific conditions and industries barred for children including work underground; carrying heavy loads; in mines; at night; in night clubs, bars, or casinos, or

in businesses carrying alcohol; or working with toxic substances.²⁸² Article 91 of the Labor Code prohibits children less than 16 from working more than 24 hours per week. Children 16 and 17 may not work more than 36 hours per week.²⁸³

In 2009, the parliament passed an amendment to the Family Code making it illegal to enter into an employment contract with children who are less than age 15. The law established minimum penalties of 25,000 Manat (\$31,250) for violations.²⁸⁴ The amendment also strengthened workplace health and safety regulations for children.²⁸⁵

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

Article 35 of the Constitution prohibits forced labor in Azerbaijan but provides exceptions for the military, during states of emergency and under martial law.²⁸⁶ Article 106 of the Criminal Code prohibits slavery and provides stricter minimum penalties for cases involving child slavery and human trafficking.²⁸⁷

Article 171 of the Criminal Code establishes penalties for involving a child in prostitution. Articles 243 and 244, respectively, prohibit the coercion of a person into prostitution and the maintenance of a brothel.²⁸⁸ In 2005, Azerbaijan passed a law specifically prohibiting trafficking in persons. The law establishes organizational, prevention, and protection mechanisms, including measures specifically for

children less than age 18.²⁸⁹ In addition, Article 173 of the Criminal Code establishes penalties for the sale or purchase of a child.²⁹⁰

The age of conscription to the military is 18. However, children who are 17 may volunteer for active military service or enter a cadet military school with parental approval.²⁹¹

Institutional Mechanisms for Coordination and Enforcement

Although the Ministry of Labor and Social Protection, Ministry of Internal Affairs and the State Committee on Families, Children and Women's Issues work separately in their individual areas of expertise, namely, enforcing workplace standards, prosecuting illicit activities and trafficking, and protecting children's rights,²⁹² research found no evidence of a mechanism for coordinating government-wide efforts to combat the worst forms of child labor. The UN Development Assistance Framework (UNDAF) has called for better coordination and strengthened monitoring of issues related to street children, and combating child labor and trafficking.²⁹³

The State Labor Inspectorate within the Ministry of Labor and Social Protection is responsible for enforcing the country's child labor laws.²⁹⁴ In 2009, the Ministry employed 280 labor inspectors.²⁹⁵ While no instances of the employment of workers under age 15 were found, 62 cases of violations of labor laws were identified involving the employment of children between the ages of 15 and 18.²⁹⁶ Inspection activity may not be sufficient. A 2005 survey found that approximately 68 percent of working children 5 to 17 (or 106,000 children) are engaged in hazardous labor in contravention of current law.²⁹⁷

The 2005 Law on Trafficking in Persons establishes responsibility for the coordination of trafficking efforts with the National Coordinator in the Ministry of Internal Affairs within the auspices of the National Action Plan to Combat Trafficking.²⁹⁸ During the reporting period, a dedicated staff person was assigned to focus on trafficking issues in each relevant agency.²⁹⁹

The Ministry of Internal Affairs is responsible for enforcing trafficking laws and investigating trafficking violations.³⁰⁰ According to the Ministry of Internal Affairs, there were 80 trafficking investigations

and four cases of child trafficking in 2009.³⁰¹ The Government prosecuted 76 trafficking cases in 2009 and convicted 62 trafficking offenders as of February 2010.³⁰² There is no information on the prosecution and conviction of the child-specific trafficking cases.

In March 2008, Azerbaijan government officials, judges, prosecutors, law enforcement, and NGOs were trained on human trafficking issues including prosecution, protection, and prevention.³⁰³ In May 2008, the OSCE, in cooperation with the Azerbaijan Ministry of Justice, ILO, and the International Centre for Migration Policy Development provided training to judges and prosecutors on trafficking issues.³⁰⁴

Government Policies on the Worst Forms of Child Labor

In February 2009, the Government adopted the second phase of the National Action Plan for Combating Human Trafficking (2009-2013). The plan aims to improve the effectiveness of the prosecution of human trafficking, improve the protection and rehabilitation services offered to victims and improve the coordination of activities.³⁰⁵

In addition, the Government has established a National Action Plan on the Protection of Human Rights. The plan addresses commitments made by the Government as signatory to the UN Convention on the Rights of the Child and includes efforts to combat trafficking.³⁰⁶

The UNDAF (2011-2015) includes efforts to improve the identification, referral, and legal support for victims of trafficking and capacity building for judiciary and law enforcement personnel; however, unlike the previous UNDAF, it does not address other worst forms of child labor.³⁰⁷

In the Poverty Reduction Strategy (PRS) adopted in September 2008, child labor issues are included in efforts focused on improving social protection services for the most vulnerable populations. The strategy calls for research to be conducted and a relevant national action plan on child labor to be prepared and implemented. The strategy also calls for the development of a national action plan on abandoned and street children.³⁰⁸ In addition, the PRS includes

education efforts to improve access to and the quality of education.³⁰⁹

The Decent Work Country Program (2006-2009) developed by the Government of Azerbaijan in cooperation with ILO also called for the development of a national action plan on child labor. The program included efforts to build the capacity of the Government and key stakeholders to implement interventions focused on the prevention of children in child labor and the provision of services aimed at the withdrawal and rehabilitation of children in child labor.³¹⁰

However, the impact of these efforts on reducing the worst forms of child labor has not been addressed.

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

Programs to prevent the worst forms of child labor primarily address human trafficking. Following from the National Action Plan on Combating Human Trafficking, a number of programs have been undertaken by government authorities, sometimes in cooperation with international organizations. These programs investigate, prosecute, and prevent trafficking, including the conduct of public awareness campaigns in 58 cities and regions throughout the country. They also make provisions for protection and rehabilitation of trafficking victims, including shelters for victims of trafficking.³¹¹

The OSCE has called on the Government to improve victim identification particularly through strengthened coordination with NGOs; to increase their efforts to raise public awareness of the problem; and to provide relevant training to law enforcement, labor inspectors, and health workers.³¹²

With the ILO, the Government has implemented other child labor programs. These programs included awareness-raising activities, training programs for relevant government officials and civil society, and interventions focused on prevention, withdrawal and rehabilitation of children at risk of or engaged in the worst forms of child labor.³¹³ Few such programs remain active.

Finally, the Government has implemented social protection and education programs, including a cash transfer program for very poor households. As of early 2008, the program had reached over 80,000 families.³¹⁴

The question of whether these programs have an impact on the worst forms of child labor does not appear to have been addressed.

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

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Develop monitoring mechanisms and target inspections to improve the identification of child labor violations in sectors in which children commonly work.
- Establish coordination and monitoring mechanisms to combat the worst forms of child labor.

IN THE AREA OF POLICIES:

- Develop, adopt, and implement a national action plan on all worst forms of child labor.
- Assess the impact that policies, such as the Poverty Reduction Strategy and the Decent Work Country Program, may have on addressing the worst forms of child labor.
- Implement the recommendations of the Poverty Reduction Strategy to conduct research and develop and implement a national plan of action to combat child labor.

IN THE AREA OF PROGRAMS:

- Consider targeting programs specifically to children in the worst forms of child labor and their families.
- Address OSCE and UNDAF recommendations concerning anti-trafficking activities.
- Assess the impact that social protection and education programs may have on addressing the worst forms of child labor.

²⁷³ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data on working children are from 2005. Data on school attendance are from 1999. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

²⁷⁴ ILO-IPEC, *Working children in Azerbaijan: The analysis of child labour and laboring children surveys - An ILO-IPEC Survey on Child Labor*, September 2005.

²⁷⁵ National Confederation of Entrepreneurs' Organizations of Azerbaijan Republic, *Fact Finding Mission to the Tea and Tobacco Producing Regions of Azerbaijan Republic*, Baku, 2007 2007; available from <https://www.ilo.org/>

[public/english/dialogue/actemp/downloads/projects/azerbaijan_rapidass_study_tea_en.pdf](https://www.ilo.org/public/english/dialogue/actemp/downloads/projects/azerbaijan_rapidass_study_tea_en.pdf). See also National Confederation of Entrepreneurs' Organizations of Azerbaijan Republic International Labour Organization, *Study on Child Labour on Cotton Plantations in 8 Regions of Azerbaijan*, Baku, 2005 2005; available from https://www.ilo.org/public/english/dialogue/actemp/downloads/projects/azerbaijan_rapidass_study_cotton_en.pdf. See also U.S. Embassy- Baku, *reporting*, March 28, 2010.

²⁷⁶ U.S. Embassy- Baku official, E-mail communication to USDOL official, November 15, 2010.

²⁷⁷ Mr. Alakbar Mammadov and Ms. Sadagat Gambarova, "Country Presentation on Combatting Child Labour - Azerbaijan" (paper presented at the Employers in the Fight Against Child Labor "Sharing Experiences and Lessons Learnt on Child Labour", Istanbul, September 27-28, 2007); available from http://www.tisk.org.tr/yayinlar_en.asp?dil=en&sbj=ic&id=2970. See also U.S. Embassy- Baku, *reporting*, March 28, 2010. See also Internal Displacement Monitoring Centre (IDMC), *Azerbaijan: IDPs still trapped in poverty and dependence*, [online] July 14, 2008 [cited September 16, 2010]; available from <http://www.unhcr.org/refworld/docid/487b6dfb2.html>.

- ²⁷⁸ UNICEF, *UNICEF Azerbaijan Overview: Key Challenges for Children*, [online] [cited July 19, 2010]; available from http://www.unicef.org/azerbaijan/overview_2206.html. See also UNICEF, *The Child Protection System in Azerbaijan: Situation Analysis*, New York, 2005; available from http://ceecis.org/child_protection/PDF/Azesyst05.pdf. See also National Confederation of Entrepreneurs (Employers') Organizations of Azerbaijan Republic, *No Child Labour: Handbook for Employers*, Handbook; available from http://www.ilo.org/public/english/dialogue/actemp/downloads/projects/azerbaijan_handbook_en.pdf.
- ²⁷⁹ UNICEF, *UNICEF Overview*. See also UNICEF, *Child Protection System*. See also National Confederation of Entrepreneurs (Employers') Organizations of Azerbaijan Republic, *Handbook for Employers*.
- ²⁸⁰ U.S. Department of State, "Azerbaijan (Tier 2)," in *Trafficking in Persons Report- 2010* Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>.
- ²⁸¹ Embassy of the Republic of Azerbaijan, *Information of the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan*, submitted in response to U.S. Department of Labor request for information on "Child labor, forced labor, and forced or indentured child labor in the production of goods in foreign countries and efforts by certain countries to eliminate the worst forms of child labor", DC, April 21, 2009; available from <http://www.dol.gov/ilab/programs/ocft/FR20100224/Azerbaijan/Azerbaijan.pdf>.
- ²⁸² *Ibid.*
- ²⁸³ *Ibid.*
- ²⁸⁴ Radio Free Europe, *Child Labor Law Passes in Azerbaijan*, pursuant to RFERL, February 10, 2010 2009; available from http://www.rferl.org/content/Azerbaijani_Parliament_Passes_Child_Labor_Law/1896514.html. See also U.S. Embassy- Baku, *reporting, March 28, 2010*.
- ²⁸⁵ Radio Free Europe, *Child Labor Law Passes in Azerbaijan*. See also U.S. Embassy- Baku, *reporting, March 28, 2010*.
- ²⁸⁶ *Constitution of the Azerbaijan Republic*, (November 12, 1995); available from http://www.servat.unibe.ch/icl/aj00000_.html.
- ²⁸⁷ *Criminal Code of the Azerbaijan Republic*, (September 1, 2000); available from <http://www.unhcr.org/refworld/docid/4417f82d4.html>
- ²⁸⁸ *Ibid.*
- ²⁸⁹ *Law of the Republic of Azerbaijan on Trafficking in Persons*, (August 5, 2005); available from <http://www.unhcr.org/refworld/docid/4417f1214.html>
- ²⁹⁰ *Criminal Code*.
- ²⁹¹ Coalition to Stop the Use of Child Soldiers, "Azerbaijan," in *Child Soldiers Global Report- 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/azerbaijan>. See also UN International Human Rights Instruments, *Core Document Forming Part of the Reports of States Parties: Azerbaijan*, HRI/CORE/AZE/2008, Geneva, June 3, 2009 2009.
- ²⁹² U.S. Embassy- Baku, *reporting, March 28, 2010*.
- ²⁹³ UN Country Team in Azerbaijan, *United Nations Development Assistance Framework- Azerbaijan 2005-2009*, UNDAF, May 2004; available from <http://planipolis.iiep.unesco.org/upload/Azerbaijan/Azerbaijan%20UNDAF%202005-2009.pdf>.
- ²⁹⁴ Embassy of the Republic of Azerbaijan, *Response to request for information*.
- ²⁹⁵ U.S. Embassy- Baku, *reporting, March 28, 2010*.
- ²⁹⁶ Embassy of the Republic of Azerbaijan, *Response to request for information*.
- ²⁹⁷ ILO and State Statistical Committee of the Republic of Azerbaijan, *Working children in Azerbaijan: The analysis of child labour and laboring children surveys 2005*, September 2007; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=8152>.
- ²⁹⁸ *Trafficking Law*.
- ²⁹⁹ U.S. Department of State, "Trafficking in Persons Report- 2010: Azerbaijan."
- ³⁰⁰ *Trafficking Law*.
- ³⁰¹ U.S. Embassy- Baku, *reporting, March 28, 2010*.
- ³⁰² U.S. Department of State, "Azerbaijan (Tier 2)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>.
- ³⁰³ U.S. Ambassador Anne E. Dorse, "US Ambassador's Remarks at The Trafficking in Persons Training Event" (paper presented at the Trafficking in Persons Training Event sponsored by US Embassy, US Department of Justice, and the OSCE, March 27, 2008); available from <http://azerbaijan.usembassy.gov/ambspeech57en.html>.
- ³⁰⁴ OSCE, *OSCE Office helps train Azerbaijani judges and prosecutors to fight human trafficking*, Press Release, May 12, 2008; available from <http://www.osce.org/item/31054.html>.
- ³⁰⁵ UN Committee against Torture, *Consideration of reports submitted by the States parties under article 19 of the Convention*, CAT/C/SR.909, pursuant to Summary record of the first part (public) of the 909th meeting, 2010; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/>

G09/461/96/PDF/G0946196.pdf?OpenElement.

³⁰⁶ Office of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, *The role of the Ombudsman in combating trafficking in human beings*, pursuant to The 2009 Human Dimension Implementation Meeting, September 28-October 9, 2009; available from http://www.osce.org/documents/odhr/2009/10/40100_en.pdf.

³⁰⁷ UN Country Team in Azerbaijan, *United Nations Development Assistance Framework- Azerbaijan 2011-2015*, Baku, 2009; available from http://planipolis.iiep.unesco.org/upload/Azerbaijan/Azerbaijan_UNDAF_2011-2015.pdf. See also UN Country Team in Azerbaijan, *UNDAF Azerbaijan 2005-2009*.

³⁰⁸ Government of Azerbaijan, *State Program on Poverty Reduction and Sustainable Development in the Republic of Azerbaijan for 2008-2015*, Baku, September 15, 2008; available from <http://www.cled.az/pdf/others/Azerbaijan%20Poverty%20Program%20for%202008-2015.pdf>.

³⁰⁹ Ibid.

³¹⁰ ILO and Government of Azerbaijan, *Decent Work Country Programme in Co-operation with the ILO (2006-2009)*, 2006; available from <http://www.ilo.org/public/english/region/eurpro/geneva/download/decentwork/azerbaijan.pdf>.

³¹¹ U.S. Department of State, “Trafficking in Persons Report-2010: Azerbaijan.” See also OSCE, “Eva Biaudet: Rights of victims are paramount in fight against human trafficking,” *OSCE Magazine*, December 2008 2008; available from http://www.osce.org/publications/sg/2008/11/35060_1213_en.pdf.

³¹² OSCE, “OSCE: Rights of Victims.” See also OSCE, *OSCE special representative urges Azerbaijani authorities to co-operate with NGOs to better identify victims of human trafficking*, Press Release, June 18, 2008; available from <http://www.osce.org/item/31765.html>.

³¹³ ILO, *Development of a comprehensive anti-trafficking response in Armenia, Azerbaijan and Georgia*, [online] [cited September 22, 2010]; available from www.ilo.org/sapfl/Projects/lang--en/WCMS_082035/index.htm. See also ILO and Government of Azerbaijan, *DWCP 2006-2009*.

³¹⁴ World Bank, *Project Information Document Appraisal Stage: Social Protection Development*, Project Information Document, 42616-AZ, DC, April 29, 2008; available from http://www-wds.worldbank.org/external/default/main?pagePK=64193027&piPK=64187937&theSitePK=523679&menuPK=64187510&searchMenuPK=64187283&siteName=WDS&entityID=000333037_20080508035604.

Bahrain

The Government of Bahrain has established a legal framework to protect children from many forms of hazardous child labor and child trafficking, but children continue to be trafficked into the country for domestic service and sexual exploitation. Domestic servants have minimal workplace protections under the Labor Law.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor






Children in Bahrain are exploited in the worst forms of child labor, particularly as the result of child trafficking.³¹⁵ Girls are reportedly recruited as domestic servants and are trafficked into the country with falsified documents concealing the minor's age.³¹⁶ There have been reports of minors being trafficked to Bahrain for domestic service or sexual exploitation, particularly from South and Southeast Asia.³¹⁷ Child domestic labor may involve long hours of work and may expose children to mental and physical abuse by their employer.³¹⁸

Laws and Regulations on the Worst Forms of Child Labor

The Labor Law sets the minimum age for work at 14 and hazardous work at 16.³¹⁹ The Government is in the process of revising the Labor Law to increase the minimum age for hazardous work to 18.³²⁰ Ministerial Order No. 6 outlines a list of 25 types of hazardous work universally proscribed.³²¹

For all other work, minors between ages 14 and 16 seeking to provide financial assistance to their families must obtain authorization to work from the Ministry of Labor (MOL) and must file a medical examination prior to employment.³²² However, the Labor Law

(article 2) explicitly exempts domestic workers, including child domestics, from all provisions in the law, and no other labor laws protect child domestics.³²³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	None
	Free Public Education	Yes

The 2008 Law to Combat Trafficking in Persons prohibits all forms of trafficking, including trafficking of children under age 18, for prostitution or any other forms of commercial sexual exploitation, forced labor,

and slavery.³²⁴ The law provides harsher punishments for trafficking children who are under age 15.³²⁵

The minimum age for military service is 18.³²⁶

Institutional Mechanisms for Coordination and Enforcement

MOL inspectors enforce child labor laws.³²⁷ Some inspectors from the Labor Market Regulatory Authority also perform inspections, particularly concerning foreigners' work permits and working situations.³²⁸ There are 43 MOL labor inspectors who investigate for violations of labor law, including child labor.³²⁹ Specific information on inspections, child labor violations, or penalties is not available. Although labor inspectors are empowered to investigate all places of work, reports indicate that workplaces outside of the industrial sector are less closely monitored.³³⁰

Labor inspectors are trained on child labor laws and regulations.³³¹ During the reporting period, MOL also coordinated a workshop on child labor for judges, lawyers, prosecutors, law enforcement officials, NGOs, and employers.³³²

The Ministry of Foreign Affairs heads a committee to set trafficking policy; the committee meets every other month.³³³ The Ministry of Social Development leads a second committee to deal with trafficking victims.³³⁴ This committee is charged with assessing the status of each victim and determining whether they should be allowed to remain in the country or whether they should be returned to their place of origin.³³⁵

The Ministry of the Interior's Criminal Investigation Directorate oversees a 10-person unit that works on human trafficking enforcement.³³⁶ The Royal Police Academy trains recruits to identify trafficking victims and, in 2009, 29 law enforcement officers participated in a 3-day training workshop on human trafficking.³³⁷ During the reporting period, the Government reported two prosecutions and one new investigation under the Law to Combat Trafficking in Persons.³³⁸

Government Policies on the Worst Forms of Child Labor

The Government has stated that child labor is not a significant problem and, therefore, it has not allocated resources to develop a national action plan to combat the worst forms of child labor or established a child labor task force.³³⁹ While there is no evidence of child labor in most sectors, there have been several reports of children being trafficked into domestic service in Bahrain, and there is no policy or plan to address this issue.

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

The Government participates in a USDOS-funded program to build capacity and raise awareness of anti-trafficking efforts.³⁴⁰ This project includes awareness-raising workshops for government ministries, development of a database of trafficking in persons, and publication of a workers' rights pamphlet.³⁴¹

The Government funds an NGO-run shelter, Dar Al Aman, which provides services for a small number of trafficking victims, including children.³⁴² The shelter provides legal, medical, and psychological services to female victims of family violence and human trafficking. Bahrain does not have any shelters for male trafficking victims or runaway workers.³⁴³ Existing programs do not appear to specifically address children trafficked for domestic service and commercial sexual exploitation.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Complete revisions to the Labor Law to increase the minimum age for hazardous work to 18.
- Amend the Labor Law to provide protections for children engaged in domestic service.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure monitoring for child labor in all workplaces, and track and publish data on inspections and violations.

IN THE AREA OF POLICIES:

- Develop a national plan of action to address child trafficking for domestic service.

IN THE AREA OF PROGRAMS:

- Revise current anti-trafficking programs to address the special needs of trafficked children, specifically for domestic service and commercial sexual exploitation.

³¹⁵ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

³¹⁶ Sigma Huda, *Expert on Trafficking in Persons Ends Visit to Bahrain*, Press Release, November 1, 2006; available from www.unhcr.ch/hurricane/hurricane/nsf/view01/58FAF1D58BE8FAAFC1257219005C.

³¹⁷ Rasha Al Qahtani, “Police Break up Girl Trafficking Ring,” *Gulf Daily News* (Manama), July 29, 2010; available from <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=283318>. See also Geoffrey Bew, “Trafficking Horror Revealed,” *Gulf Daily News* (Manama), January 28, 2006. See also Huda, *Expert on Trafficking in Persons Ends Visit to Bahrain*, Press Release. See also UN News Centre, “Bahrain: UN human trafficking expert gives mixed report after fact-finding visit”, UN.org, [online], November 1, 2006 [cited July 29, 2010]; available from <http://www.un.org/apps/news/story.asp?NewsID=20453&Cr=bahrain&Cr1>.

³¹⁸ Huda, *Expert on Trafficking in Persons Ends Visit to Bahrain*, Press Release.

³¹⁹ Government of Bahrain, *Labour Law for the Private Sector, as amended*, No. 23, (June 16, 1976); available from

<http://www.mol.gov.bh/MOL/En/Legislations/ListArticles.aspx?ChnlNm=Chapter%20One&ChnlDspl=The+Labour+Law+for+the+Private+Sector&ChnlPrnt=Labour+Law&ChnlPDspl=Labour+Law>. See also ILO Committee of Experts, *Individual Direct Request Concerning Worst Forms of Child Labour Convention, 1999 (No.182) Bahrain (ratification: 2001)*, [online] 2008 [cited January 22, 2009]; 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>.

³²⁰ ILO Committee of Experts, *Individual Direct Request Concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Bahrain (ratification: 2001)*, [online] 2009 [cited April 2, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23480&chapter=9&query=%28C182%29+%40ref+%2B+%28Bahrain%29+%40ref&highlight=&querytype=bool&context=0>.

³²¹ Ibid.].

³²² U.S. Department of State, “Bahrain,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136066.htm>. See also Government of Bahrain, *Labour Law for the Private Sector*.

³²³ Government of Bahrain, *Labour Law for the Private Sector*. See also U.S. Embassy- Manama, *reporting*, March 3, 2010.

³²⁴ ILO Committee of Experts, *Individual Direct Request C182: Bahrain (2009)*. See also U.S. Embassy- Manama, *reporting*, February 1, 2010. See also U.S. Department of

State, “Bahrain,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>. See also Government of Bahrain, *Fighting and Combating Trafficking in Persons Draft Law*, (2008).

³²⁵ U.S. Department of State, “Country Reports- 2009: Bahrain.”

³²⁶ U.S. Embassy- Manama, *reporting, February 1, 2010*.

³²⁷ U.S. Department of State, “Country Reports- 2009: Bahrain.”

³²⁸ U.S. Embassy- Manama, *reporting, February 1, 2010*.

³²⁹ U.S. Department of State, “Country Reports- 2009: Bahrain.” See also U.S. Embassy- Manama, *reporting, February 1, 2010*.

³³⁰ U.S. Department of State, “Country Reports- 2009: Bahrain.” See also ILO Committee of Experts, *Individual Direct Request C182: Bahrain (2008)*.

³³¹ ILO Committee of Experts, *Individual Direct Request C182: Bahrain (2009)*.

³³² U.S. Department of State, “Country Reports- 2009: Bahrain.”

³³³ U.S. Embassy- Manama, *reporting, February 1, 2010*.

³³⁴ U.S. Department of State, “Country Reports- 2009: Bahrain,” section 6.

³³⁵ U.S. Embassy- Manama, *reporting, February 1, 2010*.

³³⁶ U.S. Department of State, “Country Reports- 2009: Bahrain.”

³³⁷ U.S. Department of State, “Bahrain,” in *Trafficking in Persons Report- 2010*, Washington, DC, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>.

³³⁸ *Ibid.*

³³⁹ ILO Committee of Experts, *Individual Direct Request C182: Bahrain (2008)*. See also U.S. Embassy- Manama, *reporting, February 1, 2010*.

³⁴⁰ U.S. Department of State, *Trafficking in Persons Open Projects by Region and Country*, [online] May 14, 2010 [cited September 28, 2010]; available from <http://www.state.gov/g/tip/rls/other/2010/143270.htm>.

³⁴¹ *Ibid.*] See also U.S. Embassy- Manama, *reporting, March 3, 2010*.

³⁴² U.S. Embassy- Manama, *reporting, March 3, 2010*. See also U.S. Embassy- Manama official, E-mail communication to USDOL official, November 14, 2010.

³⁴³ U.S. Embassy- Manama, *reporting, February 1, 2010*.

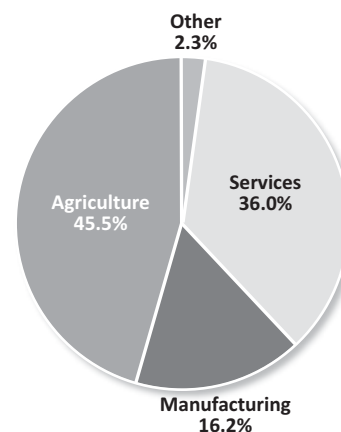
Bangladesh

The Government of Bangladesh recently approved its *National Child Labor Eradication Policy* which aims to develop and harmonize programs and policies to combat the worst forms of child labor. However, children continue to perform hazardous work in agriculture and domestic service. Gaps also remain in child labor legislation, data collection, and enforcement.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	13.6%
Attending School	5-14 yrs.	76.9%
Combining Work and School	7-14 yrs.	10.1%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Bangladesh are exploited in the worst forms of child labor,³⁴⁴ especially in agriculture.³⁴⁵ Children working in agriculture may be exposed to risks such as dangerous machinery and tools, harmful pesticides, and carrying of heavy loads. According to the Bangladesh Bureau of Statistics children engage in hazardous work which includes welding, carpentry, rickshaw pulling, and automobile repair.³⁴⁶ Children face dangers drying fish and milling spice. These activities can make them vulnerable to harmful chemicals, the possible loss of fingers in dangerous machines, and working long hours in the hot sun.³⁴⁷ Children are also involved in the production of salt, soap matches, bricks, cigarettes, footwear, steel, furniture, glass, leather, poultry, ornaments, and metals, ornaments, and textiles.³⁴⁸ The dangers children face producing these goods may include working in cramped conditions for long hours, exposure to hazardous chemicals, low lighting, and

working with sharp objects. Children also process shrimp, which has reportedly led to arthritis, urinary tract infections, back injuries, repetitive strain, muscle inflammation, fungal infections, and diarrhea.³⁴⁹ Other reports have indicated that large numbers of children work in dangerous conditions in the ship-breaking industry, dismantling large ships into smaller pieces.³⁵⁰ They may lack the physical strength required to perform this arduous task and may be sickened by hazardous substances contained in the ships.³⁵¹ Although evidence is limited, there is reason to believe that the worst forms of child labor are also used in the production of jewelry, plastic, rice, and rubber.³⁵²

According to a survey by ILO, there are more than 421,000 children, mostly girls, working as domestic servants in private households in Bangladesh. Some child domestics work in exploitive conditions³⁵³ and are vulnerable to abuse, including sexual abuse.³⁵⁴ Children are also found working on the streets, vending, begging, portering and some are employed in hotels and restaurants.³⁵⁵ Children working on the

streets are exposed to severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.





Bangladeshi children are also engaged in other worst forms of child labor. A 2009 Government of Bangladesh report estimates that as many as 20,000 children are exploited in the commercial sex industry; some are trafficked internally and to India and Pakistan for sexual exploitation.³⁵⁶ Boys and girls, often those living on the streets, are exploited in illicit activities, including smuggling and trading arms and drugs.³⁵⁷

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code establishes the minimum age for work at 14 and the minimum age for hazardous work at 18.³⁵⁸ The Labor Code provides an exception for children age 12 to 13 to participate in light work and restricts the types of job they can do. It also limits the hours children ages 14 to 18 can work.³⁵⁹ However, the Government's Labor Code is limited to the formal employment sector, which does not include agriculture or home-based work, and it does not define occupations or sectors which are hazardous in nature.³⁶⁰ Additionally, the low minimum age for compulsory education makes children particularly vulnerable to the worst forms of child labor, as children are not required to be in school after age 10, but are not legally permitted to work either.

The Penal Code of 1860 prohibits compulsory labor and the Labor Code prohibits parents or guardians from pledging their children's work in exchange for a payment or benefit.³⁶¹ Those who violate the law are subject to penalties which include imprisonment.³⁶²

The Suppression of Violence against Women and Children's Act of 2000 criminalizes the trafficking of children and establishes strict penalties and fines for violators.³⁶³ The Penal Code of 1860 criminalizes the prostitution of young girls under the age of 18, in contrast to the Children's Act of 1974, which only criminalizes the prostitution of girls under the age of 16.³⁶⁴ The conflicting age thresholds may leave girls ages 16 to 17 vulnerable to exploitation and may cause problems for effective enforcement and prosecution. In addition, both laws fail to protect boys from child prostitution.

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	10
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Government of Bangladesh has established a Child Labor Unit in the Ministry of Labor and Employment (MOLE) to monitor, coordinate, and supervise child labor programs.³⁶⁵

An inter-ministerial anti-trafficking committee oversees national efforts to combat human trafficking. This committee, chaired by the Ministry of Home Affairs (MOHA), convenes monthly to monitor trafficking issues.³⁶⁶

The Office of the Chief Inspectorate of the Department of Factories and Establishments under MOLE is responsible for implementing and enforcing labor laws, including child labor provisions.³⁶⁷ The ministry has approximately 150 inspectors.³⁶⁸ The inspectors work from 31 offices across the country and each one conducts from 5 to 100 monthly inspections, depending on his/her rank.³⁶⁹ An inspector with a lower rank is expected to conduct more inspections than an inspector of a higher rank.³⁷⁰ In 2009, a total of 51,337 labor inspections were conducted in Bangladesh, an increase of over 10,000 from the previous year. However, the inspections resulted in only 770 labor violation cases filed.³⁷¹ A specific

number of cases are not available because the Government does not disaggregate data on labor violations.³⁷² Nonetheless, research indicates that the number of cases uncovered is very small relative to the magnitude of the child labor problem.³⁷³

MOHA is the principal agency designated to enforce the country's forced labor and anti-trafficking laws.³⁷⁴ MOHA maintains an anti-trafficking police unit in each of Bangladesh's 64 districts and provides trafficking training to members of the National Police Academy and other public officials.³⁷⁵ MOHA also maintains a special Anti Trafficking of Human Beings Unit comprised of 12 police officers charged with investigating all forms of trafficking.³⁷⁶ From February 2009 to February 2010, MOHA conducted 26 trafficking investigations and rescued 30 child victims from trafficking situations.³⁷⁷

Government Policies on the Worst Forms of Child Labor

In March 2010, the Government of Bangladesh established a policy framework for the elimination of the worst forms of child labor through approval of the National Child Labor Eradication Policy 2010.³⁷⁸ The policy serves as a guiding instrument for the formulation of future laws and policies regarding child labor. The policy also calls for the formation of a National Child Labor Welfare Council to monitor the child labor situation at a national level.³⁷⁹

The Third National Plan of Action for Children (2005-2010) commits the Government to carry out a variety of tasks to eliminate the worst forms of child labor, with a particular focus on child domestic workers, migrants, refugees, and other vulnerable groups. The commitments include introducing regulations, ensuring working children's access to education, and strengthening the labor inspectorate.³⁸⁰ The Government's 2009 Poverty Reduction Strategy Paper (PRSP) includes a strategic goal to protect child laborers and eliminate 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 educational opportunities for working children.³⁸¹ It is estimated that the PRSP will cost approximately

\$51 billion to implement although the Government has not yet appropriated funding to support its implementation.³⁸² While trafficking is mentioned as an ancillary item in a number of government policies including the PRSP and the Third National Plan of Action for Children, the Government lacks a National Plan of Action to combat trafficking.

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

From 2000 to 2005, the Government participated in a USDOL-funded project that provided alternative learning and employment opportunities for families of exploited and at-risk children. Through the provision of education and vocational training services, the project withdrew and prevented children from hazardous work in construction; production of hand-rolled cigarettes and matches; leather tanning industries; and from child domestic work.³⁸³ The project also supported research, which included a survey on hazardous child labor in Bangladesh.³⁸⁴

UNICEF is collaborating closely with the Government to implement the second phase of a project to set up education centers that provide non-formal education and livelihood skills to over 350,000 working children and adolescents.³⁸⁵ The Government is also participating in a Netherlands-funded project that aims to prevent and eliminate the worst forms of child labor in the informal economy in Dhaka³⁸⁶ and a USDOL-funded ILO-IPEC project to conduct data collection on child labor.³⁸⁷

The Government of Bangladesh, under MOLE, took steps to target children engaged in or at-risk of exploitive labor under its own auspices through a national program which concluded in June 2009.³⁸⁸ This program was implemented by NGOs and targeted 21 sectors in which children work. The project enabled over 30,000 working children to leave hazardous occupations by providing them with additional skills.³⁸⁹ The Ministry of Women also partners with UNICEF on a project to support the Third National Plan of Action for Children.³⁹⁰ These projects are important but lack the resources and the scope needed to reach the large numbers of children engaged in or at risk of the worst forms of child labor.

To combat child trafficking, the Government is participating in a USAID-funded project that aims to build the capacity of the police to identify and prosecute traffickers, expand public awareness on trafficking, and provide services to trafficking

victims.³⁹¹ Additionally, the Government supports six shelters for women and child trafficking victims and is participating in a Danish International Development Agency-funded child helpline service.³⁹²

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

IN THE AREA OF LAWS AND REGULATIONS:

- Develop and approve a list of hazardous work, including hazardous occupations prohibited for children.
- Raise the compulsory education age to 14, the established minimum age for work.
- Amend the labor law to provide clear enforcement authority to MOLE beyond the formal employment sector to include both agriculture and home-based enterprises.
- Amend and harmonize the Penal Code of 1860 and the Children's Act of 1974 to include protections for all children (including boys) under the age of 18.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure labor inspections adequately investigate child labor violations.
- Enhance data collection on the worst forms of child labor and make worst forms of child labor enforcement statistics publically available.

IN THE AREA OF POLICIES:

- Commit adequate funding to implement the 2010 National Child Labor Eradication Policy.
- Enact a National Plan of Action to combat trafficking-in-persons.

IN THE AREA OF PROGRAMS:

- Commit funding and expand the scope of social programs to adequately assist the large numbers of children engaged in or at risk of the worst forms of child labor in Bangladesh.

³⁴⁴ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data on working children and children combining working and schooling are from 2006. Data on school attendance are from 2007. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Data Sources and Definitions" section.

³⁴⁵ U.S. Embassy - Dhaka, *reporting*, February 23, 2010, 1. See also U.S. Department of State, "Bangladesh" in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136085.htm>.

³⁴⁶ Bangladesh Bureau of Statistics, *Baseline Survey for Determining Hazardous Child Labour Sectors in Bangladesh*, Dhaka, July 2006. See also U.S. Embassy - Dhaka, *reporting*, February 23, 2010, 2.

³⁴⁷ Bangladesh Bureau of Statistics, *Baseline Survey for Determining Hazardous Child Labour*. See also U.S. Embassy - Dhaka, *reporting*, February 23, 2010, 2. See also Bloomberg Businessweek, *How China's Labor Conditions Stack Up Against Those of other Low-cost Nations*, [November 27, 2006 [cited September 21 2010];

available from http://www.businessweek.com/magazine/content/06_48/b4011009.htm. See also Habibur Rahman Bhuiyan Md. Nurual Huda Bhuyian, Matiur Rahim, Kabir Ahmed, K.M. Formuzul Haque, Md. Tariqul Hassan and Md. Nazrul Islam Bhuiyan., *Screening of Organochlorine Insecticides (DDT and Heptachlor) in Dry Fish Available in Bangladesh*, July 29 2008, 115; available from <http://www.banglajol.info/index.php/BJP/article/viewFile/997/1096>.

³⁴⁸ U.S. Department of State, “Country Reports- 2009: Bangladesh,” section 7d. See also Bangladesh Bureau of Statistics, *Baseline Survey for Determining Hazardous Child Labour*, 20, 94, 95, 168. See also Solidarity Center, *The True Cost of Shrimp*, Washington, DC, January 2008, 29, 30; available from http://www.solidaritycenter.org/files/pubs_True_Cost_of_Shrimp.pdf. See also U.S. Embassy - Dhaka, *reporting*, February 5, 2009, question 2d.

³⁴⁹ Solidarity Center, *The True Cost of Shrimp*, 29, 30. See also Siddarth Kara, *On the Trail of Child Labor in Bangladesh*, [online] 2010 [cited November 5, 2010]; available from <http://www.cnn.com/2010/WORLD/asiapcf/08/03/kara.human.traffic.india/index.html>.

³⁵⁰ International Federation for Human Rights, *Childbreaking Yards*, Paris, 2008, 5, 17, 15; available from <http://www.fidh.org/IMG/pdf/bgukreport.pdf>. See also Sandy Tolan, *Babu's Story: A Child Worker in the Shipyards of Bangladesh*, [June 18, 2009 [cited April 29, 2010]. See also U.S. Department of State, “Country Reports- 2009: Bangladesh,” section 5.

³⁵¹ International Federation for Human Rights, *Childbreaking Yards*, 5, 17, 15. See also Tolan, *Babu's Story*. See also U.S. Department of State, “Country Reports- 2009: Bangladesh,” section 5.

³⁵² Bangladesh Bureau of Statistics, *Baseline Survey for Determining Hazardous Child Labour Sectors in Bangladesh*, Dhaka, July 2006, 20, 95.

³⁵³ ILO Labour Office- Dhaka, *Baseline Survey on Child Domestic Labour (CDL) in Bangladesh*, December 2006, xiv, 4; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=4647>. See also U.S. Department of State, “Bangladesh,” in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, sections 5, 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119132.htm>. See also UNICEF, *Basic Education for Hard-to-Reach Urban Working Children*, [online] 2008 [cited May 5, 2010]; available from http://www.unicef.org/bangladesh/Education_for_Working_Children_%28BEHTRUWC%29.pdf.

³⁵⁴ U.S. Department of State, “Country Reports- 2009: Bangladesh,” section 5, 7d. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Bangladesh (ratification: 2001)*, [online] 2005 [cited April 29, 2010]; 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](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).

³⁵⁵ U.S. Department of State, “Country Reports- 2009: Bangladesh,” section 7d. See also Bangladesh Bureau of Statistics, *Baseline Survey for Determining Hazardous Child Labour*, 95. See also U.S. Embassy - Dhaka, *reporting*, February 23, 2010, 1.

³⁵⁶ Bangladesh Bureau of Statistics, *Report on Commercial Sexual Exploitation of Children Pilot Survey 2008*, Dhaka, August 2009, preface. See also U.S. Department of State, “Country Reports- 2009: Bangladesh,” section 7d. See also U.S. Department of State, “Bangladesh (Tier 2 Watch List),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/index.htm>.

³⁵⁷ Bangladesh Bureau of Statistics, *Baseline Survey of Street Children in Bangladesh*, Dhaka, December 7, 2003, x; available from <http://www.ilo.org/public/english/region/asro/newdelhi/ipecc/download/resources/bangladesh/bgdpubl03eng5.pdf>. 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. See also ECPAT International, *South Asia Regional Consultation on Prostitution of Boys*, press release, Dhaka, June 8-9, 2006.

³⁵⁸ U.S. Embassy- Dhaka, *reporting*, February 5, 2009, 1.

³⁵⁹ *Ibid.*, 2.

³⁶⁰ Government of Bangladesh, *Written Communication*, submitted in response to U.S. Department of Labor Federal Register Notice (February 24, 2010) “Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor”, Dhaka, April 8, 2010, 3. See also Ministry of Labour and Employment, *National Child Labour Eradication Policy 2010*, Dhaka, March 2010.

³⁶¹ Government of Bangladesh, *Penal Code*, Act No. XLV, (1860); available from http://supremecourt.gov.bd/act_files/act_11.html. See also U.S. Embassy - Dhaka, *reporting*, May 2, 2009, 2.

³⁶² Government of Bangladesh, *Penal Code*. See also U.S. Embassy - Dhaka, *reporting*, May 2, 2009, 2.

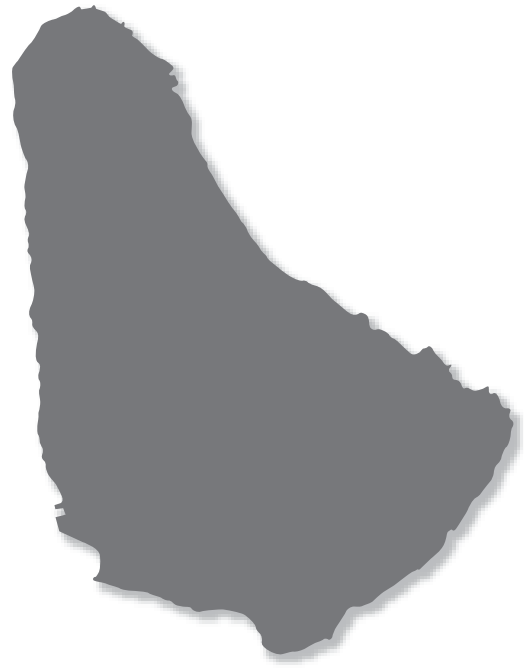
³⁶³ Government of Bangladesh, *Suppression of Violence against Women and Children Act*, Act. No. VIII, (2000), article 6. See also U.S. Embassy- Dhaka, *reporting*, February 5, 2009, 2.

³⁶⁴ Government of Bangladesh, *Penal Code*, article 366a. See also Government of Bangladesh, *The Children Act*, Act No. XXXIX (1974), article 42; available from http://www.law.yale.edu/rcw/rcw/jurisdictions/assc/bangladesh/Bang_Child_Act_and_Rules.htm. See also U.S. Embassy - Dhaka, *reporting*, May 2, 2009, 2.

- ³⁶⁵ UNICEF ILO, and UNESCO,, *Child Labour and Education in Bangladesh: Evidence and Policy Recommendations*, 2008; available from http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/publication/wcms_107508.pdf.
- ³⁶⁶ U.S. Department of State, “Trafficking in Persons Report- 2009: Bangladesh.”
- ³⁶⁷ U.S. Embassy - Dhaka, *reporting, February 23, 2010*, 4.
- ³⁶⁸ Ibid.
- ³⁶⁹ Ibid., 5.
- ³⁷⁰ Ibid.
- ³⁷¹ Ibid.
- ³⁷² Ibid.
- ³⁷³ Ibid., 6.
- ³⁷⁴ Ibid. See also U.S. Department of State, “Country Reports- 2009: Bangladesh,” section 5.
- ³⁷⁵ U.S. Department of State, “Country Reports- 2009: Bangladesh,” section 5.
- ³⁷⁶ U.S. Embassy - Dhaka, *reporting, February 23, 2010*, 4, 7.
- ³⁷⁷ Ibid., 8.
- ³⁷⁸ Ministry of Labour and Employment, *Child Labor Policy*. See also Government of Bangladesh, *Written Communication, submitted in response to U.S. Department of Labor Federal Register Notice*, 3.
- ³⁷⁹ Ministry of Labour and Employment, *Child Labor Policy*, 3, 16.
- ³⁸⁰ U.S. Embassy- Dhaka, *reporting, February 5, 2009*. See also U.S. Embassy - Dhaka, *reporting, February 23, 2010*, 9. See also Government of Bangladesh, *National Plan of Action for Children 2005 - 2010: Bangladesh*, Dhaka, 2005, 67-69, 72; available from <http://mowca.gov.bd/pages/Child-Action-Plan.pdf>.
- ³⁸¹ U.S. Embassy - Dhaka, *reporting, February 23, 2010*, 10.
- ³⁸² Ibid.
- ³⁸³ U.S. Department of Labor, “*Preventing and Eliminating Worst Forms of Child Labor in Selected Formal and Informal Sectors in Bangladesh*” *Project Summary*, 2010.
- ³⁸⁴ Ibid.
- ³⁸⁵ UNICEF, *Basic Education for Hard-to-Reach Urban Working Children*. See also U.S. Embassy - Dhaka, *reporting, February 23, 2010*, 11.
- ³⁸⁶ ILO-IPEC, “Urban Informal Economy (UIE) Project of Support to the National Time Bound Programme towards the Elimination of Worst Forms of Child Labor in Bangladesh Project Summary,” (2010).
- ³⁸⁷ ILO-IPEC official, E-mail communication to USDOL official, March 31, 2009.
- ³⁸⁸ U.S. Embassy - Dhaka, *reporting, February 23, 2010*, 11.
- ³⁸⁹ U.S. Embassy- Dhaka, *reporting, February 5, 2009*.
- ³⁹⁰ U.S. Embassy - Dhaka, *reporting, February 23, 2010*, 9.
- ³⁹¹ Winrock International, *Actions for Combating Trafficking-in-Persons Project Summary*, 2008; available from <http://actbd.org/doc/Leaflet%20ACT%20Bangladesh%20FINAL.pdf>.
- ³⁹² U.S. Department of State, “Trafficking in Persons Report- 2009: Bangladesh.” See also Child Helpline International, *Recommendations to the UN Committee on the Rights of the Child*, 2009; available from http://www.crin.org/docs/Bangladesh_CHI_NGO_Report.doc.

Barbados

The Government of Barbados has strengthened its legal framework by setting the minimum age for employment at 16. Although Barbados does not appear to have a significant child labor problem, children are found to be victims of commercial sexual exploitation and social programs targeting these children appear to be insufficient.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor






There have been some reports in Barbados that children are found in the worst forms of child labor,³⁹³ namely as victims of commercial sexual exploitation.³⁹⁴

Laws and Regulations on the Worst Forms of Child Labor

The Employment (Miscellaneous Provisions) Act sets the minimum age for employment at 16 for certain sectors including mines, quarries, manufacturing, maintenance, construction, and demolition work.³⁹⁵ Other sectors, particularly agriculture, are not listed among the sectors where the minimum age regulations apply.³⁹⁶

The Employment (Miscellaneous Provisions) Act also prohibits children under age 18 from engaging in any work likely to harm their safety, health, or morals. However, there is no reference to the types of work considered to be hazardous and likely to jeopardize the health, safety or morals of children.³⁹⁷ No information was identified to indicate such types of work were listed in other laws or regulations.

The Constitution prohibits forced and compulsory labor.³⁹⁸ Several other laws may be used protect

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

children from trafficking and sexual exploitation.³⁹⁹ The Offenses Against the Persons Act protects children under age 16 from being trafficked from Barbados to other places for employment.⁴⁰⁰ The same Act penalizes slavery including importing and exporting a person as a slave; however, it is not clear that this provision actually covers trafficking.⁴⁰¹ The

Sexual Offences Act makes it a crime to take a person away or detain a person for sexual relations.⁴⁰² The Protection of Children Act provides protection against pornography and makes it a crime to take or allow others to take indecent photographs of a child under 18.⁴⁰³

In Barbados, volunteers for the Defense Force have to be at least age 18 to enlist, but may enlist earlier with parental consent.⁴⁰⁴

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor and Social Security established a National Committee on Child Labor in February 2004.⁴⁰⁵ The Committee has been coordinating resources and gathering expertise to facilitate an integrated approach to abolish child labor in the country.⁴⁰⁶

Child labor sub-committees were also created to strengthen interagency co-operation in the harmonization of legislation, the development of a survey instrument, and to implement educational and mass media program on child labor.⁴⁰⁷

The Child Care Board and the Ministry of Labor (MOL) are responsible for monitoring and investigating child labor cases.⁴⁰⁸ The MOL has 11 inspectors to enforce possible violations of the Employment Act, including cases of child labor.⁴⁰⁹ During recent years, there were no cases of child labor violations reported.⁴¹⁰

The Royal Barbados Police Force has the responsibility for taking the lead in investigating trafficking complaints.⁴¹¹ During the reporting period, there were no investigations conducted or trafficking cases prosecuted.⁴¹²

Government Policies on the Worst Forms of Child Labor

While the worst forms of child labor do not appear to be a significant problem in Barbados, the Government does not have a comprehensive policy framework to combat the worst forms of child labor, including commercial sexual exploitation of children.

The Government has recognized the need to conduct research and statistical analysis to obtain more detailed information on the worst forms of child labor.⁴¹³ Moreover, the Government acknowledged specifically that commercial sexual exploitation of children is a concern although the full extent of the problem is unknown.⁴¹⁴

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

During the reporting period, the Government worked with the International Office of Migration to conduct training programs to sensitize the police force on the issue of trafficking.⁴¹⁵ However, there is no evidence of programs to provide services to child victims.

In June 2008, the Government launched a child labor media campaign involving print, radio and television ads to sensitize the public about child labor and its worst forms.⁴¹⁶

The Government of Barbados participated in a regional child labor program through the ILO sub regional Office for the Caribbean. From 2001 to 2002, the project, funded by the Government of Canada, initiated a rapid assessment study on the worst forms of child labor to facilitate the identification of vulnerable groups and to collect general information on child labor, particularly the worst forms.⁴¹⁷

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend minimum age provisions of the Employment (Miscellaneous Provisions) Act to include all sectors of economic activity, including agriculture.
- Develop and adopt a list of occupations and activities considered hazardous and likely to jeopardize the health, safety, or morals of young persons.
- Ensure that all children under age 18 are protected from trafficking.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Develop mechanisms to improve the number of investigation and prosecution of trafficking and commercial sexual exploitation offenders.

IN THE AREA OF POLICIES:

- Conduct a comprehensive study to update and assess the nature and extent of the worst forms of child labor nationwide, especially trafficking and the commercial sexual exploitation of children.
- Use the results of the study to develop a national plan of action to address the worst forms of child labor, particularly child trafficking and commercial sexual exploitation.

IN THE AREA OF PROGRAMS:

- Develop programs to provide services to victims of child trafficking and commercial sexual exploitation.

³⁹³ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

³⁹⁴ U.S. Department of State, “Barbados,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010, 77; available from <http://www.state.gov/documents/organization/142979.pdf>. See also Government of Barbados Ministry of Labour, *FAQs About Child Labour* [Online] 2009 [cited November 1, 2010]; available from <http://labour.caribyte.com/child-labour-faqs>.

³⁹⁵ Government of Barbados, *Employment (Miscellaneous Provisions) Act*, March 24, 1977 1977; available from [http://www.caricomlaw.org/docs/Employment%20\(Miscellaneous%20Provisions\).pdf](http://www.caricomlaw.org/docs/Employment%20(Miscellaneous%20Provisions).pdf).

³⁹⁶ Ibid.

³⁹⁷ Ibid. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labor*

Convention, 1999 (No. 182) Barbados (ratification: 2000) Submitted 2009, [on line] 2009 [cited March 9, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23486&chapter=9&query=Barbados%40ref&highlight=&querytype=bool&context=0>.

³⁹⁸ U.S. Department of State, “Barbados,” in *2009 Human Rights Report: Barbados* Washington, DC March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136100.htm>. See also U.S. Embassy- Bridgetown, *reporting*, February 8, 2010.

³⁹⁹ U.S. Department of State, “Trafficking in Persons Report 2010: Barbados.” See also

⁴⁰⁰ Government of Barbados, *Offences Against the Persons*, (1994), section 53(3); available from <http://www.caricomlaw.org/docs/Offences%20Against%20the%20Person.pdf>.

⁴⁰¹ Ibid.

⁴⁰² Government of Barbados, *Offences Against the Person*, 1995, section 13, 17. See also Clive Pegus, *A Review of Child Labour Laws of Barbados - A Guide to Legislative Reform*, ILO, June 2005; available from http://www.unicef.org/lac/spbarbados/Legal/national/Barbados/Other/review-child-labour-laws-barbados_ILO_2005.pdf.

⁴⁰³ Government of Barbados, *Protection of Children* 1991. See also Pegus, *A Review of Child Labour Laws of Barbados*, 34.

⁴⁰⁴ Coalition to Stop the Use of Child Soldiers, “Barbados,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁴⁰⁵ Ministry of Labour Government of Barbados, “Child Labour,” available from <http://labour.caribyte.com/child-labour>. See also Pegus, *A Review of Child Labour Laws of Barbados*.

⁴⁰⁶ Government of Barbados, “Child Labour.” See also Pegus, *A Review of Child Labour Laws of Barbados*.

⁴⁰⁷ Government of Barbados, “Child Labour.”

⁴⁰⁸ U.S. Embassy- Bridgetown, *reporting, February 8, 2010*. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Barbados (ratification: 2000) 2009*.

⁴⁰⁹ U.S. Embassy- Bridgetown, *reporting, February 8, 2010*. See also ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No.138) Barbados (ratification: 2000) Submitted: 2009*, [online] 2009 [cited March 9, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23231&chapter=9&query=Barbados%40ref&highlight=&querytype=bool&context=0>

⁴¹⁰ U.S. Embassy- Bridgetown, *reporting, February 8, 2010*.

⁴¹¹ U.S. Department of State, “Trafficking in Persons Report 2010: Barbados.” See also U.S. Embassy- Bridgetown, *reporting, February 8, 2010*.

⁴¹² U.S. Department of State, “Trafficking in Persons Report 2010: Barbados.” See also U.S. Embassy- Bridgetown, *reporting, February 8, 2010*.

⁴¹³ Government of Barbados, *Child Labour Media Campaign Launched this Morning*, [online] June 13, 2008 [cited March 9, 2010]; available from <http://www.gov.bb/portal/page/portal/GISMEDIA%20CENTRENEWS%20MANAGEMENT/News%20Archive/Child%20Labour%20Media%20Campaign%20Launched%20this%20Morning>. See also Government of Barbados, “Child Labour in Barbados - A Hidden Problem,” available from <http://labour.caribyte.com/news/7>.

⁴¹⁴ Government of Barbados, *Child Labour Media Campaign Launched this Morning*. See also Government of Barbados Ministry of Labour, *FAQs About Child Labour*.

⁴¹⁵ U.S. Embassy- Bridgetown, *reporting, February 8, 2010*.

⁴¹⁶ Government of Barbados, *Child Labour Media Campaign Launched this Morning*.

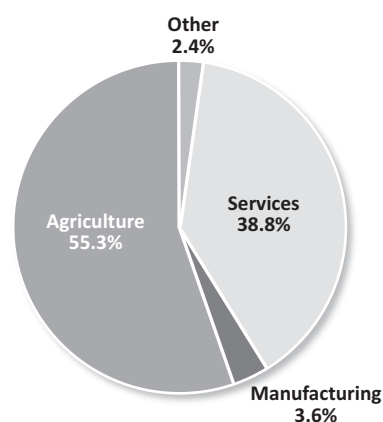
⁴¹⁷ ILO Committee of Experts, *Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Barbados (ratification: 2000) 2009*. See also ILO Subregional Office for the Caribbean, *Project Overview - ILO Subregional Office for the Caribbean Child Labour Project*, [Online] [cited October 18, 2010]; available from <http://www.ilocarib.org.tt/projects/childlabour/project-overview.html>.

Belize

The Government has implemented programs to address child trafficking and commercial sexual exploitation of children. However, children continue to be exploited in prostitution and many children work in risky situations in agriculture. Limited information on the Government's enforcement efforts can be reported.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	53.1%
Attending School	5-14 yrs.	93.2%
Combining Work and School	7-14 yrs.	6.2%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Belize are exploited in the worst forms of child labor, many of them in the production of agricultural goods.⁴¹⁸ Children working in agriculture may use potentially dangerous tools, carry heavy loads, or be involved in the application of harmful pesticides.⁴¹⁹ Children of migrant workers often help their parents during the harvest period to increase family income.⁴²⁰ Children in rural areas are also reported to work in agriculture after school, on weekends, and during vacations.

Children in urban areas are found working on the streets shining shoes and vending foods, crafts, and other small items.⁴²¹ Children working on the streets may be exposed to severe weather, accidents caused by proximity to vehicles, and criminals. Children in Belize are also involved in commercial sexual exploitation and trafficking.⁴²² Poor families are known to push their school-aged daughters to provide sexual favors in exchange for money and gifts.⁴²³ Children of

both sexes are involved in prostitution, including sex tourism, an emerging problem in Belize.⁴²⁴ There are reports of children from Guatemala, Honduras, and El Salvador that migrated to Belize voluntarily looking for work, but ended up in forced labor or prostitution.⁴²⁵

Laws and Regulations on the Worst Forms of Child Labor

The Labor Act of Belize sets the minimum age for work at 14 but permits children age 12 to 13 to engage in non-industrial jobs and other light work. It also specifically prohibits the employment of children under age 15 in maritime jobs.⁴²⁶ The Families and Children Act prohibits the employment of child under age 18 in harmful work but does not specifically list the types of work that qualify.

The Constitution prohibits forced labor.⁴²⁷ Belizean law also prohibits the voluntary or compulsory recruitment of children under age 18 into military service.⁴²⁸

The Trafficking in Persons Prohibition Act of 2003 bans the trafficking of all persons, including children.⁴²⁹ The Criminal Code prohibits sex with a female under age 14. The Criminal Code also prohibits the procurement or attempted procurement of a female under age 18 for the purpose of sex. However, the prohibition is significantly weakened by the fact it does not apply to “common prostitutes or persons of known immoral character.”⁴³⁰ This exception may be used as a mechanism to deny protection to some females, including girls under 18. In addition, the Criminal Code does not explicitly extend the same protections from prostitution to boys.⁴³¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Child Labor Committee (NCLC) advocates for legislation and policy action to more fully prohibit the worst form of child labor and achieve effective prosecution of such acts.⁴³² It is seeking reforms to give greater enforcement powers to labor officers and inspectors, standardize the definition of “child” in all legislation, and review the minimum age for work.⁴³³

The Ministry of Labor is responsible for enforcing child labor laws. The Ministry of Labor employs 14 labor inspectors countrywide. These inspectors enforce all labor laws and conduct workplace inspections in

all sectors of the economy.⁴³⁴ In 2009, the Ministry broadened the responsibilities of eight employment officers to include conducting workplace inspections.⁴³⁵ The Ministry has also provided training to labor officers and inspectors on issues relating to the worst forms of child labor, including the commercial sexual exploitation of children.⁴³⁶

The Department of Human Services of the Ministry of Human Development and Social Transformation, the Belize Police Department, and the Immigration Department investigate and enforce child trafficking and commercial sexual exploitation laws.⁴³⁷ The Police Department, through the Sexual Offences and the Family Violence units, also investigates reports of other child labor crimes. In 2009, it was reported that these units were constrained by insufficient human and financial resources. Police officers were reported to be overloaded, as they often managed broad caseloads, not exclusively comprised of child labor and exploitation cases.⁴³⁸

The Anti-Trafficking in Persons Committee also investigated worst forms of child labor complaints.⁴³⁹ Reports indicate that in 2009 the Government conducted five anti-trafficking enforcement operations, but there is no information on whether children were involved.⁴⁴⁰ No prosecutions and convictions by Belize authorities against trafficking offenders were reported in 2009.⁴⁴¹

In 2009, the Ministry of Human Development registered 13 new cases of children at risk of becoming victims of sexual exploitation. The children received assistance such as education, counseling, and other services based on individual needs.⁴⁴²

Research uncovered no other information on violations or enforcement of laws prohibiting the worst forms of child labor.

Government Policies on the Worst Forms of Child Labor

The NCLC implements the Government’s National Child Labor Policy. Introduced in October 2009, the policy provides guidance and direction regarding the elimination of all forms of child labor, especially the worst forms. It seeks a multi-sectoral approach to combat exploitive child labor through consultations between governmental agencies, NGOs, ILO, and other relevant organizations.⁴⁴³

The National Plan of Action for Children and Adolescents (2004-2015) aims to protect children from trafficking, commercial sexual exploitation, and other worst forms of child labor. The plan seeks amendment of the Labor Act to better address child labor issues, strengthen enforcement capacity of key ministries, and increase prevention and public awareness efforts.⁴⁴⁴ Under auspices of the plan, the Government worked with the tourism industry to advance a code of conduct in an effort to eliminate child sex tourism. Public service announcements in multiple languages and posters have been distributed by the government in a campaign against trafficking.⁴⁴⁵

The National Commission on Families and Children (NCFC) has received government funds of approximately \$100,000 annually for the implementation of the National Plan of Action.⁴⁴⁶

The Government of Belize also supports local NGO's that contribute to the objectives of the National Plan of Action. It has donated land, the use of building space, and budgetary assistance to organizations that provide programs and protection to victims of child trafficking, sexual exploitation, and other worst forms of child labor.⁴⁴⁷ Despite government and NGO efforts, the country still faces constrained resources with which to implement the National Plan of Action.

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

In 2009, the Government of Belize maintained partnerships with local and international NGOs to promote awareness of commercial exploitation of children.⁴⁴⁸ The Government has worked with NGOs in Belize City to educate children and parents about the dangers of sexual exploitation.

The Government participates in regional projects to combat the worst forms of child labor, including an ILO-IPEC project that aims to create and strengthen legislative prohibitions, national plans of action, and repatriation protocols to build the capacity of government and civil society organizations to combat commercial sexual exploitation of children and child trafficking.⁴⁴⁹ Limited resources prevent the Government from reaching all children at risk of sexual exploitation and trafficking.⁴⁵⁰

Research has not identified any Government programs specifically designed to address the worst forms of child labor in agriculture and street work.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Create and adopt a definition of hazardous work and establish a list of hazardous occupations.
- Amend existing laws on prostitution to ensure protections to all boys and girls.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure that information regarding the worst forms of child labor, including the number of complaints, investigations, convictions, and penalties is publicly available.
- Provide additional resources to police and other law enforcement officers to effectively investigate and prosecute worst forms of child labor cases.

IN THE AREA OF POLICIES:

- Fully implement the Plan of Action for Children and Adolescents (2004-2015).

IN THE AREA OF PROGRAMS:

- Consider the adequacy of resources devoted to combating child trafficking and the commercial sexual exploitation of children.
- Develop and implement new programs aimed at eliminating the worst forms of child labor in agriculture and street work.

⁴¹⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data are from 2001. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴¹⁹ U.S. Embassy- Belmopan, *reporting*, March 19, 2010.

⁴²⁰ Ibid.

⁴²¹ U.S. Department of State, "Belize," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136101.htm>.

⁴²² U.S. Department of State, "Belize (Tier 2 Watch List)," in *Trafficking in Persons Report - 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>.

⁴²³ Ibid.

⁴²⁴ U.S. Embassy- Belmopan, *reporting*, March 19, 2010.

⁴²⁵ Ibid.

⁴²⁶ Government of Belize, *Labour Act (Revised)*, (December 31, 2000); available from http://www.ilocarib.org.tt/projects/cariblex/belize_act5.shtml.

⁴²⁷ Government of Belize, *Constitution of Belize, Revised Edition*, (December 31, 2000); available from <http://www.belizelaw.org/lawadmin/index2.html>.

⁴²⁸ Government of Belize, *Defence Act, Ordinance of 1977*, (1977).

⁴²⁹ U.S. Department of State, "Trafficking in Persons Report - 2010: Belize."

⁴³⁰ Government of Belize, *Criminal Code*, (May 31, 2003); available from <http://www.belizelaw.org/lawadmin/index2.html>.

⁴³¹ Ibid.

⁴³² Ibid.

⁴³³ U.S. Embassy- Belmopan, *reporting*, March 9, 2010.

⁴³⁴ Ibid.

⁴³⁵ Ibid.

⁴³⁶ Ibid.

⁴³⁷ U.S. Embassy- Belmopan, *reporting*, March 19, 2010.

⁴³⁸ U.S. Embassy- Belmopan, *reporting*, March 9, 2010.

⁴³⁹ Ibid.

⁴⁴⁰ Ibid.

⁴⁴¹ U.S. Embassy- Belmopan, *reporting*, March 19, 2010.

⁴⁴² Ibid.

⁴⁴³ U.S. Embassy- Belmopan, *reporting*, March 9, 2010.

⁴⁴⁴ Government of Belize, *The National Plan of Action for Children and Adolescents in Belize 2004-2015*, Belize City, September 4, 2004; available from <http://www.mohd.gov.bz/NPA.pdf>.

⁴⁴⁵ U.S. Department of State, "Belize (Tier 2 Watch List)," in *Trafficking in Persons- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/>.

⁴⁴⁶ U.S. Embassy- Belmopan, *reporting*, March 9, 2010.

⁴⁴⁷ U.S. Embassy- Belmopan, *reporting*, March 19, 2010.

⁴⁴⁸ Ibid.

⁴⁴⁹ 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, April 30, 2009, 1, 54. 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*, Technical Progress Report, September 13, 2006, 32.

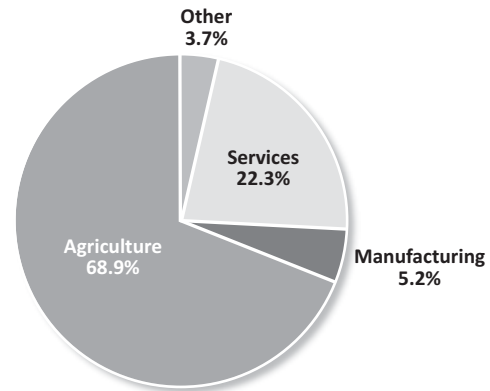
⁴⁵⁰ U.S. Embassy- Belmopan, *reporting*, March 19, 2010.

Benin

Benin issued the first volume of its new Child Code, compiling a wide range of existing laws that address abuses associated with child labor and that guarantee the protection of children. Child domestic labor and trafficking of children remain problems. A lack of restrictions on domestic work for children 12 and 13, a legal school leaving age that is less than the minimum age for work, and a general lack of enforcement capability are gaps in efforts toward the elimination of the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	13.2%
Attending School	5-14 yrs.	59.2%
Combining Work and School	7-14 yrs.	1.4%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Benin are exploited in the worst forms of child labor, many of them in domestic labor.⁴⁵¹ Under the practice of “vidomegon,” girls, primarily from poor families, are sent to work as domestics in exchange for housing and food. Any income generated from these arrangements is shared between the children’s host and natural families. While such arrangements are voluntary between the families, the child is frequently subjected to long working hours, insufficient food, and sexual exploitation.⁴⁵²

Children are trafficked within Benin for domestic work, farm labor, labor in stone quarries and prostitution.⁴⁵³ The UN Committee on the Rights of the Child has expressed concerns about the risk of sexual exploitation faced by street children in Benin.⁴⁵⁴ Also, children are trafficked from Niger, Togo and Burkina Faso to Benin for domestic labor.⁴⁵⁵

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for work in Benin is 14. Children between ages 12 and 14 may perform any domestic work and temporary or seasonal light work if it does not interfere with their schooling.⁴⁵⁶ However, children in Benin are required to attend school only until age 11. This standard makes children age 12 to 14 vulnerable to the worst forms of child labor as they are not required to be in school but are not legally permitted to work either. The law prohibits workers under age 18 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.⁴⁵⁷ An expanded list of hazardous work prohibited for children is under review for approval by the National Labor Council; the council includes the government, employers’ associations and workers’ organizations.⁴⁵⁸

The law expressly forbids the trafficking of children.⁴⁵⁹ In October 2009, Benin promulgated three enabling decrees to regulate travel of minors within and across Benin's borders.⁴⁶⁰ Other decrees ban the use of children in armed conflicts.⁴⁶¹

During the reporting period, the Government adopted the first volume of the Child Code, a compilation of existing legislation related to children's rights, education, protection, labor, and health. The Code's second volume, containing a bill on child protection and amendments pertaining to offences committed regarding minors, is pending adoption by the National Assembly.⁴⁶²

Institutional Mechanisms for Coordination and Enforcement






Research found no specific evidence that the Government of Benin has established coordinating mechanisms to combat the worst forms of child labor. The Ministry of Family and National Solidarity (MFNS) implements the government's overall policy to improve children's welfare and leads government efforts to ensure children's rights.⁴⁶³ The MFNS chairs the National Monitoring and Coordination Working Group for Child Protection (CNSCPE), a technical agency that serves as a task force and comprises five (5) technical committees.⁴⁶⁴ Each Committee has an action plan and proposes activities to CNSCPE. The CNSCPE then collaborates with sector-based Ministries, NGO networks, international technical and financial partners and bilateral partners in implementing the activities.⁴⁶⁵

Research has not identified the number of inspectors responsible for enforcing child labor laws in Benin, nor the number of inspections conducted during the reporting period. The Government budgeted \$88,500 to fight child labor in its 2009 budget.⁴⁶⁶ This funding level is not sufficient to effectively enforce the child labor laws.⁴⁶⁷

Government Policies on the Worst Forms of Child Labor

Benin has a National Action Plan to Combat and Eradicate Child Trafficking and Labor Exploitation.⁴⁶⁸

The CNSCPE works with the Nigerian government to combat cross-border trafficking, particularly the trafficking of children from Benin to Nigeria for work in stone quarries. Under the coordination of the joint Benin and Nigeria Committee to Combat Child Trafficking, the two governments developed a 2009-2010 Action Plan to reinforce border security measures and repatriate the victims of trafficking.⁴⁶⁹ Child victims are not repatriated unless a safe reinsertion program, such as schooling, vocational training, or an apprenticeship, has been arranged in advance. Victims may not be incarcerated or fined for unlawful acts committed as a direct result of being trafficked.⁴⁷⁰

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

The Growth Strategy for Poverty Reduction, launched in 2007 to meet the Millennium Development Goals, includes goals that would impact child labor, such as: free, universal primary education; better education quality and higher retention at the secondary level; and integration of children outside the school system; also vocational training and microfinance for youth and women to help them transition into the labor market. In addition, it calls for activities to protect children from abuse and to link them with appropriate social services.⁴⁷¹ The government outlined specific actions to be taken to achieve these goals and has initiated many of them. Nevertheless, the ILO Committee

of Experts continues to express concern at the low school attendance rate at the primary and secondary levels. Higher participation in education would reduce the likelihood that children under 14 are engaged in exploitive work.⁴⁷²

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

The Government has implemented the second anti-child trafficking project (2007-2011) that aims to improve children's living conditions and respect for children's rights.⁴⁷³ Benin participated in a 4-year USDOL-funded \$2 million project to increase participation of at-risk and trafficked children, especially girls, in appropriate education programs. The project withdrew 1,303 children and prevented 5,844 children from trafficking.⁴⁷⁴ Benin also created 1,529 grassroots committees in 33 local governments to monitor for child trafficking networks and provide community reintegration assistance for victims.⁴⁷⁵

The Ministry of Labor continues to conduct outreach programs to inform minors who are apprentices in handicraft workshops of their rights, and it operates several counseling centers.⁴⁷⁶ In addition the Government collects child labor data through the database ChildPro at the Central and Provincial levels with branches at the Communities' Social Promotion Centers to record data related to 14 areas pertaining to child welfare.⁴⁷⁷ There is no evidence that this data has yet been analyzed to better target social programs to reach those engaged in or at risk of child labor. Existing programs do not target some of the most common worst forms of child labor in Benin, particularly children engaged in domestic service, child sexual exploitation, quarrying, and agriculture.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Complete the review of the new list of hazardous work prohibited to children, and pass the list into law.
- Restrict domestic service for children ages 12 and 13 to light work, or ban it completely.
- Raise the age of compulsory education to 14.
- Adopt the second volume of the Child Code to bring into force additional protections for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a specific coordinating mechanism to combat the worst forms of child labor
- Collect, analyze, and publish statistics on child labor inspections to better target enforcement efforts.
- Reconsider budgetary priorities with a view toward providing more resources to inspectorates.

IN THE AREA OF POLICIES:

- Use the Growth Strategy for Poverty Reduction as a vehicle for efforts to increase children's participation in primary and secondary education.

IN THE AREA OF PROGRAMS:

- Develop social programs with targets to reach children engaged in domestic service, commercial sexual exploitation, stone quarries, and agriculture; data from the ChildPro database may be helpful in this regard.

⁴⁵¹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided is from 2003. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴⁵² U.S. Department of State "Country Reports- 2009: Benin," section 6. See also United Nations Economic and Social Council, Committee on Economic, Social and Cultural Rights, Fortieth session, Summary Record of the 10th Meeting, at Palais Wilson, Geneva, May 5, 2008, para 23 & 46. See also United Nations Convention on the Rights of the Child, October 20, 2006, 43rd session, consideration of reports submitted by states parties under Article 44 of the Convention, concluding observations: Benin, page 19, para 67 available from <http://www.unhchr.ch/tbs/doc.nsf/Documentsfrset?OpenFrameSet>.

⁴⁵³ U.S. Department of State "Country Reports- 2009: Benin," section 6.

⁴⁵⁴ United Nations Convention on the Rights of the Child, October 20, 2006, 43rd session, consideration of reports submitted by states parties under Article 44 of the Convention, concluding observations: Benin, page 22, para 73. See also United Nations Economic and Social Council, Committee on Economic, Social and Cultural Rights, Fortieth session, Summary Record of the 10th Meeting, at Palais Wilson, Geneva, May 5, 2008, page 7, para 41, available from <http://www.unhchr.ch/tbs/doc.nsf/Documentsfrset?OpenFrameSet>. See also (For free public education), Government of Benin *Constitution de la République du Benin*, (December 11, 1990), article 12, 13; available from <http://www.afrikinfo.com/lois/index.htm>.

⁴⁵⁵ U.S. Department of State "Country Reports- 2009: Benin," section 6.

⁴⁵⁶ 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. See also U.S. Embassy- Cotonou, *reporting*, February 1, 2010. See also U.S. Embassy- Cotonou, *reporting*, March 16, 2009. See also United Nations Convention on the Rights of the Child, October 20, 2006, 43rd session, consideration of reports submitted by states parties under Article 44 of the Convention, concluding observations: Benin, page 2, para 6 (d).

⁴⁵⁷ Inter-Ministerial Order No. 132 of 2000 as noted in ILO Committee of Experts, *Direct Request: Benin, Convention 138*, article 3, para 2. See also U.S. Embassy- Cotonou, *reporting*, February 1, 2010.

⁴⁵⁸ U.S. Embassy- Cotonou, *reporting*, February 1, 2010.

⁴⁵⁹ Gouvernement of Benin, *Loi portent conditions de déplacement des mineurs et répression de la traite d'enfants en République du Benin*, Loi no 2006-04 (2006), article 6; available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/73266/74783/F1933999553/BEN73266.pdf>. See also Committee of Experts on the Application of Conventions and Recommendations: Individual Direct Request concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Benin (ratification: 2001) Submitted: 2009; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=2...>

⁴⁶⁰ U.S. Embassy- Cotonou, *reporting*, February 1, 2010.

⁴⁶¹ Embassy of the Republic of Benin to the U.S., 2124 Kalorama Road, NW, Washington DC, www.beninembassy.us, letter to DOL from Ambassador Cyrille S. Oguin, in French (unofficial translation from U.S. Embassy- Cotonou, March 25, 2010.) See also Report of the Committee of Experts on the Application of Conventions and Recommendations, General Report and Observations concerning particular countries, Report III (Part 1A), ILO Conference, 99th Session, 2010, Geneva.

⁴⁶² U.S. Embassy- Cotonou, *reporting*, April 22, 2009, (Unofficial translation of Diplomatic Note: N:232/MAEIAFB/SGM/DAJDH/SDH, from the Ministry of Foreign Affairs, African Integration, Francophone and the Beninese Diaspora). U.S. Embassy has not obtained a copy of this draft legislation.

⁴⁶³ *Ibid.*

⁴⁶⁴ U.S. Embassy- Cotonou, official e-mail, August 9, 2010. See also U.S. Embassy- Cotonou, *reporting*, April 22, 2009. The five committees are: Trafficking and Exploitation; Juvenile Justice; Violence against Children; Orphans and Vulnerable Children; and Early Childhood.

⁴⁶⁵ U.S. Embassy- Cotonou, *reporting*, February 1, 2010.

⁴⁶⁶ "In addition, labor inspectors are expected to visit building sites, quarries, and apprenticeship workshops, among other sites, to verify that children, under the required labor law, are not exploited." U.S. Embassy- Cotonou, Official e-mail. September 30, 2010.

⁴⁶⁷ CEACR: Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Benin (ratification: 2001) Submitted: 2009; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=2...>

⁴⁶⁸ U.S. Embassy- Cotonou, *reporting*, April 22, 2009. See also United Nations Convention on the Rights of the

Child, October 20, 2006, 43rd session, Consideration of reports submitted by states parties under Article 44 of the Convention, Concluding observations: Benin, page 4, para 12, sec. b-d.

⁴⁶⁹ ILO Reports on Child Trafficking in West and Central Africa press release, June 2009, available from http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Press_releases/1...; See also U.S. Embassy-Cotonou, *reporting*, February 1, 2010. See also United Nations Economic and Social Council, Committee on Economic, Social and Cultural Rights, Fortieth session, Summary Record of the 10th Meeting, at Palais Wilson, Geneva, May 5, 2008, para 47. <http://www.unhchr.ch/tbs/doc.nsf/Documentsfrset?OpenFrameSet>

⁴⁷⁰ U.S. Department of State, *reporting*, Benin (Tier 2), *Trafficking in Persons Report, June 12, 2009*.

⁴⁷¹ International Monetary Fund and the World Bank (2007). Benin: Progress Report on Growth Strategy for Poverty Reduction. IMF Country Report. Washington, DC.

⁴⁷² Committee of Experts on the Application of Conventions and Recommendations: Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Benin (ratification: 2001) Submitted: 2009; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=2...> See also UNICEF,

“Conventions on the Rights of the Child.” (2008) available at http://www.unicef.org/crc/index_30160.html; See also United National Office on Drugs and Crime. “Signatories to the United Nations Convention against Transnational Crime and its Protocols.” (2010) available from <http://www.unodc.org/unodc/en/treaties/CTOC/signatures.html>; See also Brown, Karin, *Child Trafficking in Benin, West Africa*, Joan B. Kroc Institute for International Peace Studies, University of Notre Dame, March 2010.

⁴⁷³ U.S. Embassy- Cotonou, *reporting*, April 22, 2009 (Unofficial translation of Diplomatic Note: N:232/MAEIAFB/SGM/DAJDH/SDH, from the Ministry of Foreign Affairs, African Integration, Francophone and the Beninese Diaspora), Government of Benin’s efforts.

⁴⁷⁴ USDOL/ILAB Technical Cooperation Project Summary, EFP, 2003-2007, grantees were Catholic Relief Services/ Benin World Education; Terre des Hommes; Caritas Benin; and local Non-government organizations.

⁴⁷⁵ U.S. Embassy- Cotonou, *reporting*, April 22, 2009. Official translation of the Government of Benin report on its efforts to combat worst forms of child labor.

⁴⁷⁶ U.S. Embassy- Cotonou, *reporting*, March 16, 2009.

⁴⁷⁷ Ibid. See Also U.S. Embassy- Cotonou, *reporting*, April 22, 2009.

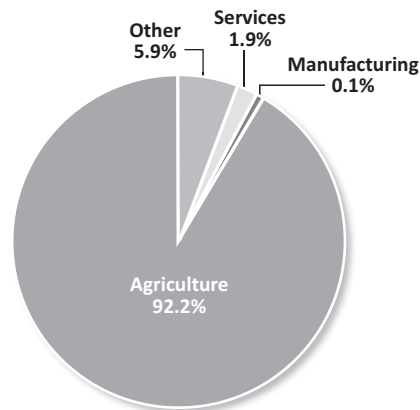
Bhutan

The Government of Bhutan has recently revised its legal framework to address the worst forms of child labor. However, children continue to engage in the worst forms of child labor in activities such as agriculture. The government has yet to fully establish coordinating mechanisms, policies, and programs to address many worst forms of child labor.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	19.6%
Attending School	5-14 yrs.	69.0%
Combining Work and School	7-14 yrs.	0.3%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Bhutan are exploited in the worst forms of child labor,⁴⁷⁸ especially in agriculture. They often work long hours, use dangerous tools, work unsupervised in dangerous environments, perform physically difficult tasks, and put themselves at risk for occupational injury.⁴⁷⁹ Girls, some as young as age 11, are more likely to be employed as child domestic workers. They may work long hours and be physically and sexually exploited by their employer.⁴⁸⁰

Some children in Bhutan work in unregulated activities such as rag picking.⁴⁸¹ Others are involved in construction and mining/quarrying, where their health may be endangered through long working hours and increased likelihood of accidents and physical harm from potentially dangerous machinery and tools.⁴⁸²

There have been limited reports that armed political groups such as the Bhutan Communist Party through its youth wing, the Bhutan Revolutionary Youth, as well as the Bhutan Tiger Force, have been recruiting children younger than age 16 from refugee camps for

military purposes.⁴⁸³ There is also limited evidence that girls under age 18 are involved in commercial sexual exploitation.⁴⁸⁴

Laws and Regulations on the Worst Forms of Child Labor

The 2007 Labor and Employment Act of Bhutan sets the minimum age for work at age 18.⁴⁸⁵ Children age 13 to 17 are allowed to work, but are prohibited from working in hazardous areas, and the Act prohibits work that exposes children to physical harm, dangerous machinery, or an unhealthy working environment.⁴⁸⁶ However, exceptions allow children age 13 to 17 to work in certain roles within 11 identified forms of hazardous labor, presuming the work does not endanger the child.⁴⁸⁷ These exceptions may not be specific enough to avoid risk of harm to children. For example, while mining and quarrying are identified as hazardous forms of labor, children may work as sweepers and cleaners in this industry.⁴⁸⁸ Children working as sweepers and cleaners in mines may be exposed to hazardous dust and debris that should not be inhaled.

The Labor and Employment Act of Bhutan also protects children under age 18 from forced or compulsory labor, trafficking, recruitment into the armed forces, prostitution and pornography, use by adults in illicit drug-related activities, and labor endangering their health, safety, or morals.⁴⁸⁹ The Act also lays out penalties for anyone convicted of trafficking of children.⁴⁹⁰ The Penal Code prohibits child commercialized sexual exploitation and trafficking of children for prostitution.⁴⁹¹





The Ministry of Labor and Human Resources is empowered to investigate child labor complaints and to require employers to come into compliance with child labor laws throughout the country. However, all investigations take place in the capital city of Thimpu.⁴⁹⁴

Government Policies on the Worst Forms of Child Labor

Research has found no evidence of any policies to address the worst forms of child labor.

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

The National Commission for Women and Children manages a program titled Project Hope, which provides residential shelters for children at-risk of exploitative child labor.⁴⁹⁵ This program does not appear to be sufficient to provide services to many of the children vulnerable to or involved in the worst forms of child labor in Bhutan, such as those involved in agriculture, construction, and domestic labor.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	18
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research has found no evidence that the Government of Bhutan has established a coordinating mechanism to combat the worst forms of child labor specifically. However, in 2004, the Government of Bhutan created the National Commission for Women and Children as the lead agency to coordinate the promotion and protection of women and children.⁴⁹² In 2007, the police established the Woman and Child Protection Unit (WPCU) to protect the rights of children and women in Bhutan. WPCU also provides counseling services, referrals to NGOs, and separate detention centers for young boys and girls.⁴⁹³

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

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the hazardous sector list to eliminate exceptions for children working in certain roles within proscribed sectors.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Take steps to expand inspection activity beyond Thimpu.

IN THE AREA OF POLICIES:

- Adopt policies that address the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Expand social programs for children at-risk of engaging in child labor to target children who work in agriculture, construction, and domestic labor.

⁴⁷⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2003. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴⁷⁹ UNICEF, *Draft Form of Situation of Child Labour in Bhutan*, 2010. See also UNICEF, *A Situation Analysis of Children and Women in Bhutan*, National Commission for Women and Children, Thimphu, 2006; available from http://www.ncwcbhutan.org/ncwc/publications/SITAN_Bhutan-2006.pdf. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by State Parties under Article 44 of the Convention: Convention on the Rights of the Child: Second Periodic Reports of States Parties due in 1997: Bhutan*, July 16, 2007; available from <http://www.unhcr.org/refworld/country,,CRC,,BTN,,46d411e02,0.html>. See also Lucky Wangmo, "When Children Abandon Books to Earn a Living," *Business Bhutan*, January 18, 2010.

⁴⁸⁰ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by State Parties under Article 44 of the Convention: Convention on the Rights of the Child: Second Periodic Reports of States Parties due in 1997: Bhutan*, July 16, 2007; available from <http://www.unhcr.org/refworld/country,,CRC,,BTN,,46d411e02,0.html>.

⁴⁸¹ UNICEF, *Situation of Child Labour in Bhutan*, N.D. 2010.

⁴⁸² Ibid.

⁴⁸³ 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.

⁴⁸⁴ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by State Parties under Article 44 of the Convention: Convention on the Rights of the Child: Second Periodic Reports of States Parties due in 1997: Bhutan*, July 16, 2007.

⁴⁸⁵ Government of Bhutan, *Labour and Employment Act of Bhutan 2007*, (2007); available from <http://www.molhr.gov.bt/labouract.pdf>.

⁴⁸⁶ U.S. Department of State, "Bhutan," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136086.htm>.

⁴⁸⁷ UNICEF, *Draft form of Situation of Child Labour in Bhutan*.

⁴⁸⁸ Lucky Wangmo, “When Children Abandon Books to Earn a Living.”

⁴⁸⁹ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by State Parties under Article 44 of the Convention: Convention on the Rights of the Child: Second Periodic Reports of States Parties due in 1997: Bhutan*. See also Government of Bhutan, *Labour and Employment Act of Bhutan 2007*.

⁴⁹⁰ Government of Bhutan, *Penal Code of Bhutan*, (August 11, 2004).

⁴⁹¹ Government of Bhutan, *Labour and Employment Act of Bhutan 2007*.

⁴⁹² UNICEF, *Draft form of Situation of Child Labour in Bhutan*.

⁴⁹³ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Convention on the Rights of the Child: concluding observations: Bhutan*, October 8, 2008; available from <http://www.unhcr.org/refworld/country,,CRC,,BTN,,48f7164c2,0.html>. See also UN Convention on the Elimination of All Forms of Discrimination against Women, *Responses to the list of issues and questions with regard to the consideration of the seventh periodic report: Bhutan*, May 10, 2009; available from <http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.BTN.Q.7.Add.1.pdf>.

⁴⁹⁴ U.S. Embassy- New Delhi, *reporting*, September 17, 2004.

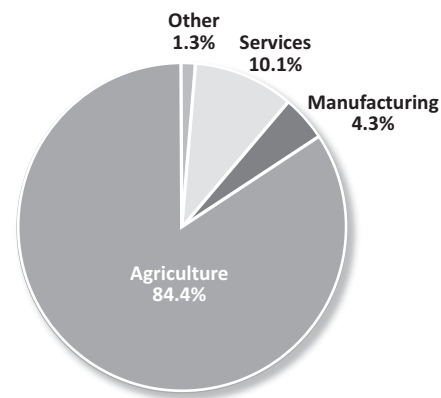
⁴⁹⁵ Lucky Wangmo, “When Children Abandon Books to Earn a Living.”

Bolivia

The Government of Bolivia has strengthened its legal and policy framework to address the worst forms of child labor, particularly in the sugar cane sector. However, hazardous child labor continues to exist, especially in the agricultural sector and among indigenous children. Although enforcement efforts have improved, gaps remain in the enforcement of child labor laws. Social programs that address the worst forms of child labor have been established but may be too limited to address the full scope of the problem.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	7-14 yrs.	22.0%
Attending School	7-14 yrs.	94.6%
Combining Work and School	7-14 yrs.	19.7%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Bolivia are exploited in the worst forms of child labor,⁴⁹⁶ many of them in agriculture. Indigenous children are particularly vulnerable to the worst forms of child labor.⁴⁹⁷ Children work in the production of sugarcane and Brazil nuts, especially in the departments of Pando, Beni, Santa Cruz, and Tarija.⁴⁹⁸ Children's work in agriculture commonly involves using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides.⁴⁹⁹ Children often work alongside their families in the harvesting of these products. Many of these workers become indebted to their employers and are forced to work as long as the debt exists, sometimes for long periods of time and across generations.⁵⁰⁰ Many indigenous Guaraní families live and work on ranches in debt bondage in the Chaco region.⁵⁰¹ Children also mine gold, silver, tin, and zinc where they work long hours, often in enclosed spaces, with

exposure to dangerous tools and chemicals.⁵⁰² Other worst forms of child labor include street vending, shining shoes, and assisting transport operators, work in which children may be exposed to a variety of hazards, such as severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.⁵⁰³ Additionally, underage children work in construction, where they may work long hours, carry heavy loads, or use dangerous tools and machinery.⁵⁰⁴ Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of cotton and bricks.⁵⁰⁵

Some Bolivian children also migrate with their families to work in Chile as vendors in markets and in agriculture.⁵⁰⁶ Children are also used to transport drugs in the border areas with Chile and Peru.⁵⁰⁷ Some Bolivian children are sent from rural to urban areas to work for higher-income families as domestic servants or criaditos, in circumstances that often amount to indentured servitude.⁵⁰⁸

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.⁵⁰⁹

Through organized networks, Paraguayan children are trafficked from Paraguay to Santa Cruz and La Paz for the purpose of commercial sexual exploitation.⁵¹⁰ The internal trafficking of Bolivian children for the purposes of prostitution, domestic service, mining, and agricultural labor, particularly on sugarcane and Brazil nut plantations, also occurs.⁵¹¹ Bolivian children are also trafficked to neighboring countries for forced labor.⁵¹² Bolivian families reportedly sell or rent their children to work in agriculture and mining in Peru.⁵¹³ There have also been reports of Bolivian children forced into the production of garments in Argentina.⁵¹⁴






Several hundred thousand Bolivian citizens, many indigenous, lack identifying documents, which precludes access to basic social services and increases vulnerability to exploitation.⁵¹⁵

Laws and Regulations on the Worst Forms of Child Labor

The *Ley del Código del Niño, Niña, y Adolescente* (Child and Adolescent Code) sets the minimum age for employment at age 14.⁵¹⁶ Apprenticeships for children ages 12 to 14 are permitted with various restrictions.⁵¹⁷ Children age 14 to 18 years must have the permission of their parents or of government authorities to work.⁵¹⁸ The law prohibits children age 14 to 17 from taking part in hazardous activities such as carrying excessive loads, working underground, working with pesticides and other chemicals, working at night, and working in the harvesting of cotton, Brazil nuts, or sugarcane. The law also requires employers to grant time off to adolescent workers who have not completed their primary or secondary education so that they may attend school during normal school hours.⁵¹⁹

Bolivia’s new Constitution, which was approved in 2009, prohibits forced or exploitive child labor, as well compulsory labor and any kind of labor without fair compensation.⁵²⁰ The minimum age for the country’s 1-year compulsory military service for males is age 18. The law allows children age 15 and older with basic secondary education to volunteer for certain military activities.⁵²¹

The Ley 3325: Trata y Tráfico de Personas y Otros Delitos Relacionados (Law Against Trafficking in Persons and Other Related Crimes) specifically prohibits child pornography and trafficking of minors for the purpose of prostitution.⁵²²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	17
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor (MOL) is responsible for developing policies concerning child labor and leads an Inter-institutional Commission to coordinate the various agencies and other entities involved in child labor issues.⁵²³ The Commission includes several Ministries and various NGOs, which makes coordination challenging.⁵²⁴ Additionally, the meetings are reported to be infrequent.⁵²⁵ The MOL also has a mandate to coordinate and develop policies to eradicate any form of servitude, and its Fundamental Rights Unit has the specific responsibility to protect indigenous people and eradicate forced labor.⁵²⁶

The MOL is responsible for enforcing child labor laws and employs 35 inspectors who investigate labor complaints countrywide. Due to limited resources, these inspectors only respond to complaints and do not pro-actively inspect other workplaces.⁵²⁷ Inspectors have encountered obstacles in gaining access to plantations in the Chaco region where there

is forced labor of entire families.⁵²⁸ Four inspectors are dedicated to investigating child labor violations in the areas identified by the government to have pervasive child labor, which include the sugar cane regions of Santa Cruz and Tarija-Bermejo, as well as Riberalta and Potosí.⁵²⁹ The child labor inspectors conducted 90 inspections in 2009 and found violations in 10 percent of the cases, which are still pending.⁵³⁰ The MOL has developed a guide and conducted trainings on child labor for all labor inspectors throughout the country.⁵³¹ The MOL has the authority to fine violators and to send cases to labor courts, which are responsible for enforcing the penalties.⁵³² The MOL may also send cases to one of the 260 municipal Defender of Children and Adolescence offices that protect children's rights and interests.⁵³³ Statistics on hazardous child labor, such as the number and nature of offenses, investigations conducted, prosecutions, and penalties applied, are limited.⁵³⁴

Trafficking for sexual and labor exploitation is addressed by the Government's Special Police Investigative Units (SIU) and prosecutors.⁵³⁵ The SIU and Bolivian National Police maintain telephone hotlines for the public to report child trafficking or the commercial sexual exploitation of children.⁵³⁶ Bolivian police have been conducting raids on brothels and other sites that have rescued 287 child victims of prostitution.⁵³⁷ The Government of Bolivia hosted the first annual regional International Trafficking in Persons Conference in April 2009, which increased collaboration in the region and shared good practices.⁵³⁸

Statistics on child trafficking enforcement actions, such as the number and nature of offenses, investigations conducted, prosecutions, and penalties applied, are limited.⁵³⁹

Government Policies on 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, sugar cane harvesting, and urban work as priority areas in combating exploitive child labor.⁵⁴⁰ The MOL has undertaken a consultative process on the problem of labor by indigenous children to help design policies. The consultative process raised awareness within a number of indigenous communities, created a better understanding of the perceptions of child labor among indigenous groups, and encouraged participatory decision-making to address child labor.⁵⁴¹

Bolivia's National Development Plan (2006-2010) and poverty reduction strategy support the goals and implementation of the National Plan for the Progressive Eradication of Child Labor through the coordination of government agencies and projects.⁵⁴² In addition, the strategies outlined in the National Program for Decent Work in Bolivia and the UN Development Assistance Framework (2008-2012) support efforts to eliminate the worst forms of child labor and to reduce poverty.⁵⁴³ The 2008 Education for All (EFA) Global Monitoring Report published by UNESCO indicates that Bolivia will likely attain the EFA goal of universal primary enrollment by 2015.⁵⁴⁴

The Government of Bolivia has created a Transitional Plan for the Guaraní Communities that involves several national ministries and addresses the forced labor of families in the Chaco region. The Transitional Plan supports the fundamental rights of the Guaraní, agrarian land reform, and the development of economic alternatives for Guaraní families, as outlined in the National Development Plan.⁵⁴⁵ However, international experts on indigenous rights issues have reported that the implementation of this Transitional Plan has been slow.⁵⁴⁶

The Government of Bolivia and other MERCOSUR countries are carrying out the *Niño Sur* (Southern Child) initiative to defend the rights of children and adolescents in the region. The initiative includes public campaigns against commercial sexual exploitation, trafficking, and child labor; mutual technical assistance in raising domestic legal frameworks to international standards on those issues;

and the exchange of best practices related to victim protection and assistance.⁵⁴⁷ Bolivia's Secretariat of Tourism is part of the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism, created in 2005, which conducts prevention and awareness-raising campaigns to combat the commercial sexual exploitation of children in Latin America.⁵⁴⁸ The Government of Bolivia also has a bilateral agreement with Chile to combat the worst forms of child labor, with a particular focus on child trafficking in the border areas.⁵⁴⁹

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

The National Commission for the Progressive Eradication of Child Labor implements action programs dedicated to addressing mining, sugar cane, and urban work.⁵⁵⁰ The Government supports efforts to eliminate child labor in mines through awareness-raising, increasing educational opportunities, and providing economic alternatives to families.⁵⁵¹ The Government also works in collaboration with UNICEF to promote an educational strategy to benefit over 3,000 girls and boys and their families in the sugarcane areas of Santa Cruz.⁵⁵²

The Government implements a cash subsidy program called *Bono Juancito Pinto* for all primary school students, which is conditioned on school attendance.⁵⁵³ In 2008, almost 2 million students participated in the program, which has contributed to increased rates of school attendance.⁵⁵⁴

The Government is participating in a 3-year USDOL-funded \$3.4 million project to improve access to basic education for working children in Bolivia. The project aims to rescue almost 6,000 children from engaging in exploitive labor in Santa Cruz and Chuquisaca.⁵⁵⁵ The project is working in collaboration with the Ministry of Education to extend to the national level an accelerated learning program, *Nivelación*, that assists children who are behind in school due to work.⁵⁵⁶ In addition, the Government participates in a 4-year USDOL-

funded regional project implemented by ILO-IPEC to promote collaboration across four countries (Bolivia, Brazil, Ecuador, and Paraguay) to combat the worst forms of child labor among the most socially excluded populations, including children of indigenous and afro-descent.⁵⁵⁷ The project, which began in 2009, aims to rescue 6,600 children from engaging in the worst forms of child labor through education interventions. The project is also conducting capacity building of government and civil society organizations, raising awareness, and conducting research.⁵⁵⁸

The Government also participates in a 4-year \$8.4 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.⁵⁵⁹ A 1-year \$219,000 project funded by the Government of Brazil contributes to the development of national policies and programs to eliminate the worst forms of child labor in Bolivia.⁵⁶⁰

The Government has made efforts to increase public awareness of trafficking through education campaigns for school children and working with NGOs and international organizations on prevention activities.⁵⁶¹ The municipal Defender of Children and Adolescents offices assist victims of trafficking, often in cooperation with NGOs.⁵⁶² A project funded by USDOS rescues trafficking victims by providing them and their children with shelter, psychological and medical assistance, plus educational and technical training.⁵⁶³ A few municipalities have created temporary shelters or victims' units to provide services to child victims.⁵⁶⁴

Despite these efforts, current programs do not appear to be sufficient to address the extent of the worst forms of child labor in Bolivia, particularly in the production of Brazil nuts, forced labor in the Chaco region, and in urban work.

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

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Improve coordination of the Inter-institutional Commission, including the frequency of meetings.
- Create a database to report statistics regarding hazardous child labor, trafficking, and forced labor, including the number of investigations, prosecutions, sentences and penalties applied.
- Increase collaboration with the Governments of Argentina, Chile, Paraguay, and Peru, focusing on border areas, to identify child trafficking victims, children used in drug transport, and other child victims of exploitation, in addition to the perpetrators.

IN THE AREA OF POLICIES:

- Effectively implement the Inter-ministerial Transitional Plan for the Guaraní Communities that addresses forced labor in the Chaco region.
- Pursue joint agreements with the Governments of Argentina, Peru, and Paraguay to address the high prevalence of the worst forms of child labor and child trafficking in the border areas.

IN THE AREA OF PROGRAMS:

- Adopt at the national level the accelerated learning program, *Nivelación*, which helps children who have fallen behind due to work catch up in school.
- Expand social programs to address the worst forms of child labor in areas where the incidence of hazardous child labor is high, particularly in the production of Brazil nuts, in forced labor in the Chaco region, and in urban work.
- Expand efforts to ensure all persons, including indigenous citizens, receive identity documents to reduce vulnerability to trafficking and exploitation.

⁴⁹⁶ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2005. Data on children combining working and schooling are from 2002. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴⁹⁷ Encuentro Latinoamericano, *Niñez indígena en América Latina: Situación y perspectivas (Compilación de documentos de trabajo)*, Cartagena, 2010, 71.

⁴⁹⁸ 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/ipecc/boletin/documentos/zafra_final_bo.pdf. See also U.S. Department of State, "Bolivia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136102.htm>. 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. See also Encuentro Latinoamericano, *Niñez indígena en América Latina: Situación y perspectivas*, 58. See also Mauricio Carrasco Ayala, "BOLIVIA: 15 mil familias indígenas esclavizadas en la explotación de castaña," *Argentina Indy Media* (2005); available from O:\ZZ ICLP\CHILDLAB\Research Resources\LATIN AMERICA & CARIBBEAN\Bolivia\2009-2010 Research\BOLIVIA 15 mil familias indígenas esclavizadas en la explotación de castaña Argentina Indymedia ((i)) .mht. See also ILO Committee

of Experts, *Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003)*, [online] 2009 [cited March 12, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11106&chapter=6&query=%28C182%29+%40ref+%2B+%28bolivia%29+%40ref&highlight=&querytype=bool&context=0>.

⁴⁹⁹ Encuentro Latinoamericano, *Niñez indígena en América Latina: Situación y perspectivas*, 58.

⁵⁰⁰ ILO, *Enganche y Servidumbre por Deudas en Bolivia*, 3-4, 11, 29-38. See also U.S. Embassy- La Paz, *reporting, June 10, 2008*. See also Encuentro Latinoamericano, *Niñez indígena en América Latina: Situación y perspectivas*, 62. See also Andres Schipani, “Bitter lives of Bolivia’s child workers,” *BBC News* (2009); available from <http://news.bbc.co.uk/2/hi/americas/8285751.stm>.

⁵⁰¹ ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003)*, [online] 2009 [cited March 12, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11106&chapter=6&query=%28Bolivia%29+%40ref+%2B+%23YEAR%3E2008&highlight=&querytype=bool&context=0>. See also ILO, *Enganche y Servidumbre por Deudas en Bolivia*. See also Encuentro Latinoamericano, *Niñez indígena en América Latina: Situación y perspectivas*, 62. See also UN Permanent Forum on Indigenous Issues, *Misión a Bolivia: Informe y Recomendaciones*, 2009, 4. See also Government of Bolivia, *Plan Interministerial Transitorio 2007-2008 para el pueblo Guarani*, 2007, 3.

⁵⁰² ILO-IPEC, *Boletín Encuentros - Día del niño: erradicar el trabajo infantil*, [online] 2004 [cited April 23, 2010]; available from <http://white.oit.org.pe/ipecc/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/ipecc/boletin/documentos/mineria_final_bo.pdf. See also Encuentro Latinoamericano, *Niñez indígena en América Latina: Situación y perspectivas*, 60. See also Sara Shahriari, “Child Miners in Bolivia”, March 23, 2010 2010; available from <http://www.globalpost.com/dispatch/bolivia/100316/bolivia-children-mines>. See also ILO Committee of Experts, *Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003)*. See also U.S. Department of State, “Country Reports- 2009: Bolivia,” section 7d.

⁵⁰³ U.S. Department of State, “Country Reports- 2009: Bolivia,” 7d.

⁵⁰⁴ Victor Mezza Rosso, Carmen Ledo García, and Isabel Quisbert Arias, *Trabajo Infantil en Bolivia*, National

Institute of Statistics and UNICEF, La Paz, 2004, 35-36. See also ILO-IPEC, *Boletín Encuentros*. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention 1999 (núm. 182) Bolivia (ratificación: 2003)*, [2008]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

⁵⁰⁵ ILO-IPEC, *Boletín Encuentros*. See also U.S. Embassy- La Paz, *reporting, June 10, 2008*. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention 1999 (núm. 182) Bolivia (ratificación: 2003)*.

⁵⁰⁶ U.S. Embassy- Santiago, *reporting*, February 13, 2009.

⁵⁰⁷ U.S. Department of State, “Country Reports- 2009: Bolivia,” section 7d. See also U.S. Embassy- La Paz, *reporting*, February 1, 2010. See also U.S. Embassy- Santiago, *reporting* February 25, 2010.

⁵⁰⁸ U.S. Department of State, “Country Reports- 2009: Bolivia,” section 7d. See also Encuentro Latinoamericano, *Niñez indígena en América Latina: Situación y perspectivas*, 66. See also UN Permanent Forum on Indigenous Issues, *Misión a Bolivia: Informe y Recomendaciones*, 20-21.

⁵⁰⁹ UNICEF, *La niñez clausurada: La explotación sexual comercial de niñas, niños y adolescentes en Bolivia*, La Paz, 2004, 15-16; available from http://www.oit.org.pe/ipecc/boletin/documentos/esci_final_bo.pdf. See also U.S. Department of State, “Country Reports- 2009: Bolivia,” section 5.

⁵¹⁰ Martha Casal Cacharrón, *Un Día te Dejan de Mirar y Te Perdés: Verdades y Desafíos de la Explotación Sexual Comercial de la Infancia y Adolescencia*, ILO-IPEC, Asunción, 2007, 84; available from http://white.oit.org.pe/ipecc/documentos/verdades_desafios_py.pdf.

⁵¹¹ U.S. Department of State, “Country Reports- 2009: Bolivia,” section 5. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003)*, [online] 2009 2009 [cited March 12, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11106&chapter=6&query=%28Bolivia%29+%40ref+%2B+%23YEAR%3E2008&highlight=&querytype=bool&context=0>.

⁵¹² U.S. Department of State, “Country Reports- 2009: Bolivia,” section 5. See also U.S. Department of State, “Bolivia (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>

⁵¹³ U.S. Embassy- La Paz, *reporting*, February 18, 2010.

⁵¹⁴ Ismael Bermúdez, “Trabajo esclavo: dicen que las marcas son responsables igual que los talleres,” *Clarín* (Buenos Aires), September 13, 2006. See also Tanja Bastia, *Child Trafficking or Teenage Migration? Bolivian Migrants in Argentina*, IOM, Oxford, 2005, 65-66; available

from http://www.childtrafficking.com/Docs/bastia_2005_teenage_migration_0108.pdf. See also Encuentro Latinoamericano, *Niñez indígena en América Latina: Situación y perspectivas*, 93.

⁵¹⁵ Encuentro Latinoamericano, *Niñez indígena en América Latina: Situación y perspectivas*, 71. See also ILO Committee of Experts, *Direct Request, Tribal Peoples Convention, 1989 (No. 169) Bolivia (ratification: 1991)*, [online] 2010 [cited April 26, 2010]; available from <http://www.ilo.org/ilolex/gbe/ceacr2010.htm>. See also U.S. Department of State, “Country Reports- 2009: Bolivia,” section 2d. See also UN Permanent Forum on Indigenous Issues, *Misión a Bolivia: Informe y Recomendaciones*, 5.

⁵¹⁶ Government of Bolivia, *Ley del Código del Niño, Niña y Adolescente*, Ley No. 2026, (October 27, 1999), article 126; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/55837/68387/S99BOL01.htm>. See also Government of Bolivia, *Ley General de Trabajo*, (December 8, 1942), article 8; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/46218/65057/S92BOL01.htm#t4c6>.

⁵¹⁷ U.S. Department of State, “Country Reports- 2009: Bolivia,” section 7d.

⁵¹⁸ Government of Bolivia, *Ley General de Trabajo*, article 8.

⁵¹⁹ Government of Bolivia, *Ley del Código del Niño, Niña y Adolescente*, 134, 146, 147.

⁵²⁰ Government of Bolivia, *Nueva Constitución Política del Estado*, (October 2008), articles 46 and 61; available from <http://www.presidencia.gob.bo/download/constitucion.pdf>. See also U.S. Embassy- La Paz, *reporting, February 1, 2010*.

⁵²¹ Government of Bolivia, *Nueva Constitución Política del Estado*, articles 108 and 144. See also Coalition to Stop the Use of Child Soldiers, “Bolivia,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=26>.

⁵²² Government of Bolivia, *Ley 3325: Trata y Trafico de Personas y Otros Delitos Relacionados*, (January 18, 2006), article 281; available from <http://bolivialegal.com/sileg/modules/Sileg/pdfphp.php?numero=6&dbname=slb402>.

⁵²³ U.S. Embassy- La Paz, *reporting, February 1, 2010*.

⁵²⁴ *Ibid.*

⁵²⁵ USDOL official, Trip notes, May 18-28, 2010.

⁵²⁶ ILO Committee of Experts, *Direct Request, Forced Labour Convention, 1930 (No. 29) Bolivia (ratification: 2005)*, [online] 2009 [cited March 12, 2010]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

⁵²⁷ U.S. Embassy- La Paz, *reporting, February 1, 2010*.

⁵²⁸ UN Permanent Forum on Indigenous Issues, *Misión a Bolivia: Informe y Recomendaciones*.

⁵²⁹ ILO Committee of Experts, *Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003)*. See also U.S. Embassy- La Paz, *reporting, February 1, 2010*.

⁵³⁰ U.S. Embassy- La Paz, *reporting, February 1, 2010*, 22.

⁵³¹ Government of Bolivia, *Inspección del trabajo infantil y adolescente en Bolivia; Guía para la acción de Jefes e Inspectores del Ministerio de Trabajo, Empleo y Previsión Social*, prepared by Empleo y Previsión Social Ministerio de Trabajo, 2009. See also ILO-IPEC, “*Stop Child Labor in Agriculture*”: *Combating the worst forms of child labor through horizontal cooperation in South America*, Technical Progress Report, Geneva, March 2010, 2.

⁵³² U.S. Embassy- La Paz, *reporting, February 1, 2010*.

⁵³³ U.S. Department of State, “Country Reports- 2009: Bolivia,” section 5. See also U.S. Embassy- La Paz, *reporting, February 1, 2010*.

⁵³⁴ ILO Committee of Experts, *Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003)*.

⁵³⁵ U.S. Embassy- La Paz, *reporting, February 1, 2010*.

⁵³⁶ *Ibid.*

⁵³⁷ U.S. Department of State, “Trafficking in Persons Report- 2010: Bolivia.”

⁵³⁸ U.S. Embassy- La Paz, *reporting, February 1, 2010*. See also U.S. Embassy- La Paz, *reporting, May 20, 2009*.

⁵³⁹ ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003)*.

⁵⁴⁰ ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention 1999 (núm. 182) Bolivia (ratificación: 2003)*. See also Inter-Institutional Commission for the Eradication of Child Labor, *Plan de erradicación progresiva del trabajo infantil: 2000-2010*, November 2001; available from <http://white.oit.org.pe/ipcec/documentos/planbo.pdf>.

⁵⁴¹ Desarrollo y Autogestión, *Technical Progress Report: Combating Exploitive Child Labor through Education in Bolivia*, Santa Cruz, March 2010, G 31-32. See also ILO-IPEC, *Combating the worst forms of child labor through horizontal cooperation in South America, Technical Progress Report, 2*.

⁵⁴² Government of Bolivia, *Plan Nacional de Desarrollo: Bolivia digna, soberana, productiva y democrática para Vivir Bien (2006-2010)*, prepared by Ministerio de Planificación del Desarrollo; available from http://www.constituyentesoberana.org/3/propuestas/gobierno/11_Min_Planificacion_Plan_Nal_Desarrollo_Nal.pdf. See also Government of Bolivia, *Poverty Reduction Strategy Paper, 2001*; available from <http://www.imf.org/external/NP/prsp/2001/bol/01/033101.pdf>.

- ⁵⁴³ ILO, *Decent Work Country Programme: Bolivia*, Lima; available from <http://www.ilo.org/public/english/bureau/program/dwcp/download/bolivia.pdf>. See also UN, *United Nations Development Assistance Framework (2008-2012)*, 2007; available from <http://www.undg.org/docs/7150/Bolivia-UNDAF-2008-2012.pdf>.
- ⁵⁴⁴ UNESCO, *Education for All by 2015: Will we make it?*, 2007, 179-180; available from <http://unesdoc.unesco.org/images/0015/001547/154743e.pdf>. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003)*.
- ⁵⁴⁵ Government of Bolivia, *Plan Interministerial Transitorio 2007-2008 para el pueblo Guaraní*.
- ⁵⁴⁶ UN Permanent Forum on Indigenous Issues, *Misión a Bolivia: Informe y Recomendaciones*, 5, 24 and 30.
- ⁵⁴⁷ CRIN, *MERCOSUR*, [online] 2009 [cited April 23, 2010]; available from <http://www.crin.org/espanol/RM/mercosur.asp>. See also Government of Argentina, *Iniciativa Niñ@SUR*, [online] 2009 [cited April 23, 2010]; available from <http://www.derhuman.jus.gov.ar/direcciones/asistencia/ninosur.htm>. See also Comité Argentino de Seguimiento y Aplicación de la Convención Internacional de los Derechos del Niño, *La Iniciativa Niñosur, una Instancia Regional que se Afirma* [online] April 2008 [cited April 26, 2010]; available from http://www.casacidn.org.ar/news_abril/nota1.html.
- ⁵⁴⁸ Brazilian Ministry of Tourism, “Equador Assume Direção de Grupo Latino-Americano para a Proteção Infanto-Juvenil,” (2008); available from http://www.turismo.gov.br/turismo/noticias/todas_noticias/200811262.html.
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- ⁵⁵⁰ ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention 1999 (núm. 182) Bolivia (ratificación: 2003)*. See also Inter-Institutional Commission for the Eradication of Child Labor, *Plan de erradicación progresiva del trabajo infantil*.
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- ⁵⁵² ILO Committee of Experts, *Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003)*.
- ⁵⁵³ U.S. Embassy- La Paz, *reporting, February 1, 2010*.
- ⁵⁵⁴ *Ibid.*
- ⁵⁵⁵ Desarrollo y Autogestión, *Combating Exploitive Child Labor through Education in Bolivia: Cooperative Agreement*, Washington, D.C., September 2007.
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- ⁵⁵⁷ ILO-IPEC, *Project to combat the worst forms of child labor through horizontal cooperation in South America*, Project Document, 2009. See also ILO-IPEC, *Project to combat the worst forms of child labor through horizontal cooperation in South America*, Cooperative Agreement, 2009.
- ⁵⁵⁸ ILO-IPEC, *Project to combat the worst forms of child labor through horizontal cooperation in South America, Cooperative Agreement*. See also ILO-IPEC, *Project to combat the worst forms of child labor through horizontal cooperation in South America, Project Document*.
- ⁵⁵⁹ ILO-IPEC Geneva official, E-mail communication to USDOL official, July 17, 2010.
- ⁵⁶⁰ *Ibid.*
- ⁵⁶¹ U.S. Department of State, “Bolivia (Tier 2),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/123135.htm>.
- ⁵⁶² U.S. Department of State, “Bolivia,” 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/119149.htm>.
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Bosnia and Herzegovina

The Government of Bosnia and Herzegovina strengthened its policy framework and further solidified its comprehensive legal protections against the worst forms of child labor, and it is making significant efforts to combat trafficking. The exploitive use of child labor in begging and pick-pocketing rings remains a problem. Significant gaps remain in the knowledge base on these issues and in the Government's programs to address them.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	8.9%
Attending School	5-14 yrs.	83.7%
Combining Work and School	7-14 yrs.	10.6%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Bosnia and Herzegovina are exploited in the worst forms of child labor, including in begging.⁵⁶⁵ There are reports of organized groups trafficking mainly ethnic Roma children and forcing them to beg and pickpocket.⁵⁶⁶ The majority of Roma children who live or work in the streets are under the age of 14 and do not attend school.⁵⁶⁷ Children working on the streets may be exposed to a variety of hazards, such as severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Girls in Bosnia and Herzegovina are trafficked for commercial sexual exploitation within the country.⁵⁶⁸ Victims of trafficking as young as age 13 have been reported.⁵⁶⁹

Laws and Regulations on the Worst Forms of Child Labor

The state of Bosnia and Herzegovina consists of the Federation of Bosnia and Herzegovina (FBiH), Republika Srpska (RS), and Brcko District (BD), a self-

governing territory.⁵⁷⁰ Laws at both the state level and component entity level regulate issues related to the worst forms of child labor, with primary responsibility for labor laws being at the entity level.⁵⁷¹

The Labor Codes of FBiH, RS, and BD set the minimum age for work at 15. Minors ages 15 to 18 are prohibited from working at night or performing work that endangers their health or development.⁵⁷² FBiH, RS, and BD law prohibit difficult hard labor, work underground or underwater and other jobs that would risk the life, health or psychological development of minors.⁵⁷³ Entity-level governments do not have lists of specific forms of hazardous work prohibited to minors.⁵⁷⁴

The Constitution prohibits forced or compulsory labor. The Bosnia and Herzegovina Criminal Code dictates prison terms for actions that place or keep a minor in slavery.⁵⁷⁵

The Bosnia and Herzegovina Defense Reform Law ended conscription, and voluntary recruitment is not permitted for anyone under the age of 18.⁵⁷⁶

The Bosnia and Herzegovina Criminal Code outlaws hiring a prostitute outside of the state where one resides or is a citizen.⁵⁷⁷ In addition, the FBiH, RS, and BD Criminal Codes prohibit prostitution and penalize the production and distribution of child pornography.⁵⁷⁸ The Bosnia and Herzegovina Criminal Code prohibits trafficking in persons for the purpose of sex and labor exploitation⁵⁷⁹ and prohibits forcing children to beg. *Family Laws* in the FBiH, RS, and BD also prohibit forcing children to beg, if parents are the ones exploiting the children.⁵⁸⁰

During the reporting period, article 186 of the Bosnia and Herzegovina Criminal Code was amended to set a minimum 3-year sentence (along with a 5-year maximum sentence) for trafficking, provide specific punishment of those who use the services of human trafficking victims, and clarify the definition of “child” to refer to any victim under the age of 18.⁵⁸¹

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

Institutional Mechanisms for Coordination and Enforcement

Research identified no information to indicate that the Government of Bosnia and Herzegovina has established mechanisms at the state or entity level for coordinating efforts to combat child labor.⁵⁸²

Various institutions at the entity level, however, are responsible for enforcement of labor laws, including those on child labor. The FBiH Ministry of Labor and Social Policy, the RS Ministry of Labor and Veterans, and the BD Administrative Support Department oversee and enforce the Labor Codes of their respective jurisdictions.⁵⁸³ There are 76 labor inspectors in the FBiH, 35 in RS, and seven in BD. Officials in these ministries have reported that these numbers are adequate and report that they have sufficient resources to carry out inspections.⁵⁸⁴ Labor inspectors are trained to detect child labor violations; however, child labor is not common in the formal sector. During the reporting period, one case was noted in the FBiH (and none in RS or BD), and labor inspectors contacted law enforcement officials to investigate criminal violations related to the case.⁵⁸⁵

The Government of Bosnia and Herzegovina appears to have established a number of mechanisms to coordinate efforts to combat human trafficking. The Office of the State Coordinator for Anti-trafficking, within the Bosnia and Herzegovina Ministry of Security (MOS), plays the lead role in anti-trafficking efforts at the state level, and a nationwide Inter-Ministerial Working Group to Combat Trafficking, which includes a number of agencies, also exists. At the entity level, the Ministries of Interior, Health, Labor, and Education are involved with anti-trafficking efforts, along with prosecutors at the state, entity and local levels.⁵⁸⁶

Bosnia and Herzegovina has a nationwide Anti-trafficking Strike Force chaired by the chief state prosecutor. It includes prosecutors, police, and financial investigators who target trafficking and illegal migration. Investigators and prosecutors at the national and entity levels have received relevant training.⁵⁸⁷ Further information was not identified to clarify exactly what role each of the coordinating bodies play in combating trafficking.

The Bosnia and Herzegovina State Prosecutor’s Office has exclusive jurisdiction over trafficking cases under state level law, and can decide which cases to prosecute at the state level and which to send to the entity level.⁵⁸⁸

Lack of cooperation among law enforcement and prosecutorial agencies at the various administrative

levels frequently complicates national-level efforts to address trafficking.⁵⁸⁹

During 2009, eight out of the 46 trafficking victims documented by the Government of Bosnia and Herzegovina were minors, a decrease from past years where typically half of all victims were underage.⁵⁹⁰ Information is not available as to how many of these victims were documented as the result of police inspections at the state or entity levels or how many of these cases were referred for investigation.⁵⁹¹ During the reporting period, the Bosnia and Herzegovina prosecutor's office received 23 reports related to possible trafficking, launched seven investigations, and continued with seven from 2008. Three verdicts were rendered in 2009, and one of the two guilty verdicts involved the sexual exploitation of a minor.⁵⁹²

Entity-level authorities apply their prostitution laws to prosecute trafficking cases.⁵⁹³ During the period under review, these authorities investigated 21 cases, prosecuted 16 cases, and convicted 16 trafficking offenders. There is no indication to what degree these cases involved child trafficking.⁵⁹⁴

The State Coordinator coordinates victim protection efforts among NGOs, law enforcement, and government institutions.⁵⁹⁵ It identifies and registers trafficking victims and refers them to NGO service providers.⁵⁹⁶

Government Policies on the Worst Forms of Child Labor

Research found no evidence that the Government of Bosnia and Herzegovina has an overarching policy framework for the elimination of the worst forms of child labor.⁵⁹⁷ The trafficking of children for commercial sexual exploitation or forced labor, however, is addressed in the Action Plan for Combating Trafficking in Human Beings in Bosnia and Herzegovina for 2008-2012, which was adopted by the Council of Ministers in May 2008.⁵⁹⁸ This plan is based on three pillars: prevention, protection of trafficking victims, and prosecution of traffickers. The goals include: 1) lowering the risk of trafficking among vulnerable categories; 2) advancing the procedure for identifying trafficking victims; 3) ensuring timely and adequate assistance to victims and witnesses of

human trafficking; and 4) strengthening the criminal policy for acts of human trafficking and increasing the number of convictions and sentences.⁵⁹⁹ Bosnia and Herzegovina was in the process of implementing the plan during the reporting period.⁶⁰⁰

The Government is also participating in an international initiative aimed at helping Roma populations that could benefit Roma children living and working in the streets. The Decade for Roma Inclusion (2005-2015) is an initiative of 12 European countries to improve the socioeconomic status and social inclusion of the Romani minority across the region.⁶⁰¹ Bosnia and Herzegovina joined the initiative in 2008. Action plans for employment, health, and housing have been developed. No evidence was identified to determine the impact of this initiative on Roma children involved in the worst forms of child labor. Roma organizations, in coordination with relevant Government agencies, intend to develop an Action Plan to combat the problem of child begging, but it appears that the plan has not yet been completed.⁶⁰²

According to research for this report, the Government does not appear to collect reliable data on children being forced to engage in begging, pick-pocketing, or prostitution. This impairs its ability to formulate and implement effective policies to address these problems.⁶⁰³

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

From 2003 to 2008 the Government of Bosnia and Herzegovina participated in a \$2.2 million regional program, funded by the Government of Germany, to combat the worst forms of child labor.⁶⁰⁴ The Government has also cooperated with the IOM to implement anti-trafficking assistance, training, and prevention programs.⁶⁰⁵ UNICEF has worked in the country to ensure that efforts to remove trafficked persons from exploitive situations do not result in further victimization.⁶⁰⁶

The Government has continued its anti-trafficking efforts by providing specialized training for government officials on recognition, investigation, and prosecution of trafficking.⁶⁰⁷ During the reporting

period, authorities distributed anti-trafficking manuals for use by government and civil society groups involved in the rehabilitation and reintegration of trafficking victims. They also supported shelters and other services.⁶⁰⁸ The State Coordinator's Office partnered with two NGOs in a campaign to increase public awareness of trafficking in persons, specifically

targeting young people seeking employment outside Bosnia and Herzegovina.⁶⁰⁹

Despite these important initiatives against child trafficking, research has not identified any social programs by the Government of Bosnia and Herzegovina to assist street children.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend entity level laws to include prohibitions against specific hazardous activities.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish coordinating mechanisms at the state and entity level to combat the worst forms of child labor.
- Improve cooperation among law enforcement and prosecutorial agencies at the different administrative levels in combating trafficking.
- Take steps to disaggregate data on the investigation and prosecution of trafficking cases to allow a more accurate picture of the extent and nature of child trafficking cases, as well as of government efforts to combat the problem.

IN THE AREA OF POLICIES:

- Adopt a policy that addresses all of the worst forms of child labor.
- Continue to collaborate with Roma organizations to formulate an Action Plan to combat the problem of child begging.
- Collect reliable data on children engaged in begging, pick-pocketing, and prostitution, to enable policymakers to identify problems more accurately and to address them more effectively.

IN THE AREA OF PROGRAMS:

- Institute programs to assist street children and address children's involvement in begging and pick-pocketing rings.

⁶⁰⁵ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in

this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁶⁰⁶ U.S. Embassy- Sarajevo, *reporting*, February 26, 2010, 2B. See also U.S. Embassy- Sarajevo, *reporting*, March 10, 2010, 2A(1).

⁶⁰⁷ Ministry of Human Rights and Refugees official, Interview with USDOL consultant, May 5, 2008, 7 and 9. See also Ministry of Civil Affairs official, Interview with USDOL consultant, May 6, 2008, 23. See also Federal Ministry of Interior official, Interview with USDOL consultant, 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/dd9badc520d9878c1257018002db47e/\\$FILE/G0544039.DOC](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/dd9badc520d9878c1257018002db47e/$FILE/G0544039.DOC). See also U.S. Department of State, "Bosnia and Herzegovina," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136023.htm>.

⁵⁶⁸ U.S. Department of State, "Bosnia and Herzegovina," in *Trafficking in Persons Report- 2009*, Washington, DC, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>. See also U.S. Embassy-Sarajevo, *reporting, February 26, 2010*, 2B. See also U.S. Department of State, "Country Reports- 2009: Bosnia and Herzegovina," section 7c.

⁵⁶⁹ Macro official, USDOL official, February 17, 2009.

⁵⁷⁰ U.S. Department of State, *Background Note: Bosnia and Herzegovina*, [online] August 2009 [cited March 26, 2010]; available from <http://www.state.gov/t/pa/ei/bgn/2868.htm>.

⁵⁷¹ U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2B(2). 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. See also 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.

⁵⁷² Government of Bosnia and Herzegovina, *Labor Law of Federation of Bosnia and Herzegovina (FBiH)*, (2003), articles 15, 36, 51. See also Government of Bosnia and Herzegovina, *Labor Law of Republika Srpska (RS)*, (2003), articles 14, 45, 46, 69. See also Government Bosnia and Herzegovina, *Labor Law of District of Brcko (BD)*, (2005), articles 10, 28, 41.

⁵⁷³ *Ibid.*

⁵⁷⁴ U.S. Embassy- Sarajevo official, E-mail communication to USDOL official, November 5, 2010.

⁵⁷⁵ 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. See also Government of Bosnia and Herzegovina, *Criminal Code of Bosnia and Herzegovina (BiH)*, (March 1, 2003), article 185, section 5; available from <http://www.ohr.int/ohr-dept/legal/oth-legist/doc/criminal-code-of-bih.doc>.

⁵⁷⁶ Coalition to Stop the Use of Child Soldiers, "Bosnia-Herzegovina," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf. See also Government

Bosnia and Herzegovina, *BiH Defense Reform Law*, (October 5, 2005), article 79. See also OHCHR, *11.b. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, May 25, 2000*, [online] December 15, 2008 [cited December 24 2008]; available from <http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&id=135&chapter=4&lang=en>.

⁵⁷⁷ Government of Bosnia and Herzegovina, *Criminal Code (BiH)*, article 187.

⁵⁷⁸ Government of Bosnia and Herzegovina, *Criminal Code of the Federation of Bosnia and Herzegovina (FBiH)*, (August 1, 2003), article 210, 211; available from <http://www.legislationline.org/download/action/download/id/1661/file/5863a4917995d1a282d020fb2715.htm/preview>. See also Government of Bosnia and Herzegovina, *Criminal Code of the Republika Srpska (RS)*, (2003), articles 198, 199, 200. See also Government of Bosnia and Herzegovina, *Criminal Code of the Brcko District of Bosnia and Herzegovina (BD)*, 65 (May 28, 2003), articles 186, 207, 208; available from http://www.tuzilastvobih.gov.ba/files/docs/zakoni/BD_Criminal_Code_10_03_45_04_eng_web.pdf.

⁵⁷⁹ Government of Bosnia and Herzegovina, *Criminal Code of Bosnia and Herzegovina (BiH)*, (2003), article 186; available from <http://www.ohr.int/ohr-dept/legal/oth-legist/doc/criminal-code-of-bih.doc>.

⁵⁸⁰ U.S. Embassy- Sarajevo official, E-mail communication to USDOL official, August 9, 2010.

⁵⁸¹ U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2B(1).

⁵⁸² U.S. Embassy - Sarajevo official, E-mail communication to USDOL official, May 21, 2010.

⁵⁸³ Council of Europe, *Bosnia and Herzegovina: Administrative organisation*, 2009; available from <http://www.coe.int/t/dg3/socialpolicies/socialsecurity/Source/MisscesChart2009/BiH-Chart-2009.doc>.

⁵⁸⁴ U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2C. See also U.S. Embassy- Sarajevo official, E-mail communication, August 9, 2010.

⁵⁸⁵ U.S. Embassy -Sarajevo official, E-mail communication to USDOL official, July 23, 2010. See also U.S. Embassy-Sarajevo official, E-mail communication, August 9, 2010.

⁵⁸⁶ U.S. Embassy- Sarajevo, *reporting, February 26, 2010*, 3B. See also U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2C.

⁵⁸⁷ U.S. Embassy- Sarajevo official, E-mail communication, August 9, 2010.

⁵⁸⁸ U.S. Embassy- Sarajevo, *reporting, February 26, 2010*, 3B.

⁵⁸⁹ U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2C.

See also U.S. Embassy- Sarajevo, *reporting, February 26, 2010*, 3C.

⁵⁹⁰ U.S. Embassy- Sarajevo, *reporting, February 26, 2010*, 2B.

⁵⁹¹ U.S. Embassy - Sarajevo official, E-mail communication, May 21, 2010.

⁵⁹² U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2D.

⁵⁹³ Ibid.

⁵⁹⁴ U.S. Department of State, “Bosnia and Herzegovina,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010..

⁵⁹⁵ U.S. Embassy- Sarajevo, *reporting, February 26, 2010*, 3B.

⁵⁹⁶ U.S. Department of State, “Trafficking in Persons Report- 2010: Bosnia and Herzegovina.”

⁵⁹⁷ U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2E(1).

⁵⁹⁸ Bosnia and Herzegovina Council of Ministers, *Action Plan for Combating Trafficking in Human Beings in Bosnia and Herzegovina 2008-2012 (unofficial translation)*, 2008; available from http://www.anti-trafficking.gov.ba/fajlovi/SAP_2008-2012_eng.doc-108.doc. See also 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; available from www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.OPSC.BIH.1.doc.

⁵⁹⁹ U.S. Embassy - Sarajevo official, E-mail communication, May 21, 2010.

⁶⁰⁰ Commission of the European Communities, *Bosnia and Herzegovina 2009 Progress Report*, Brussels, October 14, 2009; available from <http://www.delbih.ec.europa.eu/docs/ProgressReport20092.pdf>.

⁶⁰¹ *Decade of Roma Inclusion 2005–2015*, [online] [cited August 11, 2010]; available from <http://www.romadecade.org/about>.

⁶⁰² U.S. Embassy- Sarajevo official, E-mail communication, August 9, 2010.

⁶⁰³ U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2A(2). See also Bosnia and Herzegovina Working Group on Child Protection, *Submission from the Bosnia and Herzegovina Working Group on Child Protection regarding the Universal Periodic Review of Bosnia and Herzegovina (Seventh Session, February 2010)* September 7, 2009; available from http://www.scn-see.ba/d_upload/20090916/UPR_BiH_Final_version_sept72009.pdf.

⁶⁰⁴ See previous TDA reports.

⁶⁰⁵ IOM, *Bosnia and Herzegovina*, [online] [cited March 25, 2010]; available from <http://www.iom.int/jahia/Jahia/bosnia-and-herzegovina>.

⁶⁰⁶ UNICEF, *Factsheet: Trafficking*, [online] [cited August 11, 2010]; available from http://www.istame-apapandreou.gr/files/pdf/factsheet_trafficking_unicef_download.pdf.

⁶⁰⁷ U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2D.

⁶⁰⁸ U.S. Department of State, “Country Reports- 2009: Bosnia and Herzegovina,” section 6.

⁶⁰⁹ U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2D.

Botswana

The Government has designed institutional and policy frameworks to combat the worst forms of child labor and supported programs with NGOs to stop the trafficking of children. Among those at risk of the worst forms of child labor are children working as herders or in domestic service, some of whom may be trafficked. Lack of evidence of enforcement efforts may reflect gaps in the country's legal framework and its capacity to implement the institutional and policy frameworks it has designed.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Botswana are exploited in the worst forms of child labor.⁶¹⁰ The majority of working children are engaged in agricultural work,⁶¹¹ which has a high risk of occupational injury as it may involve work with dangerous tools, and performance of arduous tasks. In Botswana, children herd livestock on family cattle posts. Boys manage cattle herds in isolated areas for days without proper food and shelter, working long hours, walking long distances, and facing exposure to insect and snakebites.⁶¹²

Children are also found in domestic service. Parents from rural areas send their children to the city to live with wealthier families and work as domestic servants. Some of these children are reported to work in situations of forced labor.⁶¹³ Children who work in domestic service risk long hours of work and physical and sexual abuse by their employers. Some of these children end up as street children and engage in begging. These children are at risk of vehicle accidents and exposure to the elements, and are at risk of commercial sexual exploitation.⁶¹⁴ Child prostitution takes place at truck stops and transit points in large towns.⁶¹⁵

Botswana is a source, transit, and (to a lesser extent) destination country for children trafficked for the

purpose of forced labor and sexual exploitation. Some children in domestic servitude and cattle herding have been trafficked within Botswana.⁶¹⁶ Botswana is also a staging area for both smuggling and trafficking of third country nationals, primarily from Namibia and Zimbabwe to South Africa. Zimbabweans are also trafficked into Botswana for forced labor as domestic servants.⁶¹⁷ HIV and AIDS in Botswana often impoverish families and push children into worst forms of child labor.⁶¹⁸

The San—traditional hunter-gatherers—are the indigenous people of Botswana and are economically and politically marginalized.⁶¹⁹ San children are exploited through bonded labor whereby the child's family is bonded or “owned” by a cattle post owner or farmer, and children are forced to work to help retain tenure of their parents' homes.⁶²⁰

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act establishes the minimum age for employment at age 14.⁶²¹ The law forbids employers from using “young workers,” defined as children age 14 to 18, when the nature of the job or the conditions under which it is carried out might endanger the life or health of a child.⁶²² The law permits a family member to employ their own children at age 14 who do not attend school for up to 30 hours a week, in light work

that is not harmful to their health and development. The law does not more specifically define hazardous or light work, nor does it establish a list of hazardous occupations prohibited to children.⁶²³

The Employment Act prohibits forced labor.⁶²⁴ Military service is voluntary and The Botswana Defense Force Act prohibits recruitment officers from enlisting persons under age 18.⁶²⁵

The Penal Code and The Criminal Procedure and Evidence Act punish persons for kidnapping, child stealing, abduction, and slavery, including those who “traffic or deal in slaves.”⁶²⁶ These laws also punish the offence of rape, indecent assault, and defilement of a person under age 16. Also prohibited is the procurement of a girl for prostitution, but apparently this prohibition does not apply to boys.⁶²⁷ Child pornography is a criminal offense in Botswana.⁶²⁸ The law specifically protects adopted children from being exploited for labor and orphans from being coerced into prostitution.⁶²⁹

organizations. The Advisory Committee facilitates the oversight of child labor issues among all stakeholders.⁶³⁰



The Ministry of Labor and Home Affairs (MOLHA) has overall responsibility for enforcing child labor laws and policies. The Commissioner of Labor within the MOLHA is tasked with investigating workplaces that are suspected of violating child labor laws.⁶³¹ The Labor Inspection Unit within the MOLHA is charged with enforcing the Employment Act.⁶³² The Act outlines the scope of labor inspections to include those provisions related to employment of children. The Commissioner of Labor is authorized to end employment relationships involving children,⁶³³ but the MOLHA did not conduct any inspections or monitoring visits nor were any fines issued for child labor violations during the reporting period.⁶³⁴ The child welfare divisions of the district and municipal councils are also responsible for enforcing child labor laws.⁶³⁵

The Botswana Police Service, joined by Immigration, the Ministry of Labor, Ministry of Social Services, and Directorate of Intelligence and Security, lead in the Government’s anti-trafficking in persons efforts.⁶³⁶ Interagency cooperation on trafficking is informal at present but the Government of Botswana has plans to create a formal trafficking in persons task force.⁶³⁷ Law enforcement and immigration officials receive training in anti-trafficking methods.⁶³⁸

There were no prosecutions or convictions for trafficking violations during the reporting period.⁶³⁹ Media reports indicated that Botswana’s police broke up a human trafficking ring suspected of trafficking into Canada some 1,000 women and children for servitude and sexual exploitation in 2009.⁶⁴⁰

Government Policies on the Worst Forms of Child Labor

In February 2008, the Government of Botswana established a National Action Plan for the elimination of the worst forms of child labor.⁶⁴¹ Among the Plan’s action items are addressing legislation and policy gaps, raising awareness, programs better targeted to address child labor, and training for relevant stakeholders and implementers.⁶⁴²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Government has created a Program Advisory Committee on Child Labor, which includes representatives of the government agencies, various NGOs, workers’ federations, and employers’

The Government of Botswana has addressed child labor in other policy frameworks. The National Plan of Action for Children (2006-2016) seeks to promote the rights of children via the promotion of several key areas, such as education and training; health and nutrition; and children and HIV/AIDS.⁶⁴³

The Ministry of Education's Revised National Policy on Education aims to increase schooling access and retention of working children and those at risk of child labor.⁶⁴⁴ Strategies include harmonizing the Children's Act with labor laws, mainstream raising public awareness on child labor as barrier to inclusive education, and strengthening existing outreach programs.⁶⁴⁵ The Presidential Task Group on Long Term Vision for Botswana produced another strategy, Vision 2016, which acknowledges the problem of parents intentionally choosing not to send their children to school.⁶⁴⁶ The strategy proposes universal schooling in partnership with improvement of socio-economic conditions as a solution for parents who consider their children as essential sources of labor and income for their families, especially those in poor and rural populations.

The UN Development Assistance Framework for Botswana (2010-2016) includes the reduction of child labor among goals for creating a protective and supportive environment for children.⁶⁴⁷ The National Youth Policy addresses issues affecting youth, such as the high number of young people who are not in school and the abuse of young people.⁶⁴⁸ This policy, reviewed in 2004, in cooperation with ILO

suggested strategies to include child labor and to address problems such as increased coordination from government, NGO, and community stakeholders and the provision of vocational and skills training.⁶⁴⁹

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

The Government of Botswana's Central Statistic office included a children's activities module in the 2005/06 national Labor Force Survey,⁶⁵⁰ but statistics on child work and schooling still are not available.

Currently the Government participates in a regional project to combat worst forms of child labor in three Southern African countries of Botswana, Namibia, and South Africa.⁶⁵¹ The project—supporting and monitoring the implementation of National Plans of Action in the three core countries in Southern Africa Phase II—is a continuation of an earlier \$4.75 million regional project also funded by USDOL.⁶⁵² The Phase I project provided technical support to ensure mainstreaming of the national action plan for the elimination of child labor in Botswana.⁶⁵³

The Government funded and supported NGO programs that provided assistance and services to crime victims, including victims of suspected trafficking. Other efforts made to prevent trafficking in, to, and through Botswana include an awareness raising campaign that placed anti-trafficking education posters at all of its border posts,⁶⁵⁴ and engagement in international meetings on the subject.⁶⁵⁵

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend labor laws to specifically define light work and identify the types of hazardous work that are likely to harm the health, safety, and morality of children.
- Amend laws, in accordance with international standards, to protect all children from prostitution, regardless of gender.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Address the reasons why there appears to be no MOLHA enforcement of child labor laws, and little enforcement of anti-trafficking laws.

IN THE AREA OF POLICIES AND PROGRAMS:

- Reconcile the various plans that have addressing child labor among their goals, to prioritize action items with a view toward identifying funding and implementing the most urgent.
- Analyze and release results of the 2006/7 Labor Force Survey module on child work activities.

⁶¹⁰ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁶¹¹ 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.

⁶¹² International Trade Union Confederation, *Internationally Recognised Core Labour Standards in Botswana, Lesotho, Namibia, South Africa and Swaziland: Report for the WTO General Council Review of Trade Policies of the Five Countries of the Southern African Customs Union (SACU)*, Geneva, November 4 and 6, 2009; available from http://www.ituc-csi.org/IMG/pdf/20091103101840-Microsoft_Word_-_SACU-final_.pdf.

⁶¹³ U.S. Department of State, “Botswana (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 U.S. Department of State, “Botswana,” in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/118987.htm>.

⁶¹⁴ Ditshwanelo, *Press Statement on World Day Against Child Labor- 12 June 2009*, Ditshwanelo- The Botswana Centre for Human Rights, June 12 2009; available from http://www.ditshwanelo.org/bw/press_2009-jun%2010.html.

⁶¹⁵ International Trade Union Confederation, *Internationally Recognised Core Labour Standards in Botswana*.

⁶¹⁶ U.S. Department of State, “Trafficking in Persons Report- 2009: Botswana (Tier 2).” See also Procek, *Discussion Document on Child Labor in Botswana*.

⁶¹⁷ U.S. Department of State, “Trafficking in Persons Report- 2009: Botswana (Tier 2).”

⁶¹⁸ Procek, *Discussion Document on Child Labor in Botswana*, 15.

⁶¹⁹ U.S. Department of State, *Country Reports on Human Rights Practices*, 2006; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78720.htm>.

⁶²⁰ Procek, *Discussion Document on Child Labor in Botswana*.

⁶²¹ Government of Botswana, *Employment Act*, (1982); available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/842/64792/E82BWA01.htm>.

⁶²² *Ibid.*

⁶²³ U.S. Embassy- Gaborone, *reporting*, January 20, 2009.

⁶²⁴ Government of Botswana, *Employment Act*, para 2.

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⁶²⁹ U.S. Embassy- Gaborone, *reporting*, January 20, 2009.

⁶³⁰ International Trade Union Confederation, *Internationally Recognised Core Labour Standards in Botswana*. See also U.S. Department of State, *Country Reports on Human Rights Practices-2006*, March 6, 2007; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78720.htm>

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⁶³⁴ U.S. Department of State, “Trafficking in Persons Report- 2009: Botswana (Tier 2).”

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⁶⁴² Ibid.

⁶⁴³ Republic of Botswana, *National Report on the Development of Education: “Inclusive Education: The Way of the Future”*, Draft Report, Ministry of Education and Skills Development, 2008; available from http://www.ibe.unesco.org/National_Reports/ICE_2008/botswana_NR08_draft.pdf. See also Child Rights Information Network, *Childs Rights References in the Universal Periodic Review: Botswana - 3rd Session - 2008*, December 1, 2008; available from <http://www.crin.org/docs/Botswana.pdf>.

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⁶⁴⁹ UNICEF, *A World Fit for Children Mid Decade Review: Botswana Progress Report*.

⁶⁵⁰ U.S. Embassy- Gaborone, *reporting, January 20, 2009*.

⁶⁵¹ ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL), Phase II*, Technical Project Report, Geneva, August 28, 2009.

⁶⁵² ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL)*, Final Technical Progress Report, Geneva, September, 2008.

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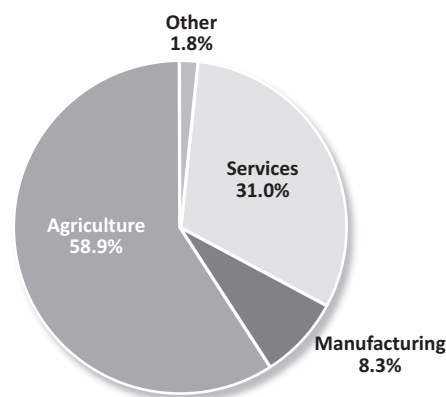
⁶⁵⁵ U.S. Embassy- Gaborone, *Botswana’s TIP Situation*.

Brazil

The Government of Brazil has established strong legislative and policy frameworks and has carried out groundbreaking programs to combat the worst forms of child labor. It has significantly reduced the number of working children ages 5 to 17 from approximately 8.5 million in 1992 to 4.5 million as of 2008. However, child labor monitoring systems still need strengthening and child labor continues to be prevalent in agriculture.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	5.7%
Attending School	5-14 yrs.	95.2%
Combining Work and School	7-14 yrs.	4.0%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Brazil, many of them in agriculture.⁶⁵⁶ It is estimated that more than 41 percent of children are working in agriculture nationwide, while in the Northeastern region the proportion rises to 69 percent.⁶⁵⁷ Such children often toil for long hours, use dangerous tools, and are exposed to the elements, pesticides, and unhealthy sanitary conditions.⁶⁵⁸ Children help produce coffee, sugarcane, corn, pineapple, rice, manioc, sisal, tobacco, lime, cocoa, and tomatoes. They are involved in cattle ranching and slaughtering animals.⁶⁵⁹ They also make charcoal, ceramics, bricks, and mine stones. They fill open ovens, lift heavy loads, and sharpen rocks into gravel.⁶⁶⁰ Children are also victims of forced labor in cattle ranching and in the production of cocoa and lime.⁶⁶¹

Children perform dangerous work in urban areas such as construction, car repair, street vending, garbage

scavenging, recycling, and production of leather and footwear.⁶⁶² Some of them work and live on the streets. The risks to these children include long hours, toxic substances, accidents, and exposure to the elements.⁶⁶³






Many children in Brazil work as domestic servants, sometimes in isolation and for more than 40 hours per week.⁶⁶⁴ Children are also engaged in prostitution, sex tourism, and pornography. They are vulnerable to sexual exploitation in locations along the highways, including truck stops and bus stations.⁶⁶⁵ They are also vulnerable to commercial sexual exploitation in brothels near mining settlements in the Amazon region. Children are trafficked internally and internationally for the purposes of commercial sexual exploitation and forced labor.⁶⁶⁶ In the city of Rio de Janeiro, children are recruited into criminal gangs to perform activities related to drug trade.⁶⁶⁷

The Government of Brazil considers all the activities described in this section as worst forms of child labor.⁶⁶⁸

Laws and Regulations on the Worst Forms of Child Labor

In 2009, the Government of Brazil amended the Constitution, raising the age for compulsory education from 14 to 17. The Government also amended the Penal Code to increase the penalties against trafficking and the commercial sexual exploitation of children, with prison terms of 2 to 10 years.⁶⁶⁹

The Constitution and the Labor Code set the minimum age for work at 16. Decree No. 6481 of 2008 and the Labor Code prohibit hazardous work, including domestic work, for children under the age of 18.⁶⁷⁰ Decree No. 6481 bars children from working in 93 hazardous activities in agriculture, fishing, mining, construction, manufacturing, and car repair. It also prohibits children from selling alcoholic beverages and illegal drugs.⁶⁷¹ The Penal Code penalizes commercial sexual exploitation, forced labor, and trafficking in persons, including for the purpose of sexual exploitation. The Statute of the Child and Adolescent prohibits child pornography.⁶⁷² Law 11.343 of 2006 punishes individuals who involve, or attempt to involve, children in drug trafficking-related activities.⁶⁷³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	17
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Government of Brazil has established national committees to protect the rights of children and to combat child labor, trafficking, and the commercial sexual exploitation of children. The National Council for the Rights of Children and Adolescents (CONANDA) is the national coordinating body that outlines policies to protect children's rights and monitors their implementation.⁶⁷⁴ The National Committee for the Elimination of Child Labor (CONAETI) leads the implementation of the National Plan for the Prevention and Elimination of Child Labor and the Protection of Working Adolescents. It is coordinated by the Ministry of Labor and Employment (MTE) and includes 17 government agencies, along with representatives from trade unions, business associations, and civil society organizations.⁶⁷⁵ The Intersectoral Committee to Combat Sexual Violence against Children and Adolescents monitors the implementation of the National Plan to Combat Sexual Violence against Children. It is led by the Presidential Office's Special Secretariat of Human Rights (SEDH) and includes 13 government agencies, CONANDA, and civil society organizations.⁶⁷⁶ In 2008, the Government of Brazil established an advisory group to monitor and evaluate the implementation of the National Plan to Combat Trafficking in Persons. There are 12 government agencies that are part of this group, coordinated by the Ministry of Justice (MOJ).⁶⁷⁷

The Ministry of Labor and Employment (MTE) conducts labor inspections at work sites, enforces child labor laws, and monitors child labor. It has an online monitoring system (SITI) and regularly trains inspectors on child labor.⁶⁷⁸ Its 2,997 labor inspectors work in all 26 States. Most inspections result from complaints raised by workers, NGOs, teachers, the media, and other sources.⁶⁷⁹ In 2009, the MTE carried out 1,193 labor inspections and removed 4,894 children from exploitive labor.⁶⁸⁰

The Federal Labor Prosecutor's Office (MPT) investigates and prosecutes child labor violations, including child labor in domestic work, dump scavenging and recycling, and illicit activities.⁶⁸¹ It works through the National Committee to Combat Child Labor (COORDINFÂNCIA), which is made

up of 24 prosecutors. In addition, MPT carries out awareness-raising campaigns, organizes public hearings to discuss child labor cases, and monitors the implementation of the National Program for the Eradication of Child Labor.⁶⁸²

However, some inspectors lack the vehicles needed to reach isolated rural areas. Each labor inspector is required to meet monthly targets or face possible disciplinary actions.⁶⁸³ This creates an incentive for inspectors to concentrate on dense, easily accessible urban areas where they can perform more inspections in the time allotted.⁶⁸⁴ Labor inspectors also note that some within their ranks still find child labor culturally acceptable, and focus instead on other kinds of inspections.⁶⁸⁵

To investigate and combat forced labor, including forced child labor, MTE has a special mobile unit composed of labor inspectors, Federal Police (FP), and Federal labor prosecutors. In 2008, the unit rescued 150 workers, including 30 children from forced labor conditions on a cocoa plantation in the State of Para; this case remains unresolved in the Federal labor court.⁶⁸⁶ During 2009, the number of rescues jumped more than 20-fold. The unit inspected 350 worksites and rescued 3,750 workers, including children, from forced labor conditions.⁶⁸⁷ However, this public information is not disaggregated by age or sector.⁶⁸⁸

To monitor and enforce laws against the trafficking and commercial sexual exploitation of children, SEDH coordinates a hotline, Disque 100. It receives, processes, and directs complaints to the appropriate institutions for follow-up.⁶⁸⁹ Depending on the complaint, it may be directed within 24 hours to the Council of Guardianship, or in cases of trafficking, to the FP.⁶⁹⁰ Since 2003, Disque 100 has received more than 100,000 complaints; during 2009, it received 29,756. Safenet Brasil receives online complaints of child pornography, including those made through Disque 100. In 2009, it received more than 69,000 online complaints.⁶⁹¹

During the reporting period, the FP and the Federal Prosecutor's Office (MP) carried out operations to combat human trafficking; the FP conducted 43 investigations and the MP filed charges against 53 individuals in nine separate cases, which resulted in

convictions and jail terms of between one and three years.⁶⁹² There is no information available about how many of these cases were related to child trafficking.

Government Policies on the Worst Forms of Child Labor

The National Plan for the Prevention and Eradication of Child Labor and Protection of Working Adolescents and the National Program to Eliminate Child Labor (PETI) guide government efforts to combat child labor.⁶⁹³ The National Plan to Combat Sexual Violence against Children and Adolescents lays out the strategy to combat sexual violence and commercial sexual exploitation. The National Policy to Combat Trafficking in Persons is the principal policy instrument for combating human trafficking.⁶⁹⁴

The Government of Brazil has included child labor in the National Plan to Promote and Protect the Rights of Children and Adolescents to Family and Community Life and the Social Agenda for Children and Adolescents.⁶⁹⁵ It has mainstreamed child labor into its National Multi-annual Plan (PPA) (2008–2011), the National Education Plan (PNE), the *Bolsa Familia*, Decent Work Agenda, and the Continuous Cash Benefit Program (BPC). In 2009, the Government approved the National Human Rights Program, an integrated approach to human rights which includes the elimination of child labor as one of its objectives.⁶⁹⁶ Since 1996, the Government of Brazil has conducted child labor surveys as part of the National Household Surveys (PNAD), which have helped in developing and targeting programs to combat the worst forms of child labor.⁶⁹⁷ However, they have not provided in-depth information about street children, children engaged in drug trafficking, child victims of forced labor, or indigenous child labor. For example, MDS recently published a national study about persons living on the streets, but street children under the age of 18 were not part of the research.⁶⁹⁸

In 2009, the Government of Brazil continued to implement the National Plan for the Prevention and Eradication of Child Labor and Protection of Working Adolescents. The State of Minas Gerais laid out an integrated approach including research, children's participation, monitoring and accountability.⁶⁹⁹ The State of São Paulo also launched

an initiative to help municipalities design plans to combat child labor which receives support from ILO, Telefónica Foundation, and other non-governmental organizations.⁷⁰⁰

Brazil has yet to adopt a monitoring system that tracks the implementation of child labor policies. The National Monitoring Center for the Rights of Children and Adolescents, led by SEDH, could provide a model for such a system.⁷⁰¹ The National Plan for the Prevention and Eradication of Child Labor and Protection of Working Adolescents was adopted in 2004 and requires that States and municipalities establish their own plans to combat child labor, however as of 2009, not all municipalities and States had enacted their own plans. In 2009, the budget approved by the Brazilian Congress to combat child labor declined 16 percent from the previous year, from \$178.8 million to \$149.8 million.⁷⁰²

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

Through its programs and policies to reduce child labor, the Government of Brazil has cut the number of working children ages 5 to 17 nearly in half. Between 1992 and 2008, the number dropped significantly from approximately 8.5 million to 4.5 million.⁷⁰³

The Government has implemented the Program to Eradicate Child Labor (PETI), a conditional cash-transfer program aimed at families with working children who commit to keep their children in school and out of work.⁷⁰⁴ PETI is currently carried out in more than 3,400 municipalities and more than 820,000 children have benefited. In 2009, two evaluations of the PETI program showed highly positive results in both child labor reduction and client satisfaction.⁷⁰⁵

To combat poverty, the Government of Brazil has established *Bolsa Familia*, a conditional cash-transfer program that supplements family income and encourages at-risk children and adolescents to attend school regularly. More than 12 million families participate in the program.⁷⁰⁶ PETI and *Bolsa Familia* are part of the Single Social Assistance System (SUAS), administered by the Ministry of Social Development and Combating Hunger (MDS) in conjunction with State and local authorities. SUAS comprises the main

social protection programs funded and implemented by Federal, State, and municipal governments.⁷⁰⁷ In addition to PETI and *Bolsa Familia*, SUAS includes services for integrated family assistance and youth. To monitor families and children beneficiaries of PETI, *Bolsa Familia*, and other social programs, MDS tracks beneficiaries through SISPETI and the Single Registration Social Programs (*CadÚnico*).⁷⁰⁸

Although PETI and *Bolsa Familia* have reduced child labor in Brazil, challenges remain. Research conducted in 2008 found that vulnerable families continue to value children's work over education.⁷⁰⁹ President Luiz Inácio Lula da Silva has acknowledged that child labor persists because it is culturally accepted.⁷¹⁰ PETI and *Bolsa Familia* beneficiaries are not fully complying with these programs' requirements; research conducted in the State of Rio found that of the 5,615 beneficiary children who participated in the study, 67 percent were working while going to school.⁷¹¹ Due to PETI's decentralization, local communities are responsible for its implementation; however, they do not have the tools and resources to do so, particularly in the Northeastern region.⁷¹²

The Government of Brazil implements the National Program to Combat Sexual Violence against Children and Adolescents, the National Program to Combat Trafficking in Persons, and the Second Plan to Combat Forced Labor. During the reporting period, the Government carried out national campaigns to prevent the commercial sexual exploitation of children, human trafficking, and forced labor, and to assist victims.⁷¹³ It continued to set up a consolidated database, INTEGRA System, to monitor enforcement actions on child labor, commercial sexual exploitation of children, human trafficking, and forced labor.⁷¹⁴

Since 1996, the Government of Brazil has participated in child labor projects funded by the United States totaling more than \$18 million, including a \$6.5 million project that combats child labor in five States; a \$4.9 million project that supports the State of Bahia to become the first State free of child labor; and a \$6.75 million regional project that promotes South-South cooperation among Brazil, Ecuador, Bolivia, and Paraguay to combat child labor.⁷¹⁵ In addition, Brazil has received funding and technical support from donors including the IDB, UNODC, and UNICEF to

combat child labor, forced labor, commercial sexual exploitation of children, and human trafficking.⁷¹⁶

In 2009, the Government of Brazil and ILO signed an agreement to promote South-South cooperation to implement the Decent Work Agenda in Latin America and Africa, which includes a child labor component. Brazil is helping fund ILO-IPEC initiatives to combat child labor in Latin America and Portuguese-speaking countries of Africa. One of the goals is to promote the sharing of lessons learned.⁷¹⁷ The Brazilian

Government participates in other regional initiatives to combat child labor such as *Mercosur's Niño Sur* Initiative and the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism. *Niño Sur* improves legal frameworks, and raises awareness of, and promotes the exchange of best practices to combat commercial sexual exploitation.⁷¹⁸ The Joint Group conducts prevention campaigns to combat the commercial exploitation of children. It includes Argentina, Bolivia, Chile, Colombia, Ecuador, Paraguay, Peru, Suriname, and Uruguay.⁷¹⁹

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

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Strengthen institutional mechanisms to monitor and enforce child labor laws by:
 - Ensuring that labor inspectors have vehicles to conduct inspections throughout the country.
 - Reviewing monthly targets required of labor inspectors.
- Make publicly available information on labor inspections by age and sector.

IN THE AREA OF POLICIES:

- Establish a monitoring system to track the implementation of child labor policies.
- Carry out research on the worst forms of child labor, particularly with regard to street children, children engaged in drug trafficking, child victims of forced labor, and indigenous child labor.

IN THE AREA OF PROGRAMS:

- Expand awareness-raising initiatives and establish a communication strategy to address cultural factors that contribute to the worst forms of child labor.
- Continue expanding the coverage of PETI and *Bolsa Familia* programs in areas with high rates of child labor and ensure that family beneficiaries are complying with program requirements to keep children in schools.
- Fully support States and municipalities in the development and execution of child labor plans and in implementation of the PETI program, particularly in geographic areas where resources are scarce.

⁶⁵⁶ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 2004. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on

children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁶⁵⁷ Brazilian Institute of Geography and Statistics, *Pesquisa Nacional por Amostra dos Domicílios: Aspectos Complementares de Educação, Afazeres Domésticos e Trabalho Infantil 2006*, 2008; available from <http://www.ibge.gov.br/home/estatistica/populacao/>

trabalhoerendimento/pnad2006/suplementos/afazer/publicacao_afazer.pdf.

⁶⁵⁸ Ibid. See also U.S. Department of State, “Brazil,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136103.htm>. See also Agronline, *Indústria de fumo explora trabalho no Sul* January 5, 2009; available from <http://www.agronline.com.br/agronoticias/noticia.php?id=4593>. See also Leonardo Sakamoto, *Crianças são Encontradas Limpando Fezes em Matadouros*, Repórter Brasil, 2008; available from <http://blogdosakamoto.com.br/2008/06/02/criancas-sao-encontradas-limpando-fezes-em-matadouros/>. 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§ion=noticias>. See also ILO-IPEC, *Trabalho Infantil na Cultura da Abacaxi no Município de Santa Rita-PB: Um diagnóstico Rápido à Luz das Piores Formas de Trabalho Infantil* 2006, 50-52; available from http://white.oit.org.pe/ipecc/documentos/ti_abacaxi_br.pdf. See U.S. Embassy - Brasilia, *reporting* April 6, 2010.

⁶⁵⁹ Agronline, *Indústria de fumo explora trabalho no Sul*. See also Sakamoto, *Crianças são Encontradas Limpando Fezes em Matadouros*. ILO-IPEC, *ILO-IPEC, Trabalho Infantil na Cultura da Abacaxi no Município de Santa Rita-PB: Um diagnóstico Rápido à Luz das Piores Formas de Trabalho Infantil* 17, 39. See also Leonardo Sakamoto, *Crianças sem infância, que matam e esfolam*, 2009; available from <http://blogdosakamoto.com.br/2009/06/08/criancas-sem-infancia-que-matam-e-esfolam/>. See also Rodrigo Rocha, *Fazenda com 30 mil Cabeças de Gado Mantinha 28 escravos*, Repórter Brasil, April 26, 2010 2010; available from <http://www.reporterbrasil.org.br/exibe.php?id=1726>. See also Flávio Ilha, “No Sul, Trabalho Infantil Resiste como Herança Europeia,” *UOL Notícias*, September 9, 2009; available from <http://noticias.uol.com.br/especiais/pnad/ultnot/2009/09/18/ult6843u13.jhtm>. See also Bianca Pyl, *Mão-de-obra infantil é explorada em fazenda do interior paulista*, Repórter Brasil, July 15, 2009; available from <http://www.reporterbrasil.org.br/exibe.php?id=1612>. See also Bianca Pyl, *Ação fiscal encontra trabalho infantil em casas de farinha*, Repórter Brasil, August 21, 2008; available from <http://www.reporterbrasil.org.br/exibe.php?id=1408>. See also U.S. Embassy - Brasilia, *reporting* February 22, 2010. See also Labor Prosecutor’s Office of Minas Gerais, *MG: Justiça condena empregador por trabalho infantil em lavoura de café*, [2010 [cited 2010 August 24,]; available from <http://www.ecodebate.com.br/2010/05/27/mg-justica-condena-empregador-por-trabalho-infantil-em-lavoura-de-cafe/>. See also Da Redação, *Blitz do MPT vê trabalho infantil em lavoura de tomate em SP*, [2008 [cited August 24, 2010]; available from [\[uol.com.br/noticia/48988.shtml\]\(http://uol.com.br/noticia/48988.shtml\). See also Daniella Rocha, *Crianças na agricultura* \[2008 \[cited August 24, 2010\]; available from <http://www.promenino.org.br/Ferramentas/DireitosdasCriançasAdolescentes/tabid/77/ConteudoId/1d24ed7f-4d6f-4ded-aaeb-39dde66aeb36/Default.aspx>.](http://ultimainstancia.</p>
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⁶⁶⁰ Cheiene Damázio, Fernando Goulart Rocha, and Rose Maria Adami, “O Trabalho Infantil nas olarias do município de Morro da Fumaça,” *Revista de Iniciação Científica* 4, no. 1 (2006), 23; available from <http://periodicos.unesc.net/index.php/iniciacaocientifica/article/view/48/64>. See also 94FM, *Ministério Público Flagra Trabalho Infantil em Olarias*, September 29, 2007. See also Gazeta do Povo, *Crianças quebram pedras em pedreiras de Rio Branco do Sul*, August 18, 2010 2008; available from <http://www.gazetadopovo.com.br/vidaecidadania/conteudo.phtml?tl=1&id=819698&tit=Crianças-quebram-pedras-em-pedreiras-de-Rio-Branco-do-Sul>. See also U.S. Embassy - Brasilia, *reporting*, February 22, 2010. See also Ilha, “No Sul, Trabalho Infantil Resiste como Herança Europeia.”

⁶⁶¹ U.S. Department of State, “Country Reports- 2009: Brazil.” See also U.S. Embassy - Brasilia, *reporting*, February 22, 2010. 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>. See also Pyl, *Mão-de-obra infantil é explorada em fazenda do interior paulista*.

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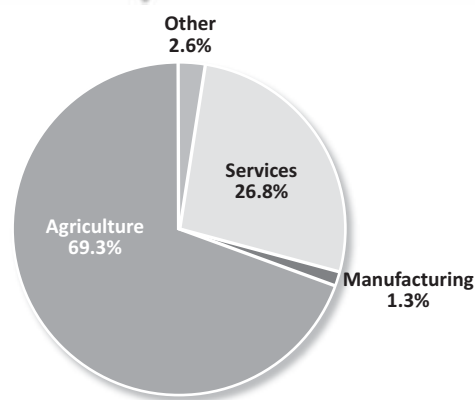
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Burkina Faso

The Government of Burkina Faso strengthened its legal framework during the reporting period by issuing an updated list of hazardous occupations in 2009. However, gaps remain in the enforcement of child labor laws. While Burkina Faso has integrated child labor concerns into many of its social programs, it continues to face widespread child labor in agriculture.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	37.8%
Attending School	7-14 yrs.	43.4%
Combining Work and School	7-14 yrs.	0.9%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁷²⁰

Children in Burkina Faso are exploited in the worst forms of child labor, particularly in agriculture and livestock-raising.⁷²¹ Children sow, weed, and harvest crops and may be exposed to dangerous activities and chemicals such as pesticides used on cotton farms.⁷²² Some children on cotton farms are also working in conditions of forced labor.⁷²³

According to a UCW-SIMPOC study, the vast majority of working children in Burkina Faso are found doing work that includes a hazardous component.⁷²⁴

Children work in construction, quarries, and mines, including gold mines.⁷²⁵ In artisanal mines, children break rocks, risking injury from the shards. They work underground, risking injury from falling rocks. They also carry heavy loads and wash minerals, sometimes using harmful chemicals.⁷²⁶ Children working in artisanal mining are not provided with protective gear; they often work 6 days a week for 9 or 10 hours per day; and suffer from occupational illnesses including respiratory conditions, muscular ailments, and vision

problems.⁷²⁷ In addition, these children are sometimes physically or sexually abused.⁷²⁸

Children, particularly girls, work as street vendors or domestic servants, which may also entail sexual exploitation.⁷²⁹ Similarly, a growing number of children as young as age 7 beg on the streets, where they may risk accidents with vehicles, the elements, and involvement in commercial sexual exploitation.⁷³⁰

The practice of sending boys, called *talibes*, to Koranic teachers to receive education, which may include vocational training or apprenticeship is a tradition in Burkina Faso.⁷³¹ While some boys receive lessons, others may be forced by their teachers to beg under hazardous conditions, and surrender the money that they have earned. They may also be required to work in fields under dangerous conditions.⁷³²

Burkina Faso is a destination, transit point, and source for children trafficked for forced labor and commercial sexual exploitation.⁷³³ Children are primarily trafficked within Burkina Faso and from rural areas to urban areas. Such trafficked children work in domestic service, mines and quarries, commercial sexual exploitation, and agriculture, including cultivating

cotton.⁷³⁴ Boys from Burkina Faso are also trafficked to Mali and Côte d'Ivoire for forced labor in agriculture.⁷³⁵ Girls from Burkina Faso are trafficked to Guinea for domestic service.⁷³⁶

In Burkina Faso, extensive flooding in 2009 destroyed homes and harvests, increasing food insecurity that had already been exacerbated in 2008 by extremely high (riot-provoking) food prices.⁷³⁷ This followed several years of rising food prices and ruined harvests, which have caused parents to remove their children from schools, as they can no longer afford costs associated with education.⁷³⁸ These factors may increase the risk of children falling into the worst forms of child labor.





Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age of work at 16 and the minimum age for hazardous work at 18.⁷³⁹ In 2009, after enacting the new Labor Code of 2008, the Government updated the list of prohibited hazardous activities.⁷⁴⁰ It includes 12 sectors, such as quarrying, mining, and certain agricultural activities, like spreading chemical fertilizers and pesticides.⁷⁴¹ While Burkina Faso revised its laws protecting children from hazardous work in 2008 and 2009, some gaps remain in providing comprehensive protection for children. For example, the current Labor Code forbids night work for children under 18, but “night” is not defined; this is to be spelled out in a decree which has yet to be issued.⁷⁴² Similarly, this Labor Code reestablishes an exception to the minimum age for employment in light work without updating the previous regulation on light work.⁷⁴³ The previous regulation (a decree issued in 1954) authorized children age 12 and above to engage in domestic work or seasonal work, such as farming.⁷⁴⁴ This exception increases the likelihood of children age 12 to 15 working under hazardous conditions in agriculture or domestic service.

The legal protections in the Labor Code cover the informal as well as the formal sector.⁷⁴⁵ Labor inspectors are specifically authorized to enter any location where they have reason to believe that employees are working, to conduct inspections, including surprise inspections.⁷⁴⁶ However, inspectors are prohibited from entering the domicile of an agricultural establishment except with special authorization.⁷⁴⁷ As some child domestic servants may

be employed on farms, this exclusion may leave them vulnerable.

The Trafficking in Persons Law sets penalties for both the trafficking of children and other worst forms of child labor including forcing a child to beg.⁷⁴⁸ The Penal Code also explicitly prohibits the debauchery or corruption of a minor.⁷⁴⁹ The minimum age for voluntary recruitment into the military is 20 and there is no compulsory recruitment.⁷⁵⁰

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

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor has a Directorate to Combat Child Labor and the Worst Forms of Child Labor to monitor progress and assist other relevant agencies.⁷⁵¹ Burkina Faso maintains a National Steering Committee against Child Labor as well as several other committees related to specific projects and programs.⁷⁵² The Ministries of Social Action, Labor and Social Security, Health, Justice, Foreign Affairs, Human Rights, Decentralization, and Basic Education, all coordinate on anti-trafficking enforcement efforts under the lead of the Ministry of Social Action.⁷⁵³

The Ministry of Labor and Social Security and the Ministry of Social Action and National Solidarity are responsible for enforcing child labor laws.⁷⁵⁴ While

the law authorizes inspectors to investigate informal employment relationships, they are constrained by a lack of resources.⁷⁵⁵ The ILO Committee of Experts also finds that the labor inspectorate would need to be adapted to enable it to conduct inspections of the agricultural sector, which is where many children are working in hazardous and forced conditions.⁷⁵⁶

As of January 2009, Burkina Faso employed 39 labor inspectors to conduct investigations on labor violations. Additionally, each region in Burkina Faso has a labor inspector who coordinates labor issues.⁷⁵⁷ However, the number of inspectors is not sufficient to investigate all the sectors where children work and the Government reports it plans to hire more inspectors.⁷⁵⁸ Police and customs service agents also share responsibility for investigating child labor violations.

Burkina Faso is making efforts to identify and rescue trafficked children.⁷⁵⁹

With help from the ILO, the Government provided anti-trafficking training to customs officers during the reporting period.⁷⁶⁰ Law enforcement officials reportedly intercepted 197 trafficked children between December 2008 and September 2009.⁷⁶¹ During 2009, the Ministry of Social Action, worked with security forces and regional anti-trafficking committees, to identify 788 child victims, almost 80 percent of whom were boys, and refer them to transit centers jointly funded by the Government and UNICEF. Records of recent prosecutions are reportedly unavailable because they were lost during the extreme flooding that occurred in the autumn of 2009; however, in previous years, judges suspended the sentences of convicted traffickers or did not apply the penalties established by the Trafficking in Persons Law.⁷⁶² For example, one individual convicted of trafficking was sentenced to two months imprisonment despite the law that established a penalty of 5 to 20 years imprisonment.⁷⁶³ Enforcement efforts are also challenged by a lack of resources across agencies.⁷⁶⁴

Government Policies on the Worst Forms of Child Labor

As reported by the ILO's Committee of Experts, the Government of Burkina Faso has acknowledged that it lacks a national policy framework for the elimination of the worst forms of child labor, although it does have several sectoral plans on child labor and trafficking.⁷⁶⁵ For example, Burkina Faso has adopted a National

Action Plan against Trafficking in Persons under its National Social Action Policy in 2007, although a lack of resources hinders implementation efforts of this plan.⁷⁶⁶ The numerous coordination mechanisms established by the various plans reportedly result in a cumbersome process.⁷⁶⁷

In March 2008, the Government of Burkina Faso drafted a National Employment Policy and Action Plan, with provisions linking this plan to the fight against exploitive child labor.⁷⁶⁸ Specific intended actions include providing training and apprenticeships for children working in mines, quarries, domestic service, agriculture and the informal sector, to remove them from the worst forms of child labor.⁷⁶⁹ Child labor concerns have also been explicitly incorporated into various other national level policies, including in UNDAF (2006-2010), the Poverty Reduction Strategic Plan (2007-2011) and the Decent Work Country Program (2007-2015).⁷⁷⁰

During the reporting period the Government adopted the Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa under ECOWAS, which explicitly targets victims trafficked for the purpose of exploitive labor and hazardous child labor. Begging was included as a form of exploitation in this agreement, reflecting the regional need to combat this growing problem.⁷⁷¹ This agreement builds on the framework developed under 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, as well as the multilateral border agreement among Mali, Burkina Faso, Senegal, and Côte d'Ivoire and bilateral trafficking agreements, such as one with Mali (2004).⁷⁷² In May 2008, Burkina Faso also ratified the African Charter on the Rights and Welfare of the Child, which includes provisions against child labor.⁷⁷³

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

Since 1997, Burkina Faso has cooperated with NGOs and international organizations on social programs to reduce child labor and provide services to victims of the worst forms of child labor. The Government worked with the Burkina Coalition for the Rights of the Child to raise awareness of the risks to children employed in agriculture, domestic service, the urban informal sector, and in gold-washing.⁷⁷⁴ It continued to support such efforts during the reporting period.

The Government participated in a 1 year, \$5 million project to issue birth certificates establishing the age of children to help law enforcement officials prevent child labor and child trafficking.⁷⁷⁵ Similarly, the Government worked to provide services to street children, including victims of sexual exploitation.⁷⁷⁶ Burkina Faso has also been implementing a national action program (2005-2009) to provide rehabilitation services to 80 percent of children withdrawn from the streets.⁷⁷⁷

Burkina Faso has also worked to reduce child labor in gold-mining, by raising awareness of the risks and providing services to help rescue and prevent children from such labor. As part of this effort, the Government continued to participate in a 4-year, \$3 million USDOL-funded regional project to combat child labor in small-scale gold mining. The project targets 4,000 children in Burkina Faso and Niger.⁷⁷⁸

Burkina Faso also participated in a 3-year, \$4.8 million regional project, funded by France, to provide vocational training and apprenticeship programming

to reduce exploitive child labor.⁷⁷⁹ The Ministry of Social Action, worked to reduce the trafficking of children by supporting social programs that raise awareness about the trafficking of children and by promoting local, community Vigilance and Surveillance Committees throughout the country.⁷⁸⁰

Burkina Faso worked with a committee of Government representatives, Islamic associations, and other partner organizations to develop strategies to combat child begging.⁷⁸¹ However, more effort will be needed given the scope of this problem to reduce the prevalence of children begging, including those forced to beg under the guise of religious education.

Burkina Faso has met with only limited success in reducing the worst forms of child labor. Despite numerous projects supported by the Government, including those related to improving access to education, efforts to reduce the worst forms of child labor remain minimal compared to the vast number of children trapped in such situations.⁷⁸²

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

IN THE AREA OF LAWS AND REGULATIONS:

- Publicly issue decrees on night work and light work that protect children from the worst forms of child labor.
- Update regulations to facilitate inspections of the agricultural sector, including in homes located on agricultural establishments, where children may be engaged in the worst forms of child labor.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Publicize detailed information on the numbers of inspections, violations, prosecutions, convictions, and sentences for the worst forms of child labor.
- Increase the number of labor inspectors and resources for all agencies involved in enforcing child labor laws.
- Establish one coordinating mechanism that maintains a central database for all government agencies involved in enforcement efforts on the worst forms of child labor.
- Increase training for law enforcement officers, especially for judges.

IN THE AREA OF POLICIES:

- Streamline coordination of policies related to the worst forms of child labor and allot sufficient resources to implement national action plans.
- Assess the impact that other existing development policies may have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to prevent children from hazardous and forced labor in agriculture and begging.

⁷²⁰ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 2003. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁷²¹ ILO Committee of Experts, *Individual Direct Request, Minimum Age Convention, 1973 (No. 138) Burkina Faso (ratification: 1999)*, [online] 2009 [cited February 5, 2010], article 2, paragraph 1; available from <http://www.ilo.org/ilolex/>. See also ILO Committee of Experts, *Individual Observation, Labour Inspection (Agriculture) Convention, 1969 (No. 129) Burkina Faso (ratification: 1974)*, [online] 2009 [cited February 5, 2010]; available from <http://www.ilo.org/ilolex/>. See also Kristoffel Lieten, Afke de Groot, Ruth van Wieren, Albertine de Lange, and Heike Roshanski, "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.

⁷²² Y. Diallo, *Les activites des enfants en Afrique subsaharienne: les enseignements des enquetes sur le travail des enfants en Afrique de l'Ouest*, Understanding Children's Work Project, July 2008, 9 and 11. See also Albertine de Lange, "Going to Kompienga" *A Study on Child Labour Migration and Trafficking in Burkina Faso's South-Eastern Cotton Sector*, International Research on Working Children, 2006, 6, 17, 23, 26-28, 36, and 44; available from <http://www.childlabour.net/documents/traffickingproject/albertinedelangetraffickingburkina.pdf>. See also ILO Committee of Experts, *Individual Observation C129: Burkina Faso (2009)*.

⁷²³ U.S. Department of State, "Burkina Faso (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>. See also de Lange, *Going to Kompienga*.

⁷²⁴ Diallo, *Les activites des enfants en Afrique subsaharienne: les enseignements des enquetes sur le travail des enfants en Afrique de l'Ouest*, 11.

⁷²⁵ Ibid. See also UNICEF, *Burkina Faso: Retraining helps children secure safer future outside of the mines in Burkina Faso*, [online] June 8, 2009 [cited March 19, 2010]; available from http://www.unicef.org/protection/burkinafaso_49933.html. See also Integrated Regional Information Networks, "Burkina Faso: Koranic vs. state schools", IRINnews.org, [online], 2009 [cited January 16, 2009]; available from <http://irinnews.org/PrintReport.aspx?ReportId=84055>.

⁷²⁶ ILO-IPEC, *Etude transfrontaliere sur le travail des enfants dans les sites d'orpillage du BF, du Mali, et du Niger: Rapport-pays du Burkina Faso*, Burkina Faso, August 2009, 37-38. See also ILO-IPEC, *Etude sur les questions du genre, le travail des enfants et les pires formes de travail des enfants dans les mines et carrieres: Le cas du Burkina Faso*, Preliminary Report, Burkina Faso, July 2009, 7, 28-29.

⁷²⁷ ILO-IPEC, *Etude transfrontaliere sur le travail des enfants dans les sites d'orpillage*, 37-39 and 41.

⁷²⁸ ILO-IPEC, *Etude sur les questions du genre, le travail des enfants et les pires formes de travail des enfants dans les mines et carrieres: Le cas du Burkina Faso*, 32.

⁷²⁹ ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Burkina Faso (ratification: 2001)*, [online] 2009 [cited February 5, 2010]; available from <http://www.ilo.org/ilolex/>. See also ILO Committee of Experts, *Individual Direct Request C138: Burkina Faso (2009)*, article 2, para 1. See also UNICEF, *Progress for Children*, August 2009, 22; available from www.unicef.org/publications/files/Progress_for_Children-No.8_EN_081309.pdf.

⁷³⁰ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Burkina Faso (ratification: 2001)*, [online] 2009 [cited February 5, 2010], article 7, clause (d) 2; available from <http://www.ilo.org/ilolex/>. See also Integrated Regional Information Networks, "Burkina Faso: Fresh approach to street children", IRINnews.org, [online], 2008 [cited March 19, 2010]; available from <http://www.irinnews.org/report.aspx?ReportID=78112>. See also UN Human Rights Council, *Compilation Prepared by the Office High Commissioner for Human Rights, in accordance with paragraph 15(b) of the Annex to Human Rights Council Resolution 5/1 - Burkina Faso*, Burkina Faso, October 2008, 7; available from <http://www.unhcr.org/refworld/docid/4922a271d.html>. See also UN Economic and Social Council, *Summary of midterm reviews of country programmes: West and Central Africa region*, Burkina Faso, July 2009, 3; available from <http://www.unicef.org/about/execboard/files/E-ICEF-2009-PL21-WCAR-MTR-E.pdf>.

⁷³¹ 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 March 19, 2010], 100, 101, and 105; available from http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.BFA.4_fr.doc. 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>.

⁷³² 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]; 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 IOM, *Traditional Practices Being Abused to Exploit Children in West Africa, Warns IOM*, [online] 2006 [cited March 19, 2010]; 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.

⁷³³ U.S. Department of State, "Trafficking in Persons Report-2010: Burkina Faso."

⁷³⁴ Ibid. See also Integrated Regional Information Networks, "Burkina Faso: New child trafficking law hard to enforce", IRINnews.org, [online], 2008 [cited March 19, 2010]; available from <http://www.irinnews.org/report.aspx?ReportID=78570>. See also de Lange, *Going to Komienga*.

⁷³⁵ U.S. Department of State, "Cote d'Ivoire (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>. See also U.S. Department of State, "Burkina Faso (Tier 2)," in *Trafficking in Persons Report-2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009>. See also U.S. Embassy - Ouagadougou, *reporting*, July 14, 2009. See also ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Mali (ratification: 2000)*, [online] 2008 [cited February 5, 2010]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>. See also Winrock International, *Spotlight on ENDA, Mali*, [online] July 2005 [cited February 16, 2010]; available from <http://circle.winrock.org/news/ml-ENDA.cfm>.

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⁷³⁸ Elizabeth Stuart, "A Crisis Multiplied: How the global economic crisis, coming on top of other shocks, is worsening poverty in Burkina Faso", [oxfam.org.uk](http://www.oxfam.org.uk), [online], June 2010 [cited August 17, 2010], 10-13; available from http://www.oxfam.org.uk/resources/policy/economic_crisis/downloads/dp_crisis_multiplied_burkina_faso_en_220610.pdf. See also UNICEF, "UNICEF Issues Warning about Malnutrition Crisis in Africa's Sahel Region", [online], 2010 [cited August 17, 2010]; available from <http://desertification.wordpress.com/2010/04/10/unicef-issues-warning-about-malnutrition-crisis-in-africa%E2%80%99s-sahel-region-unnews-unicef/>. See also FAO, "Fighting high food costs in Burkina Faso", [online], 2009 [cited August 17, 2010]; available from <http://www.fao.org/news/story/en/item/43138/icode/>. See also Elizabeth Stuart, "A Crisis Multiplied".

⁷³⁹ Government of Burkina Faso, *Loi n° 028-2008/AN Portant code du travail au Burkina Faso*, (May 13, 2008), article 149 and 152.

⁷⁴⁰ ILO-IPEC, *Prevention and Elimination of Child Labour in Artisanal Gold Mining in West Africa*, Technical Progress Report, Geneva, September 30, 2009, 12. See also Seraphine Somme, "Burkina Faso: Un nouveau code du travail adopte", [AllAfrica.com](http://www.allafrica.com), [online], May 15, 2008; available from <http://fr.allafrica.com/stories/200805150297.html>.

⁷⁴¹ U.S. Embassy - Ouagadougou, *reporting*, December 16, 2009.

⁷⁴² ILO Committee of Experts, *Individual Direct Request, Night Work of Young Persons (Industry) Convention, 1919 (No. 6) Burkina Faso (ratification: 1960)*, [online] 2007 [cited February 5, 2010]; available from <http://www.ilo.org/ilolex/>. See also Government of Burkina Faso, *Loi n° 028-2008/AN Portant code du travail au Burkina Faso*. See also Government of Burkina Faso, *Loi n° 033-2004/AN portant code du travail au Burkina Faso*, (September 14, 2004), article 146; available from http://www.legiburkina.bf/jo/jo2004/no_spécial_02/Loi_AN_2004_00033.htm.

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- ⁷⁴⁴ ILO Committee of Experts, *Individual Direct Request C138: Burkina Faso (2009)*, article 6 and article 7. See also U.S. Embassy - Ouagadougou, *reporting, December 16, 2009*.
- ⁷⁴⁵ Government of Burkina Faso, *Loi n° 028-2008/AN Portant code du travail au Burkina Faso*, articles 1 and 2.
- ⁷⁴⁶ *Ibid.*, articles 391 and 397.
- ⁷⁴⁷ *Ibid.*, article 398.
- ⁷⁴⁸ Government of Burkina Faso, *LOI N° 029-2008/AN PORTANT lutte contre la traite des personnes et Les pratiques assimilées. jo n°26 DU 26 JUIN 2008*, (May 15, 2008), articles 1-5 and 7-8; available from 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».
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- ⁷⁵⁶ ILO Committee of Experts, *Individual Observation C129: Burkina Faso (2009)*.
- ⁷⁵⁷ Government of Burkina Faso, *Efforts to Eliminate the Worst Forms of Child Labor*.
- ⁷⁵⁸ ILO Committee of Experts, *Individual Direct Request C81: Burkina Faso (2009)*.
- ⁷⁵⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Burkina Faso.” See also U.S. Department of State, “Burkina Faso,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135940.htm>.
- ⁷⁶⁰ U.S. Department of State, “Country Reports- 2009: Burkina Faso,” section 5.
- ⁷⁶¹ *Ibid.*
- ⁷⁶² U.S. Department of State, “Trafficking in Persons Report- 2010: Burkina Faso.” See also Mathieu Bonkoukou, “Five dead, thousands flee flooding in Burkina Faso”.
- ⁷⁶³ ILO Committee of Experts, *Individual Observation C182: Burkina Faso (2009)*.
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- ⁷⁶⁶ U.S. Department of State, “Trafficking in Persons Report- 2009: Burkina Faso.”
- ⁷⁶⁷ UN Economic and Social Council, *Summary of midterm reviews of country programmes: West and Central Africa region*, 5.
- ⁷⁶⁸ Government of Burkina Faso: Ministère de la Jeunesse et de l’Emploi, *Politique Nationale de l’Emploi (PNE)*, March 2008, 15. See also 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, 60, and 100. See also ILO-IPEC, *Prevention and Elimination of Child Labour in Artisanal Gold Mining in West Africa*, Technical Progress Report, Geneva, September 15, 2008, 8.
- ⁷⁶⁹ 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.
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- ⁷⁷¹ ECOWAS, *Regional Policy On Protection And Assistance To Victims Of Trafficking In Persons In West Africa*, Accra, April 3, 2009.
- ⁷⁷² ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja,

July 7, 2006, 8 and 11. See also Government of Mali, *Premier Rapport du Mali sur la mise en œuvre de la charte africaine des droits et du bien-être de l'enfant (1999-2006)*, (September 2007), 50. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Burkina Faso (CRC/C/BFA/3-4)*, 101.

⁷⁷³ 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/Décret_PM_2008_00215.htm.

⁷⁷⁴ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Burkina Faso (CRC/C/BFA/3-4)*, 22.

⁷⁷⁵ Integrated Regional Information Networks, "Burkina Faso: Millions to receive birth certificates", IRINnews.org, [online], 2009 [cited March 19, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=84224>.

⁷⁷⁶ UN Economic and Social Council, *Summary of midterm reviews of country programmes: West and Central Africa region*, 4-5.

⁷⁷⁷ ILO Committee of Experts, *Individual Direct Request C182: Burkina Faso (2009)*, clause d (2).

⁷⁷⁸ UNICEF, *Retraining helps children secure safer future*. See also ILO-IPEC, *Prevention and Elimination of Child Labour in Artisanal Gold Mining in West Africa*, Technical Progress Report, Geneva, April 5, 2009. See also ILO-IPEC, *Prevention and Elimination of Child Labor in Mining in West Africa*, Project Document, Geneva, September 30, 2005, cover page.

⁷⁷⁹ ILO-IPEC Geneva official, E-mail communication to USDOL official, December, 2008.

⁷⁸⁰ UN Commission on Human Rights, *Addendum to the Report on the Human Rights of Migrants: Burkina Faso (E/CN.4/2006/73/Add.2)*, Burkina Faso, January 2006, 2; available from <http://www.unhcr.org/refworld/docid/45377af80.html>. See also U.S. Department of State, "Country Reports- 2009: Burkina Faso," section 5. 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], article 5; 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>.

⁷⁸¹ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Burkina Faso (CRC/C/BFA/3-4)*, 100. 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], 97; available from http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.BFA.4_fr.doc.

⁷⁸² Millennium Challenge Corporation, *MCC Education Threshold Program Yields Successful Results from Two-Year Study of Girls' Schools in Burkina Faso*, Press Release, May 8, 2009; available from <http://www.mcc.gov/mcc/press/releases/release-050809-mcceducationthreshold.shtml>. See also Millennium Challenge Corporation, *Impact Evaluation: Girls' Education in Burkina Faso*, Press Release, 2009; available from <http://www.mcc.gov/mcc/panda/activities/impactevaluation/ie-country/eval-burkinafaso-education.shtml>.

Burundi

The Government of Burundi successfully completed the demobilization of child soldiers and provided them with short-term care and family reunification services. However, children continue to work in agriculture. Aside from child soldiering, there is little evidence of government programs or policy to combat the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	84.0%
Attending School	5-14 yrs.	41.9%
Combining Work and School	7-14 yrs.	19.1%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Burundi are exploited in the worst forms of child labor,⁷⁸³ many of them in agriculture.⁷⁸⁴ Children in agriculture may be subject to using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides. Children also work 12-hour days in the fishing sector, and herd cattle and goats, where they are exposed to the elements and they work with large or dangerous animals.⁷⁸⁵ Other children face dangers in brick making and mining.⁷⁸⁶

In urban areas, children are employed as domestic servants.⁷⁸⁷ Children working in domestic service in Burundi are often isolated from the public and receive no remuneration for their work.⁷⁸⁸ Some employers seek to avoid paying their servants by accusing the children of criminal activity. Children have suffered incarceration because of false accusations.⁷⁸⁹ Children in domestic service may also be vulnerable to long working hours and physical and sexual exploitation by their employers.

Many children also work on the streets as vendors and porters.⁷⁹⁰ They face a variety of potential dangers, including carrying heavy loads, physical abuse, and vulnerability to criminals.⁷⁹¹ Children living and

working in the streets are sometimes raped, including by older boys who coerce sexual activity in exchange for promising to “protect” their victims.⁷⁹² Such sexual activity makes street children vulnerable to HIV/AIDS.⁷⁹³

The commercial sexual exploitation of children exists in Burundi.⁷⁹⁴ While there is little evidence of large-scale child prostitution, girls are sometimes pushed into prostitution by older women who initially offer free room and board, then force the children into prostitution to pay for their expenses. Male tourists also sexually exploit girls.⁷⁹⁵






Burundian children are trafficked internally for work in agriculture and domestic service.⁷⁹⁶ Burundian girls are trafficked for commercial sexual exploitation to Rwanda, Kenya, and Uganda.⁷⁹⁷ Burundian children are trafficked into forced labor in Tanzania.⁷⁹⁸ Children are also lured under false promises or coerced into forced labor, including in domestic service and agricultural labor, in southern Burundi.⁷⁹⁹

Although Burundi has a history of children being used in combat, during the reporting period the Government successfully finished the process of demobilizing all remaining former child combatants.⁸⁰⁰

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for work at 16.⁸⁰¹ As of 2009, a revised Penal Code sets the minimum age for hazardous work at 18. Persons who employ children under age 18 in hazardous labor may be punished with a fine and three to five years of penal servitude.⁸⁰² The Government maintains a list of occupations forbidden for children under age 18. It includes work with automobiles, in slaughterhouses, mining minerals, and serving alcohol.⁸⁰³

Children are required to attend school until age 12.⁸⁰⁴ This standard makes children ages 13 to 14 particularly vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum age for work.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

Burundi's Penal Code makes criminal certain worst forms of child labor, including the recruitment and use of children under age 18 for child pornography or prostitution, or profiting from such practices.⁸⁰⁵ The Penal Code also forbids the trafficking of children under age 18 years, as well as agreeing to or profiting

from child trafficking.⁸⁰⁶ It is also illegal to use children in illicit activities, although there is no specific definition of illicit activities in the Penal Code.⁸⁰⁷

The Constitution prohibits forced labor.⁸⁰⁸ From 2009, the Penal Code sets 18 as the minimum age for military recruitment, and makes the military use of children under age 16 a war crime.⁸⁰⁹

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence of coordinating mechanisms to combat worst forms of child labor in Burundi.

The Ministry of Labor is responsible for enforcing all labor laws including those on child labor. The Ministry uses criminal penalties, civil fines, and court orders as mechanisms to enforce labor laws.⁸¹⁰

The Government has trained government officials in child labor law enforcement with help from NGOs and UNICEF.⁸¹¹ The Ministry of Labor employs 12 inspectors, an inadequate amount given the prevalence of child labor in the country.⁸¹² Inspectors only initiate investigations in response to complaints, although a formal system has not been established to file such complaints.⁸¹³ During the reporting period, the Government did not conduct any child labor inspections.⁸¹⁴

The Brigade for the Protection of Women and Children within the National Police is responsible for enforcing criminal violations of the worst forms of child labor and is mandated to protect children from criminal influences and harm.⁸¹⁵ The Brigade has 100 officers.⁸¹⁶ During the reporting period, the Brigade prosecuted 10 cases of forced sexual exploitation of children and women, and received four new cases.⁸¹⁷

During the reporting period, the police rescued 13 children from commercial sex trafficking and returned the children to their families. Additionally, the Burundian Government, in coordination with the Tanzanian police, rescued six children from forced labor in Tanzania and arrested one man involved.⁸¹⁸

Government Policies on the Worst Forms of Child Labor

Research found no evidence of policies to combat the worst forms of child labor in Burundi.⁸¹⁹

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

The Government has implemented social programs to assist former child soldiers, street children, and children exploited in prostitution.

The government-appointed National Commission for Demobilization, Reinsertion and Reintegration (NCDRR) has been responsible for monitoring the demobilization and reintegration of child soldiers since its creation in 2003.⁸²⁰ During the reporting period, the NCDRR, in collaboration with the U.N., successfully demobilized the remaining 340 child combatants for the rebel National Liberation Force (FNL) and 40 other children associated with FNL dissidents.⁸²¹ In previous years, over 3,600 children were demobilized and reintegrated within their communities.⁸²² Outside funding enabled the Commission to give short-term

medical care and counseling to the former child combatants and to return them to their families.⁸²³ The Government also worked with NGOs to provide financial support and free education to the former child soldiers.⁸²⁴

The Ministry of Labor worked with UNICEF to counter child labor and the abuse of former child soldiers through raising public awareness of these issues.⁸²⁵

The Women and Children's Brigade gave counseling to children in prostitution and facilitated communication between the victims and their parents.⁸²⁶

In 2009, the Government established the Municipal Council for Children and Youth (CMEJ), which aims to provide a network of services for street children, former child combatants, and child trafficking victims.⁸²⁷ The CMEJ began to draft an action plan for their work in 2010.⁸²⁸

The Government relies primarily on NGOs to provide care and services for exploited children.⁸²⁹

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

IN THE AREA OF LAWS AND REGULATIONS:

- Raise the age for compulsory education to 16 to harmonize it with the minimum age for employment.
- Amend the Penal Code to include a specific definition for illicit activities.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Develop a system for coordinating efforts to combat the worst forms of child labor.
- Devote additional resources to increase enforcement efforts, including through increasing the number of inspectors, establishing a system for filing complaints, and targeting investigations in sectors where there is a high prevalence of child labor.

IN THE AREA OF POLICIES:

- Develop and make publicly available policies to address the worst forms of child labor directly, and as part of other poverty and child welfare initiatives.

IN THE AREA OF PROGRAMS:

- Provide funding to establish and expand social program to assist children engaged in or at risk of entering the worst forms of child labor, especially for children in agriculture and domestic service.

⁷⁸³ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁷⁸⁴ Observatoire Ineza des Droits de l'Enfant au Burundi, *Guide des droits de l'enfant au Burundi*, 2nd ed. (2008), 31, 55. See also U.S. Embassy- Bujumbura, *reporting*, February 1, 2010, 1. See also PANA, *Mobilisation contre le travail des enfants au Burundi, Mobilization against Child Labor in Burundi*, [online] October 6, 2008 [cited May 20, 2010]; available from http://www.arib.info/index.php?option=com_content&task=view&id=57&Itemid=65. See also ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Burundi (ratification: 2000)*, [online] 2010 [cited May 20, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=622&chapter=3&query=Burundi@ref%2BObservation@ref%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0>.

⁷⁸⁵ U.S. Department of State, "Burundi," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135941.htm>. See also Human Rights Watch, *Paying the Price: Violations of the Rights of Children in Detention in Burundi*, New York, March 2007, 14; available from <http://hrw.org/reports/2007/burundi0307>.

⁷⁸⁶ Observatoire Ineza des Droits de l'Enfant au Burundi, *Guide des droits de l'enfant au Burundi*, 31. See also Human Rights Watch, *Paying the Price*, 14.

⁷⁸⁷ Human Rights Watch, *Paying the Price*, 5. See also Observatoire Ineza des Droits de l'Enfant au Burundi, *Guide des droits de l'enfant au Burundi*, 31.

⁷⁸⁸ Observatoire Ineza des Droits de l'Enfant au Burundi, *Guide des droits de l'enfant au Burundi*, 55.

⁷⁸⁹ Human Rights Watch, *Paying the Price*, 14.

⁷⁹⁰ Observatoire Ineza des Droits de l'Enfant au Burundi, *Guide des droits de l'enfant au Burundi*, 31, 55. See also Integrated Regional Information Networks, «Burundi: Focus on Street Children», IRINnews.org, [online], June 15, 2004

[cited June 10, 2010]; available from <http://www.irinnews.org/Report.aspx?ReportID=50237>.

⁷⁹¹ PANA, *Mobilization against Child Labor*. See also U.S. Embassy- Bujumbura, *reporting, February 1, 2010*, 2A. See also Observatoire Ineza des Droits de l'Enfant au Burundi, *Guide des droits de l'enfant au Burundi*, 55. See also Integrated Regional Information Networks, «Focus on Street Children».

⁷⁹² Integrated Regional Information Networks, "Focus on Street Children". See also Integrated Regional Information Networks, "Burundi: Sex and drugs leave Bujumbura's homeless at risk of HIV", IRINnews.org, [online], July 11, 2007 [cited June 2, 2010]; available from <http://www.plusnews.org/report.aspx?ReportId=73199>.

⁷⁹³ Integrated Regional Information Networks, "Sex and drugs leave Bujumbura's homeless at risk".

⁷⁹⁴ U.S. Department of State, "Country Reports- 2009: Burundi," section 6.

⁷⁹⁵ U.S. Department of State, "Burundi (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 15, 2010; available from <http://www.state.gov/documents/organization/142981.pdf>.

⁷⁹⁶ U.S. Department of State, "Country Reports- 2009: Burundi."

⁷⁹⁷ U.S. Department of State, "Trafficking in Persons Report- 2010: Burundi."

⁷⁹⁸ Ibid.

⁷⁹⁹ Ibid.

⁸⁰⁰ UN Secretary-General, *Children and armed conflict: Report of the Secretary General*, September 10, 2009, I 2; available from <http://daccess-ods.un.org/TMP/4216726.html>.

⁸⁰¹ Government of Burundi, *Décret loi no. 1/037 du 7 juillet 1993 portant révision du Code du travail*, articles 3, 127, and 128; available from <http://natlex.ilo.org/txt/F93BDI01.htm>.

⁸⁰² Government of Burundi, *Loi n° 1/05 du 22 avril 2009 portant révision du Code pénal*, 1/05, (April 22, 2009), articles 509, 519; available from <http://www.senat.bi/spip.php?article960>.

⁸⁰³ Observatoire Ineza des Droits de l'Enfant au Burundi, *Guide des droits de l'enfant au Burundi*, 31. Ordinance No. 630/1

⁸⁰⁴ U.S. Department of State, "Burundi," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135941.htm>.

⁸⁰⁵ Government of Burundi, *2009 Penal Code Revision*, article 515.

- ⁸⁰⁶ Ibid., articles 511, 517.
- ⁸⁰⁷ Ibid., articles 509 and 515.
- ⁸⁰⁸ U.S. Embassy- Bujumbura, *reporting*, January 16, 2009, 2. See also Government of Burundi, *Constitution*, article 45, 26; available from http://www.senat.bi/documents/constitution_bdi_francais.pdf.
- ⁸⁰⁹ ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Burundi (ratification: 2002)*, [online] 2010 [cited May 20, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11919&chapter=6&query=Burundi%40ref&highlight=&querytype=bool&context=0>. See also Government of Burundi, *2009 Penal Code Revision*, article 198 2 aa. See also, UN Secretary-General, *Children and armed conflict (September 10, 2009)*, para 45.
- ⁸¹⁰ U.S. Department of State, “Country Reports- 2009: Burundi,” section 7d.
- ⁸¹¹ Ibid.
- ⁸¹² U.S. Department of State, “Trafficking in Persons Report- 2010: Burundi.” See also World Bank Projects Database, *Population*, accessed August 20, 2010; available from http://data.worldbank.org/indicator/SP.POP.TOTL?cid=GPD_1. See also U.S. Embassy- Bujumbura, *reporting*, February 1, 2009, 2C-2E.
- ⁸¹³ U.S. Department of State, “Country Reports- 2009: Burundi,” 7d. See also U.S. Embassy - Bujumbura, *reporting*, February 1, 2010, 2C-2E.
- ⁸¹⁴ U.S. Embassy - Bujumbura, *reporting, February 1, 2010, 2C-2E*.
- ⁸¹⁵ UNODC, *Global Report on Trafficking in Persons 2009*, February 2009; available from http://www.unodc.org/documents/human-trafficking/Country_profiles/East_Africa.pdf. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Burundi.” See also U.S. Embassy - Bujumbura, *reporting, February 1, 2010, 2C-2E*.
- ⁸¹⁶ U.S. Embassy - Bujumbura, *reporting, February 1, 2010, 2C-2E*.
- ⁸¹⁷ U.S. Department of State, “Country Reports- 2009: Burundi,” section 6.
- ⁸¹⁸ U.S. Department of State, “Trafficking in Persons Report- 2010: Burundi.” See also U.S. Embassy- Bujumbura, *reporting, February 1, 2010, 2D*.
- ⁸¹⁹ U.S. Embassy- Bujumbura, *reporting, February 1, 2010, 2E*.
- ⁸²⁰ United Nations Disarmament, Demobilization and Reintegration Resource Centre Burundi, *Country Programme: Burundi*, [online] [cited August 23, 2010]; available from <http://www.unddr.org/countryprogrammes.php?c=17>.
- ⁸²¹ U.S. Embassy- Bujumbura, *reporting, February 1, 2010, 2D III*. See also UN Secretary-General, *Children and armed conflict (September 10, 2009)*, I-2.
- ⁸²² UN Secretary-General, *Children and armed conflict (September 10, 2009)*, para 18. See also U.S. Embassy- Bujumbura, *reporting, January 16, 2009, 1*.
- ⁸²³ U.S. Department of State, “Trafficking in Persons Report- 2010: Burundi.”
- ⁸²⁴ Olalekan Ajia, “Burundi’s last child soldiers homeward bound towards a new life”, UNICEF.org, [online], May 15, 2009 [cited May 20, 2010]; available from http://www.unicef.org/infobycountry/burundi_49684.html?q=printme.
- ⁸²⁵ U.S. Embassy- Bujumbura, *reporting, February 1, 2010, 7d*. See also U.S. Department of State, “Country Reports- 2009: Burundi.”
- ⁸²⁶ U.S. Department of State, “Trafficking in Persons Report- 2010: Burundi.”
- ⁸²⁷ Ibid.
- ⁸²⁸ Ibid.
- ⁸²⁹ U.S. Embassy- Bujumbura, *reporting, February 2, 2009, 6B*.

Cambodia

Cambodia has strengthened its policy framework to address the worst forms of child labor through implementation of a National Plan of Action on the Elimination of the Worst Forms of Child Labor. However, children continue to perform hazardous work in agriculture and are in danger of being trafficked. Additionally, gaps still remain in Cambodia's enforcement framework due to a limited number of resources and labor inspectors.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Cambodia are exploited in the worst forms of child labor,⁸³⁰ many of them in agriculture, including on rubber plantations.⁸³¹ Children's work in agriculture commonly involves harmful activities, such as use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides. Additionally, children work in a number of occupations the Government has determined to be dangerous, including fishing, portering, rubbish picking, handicraft work, brick making, and working in restaurants and as domestic servants.⁸³² Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of cassava, coal, gems and tobacco.

Children work in other worst forms of child labor activities such as salt production and shrimp processing.⁸³³ In the salt fields children carry heavy loads, work long hours in the sun, and suffer from cuts on their feet from the salt crystals.⁸³⁴ Children also work on the street as beggars, vendors, shoe polishers,

and scavengers.⁸³⁵ Street work exposes children to dangers, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

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.⁸³⁶ Cambodian children are trafficked to Thailand and Vietnam for begging, selling candy and flowers on the street, and shining shoes.⁸³⁷ Girls are trafficked internally and from Vietnam for prostitution.⁸³⁸ Cambodia is also a destination country for child sex tourism.⁸³⁹




Laws and Regulations on the Worst Forms of Child Labor

The Cambodian Labor Law sets the minimum age for employment at 15.⁸⁴⁰ Children under 18 are barred from work that is hazardous to their health, safety, and moral development according to a 2004 declaration issued by the Ministry of Labor and Vocational Training (MOLVT).⁸⁴¹ The declaration lists 38 types

of hazardous work, including working underground; lifting, carrying, or moving heavy loads; deep-sea and off-shore fishing; and working near furnaces or kilns used to manufacture glass ceramics or bricks.⁸⁴²

MOLVT makes some exceptions to the prohibition of hazardous work. Children 16 and 17 receiving vocational training can work underground and at night under strict supervision.⁸⁴³ Children as young as 12 are permitted to perform domestic labor as long as the work is not hazardous to their health, safety, or morals and it doesn't involve any of the types of hazardous work specifically prohibited.⁸⁴⁴

While the legal framework provides some protections against the worst forms of child labor, the Labor Law does not prohibit hazardous work in family-based agriculture or family businesses.⁸⁴⁵ Additionally, there is no compulsory school age in Cambodia.⁸⁴⁶ This leaves children vulnerable to the worst forms of child labor as they are not required to be in school, but are not legally permitted to work either.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	None
	Free Public Education	Yes

Forced or compulsory labor is outlawed in Section 5 of the Cambodian Labor Law.⁸⁴⁷ The Law provides for imprisonment of those convicted of these crimes.⁸⁴⁸ The Constitution prohibits prostitution and the buying and selling of human beings.⁸⁴⁹ In February 2008, the

Law on the Suppression of Human Trafficking and Sexual Exploitation took effect. It defines trafficking crimes, criminalizes child prostitution as well as sexual and indecent acts with minors, and specifies fines and prison terms.⁸⁵⁰ The minimum age for conscription into military service is 18.⁸⁵¹

Institutional Mechanisms for Coordination and Enforcement

The Cambodian National Council for Children (CNCC) and its subcommittee for child labor are the main monitoring institutions at the national level on child labor issues.⁸⁵² The CNCC also implements and evaluates policies and programs to protect children. The CNCC subcommittee on child labor includes all concerned ministries, businesses, trade unions, and NGOs and coordinates projects and programs with national policy on child labor.⁸⁵³ Coordination also occurs at the provincial level through the Provincial Committees on Protection of Child Rights and Provincial Committees on Child Labor.⁸⁵⁴

In 2009 the Prime Minister signed a sub-decree forming a single policymaking entity called the National Committee on Suppression of Human Trafficking, Smuggling, and Labor and Sexual Exploitation. The sub-decree combined the National Task Force and High-Level Working Groups on Human Trafficking.⁸⁵⁵ The Committee includes representatives from all 18 ministries and the Ministries of Women's Affairs, Social Affairs, Justice, and Labor and Vocational Training hold deputy chairmanships.⁸⁵⁶

The MOLVT and Provincial Labor departments are responsible for enforcing the child-related provisions of the Cambodian Labor Law.⁸⁵⁷ The MOLVT has 10 inspectors dedicated to child labor in Phnom Penh and 27 child labor inspection officials at municipal and provincial levels.⁸⁵⁸ Given the large number of children working in Cambodia, the number of labor inspectors is insufficient for the scope of the problem. During 2009, child labor training, conducted by the ILO and Winrock International, was provided to 1,270 inspectors, monitors, police officers, parents, local authorities, teachers, and representatives from youth clubs.⁸⁵⁹

Inspectors are reported to lack a budget for transportation, fuel, and other necessities to carry out inspections.⁸⁶⁰ The MOLTV conducts routine inspections of some industries, however much inspection is complaint driven.⁸⁶¹

Enforcement actions are rare and punishments are light. In 2009 there was only one documented child labor violation. It involved an underage garment factory worker.⁸⁶² The factory owner was fined for employing a child for full-time work, and the child worker was withdrawn from the factory and placed in vocational training.⁸⁶³ In cases in which violations are found, it reportedly can take more than one month to resolve child labor cases.⁸⁶⁴

Laws against trafficking, child sexual exploitation, and illicit activities are enforced by the Ministry of the Interior and 24 municipal and provincial Anti-Human Trafficking and Juvenile Protection offices.⁸⁶⁵ There are approximately 200 anti-human trafficking police officers at the national level and about 312 officers at the municipal and provincial levels.⁸⁶⁶ The Government also partnered with NGOs to train over 4,000 police, social workers, court officials, and other employees on human trafficking.⁸⁶⁷ Complaints of human trafficking can be filed through nine anti-trafficking hotlines established by the Ministry of Interior.⁸⁶⁸

Cambodian police investigated 72 human trafficking cases from April through December 2009, arresting 112 perpetrators, and rescuing 473 victims, 105 of which were children.⁸⁶⁹ These victims were referred to local NGOs for treatment and rehabilitation. In 2009, IOM identified 144 Cambodian victims trafficked to Thailand, who were mostly children. At the same time, 665 Cambodian child beggars, porters, and other street children were returned from Vietnam and reintegrated into their communities.⁸⁷⁰

Trafficking investigators have office facilities, but often lack transportation, fuel, and other necessities for carrying out investigations.⁸⁷¹

Government Policies on the Worst Forms of Child Labor

In 2008, the Government, in consultation with stakeholders, approved the National Plan of Action on the Elimination of the Worst Forms of Child Labor 2008-2012 (NPA-WFCL). It aims to reduce the percentage of children ages 5 to 17 in Cambodia who are working from 13 percent in 2005 to 8 percent by 2015, and to eradicate the worst forms of child labor by 2016.⁸⁷²

The NPA-WFCL addresses all relevant worst forms of child labor and lays out the specific sectors, regions, and activities in which these worst forms may be found.⁸⁷³ The Plan reflects the list of prohibited hazardous work through its list of priority sectors including domestic labor, quarrying, brick making, portering, rubber plantation work, salt production, fishing, and mining.⁸⁷⁴ The NPA-WFCL also includes a matrix of outputs, activities, implementing agencies, resources, and indicators to articulate how the Government will achieve its objectives in a number of areas including research, policy, enforcement, social mobilization, education, protection, prevention, and withdrawal.⁸⁷⁵

The issue of child labor has also been incorporated into other key development policies. The Cambodia Millennium Development Goals adopts the objective of decreasing the share of children working to 8 percent by 2015.⁸⁷⁶ In 2009 the Government began developing its first National Social Protection Strategy, which includes a focus on managing the risks of child labor in its worst forms.⁸⁷⁷ The MOLVT also endorsed the ILO Decent Work Country Program, which highlights child labor issues and outlines a framework for enhancing policies, laws, and enforcement mechanisms to protect children.⁸⁷⁸ In addition, the MOLVT adopted the first Occupational Safety and Health Master Plan (2009-2013).⁸⁷⁹ One of its six priorities is eliminating hazardous child labor.⁸⁸⁰

To confront human trafficking, the Ministry of Social Affairs issued its Policy and National Minimum

Standards for the Protection of the Rights of Victims of Human Trafficking in August 2009. The policy includes guidelines to improve the treatment of victims and mandates training of officials.⁸⁸¹

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

The Government of Cambodia has participated in donor-funded projects to combat hazardous child labor in fishing, salt production, and brick making as well as eliminate commercial sexual exploitation and child trafficking.⁸⁸² A \$4.75 million USDOL-funded project, which ended in 2009, facilitated the implementation of the NPA-WFCL and provided technical assistance in the finalization of the list of prohibited hazardous labor.⁸⁸³ The Government has also participated in two USAID-funded projects to combat trafficking.⁸⁸⁴

Currently, the Government participates in a \$4 million USDOL-funded program to withdraw 3,750 children and prevent 4,500 children from the worst forms of child labor in subsistence and commercial agriculture and fishing by providing direct education services.⁸⁸⁵ The project works on several of the objectives laid out by the NPA-WFCL, including research, policy development, legislation and enforcement, advocacy, and education.⁸⁸⁶ The Government also participates in a \$4.3 million USDOL-funded project to develop national capacity to end the worst forms of child labor, including child trafficking, fishing, brick making, salt mining, and working as porters. Its objective is to withdraw 7,200 children and prevent 3,800 children in 15 provinces from the worst forms of child labor.⁸⁸⁷ In spite of the Government's efforts to eliminate the worst forms of child labor through social programs, these efforts rely primarily on international donor funding and are at risk of not being sustainable.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Institute a compulsory education age.
- Amend laws to protect children from hazardous work in non-commercial and family agriculture and family businesses.
- Provide adequate legal protections for children working in domestic service.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase the number of child labor inspectors and provide them with adequate resources.
- Conduct routine inspections of industries where hazardous child labor is known to occur.
- Provide adequate resources for the enforcement of anti-trafficking laws.
- Complete enforcement actions in a timely manner.
- Ensure that violations of child labor laws are punished adequately.

IN THE AREA OF PROGRAMS:

- Increase support to social programs combating child labor and work to achieve sustainability without international financial support.

⁸³⁰ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁸³¹ U.S. Embassy- Phnom Penh, *reporting*, January 29, 2010, 1. See also U.S. Department of State, “Cambodia,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6d; available from www.state.gov/g/drl/rls/hrrpt/2009/eap/135988.htm.

⁸³² ILO, UNICEF, and World Bank, *Children’s Work in Cambodia: A Challenge for Growth and Poverty Reduction*, December 2006, 19 and 20; available from 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, 6; available from http://www.ucw-project.org/pdf/publications/cruz_ratana_WFCL_cambodia.pdf. See also U.S. Embassy- Phnom Penh, *reporting*, June 27, 2008. See also 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>.

⁸³³ ILO, *Making Decent Work an Asian Goal: Combating Child Labour in Asia and the Pacific: Progress and Challenges*. ILO, 2005 2005; available from <http://www.ilo.org/public/english/region/asro/bangkok/14arm/download/combating.pdf>.

⁸³⁴ Cruz and Ratana, *Understanding Children’s Work*, 20.

⁸³⁵ U.S. Embassy- Phnom Penh, *reporting*, January 29, 2010, 1.

⁸³⁶ U.S. Embassy- Phnom Penh, *reporting*, February 24, 2010. See also U.S. Embassy- Phnom Penh, *reporting*, February 19, 2009, 2.

⁸³⁷ U.S. Department of State, “Cambodia (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from www.state.gov/g/tip/rls/tiprpt/2010/142759.htm. See also U.S. Department of State, “Cambodia (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- Phnom Penh, *reporting*, February 24, 2010. See also U.S. Embassy- Phnom Penh, *reporting*, February 19, 2009, 5.

⁸³⁸ U.S. Department of State, “Trafficking in Persons Report- 2010: Cambodia.” See also U.S. Embassy- Phnom Penh,

reporting, February 19, 2009, 3.

⁸³⁹ Ibid.

⁸⁴⁰ Government of Cambodia, *Cambodian Labor Law*, (March 13, 1997), article 177(1); available from http://www.bigpond.com.kh/Council_of_Jurists/Travail/trv001g.htm.

⁸⁴¹ Government of Cambodia, *Prakas on the Prohibition of Hazardous Child Labor*, Prakas No. 106, (April 28, 2004), items 1-2. See also Government of Cambodia, *Cambodian Labor Law*, article 177(2).

⁸⁴² Government of Cambodia, *Prakas on the Prohibition of Hazardous Child Labor*, items 1 and 2.

⁸⁴³ U.S. Embassy- Phnom Penh, *reporting*, January 16, 2009, section 9.

⁸⁴⁴ Government of Cambodia, *Prakas on the Prohibition of Hazardous Child Labor*, 1-2, 4.

⁸⁴⁵ U.S. Embassy- Phnom Penh, *reporting*, January 29, 2010, 1.

⁸⁴⁶ U.S. Department of State, “Country Reports- 2009: Cambodia.”

⁸⁴⁷ Government of Cambodia, *Cambodian Labor Law*, articles 15 and 16.

⁸⁴⁸ U.S. Department of State, “Country Reports- 2009: Cambodia,” section 6.

⁸⁴⁹ 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>.

⁸⁵⁰ U.S. Embassy- Phnom Penh, *reporting*, February 19, 2009, 10, 12.

⁸⁵¹ 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.

⁸⁵² Government of Cambodia, *National Plan of Action on the Elimination of the Worst Forms of Child Labour*, Cambodia, 2008, chapter 3, 2; available from [www.childlabor.org.kh/Acrombat/NPA-WFCL%20-%202008-2012%20\(English%20Version\).pdf](http://www.childlabor.org.kh/Acrombat/NPA-WFCL%20-%202008-2012%20(English%20Version).pdf).

⁸⁵³ Ibid., chapter 3, 2.1.2.

⁸⁵⁴ Ibid., chapter 3, 2.

⁸⁵⁵ U.S. Embassy- Phnom Penh, *reporting*, February 24, 2010, section 3.A.

⁸⁵⁶ U.S. Embassy- Phnom Penh, *reporting*, January 29, 2010.

⁸⁵⁷ Ibid.

⁸⁵⁸ Ibid.

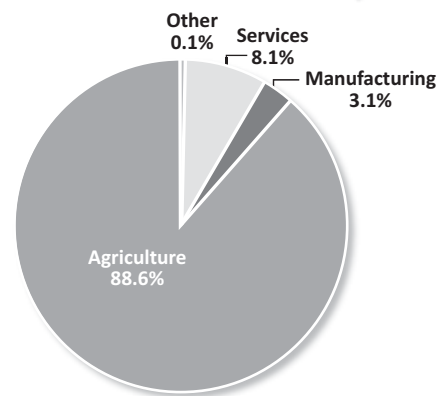
- ⁸⁵⁹ Ibid.
- ⁸⁶⁰ Ibid.
- ⁸⁶¹ U.S. Department of State, “Country Reports- 2009: Cambodia,” section 6d.
- ⁸⁶² ILO, *Better Factories Cambodia 23rd Synthesis Report on Working Conditions in Cambodia’s Garment Sector*, 2009, 8; available from http://www.ilo.org/asia/whatwedo/publications/lang--en/docName--WCM_041781/index.htm. See also U.S. Embassy- Phnom Penh, *reporting, January 29, 2010*, 1.
- ⁸⁶³ U.S. Embassy- Phnom Penh, *reporting, January 29, 2010*, 1.
- ⁸⁶⁴ Ibid.
- ⁸⁶⁵ Ibid., 2.
- ⁸⁶⁶ Ibid.
- ⁸⁶⁷ U.S. Department of State, “Trafficking in Persons Report-2010: Cambodia.”
- ⁸⁶⁸ U.S. Embassy- Phnom Penh, *reporting, January 29, 2010*.
- ⁸⁶⁹ Ibid.
- ⁸⁷⁰ Ibid., 2.
- ⁸⁷¹ Ibid.
- ⁸⁷² Government of Cambodia, *National Plan of Action*, 19. See also U.S. Embassy- Phnom Penh, *reporting, January 29, 2010*, 2.
- ⁸⁷³ Government of Cambodia, *National Plan of Action*, chapter 2, 3.1 a-e.
- ⁸⁷⁴ Ibid., 22.
- ⁸⁷⁵ Ibid., table 2.
- ⁸⁷⁶ Ministry of Planning Cambodia, *Cambodia Millennium Development Goals: 2005 Update*, Oct, 2005; available from www.mop.gov.kh/Default.aspx?tabid=156.
- ⁸⁷⁷ ILO-IPEC, *To contribute to developing national capacities to achieve the 2015 national chld labor reduction targets and the ILO global targets for ending the Worst Forms of Child Labor in Cambodia by 2016 “Towards Twenty Sixteen: Contributing towards Ending the WFCL in Cambodia”*, Technical Progress Report, Geneva, March 10, 2010, 2.
- ⁸⁷⁸ Ibid., 3.
- ⁸⁷⁹ Winrock International, *Children’s Empowerment Through Education Services (CHES)*, Technical Progress Report, Arlington, VA, March 31, 2010, 20.
- ⁸⁸⁰ *The First Occupational Safety and Health Master Plan*, (April 20, 2009), 2, 11; available from http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_112931.pdf.
- ⁸⁸¹ U.S. Department of State, “Trafficking in Persons Report-2010: Cambodia.”
- ⁸⁸² USDOL, *Support to the Cambodian National Plan of Action on the Elimination of the Worst Forms of Child Labor: A Timebound Approach*, Technical Cooperation Project Summary, Washington, DC. See also USDOL, *Combating Child Labour in Hazardous Work in Salt Production, Rubber Plantations, and Fish/Shrimp Processing Sectors in Cambodia*, Technical Cooperation Project Summary, Washington, DC. See also USDOL, *OPTIONS: Combating Child Trafficking and Commercial Sexual Exploitation through Education*, Technical Cooperation Project Summary, Washington, DC, 2007.
- ⁸⁸³ USDOL, *Support to the Cambodian National Plan of Action on the Elimination of the Worst Forms of Child Labor: A Timebound Approach*, ILAB Technical Cooperation Project Summary, Washington, DC, 2007.
- ⁸⁸⁴ U.S. Embassy- Phnom Penh, *reporting, January 16, 2009*, section 24. See also U.S. Embassy- Phnom Penh, *reporting, February 19, 2009*, 8.
- ⁸⁸⁵ USDOL, *Children’s Empowerment through Education Services (CHES): Eliminating the Worst Forms of Child Labor in Cambodia*, ILAB Technical Cooperation Project Summary, Washington, DC, 2009.
- ⁸⁸⁶ Winrock International, *Children’s Empowerment through Education Services (CHES): Eliminating the worst Forms of Child Labor in Cambodia*, Technical Progress Report, Arlington, VA, March 30, 2009, 2.
- ⁸⁸⁷ USDOL, *To Contribute to 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: Technical Cooperation Project Summary*, Washington, DC, 2008. See also 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.

Cameroon

The Government of Cameroon participates in projects to combat child labor on cocoa and coffee farms. However, the Government has not adopted comprehensive policies on the worst forms of child labor and there are significant gaps in enforcement of its child labor laws. This may contribute to children continuing to work in agriculture, especially in cocoa production.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	36.5%
Attending School	5-14 yrs.	80.4%
Combining Work and School	7-14 yrs.	7.6%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁸⁸⁸

Children are exploited in the worst forms of child labor in Cameroon, many of them working in agriculture, producing goods such as cocoa. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of bananas, coffee, palm oil, rubber and tea. Many children working on farms handle pesticides and sharp tools, till soil, and transport heavy loads.⁸⁸⁹ Children also raise livestock where they may risk injury and exposure to long hours and the elements.⁸⁹⁰

Children, primarily girls, work as domestic servants, which may require them to work long hours and expose them to physical and sexual exploitation.⁸⁹¹ Other children work in mines and quarries, carrying sand and breaking stones with rudimentary tools.⁸⁹²

In the urban informal sector children carry luggage, sell goods such as cigarettes and water, and drive commercial motorcycles, usually without the proper license, causing frequent accidents. Children

working on the streets may be exposed to multiple dangers including severe weather, vehicle accidents, and criminal elements.⁸⁹³ To a lesser degree, some displaced or street children who live in cities such as Yaoundé and Douala transport drugs and risk being recruited into gangs.⁸⁹⁴

Children in Cameroon are also forced to beg. The practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in Cameroon, especially in the northern region.⁸⁹⁵ 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, including in agriculture.⁸⁹⁶

Girls are vulnerable to commercial sexual exploitation.⁸⁹⁷ While evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of pornography. Some children are exploited in commercial sex tourism in coastal towns such as Kribi and Limbe.⁸⁹⁸ Hereditary servitude reportedly persists in northern regions of Cameroon as well.⁸⁹⁹

Child trafficking is also a problem. Most trafficking occurs internally with the highest rate in the northwest region. This may be linked to the customary practice of “confiage,” which involves sending a child to a relative or friend for school.⁹⁰⁰ Children are trafficked for commercial sexual exploitation and forced labor as domestic servants and in restaurants, bars, and on tea plantations.⁹⁰¹ Children are also trafficked to work on cocoa farms and on the streets.⁹⁰² Internationally, children are trafficked to Cameroon from Benin, Nigeria, Chad, Togo, the Central African Republic, Congo, and Niger, for forced labor in street vending, agriculture, fishing, and spare-parts shops. Cameroon also serves as a transit country for children trafficked between Gabon and Nigeria, and from Nigeria to Saudi Arabia.⁹⁰³






Laws and Regulations on the Worst Forms of Child Labor

The Labor Code and Law No. 017 sets the minimum age for work at 14 and the minimum age for hazardous work at 18.⁹⁰⁴ The minimum age law does not extend to children working in non-industrial undertakings, such as agriculture, domestic service, and street vending, even though many children are known to work in these sectors.⁹⁰⁵ Children are not permitted to work underground, in restaurants, hotels, and bars, or in any job that exceeds their physical capacity or is longer than 8 hours a day in the industrial sector.⁹⁰⁶ However, hazardous activities prohibited to children omit work under water and at dangerous heights, activities often performed by children working in fishing or harvesting bananas.⁹⁰⁷

Children are required to attend school until age 11. This standard makes children ages 11 to 14 particularly vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum age for work.⁹⁰⁸

The Constitution and Law No. 15 prohibit slavery and servitude and Law No. 15 provides penalties for those found to be in violation of the law.⁹⁰⁹ Law No. 15 also defines child trafficking and requires authorization from a parent before a child can travel.⁹¹⁰ The Penal Code prohibits forced labor, slavery, trafficking, and procuring prostitutes or sharing the profits from another person’s prostitution.⁹¹¹ However, Cameroon has not criminalized the use of children for illicit

activities or the production of pornography or pornographic performances, which are documented worst forms of child labor in Cameroon.⁹¹² Military service is not compulsory and the minimum age for voluntary recruitment is age 18. Children under age 18 years can participate in military service with parental consent.⁹¹³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

To coordinate efforts to combat child labor, the Government uses the inter-agency Consultative Committee to Implement the ILO-IPEC West Africa Cocoa/Commercial Agriculture Programme to Combat Hazardous and Exploitative Child Labour (WACAP) Project. The Committee was established under a previous project with ILO-IPEC titled the “West Africa Commercial Agriculture Project” and is composed of numerous ministries, the Secretariat of State of Defense, General Delegation for National Security, and the Customs Services for both seaports and airports. The Government has also established within the General Delegation for National Security a “vice squad,” a special police unit designated to coordinate efforts to combat sex trafficking.⁹¹⁴ The Consultative Committee to Implement the ILO-IPEC/WACAP Project does not meet on a regular basis.⁹¹⁵

The Ministry of Social Affairs and Labor and the Ministry of Social Insurance lead efforts to enforce child labor laws. Their 58 labor inspectors check registered businesses only, whereas child labor is more common in unregistered enterprises, including agriculture. Enforcement efforts may therefore leave children unprotected.⁹¹⁶ Other agencies also play a role in child labor law enforcement, as well as in criminal law enforcement. The National Commission on Human Rights and Freedoms is charged with investigating human rights abuses and the Minors Brigade is responsible for investigating the use of children in hazardous work and trafficking.⁹¹⁷ The vice-squad also investigates the trafficking of children while the police, *gendarmes* (a military body charged with police duties among civilian populations), and border officials help combat the worst forms of child labor nationwide.⁹¹⁸ Reportedly, the above agencies routinely lack resources to conduct investigations.⁹¹⁹

The Cameroonian Government does not generally offer training directly to officials responsible for enforcing child labor laws. However, during the reporting period, the National Commission on Human Rights and Freedoms and national and international NGOs provided specialized training on how to identify trafficking victims to some of its law enforcement officers.⁹²⁰

At the time of reporting, the Government identified 26 child labor cases, was investigating 18 trafficking cases, and made eight arrests, primarily in the northwest region. Because of these enforcement efforts, 22 children were rescued from the worst forms of child labor. There is no available information on prosecutions or convictions in the child labor and trafficking cases.⁹²¹ In Cameroon, there is no complaint mechanism and child labor cases are reported informally.⁹²²

Government Policies on the Worst Forms of Child Labor

While a number of efforts are underway to develop a National Action Plan, Cameroon does not have a national policy framework to guide and coordinate efforts to combat the worst forms of child labor.⁹²³ Policies such as the National Strategic Plan against Child Trafficking and Multilateral Cooperative Agreement on Trafficking in Persons in West and Central Africa may strengthen measures to combat

trafficking; however, the Government of Cameroon has yet to ratify or officially approve these documents.⁹²⁴

The Government has included child labor concerns in relevant development agendas and key social policy documents including the recently adopted National Policy Framework Document for the Full Development of the Young Child (2009), which charts needed action in health, education, and protection covering ten programs funded at approximately \$40 million.⁹²⁵ Cameroon also included child labor concerns in its Poverty Reduction Strategy Paper, although this policy does not have budgets or detailed action plans related to the worst forms of child labor.⁹²⁶ The Government also continued to appoint Child Parliamentarians to provide recommendations on issues related to children, including child labor.⁹²⁷

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

The majority of past government interventions to combat the worst forms of child labor targeted children working on cocoa farms and trafficking.⁹²⁸ In 2009, the Government continued to support efforts to eliminate the use of child labor on cocoa farms by participating in the four-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.⁹²⁹

The Government also sustained past anti-trafficking efforts by implementing several new initiatives. For instance, Cameroon continued to implement their 2008-2012 cooperative agreement to protect and provide services to child trafficking victims.⁹³⁰ The Cameroonian Government also collaborated with the governments of Chad, Gabon, Nigeria, Togo, and Benin to fight trafficking by sharing information and broadcasting anti-trafficking information on government radio and television.⁹³¹ In addition, by Decree no. 2001/109/PM, the Government mandated the creation of temporary centers for the rehabilitation of children victims of trafficking and sexual exploitation.⁹³² The Government continued its ongoing program to provide shelter, psychosocial care, and other services to street children and trafficking victims in Maroua, Yaoundé, and Douala, and established civil

status centers in remote rural areas to help issue birth certificates to children to reduce their vulnerability to trafficking.⁹³³

Other trafficking initiatives include the USDOS-funded anti-child trafficking program to provide training to law enforcement officers, judges, social workers, shelter staff, and community leaders.⁹³⁴ The Government's National Commission on Human Rights and Freedoms conducted awareness-raising campaigns on human trafficking in partnership with local and international NGOs. The Committee for Justice and Peace of the Episcopal Conference of Cameroon and Catholic Relief Services provided anti-trafficking

training to law enforcement officers and magistrates, and it is implementing a 3-year action plan to prevent, protect, and reintegrate trafficking victims.⁹³⁵

The Government is also participating in other interventions to combat the worst forms of child labor including a four-year, USDOL-funded, \$3.7 million global project to collect data on child labor.⁹³⁶

Despite the initiatives described here, Cameroon's social programs are not adequate to tackle the scope of the problem and do not address all sectors where children work.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Code to cover children working in non-industrial undertakings.
- Prohibit hazardous activities such as work under water and at dangerous heights.
- Enact legislation to prohibit the use, procuring, or offering of children for illicit activities and the use of children in the production of pornography or pornographic performances.
- Raise the age for compulsory education to 14, the established minimum age for work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure the Consultative Committee to Implement the ILO-IPEC/WACAP Project and General Delegation of National Security meet regularly.
- Increase the number of labor inspectors responsible for child labor and allocate more resources to the Ministry of Social Affairs and Labor and the Ministry of Social Insurance.
- Establish a complaint mechanism for child labor violations.
- Gather and making publicly available information about child labor investigations and enforcement.

IN THE AREA OF POLICIES:

- Develop and implement the National Action Plan against Child Labor.
- Ratify the Multilateral Cooperative Agreement on Trafficking in Persons in West and Central Africa and formally adopt and implement the National Strategic Plan against Child Trafficking.

IN THE AREA OF PROGRAMS:

- Develop social protection programs that assist children working in sectors such as agriculture and domestic service and expand existing programs.

⁸⁸⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2007. Data on children combining working and schooling are from 2001. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁸⁸⁹ ILO-IPEC, *Rapport: Enquete de base sur le Travail des Enfants dans l'agriculture Commerciale/Cacao au Cameroun*, WACAP, February 2004, 14-18. See also U.S. Embassy- Yaounde, *reporting*, February 26, 2010, para 1, 3. See also Government of Cameroon, *Etude sur le travail des enfants au Cameroun*, Institut National de la Statistique, 2007, 2-3; available from http://www.statistics-cameroon.org/fr/download/Resume_sur_le_travail_des_enfants_29_10_09.pdf. See also American Bar Association official, Interview with USDOL consultant, October 7, 2008. See also U.S. Embassy- Yaounde, *reporting*, June 16, 2008, para 1.

⁸⁹⁰ John Nkupa, "Keeping children in school in North of Cameroon", [unicef.org](http://www.unicef.org), [online], July 10, 2009 [cited November 12, 2009]; available from http://www.unicef.org/wcaro/2009_3300.html. See also U.S. Embassy- Yaounde, *reporting*, June 16, 2008, para 1.

⁸⁹¹ U.S. Department of State, "Cameroon," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>. See also Ministry of Labor official, Interview with USDOL consultant, September 15 and 25, 2008.

⁸⁹² Ministry of Labor official, Interview, September 15 and 25, 2008. See also American Bar Association official, Interview, October 7, 2008.

⁸⁹³ U.S. Department of State, "Country Reports- 2009: Cameroon," section 7d. U.S. Embassy- Yaounde, *reporting*, April 23, 2009, para 25. See also Ministry of Labor official, Interview, September 15 and 25, 2008. See also Nkumu Fed Fed official, Interview with USDOL consultant, September 18, 2008. See also Rabiātu Ibrahim Danpullo, *The Socio-Legal Perspective of Child Protection in Cameroon*, L'Africaine d'Édition et de Services (AES sa) ed. (Yaounde: Presses Universitaires d'Afrique, 2008), 57-58; available from [hard copy on file].

⁸⁹⁴ 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- 2009: Cameroon," section 7d. See also Integrated Regional Information Networks, "Cameroon: Bringing street children back home", [IRINnews.org](http://www.irinnews.org), [online], July 29, 2009 [cited March 01, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=85492>.

⁸⁹⁵ 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 U.S. Embassy- Yaounde official, E-mail communication to USDOL official, July 1, 2009. See also Jeunes et Avenir official Association Enfants, Interview with USDOL consultant, September 22, 2008.

⁸⁹⁶ Association Enfants, Interview, September 22, 2008. See also IOM, "Traditional Practices Being Abused to Exploit Children in West Africa, Warns IOM", [iom.int](http://www.iom.int), [online], November 11, 2006 [cited August 16, 2010]; available from <http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007>.

⁸⁹⁷ Institut National de la Statistique, *Suivi de la situation de senfants et des femmes, Enquete par grappes a indicateurs multiples*, Study of Multiple Indicators, 2006; available from http://www.childinfo.org/files/MICS3_Cameroon_FinalReport_2006_Fr.pdf. See also Marie Therese Mengue, *Commercial Sexual Exploitation of Children in Cameroon*, Association Enfants, Jeunes et Avenir (ASSEJA), n.d., 29, 32-34. See also Ministry of Labor official, Interview, September 15 and 25, 2008.

⁸⁹⁸ 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, 5-6. 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, Interview with USDOL consultant, January 30, 2009, 66. See also Nkumu Fed Fed official, Interview, September 18, 2008.

⁸⁹⁹ U.S. Department of State, "Country Reports- 2009: Cameroon," section 7c.

⁹⁰⁰ U.S. Department of State, "Cameroon (Tier 2 Watch List)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>. See also ILO-IPEC, *La Traite des Enfants aux Fins d'Exploitation de leur Travail au Cameroun*, Geneva, 2005, 35; available from <http://www.ilo.org/ipeinfo/product/viewProduct>.

do?productId=5170. See also U.S. Embassy- Yaounde, *reporting*, March 12, 2010, para 5-6. See also Danpullo, *Socio-Legal Perspective of Child Protection*, 50. See also U.S. Embassy- Yaounde, *reporting*, April 23, 2009, para 2.

⁹⁰¹ U.S. Department of State, “Trafficking in Persons Report-2009: Cameroon.” See also International Trade Union Confederation, *Review of the Trade Policies of Gabon and Cameroon*, 10. See also U.S. Embassy- Yaounde, *reporting*, April 23, 2009, para 2.

⁹⁰² International Trade Union Confederation, *Review of the Trade Policies of Gabon and Cameroon*, 10. See also U.S. Embassy- Yaounde, *reporting*, March 12, 2010, para 6.

⁹⁰³ U.S. Department of State, “Trafficking in Persons Report-2009: Cameroon.” See also ILO-IPEC, *La Traite des Enfants* section 2.2.2.

⁹⁰⁴ Ministre du Travail et des Lois Sociales, *Relatif au Travail des Enfants*, Arrête No 17, (May 27, 1969), article 1. See also Government of Cameroon, *Labour Code*, Law no. 92/007, (August 14, 1992), section 86; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/31629/64867/E92CMR01.htm>.

⁹⁰⁵ ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Cameroon (ratification: 2001)*, [online] 2009 [cited October 27, 2009]; available from <http://search.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=604&chapter=3&query=Cameroon%40ref%2BObservation%40ref%2B%23YEAR%3D2009&highlight=&querytype=bool&context=0>. See also Ministre du Travail et des Lois Sociales, *Relatif au Travail des Enfants-Arrête No 17, 1969* article 5. See also Government of Cameroon, *Etude sur le travail des enfants au Cameroun*, 2-3. See also U.S. Department of State, “Country Reports- 2009: Cameroon,” section 7d.

⁹⁰⁶ Ministre du Travail et des Lois Sociales, *Relatif au Travail des Enfants-Arrête No 17, 1969* article 1-21. See also 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. See also Government of Cameroon, *Labour Code*, section 80, 82, 86.

⁹⁰⁷ Government of Cameroon, *Labour Code*, section 86. See also Ministre du Travail et des Lois Sociales, *Relatif au Travail des Enfants-Arrête No 17, 1969* article 1-21.

⁹⁰⁸ UNESCO, *Overcoming inequality: why governance matters*, Education for All Global Monitoring Report 2009, 2008; available from [http://www.reliefweb.int/rw/lib.nsf/db900sid/KERN-7RE9LT/\\$file/UNICEF_2009.pdf?openelement](http://www.reliefweb.int/rw/lib.nsf/db900sid/KERN-7RE9LT/$file/UNICEF_2009.pdf?openelement).

⁹⁰⁹ Government of Cameroon, *Law relating to the Fight*

against Child Trafficking and Slavery, Law No. 2005/015, (December 29, 2005). See also Government of Cameroon, *Constitution of the Republic of Cameroon*, Law no. 96-06, (January 18, 1996); available from <http://confinder.richmond.edu/admin/docs/Cameroon.pdf>.

⁹¹⁰ Government of Cameroon, *Law relating to the Fight against Child Trafficking and Slavery*, chapter I, section 2. See also Government of Cameroon, *Response to FRN*, April 30, 2008.

⁹¹¹ 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>. See also U.S. Embassy- Yaounde, *reporting*, February 26, 2010, para 6.

⁹¹² ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Cameroon (ratification: 2002)*, [online] 2009 [cited October 27, 2009]; available from <http://bravo.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11110&chapter=6&query=Cameroon%40ref&highlight=&querytype=bool&context=0>. See also Joseph Beti Assomo, «Portant Interdiction de la Production, la Vente et la Diffusion de la Littérature, Filmographie et autres Supports Erratiques et Pornographiques dans les lieux Autorises 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.

⁹¹³ 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>.

⁹¹⁴ U.S. Embassy- Yaounde, *reporting*, February 26, 2010, para 22-23. See also U.S. Embassy- Yaounde, *reporting*, March 12, 2010, para 20. See also U.S. Embassy - Yaounde, E-mail communication to USDOL official, November 24, 2010.

⁹¹⁵ U.S. Embassy- Yaounde, *reporting*, February 26, 2010, para 9.

⁹¹⁶ U.S. Department of State, “Country Reports- 2009: Cameroon,” section 7d. See also International Trade Union Confederation, *Review of the Trade Policies of Gabon and Cameroon*, 9. See also U.S. Embassy- Yaounde, *reporting*, February 26, 2010, para 17. See also Government of Cameroon, *Etude sur le travail des enfants au Cameroun*, 2-3. See also U.S. Department of State, “Country Reports-2009: Cameroon,” section 7d.

⁹¹⁷ ILO Committee of Experts, *Individual Observation C182: Cameroon (2009)*. See also United Nations, *International covenant on civil and political rights: Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant*, CCPR/C/CMR/4, May 11, 2009; available from <http://www.unhcr.org/refworld/pdfid/4a891ec10.pdf>. See also U.S. Embassy- Yaounde,

reporting, February 26, 2010, para 17.

⁹¹⁸ U.S. Embassy- Yaounde, reporting, February 26, 2010, para 23. See also U.S. Embassy- Yaounde, reporting, March 12, 2010, para 20.

⁹¹⁹ U.S. Embassy- Yaounde, reporting, February 26, 2010, para 16-17.

⁹²⁰ Ibid., para 28. See also U.S. Department of State, “Cameroon (Tier 2 Watch List),” in *Trafficking in Persons Report-2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142979.pdf>.

⁹²¹ U.S. Department of State, “Trafficking in Persons Report-2010: Cameroon.” See also U.S. Embassy- Yaounde, reporting, February 26, 2010, para 27.

⁹²² UN Office of the High Commissioner for Human Rights, *Committee on Rights of Child examines report of Cameroun*, Press Release; available from <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=9718&LangID=E>.

⁹²³ ILO-IPEC Geneva official, E-mail communication to USDOL official, February 26, 2009.

⁹²⁴ ILO Committee of Experts, *Individual Observation C138: Cameroon (2009)*. See also U.S. Embassy- Yaounde official, E-mail communication to USDOL official, March 09, 2010. See also U.S. Embassy- Yaounde, reporting, February 26, 2010, para 32. 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.

⁹²⁵ UN Office of the High Commissioner for Human Rights, *Committee on Rights of Child examines report of Cameroun*.

⁹²⁶ U.S. Embassy- Yaounde, reporting, February 26, 2010, para 33, 35. See also Nkeze Mbonwoh, “Cameroon-UNICEF to Produce Children’s Code,” *Cameroon Tribune* (Yaounde), November 01, 2007; available from [hard copy on file]. See also IMF, *Cameroon: Poverty Reduction Strategy Paper-Progress Report*, Washington, DC, January, 2008, 49, 52; available from http://preventionweb.net/files/9317_cameroon.pdf.

⁹²⁷ Ministry of Social Affairs, Interview with USDOL consultant, January 30, February 3 and 5, 2009.

⁹²⁸ ILO-IPEC, *Combating the trafficking of children for labour exploitation in West & Central Africa (Phase II)* project document RAF.01.P.USA, Geneva, 2001. See also ILO-IPEC, *West Africa Cocoa/Commercial Agriculture Programme to Combat Hazardous and Exploitative Child Labour (WACAP)*, project document RAF.02.P50.USA, Geneva, 2002.

⁹²⁹ International institute of Tropical Agriculture, *The Sustainable Tree Crops Program (STCP), Phase II Program Document*, March 31, 2007; available from http://www.treecrops.org/synopsis_STCP_Core_Program.pdf. See also World Cocoa Foundation, *Sustainable Tree Crops Program - Cameroon*, [online] n.d. [cited August 16, 2010]; available from http://www.worldcocoafoundation.org/what-we-do/current-programs/STCPCameroon_Summary.asp.

⁹³⁰ Ministry of Social Affairs, *Atelier de Reflexion sur la Traite, le Trafic et l’exploitation du Travail Domestique des Enfant au Cameroun*, April 2008, 9. See also Ministry of Social Affairs, Interview, January 30, February 3 and 5, 2008, 77.

⁹³¹ U.S. Embassy- Yaounde, reporting, February 26, 2010, para 34, 40.

⁹³² Danpullo, *Socio-Legal Perspective of Child Protection*, 64.

⁹³³ Networks, “Bringing street children back home”. See also U.S. Embassy- Yaounde, reporting, February 26, 2010, para 39. See also U.S. Embassy- Yaounde official, E-mail communication, March 09, 2010. See also U.S. Embassy- Yaounde, reporting, March 12, 2010, para 28.

⁹³⁴ U.S. Embassy- Yaounde, reporting, April 23, 2009, para 4. See also U.S. Department of State, *USG TIP Projects with Funds Obligated in FY 2009*, [online] [cited July 14, 2010]; available from <http://www.state.gov/documents/organization/137460.pdf>.

⁹³⁵ U.S. Embassy- Yaounde, reporting, February 26, 2010, para 8, 28. See also U.S. Embassy- Yaounde, reporting, April 23, 2009, para 4. See also U.S. Department of State, *USG TIP Projects with Funds Obligated in FY 2009*.

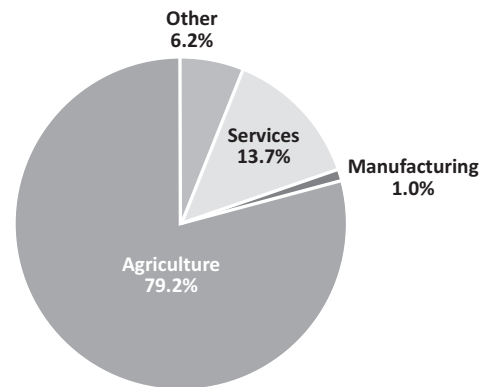
⁹³⁶ ILO-IPEC, *Enhancing national capacity in child labour data collection, analysis and dissemination through technical assistance to surveys, research and training*, Project Document, Geneva, September 14, 2006, 1-2.

Cape Verde

The Government of Cape Verde provides some legal protections to prevent children from engaging in the worst forms of child labor. However, children continue to engage in work that exposes them to health and safety risks in agriculture, domestic service, and on the streets. Policy to address these problems is lacking, and enhanced enforcement efforts and mechanisms to coordinate them are needed.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	3.2%
Attending School	5-14 yrs.	90.1%
Combining Work and School		Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Cape Verde are engaged in the worst forms of child labor,⁹³⁷ many of them in agriculture and fishing.⁹³⁸ Children’s work in agriculture may involve the use of dangerous machinery and tools, the carrying of heavy loads, and the application of harmful pesticides. Children working in fishing may face severe weather conditions and drowning.

Children also work as domestic servants, street vendors, and car washers.⁹³⁹ Child domestic labor may involve long hours of work and may expose children to physical and sexual exploitation by their employer. Children working on the streets may be exposed to severe weather conditions, accidents caused by proximity to vehicles, and vulnerability to crimes.

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for work at 15, but allows children as young as 14 to work for artistic and musical purposes as long as their school attendance, health, and development are not

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

compromised and their employer receives approval from the Ministry of Labor.⁹⁴⁰ The Labor Code prohibits hazardous work for those under 18; however, it does not provide a list of hazardous occupations.⁹⁴¹

The Labor Code also prohibits forced or compulsory labor.⁹⁴² The compulsory recruitment age to the armed forces is 18; however, children at age 17 may voluntarily join.⁹⁴³

Both the Penal and Labor Codes prohibit child trafficking.⁹⁴⁴ The Penal Code criminalizes the advancing, supporting, or facilitating of a minor under 16 for prostitution. The Penal Code also bans the use of a minor under 14 for pornographic purposes.⁹⁴⁵ The Penal Code does not fully protect all children under the age of 18 from exploitation in prostitution and pornography.

By law, children must attend school until age 11. The low age for compulsory education may make children 12 to 14 vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum age for work.

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Cape Verde has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Labor, Professional Training, and Social Solidarity's Directorate General and Inspector General of Labor are responsible for enforcing worst

forms of child labor laws.⁹⁴⁶ During the reporting period, labor inspections were seldom performed. Labor inspectors lack resources to conduct labor inspections throughout the country.⁹⁴⁷

The Ministry of Justice, the Judiciary Police, and the Ministry of Internal Administration are in charge of combating human trafficking and prosecuting criminal violations of child labor laws.⁹⁴⁸

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address the worst forms of child labor.

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

The One Programme Au Cap-Vert 2008-2010 aims to accelerate economic growth, promote competitiveness, create productive employment, and fight poverty. It has a subprogram administered by UNDP to support national and community institutions to ensure the wellbeing of children.⁹⁴⁹ This subprogram is supposed to create a municipal observatory on the rights of the child and to implement an action plan against child labor and exploitation. It is unknown whether these two initiatives are being implemented.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Penal Code to fully protect all children under 18 from exploitation in prostitution and pornography.
- Amend the Labor Code to include a list of hazardous occupations for children.
- Raise the age of compulsory education to 15.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordination mechanism to combat the worst forms of child labor.
- Provide adequate resources for enforcement of laws against the worst forms of child labor.

IN THE AREA OF POLICIES:

- Adopt policies to address the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Assess the impact that the One Program Au Cap-Vert 2008-2010 may have on addressing the worst forms of child labor.

⁹³⁷ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2001-2002. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁹³⁸ U.S. Department of State, "Cape Verde," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>.

⁹³⁹ *Ibid.* See also U.S. Embassy- Praia, *reporting*, February 3, 2010.

⁹⁴⁰ Government of Cape Verde, *Boletim Oficial Suplemento*, 5/2007, (October 16, 2007); available from http://www.incv.gov.cv/_publicacoes/geral/B8F21256-A9FC-6EE6-1783F491658675BF19102007024653.pdf. See also Library of Congress official, Letter to USDOL official, March 13, 2008.

⁹⁴¹ U.S. Embassy- Praia, *reporting*, January 21, 2009.

⁹⁴² Government of Cape Verde, *Boletim Oficial Suplemento*, article 14.

⁹⁴³ Coalition to Stop the Use of Child Soldiers, "Republic of Cape Verde," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁹⁴⁴ U.S. Embassy- Praia, *reporting*, January 21, 2009.

⁹⁴⁵ Government of Cape Verde, *Código Penal de Cabo Verde*, (2004); available from http://www.wipo.int/clea/en/text_pdf.jsp?lang=PT&id=6073. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Cape Verde (ratification: 2001)*, [online] 2010 [cited May 17, 2010]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>. See also Library of Congress official, Letter, March 13, 2008.

⁹⁴⁶ U.S. Embassy- Praia, *reporting*, February 3, 2010.

⁹⁴⁷ *Ibid.*, sections 2C-5 and 2C-6.

⁹⁴⁸ U.S. Embassy- Praia, *TIP reporting*, February 23, 2009. See also U.S. Department of State, "Country Reports- 2009: Cape Verde."

⁹⁴⁹ UNDP, *The One Programme au Cap-Vert 2008-2010*, New York, 2007; available from <http://www.un.cv/files/OneProgrammeinCapeVerde2008-2011-English.pdf>.

Central African Republic



The Government of the Central African Republic implemented a new Penal Code and amended its Labor Code, expanding protections to children in the worst forms of child labor. However, the worst forms of child labor continue to exist. Children continue to work in the streets and they are forcibly recruited into armed militias, some of which may receive government support. There is little evidence to suggest that laws prohibiting the worst forms of child labor are enforced.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	61.1%
Attending School	5-14 yrs.	38.5%
Combining Work and School	7-14 yrs.	30.0%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Central African Republic are exploited in the worst forms of child labor.⁹⁵⁰ Many of them are street children engaged in vending and begging.⁹⁵¹ The high rate of orphanhood, including from HIV/AIDS, is believed to be responsible for the displacement of many of these children to the streets.⁹⁵² For example, 5,000 children in Bangui live and work in the streets.⁹⁵³ Street children in Bangui and elsewhere in the Central African Republic risk exposure to severe weather, accidents caused by proximity to vehicles, and vulnerability to the criminal element.⁹⁵⁴ Children living in the streets are more susceptible to the worst forms of child labor, including prostitution. Traumatized, uneducated, and rootless, children are also more susceptible to recruitment into soldiering.⁹⁵⁵

Displaced children also work in fields for long hours in extreme heat. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of cassava and peanuts. Children have also been forced to work as porters, carrying stolen goods for bandit groups.⁹⁵⁶

Children, including street children, abandoned children, and those dwelling in urban areas, work in prostitution.⁹⁵⁷ Some children also traffic drugs.⁹⁵⁸

Due to protracted conflict, spill-over violence from neighboring countries, and rebel groups, the Government of the Central African Republic has little control over regions outside of the capital.⁹⁵⁹ In some cases, villages have formed self-defense groups in order to protect themselves from attacks from various actors, ranging from rebel groups and bandits to government troops.⁹⁶⁰ Children are sometimes recruited by some of these self-defense groups. There are concerns that some self-defense groups that use children are supported by the government.⁹⁶¹ Children are also recruited for forced labor and/or soldiering by rebel groups such as the Lord's Resistance Army, (LRA), the *Convention des Patriotes pour la Justice et la Paix*, the *Forces Démocratiques Populaires de Centrafrique*, and the *Mouvement des Libérateurs Centrafricains pour la Justice*.⁹⁶² Children abducted by the LRA work as child soldiers and sex slaves.⁹⁶³ The LRA has trafficked children to and from Sudan, the Democratic Republic of the Congo, and Uganda for work and child

soldiering.⁹⁶⁴ Children have been forced to terrorize their own communities, and kill or mutilate civilians.⁹⁶⁵ Children from other militias are used as spies, soldiers, or sex slaves.⁹⁶⁶

Children also work in gold and diamond mines, transporting and washing gravel, digging holes, and carrying heavy loads.⁹⁶⁷

Children are engaged in dangerous work in fishing and agriculture, including work on coffee plantations.⁹⁶⁸ Children’s work in agriculture commonly involves carrying heavy loads and applying potentially harmful pesticides. Fishing commonly involves exposure to waterborne diseases and drowning. Children from indigenous groups, such as the *Baàka* (Pygmy) children, are forced into agricultural labor and domestic service.⁹⁶⁹

Children work as domestic servants.⁹⁷⁰ Such work may involve long hours, dangerous activities, and exposure to physical and sexual exploitation by their employer.

The Central African Republic is a source and destination country for trafficked children.⁹⁷¹ Along with children trafficked by the LRA, children are trafficked internally for commercial sexual exploitation; domestic service; work in agriculture; restaurants; markets; and mining, including diamond mines.⁹⁷² For similar reasons, children are trafficked to and from Cameroon, Nigeria, Chad, the Republic of the Congo, Sudan, and the Democratic Republic of the Congo.⁹⁷³ Children from Rwanda may also be trafficked to the Central African Republic.⁹⁷⁴

Laws and Regulations on the Worst Forms of Child Labor




The Labor Code sets the minimum age for employment at 14.⁹⁷⁵ However, children who are at least age 12 may engage in light work, such as some forms of agriculture or domestic service.⁹⁷⁶ Children under age 18 are prohibited from working between 10 p.m. and 5 a.m. and from performing certain kinds of work, including work in mines. The law protects children from performing work that involves carrying heavy loads, but the law applies only to children under age 14.⁹⁷⁷ Despite these protections, the Government has not issued a more specific list of prohibited hazardous work.⁹⁷⁸

The Mining Code prohibits the employment of children in mining. Violators of this law are subject to imprisonment of 6 months to 3 years, a fine, or both.⁹⁷⁹

The minimum age for compulsory or voluntary recruitment into the Government Armed Forces in the Central African Republic is 18.⁹⁸⁰

In 2009, the Government amended the Labor Code so that it now covers certain worst forms of child labor. Specifically, the new code prohibits the procurement or offering of a child for illicit activities, including the production and trafficking of drugs. It also prohibits the procurement or offering of a child for prostitution and the production of pornography.⁹⁸¹ The new Code prohibits all forms of slavery, forced labor, and bonded labor, and it bans forced or compulsory recruitment of children in armed conflict.⁹⁸²

In 2009, the Government of the Central African Republic passed a new Penal Code. The new Code prohibits the procurement of persons of any age for sexual purposes, including assisting in or profiting from prostitution.⁹⁸³ The amended Penal Code also prohibits human trafficking and prescribes punishments for the offense, including life imprisonment with hard labor for trafficking a minor.⁹⁸⁴

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Although the Government of the Central African Republic has established an Inter-Ministerial Committee to Fight Child Exploitation led by the Ministry of Family and Social Affairs, the Ministry of Labor is not included on this committee, and research found no evidence of a coordinating mechanism to combat the worst forms of child labor specifically.⁹⁸⁵ The full responsibilities of the inter-ministerial committee are unknown, although the committee is charged with designing the national anti-trafficking policy and coordinating communication among concerned anti-trafficking partners. However, the Minister of Justice suspended the committee's activities and, as a result, the committee has not worked on its responsibilities.⁹⁸⁶

The Ministry of Civil Servants, Labor, and Social Security is charged with the monitoring and enforcement of laws related to forced and hazardous child labor.⁹⁸⁷ However, as noted by the ILO Committee of Experts, there has not been a labor administrator to coordinate efforts since 1999.⁹⁸⁸

The Ministry of Civil Service and Labor employs 73 labor inspectors in the Labor Inspection Unit.⁹⁸⁹ The Ministry did not process any child labor investigations in 2009, and there is no system in place for the Ministry to track child labor complaints.⁹⁹⁰ Financial and human resources needed to enforce child labor laws are lacking. For example, inspectors are required to pay for travel out of their own pocket.⁹⁹¹

The Ministry of Justice, in coordination with security forces, is responsible for the oversight and investigation of the commercial sexual exploitation of children, child trafficking, and the use of children in illicit activities. However, the ministry does not have sufficient office facilities and transportation to carry out inspections.⁹⁹² There is not a specific enforcement program for the commercial sexual exploitation of children, nor are officers specifically dedicated to investigate commercial sexual exploitation cases.⁹⁹³ It is unclear whether there are specific officers dedicated to trafficking or other worst forms of child labor.⁹⁹⁴

The Government does not have a system in place for identifying victims of trafficking.⁹⁹⁵ No investigations,

arrests, or prosecutions of those involved in using children in commercial sexual exploitation, trafficking, or illicit activities took place during the reporting period.⁹⁹⁶

In January 2010, a Senior Gendarmerie was tasked by the Deputy Minister of Defense to investigate reports of child soldiers in self-defense militias.⁹⁹⁷ However, there is no available information on the result of this investigation.

Government Policies on the Worst Forms of Child Labor

In 2006, the Central African Republic adopted its National Action Plan to Combat Child Sexual Abuse and Exploitation, which includes measures to address sex trafficking. The Government also adopted a National Action Plan designed to combat trafficking in persons, including child trafficking.⁹⁹⁸ However, research found no evidence of a policy to combat other worst forms of child labor, including hazardous work, child soldering, and illicit activities.

The Government is also implementing related policies such as the National Action Plan for Education and the National Poverty Reduction Strategy. The question of whether these policies have an impact on the worst forms of child labor does not appear to have been addressed.⁹⁹⁹

The Central African Republic was one 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.¹⁰⁰⁰ 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.¹⁰⁰¹

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

The Government of the Central African Republic is partnering with UNICEF to provide two programs aimed at the protection, demobilization, and

reintegration of child soldiers.¹⁰⁰² One of these programs was reportedly able to demobilize 623 children. However, communities lacked the basic infrastructure necessary to provide schooling to those who were demobilized.¹⁰⁰³

The Ministry of Family and Social Affairs continued to operate a shelter for children in distress, including

victims of trafficking.¹⁰⁰⁴ This shelter has the capacity to house 35 children.¹⁰⁰⁵ The shelter lacked the space to accommodate all who sought its services.¹⁰⁰⁶

Aside from the limited programs above, the Government does not provide social protection services aimed at children engaged in the worst forms of child labor.¹⁰⁰⁷

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

IN THE AREA OF LAWS AND REGULATIONS:

- Strengthen legislation to amend the Labor Code to:
- Include a specific list of prohibited hazardous work for children.
- Prohibit children under age 14 from working in agriculture and domestic service.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Provide adequate resources to enforce worst forms of child labor laws, including personnel, vehicles, and office facilities.
- Create a system to identify child victims of trafficking, and provide them with adequate shelter and protection.
- Put in place a mechanism for reporting and monitoring cases of the worst forms of child labor.

IN THE AREA OF POLICIES:

- Adopt a policy that addresses all worst forms of child labor.
- Assess the impact that existing policies such as the National Action Plan for Education and the National Poverty Reduction Strategy may have on addressing the worst forms of child labor.
- Develop and implement national policy to prevent the recruitment of children into illegal armed groups.

IN THE AREA OF PROGRAMS:

- Implement programs that address the worst forms of child labor.

⁹⁵⁰ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁹⁵¹ U.S. Department of State, "Central African Republic," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135944.htm>.

⁹⁵² Dorn Townsend, "Central African Republic: Prevention strategies making in-roads, but cases of HIV continue to climb", UNICEF.org, [online], [cited November 18, 2010]; available from http://www.unicef.org/wcaro/2009_2858.html. See also U.S. Embassy- Bangui official, E-mail communication to USDOL official, November 10, 2010.

⁹⁵³ U.S. Department of State, "Country Reports- 2009: Central African Republic." See also Emily Bamford, "Growing Up in the Streets of Bangui", HDPTCAR.net, [online], September 25, 2007 [cited August 5, 2010]; available from <http://hdptcar.net/blog/2007/09/25/growing-up-in-the-streets-of-bangui/>. See also Irwin Arieff, "Violence Increasing in Central African Republic," *Reuters*, January 26, 2007; available from <http://www.alertnet.org/thenews/newsdesk/N26416346.htm>. See also Sarah Yang, *Researchers Document Toll of Human Violence in Central African Republic*, Press Release, UC Berkeley, August 3, 2010; available from http://berkeley.edu/news/media/releases/2010/08/03_car.shtml. See also International Committee of the Red Cross, *Central African Republic: Thousands Affected by Violence in Haute-Mbomou*, [online] October 20, 2009 [cited August 16, 2010]; available from <http://www.icrc.org/web/eng/siteeng0.nsf/html/central-african-republic-update-201009>. See also Djerassam Mbaioem, "Fresh Violence forces 1500 Civilians to Flee in Central African Republic", UNHCR.org, [online], 2010 [cited August 16, 2010]; available from <http://www.unhcr.org/4bab7f806.html>. See also British Broadcasting Corporation, "Central African Republic timeline", news.bbc.co.uk, [online], May 19, 2010 [cited August 16, 2010]; available from http://news.bbc.co.uk/2/hi/africa/country_profiles/1067615.stm.

⁹⁵⁴ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Central African Republic (ratification: 2000)*, [online] 2010 [cited July 15, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25273&chapter=9&query=Central+African+Republic%40ref&highlight=&querytype=bool&context=0>. 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. See also U.S. Department of State, "Country Reports- 2009: Central African Republic."

⁹⁵⁵ Congressional Research Service, *AIDS Orphans and Vulnerable Children (OVC): Problems, Responses, and Issues for Congress*, February 11, 2005; available from <http://www.law.umaryland.edu/marshall/crsreports/crsdocuments/RL3225202112005.pdf>.

⁹⁵⁶ Julia Spry-Leverton, *A Cry from the Heart: Central African Republic*, UNICEF, March 22, 2007; available from http://www.unicef.org/wcaro/WCARO_CAR_Pub_ACryFrmHeart.pdf. See also Integrated Regional Information Networks, "Grim Outlook for Central African Republic's Children", IRINnews.org, [online], November 27, 2008 [cited March 30, 2010]; available from <http://www.irinnews.org/Report.aspx?ReportId=81694>. See also U.S. Embassy- Bangui, *reporting*, February 17, 2010, para 11. See also U.S. Department of State, "Country Reports- 2009: Central African Republic," section 1.

⁹⁵⁷ Spry-Leverton, *A Cry from the Heart*, 25. See also Ministry of Family and Social Affairs official, Interview with USDOL consultant, July 1, 2005. See also U.S. Department of State, "Country Reports- 2009: Central African Republic," section 7d. See also ILO Committee of Experts, *Individual Direct Request C182: Central African Republic (2010)*.

⁹⁵⁸ U.S. Embassy- Bangui, *reporting*, February 17, 2010.

⁹⁵⁹ United States Institute of Peace, *Central African Republic, Chad, and Sudan: Triangle of Instability?*, [2006] [cited November 18, 2010]; available from <http://www.usip.org/publications/central-african-republic-chad-and-sudan-triangle-instability>.

⁹⁶⁰ Al Jazeera, *Self Defense Forces in the Central African Republic*, November 18, 2010 2008; available from <http://www.youtube.com/watch?v=iM7uL6VyWP8>. See also, "Thousands Flee from CAR Violence," *BBC News*, March 25, 2006; available from <http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/2/hi/africa/4844664.stm>. See also, United Nations Office of the Special Representative of the Secretary General for Children and Armed Conflict, *Developments in Central African Republic*, 2009; available from <http://www.un.org/children/conflict/>

english/central-african-republic.html. See also, Coalition to Stop the Use of Child Soldiers, “Central African Republic,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/central-african-republic>.

⁹⁶¹ Al Jazeera, *Self Defense Forces in the Central African Republic*. See also, UN News Centre, “Child abuse, rape, armed recruitment rampant in Central African Republic, UN reports”, UN.org, [online], February 10, 2009 [cited March 30, 2010]; available from <http://www.un.org/apps/news/story.asp?NewsID=29845&Cr=&Cr1=>. See also, United Nations Office of the Special Representative of the Secretary General for Children and Armed Conflict, *Developments in Central African Republic*. See also, Internal Displacement Monitoring Center Norwegian Refugee Council, *State of Neglect: Displaced Children in the Central African Republic*, 2008; 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).

⁹⁶² U.S. Department of State, “Central African Republic (Tier 2 Watch List),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142982.pdf>. See also UN Office of the Special Representative of the Secretary General for Children and Armed Conflict, *Developments in Central African Republic*, [online] 2010 [cited December 2, 2010]; available from <http://www.un.org/children/conflict/english/central-african-republic.html>. See also U.S. Embassy- Bangui, *reporting, February 17, 2010*, para 6-7. See also UN General Assembly, *Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development: Annual Report of the Special Representative of the Secretary-General for children and Armed Conflict, Radhika Coomaraswamy*, A/HRC/12/49, July 30, 2009, 8; available from http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-49_E.pdf. See also UN News Centre, “Child abuse, rape, armed recruitment rampant”. See also Laura Perez, *State of Neglect: Displaced Children in the Central African Republic*, Internal Displacement Monitoring Centre, Geneva, November 2008, 23 and 24; 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). See also UN International Covenant on Civil and Political Rights, *Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant: Examination of the Situation in the Central African Republic with the Absence of a Report*, CCPR/C/SR.2213, July 30, 2004. See also UN Office of the Special Representative of the Secretary General for Children and Armed Conflict, *Developments in Central African Republic*. See also Perez, *State of Neglect*, 23 and 24. See also Al Jazeera, *Self Defense Forces in the Central African Republic*.

⁹⁶³ Voice of America, “ICG: LRA Chief Joseph Kony in Western Sudan,” *Voice of America*, 2010; available from <http://blogs.voanews.com/breaking-news/2010/10/13/icg-lra-chief-joseph-kony-in-western-sudan/>. See also, Human Rights Watch, *CAR/DR Congo: LRA Conducts Massive Abduction Campaign*, August 11, 2010; available from <http://www.hrw.org/en/news/2010/08/11/candr-congo-lra-conducts-massive-abduction-campaign?print>. See also, Afrolnews, “LRA now also in Central African Republic,” *Afrolnews*, March 31, 2010; available from <http://www.afrol.com/articles/35833>.

⁹⁶⁴ United Nations Security Council, *Additional report of the Secretary-General on children and armed conflict in Uganda*, S/2008/409, June 23, 2008, para 6; available from <http://www.un.org/children/conflict/english/securitycouncilwgroupdoc.html>. See also, U.S. Department of State, “Trafficking in Persons Report- 2010: Central African Republic.”

⁹⁶⁵ World Vision, *Northern Ugandan Crisis Caution: Children at War*, [2010 [cited October 13, 2010]; available from <http://www.worldvision.org/content.nsf/learn/globalissues-uganda>.

⁹⁶⁶ United Nations Office of the Special Representative of the Secretary General for Children and Armed Conflict, *Developments in Central African Republic*.

⁹⁶⁷ Ministry of Mining official, Interview with USDOL consultant, May 27, 2005. See also U.S. Embassy- Bangui, *reporting, February 17, 2010*, para 5. See also U.S. Department of State, “Country Reports- 2009: Central African Republic,” section 7d. See also Integrated Regional Information Networks, “Central African Republic: Where diamonds damage diet”, IRINnews.org, [online], December 16, 2009 [cited February 5, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=87451>. See also Ministry of Labor official, Interview with USDOL consultant, April 26, 2005. See also Spry-Leverton, *A Cry from the Heart*.

⁹⁶⁸ Spry-Leverton, *A Cry from the Heart*, 5. See also U.S. Embassy- Bangui, *reporting, February 17, 2010*, para 2. See also U.S. Department of State, “Country Reports- 2009: Central African Republic.”

⁹⁶⁹ U.S. Embassy- Bangui, *reporting, February 17, 2010*, para 5.

⁹⁷⁰ Ibid. See also U.S. Department of State, “Country Reports- 2009: Central African Republic,” section 7d. See also Ministry of Labor official, Interview, April 26, 2005.

⁹⁷¹ U.S. Department of State, “Trafficking in Persons Report- 2010: Central African Republic.”

⁹⁷² U.S. Embassy- Bangui, *reporting, March 1, 2010*, para 1b. See also U.S. Embassy- Bangui, *reporting*, June 11, 2009. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Central African Republic.”

⁹⁷³ U.S. Embassy- Bangui, *reporting, March 1, 2010*, para 1b. See also U.S. Department of State, “Cameroon,” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009, 97; available from <http://www.state.gov/documents/organization/123361.pdf>.

⁹⁷⁴ U.S. Embassy- Bangui, *reporting, June 11, 2009*.

⁹⁷⁵ 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*, accessed March 30, 2010; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=CAF&p_classification=04&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY. See also ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Central African Republic (ratification: 2000)*, [online] 2009 [cited March 29, 2010], section 2; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23232&chapter=9&query=Central+African+Republic%40ref%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0>. See also U.S. Embassy- Bangui, *reporting, February 17, 2010*, para 12.

⁹⁷⁶ 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. Embassy- Bangui, *reporting, February 17, 2010*, para 12.

⁹⁷⁷ Government of the Central African Republic, *Code du Travail de la République Centrafricaine*, article 120-121. See also ILO Committee of Experts, *Individual Direct Request concerning Night Work of Young Persons (Industry) Convention, 1919 (No. 6) Central African Republic (ratification: 1960)*, [online] 2009 [cited March 29, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=22167&chapter=9&query=Central+African+Republic%40ref%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0>. 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 U.S. Embassy- Bangui, *reporting, February 17, 2010*, para 12. See also Government of the Central African Republic, *Suivi de la Situation des Enfants et des Femmes: Resultats de l'enquete nationale a indicateurs multiples couplee avec la serologie VIH et anemie en RCA 2006, Rapport final*, Bangui, January 2009, 173; available from http://www.childinfo.org/files/MICS3_CAR_FinalReport_2006_Fr.pdf.

⁹⁷⁸ ILO Committee of Experts, *Individual Direct Request C182: Central African Republic (2010)*.

⁹⁷⁹ Government of the Central African Republic, *Portant Code Minier de la Republique Centrafricaine*, (April

29, 2009), article 190; available from <http://www.droit-afrique.com/images/textes/RCA/RCA%20-%20Code%20minier%202009.pdf>.

⁹⁸⁰ Coalition to Stop the Use of Child Soldiers, “Burundi.”

⁹⁸¹ ILO Committee of Experts, *Individual Direct Request C182: Central African Republic (2010)*.

⁹⁸² U.S. Embassy- Bangui, *reporting, June 11, 2009*. See also ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Central African Republic (ratification: 2000) Published: 2010*, [online] [cited March 29, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=792&chapter=3&query=Central+African+Republic%40ref%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0>.

⁹⁸³ U.S. Embassy- Bangui, *reporting, February 17, 2010*, para 12-14.

⁹⁸⁴ U.S. Department of State, “Country Reports- 2009: Central African Republic,” section 5. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Central African Republic.”

⁹⁸⁵ U.S. Embassy- Bangui, *reporting, March 1, 2010*, section 2a and 3b.

⁹⁸⁶ *Ibid.*, section 7, 2a. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Central African Republic.” See also UN International Covenant on Civil and Political Rights, *Examination of the Situation in the Central African Republic with the Absence of a Report*.

⁹⁸⁷ U.S. Embassy- Bangui, *reporting, February 17, 2010*.

⁹⁸⁸ *Ibid.*, para 14, 16. See also U.S. Embassy- Bangui, *reporting, March 1, 2010*, para 2c. See also ILO Committee of Experts, *Individual Observation concerning Labour Inspection Convention, 1947 (No. 81) Central African Republic (ratification: 1962)*, [online] 2009 [cited March 24, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=10530&chapter=6&query=Central+African+Republic%40ref%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0>. See also U.S. Department of State, “Country Reports- 2009: Central African Republic.”

⁹⁸⁹ U.S. Embassy- Bangui, *reporting, February 17, 2010*, para 15.

⁹⁹⁰ *Ibid.*

⁹⁹¹ *Ibid.*, para 14, 16. See also ILO Committee of Experts, *Individual Observation C81: Central African Republic (2009)*. See also U.S. Department of State, “Country Reports- 2009: Central African Republic.”

⁹⁹² U.S. Embassy- Bangui, *reporting, February 17, 2010*, para 17.

⁹⁹³ Ibid.

⁹⁹⁴ Ibid.

⁹⁹⁵ U.S. Department of State, “Trafficking in Persons Report- 2010: Central African Republic.”

⁹⁹⁶ U.S. Embassy- Bangui, *reporting, February 17, 2010*. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Central African Republic.”

⁹⁹⁷ U.S. Embassy- Bangui, *reporting, March 1, 2010*, para 2d.

⁹⁹⁸ Ibid.

⁹⁹⁹ Ministère de l’Education Nationale et de la Recherche Scientifique Coordination Nationale de L’E.P.T., *Plan National d’Action de l’Education Pour Tous (2003-2015)*, Bangui, November, 2002; available from <http://planipolis.iiep.unesco.org/upload/Central%20African%20Republic/Central%20African%20Republic%20PNA%20EPT.pdf>. See also Government of the Central African Republic, *Poverty Reduction Strategy Paper Analytical Summary*, 2008. See also U.S. Embassy- Bangui, *reporting, March 1,*

2010, para 1a. See also U.S. Embassy- Bangui, *reporting, February 17, 2010*, para 22.

¹⁰⁰⁰ ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006.

¹⁰⁰¹ Ibid., 5-13.

¹⁰⁰² U.S. Department of State, “Trafficking in Persons Report- 2010: Central African Republic.”

¹⁰⁰³ U.S. Embassy- Bangui, *reporting, February 17, 2010*, para 2A7-2A10.

¹⁰⁰⁴ U.S. Embassy- Bangui, *reporting, March 1, 2010*, para 3b.

¹⁰⁰⁵ Ibid.

¹⁰⁰⁶ U.S. Department of State, “Trafficking in Persons Report- 2010: Central African Republic.”

¹⁰⁰⁷ Ibid. See also U.S. Embassy- Bangui, *reporting, February 17, 2010*, para 21.

Chad

Chad has not adopted a comprehensive policy framework to combat the worst forms of child labor and its laws do not clearly criminalize the use of child soldiers. Despite official warnings against recruiting child soldiers, all armed forces reportedly continued to use them. Other worst forms of child labor remain a serious problem, especially in agriculture and the forced labor of children as cattle-herders.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	53.0%
Attending School	5-14 yrs.	39.6%
Combining Work and School	7-14 yrs.	30.7%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor¹⁰⁰⁸

Children are exploited in the worst forms of child labor in Chad. Many work in agriculture, risking injury from hazardous tasks, such as carrying heavy loads.¹⁰⁰⁹ Many also work as herders, which puts them at risk of injury while working in isolated areas. In some cases, these children have been contracted out by their parents for multiple years in forced labor situations.¹⁰¹⁰ Children also work in the fishing sector, where they risk drowning and injury from sharp tools.¹⁰¹¹

In the urban informal sector, children work as manual laborers and forgers, risking injury from dangerous tools.¹⁰¹² In several towns and especially in the capital, N'Djamena, numerous street children are found begging, doing odd jobs and working at the markets.¹⁰¹³ Such children are vulnerable to harassment and injury from accidents caused by proximity to vehicles. Children also work as street vendors and domestic servants and may risk physical and sexual abuse from their employers.¹⁰¹⁴ Some of these children are sold or bartered by their families to engage in these activities.¹⁰¹⁵

The practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in Chad.¹⁰¹⁶ While some boys receive lessons, others are forced by their teachers to beg and surrender the money that they have earned.¹⁰¹⁷

Children in refugee camps in Eastern Chad work outside the camps as laborers on farms and as domestic servants, risking abuse and exposure to injury from carrying too heavy loads.¹⁰¹⁸ Children from refugee camps, especially girls, risk sexual abuse while collecting firewood and water outside the camps.¹⁰¹⁹ There are also reports of the commercial sexual exploitation of girls in refugee camps and of children in N'djamena.¹⁰²⁰

In Eastern Chad, some children are forcibly recruited or kidnapped from within refugee camps by Sudanese rebel groups.¹⁰²¹ Throughout the reporting period, the exploitation of children as child soldiers continued, and some sources reported that during the first quarter of the reporting period it even increased.¹⁰²² Some sources indicate that towards the end of the reporting period, although children were still being conscripted by all forces, this practice was decreasing. There are

also reports of children trafficked across Chad to be soldiers for both the Chadian National Army and rebel groups. Some of these rebel groups operate in Sudan and receive support from the Chadian Government.¹⁰²³

Within Chad, children are trafficked for prostitution and forced labor in domestic service, herding, begging, fishing, and small-scale commerce.¹⁰²⁴ Chadian children are also trafficked to the Central African Republic, Nigeria, and Cameroon for forced labor in cattle herding.¹⁰²⁵ Children may be trafficked from the Central African Republic and Cameroon to Chad's oil-producing regions for commercial sexual exploitation.¹⁰²⁶

Laws and Regulations on the Worst Forms of Child Labor

According to the Labor Code, the minimum age for work is 14; however, exceptions permit light work in agriculture and domestic service from age 12 and apprenticeships starting at age 13.¹⁰²⁷ The Labor Code also permits exceptions to be established through decrees issued by either the Ministry of Labor and Social Security or the Ministry of Public Health.¹⁰²⁸ According to the ILO Committee of Experts, a decree from 1969 contains a list of hazardous activities specifically prohibited to children under the age of 18. However, this decree does not apply to children in the informal economy where many children work and has not been updated since 1969.¹⁰²⁹ Chadian law makes primary and middle school compulsory but specifies neither an obligatory age nor a set duration of schooling. Consequently, children may finish the period of compulsory education before reaching the legal working age of 14, which may put those children at risk of falling into the worst forms of child labor.






Chad prohibits forced labor, but allows exceptions in circumstances of *force majeure*, such as war.¹⁰³⁰ Since Chad has experienced intermittent conflict for much of the past 50 years, this has allowed children to be recruited into forced labor as soldiers.

The minimum age for voluntary military recruitment is 18, although another law permits minors with a guardian's consent to volunteer for military service, and the minimum age for compulsory recruitment is 20.¹⁰³¹ Moreover, the use of child soldiers in armed

conflict does not appear to be a crime.¹⁰³² The lack of laws and criminal penalties for using child soldiers puts children at risk.

Under the Penal Code, prostitution is illegal and penalties are more stringent for exploiting minors. Offenders may be fined and imprisoned from 2 months up to 2 years, with stiffer penalties of up to 5 to 10 years in prison if the offense was committed by a guardian or relative.¹⁰³³ However, if the offense was not committed by a guardian or relative, the limited penalty is up to 2 years of imprisonment for the prostitution of a child which does not reflect the severity of the crime.

There is no specific law on human trafficking in Chad. However, traffickers can be prosecuted under charges of kidnapping, sale of children, and violations of labor statutes.¹⁰³⁴ A draft Criminal Code was developed in 2002 which included provisions to address trafficking and make more types of child sexual exploitation illegal. However, this draft code has not been adopted. Likewise, a draft code on the protection of children was prepared in 2008, but remains pending.¹⁰³⁵ If adopted these new laws would provide protection for children not currently included in the existing Penal Code.¹⁰³⁶

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	Yes
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Although research has found no evidence that the Government of Chad has established a national level coordinating mechanism to combat the worst forms of child labor, there is a National Committee to Fight Against Trafficking. This committee is, comprised of several government agencies and partnered with international agencies. Additionally, each of the 22 regions of Chad reportedly have a technical committee responsible for addressing the worst forms of child labor. These committees include representatives from the Ministries of Education, Public Works, Justice, and Social Affairs and Family as well as a representative from the police.¹⁰³⁷

The Office of Labor Inspection, with 25 field inspectors and 55 assistant inspectors, is responsible for implementing and enforcing child labor laws. Labor inspectors are deployed to six of the 18 districts in Chad.¹⁰³⁸ No statistics on the number of inspections that were conducted or training for labor inspectors are available.¹⁰³⁹ Labor inspectors are only deployed to one-third of the country's districts hindering enforcing of worst forms of child labor laws, while the lack of statistics precludes assessing the effectiveness of labor inspector actions.

Chad has a National Committee to Fight Against Trafficking along with special police units responsible for both investigating and enforcing laws that relate to the offenses of prostitution traffickers.¹⁰⁴⁰ Inspectors from the Chadian National Army are responsible for investigating reports of child soldiers. Ministry of Human Rights officials have also been trained to help identify child soldiers.¹⁰⁴¹ However, no law enforcement statistics are publicly available and there is no evidence of prosecutions for trafficking or other worst forms of child labor during the reporting period. Likewise, there were no military officials investigated or prosecuted for the use of child soldiers during the reporting period.¹⁰⁴² There are only 150 judges in all of Chad and they lack relevant infrastructure resulting in a judicial system that is ill equipped to prevent the worst forms of child labor.¹⁰⁴³

Government Policies on the Worst Forms of Child Labor

Research found no evidence that the Government of Chad has established a policy framework for the elimination of the worst forms of child labor. Although a national action plan was drafted in 1999, it has not been adopted.¹⁰⁴⁴ With UNICEF funding, the Ministry of Justice also drafted an "Integrated Action Plan to Fight the Worst Forms of Child Labor" (2008-2010). Although this plan has not been adopted, the Ministry works collaboratively with GOC and other partners to complete the activities outlined within.¹⁰⁴⁵

In 2007, the Chadian Government and UNICEF signed an agreement to demobilize child soldiers among the various armed groups engaged in the conflict throughout Chad, and to repatriate Sudanese children who have been forcibly recruited.¹⁰⁴⁶ Subsequent efforts to address this have received only intermittent support¹⁰⁴⁷ Nonetheless, in 2009, Chad took a preliminary step by officially condemning the use of child soldiers.¹⁰⁴⁸ There were 240 child soldiers removed during the course of the year, some of whom received rehabilitation services. Commanders were also warned of the need to cease recruiting child soldiers or risk a loss in rank.¹⁰⁴⁹ In June 2010, Chad took further steps to reduce the use of child soldiers by hosting a regional conference at which all participants signed the N'Djamena Declaration. This Declaration notes the intent to eliminate the practice of child soldiers by those governments and in their territory; however, given the continued existence of conflict along the borders with Sudan and the Central African Republic, the resultant refugee camps, the internal conflict in Chad, and the established tradition of child soldiers in Chad, whether this Declaration will lead to new steps curtailing this problem remains an open question.

In a joint initiative with the Islamic Committee and masters at Koranic schools, the Government has developed a program to prevent male students from being exploited in worst forms of child labor.¹⁰⁵⁰ Chad also adopted a 10-year plan (2004-2015) to improve access to education, which could prevent more

children from being exploited in the worst forms of child labor.¹⁰⁵¹

As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government of Chad agreed in 2006 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.¹⁰⁵² With the exception of limited services provided to some children who had been trafficked as child soldiers, there is no evidence of Chad supporting the commitments it made under this agreement.

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

Chad has worked with partner organizations to implement social programs, for example such a program was begun in 2002 to reduce forced child labor in herding.¹⁰⁵³ During the reporting period, a

multi-actor group, coordinated by the National Justice and Peace Commission that includes NGOs as well as the Ministry of Labor and Justice, hosted awareness raising events for communities with information on the harmful nature of child domestic service and herding.¹⁰⁵⁴

Chad faces many challenges in providing access to education, including shortages of functioning schools and teachers and teacher absenteeism.¹⁰⁵⁵ As of 2008 in the southeastern area of Dar Sila, only 18 out of 326 villages had functioning schools.¹⁰⁵⁶ The Government is taking steps to address this by building additional schools and permitting local communities to hire and pay their own teachers.¹⁰⁵⁷ However lack of access to education traps children in the worst forms of child labor.¹⁰⁵⁸

Programs to combat the worst forms of child labor are few and too limited in scope to address the magnitude of the problem, particularly in agriculture, herding, domestic service, and child soldiering.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Draft and adopt a law that criminalizes all use of children under age 18 in armed conflict.
- Amend the Labor Code to protect children under the age of 18 from being forced into labor under any circumstances.
- Strengthen penalties for the prostitution of children.
- Adopt the draft Child Protection Code.
- Adopt the draft Criminal Code provisions designed to protect children from trafficking and sexual exploitation.
- Review and update the list of hazardous occupations and impose appropriate penalties for violations.
- Amend the law to establish a clear age for compulsory education that at least matches the minimum age (14) of employment.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Fulfill the responsibilities committed to in the June 2010 N'Djamena Declaration on eliminating all use of child soldiers by the national army or government-supported rebel groups and take steps to address the use of child soldiers by all rebel groups in Chad.
- Establish a coordination mechanism to combat the worst forms of child labor.
- Expand labor inspection coverage to all of the country's 18 districts.
- Provide law enforcement officials and judges with adequate resources to enforce laws against worst forms of child labor. Publish statistics regarding the enforcement of worst forms of child labor laws, including the number of complaints, investigations, prosecutions, convictions and sentences.

IN THE AREA OF POLICIES:

- Adopt a National Action Plan to effectively target the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Develop programs to prevent the recruitment of children into armed forces and militias and demobilize those currently engaged in child soldiering.
- Establish and expand programs providing services to children in worst forms of child labor, especially in agriculture, herding, domestic service and forced begging by:
- Providing programs that strengthen the livelihoods of families of child laborers.
- Raising awareness on the importance of education. Addressing the lack of schools, resources, and trained teachers, as well as teacher absenteeism.

¹⁰⁰⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2004. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported here, which may or may not include the worst forms of child labor. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

¹⁰⁰⁹ U.S. Department of State, "Chad," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135945.htm>. See also 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 and 13.

¹⁰¹⁰ ILO Committee of Experts, *Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Chad (ratification: 2000)*, [online] 2009 [cited March 8, 2010]; available from <http://www.ilo.org/ilolex/>. See also 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>. See also U.S. Embassy -N'djamena, *reporting*, February 8, 2010, para 7.

¹⁰¹¹ U.S. Department of State, "Country Reports- 2009: Chad," section 7d. 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 and 13.

¹⁰¹² U.S. Department of State, "Country Reports- 2009: Chad," sections 6 and 7d. 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*, 12-13. See also Daniel Deuzoumbe Passalet, *A Situational Analysis of Commercial Sexual Exploitation of Children in Chad*, online, in ECPAT International, March, 2003, 7; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/rabat/index.asp.

¹⁰¹³ Franciscans International, *Alternate report Submitted to the 96th Session of the Committee on Human Rights: Chad*, May, 2009, 5; available from www2.ohchr.org/english/bodies/hrc/docs/ngos/FI_Chad96.doc. See also Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the*

Convention: Chad, CRC/C/TCD/CO/2, February 12, 2009, 17 para 75; available from <http://www.unhcr.org/refworld/docid/49a514ea2.html>.

¹⁰¹⁴ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Second Periodic Report, Chad*, December 2007, 54, para 290; available from <http://daccess-dds-ny-un.org/doc/UNODC/GEN/G09/402/71/PDF/G0440271.pdf>. See also Synapostel, *Tchad: la questions des enfants bouviers et domestiques, une urgence nationale*, September 17, 2009; available from www.africaefuture.org/synapostel/html/765.html. See also Deuzoumbe Daniel Passalet, *A Situational Analysis of Commercial Sexual Exploitation in Chad*, ECPAT International, N'Djamena, March 2003, 7.

¹⁰¹⁵ U.S. Embassy-N'djamena, *reporting*, February 18, 2010, Section 2 para 25 (B and D).

¹⁰¹⁶ Human Rights Council United Nations General Assembly, *National Report Submitted in Accordance with Paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1 A/HCR/WG.6/5/TCD/1*, February 16 2009 2009, 8 para 40; available from <http://www.unhcr.org/refworld/docid/49d1f6cd0.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 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>.

¹⁰¹⁷ U.S. Department of State, "Country Reports- 2009: Chad," sections 6 and 7d. See also United Nations General Assembly, *National Report of Human Rights Council Resolution*, 8 para 40.

¹⁰¹⁸ UNICEF, *Child Alert Darfur*, Report, December, 2005, 16; available from <http://www.unicef.org/childalert/darfur/Child%20Alert%20Darfur.pdf>. See also Christian Children's Fund Chad, *Knowledge, Attitudes and Practices Survey: Eastern Chad*, CCF, N'Djamena, January 2006, 21, 22, 29, and 30; available from http://www.christianchildrensfund.org/uploadedFiles/Public_Site/news/Relief_professionals/KAP_Chad.pdf.

¹⁰¹⁹ Human Rights Watch, *Chad: Events of 2009*, January 20, 2010; available from <http://www.hrw.org/en/world-report-2009/chad?print>. See also Amnesty International, *Refugee women in Chad face high levels of rape despite UN presence*, September 30, 2009; available from <http://www.amnesty.org/en/news-and-updates/report/refugee-women-chad-face-high-levels-rape-despite-un-presence-20090930>.

¹⁰²⁰ Child Rights Information Network, *Child Rights References in the Universal Periodic Review: Compilation of UN Information*, May 5, 2009; available from <http://www.crin.org/resources/infoDetail.asp?ID=21761&flag=report>. See also Amnesty International, *Refugee women in Chad*

face high levels of rape despite UN presence. See also U.S. Department of State, “Chad (Tier 3),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009>.

¹⁰²¹ Human Rights Council United Nations General Assembly, *Children and Armed conflict: Report of the Secretary General*, A/63/785 - S/2009/158, March 26, 2009; available from www.un.org/children/conflict/english/chad.html. See also Refugees International, “Chad: Protect Children from Rebel Recruitment”, RefugeesInternational.org., [online], June 24, 2009 [cited February 24, 2010]; available from <http://www.refintl.org/print/3576>. See also UN Security Council, *Security Council Condemns Renewed Military Incursions in Eastern Chad by Chadian Armed Groups, Stresses Any Attempt at Destabilization by Force ‘Unacceptable’*, May 8, 2009; available from <http://www.un.org/News/Press/docs/2009/sc9654.doc.htm>.

¹⁰²² U.S. Embassy-N’djamena, *reporting, February 18, 2010*, Section 2 para B (2) and Section 7 para 33. See also Integrated Regional Information Networks, “Chad: Instability threatens demobilisation of child soldiers”, IRINnews.org, [online], April 16, 2009 [cited January 22, 2009]; available from <http://www.irinnews.org/printreport.aspx?reportId=83963>. See also United Nations Special representative of the Secretary-General for Children and Armed Conflict, *Children and Armed Conflict: Developments in Chad*, April, 2009; available from www.un.org/children/conflict/english/chad.html.

¹⁰²³ U.S. Department of State, “Trafficking in Persons Report- 2009: Chad.” See also United Nations Special representative of the Secretary-General for Children and Armed Conflict, *Children and Armed Conflict: Developments in Chad*.

¹⁰²⁴ U.S. Department of State, “Trafficking in Persons Report- 2009: Chad.” See also Michael Didama, “Traites des enfants au Tchad”, IPS, [online], April 7, 2007 [cited March 9, 2010]; available from http://www.infosud.org/spip.php?page=print_article&id_article=1499.

¹⁰²⁵ U.S. Department of State, “Trafficking in Persons Report- 2009: Chad.”

¹⁰²⁶ Ibid.

¹⁰²⁷ Government of Chad, *Code du travail*, December 11, 1996, articles 18 and 52; available from www.droit-afrique.com/images/textes/Tchad/Tchad%20-%20Code%20du%20travail.pdf. 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.details?p_lang=fr&p_country=TCD&p_classification=04&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY.

¹⁰²⁸ Government of Chad, *Code du travail*, article 52.

¹⁰²⁹ ILO Committee of Experts, *Direct Request C182: Chad (2009)*, Clause C(2).

¹⁰³⁰ Government of Chad, *Code du travail*, article 5.

¹⁰³¹ Government of Chad, *Ordonnance No. 001/PCE/CEDNACVG/91, portant reorganisation des Forces Armees*, January 16, 1991, article 14. See also Government of Chad, *Ordonnance No. 006/PR/92, portant statut general des militaires*, April 28, 1992, article 52. See also Coalition to Stop the Use of Child Soldiers, “Chad,” in *Child Soldiers Global Report 2008*, London, 2008, 1; available from <http://www.child-soldiers.org/document/get?id=1335>.

¹⁰³² Law Library of Congress, *Chad: Child Labor Laws*, Washington D.C., May 2010.

¹⁰³³ Government of Chad, *Ordonnance No. 12-67-PR-MJ, portant promulgation d’un code penal*, May 21, 1969, article 279-282. See also ILO Committee of Experts, *Direct Request C182: Chad (2009)*, para 1, Clause (b) 1. See also Government of Chad, *Violence contre les enfants: reponses du Gouvernement du Tchad*, N’djamena, September, 2004, 12 and 13. 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. See also U.S. Department of State, «Country Reports- 2009: Chad,» section 5.

¹⁰³⁴ U.S. Department of State, “Country Reports-2009: Chad,” section 6. See also Government of Chad, *Code penal*, article 286. See also Integrated Regional 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> [cited February 22, 2010].

¹⁰³⁵ Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Chad*, 13 para 20 and 14 para 22. See also U.S. Embassy - N’djamena, *reporting, February 8, 2010*, Part 2B, para 11.

¹⁰³⁶ ILO Committee of Experts, *Direct Request C182: Chad (2009)*, para 1, Clause (b) 2.

¹⁰³⁷ U.S. Embassy-N’djamena, *reporting, February 18, 2010*, Section 2 para 26 B.

¹⁰³⁸ U.S. Embassy - N’djamena, *reporting, February 12, 2010*, Part 2c (14). response 5

¹⁰³⁹ ILO Committee of Experts, *Individual Observation, Labour Inspection Convention, 1947 (No. 81) Chad (ratification: 1965)*, [online] 2009 [cited March 8, 2010]; available from <http://www.ilo.org/ilolex/>. See also ILO Committee of Experts, *Submission to the Competent Authorities: Chad*, [online] 2009 [cited March 8, 2010]; available from <http://www.ilo.org/ilolex/>.

¹⁰⁴⁰ U.S. Embassy-N'djamena, *reporting, February 18, 2010*, Section 5 para 29 C. See also Child Rights Information Network, *Child Rights References in the Universal Periodic Review: Compilation of UN Information*. See also U.S. Embassy - N'djamena, *reporting, February 12, 2010*, Part 2D Response 3 and Response 12

¹⁰⁴¹ Child Rights Information Network, *Child Rights References in the Universal Periodic Review: Compilation of UN Information*. See also U.S. Embassy - N'djamena, *reporting, February 12, 2010*, Part 2D Response 3 and Response 12.

¹⁰⁴² U.S. Embassy-N'djamena, *reporting, February 18, 2010*, Section 3 para 27 (E and I). See also U.S. Embassy - N'djamena, *reporting, February 12, 2010*, Part 2C (14), responses 5- 12.

¹⁰⁴³ U.S. Embassy-N'djamena, *reporting, February 18, 2010*, Section 2 para 26 (C and F). See also U.S. Department of State, "Trafficking in Persons Report- 2009: Chad."

¹⁰⁴⁴ Child Rights Information Network, *Child Rights References in the Universal Periodic Review: Compilation of UN Information*, OHCHR Summary, Para 4. See also ILO Committee of Experts, *Direct Request C182: Chad (2009)*.

¹⁰⁴⁵ U.S. Embassy-N'djamena, *reporting, February 18, 2010*, Section 5 para 29 (D).

¹⁰⁴⁶ UNICEF, *UNICEF supporting former child soldiers to forge new lives in Chad*, News from the Field, February 16, 2010; available from <http://www.unicefusa.org/news/news-from-the-field/former-child-soldiers-find.html>.

¹⁰⁴⁷ UNICEF, *UNICEF supporting former child soldiers to forge new lives in Chad*, News from the Field. See also U.S. Embassy -N'djamena, *reporting*, December 14, 2009.

¹⁰⁴⁸ U.S. Embassy - N'djamena, *reporting, February 8, 2010*, Part 2D Response 5 and Response 13.

¹⁰⁴⁹ 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.

¹⁰⁵⁰ UN Committee on the Rights of the Child, *Report Submitted by State Party: Second Periodic Report CRC*, 45.

¹⁰⁵¹ ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006.

¹⁰⁵² Committee on the Rights of the Child, *Replies of the Government of Chad to the List of Issues to be Taken up in Connection with the Consideration of the Initial Periodic report of Chad (CRC/C/TCD/1) CRC/C/TCD/Q/1/Add.1*, January 20, 2009, 9 Question 13 para 38-40; available from http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.TCD.Q.1.Add.1_en.pdf.

¹⁰⁵³ Synapostel, *La questions des enfants bouviers et domesticques, une urgence nationale*.

¹⁰⁵⁴ Integrated Regional Information Networks, "Chad: A Semblance of Education for a Displaced Child", IRINnews.org, [online], March 13, 2008 [cited March 13, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=77273>. See also UNESCO, *Universal Primary Education in Africa: The Teacher Challenge*, accessed July 23, 2010, 155; available from <http://unesdoc.unesco.org/images/0018/001866/186643e.pdf>.

¹⁰⁵⁵ Human Rights Watch, *Chad: They Can't Go Home Again*, June 19, 2009; available from <http://www.hrw.org/en/news/2009/06/19/chad-they-can-t-go-home-again>.

¹⁰⁵⁶ Human Rights Watch, *Chad: They Can't Go Home Again*, June 19, 2009; available from <http://www.hrw.org/en/news/2009/06/19/chad-they-can-t-go-home-again>.

¹⁰⁵⁷ UN Committee on the Rights of the Child, *Report Submitted by State Party: Second Periodic Report CRC*, 48. See also UNESCO, *Universal Primary Education in Africa: The Teacher Challenge*, 2010, 84; available from <http://unesdoc.unesco.org/images/0018/001866/186643e.pdf>.

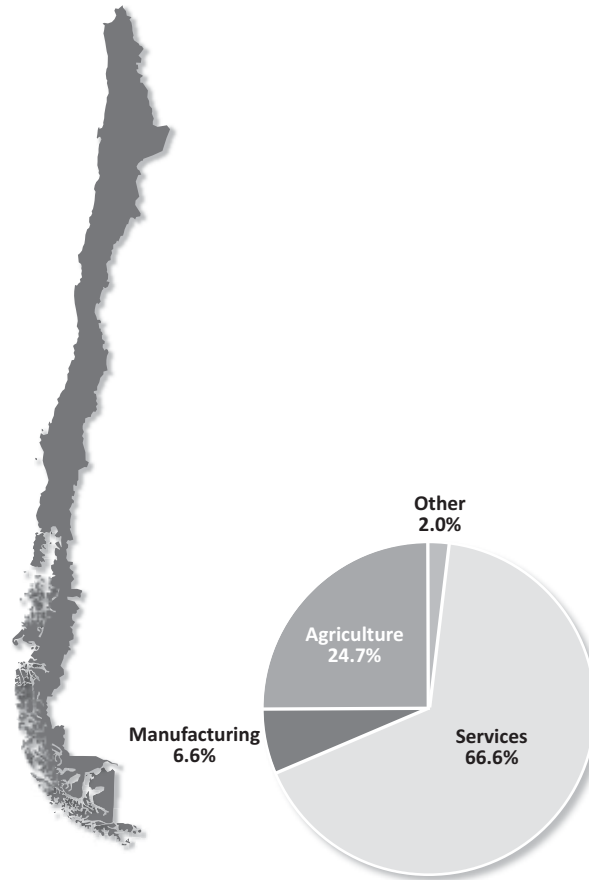
¹⁰⁵⁸ UNESCO, *Universal Primary Education in Africa: The Teacher Challenge*, 155-157.

Chile

The Government of Chile has a nationwide network of programs to assist children in the worst forms of child labor and has incorporated the goal of reducing child labor into some social protection programs. A gap in the legal framework remains, however. Chilean law outlaws the production and trafficking of drugs, but does not provide for specific additional penalties for adults who involve children in these illicit activities. In addition, children are still found in the worst forms of child labor, most commonly in urban informal work and commercial sexual exploitation.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	3.5%
Attending School	5-14 yrs.	97.2%
Combining Work and School	7-14 yrs.	4.0%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

While rates of child labor are relatively low in Chile,¹⁰⁵⁹ some children may be exploited in the worst forms of child labor, particularly in the urban informal sector and commercial sexual exploitation.¹⁰⁶⁰

In urban areas of Chile, boys carry loads in agricultural loading docks and assist in construction activities, while girls can be found selling goods on the street. These activities may carry the risk of injury and accidents as they require high physical exertion and, in the case of work on the streets, exposure to densely-transited areas with the risk of vehicle accidents.¹⁰⁶¹ Girls also work as domestic servants where they may be vulnerable to physical and sexual abuse.¹⁰⁶² The commercial sexual exploitation of children (CSEC)—girls and boys—is a problem in Chile. Cities where CSEC takes place include Santiago and Valparaiso where children are exploited in both open areas, such as parks, as well as in hidden venues, including bars and dance clubs.¹⁰⁶³

Children in rural areas, including those of indigenous descent, are involved in caring for farm animals, as well as harvesting, collecting, and selling crops, such as wheat, potatoes, oats, pine nuts, and quinoa (a plant native to South America). Agricultural work may involve handling pesticides and exposure to extreme weather conditions.¹⁰⁶⁴

Children in Chile are exploited in other types of activities constituting the worst forms of child labor. For example, in the border area with Peru and Bolivia, children are used to transport drugs.¹⁰⁶⁵ Children are trafficked internally for the purpose of commercial sexual exploitation.¹⁰⁶⁶

Laws and Regulations on the Worst Forms of Child Labor






In 2007, the Government revised the Labor Code, raising the minimum age for work to 18 and to 15 for light work. In 2009, Chile updated a list of 27 types of work that are dangerous and prohibited to children

under the age of 18 due to their nature and conditions, such as work underground or underwater, work with toxic chemicals and handling heavy machinery.¹⁰⁶⁷

Chilean laws prohibit slavery and forced labor.¹⁰⁶⁸ The Penal Code prohibits child trafficking across national boundaries for the purpose of sexual exploitation. Other legislation is used to prosecute internal trafficking of children for both forced labor and commercial sexual exploitation.¹⁰⁶⁹ The Penal Code prohibits all activities related to the prostitution of children and all activities related to child pornography, including its production, distribution, and possession.¹⁰⁷⁰ The minimum age for compulsory military service in Chile is 18 years.¹⁰⁷¹

Chilean law outlaws the production and trafficking of drugs, but does not provide for specific additional penalties for adults who involve children in these illicit activities.¹⁰⁷²

for Children or SENAME), which is charged with implementing a national plan against child labor. The participating ministries include the Ministry of Labor, the Ministry of Education, the Ministry of Justice, the Ministry of Agriculture, the National Statistics Institute, among others.¹⁰⁷³ SENAME monitors the incidence of the worst forms of child labor through a national registry, which receives information on cases identified by the Ministry of Labor, the *Policia de Investigaciones* (national investigations police), the *Carabineros* (national uniformed police), and by SENAME’s social programming. The registry serves as a means to track the incidence of the worst forms of child labor throughout the country.¹⁰⁷⁴ In 2009, the registry received reports of 289 cases of children and adolescents involved in the worst forms of child labor. In addition, all of the provinces in the country have Regional Committees for the Prevention and Eradication of Child Labor, and are led by the regional Ministries of Labor.¹⁰⁷⁵

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

Institutional Mechanisms for Coordination and Enforcement

The Government of Chile operates a National Advisory Committee to Eradicate Child Labor, headed by the *Servicio Nacional de Menores* (National Service

The Government also operates an Interagency Working Group on Trafficking in Persons, which has the responsibility of coordinating the Government’s anti-trafficking efforts and is headed by the Ministry of the Interior. Members include law enforcement agencies, the Public Ministry, the Ministry of Foreign Relations, the Ministry of Justice, and the National Service for Minors, among others.¹⁰⁷⁶

The Ministry of Labor is charged with enforcing child labor laws and employs approximately 360 labor inspectors who inspect all types of labor violations, including child labor. From January to October 2009, the Ministry of Labor imposed sanctions in 47 cases of child labor.¹⁰⁷⁷

While the Ministry of Labor is responsible for enforcing labor laws, a number of agencies, including SENAME, the Ministry of Health, and the police have roles to play in enforcing laws related to the worst forms of child labor and in identifying children exploited in such situations.¹⁰⁷⁸ For example, Chile’s National Police has a Department of Minors’ Police with 103 officers dedicated to minors’ issues, who identify children in the worst forms of child labor and refer them to the SENAME.¹⁰⁷⁹

A number of Government agencies are likewise charged with enforcement of CSEC and TIP laws, including the national Investigations Police, the Public Ministry, and the National Uniformed Police.¹⁰⁸⁰ Chile's Investigations Police oversees regional sex crimes offices, which investigate the commercial sexual exploitation of children.¹⁰⁸¹ Chile's Public Ministry investigated 333 cases of commercial sexual exploitation of children and criminal courts handed down 72 convictions. Of the 333 cases and 72 convictions, 108 cases and 16 convictions involved trafficking in persons. In 2009, 450 officials from Chile's police forces were trained in handling cases of commercial sexual exploitation of children, and resources dedicated to detecting child prostitution were increased.¹⁰⁸²

The Government along with IOM conducted eight training sessions for over 600 law enforcement officials, prosecutors, and prison officials on detecting and prosecuting cases of trafficking in persons.¹⁰⁸³

Government Policies on the Worst Forms of Child Labor

As part of its National Policy on Childhood (2001-2010), the Government of Chile updated its national child labor action plan in 2007 to include goals focusing on protecting child and adolescent workers.¹⁰⁸⁴ In September 2009, the Government signed an agreement with ILO to integrate the issue of child labor into the country's social protection system. The policy calls for both preventive actions and measures to remove children from the worst forms of child labor.¹⁰⁸⁵ In June 2009, the Ministry of Labor signed an agreement with the Confederation of Production and Commerce (CPC), one of the country's largest business associations, to collaborate in the fight against child labor. The CPC committed to distributing guides to employers on eliminating child labor.¹⁰⁸⁶ The Government of Chile adopted the 2006-2010 United Nations Development Assistance Framework, which among other goals aims to build government capacity to combat child labor through effective policies and programs.¹⁰⁸⁷

On the regional level, Chile has signed agreements with other regional governments to address issues of the commercial sexual exploitation of children

and child trafficking. For example, the Government and other associates and member governments of MERCOSUR are carrying out the *Niño Sur* ("Southern Child") initiative to protect the rights of children and adolescents in the region.¹⁰⁸⁸ 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.¹⁰⁸⁹ In 2009, Chile's National Tourism Service (SERNATUR), SENAME, and ILO signed an agreement to combat child sex tourism. The Government of Chile has a bilateral agreement with Bolivia to combat the worst forms of child labor, with a special emphasis on child trafficking.¹⁰⁹⁰

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

The Government of Chile operates a number of programs to prevent and remove children from the worst forms of child labor.¹⁰⁹¹ SENAME assists disadvantaged youth and children at-risk of or engaged in the worst forms of child labor through its 47 specialized integral intervention programs throughout the country.¹⁰⁹² In addition, SENAME operates an additional 14 specialized programs, which include psychosocial and education services to assist child victims of commercial sexual exploitation including 1,062 children. During the reporting period, SENAME carried out trainings for officials from SERNATUR on child sex tourism.¹⁰⁹³ The funding for all SENAME intervention programs was \$8 million during the reporting period.¹⁰⁹⁴ SENAME's programs to address the issue were funded, sustainable, and reached their goals, although additional interventions may be needed, given the scope and magnitude of commercial sexual exploitation of children in Chile.

The Ministry of Education operates educational reinsertion programs for vulnerable children, including child laborers, in 13 regions, and served 1,100 children during 2009. In addition, the Ministry of Education oversees a bilingual education program that aims to increase the quality of education available to indigenous children and increase communities' involvement in the educational process.¹⁰⁹⁵ The Government's Ministry of Planning runs the *Programa*

Puente (Bridge Program), which assists families living in extreme poverty by facilitating families' access to Government social services, including health, education, and cash transfers. One of the objectives of the program is to combat child labor.¹⁰⁹⁶ In addition, the Government participates in a 4-year \$3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.¹⁰⁹⁷

The Government of Chile has a range of sustainable services and programs to assist the most vulnerable children. The programs have nationwide coverage and the capacity to reach children in many of the worst forms of child labor, particularly those at-risk or victims of commercial sexual exploitation.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Strengthen legal protections for children from the worst forms of child labor by specifically forbidding the procurement of children for illicit activities, such as drug production or trafficking.

IN THE AREA OF PROGRAMS:

- Implement awareness raising efforts in border areas to prevent the recruitment of children into drug transport.

¹⁰⁵⁹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. All data provided are from 2003. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report

¹⁰⁶⁰ ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Chile (ratification: 2000)*, [online] 2009 [cited February 28, 2010]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>. See also ILO-IPEC and Colegio de Profesores de Chile A.G., *Trabajo Infantil y Pueblos Originarios en Chile*, 2005, 7-8, 16, 45; available from http://white.oit.org.pe/ipecc/boletin/documentos/pueblos_originarios_ch.pdf. See also ILO-IPEC, *La Demanda en la Explotación Sexual Comercial de los Adolescentes: el Caso de Chile* 2007, 69-79; available from http://white.oit.org.pe/ipecc/documentos/est_demanda_esci_cl.pdf.

¹⁰⁶¹ U.S. Embassy- Santiago, *reporting*, February 13, 2009. See also ILO-IPEC and A.G., *Trabajo Infantil y Pueblos Originarios en Chile*, 28.

¹⁰⁶² ILO-IPEC and A.G., *Trabajo Infantil y Pueblos Originarios en Chile*, 28.

¹⁰⁶³ OHCHR, *Consideration of Reports Submitted by States Parties under Article 12(1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* 2008, 5; available from <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-OPSC-CHL-CO-1.pdf>. See also ILO-IPEC, *La Demanda en la Explotación Sexual Comercial de los Adolescentes: el Caso de Chile* 69-72.

¹⁰⁶⁴ ILO-IPEC and A.G., *Trabajo Infantil y Pueblos Originarios en Chile*, 28, 31, 32, 35.

¹⁰⁶⁵ U.S. Department of State, "Chile (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>. See also ILO-IPEC and A.G., *Trabajo Infantil y Pueblos Originarios en Chile*, 34.

¹⁰⁶⁶ U.S. Department of State, "Trafficking in Persons Report- 2010: Chile."

¹⁰⁶⁷ 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. See also U.S. Embassy- Santiago, *reporting*, February 8, 2010.

¹⁰⁶⁸ Government of Chile, *Constitución Política de 1980 incluidas las Reformas hasta el 2005*, (2005), article 19, no. 2; available from <http://pdba.georgetown.edu/Constitutions/Chile/chile05.html>. See also Government of Chile, *Código del Trabajo de Chile*, (November 15, 2007), article 2; available from http://www.leychile.cl/Consulta/Exportar?radioExportar=Normas&exportar_formato=pdf&nombearchivo=NORMA2074360&exportar_con_notas_bcn=True&exportar_con_notas_originales=True&exportar_con_notas_al_pie=True&hddResultadoExportar=207436.2010-02-13.0.0%23. See also U.S. Department of State, “Chile,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 10, 2010, section 7c; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136105.htm>.

¹⁰⁶⁹ Government of Chile, *Código Penal de la República de Chile*, (March 1, 1875), article 367; available from <http://www.cajpe.org.pe/rij/bases/legisla/chile/codpench.htm>. See also U.S. Embassy- Santiago, E-mail communication to USDOL official, July 27, 2010.

¹⁰⁷⁰ Government of Chile, *Código Penal de la República de Chile*, article 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.anuariodh.uchile.cl/anuario/documentos/10.Ley%2019927_DelitoPornografiaInfantil_CHILE.pdf.

¹⁰⁷¹ 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.

¹⁰⁷² ILO Committee of Experts, *Individual Direct Request C182: Chile (2009)*. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Chile.”

¹⁰⁷³ U.S. Embassy- Santiago, *reporting*, February 13, 2009, para. 28. See also U.S. Embassy- Santiago, *reporting*, February 8, 2010, para 10.

¹⁰⁷⁴ U.S. Embassy- Santiago, *reporting*, February 8, 2010, para 10. See also Ministry of Labor and Social Welfare, *Sistema de registro*, [online] [cited September 30, 2010]; available from http://www.trabajoinfantil.cl/peores_definiciones.html.

¹⁰⁷⁵ Embassy of Chile, *Programas y acciones desarrolladas por el Ministerio del Trabajo y Previsión Social de Chile para erradicar y prevenir el trabajo infantil desde 2008 a la fecha*, submitted in response to U.S. Department of Labor Federal Register Notice “Child Labor, Forced Labor, and Forced or Indentured Child Labor in the Production

of Goods in Foreign Countries and Efforts by Certain Countries To Eliminate the Worst Forms of Child Labor”, Washington, DC, May 5, 2010, 3, 5.

¹⁰⁷⁶ U.S. Embassy- Santiago, *reporting*, February 8, 2010, para 11, 14.

¹⁰⁷⁷ *Ibid.*, para 6.

¹⁰⁷⁸ U.S. Embassy- Santiago, *reporting*, February 13, 2009.

¹⁰⁷⁹ *Ibid.*

¹⁰⁸⁰ U.S. Embassy- Santiago, *reporting* February 25, 2010 para 14.

¹⁰⁸¹ U.S. Embassy- Santiago, *reporting*, February 13, 2009.

¹⁰⁸² ILO Committee of Experts, *Individual Direct Request C182: Chile (2009)*. See also U.S. Embassy- Santiago, *reporting*, February 25, 2010, para 16.

¹⁰⁸³ U.S. Embassy- Santiago, *reporting*, February 25, 2010, para 23.

¹⁰⁸⁴ Comisión Nacional para la Erradicación del Trabajo Infantil and ILO-IPEC, *Plan de Prevención y Erradicación Progresiva del Trabajo Infantil y Adolescente en Chile*, Lima, 2001, 20, 24, 26, 30, 32-36; available from http://www.ine.cl/canales/chile_estadistico/encuestas_trabajo_infantil/pdf/23_04_09/pdf/plan_nacional.pdf. See also Ministry of Labor and Social Welfare, *Contexto en Chile y el mundo*, [online] [cited December 1, 2010]; available from http://www.trabajoinfantil.cl/en_chile.html. See also U.S. Embassy- Santiago, *reporting*, February 13, 2009.

¹⁰⁸⁵ ILO-IPEC, “Chile: New child labour elimination model incorporated in the social protection system,” *IPEC News* 3 (2009), 14; available from <http://www.ilo.org/ipeinfo/product/viewProduct.do?productId=10794>.

¹⁰⁸⁶ U.S. Embassy- Santiago, *reporting*, February 8, 2010.

¹⁰⁸⁷ United Nations Development Group, *Marco de Asistencia para el Desarrollo* 2006, 25; available from <http://www.undg.org/docs/7620/UNDAF%20Chile.pdf>.

¹⁰⁸⁸ 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.

¹⁰⁸⁹ Brazilian Ministry of Tourism, *Ecuador Assume Dirección 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.

¹⁰⁹⁰ ILO Committee of Experts, *Individual Direct Request C182: Chile (2009)*. See also U.S. Embassy- Santiago, *reporting, February 13, 2009*.

¹⁰⁹¹ U.S. Embassy- Santiago, *reporting, February 13, 2009*. See also U.S. Embassy- Santiago, *reporting, February 8, 2010*.

¹⁰⁹² Embassy of Chile, *Programas y acciones desarrolladas por el Ministerio del Trabajo y Previsión Social de Chile para erradicar y prevenir el trabajo infantil desde 2008 a la fecha*.

¹⁰⁹³ Senado de la República de Chile, *SENAME aumentará en 50% los recursos para los jóvenes en situación vulnerable que no han delinquido*, [online] [cited October 4, 2010 2010]; available from http://www.senado.cl/prontus_galeria_noticias/site/artic/20091028/pags/20091028175122.html. See also U.S. Embassy- Santiago, *reporting, February 25, 2010*. See also SENAME, *Sename y OIT capacitaron a personal de Sernatur para prevenir la explotación sexual comercial*

infantil [online] August 8, 2009 [cited November 3, 2010]; available from <http://www.sename.cl/wsename/estructuras.php?name=News&file=article&sid=295>.

¹⁰⁹⁴ U.S. Embassy- Santiago, *reporting, February 8, 2010*. See also U.S. Embassy- Santiago, *reporting, February 25, 2010*, para 16, 34.

¹⁰⁹⁵ U.S. Embassy- Santiago, *reporting, February 13, 2009*. See also Educación y Cultura OAS Unidad De Desarrollo Social, “Programa de Educación Intercultural Bilingüe, Chile”; available from <http://www.oas.org/oipc/espanol/documentos/ChileProgramaeducacioninterculturalbilingue.doc>.

¹⁰⁹⁶ U.S. Embassy- Santiago, *reporting, February 13, 2009*. See also Government of Chile, “Programa Puente: Resultados esperados por el programa”; available from <http://public.programapuerto.cl/index.html>.

¹⁰⁹⁷ ILO-IPEC official, E-mail communication to USDOL official, June 17, 2010.

Colombia

The Government of Colombia continued to strengthen its legal and policy framework to combat the worst forms of child labor by enacting additional laws and policies against commercial sexual exploitation of children. However, it has neither effectively enforced its child labor laws, nor has it fully implemented policies to combat exploitive child labor. The worst forms of child labor are prevalent in agriculture and mining. There are still reports of forced child labor in coca cultivation and forcible recruitment of children by illegal armed groups.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	3.2%
Attending School	5-14 yrs.	92.6%
Combining Work and School	7-14 yrs.	2.9%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Colombia, many in agriculture and mining.¹¹⁰⁸ In the agricultural sector, children may be exposed to the elements and high levels of dust, perform physically arduous tasks, use dangerous tools, and face high risk of occupational injury.¹¹⁰⁹ They work in the production of coffee, sugarcane, bananas, plantains, rice, cotton, fruit, and vegetables, as well as raising livestock.¹¹⁰⁰ Children are also involved in artisanal mining, where they are exposed to toxic gases, long hours, dangerous chemicals such as nitric acid, and high temperatures. They work in emerald, gold, clay, and coal mining, breaking rocks, digging clay and dirt, removing water from mines, and lifting heavy loads.¹¹⁰¹ Indigenous *Wayúu* children work alongside their families in the production of salt, talc, and gypsum.¹¹⁰²

Children work on the streets in urban areas, where they may be exposed to long hours, the elements, and risk of physical injuries. They lift heavy loads in markets and are engaged in street vending.¹¹⁰³ Children are also involved in recycling, where they are exposed

to toxic substances such as lead and sulfuric acid as well as dangerous waste.¹¹⁰⁴

The Colombian National Institute for Family Welfare (ICBF) estimates that 4,457 children live on the streets of 16 Colombian cities and are engaged in begging, stealing, street vending, recycling, and commercial sexual exploitation.¹¹⁰⁵

Children are engaged in domestic service in Colombia. Child domestic workers work up to 12 hours a day and perform household chores such as ironing, cleaning, cooking, and taking care of children.¹¹⁰⁶ Children working in domestic service are vulnerable to physical and sexual abuse by their employers. They often do not receive salaries and are not allowed to take their legal time off.¹¹⁰⁷ Indigenous families in rural areas send their children to urban households to work as domestic workers.¹¹⁰⁸

A 2006 study found that 2,117 children were involved in commercial sexual exploitation in 11 cities in Colombia.¹¹⁰⁹ Children are also involved in child pornography and sex tourism. In the Department of Sucre, indigenous *Zenous* children are often the victims

of sex tourism; while in Bogota, underage boys are solicited for sexual purposes.¹¹¹⁰ There are reports of criminal bands that use the Internet and cell phones to recruit children.¹¹¹¹ Children are also trafficked for the purpose of commercial sexual exploitation domestically and internationally.¹¹¹²

Children are used by adults for illegal activities, such as coca cultivation and the processing and transport of illicit drugs.¹¹¹³ There are reports of children trafficked from Ecuador for the purpose of labor exploitation in domestic service and coca cultivation.¹¹¹⁴ Indigenous *Wayúu* children have been involved in the illegal sale of gasoline from Venezuela, draining gasoline from tankers on the border between Colombia and Venezuela. Children are victims of forced labor in coca cultivation, mining and quarries, and domestic work, and are forcibly recruited as child soldiers.¹¹¹⁵ Children from Honduras and Nicaragua have been found working under forced labor conditions in fishing.¹¹¹⁶

Although minors below the age of 18 years are not allowed to be recruited into the National Armed Forces, reports state that children have been used as informants by members of the National Armed Forces in direct contravention of military policy and have participated in civic-military activities.¹¹¹⁷ Additionally, children continue to be recruited by illegal armed groups. As of 2008, an estimated 11,000 to 14,000 children, including indigenous children, were acting as combatants in various non-state groups.¹¹¹⁸ Some of them were forced to participate in, and are victims of, human rights violations such as torture and murder. Female combatants are subject to sexual exploitation by other group members.¹¹¹⁹

The Government of Colombia considers all the activities described in this section as worst forms of child labor.¹¹²⁰

Laws and Regulations on the Worst Forms of Child Labor

The Code for Children and Adolescents sets the minimum age for non-hazardous work at 15 and hazardous work at 18.¹¹²¹ Resolution No. 01677 of 2008 identifies the worst forms of child labor that are prohibited for all minors under age 18, including

domestic work. Minors are not permitted to perform most forms of work related to agriculture, fisheries, lumber, mining, industrial manufacturing, utilities, construction, heavy equipment, or transportation.¹¹²² The Code for Children and Adolescents establishes fines for violations of its provisions, while the Labor Code sets fines for labor law violations.¹¹²³

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

The Penal Code prohibits slavery, servitude, and human trafficking, and establishes strict sanctions for violations.¹¹²⁴ It penalizes commercial sexual exploitation of children—including prostitution, pornography, and sex tourism—with incarceration and fines.¹¹²⁵ Law 679 of 2001 penalizes tourism agencies and hotel owners with fines and penalties for involvement in child sex tourism.¹¹²⁶ The Penal Code punishes forced prostitution and sexual slavery related to armed conflict with imprisonment and fines; it also penalizes the recruitment of minors by illegal armed groups and the armed forces and punishes the commission of terrorist acts involving a minor.¹¹²⁷ Law 782 of 2002 regards minors that participate in the country’s hostilities as victims. Victims are those who suffer harm or significant deterioration in their personal well-being.¹¹²⁸ Nonetheless, the Office of the Attorney General may choose to prosecute a minor

who has violated international humanitarian law or committed genocide.¹¹²⁹ Law 975 of 2005 establishes that armed groups must place all minor recruits under the care of Colombian National Institute for Family Welfare (ICBF) in order to participate in the government's demobilization process. In addition, the Penal Code and Law 975 of 2005 penalize crimes involving the use of a minor by an adult in terrorism as well as in cultivating, manufacturing, and trafficking illegal drugs.¹¹³⁰

During the reporting period, the Government of Colombia strengthened legislation to combat commercial sexual exploitation of children. Law 1329 of 2009 amends Title IV of the Penal Code, calling for incarceration for up to 25 years for the sexual exploitation of children, as well as penalizing the demand for and offer of children's sexual services.¹¹³¹ Law 1336 of 2009 requires that tourism agencies, airlines, and hotels adopt a code of conduct to prevent commercial sexual exploitation of children; hotels may be seized if they are used for such a purpose.¹¹³² Given that relevant legislation has undergone frequent changes; it is not clear whether those changes are disseminated among enforcement officials, employers, civil society organizations, and communities in general.

Institutional Mechanisms for Coordination and Enforcement

In 1995, the Government of Colombia established the Interagency Committee for the Elimination of the Worst Forms of Child Labor (CIETI) to coordinate its efforts to combat the worst forms of child labor. It is chaired by the Ministry of Social Protection (MSP), and includes 13 government agencies and representatives from trade unions, business associations, and civil society organizations.¹¹³³ In 2001, the Government created a national committee to combat commercial sexual exploitation of children, which under Law 1336 of 2009, became the new National Inter-agency Committee for the Prevention and Eradication of Commercial Sexual Exploitation. It is led by MSP and includes more than 11 government agencies and representatives from the private sector, trade unions, and civil society organizations.¹¹³⁴ In 2005, the Government of Colombia created the Inter-agency Committee to Combat Trafficking of Persons—previously known as the Inter-agency Committee to Combat Trafficking of Children and Women—to lead

its efforts to combat human trafficking. Fourteen government agencies are part of the Committee, including the Ministry of Interior and Justice, the ICBF, the Ministry of Social Protection, and the Attorney General's Office.¹¹³⁵ The Government also established the Inter-agency Committee for the Prevention of the Recruitment and Use of Children by Illegal Armed Groups, which is coordinated by the Vice President.¹¹³⁶ Despite these inter-institutional efforts, roles have not been clearly defined among government agencies at the national and local levels.

The Ministry of Social Protection (MSP), the National Police, the Office of the Solicitor, the General Comptroller Office, and the National and Municipal Ombudsman Offices enforce child-labor related laws. The National Police and the Offices of the Solicitor and Ombudsman have established children and youth units.¹¹³⁷

The MSP has 424 inspectors who conduct labor inspections, including 155 new labor inspectors who have been hired through Decree 1294 of 2009.¹¹³⁸ In 2009, 38,457 labor inspections were conducted and 975 complaints of exploitive child labor were received by the Colombian National Institute for Family Welfare (ICBF) hotline, which receives complaints of child labor, including commercial sexual exploitation.¹¹³⁹ However, research did not reveal information about the number of labor inspections related to cases of child labor, the number of children found working illegally, the results of those inspections, whether the complaints received by the ICBF hotline were referred to enforcement agencies, or actions taken by government agencies to rescue children from exploitive labor.

During the reporting period, the MSP established a new labor inspections system that seeks to prevent work-related violations by engaging the private sector and trade unions.¹¹⁴⁰

Reports on labor inspections have pointed out that labor inspectors do not have the adequate equipment or training to perform their work, and labor inspections focus mainly on labor dispute settlements and are conducted in urban areas.¹¹⁴¹

The Attorney General's Office and the National Police (NP) investigate cases of commercial sexual exploitation and human trafficking. In 2009, the ICBF hotline received 551 complaints of commercial sexual

exploitation of children.¹¹⁴² However, there is no public information available about the number of children rescued, investigations, prosecutions, or convictions as a result of those complaints.

The national anti-trafficking call center received 7,801 calls; 124 of them were directly related to human trafficking, and all were referred to the Anti-Human Trafficking Operations Center (COAT), which leads efforts to combat trafficking by tracking cases, coordinating investigations, and facilitating access to social services among victims of trafficking.¹¹⁴³ As a result, nine children were rescued from trafficking for the purpose of sexual exploitation. During the reporting period, the Attorney General's office opened 215 new investigations into trafficking in persons; 14 cases resulted in convictions.¹¹⁴⁴ The Government of Colombia provides training in human trafficking for enforcement officials.

In addition, the Ministry of Commerce, Industry, and Tourism and the Superintendency of Industry and Commerce ensure that tourism agencies and hotels establish codes of conduct to prevent the commercial sexual exploitation of children.¹¹⁴⁵

Government Policies on the Worst Forms of Child Labor

The National Strategy to Eradicate the Worst Forms of Child Labor (2008-2015) is the primary framework to address the worst forms of child labor in Colombia.¹¹⁴⁶ The National Plan of Action for the Prevention and Eradication of Commercial Sexual Exploitation of Boys, Girls, and Adolescents Less than 18 Years of Age (2006-2011) lays out the strategy to combat commercial exploitation of children.¹¹⁴⁷ The National Strategy to Combat Trafficking in Persons (2007-2012) guides government efforts to combat human trafficking, including the trafficking of children.¹¹⁴⁸ The Government included child labor into the National Development Plan (2006-2010) and the Plan for Childhood (2004-2015).¹¹⁴⁹

Despite these efforts, gaps remain. The Government has established zero tolerance for child labor in its National Strategy to Eradicate the Worst Forms of Child Labor without targeting specific forms of child

labor, sectors, geographical areas, or a timeframe. As a result, government efforts may not be focused on the areas of greatest need and the most vulnerable populations.¹¹⁵⁰ According to the Colombian Solicitor's Office, most of the country's provinces have failed to incorporate child labor into their development plans, have failed to spend available funding, or do not have funding for the implementation of the National Strategy. Only four of the provinces and nine cities have taken actions to implement the National Strategy to Eradicate the Worst Forms of Child Labor.¹¹⁵¹ The national social protection framework developed through Conpes Social No.102—the Social Protection Network against Extreme Poverty—did not include child labor directly, even though it targets vulnerable populations.¹¹⁵² The Government has yet to establish a policy framework to prevent the recruitment of children into illegal armed groups and address children working in coca cultivation.

The Government has conducted national surveys on child labor since 2001.¹¹⁵³

However, information gaps remain. The national surveys do not provide insights into the activities performed by working children or health and occupational risks associated with these activities.¹¹⁵⁴ In addition, there is little information about the commercial sexual exploitation of children, street children, trafficking in children, children in coca cultivation, or children recruited by illegal armed groups, or those engaged in drug trafficking.

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

Since 1996, the Government of Colombia has developed initiatives to combat child labor. It is currently carrying out several programs as part of the implementation of the National Strategy to Eradicate the Worst Forms of Child Labor, the Plan of Action for the Prevention and Eradication of Commercial Sexual Exploitation of Boys, Girls, and Adolescents Less than 18 Years of Age, and the National Strategy to Combat Trafficking in Persons. During the reporting period, Colombian National Institute for Family Welfare (ICBF) provided social services to 2,571 children who were involved in mining and 1,806

child victims of commercial sexual exploitation. It raised awareness of commercial sexual exploitation of children in 18 municipalities.¹¹⁵⁵ ICBF also signed agreements with the province of Cordoba and the cities of Armenia, Cartagena, Cucuta, and Dosquebradas to carry out joint initiatives to combat commercial sexual exploitation of children. As of 2009, ICBF, with support from IOM, has assisted 4,394 children who were recruited by illegal armed groups, and claims to have prevented 108,735 children from joining them.¹¹⁵⁶

The Ministries of Social Protection, Education, Interior and Justice, and Commerce and Tourism as well as the Ombudsman Office, Vice President's Office, and the National Police carried out multiple activities to eradicate and prevent exploitative child labor. For example, the Ministry of Education carried out an initiative to keep working children in school; the Ombudsman's Office developed a set of indicators to prevent the recruitment of children by illegal armed groups; the National Police in the Department of Meta conducted a campaign to prevent children from vending at stop lights; and the Ministry of Interior and Justice carried out public campaigns to prevent human trafficking.¹¹⁵⁷

To reduce extreme poverty, the Government of Colombia implements several programs, including Families in Action and the Together Network, which are led by the President's Office.¹¹⁵⁸ These programs have benefited more than 3.5 million families through conditional cash transfers and social services such as education, health, job training, and microfinance.¹¹⁵⁹ Although these programs have improved vulnerable families' livelihoods, there is no information available about their impact on child labor.

The Government of Colombia has had the support of international donors to combat child labor. Since 2001, the Government has participated in child labor initiatives funded by USDOL aimed at children engaged in mining, domestic services, and commercial sexual exploitation. Since 2007, USDOL has funded a \$5.1 million Time-Bound project (TBP) to support the implementation of the National Strategy to Eradicate the Worst Forms of Child Labor. The TBP seeks to withdraw 3,663 and prevent 6,537 children from exploitative child labor in mining, street vending, commercial sexual exploitation, transportation, construction, and agriculture.¹¹⁶⁰

The Government of Colombia also receives funding from the Governments of Canada, United States, Spain, and the European Union as well as technical support from several international and nongovernmental organizations to combat child labor, such as hazardous child labor, commercial sexual exploitation of children, recruitment of children by illegal armed groups, and trafficking in persons.¹¹⁶¹ During the reporting period, UNODC and IOM trained local enforcement officials in human trafficking in five provinces and three cities, respectively. Save the Children implemented an initiative to prevent and eradicate child labor in 23 municipalities, and which provided social services to more than 2,000 children.¹¹⁶² UNICEF, along with the Ministry of Education, the province of Nariño, and PROINCO Foundation, is carrying out a pilot project to combat child labor in the province of Nariño that will benefit 790 children. ILO-IPEC supported the Colombian Solicitor's Office in monitoring the implementation of the National Strategy to Eradicate the Worst Forms of Child Labor.¹¹⁶³ In addition, Telefonica Foundation partnered with two provinces and 10 municipalities to combat child labor. This public-private partnership helped 5,015 children.¹¹⁶⁴

The Government of Colombia continues to partner with countries in the region to address child-labor related issues. During the reporting period, the Government participated in the MERCOSUR initiative Niño Sur (Southern Child) and the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism in South America. *Niño Sur* raises awareness of commercial sexual exploitation, improves country legal frameworks, and exchanges best practices to protect and assist victims of commercial sexual exploitation.¹¹⁶⁵ The Joint Group 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.¹¹⁶⁶ During the reporting period, the Government of Colombia shared its experience in combating human trafficking, giving presentations at regional forums and hosting delegations from other countries to showcase the Anti-Human Trafficking Operations Center (COAT), which is regarded as a model program in Latin America.¹¹⁶⁷

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

IN THE AREA OF LAWS AND REGULATIONS:

- Develop and utilize communication tools about legislative changes, possibly by:
 - Providing up-to-date information about legislation to provincial and municipal governments, and enforcement officials.
 - Establishing a one-stop online tool with updated information about child labor laws for employers, workers, families, and online users.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Strengthen coordination mechanisms among inter-agency committees by better defining the roles of member agencies at the national and local level.
- Make publicly available information on worst forms of child labor enforcement efforts, including against commercial sex exploitation, such as the number of inspections, number of children rescued from child labor, and actions taken in response to complaints.
- Implement the new labor inspection system.
- Provide training and equipment to labor inspectors to perform their work.
- Ensure that labor inspection coverage includes all sectors and geographic areas.

IN THE AREA OF POLICIES:

- Establish specific targets in the National Strategy to Combat the Worst Forms of Child Labor taking into account forms of child labor, sectors, geographical areas, and timeframes.
- Include child labor in social protection policies such as CONPES Social 102.
- Develop and implement national policy to prevent the use of children in coca cultivation and the recruitment of children into illegal armed groups.
- Establish and implement a system to improve implementation of national policies to combat child labor by municipality and department, including by:
 - Linking it to other monitoring systems such as that of the Together Network.
 - Providing additional resources to municipalities and departments to carry out action plans and incentives to use unspent funding.
- Carry out research and studies on activities performed by working children, including associated health and occupational risks, as well as children's recruitment into illegal armed groups and their involvement in commercial sexual exploitation, trafficking, street work, coca cultivation, and drug trafficking.

IN THE AREA OF PROGRAMS:

- Integrate national strategies to combat child labor into social protection programs such as the Together Network and Families in Action.

¹⁰⁹⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2007. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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¹¹⁶¹ “500 Mil Dólares Para Erradicar El Trabajo Infantil,” *El Tiempo*, July 17, 2009; available from <http://www.eltiempo.com/archivo/documento/MAM-3530064>. See also ILO-IPEC, “Acción de IPEC en América Latina y Caribe,” (April 2006); available from <http://www.oas.org/ddse/espanol/documentos/XIVCIMT/Documentos/Presentaciones/GT2/PRESENTACION%20OIT%20trabajo%20infantil.ppt#295,1,Slide 1>. See also Save the Children, *Save the Children en Colombia*, [[cited May 14, 2010]; available from <http://www.savethechildren.org.co/home/44-politica-publica-para-los-ninos-y-ninas-de-cundinamarca.html>. See also U.S. Department of State, *USG TIP Projects with Funds Obligated in FY 2009*, April 22, 2010; available from <http://www.state.gov/documents/organization/137460.pdf>. See also UNICEF, *Gobierno Nacional y Organismos Internacionales aceleran proceso de erradicación del trabajo infantil en Colombia*. See also Telefonica Foundation, *Informe Anual 2009*, June 2010, 36, 49.

¹¹⁶² U.S. Department of State, *reporting, March 15, 2010*. See also UNODC, *Proyecto Lucha contra la Trata de Personas*, [[cited August 6, 2010]; available from <http://www.unodc.org/unodc/index.html>. See also UNICEF, *Gobierno Nacional y Organismos Internacionales aceleran proceso de erradicación del trabajo infantil en Colombia*.

¹¹⁶³ UNICEF, *Gobierno Nacional y Organismos Internacionales aceleran proceso de erradicación del trabajo infantil en Colombia*. See also ILO-IPEC, *Seguimiento a la Gestión de Gobernadores y Alcaldes para la Erradicación del Trabajo Infantil*, [[cited August 6, 2010]; available from http://www.pgnseguimientopfti.org/contenido.php?seccion=5&nom_pag=Detalle.

¹¹⁶⁴ Telefonica Foundation, *Informe Anual 2009*.

¹¹⁶⁵ 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 [cited May 14, 2010]; available from http://www.casacidn.org.ar/news_abril/nota1.html.

¹¹⁶⁶ 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 U.S. Department of State, *reporting, March 15, 2010*.

¹¹⁶⁷ U.S. Department of State, *reporting, March 15, 2010*.

Comoros

The Government of Comoros has adopted a National Action Plan to Combat Child Labor. Children continue to work in agriculture and domestic service sectors with reports of forced child labor. Gaps remain in legislation, enforcement, and programs to address the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	35.6%
Attending School	5-14 yrs.	44.2%
Combining Work and School	7-14 yrs.	23.9%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Comoros are exploited in the worst forms of child labor,¹¹⁶⁸ many of them in agriculture. The majority of working children in Comoros are found in rural areas and on the Island of Ndzuwani.¹¹⁶⁹

Children's work in agriculture includes cultivating cloves, vanilla and ylang ylang (a flower). Children are also engaged in animal husbandry and fishing.¹¹⁷⁰ Children's work in these sectors may involve the use of potentially dangerous machinery and tools, carrying heavy loads, application of harmful pesticides, and exposure to disease and injuries from animals. Fishing, likewise, involves dangerous activities such as risk of injury and drowning.¹¹⁷¹

In urban areas, some children work as domestic servants in exchange for food, shelter, or educational opportunities. These children often work long hours, risk physical and sexual abuse, and are not paid for their work.¹¹⁷² Some children are engaged in commercial sexual exploitation and drug trafficking.¹¹⁷³

Children facing forced labor conditions can be found in agriculture and domestic service.¹¹⁷⁴ In addition, 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, which includes carrying produce, selling items in markets, and performing various domestic activities.¹¹⁷⁵

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code establishes the minimum age for work and apprenticeship at 15.¹¹⁷⁶ Children in apprenticeships must be paid, and the duration should not exceed three years.¹¹⁷⁷ Children in Comoros are required to attend school only until the age of 12. This standard makes children ages 13 to 15 particularly vulnerable to the worst forms of child labor as they are not required to be in school but are not legally permitted to work either.

The Labor Code requires that children work no more than 40 hours per week and receive a break of a minimum of 12 consecutive hours per day.¹¹⁷⁸ A labor inspector can require a medical examination of a child to confirm that the work does not exceed his or her strength.¹¹⁷⁹ Research has not identified any laws or regulations specifying a list of hazardous work activities that are prohibited for children.

The law prohibits pornography and sexual exploitation of children under the age of 18.¹¹⁸⁰ The Labor Code prohibits forced and bonded labor, except in instances

of obligatory military service; civic duty; and work that is required in times of accidents, fires, and calamities. While the law does not expressly forbid trafficking in persons, traffickers may be prosecuted for kidnapping.¹¹⁸¹ The minimum age for voluntary military recruitment is 18.¹¹⁸² The law does not prohibit the use of children in illicit activities.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	None
	Compulsory Education Age	12
	Free Public Education	No

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor is responsible for policy coordination regarding child labor issues and enforcement of child labor laws.¹¹⁸³ The Government has three labor inspectors. This small number of inspectors appears to be insufficient given the size

of the problem. In addition, during the year, the Government did not perform any inspections or provide training to labor inspectors.¹¹⁸⁴

Government Policies on the Worst Forms of Child Labor

During the reporting period, the Government adopted a 5-year National Action Plan to Combat Child Labor (2010-2015).¹¹⁸⁵ The Plan aims to harmonize labor laws; sensitize the population and mobilize groups to combat the worst forms of child labor; promote universal primary education; increase access to secondary and non-formal education; provide services to victims and vulnerable children; address family poverty; collect systematic information on the worst forms of child labor; and to establish a coordinating mechanism.¹¹⁸⁶

Child labor concerns have been mainstreamed into the United Nations Development Assistance Framework (2008-2012).¹¹⁸⁷ While development of these policies is an important step to address the worst forms of child labor, they do not address the fact that education is not free in Comoros, which may serve as a barrier to school attendance, making children more vulnerable to involvement in the worst forms of child labor.

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

During the year, the Government conducted awareness-raising activities related to the new National Action Plan.¹¹⁸⁸ Research found no evidence of any other social programs targeting the worst forms of child labor.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Draft and enact legal provisions specifying a list of hazardous work activities in Comoros that are prohibited for children.
- Raise the compulsory education age to 15, the established minimum age for work.
- Enact a law to prohibit the use of children in illicit activities, along with appropriate penalties, in accordance with international standards.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase the number of labor inspectors and provide them with training on the worst forms of child labor.
- Carry out inspections to enforce compliance with worst forms of child labor laws, and make available information on the outcome of inspections.

IN THE AREA OF POLICIES:

- Take appropriate measures to institute free education.

IN THE AREA OF PROGRAMS:

- Design and implement social programs, besides awareness raising, targeting the worst forms of child labor, particularly in the agriculture and domestic service sectors.

¹¹⁶⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

¹¹⁶⁹ Commissariat Général au Plan Union des Comores, 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. See also Ministère du Plan Union des Comores, de l'Amenagement du Territoire, de l'Energie et de l'urbanisme, *Enfants et Adolescents aux Comores: Analyse des Données du Recensement Général de la Population et de l'Habitat 2003*, Moroni, September 2005, 27.

¹¹⁷⁰ U.S. Department of State, "Comoros," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>. See also Ministère de la Sante. Direction Generale de la Condition feminine/Protection de l'enfant official, Interview with USDOL consultant, April 24, 2007. See also Ministère de la Fonction Publique et du Travail de l'Union des Comores official, Interview with USDOL consultant, May 1, 2007.

¹¹⁷¹ Ministère de l'Economie de l'Union des Comores official, Interview with USDOL consultant, April 21, 2007.

¹¹⁷² U.S. Department of State, "Country Reports- 2009: Comoros," section 7d. 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.

¹¹⁷³ Ministère de l'Economie du Travail de l'Emploi du Commerce Extérieur, *Plan d'Action National pour l'Elimination des Pires Formes de Travail des Enfants aux Comores: 2010-2015*, Moroni, October 2009, 6.

¹¹⁷⁴ 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 with USDOL consultant, April 21, 2007.

¹¹⁷⁵ 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.

¹¹⁷⁶ Government of Comoros, *Relative à l'apprentissage*, Loi No. 88-014/AF (December 10, 1980), articles 5. See 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>.

¹¹⁷⁷ Government of Comoros, *Loi relative a l'apprentissage*, articles 5, 10 and 16. See also Government of Comoros, *Code du Travail*, article 123.

¹¹⁷⁸ 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 dela da la Durée Legale de 40 heures par Semaine*, Arrete No. 01-386, (December 27, 2001), article 1.

¹¹⁷⁹ Government of Comoros, *Code du Travail*, articles 124, 231.

¹¹⁸⁰ U.S. Department of State, "Country Reports- 2009: Comoros," section 6.

¹¹⁸¹ U.S. Embassy- Antananarivo, *reporting (TIP)*, February 17, 2010, para 27a-e.

¹¹⁸² 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>.

¹¹⁸³ U.S. Embassy- Antananarivo, *reporting (WCF)*, February 17, 2010, para 1. See also U.S. Embassy- Antananarivo, *reporting (TIP)*, February 17, 2010, para 26b.

¹¹⁸⁴ U.S. Embassy- Antananarivo, *reporting (WCF)*, February 17, 2010.

¹¹⁸⁵ Ministère de l'Economie du Travail de l'Emploi du Commerce Extérieur, *Plan d'Action National: 2010-2015* See also U.S. Embassy- Antananarivo, *reporting (WCF)*, February 17, 2010, para 2b13. See also U.S. Embassy official, E-mail communication to USDOL official, July 23, 2010.

¹¹⁸⁶ Ministère de l'Economie du Travail de l'Emploi du Commerce Extérieur, *Plan d'Action National: 2010-2015* 33-45.

¹¹⁸⁷ UNDAF, *Plan Cadre des Nations Unies pour l'Aide au Developpement, 2008-2012: Comoros*, 2008, 8; available from <http://www.undg.org/unct.cfm?module=CoordinationProfile&page=Country&CountryID=COI>.

¹¹⁸⁸ U.S. Embassy- Antananarivo, *reporting (TIP)*, February 17, 2010, para 2f1. See also U.S. Embassy official, E-mail communication, July 23, 2010. See also U.S. Department of State, "Country Reports- 2009: Comoros," section 7d.

Congo, Democratic Republic of the

The Government has several laws and regulations that address the worst forms of child labor. However, children continue to work in many worst forms, including exploitive work in agriculture and mining. The problem of child soldiering is of particular concern. Armed rebel groups and some poorly newly integrated elements of the Congolese National Army continue to abduct and forcibly recruit children for armed conflict and sexual exploitation. There is no compulsory education requirement and the Government does not have sufficient enforcement or social protection capacity to protect against such exploitive child labor.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	39.8%
Attending School	10-14 yrs.	65.0%
Combining Work and School	7-14 yrs.	25.6%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor,¹¹⁸⁹ many of them in exploitive work in agriculture.¹¹⁹⁰ Children's work in agriculture typically involves long hours, physically arduous tasks, dangerous tools, and a high risk of occupational injury.¹¹⁹¹

Children mine diamonds, copper, gold, cobalt, columbite-tantalite (coltan), wolframite (tungsten ore), and cassiterite (tin ore).¹¹⁹² In mining areas, children sift, clean, sort, transport heavy loads, and dig for minerals underground.¹¹⁹³ Nearby living conditions around the mines are extremely harsh. Children face heightened risks of disease, sleep in the open, and are subject to fatal accidents from the collapse of mineshafts.¹¹⁹⁴

Armed rebel groups continued to recruit and use

children.¹¹⁹⁵ Some former rebel groups, which have been poorly integrated into the Congolese National Army (FARDC), also continue to recruit and use children in their units.¹¹⁹⁶ Children associated with armed groups may be forced to serve as combatants, porters, spies, domestic servants, and sex slaves.¹¹⁹⁷ Some children who have been released suffered re-recruitment.¹¹⁹⁸ Some armed militia groups abducted and recruited children from Burundi, Rwanda, and Uganda for service in the Democratic Republic of the Congo.¹¹⁹⁹

Street children in the Democratic Republic of the Congo sell food, carry packages, unload buses, and distribute drugs and alcohol, which exposes them to physical abuse, intimidation, and theft.¹²⁰⁰ Some children also work as domestic servants.¹²⁰¹ Such children often work long hours, and their isolation in homes makes them susceptible to sexual abuse.¹²⁰² In mining areas, markets, and brothels, children are also compelled to engage in prostitution.¹²⁰³

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code of 2002 sets the minimum age for employment at 15 and Ministerial Order No. 12 of 2008 establishes the minimum age for hazardous work at 18.¹²⁰⁴ The Labor Code prohibits the worst forms of child labor and defines penalties for employing children in hazardous work.¹²⁰⁵ Ministerial Order No. 68/13 of 1968 prohibits the use of children in the extraction of minerals and debris from mines, quarries, and earthworks.¹²⁰⁶ Ministerial Order No. 12 of 2008 contains a list of exploitive activities that are prohibited for children under 18, including work below ground, under water, at dangerous heights, or in illicit activities.¹²⁰⁷ Law No. 06/018 of 2006 criminalizes the trafficking and sexual exploitation of children.¹²⁰⁸ The Child Protection Code (Law 09/001) prohibits child slavery, child trafficking, child prostitution, and child pornography.¹²⁰⁹

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

A number of laws prohibit the use of children in armed conflict. The Labor Code of 2002 defines the forced recruitment of children for use in armed conflict as a worst form of child labor.¹²¹⁰ The Constitution of 2006 bans the use of children in hostilities and Act No. 04/23 of December 2004 prohibits the recruitment of anyone under the age of 18 into the national armed forces.¹²¹¹ The Child Protection Code of January 2009

prohibits the recruitment and use of children in armed groups and defines the Government's responsibility for demobilizing and reintegrating child soldiers.¹²¹² According to the Coalition to Stop the Use of Child Soldiers, the "DRC is among a relatively small number of countries that have criminalized child recruitment and use in domestic law."¹²¹³

The Government of the Democratic Republic of the Congo has not established a law or policy ensuring free public education or a compulsory education age for children, increasing the vulnerability of children to entering the worst forms of child labor.

Institutional Mechanisms for Coordination and Enforcement

In 2006, the Government created the National Committee to Combat the Worst Forms of Child Labor (NCCL) and charged it with coordinating responsibilities that include compiling data on the nature and extent of child labor; preventing and withdrawing children from engaging in the worst forms of child labor; conducting public awareness campaigns; and building the capacity of government officials and civil society to combat exploitive child labor.¹²¹⁴ However, the NCCL does not have a budget.¹²¹⁵

The Ministry of Labor is the primary agency responsible for investigating hazardous and forced child labor.¹²¹⁶ The Government employs 150 labor inspectors across the country, including 10 inspectors in the Katanga mining region, and 9 "labor controllers." Labor inspectors often lack the transport to conduct their inspections.¹²¹⁷ Each inspector prepares one annual inspection report, but this report does not separate information on child labor from other labor inspection issues.¹²¹⁸ In 2009, the Government did not complete any child labor investigations.¹²¹⁹

The Ministry of Social Affairs is charged with investigating child trafficking cases.¹²²⁰ The Ministry of Gender, Family, and Children is responsible for investigating the commercial sexual exploitation of children and the Ministry of Justice is charged with combating the use of children in illicit activities.¹²²¹

According to the UN Group of Experts on the Democratic Republic of the Congo, known child soldier recruiters continue to hold positions in the

FARDC and senior FARDC officers have obstructed UN efforts to oversee the release of child soldiers.¹²²² During the reporting period, the Government did not prosecute any military officers for conscripting or using children for armed conflict.¹²²³

Government Policies on the Worst Forms of Child Labor

During the reporting period, three provincial committees published action plans to combat the worst forms of child labor but no information could be obtained to assess their implementation.¹²²⁴

The Government published a poverty alleviation strategy in 2006. This strategy promotes increased access to social services, including education, for vulnerable children and may provide benefits to working children.¹²²⁵

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

Through partnerships with foreign aid agencies and international organizations, the Government has supported programs to demobilize, disarm, and reintegrate children associated with armed groups.¹²²⁶ Since the launch of the Government's national disarmament, demobilization, and reintegration plan in 2004, child advocates have rescued approximately 36,000 from armed groups.¹²²⁷ From 2003 to 2007, the Government participated in a global USDOL-funded project to prevent the involvement of vulnerable children in armed conflict and support the economic rehabilitation of former child soldiers.¹²²⁸

In 2009, the Government of the Democratic Republic of the Congo continued to implement its national plan

to demobilize, disarm, and reintegrate (DDR) former combatants, including children.¹²²⁹ Under this plan, former child soldiers received temporary housing and vocational training from NGO-managed centers.¹²³⁰ The UN Committee on the Rights of the Child and the ILO Committee of Experts note that the Government's strategy does not provide sufficient resources to ensure the full recovery and economic reintegration of children associated with armed forces.¹²³¹ Reports also indicate that girls do not complete the DDR process due to a fear of stigmatization and a lack of awareness about their rights and options.¹²³² The UN and other organizations have called on the Government to make the DDR process more accessible and effective for girls.¹²³³

During the reporting period, the Government participated in a USDOL-funded project that targets 8,000 children for withdrawal and 4,000 children for prevention from engaging in exploitive child labor in mining, mining-related services, and other sectors though the provision of educational services.¹²³⁴ Additionally, in collaboration with the Government, UNICEF provided educational assistance to children working in mining.¹²³⁵ Although these programs helped protect some children from exploitation in mining, they were not sufficient to address the scope of the problem.

The Government created a commission and designed programs in 2004, to reintegrate street children into their families and communities.¹²³⁶ Despite these efforts, a significant number of children continued to live and work on the streets. The UN Committee on the Rights of the Child noted the need for the Government to strengthen its efforts to provide street children with food, shelter, and healthcare.¹²³⁷

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

IN THE AREA OF LAWS AND REGULATIONS:

- Draft and enact legal provisions specifying a list of hazardous work activities in Comoros that are prohibited for children.
- Raise the compulsory education age to 15, the established minimum age for work.
- Enact a law to prohibit the use of children in illicit activities, along with appropriate penalties, in accordance with international standards.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase the number of labor inspectors and provide them with training on the worst forms of child labor.
- Carry out inspections to enforce compliance with worst forms of child labor laws, and make available information on the outcome of inspections.

IN THE AREA OF POLICIES:

- Take appropriate measures to institute free education.

IN THE AREA OF PROGRAMS:

- Design and implement social programs, besides awareness raising, targeting the worst forms of child labor, particularly in the agriculture and domestic service sectors.

¹¹⁸⁹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided is from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade and prostitution. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Data Sources and Definitions" section.

¹¹⁹⁰ U.S. Department of State, "Democratic Republic of the Congo," in *Country Reports on Human Rights Practices-2009* Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135947.htm>.

¹¹⁹¹ ILO, *World Day Against Child Labor; 12 June 2007; An Overview of Child Labour in Agriculture*, June 12,

2007; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=4048>.

¹¹⁹² UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Second periodic reports of States parties due in 1997: Democratic Republic of the Congo*, CRC/C/COD/2, Geneva, July 24, 2008, para 189; available from <http://tb.ohchr.org/default.aspx>. See also Global Witness, *Digging in Corruption*, Washington DC, July 2006, 4, 32; available from http://www.globalwitness.org/media_library_detail.php/154/en/digging_in_corruption. See also Global Witness, *Faced With A Gun, What Can you Do?"; War and the Militarisation of Mining in Eastern Congo*, London, July 2009, 20-21, 24, 26; available from http://www.globalwitness.org/media_library_detail.php/786/en/global_witness_report_faced_with_a_gun_what_can_you. See also U.S. Department of State, "Country Reports- 2009: DRC," sections 1g and 7d. See also U.S. Department of State, "Country Reports- 2009: DRC," sections 1g, 7d.

¹¹⁹³ 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, 17. See also Global Witness, *Digging in Corruption*, 32, 33. See also U.S. Embassy- Kinshasa, *reporting*, February 1, 2010, para 4.

¹¹⁹⁴ UN Committee on the Rights of the Child, *States Reports: Democratic Republic of the Congo*, para 192, 194.

¹¹⁹⁵ UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, S/2009/603, New York, November 23, 2009, para 315-317, 321-322; available from <http://www.un.org/Docs/journal/asp/ws.asp?m=s/2009/603>. See also UN Security Council, *Interim Report of the Group of Experts on the Democratic Republic of the Congo*, S/2009/253, New York, May 18, 2009, para 77, 80, 82, 83; available from <http://www.un.org/Docs/journal/asp/ws.asp?m=s/2009/253>. See also U.S. Department of State, “Country Reports- 2009: DRC,” section 1g.

¹¹⁹⁶ U.S. Embassy- Kinshasa official, E-mail communication to USDOL official, November 4, 2010. See also UN Security Council, *Final Report UN Group of Experts - DRC*, para 315-317.

¹¹⁹⁷ 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- 2009: DRC,” sections 1g and 7c. See also Martin Bell, *Child Alert: Democratic Republic of the Congo; Martin Bell Reports on Children Caught in War*, UNICEF, July, 2006, 4; available from <http://www.unicef.org/childalert/drc/childsoldiers.php>.

¹¹⁹⁸ UN Security Council, *Final Report UN Group of Experts - DRC*, para 317.

¹¹⁹⁹ UN Security Council, *Interim Report UN Group of Experts - DRC*, para 79. See also U.S. Department of State, “Country Reports- 2009: DRC,” section 1g. See also UN Security Council, *Report of the Secretary-General on children and armed conflict in Uganda*, S/2009/462, New York, September 15, 2009, para 16; available from <http://www.un.org/Docs/sc/sgrep09.htm>.

¹²⁰⁰ 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, 30, and 33; available from <http://www.hrw.org/sites/default/files/reports/drc0406webwcover.pdf>.

¹²⁰¹ *Ibid.*, 28, 33. See also U.S. Department of State, “Country Reports- 2009: DRC,” section 7d. See also U.S. Embassy- Kinshasa, *reporting*, February 1, 2010, para 4.

¹²⁰² ILO-IPEC, *Hazardous child domestic work: A briefing sheet*, Geneva, 2007, 13; available from <http://www.ilo.org/ipecc/areas/Childdomesticlabour/Keydocuments/lang--en/index.htm>.

¹²⁰³ U.S. Department of State, “Democratic Republic of the Congo (Tier 2 Watch List),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>. See also UN Committee on the Rights of the Child, *States Reports: Democratic Republic of the Congo*, para 189, 196.

¹²⁰⁴ 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 Government of the Democratic Republic of the Congo, *Arrêté Ministériel No. 12/CAB.MIN/TPSI/045/08 du 08 Aout 2008*, articles 2, 8(d), 13(13).

¹²⁰⁵ Government of the Democratic Republic of the Congo, *Code du Travail*, article 326.

¹²⁰⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, *Individual Observation Concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Democratic Republic of the Congo (ratification 2001)*, [online] 2009 [cited December 6, 2010], 4; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

¹²⁰⁷ Government of the Democratic Republic of the Congo, *Arrêté Ministériel No. 12*, articles 8 and 10, article 13(3) and article 8(c). See also ILO Committee of Experts on the Application of Conventions and Recommendations, *Individual Observation Concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Democratic Republic of the Congo (ratification 2001)*, 4.

¹²⁰⁸ Government of the Democratic Republic of the Congo, *Loi no. 06/018 du 12 Juillet 2006 modifiant et completant le Decret du 30 janvier 1940 portant Code penal congolais*, article 174(j); available from http://www.droitcongolais.info/iii_droit_penal__proc_congo.html. See also U.S. Department of State, “Democratic Republic of the Congo (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 UN Committee on the Rights of the Child, *States Reports: Democratic Republic of the Congo*, para 199.

¹²⁰⁹ Government of the Democratic Republic of the Congo, *Loi no. 09/001 du Janvier 2009 portant Protection de L’Enfant*, article 53, 61; available from <http://www.leganet.cd/Legislation/JO/2009/L.09.001.10.01.09.htm>.

¹²¹⁰ Government of the Democratic Republic of the Congo, *Code du Travail*, article 3(a).

¹²¹¹ Government of the Democratic Republic of the Congo, *Constitution de la Republique Democratique du Congo*, article 190; available from <http://www.presidentrdrdc.cd/constitution.html>. See also Government of the Democratic Republic of the Congo, *Loi no. 04/023 du 12 Novembre*

2004; *Portant Organisation Generale de La Defense et Des Forces Armees*, article 7; available from http://www.droitcongolais.info/iv_securite.html

¹²¹² Coalition to Stop the Use of Child Soldiers, *Mai Mai Child Soldier Recruitment and Use: Entrenched and Unending*, London, February 2009, 11-12; available from <http://www.child-soldiers.org/regions/country?id=50>. See also Government of the Democratic Republic of the Congo, *Loi no. 09/001: Protection de L'Enfant*, article 71.

¹²¹³ Coalition to Stop the Use of Child Soldiers, *Mai Mai Child Soldier Recruitment*.

¹²¹⁴ UN Committee on the Rights of the Child, *States Reports: Democratic Republic of the Congo*, para 188.

¹²¹⁵ U.S. Embassy- Kinshasa, *reporting, February 1, 2010*, paras 10 and 16.

¹²¹⁶ *Ibid.*, para 9.

¹²¹⁷ *Ibid.*

¹²¹⁸ *Ibid.*

¹²¹⁹ *Ibid.*, para 19.

¹²²⁰ *Ibid.*, para 11.

¹²²¹ *Ibid.*, para 12 and 13.

¹²²² UN Security Council, *Final Report UN Group of Experts - DRC*, paras 321-322.

¹²²³ U.S. Department of State, "Trafficking in Persons Report- 2010: Democratic Republic of the Congo". See also U.S. Department of State, "Country Reports- 2009: DRC," section 6.

¹²²⁴ U.S. Department of State, "Trafficking in Persons Report- 2010: Democratic Republic of the Congo".

¹²²⁵ IMF and International Development Association, *Democratic Republic of the Congo; Joint IDA-IMF Staff Advisory Note on the Poverty Reduction Strategy Paper*, World Bank, April 17, 2007, para 1, 3, 361, 363; available from <http://go.worldbank.org/B5SDFTKLV0>. See also International Development Association, *Country Assistance Strategy for the Democratic Republic of the Congo for the Period FY 07- FY 11; Volume 2 - Technical Annexes*, World Bank, November 16, 2007, para 7, 36; available from <http://go.worldbank.org/7BFEJ1PP60>.

¹²²⁶ Multi-Country Demobilization and Reintegration Program, *MDRP Joint Partner Mission Report 2007*, October 30, 2007, paras 2 and 28-30; available from http://www.mdrp.org/doc_rep.htm. See also UNICEF, *UNICEF - Forced Recruitment of Child Soldiers in the DRC*, [online]

2010 [cited July 20, 2010]; available from http://www.unicef.org/infobycountry/media_52762.html.

¹²²⁷ UNICEF, *UNICEF DRC - Forced Recruitment*. See also Coalition to Stop the Use of Child Soldiers, *Democratic Republic of the Congo: Priorities for Children Associated with Armed Forces and Groups*, London, July, 2007, 3; available from <http://www.child-soldiers.org/search?query=congo>.

¹²²⁸ ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict: An Inter Regional Program*, Technical Progress Report, Geneva, March 2007, 10-11, 46.

¹²²⁹ U.S. Department of State, "Country Reports- 2009: DRC," section 6.

¹²³⁰ *Ibid.*

¹²³¹ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Democratic Republic of the Congo*, CRC/C/CO/2, Geneva, February 10, 2009, paras 68 and 72; available from <http://tb.ohchr.org/default.aspx>. See also ILO Committee of Experts on the Application of Conventions and Recommendations, *Individual Observation Concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Democratic Republic of the Congo (ratification 2001)*, 5-6.

¹²³² UN Security Council, *Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo*, S/2008/693, New York, November 10, 2008, para 90; available from <http://www.un.org/Docs/sc/sgrep08.htm>. See also Coalition to Stop the Use of Child Soldiers, *Priorities for Children*, 6-7.

¹²³³ UN Security Council, *Report of the Secretary-General on children and armed conflict - S/2008/693*, para 105. See also Coalition to Stop the Use of Child Soldiers, *Priorities for Children*, 13.

¹²³⁴ USDOL, *Technical Cooperation Summary: Reducing the Exploitation of working Children through Education*, 2010; available from http://www.dol.gov/ilab/projects/sub-saharan_africa/DRC_CECL.htm#.

¹²³⁵ UNICEF, *UNICEF - Congo, Democratic Republic of the - Background*, [online] 2010 [cited September 7, 2010]; available from http://www.unicef.org/infobycountry/drcongo_636.html.

¹²³⁶ UN Committee on the Rights of the Child, *Concluding Observations: Democratic Republic of the Congo*, para 76.

¹²³⁷ *Ibid.*, para 77.

Congo, Republic of

In August 2009, the Republic of the Congo's Parliament approved the Child Protection Code, containing provisions that prohibit child trafficking, which must be signed into law by the President. The Government also supports some social programs to combat child trafficking; however, services for children in other worst forms of child labor are lacking. Children continue to be engaged in domestic service and street vending. In addition, significant gaps remain in the enforcement of child labor laws.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Republic of the Congo are exploited in the worst forms of child labor,¹²³⁸ particularly in domestic service and street vending, and as a result of trafficking.¹²³⁹ Children are sent by their families to work as domestic servants for relatives in urban areas, with the expectation that proper education and care will be provided to them. Some of these children end up begging on the streets.¹²⁴⁰ Children who work in domestic service often endure long hours of work and physical and sexual abuse by their employers. Like other children who work on the streets, beggars are exposed to physical dangers from vehicles and inclement weather and are at risk of commercial sexual exploitation.¹²⁴¹

Girls are trafficked internally from rural areas to the cities of Brazzaville and Point Noire, and to the Republic of the Congo from the Democratic Republic of the Congo, Benin, Mali, and Cameroon. The majority of trafficked children engage in street vending, with children trafficked to work on the streets or in domestic service receiving little or no pay.¹²⁴² Young girls from the Democratic Republic of the

Congo, on the promise of jobs, are also trafficked to the Republic of the Congo for prostitution.¹²⁴³

Children also work in agriculture.¹²⁴⁴ Such work may involve the use of dangerous machinery and tools, carrying of heavy loads, and the applications of harmful pesticides.

Children from the Baka ethnic group are exploited as cheap labor, sometimes cutting grass, while children of predominantly Bantu ethnic groups are in school.¹²⁴⁵ Children cut grass with machetes and are at risk of injuries; they also work long hours and face dangers such as snakebites.




Laws and Regulations on the Worst Forms of Child Labor

The Labor Code (Loi N° 45-75) sets the minimum age for employment and apprenticeships at 16, and the minimum age for hazardous work at 18.¹²⁴⁶ The Ministry of Education can issue waivers allowing the employment of a child following consultation with a Labor Inspector and an examination of the type of the work.¹²⁴⁷ A list of hazardous work for children dates back to Order 2224 of 1953, but the law currently does not include provisions for the

informal sector, including on farms, in informal businesses, and domestic service, where the majority of children working in the Republic of the Congo are found.¹²⁴⁸ While ILO Convention 182 calls for periodic review and revision of the list of hazardous work for signatories, there is no evidence that the Government has revised the list of hazardous occupations since 1953.¹²⁴⁹

The Labor Code prohibits forced or compulsory labor except in the case of military service, natural disasters, and certain civic duties.¹²⁵⁰

The Penal Code prohibits prostitution and the procurement of a girl for prostitution.¹²⁵¹ The Penal Code and The Criminal Procedure and Evidence Act punish persons for any sexual abuse, defined as an attack committed with violence, coercion, threat, or surprise. This includes rape and indecent exposure to a minor under age 15.¹²⁵²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	None
	Free Public Education	No

There is no law in force against human trafficking *per se*.¹²⁵³ Traffickers can be prosecuted for abduction, child abuse, forced labor, illegal immigration, prostitution, rape, extortion, slavery, and kidnapping.¹²⁵⁴ In August 2009, the Child Protection Code, which includes provisions against child trafficking, was approved by Parliament. The Code awaits the President's signature.¹²⁵⁵

The minimum age of enlistment for service in the armed forces in the epublic of the Congo is 18.¹²⁵⁶

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence of a coordinating mechanism to combat the worst forms of child labor. However, the Government, UNICEF, local NGOs, Muslim community leaders, and local police created a country coordination committee which reviews and improves communication strategy between various agencies involved in trafficking issues. The committee also monitors the implementation of the 2009-2010 National Action Plan on Trafficking.¹²⁵⁷

The Ministry of Labor (MOL) is responsible for enforcing the Labor Code. MOL employs 17 full-time and 11 part-time inspectors, each of whom inspect for all types of violations.¹²⁵⁸ While child labor complaints can be made to MOL officials,¹²⁵⁹ inspection efforts focus on urban areas and large establishments, whereas most children work in rural areas and in small informal establishments.¹²⁶⁰ Investigations of alleged child labor violations typically take three to seven months to complete. There were no convictions for violations during the reporting period.¹²⁶¹ Information on new inspections and investigations was not obtained.

The Ministry of Social Affairs employs 10 inspectors responsible for identifying child trafficking victims, as well as other child protection issues.¹²⁶² During the reporting period, eight child trafficking victims in Pointe Noire were held in foster homes, awaiting repatriation to their home countries.¹²⁶³ Eight child trafficking criminal cases have been pending for over 2 years, and none have been resolved during that period.¹²⁶⁴

Government Policies on the Worst Forms of Child Labor

Although the Republic of the Congo has a 2009-2010 National Action Plan on Trafficking, research found no evidence of a policy on other worst forms of child labor.¹²⁶⁵

The Government of the Republic of the Congo together with UNDP developed core strategies to set national priorities for poverty reduction and

attainment of the Millennium Development Goals (MDG) in Congo. The Government and other stakeholders incorporated part of that strategy into the United Nations Development Assistance Framework (UNDAF) 2009-2013 Country Plan of Action to include provisions for vulnerable populations such as children with HIV/AIDS, ex-combatants, and children from ethnic populations.¹²⁶⁶ Although the plan includes a focus on children formerly involved in armed conflict, the question of whether this plan may impact children involved in other worst forms of child labor in the Republic of the Congo does not appear to have been addressed.

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

During the reporting period, the Government of the Republic of Congo contributed \$60,500 for child trafficking investigations in partnership with UNICEF.¹²⁶⁷ In 2006, the Government began a National Program for Disarmament, Demobilization, and Reintegration, and, during the reporting period, it established the High Commission for Reintegration of Ex-Combatants that provides demobilized child soldiers, who were involved in the conflict that occurred in the country during 1993 to 2002, with training and financial support.¹²⁶⁸

The Government offers minimal protection services to victims of trafficking. These services include legal and care services, such as the Espace Jarrot care facility for at-risk children and are offered in partnership with international organizations, such as UNICEF, United Nations Population Fund (UNFPA), and local NGOs.¹²⁶⁹

UNFPA also works with the Ministry of Justice to support six free judicial clinics that train local organizations assisting victims of trafficking.¹²⁷⁰ The Ministry of Social Affairs has partnered with UNICEF and local organizations to train investigators to identify trafficking victims and refer them for appropriate legal and social services.¹²⁷¹

To support free primary education and to promote primary health care, the Government of Japan donated \$4 million to be administered by UNICEF for the rehabilitation of schools and health centers.¹²⁷² UNICEF has announced \$500,000 in additional support for health, nutrition, and education programs to help mitigate the effects of the global economic crisis on the most vulnerable.¹²⁷³

The Government of the Republic of the Congo has some social protection programs designed to reduce the worst forms of child labor and protect vulnerable children. However, these programs are too limited to address the scope of child labor in the Republic of the Congo, particularly among children working in domestic service, street work, and agriculture.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Sign the Child Protection Code into law.
- Revise and publish its list of hazardous activities prohibited to children, in accordance with article 3, paragraph 4 of ILO Convention 182.
- Revise the law to provide protections for all child laborers, including children working in domestic service, agriculture, and other informal workplaces.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Consider targeting more inspection efforts to rural areas and small businesses and shortening the length of the investigation process.

IN THE AREA OF POLICIES:

- Assess the impact of the 2009-2013 National Plan of Action on reducing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Develop social protection programs for the prevention and elimination of exploitive child labor, especially for children working in street work, domestic service, and agriculture.

¹²³⁸ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

¹²³⁹ U.S. Embassy- Brazzaville, *reporting*, February 17, 2010.

¹²⁴⁰ *Ibid.*, para 4.

¹²⁴¹ U.S. Embassy- Brazzaville, *reporting*, February 12, 2010, para 6.

¹²⁴² U.S. Embassy- Brazzaville, *reporting*, February 17, 2010, para 10c. See also UN Committee on the Rights of the Child, *Written Replies by the Government of the Republic of the Congo Concerning the List of Issues Related to the Consideration of the Initial Report of the Republic of the Congo (CRC/C/COG/1)**, CRC/C/COG/1*, August 14, 2006; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/6791904b0bf12e8ec12571d3003578ca/\\$FILE/G0643855.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/6791904b0bf12e8ec12571d3003578ca/$FILE/G0643855.pdf). See also U.S. Department of State, “Republic of Congo,” in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/118998.htm>. See also Integrated Regional Information Networks, “Congo: Tackling child trafficking,” IRINnews.org, [online], July 16, 2008 [cited March 2, 2010]; available from <http://www.irinnews.org/Report.aspx?ReportId=79284>.

¹²⁴³ U.S. Department of State, “Congo, Republic of the (Tier 2 Watchlist),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>.

¹²⁴⁴ International Confederation of Free Trade Unions, *Report for the WTO General Council Review of the Trade Policies of the Republic of Congo*, Geneva, September 2006, 5.

¹²⁴⁵ U.S. Department of State, “Country Reports- 2008: Republic of Congo.” See also UNICEF, *Education provides a way out for indigenous children in Republic of Congo*, [online] 2009 [cited February 25, 2010]; available from http://www.unicef.org/infobycountry/congo_51350.html?q=printme.

¹²⁴⁶ Government of the Republic of Congo, *Loi N° 45-75, Code du travail de la République populaire du Congo*, (1975), articles 11 and 116; available from <http://www.droit-afrique.com/images/textes/Congo/Congo%20-%20Code%20du%20travail.pdf>. See also, UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Initial reports of States parties due in 1999: Congo, CRC/C/COG/1**, February 12, 2006, para 449; available from <http://www.unhcr.org/refugees/refugees.html>.

[www.unhchr.ch/tbs/doc.nsf/c12563e7005d936d4125611e00445ea9/052528a29a9722d0c125716c003552e7/\\$FILE/G0641204.pdf](http://www.unhchr.ch/tbs/doc.nsf/c12563e7005d936d4125611e00445ea9/052528a29a9722d0c125716c003552e7/$FILE/G0641204.pdf). See also, ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Congo (ratification: 2002)*, [online] 2009 [cited February 25, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23494&chapter=9&query=Congo%40ref&highlight=&querytype=bool&context=0>.

¹²⁴⁷ Government of the Republic of Congo, *Loi no 45-75, Code du travail*, articles 11 and 116.

¹²⁴⁸ U.S. Embassy- Brazzaville, *reporting, February 12, 2010*. See also International Confederation of Free Trade Unions, *Report for the WTO General Council Review*.

¹²⁴⁹ ILO Committee of Experts, *Individual Direct Request C182: Congo (2009)*.

¹²⁵⁰ Government of the Republic of Congo, *Loi no 45-75, Code du travail*, article 4. See also, International Confederation of Free Trade Unions, *Internationally Recognized Core Labour Standards in Congo: Report for the WTO General Council Review of the Trade Policies of Congo*, Geneva, September 27 and 29, 2006; available from <http://www.icftu.org/www/PDF/CongofinalE.pdf>.

¹²⁵¹ Government of the Republic of Congo, *Penal Code*, articles 225-227; available from <http://www.protectionproject.org/main1.htm> [previously online, hard copy on file]. See also ILO Committee of Experts, *Individual Direct Request C182: Congo (2009)*.

¹²⁵² Government of the Republic of Congo, *Penal Code (The Protection Project)*.

¹²⁵³ U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

¹²⁵⁴ ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Congo (ratification: 2002)* [online] 2009 [cited February 25, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11112&chapter=6&query=Congo%40ref&highlight=&querytype=bool&context=0>. See also U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

¹²⁵⁵ U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

¹²⁵⁶ U.S. Embassy- Brazzaville, *reporting, February 12, 2010*.

¹²⁵⁷ U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

¹²⁵⁸ *Ibid.*

¹²⁵⁹ U.S. Embassy- Brazzaville, *reporting, February 12, 2010*, para 12.

¹²⁶⁰ International Confederation of Free Trade Unions, *Report for the WTO General Council Review*, section III, para 3. See also U.S. Department of State, "Republic of Congo," in *Country Reports on Human Rights Practices-2009*, Washington, DC, 2010, section 4d; available from.

¹²⁶¹ U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

¹²⁶² *Ibid.*, para 14. See also UN Committee on the Rights of the Child, *Initial reports of States parties due in 1999: The Republic of the Congo*.

¹²⁶³ U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

¹²⁶⁴ *Ibid.*

¹²⁶⁵ *Ibid.*

¹²⁶⁶ UNDP, *Assessment of Development Results Evaluation of UNDP Contribution Republic of Congo*, [online] 2008 [cited March 1, 2010]; available from http://www.undp.org/evaluation/documents/ADR/ADR_Reports/congo/CongoADR-English.pdf. See also UNDP, *Plan d'action fu programme de pays 2009-2013 entre le Gouvernement de la Republique du Congo et le Programme des Nations Unies pour le Developement (PNUD)*, [online] 2008 [cited March 1, 2010]; available from http://www.cg.undp.org/downloads/CONGO_BRAZZA_CPD__2009_2013.doc.

¹²⁶⁷ U.S. Embassy- Brazzaville, *reporting, February 12, 2010*, para 15.

¹²⁶⁸ ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict: An Inter-Regional Programme*, Final Performance Report, Geneva, September 2007.

¹²⁶⁹ U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

¹²⁷⁰ U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

¹²⁷¹ U.S. Embassy- Brazzaville, *reporting, February 17, 2010*, para 2B, 3F.

¹²⁷² UNICEF, *The Government of Japan donates US\$4 million to support the rehabilitation of schools and health centres in the Republic of the Congo*, Press Release, Brazzaville, March 24, 2008; available from http://www.unicef.org/media/media_43354.html?q=printme.

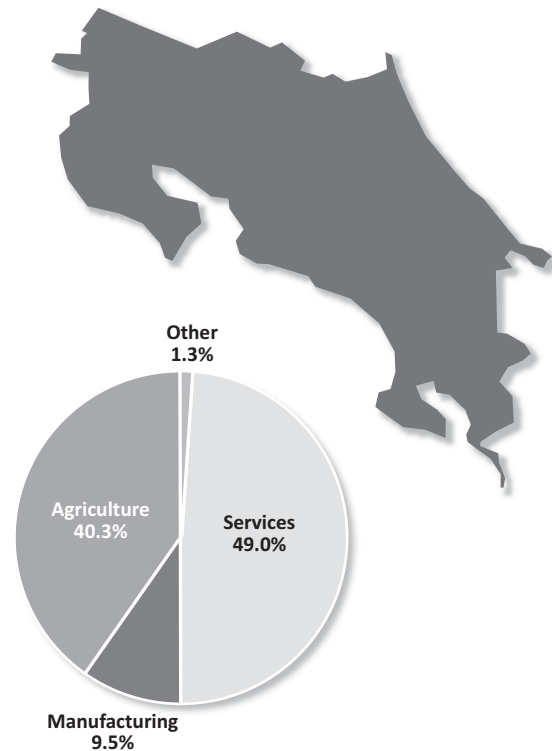
¹²⁷³ UNICEF, *UNICEF Executive Director announces \$500,000 for social protection programs in The Republic of the Congo (Brazzaville)*, Press Release, Brazzaville, August 24, 2009; available from http://www.unicef.org/media/media_50948.html?q=printme.

Costa Rica

The Government of Costa Rica implemented a cash transfer program conditioned on school attendance and education programs for child laborers and children at risk of entering the worst forms of child labor. However, gaps remain in legal protections and coverage of social programs to assist child laborers, especially in agriculture and urban informal work.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	12-14 yrs.	5.7%
Attending School	5-14 yrs.	91.2%
Combining Work and School	7-14 yrs.	3.1%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Costa Rica,¹²⁷⁴ many in agriculture. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of bananas, coffee, melons, oranges, palm oil, sugarcane and tomatoes.¹²⁷⁵ Such work frequently involves the use of potentially dangerous machinery and tools, application of harmful pesticides, and carrying heavy loads. Children also work in potentially dangerous construction activities and in street vending, which often requires them to carry heavy loads and puts them at risk for accidents as they walk in and out of traffic. Children are also found in domestic service, where they are vulnerable to physical and sexual abuse.¹²⁷⁶

Children are exploited in other activities constituting worst forms of child labor. According to the Government's National Commission against Commercial Sexual Exploitation of Children, the children in Costa Rica are victims of commercial sexual exploitation, including child sex tourism and child pornography. Child sex tourism is a particular problem in the provinces of Guanacaste, Limon,

Puntarenas, and San Jose, as well as border towns and port areas.¹²⁷⁷ Children are trafficked within the country for sexual exploitation and forced labor as domestic servants. Children are also trafficked to Costa Rica from neighboring countries for the purpose of forced labor.¹²⁷⁸

Laws and Regulations on the Worst Forms of Child Labor

The Child Code and Labor Code both contain provisions on child labor. While the Child Code sets the minimum age for employment at 15, the Labor Code establishes 12 as the minimum age. Although the Government has indicated that the minimum age of 15 is the age enforced by labor authorities, the conflicting minimum age legislation leaves a potential loophole through which children could be exploited.¹²⁷⁹

The Labor Code prohibits children under the age of 18 from working in certain occupations that are hazardous to their physical, mental or moral health, including working at night in mines, quarries, and other dangerous places such as bars where alcohol is sold. The Child Code identifies additional hazardous types of work prohibited for children under the age of 18, including work with machines, toxic substances,

and loud noises.¹²⁸⁰ While the Government has identified some types of prohibited hazardous work for children, a comprehensive list of hazardous occupations has not yet been adopted.¹²⁸¹

The Constitution prohibits slave labor.¹²⁸² The Penal Code sets 18 as the minimum age for prostitution and prohibits procuring a child for prostitution or benefiting economically from the crime. The Penal Code also prohibits the production and possession of child pornography.¹²⁸³ Costa Rica’s Penal Code prohibits all forms of trafficking and provides for increased penalties for the trafficking of children.¹²⁸⁴

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

Institutional Mechanisms for Coordination and Enforcement

The Office for the Eradication of Child Labor and Protection of the Adolescent Worker (OATIA), within the Ministry of Labor, has the primary responsibility for coordinating the Government’s policies and programs to combat child labor. The OATIA monitors the implementation of the National Action Plan for the Prevention and Eradication of Child Labor and Special Protection of Adolescent Workers. It also, provides technical assistance to Government ministries, and designs social programs to combat child labor.¹²⁸⁵ The National Commission against Human Trafficking

is headed by the Ministry of Public Security and composed of Government agencies and civil society organizations. It coordinates national training and policy efforts to combat trafficking in persons.¹²⁸⁶

The Ministry of Labor is responsible for investigating child labor violations, including hazardous and forced child labor, and enforcing child labor law, and currently employs 120 labor inspectors who investigate all types of labor violations including child labor violations, an increase of 30 labor inspectors over 2008.¹²⁸⁷ Members of the public can register child labor complaints through the Ministry of Labor’s Web site and OATIA must investigate within 10 days of the complaint.¹²⁸⁸ OATIA received approximately 100 complaints of under-age children working during the reporting period. These cases were referred to other agencies for social services.¹²⁸⁹ During 2009, OATIA identified 16 minors under the age of 15 and 33 minors above the age of 15 engaged in hazardous work. However, information is not available on the total number of inspections conducted, the sectors in which inspections were carried out, or enforcement actions taken in cases where hazardous child labor is found.¹²⁹⁰

During 2009, OATIA carried out 74 training events on child labor issues for representatives from government, NGOs, and trade unions, reaching 574 people.¹²⁹¹ The Ministry of Labor’s budget for 2009 was \$140,000 for activities against child labor.¹²⁹²

The Sexual Crimes and Domestic Abuse Unit of the prosecutor’s office and the *Organismo de Investigación Judicial* (the Judicial Police, OIJ) investigate and prosecute crimes involving the commercial sexual exploitation of children. The public can report both commercial sexual exploitation and trafficking of children through the national emergency hotline.¹²⁹³ During the reporting period, there were 16 convictions in cases of commercial sexual exploitation of children.¹²⁹⁴ The Patronato Nacional de la Infancia (National Child Welfare Agency, or PANI) is responsible for preventing commercial sexual exploitation of children and providing assistance to its victims. It assisted 51 of these victims in 2009.¹²⁹⁵

In 2008, the OIJ created the Smuggling and Trafficking Unit and currently has six agents dedicated to investigating trafficking crimes.¹²⁹⁶ During the reporting period, the Government initiated three

child trafficking investigations. Labor inspectors, immigration police, and OIJ agents received anti-trafficking training from the National Commission against Human Trafficking.¹²⁹⁷

Government Policies on the Worst Forms of Child Labor

The National Development Plan incorporates the goal of reducing child labor into its 2000-2010 education strategy.¹²⁹⁸ In addition, during the reporting period, the Government implemented the National Action Plan for the Prevention and Eradication of Child Labor and Special Protection of Adolescent Workers.¹²⁹⁹ As part of the implementation of the National Action Plan, the Government incorporated an educational subsidy into its national conditional cash transfer program (*Avancemos*, or “Let’s Get Ahead”), to provide funds for families to send their children to school rather than work.¹³⁰⁰ The *Avancemos* program is implemented by the *Instituto Mixto de Ayuda Social* (Social Welfare Institute) on the regional level.¹³⁰¹

In 2008, the Government adopted an Inter-institutional Protocol which calls on the Ministry of Labor, Ministry of Education, Social Welfare Institute, National Training Institute, and their regional and local agencies to coordinate together and with private sector to provide services to child laborers and children at-risk.¹³⁰²

The Government of Costa Rica signed the UN Development Assistance Framework to reach development objectives, strengthening public policies to combat child labor and its worst forms.¹³⁰³ In 2009, the Government also adopted the Roadmap towards the Elimination of Child Labor in Costa Rica which was developed by OATIA in coordination with ILO-IPEC. The Roadmap sets specific objectives for government and civil society organizations. It integrates the issue of child labor into six themes which include poverty, education, health, legal frameworks, awareness raising, knowledge generation, and monitoring.¹³⁰⁴ The Government also incorporated child labor into the National Plan for Development by identifying it as an issue to be addressed within the plan’s national strategies to combat poverty.

The Government has also adopted policies specifically aimed at combating child trafficking and commercial

sexual exploitation of children. The National Committee for the Eradication of Commercial Sexual Exploitation of Children (CONACOES) implemented the third National Plan to Eradicate Commercial Sexual Exploitation of Children (2008-2010). It 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, and strengthen the judicial system to defend victims’ rights.¹³⁰⁵ In December 2009, the Government signed an agreement with the National Costa Rican Institute of Tourism (ICT) to combat child sex tourism. As part of the agreement, approximately 200 tourist companies have signed a Code of Conduct against child sex tourism.¹³⁰⁶

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

The Government of Costa Rica has participated in a number of donor-funded projects to combat child labor including a regional project to combat commercial sexual exploitation of children through education, capacity building, and legal reform.¹³⁰⁷ Another regional project focused on strengthening regional cooperation, legislation, policies, and institutions to reduce child labor by providing education.¹³⁰⁸

The Government is currently implementing the conditional cash transfer program *Avancemos* which encourages low-income families to keep their children in school.¹³⁰⁹ In 2009, the program had enrolled more than 165,000 beneficiaries, both children and adults, an increase from the previous year’s 130,000 beneficiaries. Approximately 70 percent were under the age of 18. Funding for the program in 2009 was approximately \$80 million.¹³¹⁰ In addition, OATIA implements projects throughout the country aimed at eliminating child labor by improving living and working conditions among indigenous and migrant groups in agriculture, as well as providing educational services to working and at-risk children and adolescents. However, the number of OATIA personnel dedicated to overseeing these initiatives declined from 12 to 8 between 2005 and 2009.¹³¹¹

The Government also operates some programs specifically aimed at fighting trafficking and the commercial sexual exploitation of children. For

example, the Government supports public awareness campaigns aimed at fighting trafficking in persons.¹³¹² In addition, CONACOES, in conjunction with NGOs, implemented pilot projects in 6 communities to prevent and assist child victims of commercial sexual exploitation.¹³¹³ In addition, the Government of Costa Rica participates in a \$3.3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.¹³¹⁴

The Government of Costa Rica has undertaken efforts to address child labor by supporting educational services and awareness raising campaigns. Although the Government of Costa Rica has implemented programs to address child labor in agriculture, research found no evidence that it has carried out programs to assist children involved in urban informal work.¹³¹⁵

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

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt a comprehensive list of hazardous occupations for children.
- Increase the minimum age provisions in the Labor Code from 12 to 15, ensuring consistency with provisions in the Child Code.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Make publicly available the number of inspections carried out which identified worst forms of child labor and sanctions/penalties imposed as a result.

IN THE AREA OF PROGRAMS:

- Expand programs to reach child laborers and children at risk for entering work in urban informal work.
- Target assistance to the most vulnerable, including migrant indigenous children.
- Increase the number of personnel in the Office for the Eradication of Child Labor and Protection of the Adolescent Worker (OATIA) dedicated to implementing and monitoring programs to address the worst forms of child labor.

¹²⁷⁴ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2004. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

¹²⁷⁵ U.S. Embassy- San Jose, *reporting*, February 1, 2010. See also ILO-IPEC, *Trabajo Infantil y Pueblos Indigenas*, 2006, 68; available from <http://www.oit.org.pe/ipec/documentos/panama.pdf>.

¹²⁷⁶ ILO Committee of Experts, *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 U.S. Embassy- San Jose, *reporting, February 1, 2010*.

¹²⁷⁷ Government of Costa Rica, *Plan Nacional para la Erradicación de la Explotación Sexual Comercial de Niños, Niñas, y Adolescentes 2008-2010*, San José, 2007, 6-8, 18; available from http://white.oit.org.pe/ipec/documentos/plan_nac_esc_costa_rica.pdf. See also USAID, *Child Sex Tourism Assessment*, 2006, 12.

- ¹²⁷⁸ U.S. Department of State, “Costa Rica (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>. See also U.S. Department of State, “Costa Rica,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136107.htm>.
- ¹²⁷⁹ Government of Costa Rica, *Código de la Niñez y la Adolescencia*, (1998), article 92; available from <http://www.protegiendoles.org/documentacion/articulo23.pdf>. See also Government of Costa Rica, *Código de Trabajo*, Ley No. 2, (1943), article 87; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/44102/65002/s95cri02.htm#t2c7>. See also ILO Committee of Experts, *Individual Observation C138: Costa Rica (2008)*.
- ¹²⁸⁰ Government of Costa Rica, *Código de la Niñez y la Adolescencia*, article 94. See also Government of Costa Rica, *Código de Trabajo*, article 88.
- ¹²⁸¹ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (no. 182) Costa Rica (ratification: 2001)*, [online] 2009 [cited March 4, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23498&chapter=9&query=%28C182%29+%40ref+%2B+%28Costa+Rica%29+%40ref&highlight=&querytype=bool&context=0>.
- ¹²⁸² Government of Costa Rica, *Constitución Política*, (1949), articles 20 and 56; available from <http://www.cesdepu.com/nbdp/copol2.htm>.
- ¹²⁸³ Government of Costa Rica, *Código Penal de Costa Rica*, (1970), articles 160, 171, 173; available from <http://ministeriopublico.poder-judicial.go.cr/coop-intern/normativa%20nacional/general/02.pdf>.
- ¹²⁸⁴ *Ibid.*, article 172.
- ¹²⁸⁵ Esmirna Sánchez Vargas, “La Oficina de Trabajo Infantil y Adolescente en Costa Rica”, May 10, 2010; available from <http://white.oit.org.pe/ipecc/alcuentros/interior.php?notCodigo=813>.
- ¹²⁸⁶ U.S. Department of State, “Country Reports- 2009: Costa Rica,” section 6.
- ¹²⁸⁷ U.S. Embassy- San Jose, *reporting, February 1, 2010*. See also U.S. Department of State, “Country Reports- 2009: Costa Rica,” section 7d. See also U.S. Embassy- San Jose, *reporting, January 29, 2009*.
- ¹²⁸⁸ U.S. Embassy- San Jose, *reporting, February 1, 2010*.
- ¹²⁸⁹ *Ibid.*
- ¹²⁹⁰ U.S. Embassy- San Jose official, E-mail communication to USDOL official, September 23, 2010.
- ¹²⁹¹ U.S. Embassy- San Jose, *reporting, February 1, 2010*.
- ¹²⁹² U.S. Embassy- San Jose, *reporting, January 29, 2009*.
- ¹²⁹³ U.S. Embassy- San Jose, *reporting, February 1, 2010*.
- ¹²⁹⁴ U.S. Embassy - San Jose official, E-mail communication to USDOL official, July 19, 2010.
- ¹²⁹⁵ U.S. Department of State, “Costa Rica,” 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/119154.htm>.
- ¹²⁹⁶ U.S. Department of State, “Costa Rica (Tier 2),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/123135.htm>. See also U.S. Embassy- San Jose, *reporting, February 1, 2010*.
- ¹²⁹⁷ U.S. Embassy- San Jose, *reporting, February 1, 2010*. See also U.S. Department of State, “Country Reports- 2009: Costa Rica,” section 6.
- ¹²⁹⁸ Government of Costa Rica, *Plan Nacional de Desarrollo 2006-2010*, 2006; available from <http://documentos.mideplan.go.cr:8080/alfresco/d/d/workspace/SpacesStore/fb320421-a091-46b6-a41a-785992bd932d/PND-2006-2010-sector-educativo-31052010.pdf>.
- ¹²⁹⁹ U.S. Embassy- San Jose, *reporting, February 1, 2010*. See also Government of Costa Rica, *Segundo Plan Nacional de Acción para la Prevención, Erradicación del Trabajo Infantil y Para la Protección Especial de las Personas Adolescentes Trabajadoras, reformulado 2008-2010*, San José; available from http://white.oit.org.pe/ipecc/documentos/ii_plan_nacional_costa_rica_reformulado_2008_2010.pdf.
- ¹³⁰⁰ U.S. Embassy- San Jose, *reporting, February 1, 2010*.
- ¹³⁰¹ U.S. Embassy- San Jose official, E-mail communication to USDOL official, August 10, 2010.
- ¹³⁰² U.S. Embassy - San Jose official, E-mail communication, July 19, 2010. See also U.S. Embassy- San Jose official, E-mail communication, August 10, 2010.
- ¹³⁰³ U.S. Embassy- San Jose, *reporting, February 1, 2010*. See also United Nations Development Group, *Marco de Asistencia para el Desarrollo 2007*, 22; available from <http://www.undg.org/docs/7995/Costa%20Rica%20UNDAF.pdf>.
- ¹³⁰⁴ ILO-IPEC, *Hoja de Ruta para hacer de Costa Rica un país libre de trabajo infantil y sus peores formas*, 2009, 9; available from <http://white.oit.org.pe/ipecc/pagina.php?pagina=337>.
- ¹³⁰⁵ Government of Costa Rica, *Plan Nacional para la Erradicación de la Explotación Sexual Comercial de Niños, Niñas, y Adolescentes 2008-2010*.
- ¹³⁰⁶ La Nación, *Canatur e ICT firman convenio para combatir explotación sexual de menores*, [online] 2009 [cited March 22, 2010]; available from http://www.nacion.com/lm_ee/2009/diciembre/02/pais2180532.html.

¹³⁰⁷ 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, vi and vii. See also ILO-IPEC, *Supporting the Timebound Programme for the Elimination of the Worst Forms of Child Labour in the Dominican Republic- Phase II (2006-2009)*, Final Technical Progress Report, Geneva, March 2010, 1 and 34.

¹³⁰⁸ 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 CARE, *Primero Aprendo Project: Combating Exploitive Child Labor through Education in Central America and the Dominican Republic*, Final Technical Progress Report, Managua, March 31, 2009, 2. 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, 22-23.

¹³⁰⁹ U.S. Embassy- San Jose, *reporting, January 29, 2009*. See also 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, 12.

¹³¹⁰ U.S. Embassy- San Jose, *reporting, January 29, 2009*.

¹³¹¹ U.S. Embassy- San Jose, *reporting, February 1, 2010*. See also ILO, *Verification Report on the Implementation of the White Paper Recommendations, Period: February 2009- July 2009*, San José, 2009, 19.

¹³¹² U.S. Embassy- San Jose, *reporting, February 1, 2010*.

¹³¹³ U.S. Department of State, “Country Reports- 2009: Costa Rica.”

¹³¹⁴ ILO-IPEC official, E-mail communication to USDOL official, February 4, 2008.

¹³¹⁵ U.S. Department of State, “Country Reports- 2009: Costa Rica.” See also U.S. Embassy- San Jose, *reporting, February 1, 2010*. See also U.S. Department of State, “Trafficking in Persons Report- 2009: Costa Rica.”

Côte d'Ivoire

The Government of Côte d'Ivoire continues to develop laws and policies to combat the worst forms of child labor, including the recent adoption of the Trafficking and Worst Forms of Child Labor Law. However, significant challenges remain in the legal and enforcement frameworks, school attendance is not compulsory, and social programs are too limited to assist all children engaged in the worst forms of child labor. Children continue to work on cocoa farms, in domestic service, and in mining, sometimes under forced conditions.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	39.8%
Attending School	5-14 yrs.	53.6%
Combining Work and School	7-14 yrs.	24.3%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Côte d'Ivoire are exploited in the worst forms of child labor,¹³¹⁶ many of them in agriculture. In the cocoa sector, many children report injuries sustained while carrying heavy loads, clearing land, and burning vegetation.¹³¹⁷ A recent survey by Tulane University found that an estimated 63 percent of children (over 260,000 children) engaged in the cocoa sector in Côte d'Ivoire work in contravention of minimum age and hour standards.¹³¹⁸ Some of the children emigrate from neighboring countries, such as Burkina Faso and Mali. The majority comes with at least one biological parent, but some arrive by themselves.¹³¹⁹ Many of the children working in the cocoa sector do not attend school (41 percent or an estimated 335,000 children).¹³¹⁹

Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of bananas, cotton, palm, papaya, pineapples, rice, rubber, diamonds, and gold.¹³²⁰ Children working in agriculture may use dangerous tools, carry heavy loads and apply harmful pesticides.

Risks with working in mining include injury from falling into pits and illness from standing in stagnant water.

Ivorian girls, some as young as age 9, work as domestic servants. Some work 12 to 14 hours per day, and some are subject to mistreatment including sexual abuse.¹³²¹ In urban centers, especially Abidjan, children are employed as construction workers, vendors, and food sellers in street restaurants.¹³²² Children working in the streets risk injury due to vehicle accidents and exposure to inclement weather and criminal elements.

Ivorian children work in the worst forms of child labor in small-scale gold and diamond mines, where they dig holes, clear out water, and carry and wash gravel. Risks include injury from falling into pits and illness from standing in stagnant water.¹³²³

In Côte d'Ivoire, it is a traditional practice in some communities to send children to Koranic teachers to receive education, which may include a vocational or apprenticeship component. Some are forced to beg and surrender the money that they have earned to their teachers.¹³²⁴

The majority of the victims of trafficking in Côte d’Ivoire are children.¹³²⁵ Most trafficking occurs within the country, and most child trafficking victims are boys from the Montagnes and N’Zi-Comoé regions.¹³²⁶ Boys are trafficked internally for agricultural labor (e.g., on cocoa plantations) and to work in the service sector.¹³²⁷ Children, often girls between the ages of 9 and 15, are trafficked to the south (including Abidjan) to work as domestic servants.¹³²⁸ Girls are also lured into commercial sexual exploitation with promises of work in bars and restaurants. Many of these girls are age 15 to 16, but some are as young as age 10.¹³²⁹ Children are also trafficked internally to labor in mines.¹³³⁰





Children from neighboring countries are also trafficked into Côte d’Ivoire.¹³³¹ In particular, boys are trafficked to Côte d’Ivoire from Ghana, Mali, Burkina Faso, Benin, and Togo for agricultural labor (on cocoa, coffee, pineapple, and rubber plantations); from Guinea for labor in the mining sector; from Benin for carpentry 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.¹³³² Girls from Ghana, Togo, Benin, and Nigeria are trafficked to Côte d’Ivoire for domestic labor, street vending, and commercial sexual exploitation.¹³³³

Evidence suggests that government-supported militias and rebel groups have ceased recruitment and use of child soldiers.¹³³⁴

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code and the new Trafficking and Worst forms of Child Labor Law (adopted on September 30, 2010) establish the minimum age for work and apprenticeships at 14.¹³³⁵ Children age 12 may perform light work, including domestic service and agriculture, with parental or legal guardian approval.¹³³⁶ The Labor Code also prohibits night work by children under age 18 and requires all children 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 their work does not exceed their physical capacity.¹³³⁷ Ivorian law does not make education mandatory or establish a compulsory education age, which makes children more vulnerable to entering into the worst forms of child labor.¹³³⁸ Côte d’Ivoire’s Hazardous Labor List defines certain activities as hazardous and prohibited for children

under age 18.¹³³⁹ The list includes hazardous activities in agriculture and forestry such as cutting trees, burning fields, applying chemicals and chemical fertilizer, and carrying heavy loads.¹³⁴⁰ Hazardous activities for the mining sector include drilling and blasting, transporting stone fragments or blocks, crushing stone, using chemicals to extract ore, and working underground. Hazardous activities for commercial and domestic service sectors include selling and supporting the production of pornographic material; working in bars; and picking up garbage.¹³⁴¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	None
	Free Public Education	Yes

The Trafficking and Worst Forms of Child Labor Law and the Labor Code prohibit forced or compulsory labor, slavery, and debt servitude.¹³⁴² The Trafficking and Worst Forms of Child Labor Law also prohibits the sale and trafficking of children.¹³⁴³ The new law calls for life imprisonment when trafficking or the worst forms of child labor results in the death of a child and introduces other appropriate penalties.¹³⁴⁴

The Trafficking and Worst Forms of Child Labor Law also prohibits the recruitment, offering, and use of a child for prostitution, as well as the production and distribution of pornographic material involving children.¹³⁴⁵ Ivorian law prohibits the use and procurement of a child for illicit activities, such as trafficking and selling drugs.¹³⁴⁶ The minimum age for both voluntary and compulsory recruitment into

the military is 18; the Trafficking and Worst Forms of Child Labor Law prohibits the recruitment and use of children in armed conflicts.¹³⁴⁷

Institutional Mechanisms for Coordination and Enforcement

The National Committee for the Fight against Trafficking and Child Exploitation coordinates the Government's efforts to combat child labor, forced child labor, and child trafficking.¹³⁴⁸ It includes nine ministries. During 2009, members of the Committee were involved in the repatriation of 25 child trafficking victims.¹³⁴⁹ However, ministries of the National Committee did not formally meet during 2009, which adversely affected coordination of activities to combat the worst forms of child labor.¹³⁵⁰

The Ministry of Labor is responsible for developing policy and monitoring the child labor situation in the country. The Ministry of Labor has 200 labor inspectors who perform about one inspection per year per company; the Ministry spent an estimated \$204,000 on labor inspections in 2009.¹³⁵¹ During the reporting period, labor inspectors were able to remove some children from domestic labor and provide them with services.¹³⁵² However, labor enforcement officials lack sufficient funding, and training and inspections are mainly limited to formal sector enterprises, leaving employment in agriculture, domestic service, street shops, and restaurants largely uninspected.¹³⁵³

The Cocoa Child Labor Task Force (SSTE) reports directly to the Prime Minister's Office and is responsible for coordinating efforts to combat the worst forms of child labor in the cocoa sector related to the Harkin-Engel Protocol (the Protocol).¹³⁵⁴ The SSTE has not yet implemented all agreements related to the Protocol. For example, it is not on schedule to implement transparent child labor monitoring and certification systems throughout the entire cocoa growing region by the end of 2010.¹³⁵⁵

Research suggests that there is a lack of information sharing and coordination between the SSTE and the Ministry of Labor, which hampers their effectiveness in combating the worst forms of child labor.¹³⁵⁶

In December 2009, the Government undertook a supplemental study and published a certification report on child labor in the cocoa sector that is representative of the entire cocoa growing region.¹³⁵⁷ However, the

Government has not made the survey data available to the public. During a 2010 conference on data collection, the Government agreed that child labor surveys in the cocoa region should be conducted every 5 years.¹³⁵⁸ The Government also has continued to participate in the International Cocoa Verification Board (ICVB) that was convened to improve data gathering and which assessed government surveys on child labor in the cocoa sector and suggested methodological improvements.¹³⁵⁹

The Ministry of Interior's National Police has an Anti-Trafficking Unit with five police officers and two social workers, which investigates cases of child trafficking. The Government also reported conducting police raids on brothels during the reporting period in an effort to reduce the commercial sexual exploitation of children.¹³⁶⁰ During the reporting period, the Government conducted training for border police on child labor and child trafficking.¹³⁶¹ However, it did not train other law enforcement officials to identify and assist trafficking victims.¹³⁶²

Government Policies on the Worst Forms of Child Labor

In 2007, the Government adopted the National Action Plan on Child Labor and Trafficking.¹³⁶³ Its objectives include reinforcing legal mechanisms, undertaking studies, enhancing prevention activities, and increasing resources to address the issues.¹³⁶⁴ The Plan calls for significantly reducing the worst forms of child labor, cutting child labor in half in 4 years, and strengthening and expanding the Government's Child Labor Monitoring System (CLMS).¹³⁶⁵ The Plan asks for \$7.75 million to pursue its objectives, and the Ministry of Labor has pledged \$4.57 million. However, the Department of Finance has not released funds needed to implement the plan.¹³⁶⁶

Côte d'Ivoire joined the 2006 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. As part of this regional agreement, the Government pledged to investigate and prosecute trafficking offenders and assist victims.¹³⁶⁷ In addition, the Government has separate bilateral cooperation agreements with the Governments of Burkina Faso and Mali to combat cross border trafficking of children.¹³⁶⁸ Child labor concerns have also been mainstreamed

into the following national development agendas and policy documents: Millennium Development Goals (2015), United Nations Development Assistance Framework (2009-2013), Decent Work Program (2008-2013), and National Education Development Plan (1998-2010).¹³⁶⁹ The Government's January 2009 Poverty Reduction Strategy Paper includes support for exploited and trafficked children.¹³⁷⁰

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

In the past decade, the Government has participated in two USDOL-funded regional projects to combat child trafficking in West and Central Africa and exploitive agriculture (e.g., cashews, coffee, and cocoa).¹³⁷¹ The Government of Côte d'Ivoire is carrying on some initiatives started under these projects, including some aspects of the CLMS that was developed.¹³⁷² The Government's child labor monitoring activities do not cover all sectors where the worst forms of child labor are found.¹³⁷³

Many of Côte d'Ivoire's programs to eliminate the worst forms of child labor have focused on the cocoa sector. The Government participates in the Joint Working Group (JWG) for the cocoa sector, which was formed in July 2009 and includes members from the Governments of Côte d'Ivoire and Ghana, the cocoa industry, and civil society.¹³⁷⁴ The JWG has stated its intent to establish common child labor indicators and remediation benchmarks; however, to date, it has not done so.¹³⁷⁵

On September 13, 2010, the Governments of Côte d'Ivoire and Ghana signed a Declaration of Joint Action to Support the Implementation of the Harkin-Engel Protocol, affirming their commitment to reducing the worst forms of child labor in the production of cocoa, including by supporting increased remediation efforts. The Declaration is accompanied by a Framework of Action to Support the Implementation of the Harkin-Engel Protocol that identifies key stakeholders including USDOL, the two governments, and the international cocoa industry, with which the Government will coordinate to enhance programming to combat child labor in the cocoa sector.¹³⁷⁶

In July 2009, the Government began implementing its "Self Help Village" initiative to combat child labor in the cocoa sector.¹³⁷⁷ The project supports school and infrastructure rehabilitation and child labor

monitoring.¹³⁷⁸ The Government reports that it has begun implementing the initiative in 10 communities and plans to expand to 21 more.¹³⁷⁹ However, according to a report by Tulane University that included an assessment of this program, the villages selected do not correspond to the areas of greatest need as outlined in the Government's certification survey report nor do the projects address the specific needs of each community.¹³⁸⁰

The Government continues to participate in a 4.5-year, USDOL-funded project implemented by Tulane University to oversee efforts of the international cocoa industry and the Governments of Côte d'Ivoire and Ghana to implement the Harkin-Engel Protocol.¹³⁸¹ Tulane University's research indicates only a small percentage of children working in the cocoa sector benefitted from these interventions.¹³⁸²

The Government of Côte d'Ivoire also participates in a 4-year, \$7.95 million regional project funded by USDOL in 2009. This project helps ECOWAS states combat the worst forms of child labor by strengthening their laws and enforcement, and improving national action plans and policies on child labor.¹³⁸³ In Côte d'Ivoire, the project addresses exploitive child labor in domestic service and commercial agriculture (cocoa and coffee).¹³⁸⁴ The Government is also participating in a USDOL-funded multi-country project to improve data collection on child labor and forced labor.¹³⁸⁵

The Government continues to participate in the 4-year, Phase II (2007-2011) Sustainable Tree Crops Program (STCP), funded by USAID, the World Cocoa Foundation, and the cocoa industry. STCP is a public-private partnership that promotes sustainable tree crop systems and contains a child labor prevention component.¹³⁸⁶ STCP operates in 15 districts and works with 20 cocoa cooperatives in the Eastern Region of Côte d'Ivoire.¹³⁸⁷ During the reporting period, Cargill, Inc. announced that it would double the number of farmer field schools it operates by the end of 2010.¹³⁸⁸

The Government continues its engagement with the Empowering Cocoa Households with Opportunities and Education Solutions (ECHOES) Project (2007-2011), funded by the World Cocoa Foundation and the cocoa industry at \$6 million.¹³⁸⁹ The ECHOES project aims to provide vocational agriculture education to school-age children and out-of-school youth and to provide some families with income-generating

support.¹³⁹⁰ The Government also participates in projects funded by the International Cocoa Initiative (ICI) to combat child labor in the cocoa sectors of 86 communities in three regions of Côte d'Ivoire. During the reporting period, ICI conducted sensitization activities and trainings to enhance awareness of child labor and trafficking. Cargill, Mars, Armajaro, and Nestlé funded additional ICI education and livelihood projects, including school construction.¹³⁹¹

The Government participates in a 3-year, \$1.95 million project funded by the Belgian Government aimed at improving services to address the worst forms of child labor in the cocoa sector.¹³⁹² The Government also

takes part in a 2-year, \$2.83 million regional project funded by the Government of Denmark to combat child trafficking in West Africa.¹³⁹³ In addition, the Government participates in projects funded by the International Catholic Bureau for the Dignity and Rights of Children (BICE). BICE projects provide educational, psychological, and legal services to children found in domestic labor.¹³⁹⁴

While the Government has some programs to help children on cocoa farms, it lacks social programs to address the needs of children working on other types of farms and mines, children forced to beg, and children who are engaged in commercial sexual exploitation.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Côte d'Ivoire:

IN THE AREA OF LAWS AND REGULATIONS:

- Make education compulsory and establish a minimum compulsory education age that is consistent with the minimum age for admission to work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Allocate sufficient resources to enforce child labor laws and ensure inspections in sectors where the worst forms of child labor are most prevalent.
- Train labor inspectors, law enforcement officers, prosecutors, and judges to recognize exploited and trafficked children and enforce laws to protect them.
- Hold regular meetings of the National Committee for the Fight against Trafficking and Child Exploitation.
- Take additional steps to improve coordination between government agencies that can help address the worst forms of child labor, including those responsible for agriculture, education, development, infrastructure, child exploitation and trafficking, social safety nets, employment, and remediation.
- Conduct representative surveys of cocoa growing areas every five years, include child labor questions in household surveys, and make survey available to the public.

IN THE AREA OF POLICIES:

- Provide sufficient funding for effective implementation of National Action Plans to combat the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to address and prevent children's involvement in exploitive child labor, including by:
 - Developing long-term sustainable child labor monitoring, certification, and remediation models
 - Scaling up and replicating successful projects throughout cocoa growing regions.
 - Developing common child labor indicators and remediation benchmarks across projects.
 - Augmenting social, education and livelihood programs; remediation activities; farmer training; and, infrastructure improvements (e.g., welcome centers and schools).
 - Tracking project interventions and impact and making this information publicly available.
- Pilot and expand efforts to address the worst forms of child labor in forced begging, commercial sexual exploitation, domestic service, and mining.

¹³¹⁶ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

¹³¹⁷ Tulane University, *Third Annual Report: Oversight of Public and Private Initiatives to Eliminate the Worst Forms of Child Labor in the Cocoa Sector in Cote d'Ivoire and in Ghana* Payson Center for International Development and Technology Transfer, New Orleans, September 30, 2009, 10, 39, 49, 52, 55, 57, 59-60, 72; available from <http://childlabor-payson.org/default.html>.

¹³¹⁸ *Ibid.*, 64, 66, 76-81.

¹³¹⁹ *Ibid.*

¹³²⁰ U.S. Department of State, "Cote d'Ivoire," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>. See also BICE, *Jeunes Filles Domestiques*, [online] n.d. [cited August 26, 2010]; available from http://www.biceafrique.org/ewb_pages/p/projet-591-jeunes-filles-domestiques.php.

¹³²¹ U.S. Embassy- Abidjan, reporting reporting, June 3, 2008, para 6-12, 13-14. See also Government of Côte d'Ivoire, Enquete Nationale sur le Travail des Enfants, Direction Generale du Travail, ILO-IPEC, and Institut National de la Statistique, Abidjan, March 2008, 66-67; available from <http://www.ilo.org/ipeinfo/product/viewProduct.do?productId=9410>. See also U.S. Embassy- Abidjan, reporting, October 1, 2010. 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/ipeinfo/product/viewProduct.do?productId=5176>. See also ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Cote d'Ivoire (ratification: 2003)*, [online] 2009 [cited February 22, 2010], part V; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

¹³²² U.S. Department of State, "Country Reports- 2009: Cote d'Ivoire," section 7d. 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/ipeinfo/product/viewProduct.do?productId=5178>. See also Government of Côte d'Ivoire, *Enquete Nationale sur le Travail des*

Enfants, 66-67. See also U.S. Embassy- Abidjan, reporting, February 3, 2010, para 2.a.1.

¹³²³ 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, 2, 35-39, 45; available from <http://www.ilo.org/ipeinfo/product/viewProduct.do?productId=5176>. See also ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Cote d'Ivoire (ratification: 2003)*, [online] 2009 [cited February 22, 2010], part V; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

¹³²⁴ 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 IOM, *Traditional Practices Being Abused to Exploit Children in West Africa, Warns IOM*, [online] 2006 [cited December 3, 2010]; available from <http://www.iom.int/jahia/Jahia/newsArticleAF/cache/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.

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¹³²⁶ Government of Côte d'Ivoire, *Le Travail des Enfants en Cote d'Ivoire de 1998 a 2006*, Institut National de la Statistique, Abidjan, 2009, section 3.3.

¹³²⁷ U.S. Department of State, "Trafficking in Persons Report- 2009: Cote d'Ivoire."

¹³²⁸ ILO-IPEC, *La Traite des Enfants: Secteur Informel*, 6. See also U.S. Department of State, «Country Reports- 2009: Cote d'Ivoire,» section 6.

¹³²⁹ 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. See also Integrated Regional Information Networks, «Cote d'Ivoire: Children Exchange Sex for Money», [online], June 12, 2009 [cited December 3, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=84834>. See also Integrated Regional Information Networks, «Cote

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¹³³¹ U.S. Department of State, "Country Reports- 2009: Cote d'Ivoire," section 6.

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¹³⁴⁰ Ibid. See also U.S. Embassy- Abidjan, *reporting, January 15, 2009, para 2*.

¹³⁴¹ Government of Côte d'Ivoire, *Arrêté n° 2250*. See also U.S. Embassy- Abidjan, *reporting, January 15, 2009, para 2*.

¹³⁴² Government of Côte d'Ivoire, *Code du travail, 1995*, article 3. See also Government of Côte d'Ivoire, *Project de Loi Portant Interdiction de la Traite et des Pires Formes de Travail des Enfants*, article 4.

¹³⁴³ Government of Côte d'Ivoire, *Project de Loi Portant Interdiction de la Traite et des Pires Formes de Travail des Enfants*, article 4.

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¹³⁴⁹ U.S. Department of State, "Trafficking in Persons Report- 2009: Cote d'Ivoire."

¹³⁵⁰ Ibid. See also U.S. Embassy- Abidjan, *reporting, October 1, 2010, para 6c*.

¹³⁵¹ U.S. Embassy- Abidjan, *reporting, February 3, 2010, para 2.c.3-6*.

¹³⁵² Ibid., para 2.c.7.

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The Government has implemented several programs targeting disadvantaged groups, including Roma and Sinti children and low income families. However, no social programs targeting children engaged in relevant worst forms of child labor could be identified. Children, particularly from the Roma community, continue to be exploited in the worst forms of child labor in agriculture and forced begging.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor¹³⁹⁵

There have been incidences of children being exploited in the worst forms of child labor.¹³⁹⁶ A majority of the cases involve Roma children working in agriculture.¹³⁹⁷ These children may be exposed to unsafe/unhealthy conditions at work, including long hours in extreme heat; inadequate access to water, nutrition, or sanitation; and use of harmful pesticides.

Reports indicate that there is forced begging, among Roma children¹³⁹⁸ even though the number of Roma children begging in public has somewhat decreased in recent years. Children working on the streets may face a variety of unsafe conditions, including severe weather, accidents caused by proximity to vehicles, exposure to toxic fumes, and vulnerability to criminals.

Reports also indicate trafficking of women and children. Croatia is a destination, source, and transit country for children trafficked for the purposes of commercial sexual exploitation.¹³⁹⁹

Laws and Regulations on the Worst Forms of Child Labor

Croatia updated its Labor Act in 2010 and established stronger provisions regarding child labor.¹⁴⁰⁰

The Labor Act sets the minimum age for employment at 15.¹⁴⁰¹ Minors under the age of 15 may work if they receive prior approval from the state labor inspectorate and if it is determined that the child will not suffer physically or mentally from the work.¹⁴⁰² However, minors are not allowed to be hired for employment without explicit approval from their legal guardian or parent and only if it does not interrupt their education.¹⁴⁰³

The Labor Act sets out a list of conditions that are prohibited for children under age 18. These include working overtime, at night, and in any dangerous conditions that may be harmful to the physical and moral wellbeing of children.¹⁴⁰⁴ Labor regulations do not permit children to work beyond 40 hours a week. Persons who are younger than 18 are prohibited from working beyond 8 hours a day, and if a minor is working more than 4.5 hours, the minor is entitled to take a 30-minute break.¹⁴⁰⁵ The minor is also entitled to have a break from an everyday work week with a rest in between lasting at least 48 hours. Regulations stipulate that a minor employee, if exposed to the harmful effects of work, should have 5 weeks of annual leave made available to her/him.



The law has been amended to be fully harmonized with EU labor laws regarding child labor and includes regulations on minimum age for employment, and

prohibition of employment of minors in any type of work that is hazardous to the health, safety, and disposition of the minor. However, the Labor Act does not spell out the list of hazardous activities that threaten health or work that is harmful to children or sectors that prohibit child labor. This provision includes new duties for labor inspectors that allows them to oversee minors at their place of employment to determine whether or not the minor is in danger and, upon making such a determination, in consultation with a physician if needed, can prohibit the minor from such employment. The Labor Act considers it a grave violation if a minor is hired without explicit permission from the legal guardian or parent. Fines can range between HRK 31,000.00 to 60,000.00. An employer is considered to be in violation of the Labor Act for failing to follow the order from the labor inspector prohibiting a minor from working on the premises.¹⁴⁰⁶ Employers are considered to be in violation if they are employing minors in situations that may be harmful to their health and moral status. It is also considered a serious violation when an employer takes on a minor employee without ascertaining through a medical doctor the minor's physical ability and health status to perform the job.¹⁴⁰⁷

Croatia's criminal law treats trafficking for the purpose of commercial sexual exploitation as a serious offense.¹⁴⁰⁸ Similarly, the code criminalizes international prostitution. The impending amendment to Croatia's criminal law to be finalized in December of 2010, will essentially combine trafficking and international prostitution. As it stands now these are treated separately in Articles 175 and 178, respectively.¹⁴⁰⁹ Combining it together will possibly increase the number of identifications for trafficked persons including children.

Article 213 of the criminal law specifies that to forcibly engage a minor to beg or to force a child into prostitution is a serious offense.¹⁴¹⁰ Violations to this rule are punishable by imprisonment for one to 5 years. Article 214 of the criminal law stipulates that entering into any kind of sexual act with a minor is considered an offense and violations to this rule can result in imprisonment for 3 years. Violations to Article 178 (international prostitution) results in a stricter punishment if it involves a child; imprisonment can range between one to 10 years.¹⁴¹¹

According to the Defense Act of 2002, the minimum age for conscription and voluntary recruitment into the military is set at 18.¹⁴¹²

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

Institutional Mechanisms for Coordination and Enforcement

The Council for Children coordinates activities to promote and protect the rights of the child.¹⁴¹³ The Office of the Ombudsman for Children coordinates the monitoring and compliance of laws and other regulations related to the rights and interests of children, including coordinating with the Ministry of the Economy, Labor and Entrepreneurship to ensure that ILO Conventions 138 (minimum age) and 182 (worst forms of child labor) are implemented.¹⁴¹⁴ The State Labor Inspectorate joins efforts to enforce laws related to the minimum age for employment.¹⁴¹⁵

The Inspectorate has 111 inspectors whose duties include inspection for illegal employment of minors. In 2009, the State Labor Inspectorate recorded 153 violations of child labor laws involving 73 children under the age of 17. Violations were found mainly in the hospitality, tourism, retail, food, industrial, services, and construction sectors, and they involve overtime or poorly written work contracts. Labor inspectors file misdemeanor charges against employers

found to be in violation of the labor law.¹⁴¹⁶ The Ombudsman for Children handles all cases of labor violations that are referred to from the labor inspectorate.¹⁴¹⁷

The National Committee for Combating Trafficking in Human Beings coordinates all anti-trafficking activities. The head of the Office of Human Rights serves as the coordinator of the committee, which includes representatives from the Ministry of Foreign Affairs, the Ministry of Health, and the Ministry of Justice. The Office of Human Rights is the lead agency for monitoring anti-trafficking efforts and serves as a liaison for all international activities related to trafficking.¹⁴¹⁸

The Croatian Police Academy trained 1,315 police officers on trafficking issues.¹⁴¹⁹ The Government maintains two databases that track perpetrators and victims of trafficking. The database allows for identification of minors based on age.¹⁴²⁰

Government Policies on the Worst Forms of Child Labor

The Government has incorporated child labor issues into related policy frameworks. It adopted a National Action Plan for the Rights and Interests of Children 2006-2012 to strengthen services provided to vulnerable children. The plan has as one of its goal to provide resources for the prevention of the worst forms of child labor, including resources for investigation of child labor and exploitation.¹⁴²¹ It also brings together a network of multilateral donor organizations and local NGOs to improve the well being of children and help those who are victims of the worst forms of child labor and trafficking.¹⁴²² The Council for Children acts as the coordinating body for all such activities.

The Government participates in the Decade of Roma Inclusion 2005-2015, a regional intergovernmental initiative to provide free basic primary education to all Roma children.¹⁴²³ There continues to be high dropout rates among Roma children and only 3.5 percent of Roma children graduate from high school (compared with 85 percent of the general student population).

Social Programs to Eliminate or Prevent Worst Forms of Child Labor

In 2009, the police conducted several outreach campaigns, to address trafficking in persons and forced begging among the Roma community. This involved distributing educational leaflets to about 2,500 Romani people, printed in the Roma language.¹⁴²⁴ Other programs that provide services, including medical care, housing, shelter, and legal clinics are offered to victims of trafficking through the International Red Cross, and IOM in cooperation with the Government of Croatia.

In addition, the Government has implemented several programs targeting disadvantaged groups, including Roma and Sinti children and low income families. In 2008, the Government, as part of an OSCE program, implemented initiatives to support early education for Roma and Sinti children.¹⁴²⁵ Croatia's newly reformulated social welfare policy also includes the Assistance for Maintenance Program, which provides monthly payments to low income families to raise their income level.

The goal of this program is to address severe poverty among families.¹⁴²⁶ Research has not identified evidence of these programs' impact on the worst forms of child labor.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Act to include a list of hazardous activities and sectors where children may not work.

IN THE AREA OF PROGRAMS:

- Conduct a comprehensive national study to better assess the extent and types of worst forms of child labor in the country.
- Develop programs aimed at increasing the school completion rate of Roma children.
- Assess the impact that social programs may have on addressing the worst forms of child labor. Consider whether children in the worst forms of child labor should be a specific target of social programs.

¹³⁹⁵ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

¹³⁹⁶ U.S. Embassy- Zagreb, *reporting*, November, 2010.

¹³⁹⁷ U.S. Department of State, “Croatia (Tier 1),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.unhcr.org/refworld/country,,,HRV,,4c1883fc23,0.html>.

¹³⁹⁸ Amnesty International USA, *The exclusion of Romani children*, 2010; available from <http://www.amnestyusa.org/document.php?id=ENGEUR050032006&lang=e>.

¹³⁹⁹ International Trade Union Confederation, *Internationally Recognized Core Labor Standards in Croatia, Report for the WTO General Council Review of the Trade Policies of Croatia* Geneva, March 24-26, 2010; available from http://www.ituc-csi.org/IMG/pdf/CLC_Croatia.pdf. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Croatia.”

¹⁴⁰⁰ International Trade Union Confederation, *Internationally Recognized Core Labor Standards in Croatia*.

¹⁴⁰¹ Government of the Republic of Croatia, *Labour Act, General Provisions*, (2009); available from <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/84016/93988/F806760027/HRV84016%20English.pdf>.

¹⁴⁰² Ibid.

¹⁴⁰³ Ibid.

¹⁴⁰⁴ Ibid.

¹⁴⁰⁵ Ibid.

¹⁴⁰⁶ Ibid.

¹⁴⁰⁷ Ibid.

¹⁴⁰⁸ Government of the Republic of Croatia, *Criminal Code*, (2004); available from http://www.vsrh.hr/CustomPages/Static/HRV/Files/Legislation__Criminal-Code.pdf.

¹⁴⁰⁹ International Center for Migration Policy Development, *Trafficking in Human Beings in Croatia, An Assessment Focusing on Labor Exploitation*, 2010; available from http://www.icmpd.org/fileadmin/IIMS-documents/Croatian_English_2010-09-29_Final_small.pdf.

¹⁴¹⁰ Government of the Republic of Croatia, *Criminal Code*.

¹⁴¹¹ Ibid.

¹⁴¹² Coalition to Stop the Use of Child Soldiers, “Croatia,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/croatia>.

¹⁴¹³ UN Economic and Social Council, *Recommendation for funding from other resources without a recommendation for funding from regular resources*, UNICEF Executive Board, 2006; available from <http://www.unicef.org/about/execboard/files/06-PL59-Croatia.pdf>.

¹⁴¹⁴ Government of the Republic of Croatia, *Summary Report About the Work of the Ombudsman for Children*, Zagreb, 2007; available from [http://www.crin.org/docs/Sazetak%20izvjesca%20o%20radu%20za%202006\(Eng\).pdf](http://www.crin.org/docs/Sazetak%20izvjesca%20o%20radu%20za%202006(Eng).pdf). See also UNICEF, *Working Group Document on Status of Children in Croatia*, 2008; available from http://www.unicef.org/videoaudio/PDFs/Croatia_WFFC5_Report.pdf. See also Government of the Republic of Croatia, *The Law on the Ombudsman for Children*, (2003); available from http://www.crin.org/docs/FileManager/ombuds_law_croatia_2003.doc.

¹⁴¹⁵ International Trade Union Confederation, *Internationally Recognized Core Labor Standards in Croatia*.

¹⁴¹⁶ U.S. Embassy- Zagreb, *reporting, November, 2010*.

¹⁴¹⁷ U.S. Department of State, “Croatia,” in *Country Report on Human Rights Practices- 2009*, March 11, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136025.htm>.

¹⁴¹⁸ Government of the Republic of Croatia, *National Plan for Combating Trafficking in Human Beings for the period from 2009-2011*, National Committee For Combating Trafficking in Human Beings, 2009; available from www.ljudskaprava-vladarh.hr/lgs.axd?t=16&id=1326. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Croatia.”

¹⁴¹⁹ U.S. Embassy- Zagreb, *reporting, November, 2010*.

¹⁴²⁰ Ibid.

¹⁴²¹ UN Economic and Social Council, *Recommendation for funding from other resources without a recommendation for funding from regular resources*. See also Government of the Republic of Croatia, *Summary Report About the Work of the Ombudsman for Children*.

¹⁴²² UN Economic and Social Council, *Recommendation for funding from other resources without a recommendation for funding from regular resources*.

¹⁴²³ Ibid.

¹⁴²⁴ U.S. Department of State, “Trafficking in Persons Report- 2010: Croatia.”

¹⁴²⁵ Right to Education Project, *European Court Ruling on Roma Children in Croatia*, 2010; available from <http://www.right-to-education.org/node/953>.

¹⁴²⁶ Zora Raboteg-Šarić, *Children’s Welfare in the Context of Social and Economic Changes in Croatia*, Norwegian University of Science and Technology, Trondheim, 2004; available from <http://www.sv.ntnu.no/iss/an-magritt.jensen/card/Childrens%20Welfare/Volume%20II/Croatia.pdf>.

Djibouti

The Government of Djibouti initiated efforts to combat child trafficking. Despite these efforts, Djibouti lacks laws defining hazardous labor and has not allocated resources to address the worst forms of child labor. Children in Djibouti remain in the worst forms of child labor, including domestic service.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Djibouti are exploited in the worst forms of child labor,¹⁴²⁷ including a large number in domestic service.¹⁴²⁸ Child domestic labor may involve long hours of work, while often exposing children to physical and sexual exploitation by their employer. The majority of the Djiboutian population (87 percent) is found in urban areas and in cities where there are children living and working in the streets, including migrant children from Ethiopia, Somalia, and other countries.¹⁴²⁹ Some children engage in begging, counterfeiting, prostitution, and dealing drugs (including glue, pills, marijuana, and the legal drug *qat*).¹⁴³⁰ On the streets, these children are vulnerable to sexually transmitted diseases and HIV/AIDS, and they are exposed to dangers, injuries, and accidents; physical abuse; and economic and sexual exploitation.¹⁴³¹

Rural children in Djibouti care for and herd livestock.¹⁴³²






A small number of girls from poor Djiboutian families, refugees, and voluntary Ethiopian and Somali migrants passing through Djibouti en route to the Middle East are trafficked into prostitution in Djibouti City and along trucking routes on the Ethiopia-Djibouti corridor, often by older children or by women who promise jobs as housekeepers.¹⁴³³ Girls may also be trafficked for domestic service.¹⁴³⁴

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code (Loi n°133/AN/05/5ème L, Republic of Djibouti 2006) sets the minimum age for employment and apprenticeships in Djibouti at 16, and the minimum age for night work at 18.¹⁴³⁵ While the law prohibits children under age 18 from working in certain sectors, including domestic service, it does not define hazardous work or establish a minimum age for hazardous work. Additionally, the government has not developed a list of hazardous occupations.¹⁴³⁶

The law limits the number of consecutive hours children can work. However, the National Council of Work, Labor, and Vocational Training has the authority to exempt a young person from the 12 consecutive hours of rest between shifts required by law, and from restrictions on night work.¹⁴³⁷

The Labor Code prohibits forced and bonded labor and prohibits the use of children in the transportation and sale of drugs; work in bars and hotels; and employment in domestic service until age 18.¹⁴³⁸

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	None
	Compulsory Education Age	16
	Free Public Education	Yes

Both Loi n°68/AN/79 Regulating the Fight Against Prostitution and Soliciting and the Penal Code prohibit and punish the procurement of a minor for prostitution and the use of a minor in pornography.¹⁴³⁹ Law n°210/AN/07/5ème L Regarding the Fight Against Human Trafficking prohibits internal and cross-border trafficking of persons under age 18.¹⁴⁴⁰

Institutional Mechanisms for Coordination and Enforcement

There is no evidence that the Government of Djibouti has established mechanisms for coordinating efforts to combat child labor.¹⁴⁴¹

The Labor Inspectorate, under the Ministry of Labor, has the authority to enforce child labor laws and regulations.¹⁴⁴² Labor inspectors can sanction businesses that employ children illegally.¹⁴⁴³ Additionally, the Ministry of Health and the Ministry of Labor can require medical exams, as appropriate, to determine if work is beyond a young person's capabilities and can prohibit young people from being employed in additional types of work deemed beyond their capabilities.¹⁴⁴⁴

The Labor Inspectorate had only one labor inspector and six controllers at the time of reporting, an inadequate number given the prevalence of child labor in the country.¹⁴⁴⁵ Additionally, the Labor Inspectorate lacks resources, including vehicles, to carry out inspections.¹⁴⁴⁶ During the reporting period, no child labor complaints were filed, no investigations regarding child labor and hazardous child labor were conducted, and no pending cases were resolved.¹⁴⁴⁷

The Ministry of Justice and the Police Vice Squad (*Brigade des Moeurs*) are responsible for investigating forced labor, commercial sexual exploitation, and prostitution.¹⁴⁴⁸ The police visit bars and clubs to warn against admitting minors on the premises.¹⁴⁴⁹ They also work with the Ministry of Health to refer victims of child prostitution to service providers.¹⁴⁵⁰ The Government of Djibouti does not have any mechanisms to enforce trafficking legislation or to support trafficking victims.¹⁴⁵¹

Government Policies on the Worst Forms of Child Labor

There is no evidence that the Government of Djibouti has established a policy framework for the elimination of the worst forms of child labor. However, it has adopted other development policies that are intended to reach the populations most vulnerable to child labor.

The Government of Djibouti is one of 11 members of the East African Police Chiefs Cooperation Organization, which committed to adapting a UNODOC/UN.GIFT model law against trafficking in persons, which includes child trafficking, and to drafting a Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa.¹⁴⁵² The Government also ratified the African Charter on the Rights and Welfare of the Child, which includes provisions on the worst forms of child labor, and requires signatories to create laws specifying the minimum age for work, appropriate working hours, penalties for violations, and creates public awareness on the risks of using child labor.¹⁴⁵³ While the Government of Djibouti has adopted these principles, it has not translated them into concrete laws or action plans.

Djibouti's Poverty Reduction Strategy addresses vulnerable populations, including street children, although it does not specifically include child labor.¹⁴⁵⁴ It includes strategies for assisting vulnerable children, such as developing short skills courses for young persons with no previous schooling, increasing access to formal education, and linking children to social services.¹⁴⁵⁵

The Government enacted the National Plan of Action to Combat Abuse and Sexual Exploitation of Children and the Accelerated Strategy for Child Survival and Development in 2005.¹⁴⁵⁶

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

The Government of Djibouti participates in the Urban Poverty Reduction Project, funded through the African Development Bank, which targets the urban populations in which child labor is pervasive, though it does not specifically target child laborers.¹⁴⁵⁷ The UN Development Assistance Framework (2008-2012) includes provisions to reduce extreme poverty and has a special focus on youth, including providing social services to orphans and abandoned children, providing education, training, and healthcare to marginalized youth, and addressing the problem of youth employment. The strategy also aims to improve the quality of and access to education.¹⁴⁵⁸

The Government of Djibouti continues to participate in the 2-year, \$460,000 regional anti-trafficking technical assistance project funded by Norway and Sweden. The project aims to bolster coordination among the 11 East African Police Chiefs Cooperation Organization (EAPCCO) countries through the Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa, and harmonize national legislation with the Palermo Protocol.¹⁴⁵⁹ The Government also invited IOM to open offices in Djibouti in 2009 and provides office space to IOM

within the Ministry of Labor. Through USDOS funding, the Government is currently working with the organization to develop a national referral system for trafficking victims and undertake awareness-raising among migrants on the risks of trafficking.¹⁴⁶⁰

Although the Government of Djibouti has implemented programs to address trafficking in children, research found no evidence that it has carried out programs to assist children in domestic service, prostitution, and begging.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Establish a minimum age for hazardous work and develop and publish a list of hazardous occupations.
- Pass legislation to ban children in armed conflict, child pornography, and prostitution consistent with the African Charter on the Rights and Welfare of the Child that Djibouti adopted in 2009.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish mechanisms for coordinating efforts to combat the worst forms of child labor.
- Increase the number of labor inspectors and resources to carry out child labor inspections.
- Establish measures to enforce anti-trafficking legislation and provide assistance to victims.

IN THE AREA OF POLICIES:

- Establish policies to combat the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Develop and expand social programs to assist children in the worst forms of child labor, in particular in domestic service, prostitution, and begging.

¹⁴²⁷ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

¹⁴²⁸ 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 1998*, CRC/C/DJI/2, December 11, 2007, para. 294; available from <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.DJI.2.pdf>. See also UN Committee on the Rights of the Child, *Summary Record of the 137th Meeting: Consideration of Reports of States Parties (continued)*, CRC/C/SR.1347, December 18, 2009, para 65; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/440/34/PDF/G0844034.pdf?OpenElement>.

¹⁴²⁹ U.S. Embassy- Djibouti, *reporting*, February 1, 2010, para 3, 5. See also World Bank, *International Development Association on a Country Assistance Strategy of the World Bank for the Republic of Djibouti*, March 30, 2009, 1, para 3; available from http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2009/04/10/000334955_20090410051613/Rendered/PDF/472730CASOGJ0P101Official0Use0Only1.pdf. See also African Development Bank, *Urban Poverty Reduction Project*, [2010 [cited

August 26, 2010]; available from <http://www.afdb.org/en/projects-operations/project-portfolio/project/p-dj-ie0-002/>.

¹⁴³⁰ Ministère de la Promotion de la Femme du Bien-Être Familial et des Affaires Sociales UNICEF, *La Pauvreté et des Disparités chez les Enfants à Djibouti*, online, 2009, 51, 81, 102; available from http://www.unicef.org/infobycountry/files/Rapport_National_Djibouti_Pauvrete_des_Enfants.pdf. See also U.S. Department of State, «Djibouti (Tier 2),» in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142982.pdf>. See also Ministry of Employment and National Solidarity official, Interview with USDOL consultant, July 11, 2006, para 4. See also U.S. Embassy- Djibouti, *reporting, February 1, 2010*, para 3. U.S. Department of State, “Djibouti,” 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/118998.htm>. See also Association Porte Ouverte- Open Door Association official, Interview with USDOL consultant, August 9, 2006, para 6.

¹⁴³¹ U.S. Department of State, “Djibouti (Tier 2 Watch List),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>. See also Caritas Djibouti official, Interview with USDOL consultant, July 16, 2006. See also UNESCO PEER official, Interview with USDOL consultant, July 11, 2006.

¹⁴³² U.S. Embassy- Djibouti, *reporting, February 1, 2010*, section 3.

- ¹⁴³³ Association Porte Ouverte- Open Door Association official, Interview, August 9, 2006. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Djibouti (Tier 2).”
- ¹⁴³⁴ U.S. Embassy- Djibouti, *reporting, February 1, 2010*. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Djibouti (Tier 2).”
- ¹⁴³⁵ Government of Djibouti, Loi n°133/AN/05/5ème L portant Code du Travail, (January 28, 2006); available from <http://www.presidence.dj/jo/2006/loi133an05.php>.
- ¹⁴³⁶ U.S. Embassy- Djibouti, *reporting, February 1, 2010*.
- ¹⁴³⁷ Government of Djibouti, *Loi n°133/AN/05/5ème L*, articles 94, 96, 289.
- ¹⁴³⁸ U.S. Embassy- Djibouti, *reporting, February 1, 2010*. See also Government of Djibouti, *Loi n°133/AN/05/5ème L*, articles 94, 96, 108-113, 289.
- ¹⁴³⁹ Government of Djibouti, *Code Pénal*, article 463; available from <http://www.justice.gouv.dj/code%20penal.htm>. See also Government of Djibouti, *Loi n°68/AN/79 réglementant la lutte contre la prostitution et le racolage* (January 23, 1973); available from <http://www.presidence.dj/jo/1979/loi68an79.htm>.
- ¹⁴⁴⁰ U.S. Department of State, “Trafficking in Persons Report- 2009: Djibouti (Tier 2 Watch List).” 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>.
- ¹⁴⁴¹ U.S. Embassy- Djibouti, *reporting, February 1, 2010*.
- ¹⁴⁴² *Ibid.*, para 5. See also Government of Djibouti, *Loi n°33/AN/09/6ème L portant adhésion à la Charte Africaine des Droits de l’enfant et de deux protocoles additionnels à la CDE.*, (February 21, 2009); available from <http://www.presidence.dj/jo/2009/loi33an09.php>. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Djibouti (Tier 2).”
- ¹⁴⁴³ Government of Djibouti, *Loi n°133/AN/05/5ème L*, 5, 70, 71, 110, 111, 112.
- ¹⁴⁴⁴ *Ibid.*, articles 5, 70, 71, 111, 112, 288(a), 288(b).
- ¹⁴⁴⁵ U.S. Embassy- Djibouti, *reporting, February 1, 2010*, section 5.
- ¹⁴⁴⁶ *Ibid.* See also U.S. Department of State, “Trafficking in Persons Report- 2010: Djibouti (Tier 2).”
- ¹⁴⁴⁷ U.S. Embassy- Djibouti, *reporting, February 1, 2010*.
- ¹⁴⁴⁸ U.S. Department of State, “Trafficking in Persons Report- 2010: Djibouti (Tier 2).”
- ¹⁴⁴⁹ U.S. Embassy- Djibouti, *reporting, February 1, 2010*, section 6.
- ¹⁴⁵⁰ U.S. Department of State, “Trafficking in Persons Report- 2010: Djibouti (Tier 2).”
- ¹⁴⁵¹ IOM, *IOM Info Sheet: Counter Human Trafficking through Protection Efforts in Djibouti*, hardcopy, July 2010.
- ¹⁴⁵² UNODC, “Ongoing Projects in Eastern Africa”, [online], December 16, 2008 [cited February 9, 2009]; 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 Nasra Bishumba, “Regional Police Meet to Draft Law On Human Trafficking”, [online], September 5, 2009 [cited February 24, 2010]; available from <http://allafrica.com/stories/200909070246.html>. See also UN.GIFT UNODC, *Model Law against Trafficking in Persons*, 2009; available from http://www.ungift.org/docs/ungift/pdf/initiatives/Model_Law_against_TIP.pdf.
- ¹⁴⁵³ UN Committee on the Rights of the Child, *Summary Record of the 1348th Meeting: Consideration of Reports of States Parties (continued)*, CRC/C/SR.1348, December 18, 2009; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/441/00/PDF/G0844100.pdf?OpenElement>. See also African Union, *Charte Africaine des Droits et du bien Etre de l’Enfant*, article 15; available from http://www.africa-union.org/Official_documents/Treaties_Conventions_fr/CHARTE%20AFRICAINNE-DROITS%20ENFANT%20new.pdf. See also Government of Djibouti, *Loi n°33/AN/09/6ème*
- ¹⁴⁵⁴ World Bank, *International Development Association on a Country Assistance Strategy of the World Bank for the Republic of Djibouti, (March 30, 2009)*. See also IMF, *Djibouti: Poverty Reduction Strategy Paper*, July 2009; available from <http://www.imf.org/external/pubs/ft/sr/2009/cr09203.pdf>.
- ¹⁴⁵⁵ IMF, *Djibouti: Poverty Reduction Strategy Paper*, 20-22, 37. See also World Bank, *International Development Association on a Country Assistance Strategy for the Republic of Djibouti*, March 24 2009; available from http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2009/04/10/000334955_20090410051613/Rendered/PDF/472730CAS0GJ0P101Official0Use0Only1.pdf.
- ¹⁴⁵⁶ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding observations Djibouti*, CRC/C/DJI/CO/2, October 7, 2008; available from <http://daccess-dds-ny-un.org/doc/UNDOC/GEN/G08/443/50/PDF/G0844350.pdf?OpenElement>.
- ¹⁴⁵⁷ African Development Bank, *Urban Poverty Reduction Project*.
- ¹⁴⁵⁸ Système des Nations Unies en République de Djibouti, «Plan Cadre des Nations Unies pour l’Aide au Développement (UNDAF)», [online], 2007 [cited November 23, 2010]; available from <http://www.undg.org/docs/8201/UNDAF2007.pdf>.

¹⁴⁵⁹ UNODC, “UNODC, Ongoing Projects in Eastern Africa”. See also UNODC and EAPCCO, *Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa*.

¹⁴⁶⁰ IOM, *IOM Office Opens in Djibouti to Help Address Migration Challenges Along Strategic Route*, [online] December 5, 2009 [cited February 24, 2010]; available from <http://www.iom.int/jahia/Jahia/media/press-briefing-notes/pbnAF/cache/offonce/lang/fr?entryId=24823>. See also IOM Djibouti official, E-mail communication to USDOL official, August 6, 2010. See also IOM, *IOM Info Sheet: Counter Human Trafficking through Protection Efforts in Djibouti*. See also IOM Djibouti official, E-mail communication, August 6, 2010.

Dominica

The Government of Dominica has several programs in place to encourage children to remain enrolled in school instead of leaving to enter the work force. There is no available information on the extent and nature of the worst forms of child labor in Dominica and there were no reports of child labor in Dominica during the reporting period. However, gaps exist in the legal framework to protect children against the worst forms of child labor since the minimum ages for work and hazardous work fall below international standards.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable




Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no available information on the extent and nature of worst forms of child labor in Dominica.¹⁴⁶¹ In addition, there were no reports of worst forms of child labor in Dominica during the reporting period.¹⁴⁶²

Laws and Regulations on the Worst Forms of Child Labor

According to the Employment of Children (Prohibition) Act, the minimum age for employment is 12,¹⁴⁶³ but according to the Employment of Women, Young Persons and Children Act, it is age 14.¹⁴⁶⁴ The CEACR has urged the Government to raise the statutory minimum age to 15, in accordance with the provisions of ILO Convention 138,¹⁴⁶⁵ however the Government has not done this. In addition, the minimum age for hazardous work is 14, which does not comply with international standards.¹⁴⁶⁶ Dominica has no military force, and the minimum age for voluntary recruitment to the police force is 18.¹⁴⁶⁷

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	12/14
	Minimum Age for Hazardous Work	14
	Compulsory Education Age	16
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor is the main agency tasked with the responsibility of enforcing laws related to child labor, while the Welfare Department of the Ministry of Community and Social Development is responsible for cases related to child abuse.¹⁴⁶⁸ Given that there is no documented evidence of the existence of the worst forms of child labor in Dominica, no agency or task force has been identified as charged with monitoring national child labor trends and issues.

The Government of Dominica employs six labor inspectors who cover all labor violations, including child labor. No child labor investigations were conducted as there were no reported cases of child labor violations.¹⁴⁶⁹

Government Policies on the Worst Forms of Child Labor

The Government's Growth and Social Protection Strategy (2006-2011) has a goal of overall poverty reduction.¹⁴⁷⁰ There is no evidence of the impact that this strategy may have on the worst forms of child labor.

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

The Government operates programs to ensure that quality education is a viable alternative to work for all children. The Government also sponsors an Education Trust Fund to provide financial assistance to students in secondary school who would not otherwise be able to complete their education.¹⁴⁷¹ The School Text Book Provision Scheme subsidizes the cost of textbooks for primary and secondary school students, and a school feeding program provides lunch to primary school students in targeted areas.¹⁴⁷²

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

IN THE AREA OF LAWS AND REGULATIONS:

- Raise the statutory minimum age for employment to 15.
- Raise the minimum age for hazardous work to 18.

IN THE AREA OF POLICIES:

- Collect, analyze, and disseminate data on the prevalence and sectoral distribution of the worst forms of child labor in Dominica.

¹⁴⁶¹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

¹⁴⁶² U.S. Embassy- Bridgetown, *reporting*, February 5, 2010, para 1.

¹⁴⁶³ Government of Dominica, *Employment of Children (Prohibition) Act*, (December 29, 1939), article 2; available from <http://www.dominica.gov.dm/laws/chapters/chap90-05.pdf>.

¹⁴⁶⁴ Government of Dominica, *Employment of Women, Young Persons and Children Act*, (February 1, 1939); available from <http://www.dominica.gov.dm/laws/chapters/chap90-06.pdf>.

¹⁴⁶⁵ ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Dominica (ratification: 1983)*, [online] 2010 [cited July 7, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11754&chapter=6&query=%28Dominica%29+%40ref+%2B+%23YEAR%3E2004&highlight=&querytype=bool&context=0>.

¹⁴⁶⁶ U.S. Department of State, “Dominica,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136109.htm>. See also ILO Committee of Experts, *Individual Observation C138: Dominica (2010)*.

¹⁴⁶⁷ Coalition to Stop the Use of Child Soldiers, “Caribbean,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

¹⁴⁶⁸ U.S. Embassy- Bridgetown, *reporting*, February 5, 2010, sections 2C-I: para 1 and 2C-II: para 1.

¹⁴⁶⁹ *Ibid.*, section 2C-1: para 5.

¹⁴⁷⁰ IMF, *Dominica: Poverty Reduction Strategy Paper*, August 2006, 1; available from <http://www.imf.org/external/pubs/ft/scr/2006/cr06289.pdf>.

¹⁴⁷¹ Government of Dominica, *Education Trust Fund Act*, (May 7, 1981), 5; available from <http://www.dominica.gov.dm/laws/chapters/chap28-02.pdf>.

¹⁴⁷² Government of Dominica, *National Report and Executive Summary on the Nuevo León Mandates and Relevant Mandates from the Quebec City Plan of Action*, December 30, 2004; available from <http://www.dominica.gov.dm/cms/?q=node/7>. See also Government of Dominica, “Government continues to invest heavily in Human Resource Development”, July 28, 2010 [cited August 16, 2010]; available from <http://www.dominica.gov.dm/cms/index.php?q=node/1240>.

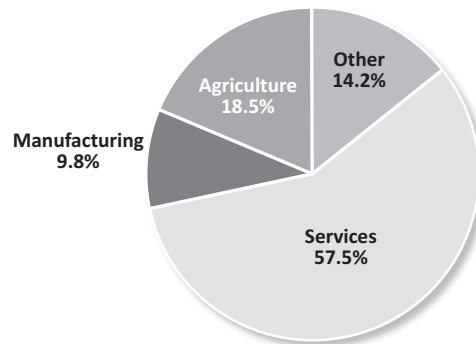
Dominican Republic

The Dominican Republic's new Constitution bolsters protections against slavery, servitude, and trafficking. However, many children continue to engage in exploitive labor, particularly in agriculture and domestic service. Undocumented children of Haitian descent are commonly found in the worst forms of child labor. Gaps in enforcement of child labor laws and insufficient social protection programs hinder efforts to eliminate the worst forms of child labor.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	5.8%
Attending School	5-14 yrs.	96.3%
Combining Work and School	7-14 yrs.	5.4%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Dominican Republic are exploited in the worst forms of child labor¹⁴⁷³ in agriculture and urban work.¹⁴⁷⁴ In rural areas, children work in agriculture in the production of coffee, rice, sugarcane, tomatoes, potatoes, and garlic where they may be exposed to pesticides, sharp tools, heavy machinery, harsh conditions, and long hours.¹⁴⁷⁵ Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of garlic, larimar, and potatoes.¹⁴⁷⁶ Haitian children work in sugarcane plantations collecting cut cane or clearing land and face risk of injury from carrying heavy loads, using machetes and other dangerous tools, and from the plants themselves.¹⁴⁷⁷ Many Haitians and Dominican-born Haitians, including children, live in villages known as “bateyes” that have traditionally housed sugarcane workers and lack adequate housing, medical and other basic services.¹⁴⁷⁸

The population of working children in neighboring Haiti is significant, and the January 2010 earthquake

in Haiti has prompted increased migration of Haitians, including children, to the Dominican Republic.¹⁴⁷⁹ An estimated 13 percent of all children under age 15 in the Dominican Republic have no birth documents, and approximately 1 million undocumented immigrants, including children, live in the country.¹⁴⁸⁰ Haitians or Dominicans of Haitian descent who lack legal documentation are especially vulnerable to exploitive or forced labor.¹⁴⁸¹

Children engage in construction where they may carry heavy loads and use dangerous tools.¹⁴⁸²

Children in urban areas work in street vending, shoe shining, and washing car windows. They are vulnerable to severe weather, accidents caused by proximity to vehicles, drug trafficking, and other criminal elements.¹⁴⁸³ Children work as domestic servants in third-party homes. Children, particularly Haitian children, are sometimes “adopted” by families who register them as their own in exchange for payment to the birthparents and then exploit them as domestic workers.¹⁴⁸⁴ Some child domestic workers are trapped in forced labor or indentured servitude, working long hours and sometimes exposed to physical

or sexual abuse.¹⁴⁸⁵ Approximately 3,000 Haitian child domestic workers are reported to be working in the Dominican Republic.¹⁴⁸⁶

The commercial sexual exploitation of children occurs in tourist locations and major urban areas.¹⁴⁸⁷ Intermediaries recruit children they know into commercial sexual exploitation.¹⁴⁸⁸ The Dominican Republic is a source and destination country for the trafficking of children, including for commercial sexual exploitation.¹⁴⁸⁹ Children are also trafficked internally from rural to tourist areas.¹⁴⁹⁰ Some Haitian children who are trafficked to the Dominican Republic work in domestic service, sex tourism, and agriculture.¹⁴⁹¹

Laws and Regulations on the Worst Forms of Child Labor

The legal minimum age for employment in the Dominican Republic is 14.¹⁴⁹²

Minors under age 18 are prohibited from dangerous work such as work involving hazardous substances, heavy or dangerous machinery, and heavy loads. Minors are also prohibited from selling alcohol, certain work at hotels, handling cadavers, and various tasks involved in the production of sugarcane.¹⁴⁹³ The law makes exceptions for children over age 16 in apprenticeships and job training.¹⁴⁹⁴






Children under age 16 cannot work at night or more than 6 hours consecutively.¹⁴⁹⁵ Special authorization is needed for minors to work in itinerant sales.¹⁴⁹⁶ Minors age 14 to 16 are prohibited from working as messengers and delivering merchandise.¹⁴⁹⁷

Forced labor is prohibited by law.¹⁴⁹⁸ The new Dominican Constitution went into effect on January 26, 2010 and contains a specific prohibition on all forms of “slavery, servitude, and human trafficking” and reaffirms the government’s responsibility to protect minors from exploitation.¹⁴⁹⁹

The previous constitution conferred Dominican nationality on all those born in the country except those born to a foreign diplomat or to foreign parents who were “in transit.” The 2004 Migration Law defines a person “in transit” as one who is not a legal resident.¹⁵⁰⁰ The new Constitution explicitly excludes from citizenship those born to foreign parents who are “in transit” or in the country illegally.¹⁵⁰¹ As a result,

many Dominican-born individuals whose Haitian parents and grandparents have lived and worked in the country for decades, particularly in the sugar industry, are not considered eligible for citizenship because their parents are categorized as “in transit.” They are excluded from enrolling in school past the eighth grade, which increases their vulnerability to labor exploitation.¹⁵⁰²

The Law Against Trafficking in Persons and Migrant Smuggling prohibits all forms of trafficking.¹⁵⁰³ The Protection of the Fundamental Rights of Children and Adolescents Law prohibits 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.¹⁵⁰⁴ The Technology Crime Law criminalizes the production, distribution or possession of child pornography.¹⁵⁰⁵ The Law on Drugs and Controlled Substance specifically prohibits the employment of minors in illicit drug trafficking.¹⁵⁰⁶

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor (SET) leads government efforts to eliminate child labor and established the National Steering Committee to Fight Child Labor (NSC) in 2006 to coordinate all child labor initiatives in the

country.¹⁵⁰⁷ After a hiatus, the NSC was re-activated in February 2008.¹⁵⁰⁸ The SET, through its child labor unit, established municipal and provincial committees around the country to develop strategies to combat child labor.¹⁵⁰⁹ The SET, in coordination with the National Council for Children and Adolescents (CONANI), is responsible for protecting minors against labor exploitation.¹⁵¹⁰

The SET employs 203 labor inspectors who receive training to detect child labor.¹⁵¹¹ The Government reported that over 66,000 labor inspections were conducted in 2009, although it is not clear if these were all work-based inspections.¹⁵¹² However, less than 1 percent of reported infractions involved child labor, a low percentage given the extent of child labor.¹⁵¹³ The SET and the Secretariat of State for Education (SEE) formulated a plan that requires labor inspectors to report children not attending school.¹⁵¹⁴

The national judiciary has 33 district attorneys who are tasked with cases involving the worst forms of child labor.¹⁵¹⁵ However, the number of convictions and prosecutions related to exploitive labor is not published.¹⁵¹⁶ The National Police receive training to address child labor and commercial sexual exploitation.¹⁵¹⁷ The Attorney General's office trains its investigators in child labor issues and is responsible for prosecuting crimes involving children.¹⁵¹⁸ In 2009, four perpetrators were prosecuted and sentenced for sexually abusing minors.¹⁵¹⁹

The Government reports that forced labor currently does not exist in the country and therefore takes no measures to prevent or combat it.¹⁵²⁰ The Government provides “anti-trafficking” training to officials, including those posted overseas, in how to recognize and assist Dominican nationals who are trafficking victims abroad.¹⁵²¹ The Government follows a “zero tolerance” policy for public officials who are complicit in trafficking activities, and several officials have been dismissed from their positions since 2007.¹⁵²² Although the Government reports investigations and prosecutions conducted under the Law Against Trafficking in Persons and Migrant Smuggling, the statistics are not segregated by trafficking since the law addresses both trafficking and smuggling, which prevents an understanding of the extent of trafficking versus smuggling.¹⁵²³

Government Policies on the Worst Forms of Child Labor

CONANI is the principle entity responsible for creating policies to protect children from labor exploitation.¹⁵²⁴ The Government has a National Plan to Eradicate the Worst Forms of Child Labor (2006–2016) and an Action Plan for the Eradication of Abuse and Commercial Sexual Exploitation of Boys, Girls, and Adolescents.¹⁵²⁵ These plans include strategic measures for reducing poverty.¹⁵²⁶ An ILO evaluation suggested that additional personnel are needed to implement these national strategies.¹⁵²⁷

The National Program for Decent Work (2008-2011) supports efforts to eliminate the worst forms of child labor.¹⁵²⁸ The Government has collaborated with ILO-IPEC to create a Roadmap towards the Elimination of Child Labor in the Dominican Republic, which is a plan to eliminate the worst forms of child labor by 2015 and all other types of child labor by 2020.¹⁵²⁹ ILO-IPEC estimates that the Dominican Republic is not currently reducing child labor fast enough to meet these goals.¹⁵³⁰

The Government's 10-year Education Plan and 5-year Strategic Plan are coordinated and executed by the Ministry of Education and include child labor provisions. These plans have identified challenges such as insufficient classroom space, limited availability of classroom time and special attention needed for over-age children.¹⁵³¹ The 2008 Education for All (EFA) Global Monitoring Report published by UNESCO indicates that more of the children enrolled in school complete primary education but that the percentage of children enrolled has decreased and the country will not likely meet the EFA goal of universal primary enrolment by 2015.¹⁵³² Public expenditure on education is less than 3 percent of GNP.¹⁵³³ A short school day impedes educational quality and prompts some parents to take their children to work rather than leave them unattended.¹⁵³⁴ Deficiencies in the national education system have been identified as contributing to children's engagement in the worst forms of child labor.¹⁵³⁵

Many Dominican-born children from parents of Haitian descent lack citizenship or legal identity documents, precluding access to education beyond the eighth grade and other basic services.¹⁵³⁶ This

makes them more vulnerable to labor exploitation and trafficking.¹⁵³⁷ After the earthquake, the Dominican Republic and Haiti worked together under protocols to protect children from traffickers.¹⁵³⁸ Under this agreement, the Haitian Ambassador in the Dominican Republic became solely responsible for granting permission for a child to leave the country. Immediately following the earthquake, CONANI provided approximately 600 Haitian children with psychological protection, food, and medicine.¹⁵³⁹

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

The Government has expanded access to basic education through its “Solidarity Program,” coordinated by the Office of the President. This includes a conditional cash transfer program that assists the families of over 400,000 poor children ages 6 to 16. The program aims to increase school attendance by providing funds for school supplies and food and by requiring parents to protect their children from the worst forms of child labor.¹⁵⁴⁰ The Government also provides breakfast to 1,500 schools daily to encourage attendance.¹⁵⁴¹ The country’s Agricultural Bank includes a clause in its loan agreements that prohibits borrowers from using child labor and requires them to send children to school.¹⁵⁴²

An early ILO-IPEC initiative to reduce child labor in the municipality of Constanza established a network of civil society organizations to address child labor locally and significantly reduced child labor in agriculture in that area.¹⁵⁴³ The Government has participated in a number of USDOL-funded projects to eliminate exploitive child labor, including a regional project to combat commercial sexual exploitation of children through education, capacity building, and legal reform.¹⁵⁴⁴ Another project focused on strengthening regional cooperation, legislation, policies, and institutions to reduce child labor through the provision of education.¹⁵⁴⁵ Currently, the Government participates in a USDOL-funded,

4-year \$4 million project that seeks to withdraw and prevent 8,500 children from exploitive labor through basic and vocational education.¹⁵⁴⁶ These projects have developed innovative educational models such as *Espacios para Crecer or EpC* (Spaces for Growth) and *Salas de Tarea* (Homework Rooms), and the Government has committed to expanding the EpC model.¹⁵⁴⁷ However, the Government has not yet allocated resources needed to scale-up and sustain these donor-funded programs and strategies.¹⁵⁴⁸

The Government participates in a 4-year, \$8.4 million regional project funded by the Government of Spain to eradicate child labor in Latin America.¹⁵⁴⁹ Another project funded by USDOS strengthens the capacity of civil society to monitor government policies and practices regarding trafficking.¹⁵⁵⁰

Additionally, the SET participates in the *Desarrollo Juvenil* (Youth Development) and *Juventud y Empleo* (Youth and Employment) projects supported by the World Bank.¹⁵⁵¹ These projects work to improve the employability of disadvantaged, at-risk youth through training and apprenticeship opportunities that promote entrepreneurial and job-related skills.¹⁵⁵²

The Office of the First Lady coordinates the *Programa Progresando* (Making Progress) which raises awareness on trafficking and offers opportunities for income generation to the parents of children at risk for commercial sexual exploitation and trafficking.¹⁵⁵³ The campaign also encourages parents to keep children in school and out of hazardous work.¹⁵⁵⁴ In 2009, five workshops were held that trained 200 participants to share program information with vulnerable families.¹⁵⁵⁵ The Prevention Unit of the Department of Alien Smuggling and Trafficking in Persons collaborates with the Ministries of Labor and Education and conducts anti-trafficking seminars at schools across the country.¹⁵⁵⁶ The Government supports anti-trafficking radio campaigns and posts notices at the international airport publicizing the legal penalties for sexually exploiting children and adolescents.¹⁵⁵⁷

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

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure that inspections and investigations are performed in sectors that are known to involve children in the worst forms of child labor, including in agriculture and domestic service.
- Implement the new prohibition on all forms of “slavery, servitude, and human trafficking” that is included in the 2010 Constitution.
- Enhance efforts to enforce laws against trafficking and commercial sexual exploitation.
- Publish statistics on prevalence, prosecutions, convictions, and penalties.

IN THE AREA OF POLICIES:

- Pursue a national birth registration campaign that enables children to obtain legal birth certificates and attend school.
- Take measures to protect all children without birth certificates from exploitation.
- Expand efforts to collaborate with the Government of Haiti to reduce cross-border trafficking.
- Consider allocating additional personnel to support national and sectoral plans to combat the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Implement the 10-year Education Plan and:
 - Commit greater resources for teacher training, school materials, and “afterschool” education.
 - Expand programs to eliminate child labor to additional regions and labor sectors, including tourist regions where commercial sexual exploitation is prevalent.
- Expand awareness raising and other strategies to reduce the demand for child sex tourism.
- Expand the “Solidarity Program” to reach more impoverished families.

¹⁴⁷³ Data provided in the chart to at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010. The last National Child Labor Survey that was conducted in 2000 reports that approximately 436,000 children ages of 5 to 17 years were working in 2000. See Government of the Dominican Republic and SIMPOC, Report on the Results of the National Child Labour Survey in the Dominican Republic, 2004; available from http://white.oit.org.pe/ipec/documentos/rd_nati.pdf. Data provided in the chart to the left is from 2005. An estimated 5.8 percent of children ages 10 to 14 are working in the Dominican Republic and 96.3 percent of children ages 5 to 14 attend school. This estimate of economically active children does not capture children under 10 who work. Qualitative evidence suggests

their numbers of are substantial. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children’s work are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

¹⁴⁷⁴ U.S. Department of State, “Dominican Republic,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>.

¹⁴⁷⁵ ILO-IPEC, *Síntesis: Diagnóstico de situación del trabajo infantil y sus peores formas en República Dominicana*, 2008, 11. See also U.S. Embassy- Santo Domingo, *reporting*, June 4, 2008. See also U.S. Embassy- Santo Domingo, *reporting*, February 19, 2010. See also

ILO, *Trabajo Infantil en la Agricultura: Reflexiones sobre las legislaciones de América Central y República Dominicana*, 2007, 17. See also U.S. Department of State, “Country Reports- 2009: Dominican Republic,” section 7d.

¹⁴⁷⁶ U.S. Department of State, “Country Reports- 2009: Dominican Republic,” section 7d. See also U.S. Embassy - Santo Domingo, *reporting*, June 4, 2008. See also U.S. Embassy- Santo Domingo, *reporting*, February 19, 2010.

¹⁴⁷⁷ U.S. Embassy- Santo Domingo, *reporting*, June 4, 2008. See also U.S. Embassy- Santo Domingo, *reporting*, March 2, 2006. See also 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, 4; available from http://pdf.usaid.gov/pdf_docs/PNADF061.pdf. See also ILO Committee of Experts, *Observation, Minimum Age Convention, 1973 (No. 138) Dominican Republic (ratification: 1999)*, [online] 2009 [cited March 12, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11005&chapter=6&query=%28Dominican+Republic%29+%40ref+%2B+%23YEAR%3E2008&highlight=&querytype=bool&context=0>.

¹⁴⁷⁸ IOM, *Americas: Assistance for Children Victims of Human Trafficking in Haiti*, [online] December 4, 2006 [cited May 13, 2010]; available from <http://www.iom.int/jahia/Jahia/featureArticleAM/cache/offonce?entryId=12185>. See also U.S. Embassy- Santo Domingo, *reporting*, February 19, 2010. 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. See also U.S. Department of State, “Country Reports- 2009: Dominican Republic,” section 5. See also U.S. Embassy- Santo Domingo, *reporting*, August 7, 2009. See also American Anti-Slavery Group, *Country Report: Dominican Republic*, 2010; available from http://www.iabolish.org/slavery_today/country_reports/do.html. See also U.S. Embassy- Santo Domingo official, E-mail communication to USDOL official, October 29, 2010. See also Batey Relief Alliance, *The New Situation inside those Bateyes*, [online] [cited November 8, 2010]; available from <http://www.bateyrelief.org/work/>.

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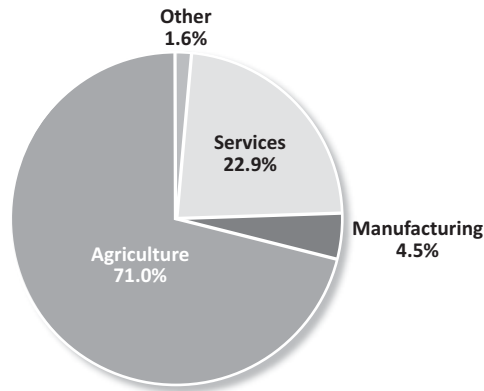
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Ecuador

The Government of Ecuador increased the number of labor inspections it performs and strengthened coordination mechanisms related to the worst forms of child labor. However, hazardous child labor continues to exist in certain sectors, including agriculture, construction, and small-scale mining, and children are trafficked for labor and commercial sexual exploitation. Gaps remain in the enforcement of the existing laws in these sectors.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	10.2%
Attending School	5-14 yrs.	91.1%
Combining Work and School	7-14 yrs.	8.7%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Ecuador are found in the worst forms of child labor,¹⁵⁵⁸ including dangerous work on banana plantations and flower farms.¹⁵⁵⁹ Work in agriculture may require children to use dangerous machinery, tools and pesticides, carry heavy loads, and work long hours. Children are also engaged in the worst forms of child labor in the brick industry and small-scale, informal mining, including in the production of gold.¹⁵⁶⁰

Children in urban areas work as domestic servants.¹⁵⁶¹ They may work long hours, and their isolation in homes makes them susceptible to physical abuse and sexual harassment. Indigenous children are particularly vulnerable to forced labor in domestic servitude.¹⁵⁶²

Children also work on the streets, shining shoes, collecting and recycling garbage, selling newspapers and candies, and begging.¹⁵⁶³ These children may be exposed to severe weather, accidents caused by proximity to vehicles, and criminal elements. Children also engage in dangerous work in landfills.¹⁵⁶⁴

Other worst forms of child labor in Ecuador include commercial sexual exploitation, forced begging,¹⁵⁶⁵ and trafficking.¹⁵⁶⁶ Girls are trafficked from Colombia and Peru to Ecuador for commercial sexual exploitation.¹⁵⁶⁷ Children are also trafficked from border and central highland areas within Ecuador to urban centers for commercial sexual exploitation and other forced labor.¹⁵⁶⁸

Although evidence is limited, there is reason to believe that the worst forms of child labor are also used in the production of pornography and timber in Ecuador.^{1569,1570}

Laws and Regulations on the Worst Forms of Child Labor

The Constitution of Ecuador sets the minimum age for work at 15. The minimum age for hazardous work is 18.¹⁵⁷¹

In 2002, the Government enacted the Code for Children and Adolescents, which includes a robust list of hazardous work prohibited for children based on physical environment, industry, occupation, and

activity. For example, those under 18 are restricted from working in mines, landfills, and slaughterhouses or environments that require proximity to dangerous chemicals, materials, or equipment. The Code also bars underage work in domestic service and affords child domestic workers between 15 and 17 the same rights, guarantees, and protections as adolescent workers in all other sectors.¹⁵⁷²

The Code also prohibits all forms of forced labor, human trafficking, and commercial sexual exploitation of minors.¹⁵⁷³ There is no compulsory military service in Ecuador, and the age for military service is 18.¹⁵⁷⁴

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

Institutional Mechanisms for Coordination and Enforcement

The National Committee for the Progressive Eradication of Child Labor (CONEPTI) includes representatives from government, labor, and business organizations. It coordinates and promotes efforts to combat child labor in Ecuador.

The Ministry of Labor's (MOL) Child Labor Inspections Office is responsible for implementing laws and regulations on child labor. This office had a budget of \$266,342 in 2009, to cover inspections in all provinces. Inspectors in some provinces lack dedicated

vehicles, funds for fuel, or access to other modes of transportation. Budget constraints compromise the ability of inspectors to fully comply with their duties to collect relevant data and carry out an adequate number of inspections.¹⁵⁷⁵

During the reporting period, MOL's Child Labor Inspections Office employed 29 inspectors, an increase of two inspectors from the previous year. It conducted 3,992 inspections in 2009, up from 3,089 in 2008.¹⁵⁷⁶ As a result of these inspections, MOL reported 2,056 children removed from work that violated Ecuadorian labor laws. The Government trained inspectors as well as individuals from municipal and local governments and NGOs on how to detect and combat unlawful child labor. While the number of inspections increased in 2009, data was not collected on whether inspections were initiated in response to complaints or government guidance.¹⁵⁷⁷ Therefore, it is not clear if inspections are strategically targeted to focus on industries or sectors with a high incidence of child labor, such as agriculture, construction, and small-scale mining. In addition, MOL's Child Labor Inspection Office does not maintain data on employers sanctioned.¹⁵⁷⁸

The National Police and the Ministry of Justice are responsible for enforcing criminal laws relating to the trafficking and commercial sexual exploitation of children. The National Police's Specialized Department for Children and Adolescents (DINAPEN) has 500 police officers that specialize in offenses against children related to sexual exploitation, sex tourism, and trafficking.¹⁵⁷⁹ DINAPEN investigated 25 cases and detained 17 suspects in 2009. In addition, the Police have units dedicated to victim and witness protection in each province. Complaints of mistreated children, including those in the worst forms of child labor and forced labor, can be reported through hotlines, in person or in writing, by mail or email, to DINAPEN or other organizations such as the Ombudsman for Human Rights.¹⁵⁸⁰

During the reporting period, the Government trained police, prosecutors, teachers, and municipal authorities on trafficking and child labor issues and children's rights, as part of their ongoing efforts to combat human trafficking.¹⁵⁸¹

Although Ecuador's Code for Children and Adolescents outlines explicit limitations and

protections for children working in domestic service, research did not find that the Government has implemented mechanisms to ensure enforcement of these laws.

Government Policies on the Worst Forms of Child Labor

The Government has established the Plan for the Progressive Elimination of Child Labor (PETI). The plan, which runs through 2013, aims to eradicate child labor through a number of strategies, including the promotion of decent work for adults.¹⁵⁸²

The Government likewise has adopted a number of development plans that incorporate issues of child labor. In 2009, Ecuador adopted the National Plan for Good Living, which includes a 10-year National Plan of Action for the Comprehensive Protection of Children and Adolescents, and the Social Agenda for Children and Adolescents.¹⁵⁸³ The National Plan for Good Living, administered by the National Secretariat for Planning and Development (SENPLADES), seeks to guarantee human rights and justice and to provide social programs for children and adolescents. This plan establishes the policy framework for the eradication of the worst forms of child labor in Ecuador.¹⁵⁸⁴

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

The Government of Ecuador has participated in donor-funded projects over the past several years to combat the worst forms of child labor, including two USDOL-funded initiatives to provide educational and training opportunities to children working in the flower, banana, and mining sectors, as well as to children engaged in commercial sexual exploitation. These projects helped build the capacity of government and civil society organizations to address these issues. The projects also established child protection mechanisms in project intervention areas, enhanced labor authorities' capacity to enforce child labor laws, and successfully advocated for the adoption of a national policy to combat child labor.¹⁵⁸⁵

Under the PETI, the Government has identified areas of exploitative child labor and is providing assistance to victims.¹⁵⁸⁶ Specifically, the Government of Ecuador

has undertaken initiatives to combat child labor in landfills and begging. The Ministries of Labor and Education, the National Committee for the Progressive Eradication of Child Labor, and local NGOs have developed awareness-raising campaigns about the dangers children face while working in landfills. As a result, some municipalities have built fences and placed locks on gates to make landfills less accessible to children, in line with the goal of eliminating this form of child labor by the end of 2010, as purported under the National Program for the Eradication of Child Labor in Landfills.^{1587,1588} In 2009, MOL reported that over 2,000 children have received services under PETI and child labor in landfills has been eradicated in 49 of 60 districts.¹⁵⁸⁹

In 2006, the Government launched a program aimed at eliminating child begging. The Government also has programs to address commercial sexual exploitation and human trafficking of children. The Youth Foundation helps victims of commercial sexual exploitation and has assisted 69 victims since 2008.¹⁵⁹⁰ The National Institute for Childhood and Family (INFA) has a "Special Protection" unit to assist child victims of trafficking, sexual abuse, and the worst forms of child labor. INFA receives information from the police on children engaged in child labor and runs 43 centers to provide protective services to exploited and abused children.¹⁵⁹¹

The Government also funded the Pro-Child Program to assist at-risk families of working children and implemented a School Integration Plan. The plan coordinates social networks with local authorities and public and private entities to better protect children's rights.¹⁵⁹² According to the Government, in 2009, the program withdrew 455 child domestic workers through five provincial awareness-raising campaigns.¹⁵⁹³

Regional donor funded projects include a \$6.75 million four-year project to promote collaboration across four countries, Bolivia, Brazil, Ecuador, and Paraguay. The project combats the worst forms of child labor among socially excluded populations, including children of indigenous and Afro-descent. It began in 2009 and aims to withdraw 3,600 children from and prevent another 3,000 children from entering the worst forms of child labor through education interventions.¹⁵⁹⁴ The project is also conducting capacity building of government and civil society organizations, raising

awareness, and conducting research on the worst forms of child labor.¹⁵⁹⁵ In addition, Ecuador is participating in two projects funded by Brazil to combat child labor in Latin America and share good practices on child labor eradication. Ecuador is also participating in a \$3.3 million regional program to eradicate child labor funded by the Government of Spain.¹⁵⁹⁶

Though the Government has made progress in addressing some of the barriers that prevent poor

children from attending school, programs that provide meals and cash transfers do not reach all children working in or vulnerable to work in the worst forms of child labor. Further, evidence was not found that the Government has programs to specifically target children involved in street work, though research suggests that many child workers are operating in that sector.

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

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Implement mechanisms to ensure enforcement of laws protecting the rights of child domestic servants.
- Strengthen the labor inspection system and provide sufficient resources to ensure that inspectors have the dedicated vehicles and funds for fuel needed to conduct inspections.
- Ensure that child labor inspectors prioritize and strategically target sectors with a high incidence of child labor, such as agriculture and mining.
- Maintain and make publicly available disaggregated data on worst forms of child labor cases, such as information regarding: the sectors where violations have occurred; the employers who have been penalized; and penalties imposed on violators.

IN THE AREA OF PROGRAMS:

- Develop programs that serve children involved in street work.
- Expand the Ministry of Education's programs that provide meals and cash transfers to vulnerable children and their families, particularly those engaged in the worst forms of child labor.

¹⁵⁵⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2004. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

¹⁵⁵⁹ U.S. Embassy - Quito, *Reporting*, February 11, 2010. See also Fernando García, "La Problemática del Trabajo

Infantil en los Pueblos Indígenas del Ecuador," (March 27-28 2008); available from www.white.oit.org/pe/ipec/.../ec_estudio_preliminar_flacso_tii.pdf.

¹⁵⁶⁰ U.S. Embassy - Quito, *Reporting*, February 11, 2010.

¹⁵⁶¹ U.S. Department of State, "Ecuador," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136111.htm>.

¹⁵⁶² U.S. Department of State, *Ecuador*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>.

¹⁵⁶³ U.S. Department of State, "Country Reports- 2009: Ecuador."

¹⁵⁶⁴ Ibid.

¹⁵⁶⁵ U.S. Embassy - Quito, *reporting, February 11, 2010*

- ¹⁵⁶⁶ U.S. Department of State, “Country Reports- 2009: Ecuador.” See also U.S. Department of State, *Ecuador* Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/>.
- ¹⁵⁶⁷ U.S. Department of State, *Ecuador (Tier 2)*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>. See also U.S. Embassy- Quito, *reporting*, February 25, 2010. See also U.S. Embassy - Quito, *reporting, February 11, 2010*
- ¹⁵⁶⁸ Ibid. ILO, *National Legislation on Hazardous Work*, accessed June 9, 2010 2009; available from <http://www.cinterfor.org.uy/public/spanish/region/ampro/cinterfor/temas/youth/legisl/oit/tabla/index.htm>.
- ¹⁵⁶⁹ U.S. Embassy - Quito, *reporting, February 11, 2010* .
- ¹⁵⁷⁰ García, “La Problemática del Trabajo Infantil en los Pueblos Indígenas del Ecuador”, U.S. Department of State, “Ecuador,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136111.htm>.
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- ¹⁵⁷³ Ibid.
- ¹⁵⁷⁴ Government of Ecuador, *Constitución del Ecuador*, (September 28, 2008); available from http://www.asambleanacional.gov.ec/documentos/constitucion_de_bolsillo.pdf. See also U.S. Embassy - Quito, *reporting, February 11, 2010* , U.S. Department of State, “Country Reports- 2009: Ecuador.”
- ¹⁵⁷⁵ U.S. Embassy - Quito, *reporting, February 11, 2010*
- ¹⁵⁷⁶ Ibid.
- ¹⁵⁷⁷ Ibid.
- ¹⁵⁷⁸ Ibid.
- ¹⁵⁷⁹ Ibid.
- ¹⁵⁸⁰ U.S. Department of State, *Trafficking in Persons Report - 2010*. See also 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, 7-8.
- ¹⁵⁸¹ U.S. Embassy - Quito, *reporting, February 11, 2010*
- ¹⁵⁸² Ibid. See also National Committee for the Eradication of Child Labor, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil 2008-2013*, 2008; available from <http://white.oit.org.pe/ipec/documentos/planpetiecuador08.pdf>.
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- ¹⁵⁸⁶ Ibid.
- ¹⁵⁸⁷ Ibid.
- ¹⁵⁸⁸ Government of Ecuador, *Meta País: Ecuador Libre de Trabajo Infantil en Basurales*, Quito, 2010; available from www.mies.gov.ec/?option=com_content&view=article&id=1678:2010-meta-pais-ecuador-libre-de-trabajo-infantil-en-basurales-&catid=8:noticias&Itemid=28&fontstyle=f-larger.
- ¹⁵⁸⁹ ILO-IPEC, *IPEC E-mail communication*.
- ¹⁵⁹⁰ Ibid.
- ¹⁵⁹¹ Ibid.
- ¹⁵⁹² Fundación Telefónica, *Proniño and Working Children Programme (PMT)*, [Online] 2009 [cited June 9, 2010]; available from http://www.fundacion.telefonica.com/en/prensa/noticias/noticia.php?prog=pronino¬icia=30_10_2009_ecu.htm. See also Ministry of Labor Relations, *Proniño- Proyecto Erradicación del Trabajo Infantil Domestico* Government of Ecuador, December 17, 2009.
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- ¹⁵⁹⁴ ILO-IPEC, *Combating the Worst Forms of Child Labour through Horizontal Cooperation in South America*, project document, Geneva, September 2009.
- ¹⁵⁹⁵ Ibid.
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Egypt

The Government of Egypt has enhanced its enforcement mechanisms by establishing a special unit to combat child trafficking. However, significant gaps exist in the legal framework to protect children from the worst forms of child labor and children continue to work in agriculture and domestic service.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	6.7%
Attending School	6-14 yrs.	88.1%
Combining Work and School	7-14 yrs.	6.3%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children work in the worst forms of child labor,¹⁵⁹⁷ many in agriculture, where an estimated two-thirds of working children in Egypt are engaged.¹⁵⁹⁸ Children working in agriculture may work seasonally or year-round, and often rotate between various crops throughout the year.¹⁵⁹⁹ In particular, seasonal child labor is common in the pest control and harvesting of cotton crops.¹⁶⁰⁰ Children employed in agriculture are vulnerable to exposure to pesticides, long work hours in extreme temperatures, non-payment of wages, threats, and physical abuse.¹⁶⁰¹

Egyptian girls are exploited as domestic servants. Young girls, usually from rural areas, are sent to work for families, often in more urban areas. While data is not available on the number of child domestic workers across Egypt, qualitative studies find that it is common and has the potential to expose girls to physical, psychological, and sexual abuse.¹⁶⁰²

Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of bricks, glass and leather.¹⁶⁰³ Children are also engaged in the worst forms of child labor in dangerous industrial occupations such as fishing, blacksmithing, construction, carpentry, mechanical repair, and mining.¹⁶⁰⁴ In addition, children work in limestone quarrying where they risk serious injury or

death from rock cutting machines, respiratory ailments from limestone dust, and intense heat.¹⁶⁰⁵

Street children, estimated at between 200,000 and 1 million, are vulnerable to forced begging, prostitution, violence, and drug abuse.¹⁶⁰⁶ They survive by peddling, begging and working at temporary jobs in shops and workshops.¹⁶⁰⁷

Children face commercial sexual exploitation in Egypt. One pervasive form of child prostitution is the practice of temporary or “summer” marriage. Under this practice, Egyptian girls are briefly “married,” in exchange for payment to their parents and a marriage broker.¹⁶⁰⁸ Child sex tourism has been reported in Cairo, Alexandria, and Luxor.¹⁶⁰⁹

Egyptian children are trafficked internally, often to urban centers and tourism destinations. Street children are especially vulnerable to trafficking for forced begging or prostitution. Internal child trafficking also occurs for child temporary marriages, child sex tourism, domestic service, and agricultural labor.¹⁶¹⁰

Laws and Regulations on the Worst Forms of Child Labor






The amended child protection law, Law No. 126 of the Year 2008, sets the minimum age at 15 for regular employment, and at 13 for seasonal employment.¹⁶¹¹ However, the labor law, Law No. 12 of the Year 2003, allows children as young as 12 to work as apprentices.¹⁶¹² The labor law provides protections to working children including limitations on the number of hours and times of day a child can work, and mandates shift breaks. The lower minimum ages for seasonal employment and apprenticeship programs may put children at a higher risk for labor exploitation.

The labor law explicitly excludes domestic work and work in family businesses.¹⁶¹³ The labor law also excludes children working in agriculture.¹⁶¹⁴

Children under the age of 18 are barred from 44 hazardous occupations under the Ministry of Manpower and Migration's Decree 118.¹⁶¹⁵ These occupations include underground work in mines and quarries, welding, work in tanneries, work with pesticides, and lifting heavy objects.¹⁶¹⁶ However, many hazardous tasks that children perform are missing from this legislation. For instance, while children are prohibited from preparing or spraying pesticides, they are not prohibited from working in the crops just after pesticides have been applied. Decree 118 prohibits work for children younger than 17 that exposes them to physical, psychological, sexual exploitation, or chemical, biological, or mechanical dangers but does not define these terms.¹⁶¹⁷

The Child Law and Penal Code criminalize some worst forms of child labor, including trafficking and sexual exploitation.¹⁶¹⁸ A 2008 amendment to the civil status law sets the minimum age for marriage at 18 to prevent young girls from the sexual exploitation of temporary marriages.¹⁶¹⁹

The Constitution of Egypt guarantees the right of education, and the Child Law makes it compulsory at the primary and preparatory stages, for a total of nine years between the ages of 6 and 14.¹⁶²⁰ This standard may leave some 14-year-old children vulnerable to the worst forms of child labor, since they are old enough to leave school legally, but not to work. The Child Law prohibits employers from depriving children of their right to education.¹⁶²¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Ministry of State for Family and Population has a General Committee for Child Protection, which coordinates the Government's National Protection Program. This Committee is comprised of representatives from the Ministries of Justice, Interior, Education, and Health.¹⁶²² The National Protection Program includes a mandate to identify and monitor children at risk of exploitive labor.¹⁶²³ During the reporting period child protection committees were formed at the governorate level, with sub-committees at each circuit and police station.¹⁶²⁴ In addition, the Ministry of State for Family and Population has an office dedicated to combating child labor by implementing pilot programs and awareness raising campaigns.¹⁶²⁵

The Ministry of Manpower and Migration (MOMM) is responsible for enforcing child labor laws and regulations. Labor inspectors from the MOMM have the authority to inspect businesses, industrial facilities, and commercial agricultural enterprises for child labor legal compliance.¹⁶²⁶ Labor inspections are not legally permitted in private homes or non-commercial farms.¹⁶²⁷ This presents a serious potential gap in enforcement since the majority of working children are found on farms or in domestic service.

The MOMM established and began to pilot a central database to monitor child labor during the reporting period.¹⁶²⁸

The Ministry of the Interior and the Public Prosecutor's Office enforce laws and regulations prohibiting trafficking and commercial sexual exploitation of children. In late 2009, the Ministry of the Interior established a special unit to combat child trafficking.¹⁶²⁹ The Public Prosecutor's office provided training on forced child labor and trafficking for prosecutors working on cases involving children and created a handbook for prosecuting such cases.¹⁶³⁰ Enforcement data on child trafficking and the commercial sexual exploitation of children is not publicly available; however in 2009 the Government prosecuted two marriage registrars for facilitating temporary marriages of under-aged girls to foreign men.¹⁶³¹ There were 22 other marriage registrars who were arrested during the year and are reportedly under investigation. In May 2009, two men in Alexandria were convicted for luring eight street children into prostitution and were sentenced to prison.¹⁶³²

Government Policies on the Worst Forms of Child Labor

The Government of Egypt continues to implement the 2006 "First National Strategy for the Elimination of Child Labor." In 2009, MOMM formed a committee to develop a National Action Plan to combat the worst forms of child labor, with representation from the Government, trade unions, and employers.¹⁶³³ They have not yet drafted this National Action Plan.

In late 2009, MOMM and the ILO agreed to conduct a comprehensive survey of child labor in Egypt. The survey is being implemented by the Central Agency for Public Mobilization and Statistics, the government statistical agency.¹⁶³⁴ It will provide statistics on the nature and prevalence of child labor in Egypt to guide policies and programs to address the problem.

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

The Ministry of State for Family and Population has implemented pilot projects to withdraw children from hazardous child labor and increase family incomes.¹⁶³⁵ However, these programs are not sufficient to address the number of children in the worst forms of child labor, especially those working in agriculture and domestic service. The Ministry also launched awareness-raising campaigns in 2009 and 2010 to address the commercial sexual exploitation of young girls through temporary summer marriages in Lower Egypt.¹⁶³⁶

The Government is participating in a USDOL-funded 4-year project which provides educational and other social services to 10,300 children targeted to be withdrawn or prevented from exploitive labor primarily in the informal sector.

The National Council for Childhood and Motherhood (NCCM) created a 24-hour child labor hotline and implemented awareness-raising campaigns against the worst forms of child labor.¹⁶³⁷ NCCM's anti-trafficking unit is mandated to spread awareness about trafficking in Egypt and to provide services to child victims of forced child labor and trafficking.¹⁶³⁸ During the reporting period, NCCM opened a rehabilitation center for child victims of human trafficking.¹⁶³⁹

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend legislation to protect children involved in the worst forms of child labor in exempted areas such as seasonal labor, apprenticeships, domestic service, and agriculture.
- Amend the Child Law by increasing the age of compulsory education to 15.
- Amend Decree 118 to prohibit all children under the age of 18 from involvement in specific work activities that expose them to physical, psychological, or sex exploitation, or to physical, chemical, biological, or mechanical dangers; include specific hazardous tasks in agriculture and other sectors for which there is evidence of worst forms of child labor.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Create enforcement mechanisms to protect children employed as domestic servants, on family farms, and in the informal sector.
- Create monitoring and enforcement mechanisms to protect children younger than 15 who are working seasonally as agriculture laborers or in apprenticeship situations from dangerous or exploitative working conditions.

IN THE AREA OF PROGRAMS:

- Assess pilot programs addressing the worst forms of child labor with a view toward expanding those that are most successful and targeting children involved in agriculture and domestic service;
- Continue to raise awareness of employers, families, and labor inspectors on the hazardous occupations for children below the age of 18.

¹⁵⁹⁷ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported here, which may or may not include the worst forms of child labor. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

¹⁵⁹⁸ Leila Reem, "Child labour online," *Al-Ahram Weekly* (Cairo), July 09, 2008; available from <http://weekly.ahram.org.eg/2008/904/eg7.htm>. See also U.S. Embassy- Cairo, reporting, February 10, 2010, section 2A.1. See also U.S. Department of State, "Egypt," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136067.htm>.

¹⁵⁹⁹ Dan McDougall, "Working flat out - the child labour behind your Egyptian cotton sheets," *The Observer* (London), June 08, 2008; available from <http://www.guardian.co.uk/society/2008/jun/08/childprotection.humanrights>.

¹⁶⁰⁰ Ibid. See also Julia Simon, *Children keep Egypt's cotton spinning*, pursuant to Marketplace, July 07, 2010;

available from <http://marketplace.publicradio.org/display/web/2010/07/07/pm-children-keep-egypt-cotton-spinning/>. See also Gamal Nkrumah, "Picking on cotton," *Al-Ahram Weekly* (Cairo), July 16, 2008; available from <http://weekly.ahram.org.eg/2008/905/feature.htm>.

¹⁶⁰¹ U.S. Embassy- Cairo, reporting, February 10, 2010, section 2A.1. See also Nkrumah, "Picking on cotton." See also Environmental Justice Foundation (EJF), *The Deadly Chemicals in Cotton*, Environmental Justice Foundation in collaboration with Pesticide Action Network UK, London, UK, 2007; available from http://www.ejfoundation.org/pdf/the_deadly_chemicals_in_cotton.pdf.

¹⁶⁰² Agence France-Presse, "Study Highlights Egypt's 'invisible' child workers," *France 24* (Issy-les-Moulineaux, France), June 17, 2010; available from http://www.france24.com/en/20100617-study-highlights-egypts-invisible-child-workers?quicktabs_1=1. See also Yasmine M. Ahmed and Ray Jureidini, *An Exploratory Study on Child Domestic Workers in Egypt*, Terre des hommes, American University of Cairo Center for Migration and Refugee Studies, Cairo, June 2010, 7-11.

¹⁶⁰³ The Associated Press, "Egypt: child workers a growing problem as food prices rise," *International Herald Tribune*, April 3, 2008; available from <http://www.crin.org/resources/infoDetail.asp?ID=17211>. See also United Nations World Food Programme, *Rapid Assessment: Identification of Worst Forms of Child Labor in Beni Sweif, Assiut, Sohag and Red Sea*, May, 2007.

¹⁶⁰⁴ WFP, *Rapid Assessment: Identification of Worst Forms of*

Child Labor in Beni Sweif, Assiut, Sohag and Red Sea, May 2007, section V.A. See also Integrated Regional Information Networks (IRIN), “Egypt: Focus on child labour”, IRINnews.org, [online], June 28, 2010 [cited July 14, 2010]; available from <http://www.irinnews.org/Report.aspx?Reportid=89653>.

¹⁶⁰⁵ U.S. Embassy- Cairo, *reporting, February 10, 2010*, section 2A. See also Daily Star Egypt, “Children of the quarries,” *Daily News Egypt* (Cairo), April 10, 2006; available from <http://www.dailystaregypt.com/article.aspx?ArticleID=1153>.

¹⁶⁰⁶ U.S. Department of State, “Egypt “ in *Trafficking in Persons Report 10th Edition- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>. See also U.S. Department of State, “Country Reports- 2009: Egypt,” section 6.

¹⁶⁰⁷ Abt Enterprises LLC, *Rapid Situation Assessment of Street Children in Cairo and Alexandria*, UNICEF, 2001, section II.10-12; available from http://www.unicef.org/evaldatabase/files/EGY_2001_005.pdf.

¹⁶⁰⁸ Integrated Regional Information Networks (IRIN), “Egypt: Minors sold for prostitution under guise of marriage”, IRINnews.org, [online], November 16, 2006 [cited July 15, 2010]; available from <http://www.irinnews.org/report.aspx?reportid=61947>. See also Heba El-Sherif, “Ministry starts campaign against underage, summer marriages,” *Daily News Egypt* (Cairo), July 15, 2010; available from http://www.thedailynewsegypt.com/index.php?option=com_content&view=article&id=121050&catid=1&Itemid=183. See also Y. Admon and L. Azuri, *In Egypt and Saudi Arabia, Conflict Escalates over Child Bride Marriages*, The Middle East Media Research Institute, March 10, 2010; available from <http://www.freerepublic.com/focus/f-news/2469455/posts>. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Egypt.” See also U.S. Department of State, “Country Reports- 2009: Egypt,” section 6.

¹⁶⁰⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Egypt.”

¹⁶¹⁰ Ibid. See also U.S. Embassy- Cairo, *reporting, February 16, 2010*.

¹⁶¹¹ U.S. Embassy- Cairo, *reporting, February 10, 2010*, section 2B.1. See also Government of Egypt, *On Amending Provisions of the Child Law*, Law No. 126 of the Year 2008, (June 15, 2008), Article 3.

¹⁶¹² U.S. Embassy- Cairo, *reporting, February 10, 2010*, section 2B.1. See also Government of Egypt, *Labour Law*, Law No. 12 of the Year 2003, (April 07, 2003); available from <http://www.egypt.gov.eg/english/laws/labour/default.aspx> or <http://www.egypt.gov.eg/english/laws/pdf/Book2.pdf>. See also Government of Egypt, *Decree Concerning the Rules and Procedures Regulating Vocational Apprenticeship*, Decree No. 175 of 2003, (August 31, 2003), Article 8.

¹⁶¹³ Government of Egypt, *Labour Law of 2003*, Article 4.

¹⁶¹⁴ Ibid., Article 103.

¹⁶¹⁵ U.S. Embassy- Cairo, *reporting, February 10, 2010*, section 2B.1. See also 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, Ministry of Manpower and Migration Decree No. 118 of the Year 2003, (June 30, 2003).

¹⁶¹⁶ Government of Egypt, *Decree No. 118 of the Year 2003*.

¹⁶¹⁷ Ibid.

¹⁶¹⁸ U.S. Embassy- Cairo, *reporting, February 10, 2010*, section 2B.1. See also Government of Egypt, *Law No. 126 of the Year 2008*.

¹⁶¹⁹ Government of Egypt, *Law No. 126 of the Year 2008*, Article 5 (31-Bis).

¹⁶²⁰ Government of Egypt, *The Constitution of the Arab Republic of Egypt*, (May 22, 1980), Article 18; available from <http://aceproject.org/ero-en/regions/mideast/EG/Egyptian%20Constitution%20-%20english.pdf>.

¹⁶²¹ Government of Egypt, *Law No. 126 of the Year 2008*, Article Two (65-Bis).

¹⁶²² U.S. Embassy- Cairo, *reporting, February 10, 2010*, section I.1.

¹⁶²³ Ibid.

¹⁶²⁴ Government of Egypt, *Law No. 126 of the Year 2008*, Article (97). See also U.S. Embassy- Cairo, *reporting, February 10, 2010*, section I.1.

¹⁶²⁵ U.S. Embassy- Cairo, *reporting, February 10, 2010*, section I.1.

¹⁶²⁶ Ibid., section I.4-14.

¹⁶²⁷ Ibid.

¹⁶²⁸ ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (no. 138), Egypt (ratification: 1999)*, [online] 2010 [cited July 20, 2010]; available from <http://www.ilo.org/ilolex/gbe/ceacr2010.htm>.

¹⁶²⁹ U.S. Embassy- Cairo, *reporting, February 10, 2010*, section I.1.

¹⁶³⁰ U.S. Embassy- Cairo, *reporting, March 04, 2009*, section 2.B.

¹⁶³¹ U.S. Embassy- Cairo, *reporting, February 10, 2010*, section I.4-12. See also U.S. Embassy - Cairo, *reporting, February 10, 2009*, section I.4-12. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Egypt.” See also Y. Admon and Azuri, *In Egypt and Saudi Arabia, Conflict Escalates over Child Bride Marriages*. See also U.S. Department of State, “Country Reports- 2009: Egypt.”

¹⁶³² U.S. Embassy- Cairo, *reporting, February 10, 2010*, section I.4-12. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Egypt.”

¹⁶³³ U.S. Embassy- Cairo, *reporting, February 10, 2010*. See also WFP official, E-mail communication to USDOL official, August 8, 2010.

¹⁶³⁴ U.S. Embassy- Cairo, *reporting, February 10, 2010*.

¹⁶³⁵ Ibid.

¹⁶³⁶ El-Sherif, “Ministry starts campaign against underage, summer marriages.”

¹⁶³⁷ U.S. Embassy - Cairo, *reporting, February 10, 2009*.

¹⁶³⁸ U.S. Embassy- Cairo, *reporting, March 04, 2009*.

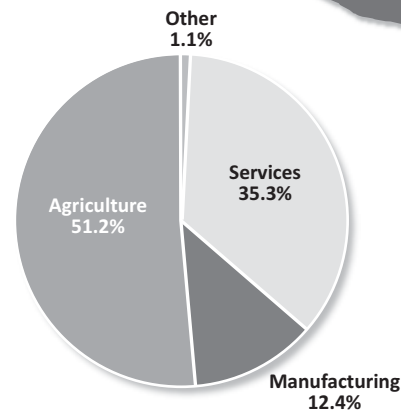
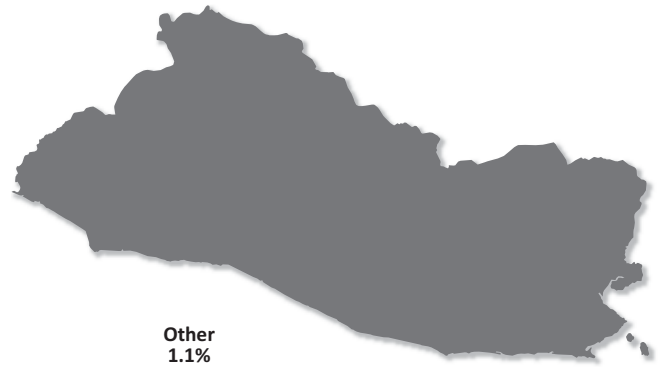
¹⁶³⁹ Ibid.

El Salvador

The Government of El Salvador strengthened its legal and policy frameworks to combat child labor, including by enacting the Law for the Protection of Children and Adolescents (LEPINA). It also developed a Roadmap to Make El Salvador Free of Child Labor and the Worst Forms of Child Labor. The worst forms of child labor continue to exist in agriculture, fishing, and domestic service.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	10.2%
Attending School	5-14 yrs.	80.4%
Combining Work and School	7-14 yrs.	10.2%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor,¹⁶⁴⁰ many of them in agriculture. Children who work in agriculture are exposed to the elements, toxic substances, long hours of work, and physical injuries; they often use machetes and sharp knives to perform their tasks.¹⁶⁴¹ According to the 2008 School Registration Census, more than 15,000 children in El Salvador harvest sugarcane and coffee. Children who work in sugarcane perform activities such as cutting, planting, picking, and carrying heavy loads.¹⁶⁴² The Census also estimates that more than 2,800 children are involved in fishing and mollusk harvesting. They fish for morralla (small fish) and lobster, and harvest oysters, freshwater snails, and shellfish.¹⁶⁴³ These children are exposed to polluted water, insects, skin diseases, physical injuries, and may work up to 13 hours, sometimes at night. They do not use oxygen tanks while diving.¹⁶⁴⁴

Children are also involved in dangerous labor in urban areas, where they produce fireworks and scavenge garbage, risking dismemberment, burns, and exposure to dangerous substances.¹⁶⁴⁵ Children work as domestic servants in third-party homes; more than 16,000 children are estimated to be engaged in domestic service.¹⁶⁴⁶ According to a recent study, 15 percent of domestic workers started work before

the age of 15. Children also work as street vendors, where they may be vulnerable to sexual abuse or street accidents.¹⁶⁴⁷

Children are also subjected to commercial sexual exploitation and trafficking. Many victims of commercial sexual exploitation are girls between ages 15 and 17.¹⁶⁴⁸ Children are trafficked internally and internationally, some for commercial sexual exploitation, with children from poor communities at greater risk.¹⁶⁴⁹

Children are also recruited into illegal gangs to perform illicit activities related to the arms and drug trade. There are reports that these children are recruited into gang activity while at school.¹⁶⁵⁰

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code and the Constitution set the minimum age for work at 14 and the minimum age for hazardous work at 18.¹⁶⁵¹ The Law for the Protection of Children and Adolescents (LEPINA) establishes 16 as the minimum age for domestic service.¹⁶⁵² However, the Labor Code specifies fines of less than \$60 for violations of labor laws, including child labor laws, a penalty which the ILO deems to be insufficient to act as a deterrent.¹⁶⁵³

The National Plan for the Eradication of the Worst Forms of Child Labor (2006-2009) lists sugarcane, fireworks, commercial sexual exploitation, fishing and mollusk extraction, garbage scavenging, domestic work, and the sale of illicit drugs as worst forms of child labor.¹⁶⁵⁴ However, this list does not address all the sectors in which children work under dangerous conditions, particularly in agriculture.¹⁶⁵⁵

The commercial sexual exploitation of children, including pornography, and human trafficking are prohibited under El Salvador's Penal Code.¹⁶⁵⁶

During the reporting period, the Government of El Salvador undertook a number of legislative initiatives to improve protection for children engaged in exploitative child labor. The Constitution was amended to increase the compulsory education age to 17. The Government approved the Law for the Protection of Children and Adolescents (LEPINA), which establishes the legal framework for the protection of children's rights, including protection from child labor and trafficking.¹⁶⁵⁷

The Penal Code established prison terms of 10 to 15 years for the recruitment of children into illegal armed groups and the use of children for illicit activities.¹⁶⁵⁸

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	17
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Committee for the Eradication of the Worst Forms of Child Labor coordinates efforts to combat child labor and is chaired by the Ministry of Labor and Social Welfare (MTPS). Twelve government agencies are part of this committee, along with representatives from labor union organizations, the private sector, and NGOs.¹⁶⁵⁹ The National Roundtable to Combat the Commercial Sexual Exploitation of Children coordinates efforts to address the sexual exploitation of children. It includes the Attorney General's Office, the National Civilian Police (PNC), and the Legislative Assembly.¹⁶⁶⁰ The National Committee against Human Trafficking directs efforts to combat trafficking in persons. It is led by the Ministry of Foreign Affairs and includes 12 other government agencies.¹⁶⁶¹

In 2009, LEPINA established the National Committee for Children and Adolescents (CNNA) to develop policies for the protection of the rights of children. CNNA includes the Ministries of Public Security and Justice, Finance, Health, Education, Labor and Social Welfare (MTPS), the Ombudsman, the Association of Municipalities (COMURES), and four representatives from civil society organizations.¹⁶⁶² The implementation of LEPINA has posed challenges for the Government. It realigns government agencies' existing roles and creates new institutional mechanisms that require human and material resources.¹⁶⁶³ LEPINA does not appoint a specific government agency to coordinate the CNNA, which could lead to a lack of coordination, accountability, and delays in decision-making. In addition, the CNNA does not include the Secretariats of Social Inclusion and Technical Secretariats, which coordinate government efforts to combat poverty and promote social inclusion.¹⁶⁶⁴

MTPS, the Attorney General's Office, and the PNC are responsible for investigating cases of child labor. MTPS has a four-person unit that monitors child labor and provides information to the labor inspections unit, which subsequently carries out investigations.¹⁶⁶⁵ MTPS has 159 labor inspectors who cover all types of labor violations. During the reporting period, MTPS performed more than 20,000 labor inspections, removed 107 children from exploitive child labor, and imposed 6 fines for child labor violations.¹⁶⁶⁶ However, it is not clear how many of the 20,000 labor inspections were related to child labor or how labor inspectors identified and removed children from working.

A 2009 ILO report on labor inspections in El Salvador states that the inspection process can entail multiple visits and require the Ministry of Economy and the Attorney General's Office to issue fines. As a result, penalizing violations can take up to six months.¹⁶⁶⁷

The Attorney General's Office and the PNC enforce criminal violations of the worst forms of child labor and investigate cases of commercial sexual exploitation and human trafficking.¹⁶⁶⁸ Both agencies have special units for trafficking, including child trafficking. The PNC assists victims of trafficking, and provides training to enforcement officials.¹⁶⁶⁹ The PNC also coordinates an emergency hotline that receives complaints about commercial sexual exploitation and human trafficking. Forty-seven complaints of child pornography were received from January 2007 through September 2009.¹⁶⁷⁰

During the reporting period, the Attorney General's Office set up a database to monitor cases of commercial sexual exploitation and human trafficking, including investigations, prosecutions, and convictions in cases of commercial sexual exploitation and human trafficking.¹⁶⁷¹ The Office investigated 72 cases of trafficking and prosecuted eight cases. Eight individuals were sentenced to between 4 and 8 years of prison.¹⁶⁷² The Government also trained 77 enforcement officers to respond to child pornography cases and the International Organization for Migration trained police officers to better identify cases of human trafficking through the emergency hotline.¹⁶⁷³ However, the UN Committee on the Rights of the Child has reported that law enforcement officials do not receive adequate training and resources to combat the commercial sexual exploitation of children, including child pornography.¹⁶⁷⁴

El Salvador gathers information on child labor through its National Household Survey.¹⁶⁷⁵ In 2004, the Ministry of Education also incorporated child labor into its annual school registration census, and in 2007, the Ministry of Health included child labor in its health cards; they allow the Government to identify children who work.¹⁶⁷⁶ However the Government has not yet conducted in-depth research on hard-to-reach populations such as children involved in commercial sexual exploitation or illegal activities.¹⁶⁷⁷

Government Policies on the Worst Forms of Child Labor

In November 2009, the Government of El Salvador adopted the Roadmap to Make El Salvador a Country Free of Child Labor and its Worst Forms (Roadmap),

establishing the policy framework to eliminate the worst forms of child labor by 2015 and child labor in general by 2020.¹⁶⁷⁸

To guide its anti-trafficking efforts, the Government established the National Policy to Combat Human Trafficking (2008-2012) and the Strategic Plan to Combat Human Trafficking (2008-2012).¹⁶⁷⁹

The Government included child labor in its National Decent Work Plan and the National Education Plan 2021.¹⁶⁸⁰ During the reporting period, the Government integrated child labor issues into the Policy for Inclusive Education (2009-2014) and the Social Education Plan (2009-2014), which seek to broaden access to education and promote social inclusion.¹⁶⁸¹

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

The Government carried out initiatives to combat child labor, including the commercial sexual exploitation of children and human trafficking, together with NGOs, international organizations, and the private sector.¹⁶⁸²

As part of the implementation of the National Plan for the Eradication of the Worst Forms of Child Labor (2006-2009) and the Strategy to Combat Commercial Sexual Exploitation (2006-2009), the Government conducted campaigns to prevent child labor and funded after-school programs for children who worked or were at risk of working. The Salvadoran Institute for the Full Development of Children and Adolescents (ISNA) provided social services to street children and children who were victims of commercial sexual exploitation and human trafficking.¹⁶⁸³ From January to September 2009, ISNA assisted more than 240 street children and 500 child victims of human trafficking. MTPS conducted awareness-raising campaigns to combat child labor. The Ministry of Agriculture and Livestock raised awareness of child labor among irrigation associations and trained adolescents in non-hazardous agricultural activities.¹⁶⁸⁴

The Government has participated in several initiatives funded by USDOL, including efforts to combat child labor in fireworks production and mollusk harvesting.¹⁶⁸⁵ In 2002, El Salvador was the first country in Latin America and the second in the world to launch a Timebound Program to eliminate child labor. This \$7.4 million, USDOL-funded program ended in September 2010, and it provided technical assistance to the Government in developing its legal and policy frameworks, rescued more than 48,000 children from exploitive labor, and raised awareness of child labor.¹⁶⁸⁶

Between 1999 and 2009, El Salvador also participated in three Central America regional projects with a total of \$20.5 million in funding from USDOL. The projects reduced child labor in coffee production, strengthened the capacity of the Government and civil society organizations to combat the commercial sexual exploitation of children and child trafficking, and enhanced regional cooperation, legislation, policies, and institutions to reduce child labor through the provision of educational services.¹⁶⁸⁷

During the reporting period, the Government participated in a \$8.4 million regional project to eradicate child labor in Latin America, funded by the Government of Spain. It partnered with the Spanish NGO Intervida to carry out a public campaign to combat child pornography.¹⁶⁸⁸

To combat poverty, the Government of El Salvador has implemented social protection programs since 2005, including a conditional cash-transfer program, known as Solidarity Communities. This program supplements household income and provides basic social services to vulnerable families in the poorest municipalities.¹⁶⁸⁹ As of July 2010, almost 100,600 families have benefited from the program; and 98 percent of the children whose families participate in the program are currently enrolled in school.¹⁶⁹⁰ In addition, in 2009 the Government approved an anti-crisis program that promotes job creation and establishes the Universal Social Protection System that includes the Solidarity Communities program, individual temporary income support, and vocational training programs aimed at youth and female head of households.¹⁶⁹¹ The question of whether these programs have an impact on the worst forms of child labor does not appear to have been addressed.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Increase fines for violations of child labor laws.
- Increase the minimum age for domestic service at 18.
- Develop a comprehensive list of hazardous occupations for children ages 15 to 17.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Develop mechanisms to coordinate activities and information between the National Committee for the Protection of Children and Adolescents (CNNA) and the National Committee for the Eradication of the Worst Forms of Child Labor.
- Implement the Law for the Protection of Children and Adolescents (LEPINA), including by-
 - Allocating adequate human and material resources in the national budget.
 - Providing technical assistance to government agencies so they can incorporate its provisions into their activities.
 - Bringing the Secretariats of Social Inclusion and Technical Secretariats into the National Committee for the Protection of Children and Adolescents.
- Systematically monitor child labor inspections, investigations, number of children rescued, social services offered, and sanctions for violations.
- Strengthen enforcement of child labor and other laws including by:
 - Simplifying the labor inspection process and the issuance of fines.
 - Giving police officers, and other officials, adequate tools, resources and training to combat commercial sexual exploitation of children.

IN THE AREA OF PROGRAMS:

- Continue to carry out research on child labor and conduct studies on children involved in commercial sexual exploitation, domestic service, and illegal activities.
- Assess the impact that existing anti-poverty programs may have on addressing the worst forms of child labor.

¹⁶⁴⁰ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2003. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

¹⁶⁴¹ Government of El Salvador, *Plan Nacional para la Erradicación de las Peores Formas de Trabajo Infantil 2006-2009* Comité Nacional para la Erradicación de las Peores Formas de Trabajo Infantil, March 2006, 15; available from http://www.oit.org.pe/ipecc/documentos/plan_nacional_es.pdf. See also ILO-IPEC, *Condiciones y medio ambiente del trabajo infantil en el cultivo de la Caña de Azúcar en El Salvador*, 2007, 29-32, 44; available from http://white.oit.org.pe/ipecc/documentos/condiciones_ti_cana_sv.pdf.

¹⁶⁴² ILO-IPEC, *Síntesis: Diagnóstico de Situación del Trabajo Infantil y sus Peores Formas en El Salvador* June 2009, 12; available from <http://www.ilo.org/ipeccinfo/product/download.do?type=document&id=11836>. See also ILO-IPEC, *Condiciones y medio ambiente del trabajo infantil en el cultivo de la Caña de Azúcar en El Salvador*, 29-32, 44. See also Government of El Salvador, *Plan Nacional para la Erradicación de las Peores Formas de Trabajo Infantil 2006-2009* 32.

¹⁶⁴³ ILO-IPEC, *Condiciones y medio ambiente del trabajo infantil en la pesca en El Salvador* 2007 24-33; available from http://white.oit.org.pe/ipecc/documentos/condiciones_trabajo_infantil_en_pesca_sv.pdf.

¹⁶⁴⁴ Ibid.

¹⁶⁴⁵ ILO-IPEC, *Diagnóstico de Situación del Trabajo Infantil y sus Peores Formas en El Salvador* 14. See also ILO-IPEC, *Combating Child Labour in the Firework Industry of El Salvador* Final Evaluation, Geneva, August, 2004, 49. See also EFE, *Buscar en las basuras, el pan de cada día en El Salvador* (September 10, 2010), Video.

¹⁶⁴⁶ ILO-IPEC, *Diagnóstico de Situación del Trabajo Infantil y sus Peores Formas en El Salvador* 14. See also U.S. Embassy- San Salvador, *reporting*, February 8, 2010

¹⁶⁴⁷ Council of Ministers for Women of the Central American Integration System (COMMCA / SICA), *La Institucionalización Sociocultural y Jurídica de la*

Desigualdad: El Trabajo Doméstico Remunerado en El Salvador March 2010; available from www.sica.int/busqueda/busqueda_archivo.aspx?Archivo=libr_48057... See also Vanessa Nochez and Argentina Estrada, "Trabajo Infantil: Una Historia de Diario," *Diario Co Latino* (San Salvador), June 12, 2009; available from <http://www.diariocolatino.com/es/20090612/nacionales/67861/>.

¹⁶⁴⁸ ILO-IPEC, *Línea de Base sobre Explotación Sexual Comercial de Niñas, Niños y Adolescentes en el Municipio de San Salvador 2004, 2006*, 11, 53-54, 58; available from <http://white.oit.org.pe/ipecc/documentos/lbexplotacinsexualcomercialelsalvador.pdf>.

¹⁶⁴⁹ Ibid., 53. See also ILO-IPEC, *Diagnóstico de Situación del Trabajo Infantil y sus Peores Formas en El Salvador* 12. See also Fernando Romero, "El Salvador Busca Erradicar el Trabajo Infantil Femenino" *La Prensa Gráfica* (San Salvador), June 12, 2009; available from <http://www.laprensagrafica.com/el-salvador/social/39005-el-salvador-busca-erradicar-el-trabajo-infantil-femenino.html>. See also U.S. Department of State, "El Salvador," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136112.htm>. See also U.S. Embassy- San Salvador, *reporting*, February 19, 2010.

¹⁶⁵⁰ "Maras Reclutan en Centros Educativos," *El Diario de Hoy* March 2, 2010; available from http://www.elsalvador.com/mwedh/nota/nota_completa.asp?idCat=6342&idArt=4569633. See also Eric Lemus, "El Salvador: Gangs Recruiting Younger and Younger Members," *Inter Press Service* 2008; available from <http://ipsnews.net/news.asp?idnews=41779>. See also ILO Committee of Experts, "Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 No. 182 El Salvador (ratification 2000) Submitted: 2007," (2007); available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

¹⁶⁵¹ Government of El Salvador, *Constitution of the Republic of El Salvador (with reforms until 2009)*, (1983), article 38; available from http://www.asamblea.gob.sv/Animaciones/Constitucion_Republica_de_El_Salvador_FP2.swf. See also Government of El Salvador, *Código de Trabajo (with modifications until 2009)*, (June 23, 1972), articles 104-109, 114-117; available from <http://www.csj.gob.sv/leyes.nsf/ed400a03431a688906256a84005aec75/46004eae5770911c06256d05005d7c3f?OpenDocument>.

¹⁶⁵² Government of El Salvador, *Código Penal (with modifications until April 2010)*, (June 15, 1974), 169-173-A, 367-367-C; available from <http://www.csj.gob.sv/leyes.nsf/ed400a03431a688906256a84005aec75/29961fcd8682863406256d02005a3cd4>. See also Government of El Salvador, *Ley de Protección Integral de la Niñez y la Adolescencia*, 2009, article 64; available from http://www.oei.es/pdf2/ley_ninez_el_salvador.pdf.

- ¹⁶⁵³ ILO, *Memorando técnico: Diagnóstico de la situación de la inspección del trabajo en El Salvador*, Labor Administration and Inspection Programme, 2009, 15; available from http://www.ilo.org/labadmin/what/pubs/lang-en/docName--WCMS_119250/index.htm.
- ¹⁶⁵⁴ Government of El Salvador, *Plan Nacional para la Erradicación de las Peores Formas de Trabajo Infantil 2006-2009* 32.
- ¹⁶⁵⁵ Ibid. See also ILO-IPEC, *Diagnóstico de Situación del Trabajo Infantil y sus Peores Formas en El Salvador* 12.
- ¹⁶⁵⁶ Government of El Salvador, *Código Penal (with modifications until April 2010)*, 169-173-A, 367-367-C.
- ¹⁶⁵⁷ Government of El Salvador, *Ley de Protección Integral de la Niñez y la Adolescencia*, 103-118.
- ¹⁶⁵⁸ Government of El Salvador, *Constitution*, 56. See also Government of El Salvador, *Código Penal (with modifications until April 2010)*, 354.
- ¹⁶⁵⁹ Government of El Salvador, *Plan Nacional para la Erradicación de las Peores Formas de Trabajo Infantil 2006-2009* 17, 94.
- ¹⁶⁶⁰ Ibid., 75-76. 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). See also 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.
- ¹⁶⁶¹ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: El Salvador*, July 2009, 84; available from <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.SLV.4.doc>.
- ¹⁶⁶² Government of El Salvador, *Ley de Protección Integral de la Niñez y la Adolescencia*, article 138.
- ¹⁶⁶³ UN Committee of the Rights of the Child, *Concluding observations: El Salvador*, January 11-29, 2010, para 12; available from <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-OPSC-SLV-CO1.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: El Salvador*, January 2010, paras 11-12; available from <http://www2.ohchr.org/english/bodies/crc/docs/COBs%20CRC%20EI%20Salvador.doc>.
- ¹⁶⁶⁴ Government of El Salvador, *Ley de Protección Integral de la Niñez y la Adolescencia*, articles 138 and 141.
- ¹⁶⁶⁵ U.S. Department of State, “Country Reports- 2009: El Salvador.” See also U.S. Embassy- San Salvador, *reporting, February 8, 2010*. See also Government of El Salvador, *Unidad Erradicación de las Peores Formas del Trabajo Infantil*, [online] [cited January 21, 2010]; available from <http://trabajoinfantil.mtps.gob.sv/default.asp?id=3&mnu=3>.
- ¹⁶⁶⁶ ILO, *Verification Report on the Implementation of the White Paper Recommendations (Period August 2009 - January 2010)*, 2010, 174. See U.S. Embassy- San Salvador, *reporting, February 8, 2010*.
- ¹⁶⁶⁷ ILO, *Diagnóstico de la situación de la inspección del trabajo en El Salvador*, 10-11, 15, 19, 20, 24.
- ¹⁶⁶⁸ Government of El Salvador, *Cuestionario sobre las Peores Formas del Trabajo Infantil*, 2009. See also Government of El Salvador, *Informe Adicional y Actualizado de la República de el Salvador para el Comité sobre los Derechos del Niño. Convención sobre los Derechos del Niño*, November 2009, 44.
- ¹⁶⁶⁹ Government of El Salvador, *Informe Adicional y Actualizado de la República de el Salvador para el Comité sobre los Derechos del Niño*, 44. See also Government of El Salvador, *Informe Adicional y Actualizado de la República de el Salvador para el Comité sobre los Derechos del Niño*. See also National Police, *Sistema 911*, [[cited August 25, 2010].
- ¹⁶⁷⁰ Government of El Salvador, *Informe Adicional y Actualizado de la República de el Salvador para el Comité sobre los Derechos del Niño*, 43.
- ¹⁶⁷¹ U.S. Embassy- San Salvador, *reporting, February 19, 2010*. See also ILO-IPEC, *Diagnóstico de Situación del Trabajo Infantil y sus Peores Formas en El Salvador* 33. See also Government of El Salvador, *Informe Adicional y Actualizado de la República de el Salvador para el Comité sobre los Derechos del Niño*, 41, 43-45.
- ¹⁶⁷² U.S. Embassy- San Salvador, *reporting, February 8, 2010*.
- ¹⁶⁷³ Government of El Salvador, *Plan Estratégico 2008-2012*, December 2008, 7-8; available from http://www.mspas.gob.sv/comunicaciones/trata_personas/pdf/plan_estrategico.pdf. See also U.S. Embassy- San Salvador, *reporting, February 8, 2010*. See also U.S. Embassy- San Salvador, *reporting, February 19, 2010*.
- ¹⁶⁷⁴ UN Committee on the Rights of the Child, *Consideration of reports submitted by States parties under Article 12(1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Concluding Observations: El Salvador*, January 11-29, 2010, paras 8, 14-16, 25-28; available from <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-OPSC-SLV-CO1.pdf>.
- ¹⁶⁷⁵ UN Committee on the Rights of the Child, *Consideration of Reports (July 2009)*, para 359. See also Government of El Salvador, *Plan Nacional para la Erradicación de las Peores Formas de Trabajo Infantil 2006-2009* 18. See also ILO-

IPEC, *Diagnóstico de Situación del Trabajo Infantil y sus Peores Formas en El Salvador* 21.

¹⁶⁷⁶ Government of El Salvador, *Plan Nacional para la Erradicación de las Peores Formas de Trabajo Infantil 2006-2009*. See also ILO-IPEC, *Supporting the Time-bound Programme for the Elimination of the Worst Forms of Child Labour in El Salvador- Phase II*, Technical Progress Report, March 31 2010. See also ILO-IPEC, *Diagnóstico de Situación El Salvador*, 2009, 9, 14; available from http://white.oit.org.pe/ipecc/documentos/el_salvador_hoja_de_ruta_diagnostico_final.pdf,

¹⁶⁷⁷ ILO-IPEC, *Diagnóstico de Situación del Trabajo Infantil y sus Peores Formas en El Salvador* 15, 35.

¹⁶⁷⁸ ILO-IPEC, *Hoja de Ruta para hacer de El Salvador un País Libre de Trabajo Infantil y sus Peores Formas*, 2009, 14-15, 27-35; available from <http://white.oit.org.pe/ipecc/pagina.php?pagina=337>.

¹⁶⁷⁹ Government of El Salvador, *Política Nacional para la Erradicación de la Trata de Personas en El Salvador* May 2008, 13; available from http://www.mspas.gob.sv/comunicaciones/trata_personas/pdf/politica_nacional.pdf. See also Government of El Salvador, *Plan Estratégico 2008-2012*, 12-16. See also ILO-IPEC, *Diagnóstico de Situación del Trabajo Infantil y sus Peores Formas en El Salvador* 12.

¹⁶⁸⁰ Government of El Salvador, “Programa Nacional de Trabajo Decente de El Salvador (2008-2011),” (2007), 11-12; available from http://portal.oit.or.cr/dmdocuments/PNTD/acta_pntd_elsalvador.pdf. See also ILO-IPEC, *Diagnóstico de Situación del Trabajo Infantil y sus Peores Formas en El Salvador* 12.

¹⁶⁸¹ Government of El Salvador, *Política de Educación Inclusiva: Para todas y todos*, 2009, 5, 22. See also Government of El Salvador, *Programa Social Educativo 2009-2014 “Vamos a la Escuela”*, 2009, 75, 87-88.

¹⁶⁸² Government of El Salvador, *Informe Adicional y Actualizado de la República de El Salvador para el Comité sobre los Derechos del Niño*, 51. See also Oscar Martínez, “Firman convenio para prevenir trata de personas,” (February 3, 2010); available from <http://www.diariocolatino.com/es/20100203/nacionales/76429/>. See also Government of El Salvador, *Informe Adicional y Actualizado de la República de El Salvador para el Comité sobre los Derechos del Niño*, 51.

¹⁶⁸³ ILO-IPEC, *El Salvador TBP (II)*, Technical Progress Report.

¹⁶⁸⁴ Government of El Salvador, *Informe Adicional y Actualizado de la República de El Salvador para el Comité sobre los Derechos del Niño*, 22, 41, 47.

¹⁶⁸⁵ ILO-IPEC, *Combating Child Labour in the Firework Industry of El Salvador* 1, 10-13. See also ILO-IPEC, *Progressive eradication of high risk child labor in shellfish harvesting in the Isle of Espiritu Santo, Puerto El Triunfo, Department of Usulután, El Salvador*, Final Report, Geneva, March 16, 2001.

¹⁶⁸⁶ ILO-IPEC, *El Salvador TBP (II)*, Technical Progress Report, 30. 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 6, 2007, 18.

¹⁶⁸⁷ 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*, Final Evaluation, Geneva, April 2009, 31, 32-34. See also ILO-IPEC, *Sub-regional Project for the Progressive Elimination of Child Labor in the Coffee Sector in Central America and the Dominican Republic*, Final Evaluation, 2003. See also CARE International, *Primero Aprendo Project: Combating Exploitive Child Labor through Education in Central America and the Dominican Republic*, Final Technical Progress Report, Managua, March 31, 2009, 2.

¹⁶⁸⁸ ILO-IPEC Geneva official, E-mail communication to USDOL official, September 1, 2010. See also Intervida, *La Pornografía Infantil no es un Juego, es un Delito. Denúnciala al 911*, 2009; available from <http://www.isna.gob.sv/Noticias%20Ultima%20hora/Reglas%20de%20ORO.pdf>.

¹⁶⁸⁹ Government of El Salvador, *Plan Nacional para la Erradicación de las Peores Formas de Trabajo Infantil 2006-2009* 16-17. See also Government of El Salvador, *Sistema Universal de Protección Social*, [online] 2009 [cited June 14 2010]; available from <http://www.fisd.gov.sv/institucion/marco-institucional/historia.html?start=4>.

¹⁶⁹⁰ Government of El Salvador, *Comunidades Solidarias: Resultados e impactos*, 2010; available from <http://www.fisd.gov.sv/novedades/ciudadano/2155-comunidades-solidarias-resultados-e-impactos.html>.

¹⁶⁹¹ Government of El Salvador, *Plan Global Anti-Crisis*, 2009; available from [http://www.elsalvador.org/embajadas/eeuu/home.nsf/0/3fb68e35223cc2e8525761d0052b424/\\$FILE/Plan%20Global%20Anti-Crisis.pdf](http://www.elsalvador.org/embajadas/eeuu/home.nsf/0/3fb68e35223cc2e8525761d0052b424/$FILE/Plan%20Global%20Anti-Crisis.pdf). See also Government of El Salvador, *Sistema Universal de Protección Social*.

Equatorial Guinea

The Government of Equatorial Guinea enacted new legislation to combat the worst forms of child labor. However, significant gaps in its monitoring and enforcement capacity remain. Worst forms of child labor still persist in domestic service and in the informal sectors of the urban economy.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Equatorial Guinea are exploited in the worst forms of child labor,¹⁶⁹² many of them in forced domestic service.¹⁶⁹³ Child domestic labor may involve long hours of work and expose children to physical and sexual exploitation by their employers. Children are also employed in street vending and vending in the local markets,¹⁶⁹⁴ where they may be exposed to a variety of hazards, including severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Equatorial Guinea is a destination for children trafficked for the purpose of forced labor and perhaps for sexual exploitation from Nigeria, Benin, Cameroon, and Benin. These children are often exploited in domestic servitude, market labor, and street vending.¹⁶⁹⁵ There is evidence that children are also brought from rural areas of the country and used for domestic labor.¹⁶⁹⁶ It is unclear how much trafficking persists, but increased border security has made the trafficking of persons more difficult and government officials believe that instances of child sexual exploitation have become nearly non-existent.

Laws and Regulations on the Worst Forms of Child Labor






The General Labor Code sets the minimum age for employment at 14.¹⁶⁹⁷ Children below the age of 16 are prohibited from employment in conditions that may result in a danger to their health, security, or morality. Ministerial Order 4/2005 bans all children under age 17 from being on the streets after 11 p.m. and from specific forms of child labor.¹⁶⁹⁸ The decree forbids parents or tutors from exploiting children for labor, such as street vending, car washing, or working in bars or restaurants.

Forced or compulsory child labor is forbidden by the General Labor Ordinances.¹⁶⁹⁹ The specific language of the law, however, has been the object of comments from the ILO Committee on Experts.¹⁷⁰⁰ The law states that the freedom of labor shall be subject to no restrictions other than “normal civic obligations and minor communal services.” These normal obligations and minor services are not distinctly enumerated in the relevant or available legislation.

Law 1/2004 prohibits trafficking in persons and punishes parental child abuse and child labor.¹⁷⁰¹ Article 4 of the law states that parental child abuse is “the use of boys or girls by their relatives for street trading or other jobs during school times or at night”; this is punishable with a 1-month to 1-year prison

sentence and fines ranging from approximately \$100 to \$1,000. Article 5 states that employing children, whether self-employed or as direct employees, is a crime punishable with a 1-year prison sentence and a fine not exceeding approximately \$500.

In 2009 the Government of Equatorial Guinea passed legislation that strengthened the procedures in the Ministry of Justice to combat child labor.¹⁷⁰² This law, The Judiciary Act No. 5/2009, strengthens both the composition and powers of juvenile courts.¹⁷⁰³ It also aims to improve coordination between organizations to identify areas of exploitation, take measures to eliminate such problems and prosecute violators.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	16
	Compulsory Education Age	13
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

There is no single institution in Equatorial Guinea that has the responsibility for monitoring the worst forms of child labor or coordinating efforts to combat it.

The Ministry of Labor monitors legislation and the implications of children in the workforce and the Ministry of Works and Social Security monitors the streets, marketplaces, and businesses for occurrences of child labor. Within the Ministry of National Security, police, gendarmes, and border guards enforce

child labor laws. Despite the efforts of government officials and police, who patrol the streets and markets, children are still employed in market vending in the cities of Bata and Malabo. The Ministry of Justice is responsible for the prosecution and imprisonment of those who violate the law. However, the Ministry of Justice reported no cases of child labor in 2009 and there is no information on the number of labor inspectors or child labor investigations conducted.¹⁷⁰⁴

There has been an increase in training activities meant to improve the ability of ministries, agencies, and officials to recognize, gather, and treat the victims of child labor.¹⁷⁰⁵ The lack of coordination of efforts, the absence of record keeping regarding prosecution and convictions, and the lack of statistics on the instances of child labor make it difficult to verify that progress is being made.¹⁷⁰⁶

Government Policies on the Worst Forms of Child Labor

Equatorial Guinea has not established a policy framework for the elimination of the worst forms of child labor.

The Government has created a new position of Third Deputy Prime Minister in Charge of Social Affairs and Human Rights, under whose direction a plan was developed to provide training on trafficking issues to key government personnel in 2010.¹⁷⁰⁷ This action was taken in response to a 2009 visit from the International Office of Migration that identified a lack of services for trafficked persons.

Policies concerning the trafficking of children for exploitive labor were strengthened during the reporting period by the adoption of the Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa under ECOWAS. This agreement explicitly targets, among others, victims of exploitive labor and hazardous child labor. Likewise, the inclusion of begging as a possible purpose of trafficking within the policy reflects the regional need to combat this growing problem.¹⁷⁰⁸ The agreement builds on the framework developed under 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 (2006).

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

The Government of Equatorial Guinea neither implemented any programs in 2009 specifically intended to address the worst forms of child labor nor did they specifically incorporate the issue into any poverty reduction, education, or social programs.¹⁷⁰⁹

The Ministry of Social Affairs is responsible for providing care to destitute children, including trafficking victims. They make efforts, through the use of conciliation delegates, to educate families about the dangers of child labor; although, this is not their primary responsibility, which is to assist victims of abuse.¹⁷¹⁰

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

IN THE AREA OF LAWS AND REGULATIONS:

- Enact legislation and policies to protect children exploited as domestic servants or in street work.
- Take steps to increase the dissemination and general awareness of laws pertaining to child labor, forced or compulsory labor, and trafficking.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Develop an integrated inter-agency approach to monitoring and enforcement of child labor and trafficking laws by designating an agency that is charged with the coordination of monitoring efforts.
- Improve record-keeping in regards to complaints and cases of child labor.

IN THE AREA OF POLICIES:

- Develop a comprehensive policy for addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Provide better training for those employed by the Ministry of Social Affairs to provide services to child laborers and their families.
- Develop and implement social programs to address the worst forms of child labor, particularly in domestic service and street work.

¹⁶⁹² Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

¹⁶⁹³ European Union Fund for Development official, Interview with USDOL consultant, May 22, 2007.

¹⁶⁹⁴ U.S. Embassy- Malabo, *reporting*, February 2, 2010.

¹⁶⁹⁵ *Ibid.*

¹⁶⁹⁶ *Ibid.* See also U.S. Embassy- Malabo, *reporting*, February 22, 2010.

¹⁶⁹⁷ Government of Equatorial Guinea, *Ordenamiento General del Trabajo*, 2/1990, (January 4, 1990).

¹⁶⁹⁸ 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.

¹⁶⁹⁹ Government of Equatorial Guinea, *Ordenamiento General del Trabajo*, article 3.

¹⁷⁰⁰ ILO Committee of Experts, *Individual Direct Request concerning Forced Labour Convention, 1930 (No. 29) Equatorial Guinea (ratification: 2001)*, [online] 2010; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23906&chapter=9&query=Equatorial+Guinea%40ref&highlight=&querytype=bool&context=0>.

¹⁷⁰¹ Government of Equatorial Guinea, *Sobre el Tráfico Ilícito de Migrantes y la Trata de Personas*, 1/2004, (September 14, 2004), article 3. See also U.S. Embassy-Malabo, reporting, February 22, 2010.

¹⁷⁰² U.S. Embassy- Malabo, reporting, February 2, 2010.

¹⁷⁰³ Child Rights Information Network, *Child Rights References in the Universal Periodic Review*, December 9, 2009; available from <http://www.crin.org/docs/Equatorial%20Guinea.pdf>.

¹⁷⁰⁴ U.S. Embassy- Malabo, reporting, February 2, 2010.

¹⁷⁰⁵ Ibid.

¹⁷⁰⁶ Ibid.

¹⁷⁰⁷ Ibid.

¹⁷⁰⁸ ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006.

¹⁷⁰⁹ U.S. Embassy- Malabo, reporting, February 2, 2010.

¹⁷¹⁰ U.S. Department of State, "Equatorial Guinea," in *Trafficking in Persons Report - 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>.

Eritrea

The Government of Eritrea supported programs intended to reduce the worst forms of child labor, such as providing services to street children; however, these were not adequate to address the scope of Eritrea's child labor problem and omitted the numerous children working in agriculture and domestic service. The Government forcibly recruits children during the school break to plant trees, pick cotton, and work as domestic servants.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor¹⁷¹¹

Children are exploited in the worst forms of child labor in Eritrea, many of them in agriculture. Children in rural areas of Eritrea work on farms producing corn, wheat, sorghum, and other grains, and in fields gathering firewood, hauling water, and herding livestock. Children's work in agriculture commonly involves use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides.¹⁷¹² Children are also engaged in domestic labor where they may face long hours of work and exposure to physical and sexual exploitation by their employers.¹⁷¹³

In urban areas, children repair vehicles and work on the streets as vendors.¹⁷¹⁴ Children also work in garages and workshops making household utensils and furniture.¹⁷¹⁵ In Asmara, some children engage in commercial sexual exploitation and street begging. Children working on the streets are exposed to a variety of dangers, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.¹⁷¹⁶

The Government of Eritrea imposes compulsory labor on secondary-level schoolchildren. Children in the ninth grade and above are forced to work for 2 months

during the school break for a national program called Mahtot. They are required to work on farms, provide domestic service, plant trees, and pick cotton.¹⁷¹⁷


In addition, the Government requires all secondary school students to complete their final, 12th year of schooling and military training at the Sawa Military Training Camp in remote western Eritrea in order to graduate.¹⁷¹⁸ Students who do not attend are not eligible to take their final examinations or to graduate.¹⁷¹⁹ Young persons are required to register for military service by the age of 17. Students who avoid military service are often victims of torture and poor treatment.¹⁷²⁰ Some students may be under the age of 18 while attending Sawa. Since children may leave school at age 13, they may receive military training at this age.¹⁷²¹ After the 6 months of compulsory military training, national service conscripts, who may be under age 18, are either drafted into the military, deployed to work in mines and on agriculture and construction projects, or assigned to a technical college for further training.¹⁷²²

Eritrea is a country of origin for children trafficked for forced labor, including commercial sexual exploitation.¹⁷²³ In rare instances, children are trafficked to the Middle East to serve as camel jockeys.¹⁷²⁴

Laws and Regulations on the Worst Forms of Child Labor

The Labor Proclamation sets the minimum age for employment at 14 and the minimum age for hazardous work at 18. Under this law, hazardous work includes transporting goods and passengers, heavy lifting, working with toxic chemicals and dangerous machines, and working underground, such as in mines, quarries, sewers, and tunnel digging.¹⁷²⁵ However, the Labor Proclamation does not include penalties for employers of children in hazardous work or children under the minimum age.¹⁷²⁶

In addition, children in apprenticeships may engage in hazardous work if supervised by a competent authority. This includes dangerous and health-threatening tasks such as working in mines, quarries, and sewers. It is unclear at what age a child may become an apprentice.¹⁷²⁷

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	13
	Free Public Education	No

Slavery, servitude, and forced labor are prohibited by the Constitution.¹⁷²⁸ The Penal Code prohibits and provides penalties for trafficking in persons for sexual

exploitation, child rape, and child prostitution.¹⁷²⁹ There is no legislation to prohibit trafficking for labor exploitation.¹⁷³⁰ Children under 18 are prohibited from being recruited into the armed forces by Proclamation 11/1991.¹⁷³¹ However, children under age 18 may receive military training.

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Eritrea has established a coordinating mechanism to combat the worst forms of child labor.¹⁷³²

The Ministry of Labor and Human Welfare is the primary federal agency designated to enforce child labor laws, including criminal violations of the worst forms of child labor, such as trafficking. Information on inspectors and complaint mechanisms was unavailable.¹⁷³³

During the reporting period, the Eritrean Government prosecuted persons for human trafficking, although it is unknown how many were prosecuted and whether the victims were children.¹⁷³⁴ Information was not available on other investigations, prosecutions, or convictions for other worst forms of child labor.

Government Policies on the Worst Forms of Child Labor

The National Plan of Action on Child Labor and National Program of Action on Children are the primary government instruments to prevent and eliminate child labor in Eritrea. These policies aim to prevent child labor and rehabilitate children by reintegrating them with families, communities, and schools.¹⁷³⁵

Child labor concerns are also mainstreamed into the Education Sectoral Development Plan and the UN Development Assistance Framework. However, these two development policies do not have budgets, detailed action plans, or targets related to the worst forms of child labor, and they do not appear to have been implemented to any significant degree.¹⁷³⁶

In addition, the Government's compulsory labor and military training requirements for schoolchildren may diminish the impact of Eritrea's policies to combat the worst forms of child labor.¹⁷³⁷ Further, the Government has not provided information during the reporting period that it collects information on the worst forms of child labor, limiting their ability to inform policy.¹⁷³⁸

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

In the past, the Government supported child-centered social programs aimed to assist street children or reintegrate orphaned children with their extended families.¹⁷³⁹ In 2009, the Government, through its partnership with UNICEF, provided 4,426 street children with educational materials and cash subsidies to cover the cost of uniforms.¹⁷⁴⁰

Current efforts to eliminate the worst forms of child labor also focus on anti-trafficking interventions. For instance, during the reporting period the Government conducted awareness-raising campaigns on human trafficking and participated in the Regional Program for Eastern Africa (2009-2012) to counter the trafficking of children.¹⁷⁴¹ Eritrea also sponsored numerous youth and worker unions' anti-trafficking in persons education outreach programs.¹⁷⁴² Other efforts to combat the worst forms of child labor include the Government's program to identify children engaged in commercial sexual exploitation and reintegrate them with their families.¹⁷⁴³

Despite the initiatives described here, Eritrea's social programs are limited in scope and do not protect self-employed children or target areas where the majority of children work, such as agriculture, domestic service, and street vending.¹⁷⁴⁴

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

IN THE AREA OF LAWS AND REGULATIONS:

- Provide penalties for employers of children in hazardous work and children under the legal minimum age.
- Establish a minimum age for apprenticeships and prohibit children in supervised vocational training programs from engaging in hazardous work.
- Enact legislation to prohibit all forms of trafficking.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a formal coordinating mechanism to monitor the worst forms of child labor.
- Publish data on inspections, criminal investigations, prosecutions, and other steps taken to enforce laws.

IN THE AREA OF POLICIES:

- Implement child labor objectives in national policies and development plans by including budgets, detailed action plans, and targets related to the worst forms of child labor.
- Cease the forced recruitment of children during the school break to plant trees, pick cotton, and work as domestic servants.
- Develop procedures to ensure that children under the age of 18 are not recruited into the national military program.
- Conduct a national labor force survey to improve the availability of data on all forms of child labor, including the worst forms.

IN THE AREA OF PROGRAMS:

- Develop appropriate social protection programs to protect self-employed children and children working in agriculture, domestic service, and street vending.

¹⁷¹¹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

¹⁷¹² 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>. See also U.S. Embassy- Asmara, *reporting*, March 9, 2010, para 1. See also U.S. Department of State, “Eritrea,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>.

¹⁷¹³ 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://www2.ohchr.org/english/bodies/crc/docs/CRC.C.ERI.3.pdf>. See also U.S. Embassy- Asmara, *reporting*, March 9, 2010, para 3, 2A.

¹⁷¹⁴ U.S. Department of State, “Country Reports- 2009: Eritrea,” section 7d. See also Hagos, *Harmonisation of laws relating to children: Eritrea*, 98. See also U.S. Embassy- Asmara, *reporting*, March 9, 2010, section 2a.1.

¹⁷¹⁵ U.S. Embassy- Asmara, *reporting*, March 9, 2010, para 1.

¹⁷¹⁶ U.S. Embassy- Asmara, *reporting*, February 18, 2009, section 23. See also Mussie Hadgu, “Eritrea, a Nation in Overall Crisis: Coping Strategies in Hard Times”, *asmarino.com*, [online], April 16, 2009 [cited August 12, 2010]; available from <http://www.asmarino.com/eyewitness-account/133-iii-eritrea-a-nation-in-overall-crisis-coping-strategies-in-hard-times->. See also U.S. Embassy- Asmara, *reporting*, March 9, 2010, para 2a.1.

¹⁷¹⁷ Human Rights Watch, *Service for Life: State Repression and Indefinite Conscriptioin in Eritrea*, New York, 2009, 56; available from http://www.hrw.org/sites/default/files/reports/eritrea0409web_0.pdf. See also UN Committee on the Rights of the Child, *48th Session: Summary Record of the 1335th meeting: Consideration of Reports of States Parties (Continued), Consolidated second and third periodic reports of Eritrea*, CRC/C/SR.1335, United Nations, Geneva, June

13, 2008, 5; available from <http://tb.ohchr.org/default.aspx?country=er>.

¹⁷¹⁸ 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. Embassy- Asmara, *reporting*, February 18, 2009, para 5, 19, 20. See also Jonah Fisher, “Eritrea rapped for ‘military schooling’”, BBC News, [online], January 11, 2004 [cited October 18, 2010]; available from <http://news.bbc.co.uk/2/hi/africa/3386965.stm>.

¹⁷¹⁹ Kaleyesus Bekele, “Politics - Woes of Eritrean Refugees.” See also U.S. Embassy- Asmara, *reporting*, February 18, 2009, para 5, 19, 20.

¹⁷²⁰ U.S. Embassy- Asmara, *reporting*, February 18, 2009, para 5. 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. See also UN General Assembly, *Compilation Prepared by the Office of the High Commissioner for Human Rights, in Accordance with Paragraph 15(B) of the Annex to Human Rights Council Resolution 5/1: Eritrea*, A/HRC/WG.6/6/ERI/2, September 18, 2009, 5; available from http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/ER/A_HRC_WG6_6_ERI_2_E.pdf.

¹⁷²¹ U.S. Embassy- Asmara, *reporting*, February 18, 2009, para 5. See also UNICEF, *Education statistics: Eritrea*, accessed February 22, 2010; available from http://www.childinfo.org/files/ESAR_Eritrea.pdf. See also UNESCO, *Education for All Global Monitoring Report 2009: Overcoming Inequality: Why governance matters*, Oxford University Press, Paris, 2008; available from <http://unesdoc.unesco.org/images/0017/001776/177683e.pdf>.

¹⁷²² Human Rights Watch, *Service for Life*, 51-52. See also U.S. Embassy- Asmara official, E-mail communication to USDOL official, October 27, 2010.

¹⁷²³ U.S. Department of State, “Eritrea,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.unhcr.org/refworld/country,,,ERI,,4c1883f62d,0.html>. See also U.S. Embassy- Asmara, *reporting*, March 26, 2010, para 2a, 2b.

¹⁷²⁴ ILO Committee of Experts, *Individual Obersation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) United Arab Emirates*, [online] 2008 [cited February 22, 2010]; available from <http://www.oit.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=10378&chapter=6&query=%23subject%3D03%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>. See also Awate, “Eritrean Regime Now Trafficking Children”, *awate.com*, [online], August 24, 2007

[cited February 22, 2010]; available from <http://www.awate.com/portal/content/view/4597/3/>.

¹⁷²⁵ Government of Eritrea, *Proclamation No.118/2001: The Labour Proclamation of Eritrea*, (2001), article 69.

¹⁷²⁶ *Ibid.*

¹⁷²⁷ *Ibid.*, article 33-38, 68-69.

¹⁷²⁸ Government of Eritrea, *The Constitution of Eritrea*, (May 23, 1997), article 16(3); available from http://www.chr.up.ac.za/undp/domestic/docs/c_Eritrea.pdf.

¹⁷²⁹ Government of Eritrea, *The Transitional Eritrean Penal Code*, (1991), articles 589, 594-595, 597, 605-606.

¹⁷³⁰ U.S. Department of State, “Eritrea,” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>. See also Government of Eritrea, *The Transitional Eritrean Penal Code*.

¹⁷³¹ 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>.

¹⁷³² U.S. Embassy- Asmara, *reporting, February 18, 2009*, para 7-8.

¹⁷³³ *Ibid.*, para 7. See also U.S. Department of State, “Eritrea,” in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119000.htm>. See also U.S. Embassy- Asmara, *reporting, March 9, 2010*, para 2c, d. See also U.S. Department of State, “Trafficking in Persons Report- 2009: Eritrea.”

¹⁷³⁴ Embassy of Ethiopia, “Eritrea Rejects US Country Report on Human Trafficking”, www.eastafricaforum.net, [online], June 18, 2009 [cited December 31, 2009]; available from <http://www.eastafricaforum.net/2009/06/19/eritrea-rejects-us-country-report-on-human-trafficking/>.

¹⁷³⁵ U.S. Embassy- Asmara, *reporting, February 18, 2009*, para 8. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Eritrea.”

¹⁷³⁶ U.S. Embassy- Asmara, *reporting, February 18, 2009*, para 13. See also United Nations, *Eritrea: UN Development Assistance Framework (2007-2011)*, 2007, 32, 50; available from http://www.undg.org/archive_docs/830-Eritrea_UNDAF__2007-2011_-_Eritrea.pdf.

¹⁷³⁷ Kaleyesus Bekele, “Politics - Woes of Eritrean Refugees.” See also U.S. Embassy- Asmara, *reporting, February 18, 2009*, para 5, 19, 20.

¹⁷³⁸ U.S. Embassy- Asmara, *reporting, March 9, 2010*, para 3.

¹⁷³⁹ UN Committee on the Rights of the Child, *Consideration of Reports under Article 44 - Second and third periodic reports*. See also Child Rights Information Network, *Child Rights References in the Universal Periodic Review: Eritrea*, November 30, 2009; available from <http://www.crin.org/docs/Eritrea.pdf>.

¹⁷⁴⁰ U.S. Embassy- Asmara, *reporting, March 9, 2010*, section 2d. See also U.S. Embassy- Asmara official, E-mail communication to USDOL official, March 19, 2010.

¹⁷⁴¹ Interpol, *Profile: Eastern African Police Chiefs Cooperation Organization (EAPCCO)*, [online] [cited 2010 February 22,]; available from http://www.iss.co.za/index.php?link_id=3893&slink_id=4556&link_type=12&slink_type=12&tmpl_id=3. See also UNODC, *Promoting the Rule of Law and Human Security in Eastern Africa: Regional Program 2009-2012*, December 2009, 3; available from http://www.unodc.org/documents/easternafrika//regional-ministerial-meeting/Eastern_Africa_Regional_Programme_Final_Draft.pdf. See also Embassy of Ethiopia, “Eritrea Rejects US Country Report on Human Trafficking”.

¹⁷⁴² U.S. Embassy- Asmara, *reporting, March 26, 2010*, para 4f.

¹⁷⁴³ U.S. Department of State, “Trafficking in Persons Report- 2010: Eritrea.”

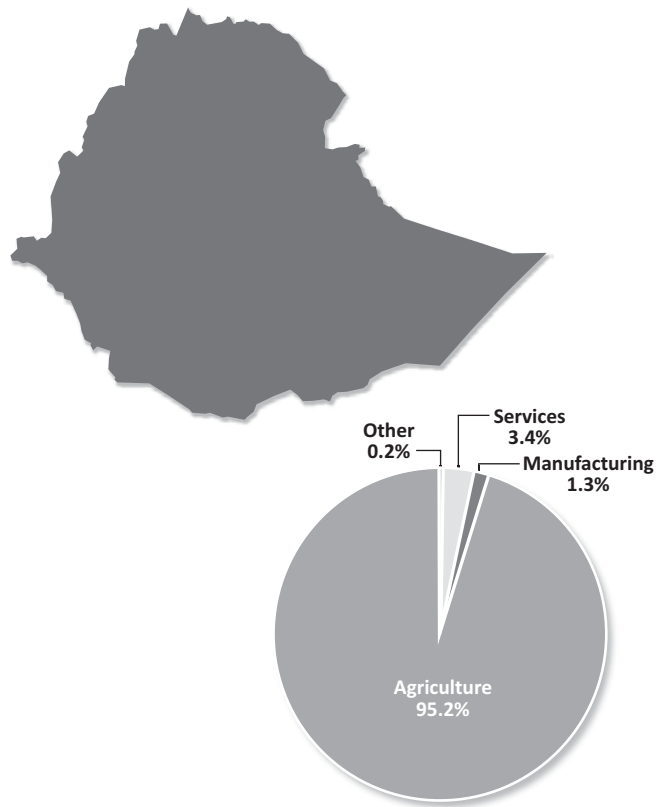
¹⁷⁴⁴ ILO, *IPEC Action Against Child Labour 2008: Highlights*, Geneva, February 2009, 34; available from <http://www.ilo.org/ipeinfo/product/viewProduct.do?productId=9471>.

Ethiopia

The Government of Ethiopia has supported programs to reduce the worst forms of child labor, such as providing services to children living and working in the street and child trafficking victims; however, its efforts did not target areas where the majority of children work, such as agriculture and domestic service. Ethiopia does not have a comprehensive policy to combat the worst forms of child labor and has not effectively enforced its child labor laws.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	70.0%
Attending School	5-14 yrs.	29.2%
Combining Work and School	7-14 yrs.	0.3%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Ethiopia, many of them in agricultural activities and domestic service.¹⁷⁴⁵ Roughly 89 percent of working children in rural areas are engaged in agriculture. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of coffee, cotton, sugarcane, and tea.¹⁷⁴⁶ Children's work in agriculture may involve the use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides.¹⁷⁴⁷ Children, especially boys, engage in cattle herding, in which they work long hours.¹⁷⁴⁸

In urban areas, children—mostly girls—work in domestic service, where they may be vulnerable to sexual and other forms of abuse. In Ethiopia studies have reported that such children suffer from depression and anxiety.¹⁷⁴⁹ Girls also collect firewood and water, activities requiring them to walk long distances and carry heavy loads.¹⁷⁵⁰

Limited evidence suggests that the worst forms of child labor are used in the production of gold, especially

in the Hararghe and Benishangul regions. Children working in small-scale gold mining may dig their own mining pits and carry over 40 liters of water daily.¹⁷⁵¹

Children work in petty trading, as taxi assistants and in construction, manufacturing, and weaving industries.¹⁷⁵² Child weavers may work long hours, face physical, sexual, or emotional abuse by their employers, and may develop physical deformities as a result of crouching while working on traditional weaving looms.¹⁷⁵³ Anecdotal evidence suggests that some child weavers are exposed to starvation and debt bondage.¹⁷⁵⁴ Children working in sectors like construction and manufacturing typically do not use protective gear.¹⁷⁵⁵

Children in Ethiopia are also found in other activities constituting the worst forms of child labor, such as prostitution, forced labor, and militias. The commercial sexual exploitation of children is more prevalent in urban areas, especially Addis Ababa.¹⁷⁵⁶ Young girls, some as young as age 11, are recruited to work in prostitution at brothels, hotels, bars, rural truck stops, and in resort towns.¹⁷⁵⁷ Girls are also sexually exploited by their teachers in exchange for favors, such as better grades.¹⁷⁵⁸ In Ethiopian cities,

there is a high prevalence of children working on the streets, which may expose them to severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.¹⁷⁵⁹ Reports suggest that children as young as age 14 may be recruited into government security forces and by local militias, predominantly in the Somali Regional state.¹⁷⁶⁰






Trafficking of children occurs in Ethiopia from Oromiya and SNNP to other regions for forced or bonded labor in domestic service.¹⁷⁶¹ Children are also trafficked from rural to urban areas for commercial sexual exploitation, begging, street vending, and manual labor.¹⁷⁶² In addition, some children are trafficked to work in the weaving industry.¹⁷⁶³ Children are reportedly trafficked from Ethiopia to the Middle East, especially to Lebanon, Saudi Arabia, and the United Arab Emirates.¹⁷⁶⁴ Children are also trafficked to Djibouti and Sudan for commercial sexual exploitation and to Eritrea, where they may be conscripted into the armed forces.¹⁷⁶⁵

Laws and Regulations on the Worst Forms of Child Labor

The Labor Proclamation sets the minimum age for employment at 14 and the minimum age for hazardous work at 18.¹⁷⁶⁶ The law forbids employers from using “young workers,” defined as children ages 14 to 18, when the nature of the job or the conditions under which it is carried out might endanger the life or health of a child.¹⁷⁶⁷ The Labor Proclamation also prohibits children from working at night, overtime, and in occupations designated as the worst forms of child labor.¹⁷⁶⁸

The Labor Proclamation does not cover unpaid work and work performed in the informal sector, where many children work in hazardous conditions.¹⁷⁶⁹ In addition, it allows children who are at least age 14 to engage in hazardous work such as in underground mines and quarries, if this work is performed following Government approved courses in vocational schools. Work underground in mines and quarries is hazardous to the health and safety of the children involved, even if this work is supervised.¹⁷⁷⁰ Children are required to attend school until age 12. This standard makes children ages 12 to 14 particularly vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum age for work.¹⁷⁷¹

The Constitution protects children from trafficking, slavery, and forced labor.¹⁷⁷² The Criminal Code also prohibits trafficking, child pornography, the commercial sexual exploitation of children, and the use of children in illicit activities.¹⁷⁷³ However, there is no evidence of a legal framework or institutional structure to ensure that all children are registered at birth, which reports suggest may facilitate the trafficking and recruitment of children in armed conflict.¹⁷⁷⁴ The Criminal Code sets the minimum age for conscription and voluntary recruitment into the military at 18.¹⁷⁷⁵

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	No

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence of coordinating mechanisms to combat child labor in Ethiopia.¹⁷⁷⁶ However, the Occupational Safety, Health, and Working Environment Department (OSHWED) within the Ministry of Labor and Social Affairs (MOLSA) is responsible for data collection, analysis, and policymaking for labor purposes.¹⁷⁷⁷ MOLSA is also the lead agency for trafficking-in-persons programming.¹⁷⁷⁸ In November 2009, the Government convened its Inter-Ministerial Task Force on Trafficking to coordinate government anti-trafficking efforts. This was the first time the group had met since June 2007.¹⁷⁷⁹

In addition, MOLSA is the primary federal agency responsible for labor inspections, which are organized through federal and regional offices. OSHWED enforces occupational safety, health, and minimum labor conditions of industrial enterprises in Addis Ababa and Dere Dawa, which include child labor laws.¹⁷⁸⁰ OSHWED employs 120 labor inspectors; none are exclusively dedicated to child labor.¹⁷⁸¹ ILO reports that this department is understaffed and lacks sector-specific occupational health and safety guidelines, which weakens enforcement efforts.¹⁷⁸² The Regional Bureaus of Social and Labor Affairs (BOLSAs) and City Administration are responsible for labor inspections at the zonal offices and regional and city levels.¹⁷⁸³ Both OSHWED and BOLSAs lack equipment and inspectors do not have access to suitable transportation, often relying on employers and trade union representatives for rides.¹⁷⁸⁴ Labor inspectors' salaries are not competitive and turnover is high. There was no evidence of training during the reporting period.¹⁷⁸⁵

Labor inspectors visit enterprises both to conduct investigations and carry out dispute settlements. Inspection visits are commonly unannounced, with the inspectors using checklists specific to small, medium, and large enterprises.¹⁷⁸⁶ If a labor violation is found, labor inspectors may require the employer to correct the situation within a given timeframe or may report the incident to the Minister of Labor.¹⁷⁸⁷ Labor inspectors do not have the authority to impose immediate sanctions, and fines can only be issued by a court. Outreach to and inspection of the formal sector of the economy has been limited, with the majority of inspections conducted on flower and vegetable farms.¹⁷⁸⁸

In addition, the labor relations board, an institution which settles labor disputes, receives labor complaints from regional and federal offices and issues case verdicts. On average, the labor relations board has a 1–3-year backlog of cases.¹⁷⁸⁹ There is no information on how many child labor investigations were opened, how many citations issued, and whether appropriate penalties were applied.¹⁷⁹⁰

Police departments in Addis Ababa, Amhara, Oromiya, SNNP, and Dere Dawa have special Child Protection Units (CPU) that are staffed by one social worker and two police officers who identify and refer victims of the worst forms of child labor to support services.¹⁷⁹¹

During the reporting period, CPUs identified 1,134 trafficked children, referred 116 of these children to shelters, and reunified 757 children with their parents or guardians.¹⁷⁹² The police, in collaboration with the Forum for Street Children Ethiopia (FSCE), also operate a hotline to report trafficking cases. This hotline's impact is unknown.¹⁷⁹³

Child Protection Committees and Child Clubs, which promote children's rights, were established in the SNNP. During the reporting period, 1,882 committee and club members were trained on the protection of trafficking victims, trafficking case management, and international and Ethiopian trafficking laws.¹⁷⁹⁴

In 2009, a Human Trafficking and Narcotics Section was established in the Organized Crime Investigation Unit by the federal police to collaborate with the prosecutor's office to conduct investigations, prosecute offenders, and report and collect trafficking data. In 2009, this unit investigated 63 cases and referred 39 cases to the prosecutor's office. It is not known how many of these cases involved the trafficking of children.¹⁷⁹⁵

Government Policies on the Worst Forms of Child Labor

In 2009, MOLSA drafted the National Action Plan on Child Labor (2010-2015) and a Protocol and Guideline that would direct the implementation of new child labor identification, withdrawal, reintegration, and educational policies. However, these have not yet been adopted.¹⁷⁹⁶

The National Plan of Action on Sexual Abuse and Exploitation of Children (2006-2010) outlines targets for reducing the number of children working in the worst forms of child labor, including commercial sexual exploitation. The National Action Plan against Trafficking and National Plan of Action for Children (2003-2010) also include provisions to reduce the worst forms of child labor.¹⁷⁹⁷ The National Plan of Action for Children document was not adequately disseminated among authorities responsible for its implementation.¹⁷⁹⁸ No additional information was available on these policies, including whether or not they were being implemented effectively.

In addition, child labor issues have been mainstreamed into the following Ethiopian development agendas

and policies: Development Social Welfare Policy, the Education Sector Development Program III, Decent Work Country Program, and the United Nations Development Assistance Framework. However, in general, these policies do not have budgets, detailed action plans, or targets related to the worst forms of child labor.¹⁷⁹⁹

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

In Ethiopia, social programs specifically designed to eliminate the worst forms of child labor are a recent development with most being internationally sponsored initiatives. In the past, many child-centered interventions such as programs to provide teachers with training and students with school meals indirectly contributed to the elimination of child labor.¹⁸⁰⁰

The Government recently placed priority on anti-trafficking interventions, with the bulk of nationally sponsored initiatives in this realm. For instance, in 2009, the Government included information about trafficking in public school curricula and provided free air time on government-owned radio and television stations for anti-trafficking messages.¹⁸⁰¹ The Government also provided land and assistance for young female trafficking victims to establish self-help projects and businesses.¹⁸⁰² In addition, the Government in partnership with a local NGO operated a temporary shelter for trafficking victims and rescued 23 mainly child trafficking victims.¹⁸⁰³

Internationally-sponsored initiatives to combat the trafficking of children include the Regional Program for Eastern Africa (2009-2012). This program includes activities that support the ratification and

implementation of the United Nations Convention against Transnational Organized Crime and its Protocols and the development of a border control system.¹⁸⁰⁴ The Ethiopian Government also supported and participated in the launch of the African Union Commission Initiative against Trafficking Campaign.¹⁸⁰⁵

To address the role of HIV-AIDS as a root cause of child labor, Ethiopia participated in the 4-year Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) Project, funded by USDOL at \$14.5 million and World Vision at \$5.8 million through March 2009. The project withdrew or prevented children from exploitive labor in HIV/AIDS-affected areas of these four countries.¹⁸⁰⁶

Additionally, the Ethiopian Government in partnership with UNICEF is providing over 6,000 street children with formal and non-formal education and access to free health care in Addis Ababa and 14 other major towns.¹⁸⁰⁷ The Government in partnership with Save the Children also completed a pilot survey in January 2010 on child labor and exploitation in seven towns. The Central Statistical Agency also completed a survey on child labor in late 2009, with results expected by mid-2010.¹⁸⁰⁸

While the Government participates in numerous initiatives and implements several of its own programs to combat the worst forms of child labor, areas where the majority of children work, such as agriculture and domestic service have not been targeted. The Government also has not linked internationally-sponsored projects to existing social protection programs to ensure the long-term sustainability of initiatives.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Conduct an investigation into the recruitment practices of government security forces and local militias to ensure that children are not engaged by these groups.
- Raise the age for compulsory education to 14, the established minimum age for work.
- Amend the Labor Proclamation to:
 - Prohibit children ages 14 to 17 from engaging in all worst forms of child labor, such as working underground in mines and quarries, even if this work is performed following courses in vocational school.
 - Cover unpaid work and work performed in the informal sector.
- Create a legal framework and institutional structure to monitor the registration of all children at birth.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Ensure the Inter-Ministerial Task Force on Trafficking in Persons meets regularly.
- Develop sector-specific occupational health and safety guidelines.
- Strengthen the capacity of labor law enforcement officials by:
 - Providing labor inspectors with competitive salaries to reduce turnover.
 - Providing high-quality and regular training on child labor laws to enforcement personnel.
 - Providing sufficient resources to the labor relations board to reduce the backlog of cases.
 - Ensuring that labor inspectors in the Ministry of Labor and Social Affairs have the resources, such as vehicles, to conduct systematic inspections in all sectors of the economy.
 - Dedicating labor inspectors with the Ministry of Labor and Social Affairs to child labor.

IN THE AREA OF POLICIES:

- Adopt and implement the National Action Plan against Child Labor and its Protocol and Guideline.
- Make publically available information regarding the National Plan of Action for Children.
- Include budgets, action plans, and targets related to the worst forms of child labor in development agendas and policies.
- Gather and make publicly available information about the implementation of national policies to combat child labor, how many child labor investigations are open, how many citations and criminal prosecutions are initiated and issued, and whether appropriate penalties applied.

IN THE AREA OF PROGRAMS:

- Develop social protection programs for the withdrawal or prevention of children working in agriculture and domestic service.
- Link internationally sponsored projects to existing social protection programs to ensure the long-term sustainability of initiatives.

¹⁷⁴⁵ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2005. Data on children combining working and schooling are from 1999-2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

¹⁷⁴⁶ U.S. Embassy - Addis Ababa, *reporting*, February 12, 2010, para 26. See also Government of Ethiopia, *Ethiopia Child Labour Survey Report 2001*, Central Statistical Authority, Addis Ababa, May 2002, xiv, 46; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=5105>.

¹⁷⁴⁷ U.S. Embassy - Addis Ababa, *reporting*, February 12, 2010, para 1-2.

¹⁷⁴⁸ 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, 30; available from <http://www.savethechildren.org/uk/younglives/data/publications/pdfs/WP20Labour.pdf> [hard copy on file]. See also U.S. Department of State, "Ethiopia," in *Country Reports on Human Rights Practices- 2009*, Washington DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>. See also People in Need Ethiopia, *A study on the situation of child labour in Ethiopia: Review of existing studies and brief assessment*, Addis Ababa, July 2009, 13; available from http://www.rozvojovka.cz/download/pdf/pdfs_194.pdf.

¹⁷⁴⁹ Integrated Regional Information Networks, "Ethiopia: Child Domestic Work Rampant in Addis Ababa", IRINnews.org, [online], June 16, 2004 [cited December 28, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportID=50255>. See also People in Need Ethiopia, *A study on the situation of child labour in Ethiopia*, 23. See also Government of Ethiopia, *Ethiopia Child Labour Survey Report 2001*, 48.

¹⁷⁵⁰ Tassew Woldehanna, Bekele Tefera, Nicola Jones, and Alebel Bayrau, *Child Labour, Gender Inequality, and Rural/Urban Disparities: Ethiopia*, 15-17, 30. See also U.S.

Department of State, "Country Reports- 2009: Ethiopia," section 7d. See also People in Need Ethiopia, *A study on the situation of child labour in Ethiopia*, 12.

¹⁷⁵¹ U.S. Embassy - Addis Ababa, *reporting*, February 12, 2010, para 1, 19.

¹⁷⁵² *Ibid.*, para 1, 2. See also People in Need Ethiopia, *A study on the situation of child labour in Ethiopia*, 11, 13.

¹⁷⁵³ U.S. Embassy - Addis Ababa, *reporting*, February 12, 2010, para 1, 15. See also People in Need Ethiopia, *A study on the situation of child labour in Ethiopia*, 13, 23.

¹⁷⁵⁴ U.S. Embassy - Addis Ababa, *reporting*, February 12, 2010, para 29.

¹⁷⁵⁵ *Ibid.*, para 1, 2. See also People in Need Ethiopia, *A study on the situation of child labour in Ethiopia*, 11, 13. See also Government of Ethiopia, *Ethiopia Child Labour Survey Report 2001*, 68.

¹⁷⁵⁶ U.S. Department of State, "Country Reports- 2009: Ethiopia," section 7d. See also ECPAT International CSEC Database, *Ethiopia*, accessed December 29, 2009; available from http://www.ecpat.net/EI/Csec_onlineDatabase.asp. See also Government of Ethiopia, *Report on Progress in Implementing the World Fit for Children: Plan of Action in Ethiopia*, Addis Ababa, June 2007, 58; available from http://www.unicef.org/worldfitforchildren/files/Ethiopia_WFFC5_Report.pdf.

¹⁷⁵⁷ U.S. Department of State, "Country Reports- 2009: Ethiopia," section 7d.

¹⁷⁵⁸ ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children: Ethiopia*, Bangkok, 2007, 12; available from http://www.ecpat.net/A4A_2005/PDF/AF/Global_Monitoring_Report-ETHIOPIA.pdf.

¹⁷⁵⁹ See also Integrated Regional Information Networks, "Ethiopia: Focus on street children rehabilitation project", IRINnews.org, [online], March 1, 2004 [cited December 30, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportID=48799>.

¹⁷⁶⁰ U.S. Embassy- Addis Ababa official, E-mail communication to USDOL official, March 3, 2010. See also U.S. Department of State, "Country Reports- 2009: Ethiopia," section 1. See also U.S. Embassy- Addis Ababa, *reporting*, March 23, 2010, para 10a.

¹⁷⁶¹ U.S. Department of State, "Country Reports- 2009: Ethiopia," section 6. See also U.S. Department of State, "Ethiopia (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>.

¹⁷⁶² U.S. Department of State, "Country Reports- 2009: Ethiopia," section 6. See also Integrated Regional Information Networks, "Ethiopia: Campaign Launched

Against Child Trafficking”, IRINnews.org, [previously online], October 20, 2005 [cited December 28, 2009]; available from <http://www.irinnews.org/report.aspx?reportid=56772> [hard copy on file]. See also U.S. Embassy- Addis Ababa, *reporting, March 23, 2010*, para 4b.

¹⁷⁶³ World Vision, *Kenya, Uganda, Rwanda, and Ethiopia Together (KURET)*, Technical Progress Report, September 26, 2008, Annex G. See also U.S. Embassy - Addis Ababa, *reporting, February 12, 2010*, para 5.

¹⁷⁶⁴ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Ethiopia (ratification: 2003)*, [online] 2009 [cited December 29, 2009]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1419&chapter=16&query=C182%40ref%2B%23YEAR%3D2009&highlight=&querytype=bool&context=0>. See also U.S. Embassy- Addis Ababa, *reporting, March 23, 2010*, para 4b, 5a.

¹⁷⁶⁵ Coalition to Stop the Use of Child Soldiers, “Ethiopia,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/library/global-reports>. See also U.S. Embassy- Addis Ababa, *reporting, March 23, 2010*, para 4b.

¹⁷⁶⁶ Government of Ethiopia, *Labour Proclamation*, (February 26, 2004), chapter II, section 89, article 1-3; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/31977/64870/E93ETH10.htm>. See also U.S. Embassy - Addis Ababa, *reporting, February 12, 2010*, para 7.

¹⁷⁶⁷ Government of Ethiopia, *Labour Proclamation*, 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; available from http://www.servat.unibe.ch/icl/et00000_.html.

¹⁷⁶⁸ 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 Government of Ethiopia, *Labour Proclamation*, chapter I-II, section 89, 90, 91, 185.

¹⁷⁶⁹ Ministry of Labor and Social Affairs official, Interview with USDOL consultant, June 9, 2009. See also ILO Committee of Experts, *Individual Direct Request C182: Ethiopia (2009)*. See also ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Ethiopia (ratification: 1999)*, [online] 2009 [cited December 29, 2009]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&t>

[extbase=iloilc&document=1157&chapter=16&query=C138%40ref%2B%23YEAR%3D2009&highlight=&querytype=bool&context=0](http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1157&chapter=16&query=C138%40ref%2B%23YEAR%3D2009&highlight=&querytype=bool&context=0).

¹⁷⁷⁰ Government of Ethiopia, *Labour Proclamation No. 377/2003*, (February 26, 2004), article 89; available from <http://www.doingbusiness.org/Documents/LawLibrary/Ethiopia-Labour-Proclamation-No.-377-2003.pdf>.

¹⁷⁷¹ Ibid. See also UNESCO, *Overcoming inequality: why governance matters - Education for All Global Monitoring Report*, Oxford University Press, Paris, 2008, 298; available from <http://unesdoc.unesco.org/images/0017/001776/177683e.pdf>.

¹⁷⁷² U.S. Department of State, “Country Reports- 2009: Ethiopia,” section 7c. See also Government of Ethiopia, *The Constitution of the Federal Democratic Republic of Ethiopia*, article 18. See also U.S. Embassy - Addis Ababa, *reporting, February 12, 2010*, para 29.

¹⁷⁷³ Government of Ethiopia, *The Criminal Code of the Federal Democratic Republic of Ethiopia No. 414*, (2004), articles 270, 525, 597, 635, 637, 640; available from <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/70993/75092/F1429731028/ETH70993.pdf>. See also Government of Ethiopia, *Information on Eliminating the WFCL in Ethiopia*, 2.

¹⁷⁷⁴ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Concluding observations: Ethiopia*, CRC/C/ETH/CO/3, November 1, 2006; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/450/09/PDF/G0645009.pdf?OpenElement>. See also Coalition to Stop the Use of Child Soldiers, “Child Soldiers Global Report: Ethiopia.” See also U.S. Embassy- Addis Ababa, *reporting, March 23, 2010*, para 10a.

¹⁷⁷⁵ Government of Ethiopia, *Criminal Code*, articles 270, 525, 597, 635, 637, 640. See also Government of Ethiopia, *Information on Eliminating the WFCL in Ethiopia*, 2.

¹⁷⁷⁶ Ministry of Labor and Social Affairs official, Interview, June 9, 2009.

¹⁷⁷⁷ Labour Administration and Inspection Programme (LAB/ADMIN), *Labour Inspection Structure and Organization: Ethiopia*, June 1, 2009; available from http://www.ilo.org/labadmin/info/lang--en/WCMS_112937/index.htm. See also U.S. Embassy- Addis Ababa, *reporting, March 23, 2010*, para 5b.

¹⁷⁷⁸ U.S. Embassy- Addis Ababa, *reporting, March 23, 2010*, para 5b.

¹⁷⁷⁹ Ibid., para 5b, 6e, 7k.

¹⁷⁸⁰ Ministry of Labor and Social Affairs official, Interview, June 9, 2009. See also Government of Ethiopia, *Information on Eliminating the WFCL in Ethiopia*, 3. See also World Vision, *KURET (Kenya, Uganda, Rwanda,*

and Ethiopia Together) *Final Technical Report*, Final Technical Report, June 30, 2009. See also ILO, *Technical Memorandum: Ethiopian Labour Inspection Audit*, Geneva, October 29, 2009, 8-9; available from http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---lab_admin/documents/publication/wcms_119248.pdf.

¹⁷⁸¹ Ministry of Labor and Social Affairs official, Interview, June 9, 2009. See also Government of Ethiopia, *Information on Eliminating the WFCL in Ethiopia*, 3. See also World Vision, *KURET (Kenya, Uganda, Rwanda, and Ethiopia Together) Final Technical Report*. See also ILO, *Technical Memorandum: Ethiopian Labour Inspection Audit*, 8-9. See also Labour Administration and Inspection Programme (LAB/ADMIN), *Labour Inspection Structure and Organization*, 1-2.

¹⁷⁸² U.S. Embassy - Addis Ababa, *reporting, February 12, 2010*, para 6, 26. See also ILO, *Technical Memorandum: Ethiopian Labour Inspection Audit*, 9.

¹⁷⁸³ ILO, *Technical Memorandum: Ethiopian Labour Inspection Audit*, 5, 8.

¹⁷⁸⁴ *Ibid.*, 17.

¹⁷⁸⁵ Labour Administration and Inspection Programme (LAB/ADMIN), *Labour Inspection Structure and Organization*, 1-2. See also U.S. Embassy - Addis Ababa, *reporting, February 12, 2010*, 6, 26. See also Ministry of Labor and Social Affairs official, Interview, June 9, 2009.

¹⁷⁸⁶ Labour Administration and Inspection Programme (LAB/ADMIN), *Labour Inspection Structure and Organization*, 2-3. See also Ministry of Labor and Social Affairs official, Interview, June 9, 2009.

¹⁷⁸⁷ Labour Administration and Inspection Programme (LAB/ADMIN), *Labour Inspection Structure and Organization*, 3-4.

¹⁷⁸⁸ U.S. Embassy - Addis Ababa, *reporting, February 12, 2010*, para 13, 26. See also Labour Administration and Inspection Programme (LAB/ADMIN), *Labour Inspection Structure and Organization*, 2-4.

¹⁷⁸⁹ U.S. Embassy - Addis Ababa, *reporting, February 12, 2010*, para 23. See also Labour Administration and Inspection Programme (LAB/ADMIN), *Labour Inspection Structure and Organization*, 2.

¹⁷⁹⁰ Labour Administration and Inspection Programme (LAB/ADMIN), *Labour Inspection Structure and Organization*. See also Ministry of Labor and Social Affairs official, Interview, June 9, 2009.

¹⁷⁹¹ Government of Ethiopia, *Information on Eliminating the WFCL in Ethiopia*, 4. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Ethiopia," 145. See also Nadia Strakova and Pavel Vondra, *Africa Tour 2008:*

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¹⁷⁹² U.S. Department of State, "Trafficking in Persons Report- 2010: Ethiopia," 145.

¹⁷⁹³ U.S. Embassy- Addis Ababa official, E-mail communication to USDOL official, March 2, 2010. See also U.S. Embassy- Addis Ababa, *reporting, March 23, 2010*, para 7b.

¹⁷⁹⁴ U.S. Embassy - Addis Ababa, *reporting*, September 28, 2009, para 4-5. See also U.S. Embassy - Addis Ababa, *reporting*, May 4, 2010, para 4.

¹⁷⁹⁵ U.S. Department of State, "Trafficking in Persons Report- 2010: Ethiopia," 145.

¹⁷⁹⁶ U.S. Embassy - Addis Ababa, *reporting, February 12, 2010*, para 10, 25. See also World Vision, *KURET (Kenya, Uganda, Rwanda, and Ethiopia Together) Final Technical Report*.

¹⁷⁹⁷ ILO Committee of Experts, *Individual Direct Request C182: Ethiopia (2009)*. See also ECPAT International, *Global Monitoring Report on Status of Anti-CSEC Efforts: Ethiopia*, 14. 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://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/440/04/PDF/G0644004.pdf?OpenElement>. See also UNODC, *Global Report on Trafficking in Persons*, February 2009; available from http://www.ungift.org/docs/ungift/pdf/humantrafficking/Global_Report_on_TIP.pdf.

¹⁷⁹⁸ UN Committee on the Rights of the Child, *Concluding observations*, 4.

¹⁷⁹⁹ Government of Ethiopia, *Information on Eliminating the WFCL in Ethiopia*. See also Lorenzo Guarcello, Scott Lyon, and Furio C. Rosati, *The Twin Challenges of Child Labor and Youth Employment in Ethiopia*, Understanding Children's Work Rome, July 2006, 31; available from <http://www.ucw-project.org/pdf/publications/Youthethiopia.pdf>. See also Government of Ethiopia, *Education Sector Development Program III (ESDP-III) 2005/2006 - 2010/2011*, Addis Ababa, August, 2005; available from http://planipolis.iiep.unesco.org/upload/Ethiopia/Ethiopia_Education_Plan_August_2005.pdf. See also United Nations, *United Nations Development Assistance Framework in Ethiopia 2007-2011*, Addis Ababa, 2007, 51-54; available from <http://www.undg.org/docs/10143/Ethiopia-UNDAF-2007-2011.pdf>. See also Government of Ethiopia, *Decent Work Country Programme (DWCP): Ethiopia (2009-2012)*, ILO, Addis Ababa, April 2009;

available from <http://www.ilo.org/public/english/region/afpro/addisababa/sro/pdf/dwcp.pdf>. See also Government of Ethiopia, *National Youth Policy*, July 2005; available from <http://www.mysc.gov.et/youth.html>.

¹⁸⁰⁰ WFP, *The Global Food for Education Pilot Program*, [online] [cited June 8, 2010]; available from <http://www.fas.usda.gov/excredits/FoodAid/FFE/gfe/2004/africa/ethiopia.htm>. See also USAID, *Program Data Sheet*, [online] [cited June 8, 2010]; available from <http://www.usaid.gov/pubs/cbj2003/afr/et/663-009.html>.

¹⁸⁰¹ U.S. Embassy- Addis Ababa, *reporting, March 23, 2010*, para 8a.

¹⁸⁰² *Ibid.*, para 7e.

¹⁸⁰³ U.S. Embassy - Addis Ababa, *reporting, September 28, 2009*, para 4.

¹⁸⁰⁴ UNODC, *Promoting the Rule of Law and Human Security in Eastern Africa*, 2009; available from [http://www.](http://www.unodc.org/documents/easternafrika//regional-ministerial-meeting/Eastern_Africa_Regional_Programme_Final_Draft.pdf)

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¹⁸⁰⁵ African Union, *Launch of the AU Commission Initiative against Trafficking*, Press Release, June 16, 2009; available from <http://www.ilo.org/public/english/region/afpro/addisababa/pdf/advisoryaucommit.pdf>.

¹⁸⁰⁶ World Vision, *KURET (Kenya, Uganda, Rwanda, and Ethiopia Together) Final Technical Report*.

¹⁸⁰⁷ UNICEF, *Child protection- Action*, [online] [cited December 30, 2009]; available from http://www.unicef.org/ethiopia/protection_465.html.

¹⁸⁰⁸ U.S. Embassy - Addis Ababa, *reporting, February 12, 2010*, para 11.

Fiji

The interim Government of Fiji strengthened its legal framework to combat the worst forms of child labor by introducing the Crimes Decree 2009. Worst forms of child labor continue to exist, however, including in the agricultural sector. There are significant gaps in enforcement efforts to combat the problem.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Fiji are exploited in the worst forms of child labor,¹⁸⁰⁹ including agriculture.¹⁸¹⁰ Some minors perform agricultural activities that carry a high risk of occupational injury. For example, Fijian boys as young as 10 harvest sugar cane using sharp knives, working long hours, and carrying heavy loads.¹⁸¹¹ In tobacco fields, children spray pesticides and lay fertilizer, potentially exposing them to poisonous chemicals.¹⁸¹² Children in Fiji also aid in the production of coconuts and coconut oil,¹⁸¹³ rice,¹⁸¹⁴ roots, tubers,¹⁸¹⁵ and other kinds of vegetables.¹⁸¹⁶

In recent years, the ranks of Fiji's urban poor have swollen, increasing the population of children vulnerable to exploitative work in these areas. In urban areas, boys hire themselves out to push wheelbarrows for shoppers in markets;¹⁸¹⁷ children also collect bottles,¹⁸¹⁸ and repair and shine shoes.¹⁸¹⁹ Children can also be found selling fruit along roadsides and in markets,¹⁸²⁰ collecting bus tickets,¹⁸²¹ and repairing houses.¹⁸²² Children working in these settings may be exposed to severe weather, accidents by proximity to vehicles, and vulnerability to criminal elements. Boys as young as age 11 work as car mechanics, which requires the use of dangerous machinery, equipment, and tools.¹⁸²³

The commercial sexual exploitation of children is a problem in Fiji's urban centers.¹⁸²⁴ Prostitution (including sex tourism) appears to be the most common form of commercial sexual exploitation of children in Fiji, although child pornography may also be produced.¹⁸²⁵ Some child prostitutes are as young as age 10, although most are girls between 15 and 17.¹⁸²⁶

There have been reports to indicate that children in Fiji are used in the production and trafficking of drugs, especially marijuana.¹⁸²⁷

Children from impoverished families, broken homes and squatter settlements and those with limited educational opportunities or disabilities are at the greatest risk for becoming involved in the worst forms of child labor.¹⁸²⁸ Parents sometimes send their son or daughter to do light work for families living in cities or near schools. This leaves children vulnerable to exploitation, as adults in the adopted household sometimes force the child into involuntary domestic servitude or sexual activity in exchange for food, clothing, shelter, or school fees.¹⁸²⁹

Laws and Regulations on the Worst Forms of Child Labor

The Employment Relations Promulgation 2007 sets the minimum age for regular employment in Fiji at 15 and prohibits children under 18 from engaging in hazardous work.¹⁸³⁰ The Promulgation permits

children between 13 and 15 to be employed in light work or a workplace in which a member of the child's family, community, or religious group is employed, provided the work is non-hazardous and does not interfere with the child's education. However, the law permits children to work during night hours, between 6:00 p.m. and 6:00 a.m., under conditions defined by the Minister of Labor.

The Employment Relations Promulgation and a subsequent amendment protect children against debt bondage, indentured servitude and trafficking; child soldiering; commercial sexual exploitation; and the use of a child for illicit activities, such as drug trafficking. The Promulgation prohibits firms from employing a child for excessive hours or in underground mines.¹⁸³¹






The Promulgation states that the Minister of Labor can prohibit or restrict children's work in environments deemed to present health threats or be hazardous, dangerous, or unsuitable.¹⁸³² Although the Promulgation highlights some potentially hazardous employment, the labor minister has not released a comprehensive list of hazardous work.

In December 2006, the Government of Fiji was overthrown in a military coup and an interim government was installed. After a court declared the coup and resulting military government illegal in 2009, President Ratu Josefa Iliolo abrogated the constitution and established rule by decree. As of the writing of this report, Fiji has not reinstated the constitutional Bill of Rights. The military leadership has made significant changes to Fiji's system of laws through decree, including laws related to the worst forms of child labor.

During the reporting period, the President introduced the Crimes Decree 2009, repealing the country's archaic Penal Code.¹⁸³³ The new law provides male and female children equal protection against sexual offenses.¹⁸³⁴ Although prostitution has long been prohibited in Fiji, the Crimes Decree creates the country's first legal framework for prosecuting individuals who seek or purchase paid sexual services, including more rigorous sentencing requirements if the prostituted person was a child.¹⁸³⁵ The new law holds anyone who facilitates the defilement of a child, including the child's parents and relatives, liable.¹⁸³⁶

The Crimes Decree strengthens existing prohibitions on human trafficking and forced labor, namely

those found in the Immigration Act 2003 and the Employment Relations Promulgation.¹⁸³⁷ The new legislation explicitly defines penalties for trafficking in persons, forced labor, debt bondage, and bonded labor when the victim is a child.¹⁸³⁸

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	17
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Interim Government has established the National Coordinating Committee on Children (NCCC), which draws its membership from the highest ranks of government ministries and Fiji's non-profit leadership, but there is no evidence that this committee has established any policies or programs to address child labor. However, the Fiji Police Force recently formed the Human Trafficking Working Group to facilitate information sharing on human trafficking-related issues between the public, private, and non-profit sectors and to identify gaps in existing efforts.¹⁸³⁹

The Ministry of Labor and Industrial Relations is the primary agency responsible for enforcing child labor laws, and related cases are tried in the Employment Relations Court.

The Ministry employs about 20 labor inspectors nationwide. During the reporting period labor inspectors did not cite any violations, begin or

resolve any cases, or have any open cases relating to child labor.¹⁸⁴⁰ The Employment Relations Court did not convict any violators of child labor laws.¹⁸⁴¹ The Interim Government did state its intentions to appoint seven dedicated child labor inspectors posted throughout the country and to establish a Child Labor Monitoring Unit within the Ministry.¹⁸⁴² The Government collaborated with ILO-IPEC in offering a short training on child labor to its inspectors in September 2009, the first of its kind.¹⁸⁴³

The Fiji Police Force coordinates investigations into cases involving underage victims of commercial sexual exploitation and trafficking, which are then tried in the criminal court system.¹⁸⁴⁴ The Fiji Police Force's Child Abuse and Sexual Offenses (CASO) Unit is responsible for investigating the commercial sexual exploitation of children.¹⁸⁴⁵

In addition to the Police Force, the Ministries of Labor and Immigration and the Department of Public Prosecution are all responsible for enforcing laws on child trafficking.¹⁸⁴⁶ The former police force commissioner publicly conceded that his department lacks the resources and expertise to combat human trafficking.¹⁸⁴⁷ There is no evidence that trafficking offenders have been investigated or convicted.¹⁸⁴⁸

The Interim Government provides limited services to child victims of sexual abuse and trafficking. The court may grant the Department of Social Welfare, which operates four shelters throughout Fiji, custody over child victims. However, research does not suggest that the government runs facilities aimed at addressing the particular needs of child trafficking victims.

Government Policies on the Worst Forms of Child Labor

There were reports that the NCCC intended to release a National Child Protection Policy during 2010, but research found no evidence that this policy was adopted. The Government of Fiji and UNICEF Pacific have agreed upon a Country Program Action Plan. This plan offers strategic direction for child protection in Fiji, including the elimination of commercial sexual exploitation.¹⁸⁴⁹ Research found no evidence regarding this Action Plan's impact on the worst forms of child labor generally.

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

The Interim Government has programs that may alleviate some of the factors that put children at risk of prematurely entering the workforce or being trafficked. Beginning in 2003, the Government of Fiji partnered with Save the Children to implement programs to increase access to basic education, attain educational materials for public schools, and improve the quality of school structures.

The Interim Government maintains several social programs to increase school retention rates among the country's most economically disadvantaged children. It is taking part in a joint EC-ILO project, Tackling Child Labor through Education (TACKLE). TACKLE, which began in 2008 and will run through February 2012, works to improve access to education for vulnerable children and strengthen domestic authorities' capacity to confront issues related to child labor.¹⁸⁵⁰ The Governments of Australia, New Zealand, Japan, and other Asia-Pacific countries donated a combined \$45.4 million in 2009 to the Interim Government to fund projects to improve Fiji's educational system.¹⁸⁵¹

In 2009 the Interim Government allocated \$200,000 to establish the Poverty Relief Fund for Education that helps cover needy students' schooling costs¹⁸⁵² and began subsidizing transportation costs for primary school children. Another program run by the Interim Government is the National Youth Services Scheme, which provides Fiji's children and young adults with education and livelihoods opportunities. Among other goals, the program intends to prevent child sexual abuse and exploitation. In 2009, approximately 1,000 youths were enrolled in the Scheme.¹⁸⁵³

The Interim Government also funds poverty alleviation projects for the most disadvantaged, such as the Family Assistance Allowance Scheme, which provides financial support to single mothers and projects to upgrade services in squatter settlements.¹⁸⁵⁴

Although the majority of Fiji's child laborers are believed to be operating in the informal economy, there is no evidence that there are government programs or protections that specifically target this group.

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

IN THE AREA OF LAWS AND REGULATION:

- Eliminate provisions in existing law that permits children to work during night hours.
- Draft and adopt a list of hazardous occupations prohibited for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure that a coordinating mechanism to lead government efforts on the worst forms of child labor is fully funded and operational.
- Increase the number of labor inspectors, including enacting the Government's proposal to hire dedicated child labor inspectors.
- Allocate more resources to the Police Force for the enforcement of child trafficking laws.
- Enable the judiciary to manage cases in a timely and fair manner.

IN THE AREA OF POLICIES:

- Adopt the National Child Protection Policy and assure that it addresses the worst forms of child labor in Fiji.

IN THE AREA OF PROGRAMS:

- Construct shelters exclusively dedicated to assisting child human trafficking victims.
- Develop social programs to serve and protect child laborers working in the informal economy.

¹⁸⁰⁹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

¹⁸¹⁰ Interim Government of Fiji- Fiji Islands Bureau of Statistics, "2007 Census of Population and Housing," *Statistical News* 9 (February 27 2009), 8; available from http://www.statsfiji.gov.fj/Census2007/census07_index.htm. See also Ministry of Finance and National Planning, *Millennium Development Goals, Fiji National Report*, prepared by National Planning Office, 2004, 22; available from <http://planipolis.iiep.unesco.org/upload/Fiji/Fiji%20MDG%202004.pdf>. See also Vereniasi Raicola, "Suffer the Children," *Fiji Times* (Suva, Fiji), May 12, 2007; available from <http://www.fjtimes.com/story.aspx?id=62432>. See also Shailendra Singh, "Amid Economic Slump, Children Face Bleak Future," *Inter Press Service* (Suva), January 6, 2010; available from <http://ipsnews.net/news.asp?idnews=49895>.

¹⁸¹¹ Serafina Silaitoga, "A Day Cutting Cane," *Fiji Times*, October 11, 2009; available from <http://www.fjtimes.com/story.aspx?ref=archive&id=131340>. See also Serafina Silaitoga, "Deaf, Mute, and a Breadwinner," *Fiji Times*, September 28, 2009; available from <http://www.fjtimes.com.fj/story.aspx?id=130357>. See also U.S. Department of State, "Fiji," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7D; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/135991.htm>. See also U.S. Embassy- Suva, *reporting*, February 1, 2010.

¹⁸¹² Farm Consultancy, *Child Labor in the Fiji Tobacco Industry*, 2004, 2, 10, 24, 34; available from <http://www.eclt.org/filestore/BAT-%20Fiji.pdf>. See also "Child Labor, Prostitution Increasing Problem in Fiji," *BBC Monitoring International Reports*, July 4, 2006.

¹⁸¹³ Margaret Wise, "Survey Puts Dropout Blame on Parents," *Fiji Times*, March 11, 2010; available from <http://www.fjtimes.com/story.aspx?id=141847>. See also Maneesha Karan, "Orphans repay adopted parents," *Fiji Times*, July 6, 2010; available from <http://www.fjtimes.com/story.aspx?id=151228>. See also "Boy Wants to Go to School," *Fiji Times*, February 13, 2008; available from <http://www.fjtimes.com/story.aspx?ref=archive&id=81137>.

¹⁸¹⁴ Serafina Qalo, “Mere is Rice Queen of District,” *Fiji Times*, November 21, 2007; available from <http://www.fijitimes.com/story.aspx?ref=archive&id=74730>.

¹⁸¹⁵ “Students Cook Up Own Food,” *Fiji Times*, July 31, 2008; available from <http://www.fijitimes.com/story.aspx?ref=archive&id=96584>. See also “Taveuni North Dalo,” *Fiji Times*, January 6, 2010; available from <http://www.fijitimes.com/story.aspx?id=136755>. See also Karan, “Orphans repay adopted parents.”

¹⁸¹⁶ Wise, “Survey Puts Dropout Blame on Parents.” See also “Deo Shoulders Responsibility,” *Fiji Times*, April 28, 2007; available from <http://www.fijitimes.com/story.aspx?id=61547>. See also “Students Cook Up Own Food.”

¹⁸¹⁷ Interim Government of Fiji- Fiji Islands Bureau of Statistics, “2007 Census of Population and Housing,” 8. See also Tim Howick-Smith Margaret Chung, *Fiji Islands: A Situational Analysis of Children, Youth, and Women*, UNICEF Pacific and the Government of Fiji, 2007, 46; available from http://www.unicef.org/pacificislands/Fiji_SitAn.pdf. See also “Boy Wants to Go to School.” See also Serafina Silaitoga, “Faith in a Plan,” *Fiji Times*, May 13, 2010; available from <http://www.fijitimes.com/story.aspx?id=146445>. See also Ruby Taylor-Newton, “Life on Wheels,” *Fiji Times*, March 5, 2010; available from <http://www.fijitimes.com/story.aspx?id=141409>.

¹⁸¹⁸ Interim Government of Fiji- Fiji Islands Bureau of Statistics, “2007 Census of Population and Housing,” 8. See also Raicola, “Suffer the Children.” See also “See to the Children First, Says Priest,” *Fiji Times*, December 11, 2008; available from <http://www.fijitimes.com/story.aspx?id=108597>.

¹⁸¹⁹ Interim Government of Fiji- Fiji Islands Bureau of Statistics, “2007 Census of Population and Housing,” 8. See also Raicola, “Suffer the Children.” See also “See to the Children First, Says Priest.” See also U.S. Embassy- Suva, *reporting, February 1, 2010*.

¹⁸²⁰ Margaret Wise, “Journey for a Job,” *Fiji Times*, June 11, 2009; available from <http://www.fijitimes.com/story.aspx?id=123288>. See also Singh, “Amid Economic Slump, Children Face Bleak Future.” See also Frederica Elbourne, “Society’s ‘Girl Child’ Problem,” *Fiji Times* (Suva, Fiji), March 4, 2007; available from <http://www.fijitimes.com/story.aspx?id=58148>. See also “Boy Wants to Go to School.”

¹⁸²¹ Raicola, “Suffer the Children.”

¹⁸²² Margaret Wise, “Sacrifice: A Teen Quits School to Support His Family,” *Fiji Times*, June 11, 2009; available from <http://www.fijitimes.com/story.aspx?ref=archive&id=123285>.

¹⁸²³ Monika Singh, “Father Allows Son to Work,” *Fiji Times* (Suva, Fiji), March 7, 2007; available from <http://www.fijitimes.com/story.aspx?id=58303>.

See also Raicola, “Suffer the Children.” See also Wise, “Survey Puts Dropout Blame on Parents.” See also Wise, “Journey for a Job.”

¹⁸²⁴ Save the Children Fiji, *The Commercial Sexual Exploitation and Sexual Abuse of Children in Fiji: A Situational Analysis*, 2006, 16, 18-20 and 29; available from http://www.unescap.org/esid/GAD/Issues/CSEC/CSEC%20Fiji%20Report%20_Edited_%201205.pdf.

¹⁸²⁵ Ibid., 16-21, 29. See also UNICEF, UNESCAP, and ECPAT International, *The Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A Regional Report*, UNICEF Pacific, 2008; available from http://www.unicef.org/eapro/Pacific_CSEC_report.pdf. See also ILO Committee of Experts, *Individual Direct Request Concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Fiji (ratification: 2002)*, [online] 2010 [cited June 28, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25284&chapter=9&query=Fiji%40ref&highlight=&querytype=bool&context=0>.

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¹⁸²⁷ Shalveen Chand, “Children Used as Drug Mules,” *Fiji Times* (Suva, Fiji), June 14, 2010; available from <http://www.fijitimes.com/story.aspx?id=150121>. See also “Drug Related Crimes Decrease: Police,” *Fiji Times*, October 5, 2007; available from <http://www.fijitimes.com/story.aspx?id=71776>. See also “Labor Rights and Wrongs,” *Fiji Times*, March 13, 2007; available from <http://www.fijitimes.com/story.aspx?id=58705>. See also Interim Government of Fiji- Ministry of Information, “1,000 Families to Have Proper Homes,” *Fiji Focus* 1, no. 2 (26 June 2010); available from http://www.fiji.gov.fj/index.php?option=com_docman&task=cat_view&gid=63&limit=5&limitstart=0&order=date&dir=DESC&Itemid=158.

¹⁸²⁸ Save the Children Fiji, *The Commercial Sexual Exploitation and Sexual Abuse of Children in Fiji*, 16-18 and 23-26. See also UNICEF, UNESCAP, and ECPAT International, *Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific*, 24. See also Shamima Ali, *Violence Against the Girl Child in the Pacific Islands Region*, pursuant to United Nations Division for the Advancement of Women and UNICEF Expert Group Meeting on the Elimination of All Forms of Discrimination and Violence Against the Girl Child, September 25, 2006, 12; available from <http://www.un.org/womenwatch/daw/>

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¹⁸²⁹ Save the Children Fiji, *The Commercial Sexual Exploitation and Sexual Abuse of Children in Fiji*, 21. See also U.S. Department of State, “Fiji,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010, 146; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>. See also Ali, *Violence Against the Girl Child in the Pacific Islands Region*, 16. See also Penelope Taylor Anafia Norton, Patrick Vakaoti, Marie Wernham, Freida M’Cormack, *Protect Me with Love and Care: A Baseline Report for Creating a Future Free from Violence, Abuse and Exploitation of Girls and Boys in Fiji*, UNICEF Pacific, Suva, 2009, 16; available from http://www.unicef.org/pacificislands/partners_10989.html. et al.

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¹⁸³¹ *Ibid.*, articles 90-7. See also Interim Government of Fiji, *Employment Relations (Administration) Regulations*, (April 2, 2008), articles 40-41; available from http://www.labour.gov.fj/erp2008/ERPREGS/ERP_Admin_Regs_2008.pdf.

¹⁸³² Interim Government of Fiji, *Employment Relations Promulgation*, article 95. See also ILO Committee of Experts, *Individual Direct Request C182: Fiji (2010)*.

¹⁸³³ Interim Government of Fiji, *Crimes Decree 2009*, (February 1, 2010), article 391; available from http://www.fiji.gov.fj/index.php?option=com_docman&task=doc_download&gid=100&Itemid=158. See also Government of Fiji, *Penal Code*, (1978); available from http://www.itc.gov.fj/lawnet/fiji_act/penal_code.html. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Fiji,” 147.

¹⁸³⁴ Interim Government of Fiji, *Crimes Decree*, articles 214-5, 219-20, 226-7, 229. See also Government of Fiji, *Penal Code*, articles 153-6, 159-61, 165.

¹⁸³⁵ Interim Government of Fiji, *Crimes Decree*, articles 89-90, 104-107, 211, 214-5, 219-22, 225-33. See also Government of Fiji, *Penal Code*, 162-3, 166-70.

¹⁸³⁶ Interim Government of Fiji, *Crimes Decree*, articles 89-90, 103-7, 219-221, 224-6, 233.

¹⁸³⁷ Government of Fiji, *Immigration Act 2003*, (November 6, 2003), article 20; available from www.pacii.org/fj/legis/num_act/ia2003138/. See also Interim Government of Fiji, *Employment Relations Promulgation*, articles 3, 6, and 91.

See also U.S. Department of State, “Trafficking in Persons Report- 2010: Fiji,” 147.

¹⁸³⁸ Interim Government of Fiji, *Crimes Decree*, articles 84, 86, 102-7, 111-20.

¹⁸³⁹ Fiji Police Force, *Consultative Forum to Combat Human Trafficking*, May 5, 2010; available from http://www.police.gov.fj/index.php?option=com_content&view=article&id=713:consultative-forum-to-combat-human-trafficking&catid=34:latest-articles&Itemid=1. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Fiji,” 146-147.

¹⁸⁴⁰ U.S. Embassy- Suva, *reporting*, February 18, 2010, 9. See also U.S. Embassy- Suva, *reporting*, February 1, 2010.

¹⁸⁴¹ Fiji Police Force, *Consultative Forum to Combat Human Trafficking*. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Fiji,” 146-147.

¹⁸⁴² Interim Government of Fiji- Embassy of the Republic of the Fiji Islands, *Fiji Response to the US Department of Labor Request for Information on Child Labor, Forced Labor, and Forced or Indentured Child Labor in the Production of Goods in Foreign Countries and Efforts By Certain Countries to Eliminate the Worst Forms of Child Labor*, submitted in response to U.S. Department of Labor Federal Register Notice (February 24, 2010) “Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor”, Washington, DC, April 12, 2010, 9-10.

¹⁸⁴³ U.S. Embassy- Suva, *reporting*, February 1, 2010.

¹⁸⁴⁴ Interim Government of Fiji- Embassy of the Republic of the Fiji Islands, *Response to Federal Register Notice 2010*, 9. See also Interim Government of Fiji, *Employment Relations Promulgation*, articles 219-221.

¹⁸⁴⁵ U.S. Department of State, “Country Reports- 2009: Fiji,” section 6. See also U.S. Embassy- Suva, *reporting*, February 1, 2010.

¹⁸⁴⁶ U.S. Embassy- Suva, *reporting*, February 1, 2010, para 5.

¹⁸⁴⁷ U.S. Embassy- Suva *reporting*, 18 February 2010, 3.

¹⁸⁴⁸ U.S. Department of State, “Trafficking in Persons Report- 2010: Fiji.” See also U.S. Embassy- Suva, *reporting*, February 1, 2010, para 5.

¹⁸⁴⁹ Anafia Norton, *Protect Me with Love and Care*, 11.

¹⁸⁵⁰ International Labor Organization, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*, June 2008; available from <http://www.ilo.org/ipeinfo/product/searchProduct.do?userType=3&type=normal&selectedSortById=4&selectedPublicOrIntranet=1&selectedCountries=320&createdMonthFrom=-1>.

¹⁸⁵¹ Interim Government of Fiji- Ministry of Finance and National Planning, *Economic and Fiscal Update: Supplement to the 2009 Budget Address - Raising Economic Growth and Alleviating Poverty*, November 2008, 56; available from http://www.mfnp.gov.fj/Documents/2009_Budget_Supplement.pdf.

¹⁸⁵² Josaia V. Bainimarama, *2009 Budget Address: Raising Economic Growth and Alleviating Poverty*, Interim Government of Fiji- Ministry of Finance and National Planning, November 21, 2008, 14-15; available from http://www.mfnp.gov.fj/Documents/2009_Budget_Speech%20.pdf.

¹⁸⁵³ Interim Government of Fiji- Embassy of the Republic of the Fiji Islands, *Response to Federal Register Notice 2010*, 10.

¹⁸⁵⁴ Interim Government of Fiji- Ministry of Finance and National Planning, *Economic and Fiscal Update: Supplement to the 2009 Budget Address*, 84-88. See also Interim Government of Fiji- Ministry of Information, “1,000 Families to Have Proper Homes.”

Gabon

The Government of Gabon has implemented policies and programs focused on child trafficking. However, there is little information to assess the extent to which less publicized worst forms of child labor exist and need to be addressed.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Gabon are exploited in the worst forms of child labor,¹⁸⁵⁵ many of them trafficking victims from other countries, including Benin, Ghana, Guinea, Mali, Nigeria, and Togo.¹⁸⁵⁶ There have also been reports of internal trafficking of children, especially girls.¹⁸⁵⁷

The majority of trafficked children engage in domestic work, where they are vulnerable to physical and sexual abuse.¹⁸⁵⁸ Gabon is also a destination country for children from other African countries trafficked for forced labor—including in domestic work—and commercial sexual exploitation.¹⁸⁵⁹ Girls are trafficked for work in restaurants and for market vending.¹⁸⁶⁰ Boys are trafficked for forced street vending and forced labor in small workshops.¹⁸⁶¹ Children are also engaged in prostitution.¹⁸⁶² Children may also be trafficked to Gabon for forced labor in agriculture, animal husbandry, fishing, and mining.¹⁸⁶³

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 16; however, younger children may be permitted to work with joint consent from the Ministries of Labor, Education, and Public Health. The minimum age for hazardous work is 18.¹⁸⁶⁴ There is no evidence that the Government has issued a list of hazardous occupations as prescribed in ILO

Convention No. 182. The Labor Code prohibits forced labor.¹⁸⁶⁵ Law 09/04, Preventing and Combating Child Trafficking, prohibits trafficking of children for labor.¹⁸⁶⁶ Act No. 004/98 sets the minimum age for voluntary recruitment into the military at 20, and there is no conscription.¹⁸⁶⁷ The Penal Code prohibits the procurement of a minor for prostitution, and Law No. 21/63-94 prohibits forced prostitution.¹⁸⁶⁸





Institutional Mechanisms for Coordination and Enforcement

The Interministerial Committee for the Fight Against Child Exploitation is the lead entity for combating exploitive child labor and facilitating communication within the Government. Its members are the Ministry of Justice, the Ministry of Human Rights, the Ministry of Health and Social Affairs, and the Ministry of Labor.¹⁸⁶⁹ The committee is also charged with ensuring cooperation in the identification and protection of trafficking victims.¹⁸⁷⁰ In 2009, the Interministerial Committee had a budget of \$36,000 to fund investigations and coordinate action against all child exploitation, including child labor. Funding for the Interministerial Committee is insufficient and does not allow for investigations of all reported cases of child exploitation or for necessary interagency coordination and policy development.¹⁸⁷¹

Inspectors from the Ministry of Labor are responsible for receiving, investigating, and addressing child labor complaints, while the Ministry of Justice is responsible

for the enforcement of child labor laws.¹⁸⁷² The Council to Prevent and Combat the Trafficking of Children is responsible for identifying and removing child victims of trafficking in persons; however, there is no evidence that the Council is functioning as yet.¹⁸⁷³

The Government of Gabon maintains no records on the number of child labor investigations or the number of convictions. Officials at the Ministry of Labor and the Ministry of Justice estimate that the Government removed approximately 500 children from exploitive child labor situations over the last four years and prosecuted approximately 10 individuals during the reporting period.¹⁸⁷⁴

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

The Ministry of Justice continues to coordinate with other Government agencies to ensure that child victims of trafficking can stay in Gabon and receive proper care until cases can be prosecuted.¹⁸⁷⁵ By regional agreement, source countries in West and Central Africa, including Benin, Mali, Nigeria, and Togo, are responsible for costs of repatriating trafficking victims.¹⁸⁷⁶ Some trafficking cases have been hampered because repatriation of the victims occurred before the traffickers were brought to trial.¹⁸⁷⁷ According to UNICEF records from 2007 to 2009, 428 children

were repatriated to their countries of origin and 67 were reintegrated into Gabon when repatriation was not an option.¹⁸⁷⁸ Cases may take up to 2 years to be resolved.¹⁸⁷⁹

The Government conducts maritime surveillance of the country's over 2000 kilometer-long coastline, but these efforts have not prevented trafficking by sea; instead, traffickers have simply changed their routes.¹⁸⁸⁰

Government Policies on the Worst Forms Child Labor

Gabon's UN Development Assistance Framework 2007-2011 includes the goal of bringing national legislation into alignment with the country's bilateral and regional agreements to combat child trafficking, as well as ILO Convention 182 and other international conventions that it has ratified.¹⁸⁸¹

The Government published its National Procedures Manual for identifying and assisting trafficking victims, and disseminated the guidelines to all appropriate agencies and partners.¹⁸⁸²

While policy is focused on the established problem of child trafficking, there is no evidence that the government has conducted research to determine the extent and nature of other worst forms of child labor that may be occurring in Gabon.

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

Government efforts to combat the worst forms of child labor focus primarily on trafficking issues.¹⁸⁸³ During the reporting period, the Government established child protection centers in Franceville, Moanda, Tchibanga, and opened six centers for street children.¹⁸⁸⁴ The Government funds centers for trafficking victims (both children and adults) and assumes financial responsibility for their care; foreign victims waiting to return to their home countries receive food, shelter, medical care, family tracing, counseling, and schooling.¹⁸⁸⁵

The Government maintained and advertised its telephone hotline to assist child trafficking victims with leaflets and posters entitled, “STOP child exploitation,” distributed by the Interministerial Committee.¹⁸⁸⁶ In cooperation with UNICEF, the Government collected data on several issues, including the exploitation of children for commercial sex and labor. The results of the study have not yet been released.¹⁸⁸⁷ UNICEF also facilitated increased collaboration

between Gabon and several other African countries to develop standard procedures for repatriating foreign trafficking victims. As one result, Gabon and Benin finalized a bilateral agreement to repatriate trafficking victims and protect them from being re-trafficked.¹⁸⁸⁸ During the reporting period, the Government trained service providers, including social workers, labor inspectors, local police, and government officials, who work directly on trafficking issues.¹⁸⁸⁹

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

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt and make publicly available a list of hazardous occupations prohibited for children under 18.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Allocate sufficient resources to the Interministerial Committee for the Fight Against Child Exploitation to facilitate investigation of all reported child labor cases, interagency coordination, and policy development.
- Gather, analyze, and disseminate child labor enforcement information with a view toward assessing the adequacy and appropriate allocation of available resources.

IN THE AREA OF POLICIES:

- Use a national statistical survey to better determine the extent and nature of the worst forms of child labor in Gabon and assess the need for additional policies to combat them.

¹⁸⁵⁵ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

¹⁸⁵⁶ U.S. Department of State, “Gabon (Tier 2 Watch List),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142983.pdf>. See also U.S. Department of State, “Gabon (Tier 2 Watch List),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/index.htm>. See also U.S. Department of State, “Gabon,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135954.htm>. See also Antoine Lawson, “Gabon cracks down on child trafficking,” *Mail and Guardian*, February 25, 2005;

available from <http://www.mg.co.za/article/2005-02-25-gabon-cracks-down-on-child-trafficking>. See also Antoine Lawson, “Rights-Gabon: Hopefully, the Beginning of the End for Child Traffickers”, *allAfrica.com*, [online], February 24, 2005 [cited January 29, 2009]; available from <http://allafrica.com/stories/200502240606.html>. See also U.S. Department of State, “Country Reports- 2009: Gabon,” section 6.

¹⁸⁵⁷ ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Gabon (ratification: 2001)*, [online] 2009 [cited February 17, 2010]; available from [http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11117&chapter=6&query=\(Gabon\)+@ref+%2B+%23YEAR%3E2008&highlight=&querytype=bool&context=0](http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11117&chapter=6&query=(Gabon)+@ref+%2B+%23YEAR%3E2008&highlight=&querytype=bool&context=0).

¹⁸⁵⁸ ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No.182) Gabon (ratification: 2001)*, [online] 2006 [cited February 17, 2010]; 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=bool&context=0>.

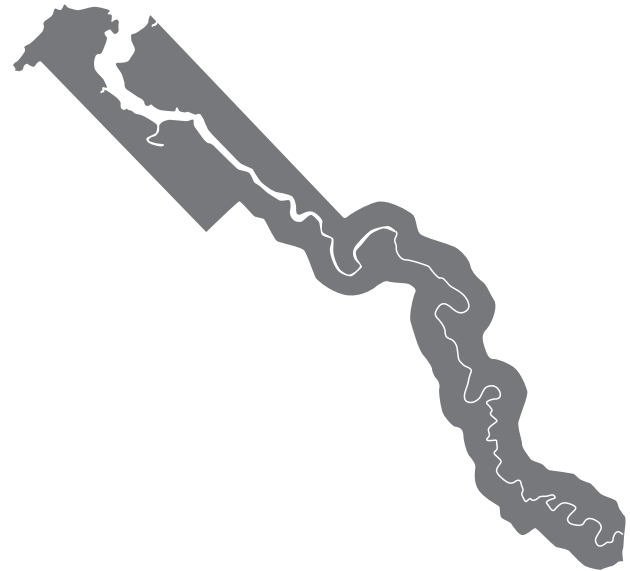
- ¹⁸⁵⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Gabon.” See also U.S. Department of State, “Trafficking in Persons Report- 2009: Gabon.” See also U.S. Department of State, “Country Reports- 2009: Gabon,” section 6. See also Lawson, “Gabon cracks down on child trafficking.” See also Lawson, “Beginning of the End for Child Traffickers”. See also U.S. Department of State, “Country Reports- 2009: Gabon,” section 6.
- ¹⁸⁶⁰ U.S. Embassy- Libreville official, E-mail communication to USDOL official, March 1, 2010, 4. See also Integrated Regional Information Networks, “Gabon: Laws Fail to Curb Child Trafficking Racket”, IRINnews.org, [online], February 4, 2005 [cited February 18, 2010]; available from <http://irinnews.org/print.asp?ReportID=45400>.
- ¹⁸⁶¹ U.S. Department of State, “Trafficking in Persons Report- 2009: Gabon.” See also U.S. Department of State, “Country Reports- 2009: Gabon,” section 6. See also U.S. Embassy- Libreville official, E-mail communication, March 1, 2010, 4.
- ¹⁸⁶² U.S. Department of State, “Country Reports- 2009: Gabon,” section 7d.
- ¹⁸⁶³ U.S. Department of State, “Trafficking in Persons Report- 2009: Gabon.”
- ¹⁸⁶⁴ Government of Gabon, *Code du travail*, Loi no 3/94, (November 21, 1994), articles 6, 82, and 177; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/39615/64948/F94GAB01.htm>.
- ¹⁸⁶⁵ *Ibid.*, articles 4, 82, and 177.
- ¹⁸⁶⁶ U.S. Department of State, “Trafficking in Persons Report- 2009: Gabon.”
- ¹⁸⁶⁷ 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>.
- ¹⁸⁶⁸ U.S. Department of State, “Trafficking in Persons Report- 2009: Gabon.”
- ¹⁸⁶⁹ U.S. Embassy- Libreville, *reporting*, February 5, 2010, para 2c(1).
- ¹⁸⁷⁰ U.S. Embassy- Libreville, *reporting*, February 19, 2010, 5, 12.
- ¹⁸⁷¹ U.S. Embassy- Libreville, *reporting*, February 5, 2010, para 2c(4)-2c(5).
- ¹⁸⁷² U.S. Department of State, “Country Reports- 2009: Gabon,” section 7d.
- ¹⁸⁷³ ILO Committee of Experts, *Individual Observation C182: Gabon (2009)*.
- ¹⁸⁷⁴ U.S. Embassy- Libreville, *reporting*, February 5, 2010, para 2c(6)-2c(10).
- ¹⁸⁷⁵ U.S. Embassy- Libreville, *reporting*, February 24, 2009, 3.
- ¹⁸⁷⁶ U.S. Embassy- Libreville official, E-mail communication, March 1, 2010.
- ¹⁸⁷⁷ U.S. Department of State, “Country Reports- 2009: Gabon,” section 6. See also U.S. Embassy- Libreville, *reporting*, February 24, 2009, 3.
- ¹⁸⁷⁸ U.S. Embassy - Libreville, *reporting*, February 19, 2010.
- ¹⁸⁷⁹ U.S. Embassy- Libreville, *reporting*, February 5, 2010, para 2c(11), 2d(11).
- ¹⁸⁸⁰ U.S. Department of State, “Trafficking in Persons Report- 2010: Gabon.”
- ¹⁸⁸¹ Government of Gabon, *Plan cadre des Nations Unies pour l’aide au développement 2007-2011, Gabon*, Geneva, March 31, 2006, 16; available from http://www.undg.org/archive_docs/8099-UNDAF-Gabon_2007-2011.pdf.
- ¹⁸⁸² U.S. Embassy- Libreville official, E-mail communication, March 1, 2010.
- ¹⁸⁸³ U.S. Embassy- Libreville, *reporting*, February 5, 2010, para 2f(3), 2c(14).
- ¹⁸⁸⁴ U.S. Embassy- Libreville, *reporting*, February 19, 2010, 2.
- ¹⁸⁸⁵ *Ibid.* See also U.S. Embassy- Libreville official, E-mail communication, March 1, 2010.
- ¹⁸⁸⁶ U.S. Department of State, “Trafficking in Persons Report- 2010: Gabon.”
- ¹⁸⁸⁷ U.S. Embassy- Libreville, *reporting*, February 19, 2010, 2.
- ¹⁸⁸⁸ U.S. Embassy- Libreville, *reporting*, February 24, 2009, section 25-G.
- ¹⁸⁸⁹ U.S. Embassy- Libreville official, E-mail communication, March 1, 2010, 1.

The Gambia

The Government of The Gambia has made efforts to combat the worst forms of child labor through its existing legal framework and by incorporating the issue into its Poverty Reduction Strategy. Children continue to be engaged, however, in the worst forms of child labor in street work, domestic service, commercial sexual exploitation, and agriculture. Enforcement actions are limited and programs are not sufficient to reach children in all vulnerable sectors.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	36.4%
Attending School	5-14 yrs.	65.7%
Combining Work and School	7-14 yrs.	29.6%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in The Gambia are exploited in the worst forms of child labor,¹⁸⁹⁰ many of them in street vending, domestic service, commercial sexual exploitation and agriculture.¹⁸⁹¹ Working girls engage in street vending, selling food items such as sweets, water, and fruits for their parents.¹⁸⁹² Working boys are found hauling items, sweeping, and collecting taxi or bus fares.¹⁸⁹³ Children working on the streets are exposed to a variety of risks, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements. Domestic and agricultural work may expose children to unsafe and unhealthy conditions as well. Child domestic servants may be required to work long hours and be vulnerable to physical and sexual exploitation by their employer. Agricultural labor may involve using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides.

Children in The Gambia have been known to sell drugs for their parents, especially cannabis.¹⁸⁹⁴

The practice of sending boys to Koranic teachers to receive education is a tradition in The Gambia.¹⁸⁹⁵ This may include a vocational or apprenticeship component. While some of these boys, known locally as *almudos*, receive lessons, many are forced to beg by their teachers for money and food.¹⁸⁹⁶

The commercial sexual exploitation of children, including prostitution and child sex tourism, continues to be a serious problem in The Gambia.¹⁸⁹⁷

Within The Gambia, children are trafficked for domestic service and commercial sexual exploitation, including in the tourism industry.¹⁸⁹⁸ Boys from Senegal are trafficked to The Gambia for forced begging, and Gambian boys are trafficked to Senegal for this purpose as well.¹⁸⁹⁹ Gambian girls are trafficked to Senegal for domestic service.¹⁹⁰⁰

Laws and Regulations on the Worst Forms of Child Labor

The Labor Law of 2007 prohibits children, defined as persons under 18 from engaging in agricultural, industrial, or non-industrial work, but permits light

work at age 16.¹⁹⁰¹ The Gambian Children's Act specifically prohibits the economic exploitation of children under 18, barring them from night work, hazardous work, and work that interferes with a child's education.¹⁹⁰² It defines hazardous labor and protects children from working in specific industries such as seafaring, mining, and quarrying. It also forbids children from carrying heavy loads; working in manufacturing industries where chemicals are produced or in places where machines are used; as well as in bars, hotels, and places of entertainment where a child may be exposed to immoral behavior.¹⁹⁰³ Additionally, the Children's Act applies to both, the formal and informal sectors.¹⁹⁰⁴

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	18
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

Forced or compulsory labor, including by children, is prohibited by law.¹⁹⁰⁵ The trafficking of children is specifically prohibited under multiple Gambian laws.¹⁹⁰⁶ Under the Children's Act, which typically takes precedence over other legislation, child trafficking offenses are punishable by life imprisonment.¹⁹⁰⁷ The Tourism Offenses Act of 2003 prohibits child prostitution, trafficking, and pornography.¹⁹⁰⁸ The Children's Act and Trafficking in Persons Act prohibit promoting child prostitution and procuring a child for sexual exploitation in The Gambia.¹⁹⁰⁹ Additionally, the Children's Act prohibits

the procurement, use, or offering of a child for the production or trafficking of drugs.¹⁹¹⁰

Children are required to attend school until age 12. Children ages 12 to 17 may be particularly vulnerable to the worst forms of child labor because they are old enough to be out of school but are not eligible to legally work.

Finally, children under age 18 may not be recruited into the Armed Forces.¹⁹¹¹

Institutional Mechanisms for Coordination and Enforcement

The Department of Labor, the Department of Social Welfare, and The Gambia Tourism Authority are responsible for enforcing laws related to the worst forms of child labor and maintain regular contact with each other through joint committees or task forces.¹⁹¹² The Department of 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.¹⁹¹³

The Department of Labor relies on tips or allegations to investigate possible child labor violations. The Department employs four labor inspectors to conduct all workplace inspections including child labor allegations.¹⁹¹⁴ In 2009 these inspectors performed 45 inspections involving alleged cases of child labor in factories, supermarkets, and hotels in urban areas.¹⁹¹⁵ No children were removed or assisted as a result of the inspections.¹⁹¹⁶

Child labor violations that occur in the tourism resort areas, typically sexual exploitation, are addressed to the Department of Social Welfare or The Gambia Tourism Authority. Both agencies then immediately notify the Tourism Security Unit, which agency patrols such areas.¹⁹¹⁷

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.¹⁹¹⁸ 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.¹⁹¹⁹

A number of government agencies help to enforce trafficking laws. Reporting from USDOS indicates the Tourism Security Unit (TSU) and the Child Protection Unit within the Gambian military are taking on an increasingly prominent role in the enforcement and prevention of trafficking.¹⁹²⁰ All law enforcement agencies in The Gambia have units dedicated to either anti-trafficking or child protection.¹⁹²¹ At border crossings, Government officials check to ensure that minor children are traveling with their parents or with their parents' consent to prevent trafficking.¹⁹²²

According to USDOS, TSU patrols of the Tourism Development Area have been effective in combating child sex tourism and commercial sexual exploitation. However data on the number of children referred to the Department of Social Welfare are unavailable. TSU continues to enforce a ban on unaccompanied children under 18 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 such areas refuse to allow children onto hotel premises.¹⁹²³

Research indicates that during the reporting period only one criminal enforcement action was undertaken in The Gambia, which was related to pornography and sexual exploitation.¹⁹²⁴

Government Policies on the Worst Forms of Child Labor

The Government's Poverty Reduction Strategy Paper identifies child labor as a problem and calls for addressing it by increasing school enrollment, expanding girls' education, and improving vocational training.¹⁹²⁵ The Gambia's National Education Policy

(2004-2015) seeks to implement these goals as part of its Poverty Reduction Strategy.¹⁹²⁶

The Gambia Tourism Authority (GTA) responded to the problem of child sex tourism by working with UNICEF and the NGO Child Protection Alliance (CPA), to develop a Code of Conduct for the Protection of Children in Tourist Areas, which outlines penalties for abusing children.¹⁹²⁷ 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 how stakeholders can prevent child sex tourism.¹⁹²⁸ TSU is collaborating with GTA to compile a database of persons suspected of being and/or may have been convicted as traffickers and/or pedophiles.¹⁹²⁹ Further, the Government finalized a national action plan to combat trafficking in December 2008.¹⁹³⁰

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

In the past the Government of The Gambia has made efforts to increase school enrollment, expand girls' education, and improve vocational training. To do so, the Government fully funded some of the initiatives and provided counterpart funding for donor-supported projects.¹⁹³¹ The question of whether these initiatives had an impact on child labor does not appear to have been addressed.

In collaboration with UNICEF and the Christian Children's Fund, the Government co-funds and operates a drop-in center that provides medical care and other basic services to street children and *almudos*. Once *almudos* have registered in the drop-in center program, they are no longer allowed to continue begging on the streets for their teachers.¹⁹³² The Government also continues to run a 24-hour shelter for child trafficking victims.¹⁹³³ However Government-supported programs do not reach all vulnerable street children and trafficking victims or target children working in rural areas.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Raise the age for compulsory education for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Develop more effective and integrated monitoring mechanisms.
- Conduct random inspections in addition to complaint-based inspections to improve enforcement of child labor laws.
- Ensure children found in child labor conditions are withdrawn and provided with appropriate social services.

IN THE AREA OF PROGRAMS:

- Assess the impact that existing programs may have on addressing the worst forms of child labor.
- Expand programs to prevent child trafficking and exploitive child labor on the streets, and develop programs to assist children in rural areas and in domestic service.

¹⁸⁹⁰ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2005-2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

¹⁸⁹¹ Frances Foord, Cherno Jallow, Katie Paine, and Aliou Sarr, *Situational Analysis of Orphans and Other Vulnerable Children in the Gambia*, previously online, 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 [hard copy on file]. See also Gambia Department of State for Education official, Interview with USDOL contractor, September 4, 2006, 32. See also U.S. Department of State, "The Gambia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135955.htm>.

¹⁸⁹² 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.

¹⁸⁹³ Christian Children's Fund- The Gambia, *Child Protection Baseline Assessment*, 13.

¹⁸⁹⁴ Gambia Department of State for Education official, Interview, September 4, 2006, 32.

¹⁸⁹⁵ 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 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.

¹⁸⁹⁶ 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 March 2, 2010]; available from <http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007>.

¹⁸⁹⁷ U.S. Department of State, "Country Reports- 2009: The Gambia." See also Integrated Regional Information Networks, "Gambia: Sex Tourists Exploiting Children", IRINnews.org, [online], October 30, 2008 [cited March 2, 2010]; available from <http://www.irinnews.org/PrintReport>.

aspx?ReportId=81205. See also ECPAT, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children: The Gambia*, 2007, 11; available from http://www.ecpat.net/eng/A4A_2005/PDF/AF/Global_Monitoring_Report-GAMBIA.pdf [hard copy on file].

¹⁸⁹⁸ U.S. Department of State, “The Gambia (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>.

¹⁸⁹⁹ 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>.

¹⁹⁰⁰ Ibid.

¹⁹⁰¹ Government of the Gambia, *Labour Act, 5/2007*, (October 17, 2007), article 45.

¹⁹⁰² Government of the Gambia, *Children’s Act*, (July 21, 2005), 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.

¹⁹⁰³ U.S. Embassy- Banjul, *reporting*, November 30, 2007, section 1A.

¹⁹⁰⁴ Government of the Gambia, *Children’s Act*, Articles 48 and 49.

¹⁹⁰⁵ Government of the Gambia, *Constitution*, para 20. See also Government of the Gambia, *Children’s Act*, articles 39-40.

¹⁹⁰⁶ 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.

¹⁹⁰⁷ 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.

¹⁹⁰⁸ U.S. Embassy-Banjul, *reporting*, February 19, 2009, section 2a.

¹⁹⁰⁹ 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 March 2, 2010; available from http://www.ilo.org/dyn/natlex/natlex_browse.home.

¹⁹¹⁰ Government of the Gambia, *Children’s Act*, article 31.

¹⁹¹¹ Ibid., article 59(1). See also Coalition to Stop the Use of Child Soldiers, “Gambia,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/library/global-reports>.

¹⁹¹² U.S. Embassy- Banjul, *reporting*, February 2, 2010, section 2C.

¹⁹¹³ U.S. Embassy- Banjul, *reporting*, March 5, 2009, paras 3B and 3D. See also U.S. Department of State, “Country Reports- 2009: The Gambia.”

¹⁹¹⁴ U.S. Embassy- Banjul, *reporting*, February 2, 2010.

¹⁹¹⁵ Ibid., section 2C.

¹⁹¹⁶ Ibid.

¹⁹¹⁷ Ibid. See also U.S. Department of State, “The Gambia (Tier 2).”

¹⁹¹⁸ 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.

¹⁹¹⁹ 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.

¹⁹²⁰ U.S. Embassy- Banjul, *reporting*, March 5, 2009, para 3B.

¹⁹²¹ Ibid.

¹⁹²² U.S. Department of State, “Trafficking in Persons Report- 2008: The Gambia.”

¹⁹²³ U.S. Embassy- Banjul, *reporting*, March 5, 2009, paras 6E and 6F. See also U.S. Department of State, “The Gambia (Tier 2).”

¹⁹²⁴ U.S. Embassy- Banjul, *reporting*, February 2, 2010, sections 2C and 2D.

¹⁹²⁵ Ibid., section 2E.

¹⁹²⁶ Government of The Gambia, *The Gambia: Poverty Reduction Strategy Paper - Annual Progress Report*, Office of the President, Banjul, 2008, 33; available from <http://www.imf.org/external/pubs/ft/scr/2009/cr0975.pdf>.

¹⁹²⁷ U.S. Department of State, “Trafficking in Persons Report- 2008: The Gambia.” See also Integrated Regional Information Networks, “Sex Tourists Exploiting Children”.

¹⁹²⁸ ECPAT International, *ECPAT Directory: Africa*, January 29, 2009; available from http://www.ecpat.net/EI/Ecpat_directory.asp?id=31&groupID=1.

¹⁹²⁹ U.S. Embassy- Banjul, *reporting*, March 5, 2009, para 2A.

¹⁹³⁰ Ibid., paras 3B and 6D.

¹⁹³¹ U.S. Embassy- Banjul, *reporting*, February 2, 2010.

¹⁹³² Ibid., section 2F.

¹⁹³³ U.S. Embassy- Banjul, *reporting*, March 5, 2009, para 5B.

Georgia

The Government of Georgia has developed a policy framework to eliminate and prevent the trafficking of minors. However, there continue to be reports of children working in agriculture and in the streets.

Large gaps remain in enforcement and the collection and dissemination of data is lacking, which hinders the ability to effectively target policies and programs to address the worst forms of child labor.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Georgia are exploited in the worst forms of child labor, predominantly working in agriculture.¹⁹³⁴ Many children under the age of 16 work on farms where they may be exposed to the use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides.¹⁹³⁵

Although the situation has improved over the past decade, children are also found working in the streets, primarily engaged either in begging or selling small items, such as scrap metal and glass.¹⁹³⁶ Many of the children begging on the streets are ethnic Roma.¹⁹³⁷ A 2009 study on urban street children found mothers as young as age 15 working on the streets with their children.¹⁹³⁸ Street children and children begging on the streets are exposed to hazards such as severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements. For example, street children have reported being forced to beg or steal in order to repay gambling debts they have incurred.¹⁹³⁹

Though not widespread, there have been cases of girls trafficked for commercial sexual exploitation.¹⁹⁴⁰ In addition, de facto authorities in the separatist region of

Abkhazia have reportedly forcibly conscripted teenage boys into the militia.¹⁹⁴¹

Laws and Regulations on the Worst Forms of Child Labor


The Labor Code of Georgia sets the minimum age for work at 16 and the minimum age for hazardous work at 18.¹⁹⁴² Neither begging nor street work is recognized as hazardous work.¹⁹⁴³ Article 42 of the Administrative Violations Code empowers the courts to levy sanctions against employers found in violation of child labor laws.¹⁹⁴⁴

Article 30 of the Constitution of Georgia explicitly prohibits forced labor.¹⁹⁴⁵ The minimum age for entry into the armed forces is 18.¹⁹⁴⁶

Children in Georgia are required to attend school only until the age of 14, which leaves children age 15 vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum age for work.¹⁹⁴⁷

Articles 143.2 and 143.3 of the Criminal Code of Georgia (as amended in 2006) criminalize the trafficking of minors and the use of their services,

including for prostitution.¹⁹⁴⁸ Article 255 also prohibits the production, sale, distribution, or promotion of child pornography.¹⁹⁴⁹ The Criminal Code provides stringent penalties for committing these crimes.¹⁹⁵⁰ Enacted in 2006, the Law of Georgia on Combating Human Trafficking establishes the roles and responsibilities of state agencies and creates a comprehensive set of tools to facilitate the prevention of trafficking in persons as well as protect and assist victims of human trafficking.¹⁹⁵¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Although research has found no evidence that the Government of Georgia has established a coordinating mechanism to combat the worst forms of child labor specifically, the Government has created a body to coordinate on trafficking, including trafficking of children.

The Interagency Anti-Trafficking Coordination Council for the Implementation of Measures against Human Trafficking (ICC) coordinates government efforts against trafficking in persons and children. The ICC is chaired by the Minister of Justice and includes representatives from state agencies and non-state entities.¹⁹⁵²

The Department of Child Protection and Social Programs, a sub-department in the Ministry of Labor, Health and Social Affairs' Department of Social Protection, is responsible for receiving and forwarding complaints of child labor to law enforcement agencies.¹⁹⁵³ The unit has 12 specialists.¹⁹⁵⁴

The Labor Inspectorate was abolished under the 2006 Labor Code, leaving Georgia without a means to actively monitor workplaces for violations of child labor laws.¹⁹⁵⁵

During the reporting period there were no complaints of child labor filed with the Department of Child Protection and Social Programs, nor did the Prosecutor's Office receive any information to initiate cases under the Article 42 of the Administrative Violations code.¹⁹⁵⁶

The exploitation of children in criminal activities is handled by the Ministry of Internal Affairs' (MoIA) Under-age Affairs Inspectorate. District-level inspectors are responsible for carrying out the Inspectorate's mandate.¹⁹⁵⁷ MoIA's Special Operations Department leads the criminal investigations of trafficking in persons, including the trafficking of children.¹⁹⁵⁸

The Government increased its investigations of trafficking in 2009.¹⁹⁵⁹ However, only one known case of child trafficking was registered with the Prosecutor's Office and is still being investigated.¹⁹⁶⁰

The Government continues to work with the international community to increase capacity. In 2009, approximately 170 prosecutors and judges received trafficking training from local NGOs and international organizations.¹⁹⁶¹ Additionally, government officials from a variety of agencies received training on trafficking in persons.¹⁹⁶²

Government Policies on the Worst Forms of Child Labor

The Children's Action Plan 2008-2011 (CAP) establishes the overarching framework to improve the welfare of children, including support to street children and victims of trafficking and exploitation.¹⁹⁶³ According to a UNICEF-funded report, the Government has not fully funded the CAP.¹⁹⁶⁴

The question of whether this policy has an impact on the worst forms of child labor, in particular children working in agriculture, does not appear to have been addressed by researchers.

Since 2007, the Government of Georgia has been participating in several anti-trafficking initiatives, including the Development of Comprehensive Anti-trafficking Response in Armenia, Azerbaijan and Georgia (2007-2009), Enhancing the Effectiveness of National Action Plans Against Human Trafficking in Armenia, Azerbaijan and Georgia (2009-2010) and Strengthening of Comprehensive Anti-trafficking Responses in Armenia, Azerbaijan and Georgia (2009-2011).¹⁹⁶⁵ These initiatives aim to improve National Action Plans on combating trafficking in persons and legal frameworks in these countries.¹⁹⁶⁶

In January 2009, the Government launched the 2009-2010 Action Plan on the Fight Against Trafficking in Human Beings, to improve anti-trafficking efforts. Measures include educational programs in schools to raise awareness of the risk of trafficking, and training for law-enforcement officials and lawyers in dealing with minors.¹⁹⁶⁷ The Government is making progress on implementing the action plan. For example, Government officials have attended workshops, lectures and trainings, and the MoIA signed a Memorandum of Understanding with World Vision International in August 2009 to cooperate on the issue of child victims of trafficking.¹⁹⁶⁸

The Government has not collected data on the worst forms of child labor, hampering its ability to formulate policies and programs, though they have agreed to work with ILO-IPEC to undertake an assessment of child labor in Georgia.¹⁹⁶⁹

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

The Government has worked largely in cooperation with international organizations, NGOs and foreign aid agencies to improve the welfare of children and address the plight of street children. During the reporting

period, the Government introduced a voucher system for street children that will enable them to receive support from NGOs.¹⁹⁷⁰ USAID is working with the Government and NGOs to assist street children who do not have the proper documentation or legal status to receive the vouchers.¹⁹⁷¹

The Government also continued its support for Rebuilding Lives Project, a USAID-funded initiative that included provision of services to vulnerable children, including children working in the streets, service provider capacity building, public awareness activities, and policy reform.¹⁹⁷²

Other government efforts included earmarking approximately \$5 million to provide textbooks to children of families living in poverty, providing children living in rural areas with free transportation, increasing funding to improve the quality of education, and continuing to construct new schools and renovate existing schools.¹⁹⁷³

The question of whether these programs have an impact on the worst forms of child labor does not appear to have been addressed.

During the reporting period, the Government of Georgia increased funding for the State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking (SFVPA), established by the Law of Georgia on Combating Human Trafficking to protect, assist and rehabilitate trafficking victims.¹⁹⁷⁴ The SFVPA implements the Government's Rehabilitation and Reintegration Strategy and operates the country's two trafficking shelters in Batumi and Tbilisi.¹⁹⁷⁵

Current efforts are not sufficient to reach children working in the streets. Research found no evidence of any programs to assist children engaged in agriculture.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Enact legal protections for children engaged in street work and begging.
- Increase the age of compulsory schooling.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a mechanism to coordinate child labor efforts across the government.
- Reestablish the Labor Inspectorate, or establish an equivalent body, to enforce child labor regulations.
- Actively target inspections to areas where children are known to work in addition to complaint-driven inspections.

IN THE AREA OF POLICIES:

- Conduct data collection efforts on the worst forms of child labor in order to inform policies and programs.
- Assess the impact that the Children's Action Plan may have on addressing the worst forms of child labor, in particular children engaged in agriculture.
- Ensure that sufficient resources are available to implement the Children's Action Plan fully.

IN THE AREA OF PROGRAMS:

- Assess the impact that existing programs may have on addressing the worst forms of child labor.
- Expand and develop social programs to assist children engaged in or at risk of entering the worst forms of child labor, in particular children working in the streets and in agriculture.

¹⁹³⁴ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

¹⁹³⁵ U.S. Embassy-- Tbilisi, *reporting*, February 17, 2010.

¹⁹³⁶ U.S. Department of State, "Georgia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136032.htm>. See also U.S. Embassy-- Tbilisi, *reporting*, February 17, 2010. See also Katarzyna and Larry Dershem Wargan, *Don't Call Me a Street Child: Estimation and Characteristics of Urban Street Children in Georgia*, March 2009, 57; available from http://pdf.usaid.gov/pdf_docs/PNADO657.pdf.

¹⁹³⁷ U.S. Embassy-- Tbilisi, *reporting*, February 17, 2010.

¹⁹³⁸ Wargan, *Don't Call Me a Street Child*, 26, 57.

¹⁹³⁹ *Ibid.*, 59.

¹⁹⁴⁰ U.S. Department of State, "Country Reports- 2009: Georgia," section 6.

¹⁹⁴¹ *Ibid.*, section 1.g.

¹⁹⁴² The Labor Code prohibits "under-aged" persons from engaging in hazardous work. The Civil Code of Georgia defines an under-aged person as someone under 18 years of age. Government of Georgia, *Labor Code of Georgia*, (July 4, 2006); available from <http://www.doingbusiness.org/documents/lawlibrary/georgia-labor-code-of-georgia.doc>. See also ILO Committee of Experts, *Direct Request concerning Worst Forms of Child Labour Convention, 1999*, (No. 182), *Georgia (ratification: 2002)*, [online] 2009 [cited April 28, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23514&chapter=9&query=%28Georgia%29+%40ref+%2B+%23YEAR%3E2008&highlight=&querytype=bool&context=0>.

¹⁹⁴³ U.S. Embassy- Tbilisi official, E-mail communication to USDOL official, September 16, 2010.

- ¹⁹⁴⁴ U.S. Embassy-- Tbilisi, *reporting, February 17, 2010.*
- ¹⁹⁴⁵ Government of Georgia, *The Constitution of Georgia*, (August 24, 1995); available from http://www.parliament.ge/files/68_1944_951190_CONSTIT_27_12.06.pdf.
- ¹⁹⁴⁶ 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.
- ¹⁹⁴⁷ UNESCO, *EFA Global Monitoring Report 2009*, Paris, 2009, 292; available from <http://unesdoc.unesco.org/images/0017/001776/177683e.pdf>.
- ¹⁹⁴⁸ U.S. Embassy - Tbilisi, *reporting*, March 11, 2010. See also ILO Committee of Experts, *Direct Request C182: Georgia (2009)*.
- ¹⁹⁴⁹ U.S. Embassy-- Tbilisi, *reporting, February 17, 2010.* See also ILO Committee of Experts, *Direct Request C182: Georgia (2009)*.
- ¹⁹⁵⁰ U.S. Embassy - Tbilisi, *reporting, March 11, 2010.* See also U.S. Embassy-- Tbilisi, *reporting, February 17, 2010.*
- ¹⁹⁵¹ Government of Georgia, *Law of Georgia on Combating Human Trafficking*, (June 16, 2006); available from http://www.tracc.cdn.ge/documents/human-trafficking/Law_Georgia_Human_Trafficking_eng.pdf. See also U.S. Embassy - Tbilisi, *reporting, March 11, 2010.*
- ¹⁹⁵² Government of Georgia, *Law on Combating Human Trafficking*. See also U.S. Embassy - Tbilisi, *reporting, March 11, 2010.* See also ILO Committee of Experts, *Direct Request C182: Georgia (2009)*.
- ¹⁹⁵³ U.S. Department of State, "Country Reports- 2009: Georgia," section 7. See also U.S. Embassy- Tbilisi official, E-mail communication, September 16, 2010.
- ¹⁹⁵⁴ U.S. Embassy-- Tbilisi, *reporting, February 17, 2010.*
- ¹⁹⁵⁵ ILO Committee of Experts, *Direct Request concerning Minimum Age Convention, 1973, (No. 138), Georgia (ratification: 1996)*, [online] 2009 [cited April 28, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23249&chapter=9&query=Georgia%40ref&highlight=&querytype=bool&context=0>.
- ¹⁹⁵⁶ U.S. Department of State, "Country Reports- 2009: Georgia," section 7. See also U.S. Embassy-- Tbilisi, *reporting, February 17, 2010.* See also U.S. Embassy- Tbilisi official, E-mail communication, September 16, 2010.
- ¹⁹⁵⁷ ILO Committee of Experts, *Direct Request C182: Georgia (2009)*.
- ¹⁹⁵⁸ U.S. Embassy-- Tbilisi, *reporting, February 17, 2010.* See also U.S. Embassy - Tbilisi, *reporting, March 11, 2010.*
- ¹⁹⁵⁹ U.S. Department of State, "Georgia (Tier 1 Watch List)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142979.pdf>.
- ¹⁹⁶⁰ U.S. Embassy-- Tbilisi, *reporting, February 17, 2010.*
- ¹⁹⁶¹ U.S. Department of State, "Trafficking in Persons Report- 2010: Georgia."
- ¹⁹⁶² U.S. Embassy-- Tbilisi, *reporting, February 17, 2010.*
- ¹⁹⁶³ UN Committee on the Rights of the Child, *Additional Information on the Implementation of the Convention on the Rights of the Child in Respect of the Third Periodic Report of Georgia (CRC/C/GEO/3)*, 2007, Annex X; available from http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/Additionalinformation_48Georgia.doc and http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/part2_48Georgia.doc.
- ¹⁹⁶⁴ Clare O'Brien, and Tata Chanturidze, *UNICEF: Assessment of the Child Welfare Reform Process in Georgia*, 2009, pages IX, 37; available from http://www.unicef.org/georgia/OPM_report_edited.pdf.
- ¹⁹⁶⁵ Anti-Trafficking.Net, *Activities, Commonwealth of Independent States*, [online] [cited May 4, 2010]; available from <http://www.anti-trafficking.net/91.html?&F=lwjcwbo>.
- ¹⁹⁶⁶ Ibid.
- ¹⁹⁶⁷ U.S. Embassy-- Tbilisi, *reporting, February 17, 2010.*
- ¹⁹⁶⁸ Ministry of Internal Affairs of Georgia, *Implementation Account of the Ministry of Internal Affairs of Georgia on the 2009-2010 Action Plan in the Fight against Trafficking in Human Beings*, [online] [cited August 12, 2010]; available from <http://www.police.ge/index.php?m=367&lng=eng>.
- ¹⁹⁶⁹ U.S. Embassy-- Tbilisi, *reporting, February 17, 2010.*
- ¹⁹⁷⁰ Ibid.
- ¹⁹⁷¹ Ibid.
- ¹⁹⁷² Ibid. See also USAID/Caucasus Mission, *USAID Celebrates Rebuilding Lives Project Successes*, Press Release, Tbilisi, September 2, 2010; available from <http://georgia.usaid.gov/index.php?m=28&newsid=517>.
- ¹⁹⁷³ U.S. Embassy-- Tbilisi, *reporting, February 17, 2010.*
- ¹⁹⁷⁴ U.S. Embassy - Tbilisi, *reporting, March 11, 2010.* See also Government of Georgia, *Law on Combating Human Trafficking*.
- ¹⁹⁷⁵ U.S. Embassy - Tbilisi, *reporting, March 11, 2010.* See also U.S. Embassy-- Tbilisi, *reporting, February 17, 2010.* See also U.S. Department of State, "Country Reports- 2009: Georgia," section 6.

Ghana

The Government of Ghana continues to develop policies and social programs to address the worst forms of child labor, particularly in the cocoa sector. However, these programs have reached only a small fraction of the vulnerable children in that sector. Children are engaged in the worst forms of child labor on farms, in mines, and in fishing, some in conditions of forced labor. Significant gaps remain in the enforcement of child labor laws and remediation through social programs.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	43.5%
Attending School	5-14 yrs.	83.1%
Combining Work and School	7-14 yrs.	18.1%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Ghana are found in the worst forms of child labor,¹⁹⁷⁶ many of them in agriculture. In the cocoa sector, some children report injuries sustained while using machetes, carrying heavy loads, clearing land, and burning vegetation.¹⁹⁷⁷ According to a recent survey by Tulane University, an estimated 48.6 percent of children (over 269,000 children) engaged in the cocoa sector work in contravention of minimum age and hour standards.¹⁹⁷⁸ Only 3.2 percent of children working in Ghana's cocoa sector report benefitting from intervention projects.¹⁹⁷⁹ Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of cashews, cassava, cotton, maize, rice, plantains, spinach, tomatoes, yams, mudfish, silverfish, catfish, latesfish, electric fish, and diamonds.¹⁹⁸⁰ These children may face health and safety risks from working long hours, using potentially dangerous tools and performing arduous tasks.

Children in Ghana also herd livestock for long hours and engage in dangerous domestic chores, such as fetching firewood, which requires them to carry heavy loads.¹⁹⁸¹

Children, often those between the ages of 12 and 15, work in domestic service, mostly in the Ashanti and Greater Accra Regions of Ghana.¹⁹⁸² They work long hours and may be at risk of physical and sexual abuse. In urban areas such as Accra and Kumasi, girls as young as 6 transport heavy loads on their heads. These *kayaye* often live on the streets, exposed to physical hazards from vehicular traffic and inclement weather.¹⁹⁸³ Children in Ghana are also subject to commercial sexual exploitation. This is especially true in Accra and the tourist destinations of Elmina and Cape Coast.¹⁹⁸⁴

Children work in quarrying and small-scale mining, including extracting, transporting, and processing.¹⁹⁸⁵ They are also engaged in diamond and small-scale gold mines, known as "galamsey."¹⁹⁸⁶ These mines use poisonous chemicals that pollute water sources and may result in illness and death. Children working in mines also risk injury or death as a result of collapsing pit mines.¹⁹⁸⁷

On Lake Volta, the fishing industry employs many children in hazardous labor, such as deep diving to untangle fishing nets.¹⁹⁸⁸ Children are trafficked to Lake Volta for this purpose and are known to engage in

fishing for tilapia and reportedly many other types of fish.¹⁹⁸⁹ Girls also work as domestic servants, street and market vendors, and porters in fishing villages along Lake Volta.¹⁹⁹⁰

The practice of sending children to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in Ghana.¹⁹⁹¹ While some children receive lessons, some are forced to beg and surrender the money that they have earned.¹⁹⁹² In addition, 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.¹⁹⁹³ According to the Government of Ghana, *Trokosi* constitutes forced or ritual servitude, which is banned under the law.¹⁹⁹⁴






Ghana is a source, transit, and destination country for child trafficking for commercial sexual exploitation and forced labor. Trafficking occurs most frequently within the country, and the majority of victims are children.¹⁹⁹⁵ Within Ghana, children are trafficked for forced labor in fishing (mostly boys trafficked from the Central and Western Regions to the Volta region), agriculture, portering, begging, street vending, domestic labor (mostly girls trafficked from the north and east to Accra and Kumasi), sexual exploitation and sex tourism.¹⁹⁹⁶ Ghanaian children are also trafficked to neighboring countries in West Africa for labor exploitation, mostly to Côte d'Ivoire, Togo, Nigeria, the Gambia, Burkina Faso, and Gabon.¹⁹⁹⁷

Laws and Regulations on the Worst Forms of Child Labor

The Children's Act sets the minimum age for employment at 15. The Act also prohibits persons under 18 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.¹⁹⁹⁸ The Children's Act applies to employment in both the formal and informal sectors. Labor inspections in formal enterprises are conducted by district labor officers. In the informal sector, the District Assembly and the District Social Welfare Officer has

the authority to investigate and report findings to the police to take appropriate action.¹⁹⁹⁹

The Government of Ghana, in collaboration with the ILO, has also developed a list of worst forms of child labor occupations that includes domestic labor, *kayaye* and other urban informal activities.²⁰⁰⁰ The Hazardous Child Labor Activity Framework for the Cocoa Sector defines certain activities as hazardous and prohibits them for children under the age of 18. Hazardous activities for the cocoa sector include clearing forest and/or felling trees, burning bushes, applying chemicals and chemical fertilizer, carrying heavy loads beyond a permissible weight, using machetes and long cutlasses for weeding, harvesting overhead cocoa pods with harvesting hook, and working on the farm for more than three hours per day or more than 18 hours per week.²⁰⁰¹

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

The Ghana Constitution prohibits forced labor, slavery, and servitude and states that every child has the right to be protected from engaging in work that constitutes a threat to child's health, education and development.²⁰⁰² According to the Criminal Code, ritual servitude is illegal in Ghana.²⁰⁰³ The Criminal Code also prohibits persons with custody, charge, or care of a child under 16 from encouraging or causing that child to become involved in prostitution.²⁰⁰⁴ The Criminal Code stipulates that it is illegal to procure

any person under 21 “not being a prostitute or of known immoral character.”²⁰⁰⁵ This provision makes criminal punishment dependent on a judgment of the child’s moral standing, which may make enforcement more difficult and leave some victims of child sexual exploitation without protection. It is in contradiction of the Children’s Act, which calls for the best interest of the child to be given primary consideration in any child-related matter.²⁰⁰⁶

The Human Trafficking Act prohibits forced prostitution of children under 18 and contains specific provisions against trafficking in persons, including trafficking children under 18, providing another person for trafficking, and using a trafficked person.²⁰⁰⁷ The Human Trafficking Act also provides for the rescue, temporary shelter and care, counseling, family tracing and rehabilitation of victims of trafficking.²⁰⁰⁸ The minimum age for military recruitment is 18 years, and there is no conscription.²⁰⁰⁹

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Employment and Social Welfare’s (MESW) Child Labor Unit (CLU) is responsible for overseeing activities to combat child labor. Combating child labor in the cocoa sector and implementing the Harkin-Engel Protocol (the “Protocol”) falls under the direction of the National Program for the Elimination of the Worst Forms of Child Labor in Cocoa (NPECLC).²⁰¹⁰ The NPECLC is a program of the MESW, in collaboration with Ghana Cocoa Board (COCOBOD) and the Ministry of Finance and Economic Planning.²⁰¹¹ The MESW has not implemented all agreements related to the Protocol, including establishing transparent child labor monitoring and certification systems throughout the cocoa growing region by the end of 2010.²⁰¹² However the NPECLC began to pilot a cocoa child labor monitoring system (CCLMS) in cocoa-growing regions, with the aim to scale up to 47 cocoa-growing districts by 2011 and all 70 cocoa-growing districts by 2012.²⁰¹³ In November 2010, the MESW consolidated the existing child labor monitoring systems of NPECLC and the CLU into the new Ghana Child Labor Monitoring System (GCLMS).²⁰¹⁴

The Government also undertook a supplemental study and published a revised certification report on child labor in the cocoa sector in December 2009 that is

representative of the entire cocoa growing region. The Government has not made the data from the surveys available to the public. In 2010, the Government agreed that the child labor surveys in the cocoa sector should be conducted every 5 years.²⁰¹⁵ The Government of Ghana also continued to participate in the International Cocoa Verification Board (ICVB) that was convened to improve data gathering and which assessed government surveys on child labor in the cocoa sector and suggested methodological improvements.²⁰¹⁶ The Government of Ghana is also participating in a national child labor survey funded by USDOL (2009 to 2012).²⁰¹⁷

The MESW is responsible for enforcing child labor laws.²⁰¹⁸ Labor inspectors and other officials at the district level are responsible for conducting annual workplace inspections and investigating allegations of violations. While inspectors conducted investigations in the formal sector during the reporting period, there were no inspections in the informal sector.²⁰¹⁹

The Human Trafficking Secretariat under the Ministry of Women and Children’s Affairs (MOWAC) coordinates trafficking activities. In addition, the Anti-Trafficking Unit of the Criminal Investigation Division (CID) of the Ghana Police Service is responsible for enforcing anti-trafficking laws.²⁰²⁰ During the reporting period, Ghanaian law enforcement participated in anti-trafficking training supported by ILO, IOM, INTERPOL and UNICEF.²⁰²¹ The Government of Ghana established regional Anti-Human Trafficking Units (AHTU) in the Western, Central and Ashanti Regions to manage cases more effectively at the regional and district levels. The first regional unit was opened at Takoradi in November 2009 and a second at Kumasi in December 2009.²⁰²² In addition, the AHTU created a website to promote trafficking awareness. The AHTU also maintains a hotline for reporting trafficking violations. The unit does not maintain records of the number of calls received.²⁰²³

The Ministry of Justice is responsible for prosecuting cases of human trafficking. During the reporting period, the Anti-Trafficking Unit closed a brothel known to engage in commercial sexual exploitation of children.²⁰²⁴ The Government collaborated with neighboring countries of Togo, Côte d’Ivoire, Burkina Faso and Nigeria, as well as international organizations, and increased efforts to prosecute and

convict a number of traffickers during the reporting year. However, the police report that they lack the resources to implement the trafficking law.²⁰²⁵

The Government of Ghana does not allocate sufficient funding for investigation, prosecution, and conviction of cases of child labor and child trafficking.²⁰²⁶ Efforts to implement programs under relevant national plans to eliminate the worst forms of child labor are hampered by inadequate coordination among agencies.²⁰²⁷ However, the reconstituted National Steering Committee on Child Labor is mandated to oversee the planning and implementation of programs targeting such exploitative activities.²⁰²⁸

Government Policies on the Worst Forms of Child Labor

In 2006, the Government of Ghana adopted a five-year National Plan of Action (NPA) to Eliminate the Worst Forms of Child Labor, which aims to eliminate the worst forms of child labor in cocoa sector by 2011 and contribute to the elimination of the worst forms of child labor in all other sectors by 2015.²⁰²⁹

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. As part of this regional agreement, the Government of Ghana pledged to investigate and prosecute trafficking offenders and assist victims.²⁰³⁰

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.²⁰³¹ Child labor concerns have also been mainstreamed into the following national development agendas and key documents: Millennium Development Goals (2015), United Nations Development Assistance Framework (2006-2010), Decent Work²⁰³² Program (2006-2009), National Education Development Plan (2003-2015), and Growth and Poverty Reduction Strategy (2006-2009).²⁰³³ Although some steps have been taken to implement these policy frameworks and plans, concrete measures are still needed to realize their objectives.²⁰³⁴

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

In the past decade, the Government of Ghana has cooperated with international donors and organizations to implement programs to combat the worst forms of child labor. The Government has participated in two USDOL-funded regional projects to combat child labor in exploitative agriculture (e.g., cashews, coffee, and cocoa) and trafficking in West and Central Africa (which was subsequently funded by the Danish Government at \$6.19 million).²⁰³⁵ Ghana also participated in a \$4.75 million USDOL-funded project in support of the National Plan of Action to Eliminate the Worst Forms of Child Labor in Ghana, which ended in 2008.²⁰³⁶

During the reporting period, the Government of Ghana funded a National School Feeding Program that provides school lunches to encourage school attendance and implemented an anti-poverty conditional cash transfer program, known as LEAP, which includes a child labor component.²⁰³⁷

Several programs continue to focus on child labor in the cocoa sector. The Government participates in the Joint Working Group (JWG) for the cocoa sector that was formed in July 2009 and includes members from the Governments of Ghana and Côte d'Ivoire, the cocoa industry, and civil society. The JWG has plans to establish common child labor indicators and remediation benchmarks but has yet to do so.²⁰³⁸

On September 13, 2010, the Governments of Côte d'Ivoire and Ghana signed a Declaration of Joint Action to Support the Implementation of the Harkin-Engel Protocol, affirming their commitment to reducing the worst forms of child labor in the production of cocoa, including by supporting increased remediation efforts. The Declaration is accompanied by a Framework of Action to Support the Implementation of the Harkin-Engel Protocol that identifies key stakeholders including USDOL, the two Governments, and the international chocolate and cocoa industry, with which the Government will coordinate to enhance appropriate programming.²⁰³⁹

The Government of Ghana continues its cooperation with a 4.5 year, \$5.5 million USDOL funded project

implemented by Tulane University to oversee the efforts of the cocoa industry and the Governments of Ghana and Cote d'Ivoire to eliminate the worst forms of child labor in the cocoa sector.²⁰⁴⁰ Tulane University's research indicates that only a small percentage of children working in the cocoa sector have benefited from interventions to address these problems. Tulane reported that the total need for remediation is far greater than the assistance available for children in cocoa growing areas.²⁰⁴¹

The Government also participates in the 4-year Phase II (2007-2011) Sustainable Tree Crops Program (STCP), funded by USAID, the World Cocoa Foundation, and the cocoa industry.²⁰⁴² STCP is a public-private partnership that promotes sustainable tree crop systems and contains a child labor prevention component. The program trains farmers through farmer field schools and works with eight communities to develop cocoa cooperatives.²⁰⁴³

Ghana continues its engagement in the Empowering Cocoa Households with Opportunities and Education Solutions (ECHOES) Project (2007-2010), funded by the World Cocoa Foundation, USAID, and the cocoa industry at \$6 million.²⁰⁴⁴ The ECHOES project aims to provide vocational agriculture education to school-age children and out-of-school youth and to provide some families with income-generating support.²⁰⁴⁵ The Government also participates in projects funded by the International Cocoa Initiative (ICI) to combat child labor in the cocoa sector in 158 communities in three regions in Ghana. During the reporting period, ICI, together with COCOBOD, conducted sensitization activities and trainings to enhance awareness of child

labor and trafficking.²⁰⁴⁶ ICI also provided support to community and school infrastructure activities.²⁰⁴⁷

Ghana participates in a 4-year, \$7.95 million regional project funded by USDOL that aims to assist member countries of the Economic Community of West Africa States (ECOWAS) to combat the worst forms of child labor by strengthening and enforcing child labor laws, national action plans and policies.²⁰⁴⁸ In Ghana, the project targets cocoa, fishing, and mining and is assisting the Government in implementing a child labor monitoring system.²⁰⁴⁹

The Government also participated in an IOM-funded anti-trafficking project that rescued 684 child trafficking victims from exploitive child labor in fishing villages on Lake Volta and then rehabilitated, returned and reintegrated them into their original communities.²⁰⁵⁰ The project also provided alternative income generating opportunities and micro-credit support to families.²⁰⁵¹ The Government continued to provide staff and in-kind support to an IOM-funded shelter in Medina that cares for children, including those trafficked for fishing. It also operates two facilities in Accra for poor children, including some who were victims of trafficking.²⁰⁵² However the Government acknowledges that efforts to provide services to children exploited in the fishing sector are insufficient.²⁰⁵³

Research found no current program efforts to protect children engaged in nonagricultural work that is not regulated by the labor laws, such as domestic service and *kayaye* portering.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Criminal Code to provide protections for all children from sexual exploitation, including those who have been exploited as prostitutes.
- Formally adopt the List of the Worst Forms of Child Labor.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Monitor the worst forms of child labor in cocoa production through representative surveys of cocoa growing areas conducted every five years and made available to the public.
- Strengthen coordination among government agencies that are working on the issue of child labor, including agencies working on exploitative child labor in the cocoa sector.
- Allocate sufficient resources for enforcement (investigation, prosecution and convictions) of child labor and trafficking laws.

IN THE AREA OF POLICIES:

- Increase efforts to achieve child labor objectives contained in the National Plan of Action.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to prevent children's involvement in exploitative child labor, including by:
 - Directly linking families with at-risk children to income augmentation programs, including the MESW's Livelihood Empowerment Against Poverty (LEAP) program and the School Feeding Program (SFP) run by the Ministry of Local Government and Rural Development; and
 - Scaling up and expanding effective CLMS to provide national coverage.
- Replicate and expand successful projects throughout cocoa growing regions.
- Expand efforts to address the worst forms of child labor, including in the fishing and mining sectors, as well as in domestic service and among kayayes (head porters).

¹⁹⁷⁶ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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Ghana Payson Center for International Development and Technology Transfer, New Orleans, September 30, 2009, 55, 58, 60-63, 72; available from <http://childlabor-payson.org/default.html>.

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¹⁹⁷⁹ Ibid., 66, 78.

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¹⁹⁸³ 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 2010]; available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See also U.S. Embassy- Accra, *reporting, February 20, 2009*, para C16.

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Grenada

There is no evidence that children are engaged in the worst forms of child labor in Grenada. However, gaps in the country's legal framework and the absence of free primary and secondary education may limit the Government's ability to prevent children from becoming engaged in the worst forms of child labor.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Research has not identified evidence of the worst forms of child labor in Grenada.²⁰⁵⁴

Laws and Regulations on the Worst Forms of Child Labor

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

The Employment Act mandates a minimum age for employment at 16 and prohibits forced labor.²⁰⁵⁵ Specific provisions prohibiting the employment of children in hazardous work do not exist.²⁰⁵⁶

The Criminal Code prohibits the sale and trafficking of girls for prostitution, for the production of pornography, or for pornographic performances, but lacks similar prohibitions that apply to boys. The Code does not specifically prohibit the sale and trafficking of children for exploitive labor.²⁰⁵⁷

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor in Grenada.

The Ministry of Labor, the Child Welfare Authority, the Royal Grenada Police Force, and the Ministry of Education (MOE) through its truancy officers are the government agencies that are responsible for enforcement of laws related to child labor and school attendance.²⁰⁵⁸ Inspectors from the Ministry of Labor conducted periodic checks in the private sector to ensure compliance with the minimum age for work.²⁰⁵⁹ Ministry of Labor inspectors are charged with inspecting the private sector for child labor but none were carried out during the reporting period.²⁰⁶⁰

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor in Grenada. However, neither primary nor secondary education is free, which may lead to children becoming involved in the worst forms of child labor.²⁰⁶¹

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

The Grenadian Government participates in World Bank-funded projects designed to increase access to and improve the quality of secondary education.²⁰⁶² No government-funded or -conducted studies on child work activities were identified that determine if any worst forms of child labor exist.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Establish specific provisions prohibiting hazardous work for children.
- Create prohibitions on the sale and trafficking of boys for prostitution, for the production of pornography, or for pornographic performances.
- Establish prohibitions on the sale and trafficking of children for exploitive labor.

IN THE AREA OF POLICIES:

- Work with international partners to make primary and secondary education free for all students.

IN THE AREA OF PROGRAMS:

- Conduct research to determine if any worst forms of child labor exist in Grenada.

²⁰⁵⁴ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

²⁰⁵⁵ ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Grenada (ratification: 2003)*, [online] 2009 [cited March 9 2010]; available from <http://www.ilo.org/ilolex/english/ilquery.htm>.

²⁰⁵⁶ ILO Committee of Experts, *Direct Request concerning Worst Forms of Child Labor convention, 199 (No. 182) Grenada (ratification: 2003)*, [online] 2009 [cited March 9 2010]; available from <http://www.ilo.org/ilolex/english/ilquery.htm>.

²⁰⁵⁷ U.S. Embassy- Grenada, *reporting*, April 10, 2010, section 2B-2. See also UN Committee on the Rights of

the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Grenada*, CRC/C/GRD/CO/2, Geneva, June 11, 2010, 5; available from <http://www2.ohchr.org/tbrucrc/CRC-C-GRD-CO-2.pdf>. See also Central Intelligence Agency, “Grenada,” in *The CIA World Factbook*, 2010; available from <https://www.cia.gov/library/publications/the-world-factbook/geos/gj.html>.

²⁰⁵⁸ U.S. Embassy- Grenada, *reporting*, April 10, sections 2C-I: 2, 2C-II:1, and 2D-II: 1.

²⁰⁵⁹ *Ibid.*, section 2C-4.

²⁰⁶⁰ *Ibid.*, 5.

²⁰⁶¹ UNESCO, *EFA Global Monitoring Report 2009-Overcoming inequality: why governance matters*, Oxford and Paris, 2008; available from <http://unesdoc.unesco.org/images/0017/001776/177683e.pdf>.

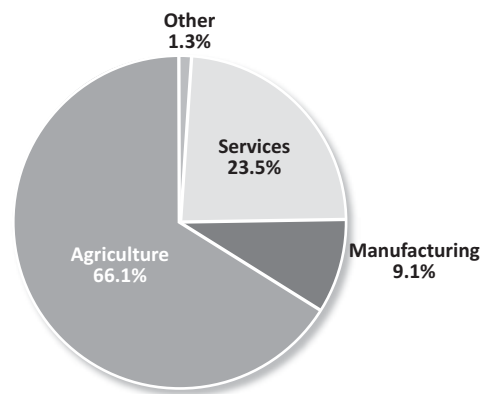
²⁰⁶² World Bank Projects Database, *HIV/AIDS Prevention and Control*, accessed August 17, 2010; available from <http://www.worldbank.org>. See also World Bank Projects Database, *Education Development - 2nd APL*, accessed August 17, 2010; available from <http://www.worldbank.org>.

Guatemala

The Government of Guatemala has a strong legal framework to prohibit the worst forms of child labor. However, gaps remain in law enforcement and coverage of social programs to address the issue. Many children continue to engage in the worst forms of child labor, especially in agriculture and manufacturing. Child labor is especially prevalent among children of indigenous heritage.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	7-14 yrs.	16.8%
Attending School	7-14 yrs.	81.3%
Combining Work and School	7-14 yrs.	14.0%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Guatemala,²⁰⁶³ many in agriculture, which commonly involves use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides. Half of all working children in Guatemala are of indigenous heritage. The majority of child labor occurs in the agricultural sector in rural areas where children plant and harvest coffee, sugarcane, corn, and broccoli.²⁰⁶⁴ Children also produce gravel and fireworks where they are frequently exposed to dangerous tools and substances.²⁰⁶⁵

According to ILO-IPEC, almost 39,000 children also work in third-party homes as domestic servants, where they are vulnerable to physical and sexual abuse.²⁰⁶⁶ Children, many of indigenous descent, work in the urban informal sector as peddlers and shoe shiners, activities which are located in streets, where children are exposed to densely transited areas with the risk of vehicle accidents. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of rubber and timber, as

well as the packaging of vegetables and flowers.²⁰⁶⁷ Children, many of whom are indigenous, also work in bricklaying, which exposes them to dangerous chemicals and tools.²⁰⁶⁸

Children are trafficked to, from, and within the country for commercial sexual exploitation. Child sex tourism is a problem in the cities of Antigua, Guatemala City, and surrounding areas of Lake Atitlan.²⁰⁶⁹ Children are exploited for forced labor in streets, municipal dumps, and landfills.²⁰⁷⁰

Laws and Regulations on the Worst Forms of Child Labor

The Constitution and the Labor Code set the minimum age for employment at 14.²⁰⁷¹ Although the Labor Code continues to allow children under 14 to work under exceptional circumstances, the Ministry of Labor committed through the 2006 Government Agreement not to provide work authorizations to children below 14.²⁰⁷² Guatemala has set the minimum age for hazardous work at 18 and adopted a comprehensive list of hazardous occupations in which

minors age 14 through 17 are prohibited from working, including in work with explosive or toxic substances; in mining; underwater; with agrochemicals; in bars or other establishments where alcoholic beverages are served; and illicit occupations, such as producing and trafficking drugs.²⁰⁷³ During the reporting period, the Government passed legislation strengthening penalties within the Penal Code for employing children in hazardous work.²⁰⁷⁴

The Constitution and the Penal Code specifically prohibit forced labor.²⁰⁷⁵ In addition, Guatemala passed legislation in February 2009, which prohibits child pornography, including its production, distribution, and possession. The legislation sets stricter penalties for procuring, inducing, facilitating, and benefiting economically from child prostitution.²⁰⁷⁶ The new law also establishes prohibitions against trafficking in persons, including trafficking for the purposes of forced labor and sexual exploitation and increases penalties for the trafficking of minors.²⁰⁷⁷

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Government has established a National Commission for the Eradication of Child Labor, led by the Vice President, to coordinate Government

efforts to combat child labor. During the reporting period, the Commission met four times. The Ministry of Labor also operates nine Executive Secretariats throughout the country that work to coordinate the efforts of NGOs and local government agencies on the issue of child labor.²⁰⁷⁸

In addition to the National Commission, the Government has designated the Secretariat against Sexual Violence, Exploitation, and Trafficking in Persons as the agency responsible for coordinating all government efforts against child trafficking and the commercial sexual exploitation of children. During the reporting period, the Secretariat received less than 5 percent of its designated funding.²⁰⁷⁹

The Ministry of Labor’s Child Workers Protection Unit and Office of the Inspector General are responsible for enforcing child labor regulations, including prohibitions on children engaging in the worst forms of child labor.²⁰⁸⁰ Both the Office of the Inspector General and the Child Workers Protection Unit receive complaints regarding the use of child labor by telephone, in writing, through the Ministry’s Web site, or in person at the Ministry, or at one of its 24 regional offices.²⁰⁸¹

Only eight of the Ministry of Labor’s roughly 250 inspectors are trained on child labor issues, and such inspectors are still responsible for enforcing all labor laws, not solely child labor.²⁰⁸² In addition, the Ministry of Labor cannot levy fines on employers found to be in violation of the Labor Code and instead relies on labor courts to impose sanctions. This significantly slows down the process of enforcing labor laws because labor courts often have case backlogs, which cause delays in resolving disputes.²⁰⁸³

Although information on the total number of child labor inspections was not available, 213 child labor complaints were received in 2009. Of these complaints, 62 were resolved through the termination of the child’s employment and referral to the Child Workers Protection Unit.²⁰⁸⁴ However, information on how the other child labor complaints were resolved is not available. Also during 2009, the Ministry of Labor conducted surprise inspections of fireworks factories, identifying six cases of child labor.²⁰⁸⁵ Information was not available on how these cases were resolved or if fines or sanctions were imposed against the employers.

In addition, research did not identify evidence that the Ministry of Labor carried out targeted inspections in other sectors where the worst forms of child labor occur.

Child trafficking and commercial sexual exploitation are primarily handled by police and prosecutors. The National Civil Police has five staff members, and the Public Ministry has three prosecutors, dedicated to investigating such crimes.²⁰⁸⁶ Suspected cases of child trafficking can be reported through hotlines maintained by the Public Ministry, the National Police, and the Solicitor General's Office.²⁰⁸⁷ During the reporting period, the Government worked with NGOs to train public officials on trafficking and the commercial sexual exploitation of children.²⁰⁸⁸

The Government received 208 complaints of trafficking in 2009; however, the data did not distinguish between adult and child trafficking cases. The Government initiated prosecutions in 64 of the cases, resulting in 11 convictions, two of which involved children.²⁰⁸⁹

Government Policies on the Worst Forms of Child Labor

In 2009, the Government adopted a Roadmap towards the Elimination of Child Labor in Guatemala, which aims to end child labor by the year 2020. The Roadmap integrates child labor into programs to combat poverty, promote education, and health, and it calls for legal reform to eliminate exceptions to the minimum age in Labor Code provisions and comprehensively prohibit all forms of hazardous work.²⁰⁹⁰ The Government also adopted an Intra-institutional Coordination Protocol to Assist Child Laborers, which sets out guidelines for offices within the Ministry of Labor to identify child laborers and sanction their employers.²⁰⁹¹

During the reporting period, the Government's Secretariat of Social Welfare implemented the National Plan of Action against the Commercial Sexual Exploitation of Children (CSEC).²⁰⁹² In addition, the Secretariat coordinated the Protocol to Assist Child Victims of CSEC, which outlines the responsibilities of government institutions and NGOs to prevent and respond to CSEC cases.²⁰⁹³

As a member of the Central American Parliament Commission on Women, Children, Youth, and Family, the Government participates in a regional Plan to Support the Prevention and Elimination of Human Trafficking and Commercial Sexual Exploitation of Children and Adolescents.²⁰⁹⁴

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

Since 1998, the Government of Guatemala participated in donor-funded projects to combat the worst forms of child labor. These projects, which have since concluded, include country-specific USDOL-funded initiatives to combat child labor in fireworks production and stone quarries.²⁰⁹⁵ Additional regional initiatives included a USDOL-funded project to build the capacity of government and civil society organizations to combat the commercial sexual exploitation of children and child trafficking. The project focused on creating and strengthening legislative prohibitions, national plans of action, and repatriation protocols.²⁰⁹⁶ Another regional project enhanced regional cooperation, legislation, policies, and institutions to reduce child labor by providing education.²⁰⁹⁷

In recent years, the Government has funded and implemented social programs to combat the worst forms of child labor, including a small program to withdraw girls from child domestic work, as well as a program run by the Guatemala City Municipal Government to assist child laborers. The Government also operates larger scale anti-poverty and education programs to assist vulnerable children, including those vulnerable to the worst forms of child labor.²⁰⁹⁸ In April 2008, the Government of Guatemala initiated the My Family Progresses (*Mi Familia Progresada* or MFP) program, providing cash transfers conditioned on children attending school to more than 500,000 families, but does not specifically target the issue of the worst forms of child labor.²⁰⁹⁹ The question of whether this program has an impact on the worst forms of child labor does not appear to have been addressed.

As part of its efforts to address the commercial sexual exploitation of children, the Government provides services to child victims of commercial sexual exploitation through protection centers.²¹⁰⁰ The

Government does not fund shelters specifically for child trafficking victims, however, usually referring victims to state-run shelters for orphans and homeless children or NGOs.²¹⁰¹

Currently, the Government also participates in a 3½-year \$4.2 million USDOL-funded project that aims to withdraw 4,832 children and prevent 3,090 children from exploitive work in agriculture, child domestic labor, and the urban informal sector through the provision of education and vocational training opportunities.²¹⁰² In addition, Guatemala participates

in a 2-year \$550,000 global program funded by Canada to build the capacity of labor ministries, as well as worker and employer organizations, and in a 4-year \$3.3 million regional initiative to eradicate child labor, funded by the Government of Spain.²¹⁰³

Although the Government of Guatemala has undertaken national efforts to combat poverty among vulnerable populations, it is unclear if the Government will be able to sustain programs that assist children involved in agriculture, manufacturing, and urban informal work.

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

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Strengthen the capacity of the Ministry of Labor to enforce child labor laws by:
 - Increasing the number of labor inspectors trained in the enforcement of worst forms of child labor laws.
 - Carrying out targeted inspections in sectors where the worst forms of child labor are prevalent.
 - Authorizing the Ministry of Labor to levy fines when child labor violations are encountered.
- Fully fund the Secretariat against Sexual Violence, Exploitation, and Trafficking in Persons to coordinate government actions against child trafficking and the commercial sexual exploitation of children.

IN THE AREA OF PROGRAMS:

- Increase the impact of social programs to combat child labor by:
 - Assessing the impact that the *Mi Familia Progres*a program may have on addressing the worst forms of child labor;
 - Creating government social programs to reduce the worst forms of child labor in agriculture, manufacturing, urban informal work, child domestic labor, and among indigenous children.
 - Providing shelters specifically for child victims of trafficking.

²⁰⁶³ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported here, which may or may not include the worst forms of child labor. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

²⁰⁶⁴ ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas: El Caso de Guatemala*, San José, 2006, 27; available from http://white.oit.org.pe/ipecc/documentos/guatemala_indigenas.pdf. See also Ministry of Labor and Social Provision, National Institute of Statistics, and ILO-IPEC, *Trabajo Infantil en Guatemala: Un estudio en profundidad sobre la Encuesta de Condiciones de Vida -ENCOVI- 2006*, Guatemala City, 2008, 21 and 23; available from http://white.oit.org.pe/ipecc/documentos/estudio_en_profundidad_encovi_2006.pdf. See also Mark Lacey, "Bush to Press Free Trade in a Place Where Young Children Still Cut the Cane," *New York Times* (New York), March 11, 2007; available from <http://www.nytimes.com/2007/03/12/world/americas/12guatemala.html>. See also ILO-IPEC, *Guatemala, éxito del proyecto de trabajo infantil en brócoli: Inauguran centro turístico en Chilascó*, [online] 2009 [cited April 9, 2010]; available from <http://white.oit.org.pe/ipecc/alcuentros/interior.php?notCodigo=898>. See also The Solidarity Center, *Justice for All: The Struggle for Workers Rights in Guatemala*, Washington, DC, 2008, 90; available from http://www.solidaritycenter.org/files/pubs_guatemala_wr.pdf.

²⁰⁶⁵ ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas: El Caso de Guatemala*, 55. See also Alba Trejo, "Guatemala: persisten las peores formas de trabajo infantil," *Cimacnoticias.com*, [online], June 16, 2008 [cited July 25, 2008]; available from <http://www.cimacnoticias.com/site/08061606-Guatemala-persiste.33562.0.html>. See also U.S. Embassy- Guatemala City, *reporting*, June 2, 2008. See also UNICEF, *Mirame: Situación de la niña indígena en Guatemala*, Guatemala City, 2007, 60, 62, 63; available from http://www.unicef.org.gt/02infancia/documentos/mirame_situacion_nina_indigena.pdf. See also Global Youth Connect, *Guatemala Program Report*, Kingston, June 2007; available from http://www.globalyouthconnect.org/pdf/guate_2007.pdf. See also The Solidarity Center, *Justice for All: The Struggle for Workers Rights in Guatemala*, 89 and 91.

²⁰⁶⁶ ILO-IPEC, *Alto al Trabajo Infantil Doméstico!*, 2005, 9; available from http://white.oit.org.pe/ipecc/documentos/legal_tid_guatemala.pdf. See also U.S. Embassy- Guatemala City, *reporting*, June 2, 2008.

²⁰⁶⁷ ILO-IPEC, *Alto al Trabajo Infantil Doméstico!*, 43 and 47. See also ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas: El Caso de Guatemala*, 55.

²⁰⁶⁸ ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas: El Caso de Guatemala*, 54.

²⁰⁶⁹ U.S. Department of State, "Guatemala (Tier 2 Watch List)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>. See also U.S. Embassy- Guatemala City, *reporting*, March 15, 2010.

²⁰⁷⁰ U.S. Department of State, "Guatemala," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136114.htm>. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Guatemala."

²⁰⁷¹ 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>.

²⁰⁷² Government of Guatemala, *Código de Trabajo*, article 150. See also Government of Guatemala, *Intrainstitutional Protocol*, 154-2008, (August 14, 2008); available from http://white.oit.org.pe/ipecc/documentos/protocolo_intrainstitucional_atencion_guatemala.pdf.

²⁰⁷³ Government of Guatemala, *Acuerdo gubernativo 112-2006*, article 32. See also Government of Guatemala, *Intrainstitutional Protocol*.

²⁰⁷⁴ U.S. Embassy- Guatemala City, *reporting*, March 15, 2010. See also Government of Guatemala, *Ley contra la Violencia Sexual, Explotación y Trata de Personas*, 9-2009, (March 20, 2009); available from <http://www.acnur.org/biblioteca/pdf/7047.pdf>.

²⁰⁷⁵ Government of Guatemala, *Constitution*, (May 31, 1985, reformed November 17, 1993), article 4; available from <http://pdba.georgetown.edu/Constitutions/Guate/guate93.html>. See also Government of Guatemala, *Código Penal*, article 202; available from http://www.oas.org/JURIDICO/MLA/sp/gtm/sp_gtm-int-text-cp.pdf.

²⁰⁷⁶ Government of Guatemala, *Ley contra la Violencia Sexual, Explotación y Trata de Personas*, articles 36-43.

²⁰⁷⁷ *Ibid.*, articles 47-49.

- ²⁰⁷⁸ U.S. Embassy- Guatemala City, *reporting (I)*, February 4, 2010.
- ²⁰⁷⁹ *Ibid.* See also U.S. Department of State, “Trafficking in Persons Report- 2010: Guatemala.”
- ²⁰⁸⁰ U.S. Embassy- Guatemala City, *reporting (I)*, February 4, 2010.
- ²⁰⁸¹ *Ibid.*
- ²⁰⁸² *Ibid.*
- ²⁰⁸³ U.S. Embassy- Guatemala City, *reporting (II)*, February 4, 2010.
- ²⁰⁸⁴ U.S. Embassy- Guatemala City, *reporting (I)*, February 4, 2010.
- ²⁰⁸⁵ *Ibid.*
- ²⁰⁸⁶ *Ibid.* See also U.S. Embassy- Guatemala City, *reporting, March 15, 2010.*
- ²⁰⁸⁷ U.S. Embassy- Guatemala City, *reporting (I)*, February 4, 2010.
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- ²⁰⁸⁹ U.S. Embassy- Guatemala City, *reporting (I)*, February 4, 2010.
- ²⁰⁹⁰ ILO-IPEC, *Hoja de Ruta para hacer de Guatemala un país libre de trabajo infantil y sus peores formas*, 2009, 3; available from <http://white.oit.org.pe/ipec/pagina.php?pagina=337>.
- ²⁰⁹¹ Government of Guatemala, *Intrainstitutional Protocol*, 24-28.
- ²⁰⁹² ECPAT International CSEC Database, *Guatemala*, accessed April 9, 2010; available from <http://www.ecpat.net/>.
- ²⁰⁹³ 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/ipecinfo/product/viewProduct.do?productId=6621>.
- ²⁰⁹⁴ 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.
- ²⁰⁹⁵ ILO-IPEC, *Combating Child Labour in the Fireworks Industry of Guatemala*, Project Document, 1998. See also ILO-IPEC, *Combating child labour in stone quarries of Guatemala*, Project Document, 1998.
- ²⁰⁹⁶ ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas: El Caso de Guatemala*, vi and vii. See also ILO-IPEC, *Guatemala, éxito del proyecto de trabajo infantil en brócoli*, 1 and 34.
- ²⁰⁹⁷ See also CARE, *Primero Aprendo Project: Combating Exploitive Child Labor through Education in Central America and the Dominican Republic*, Final Technical Progress Report, March 31, 2009, 2. See also ILO-IPEC, *Alto al Trabajo Infantil Doméstico!*, 22-23.
- ²⁰⁹⁸ U.S. Embassy- Guatemala City, *reporting*, January 23, 2009. See also U.S. Embassy- Guatemala City, *reporting (I)*, February 4, 2010.
- ²⁰⁹⁹ Government of Guatemala, *Más de 500 mil familias en dos años*, [online] [cited April 22, 2010]; available from <http://www.mifamiliaprogesa.gob.gt/portal/joomla/noticias/86-mas-de-500-mil-familias-en-dos-anos.html>.
- ²¹⁰⁰ Secretariat of Social Welfare, ILO-IPEC, and Guatemala, *Protocolo para la detección y atención integral*, 20. See also U.S. Embassy- Guatemala City, *reporting (I)*, February 4, 2010.
- ²¹⁰¹ U.S. Department of State, “Trafficking in Persons Report- 2010: Guatemala.”
- ²¹⁰² Catholic Relief Services, *My Rights Matter*, Project Document, 2009.
- ²¹⁰³ ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008.

Guinea

Recent policies strengthen social protections for children and establish mechanisms to raise public awareness on laws and protections for children. Certain gaps remain in protections for children working in agriculture and domestic service, and in the capability to enforce existing provisions.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Guinea are exploited in the worst forms of child labor,²¹⁰⁴ many of them in the agriculture sector, where they engage in herding and the production of cashews, cocoa, and coffee.²¹⁰⁵ Children in agriculture use sharp objects, handle pesticides, carry heavy loads, climb tall trees to gather fruits, and are exposed to dangerous animals.²¹⁰⁶ Children work in fishing, where they carry heavy fishing nets and risk drowning.²¹⁰⁷ Children also work in gold and diamond mines and quarries, where they work long hours, lack protective gear, and are vulnerable to accidents, broken bones, and respiratory, skin, and other diseases.²¹⁰⁸ Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of bauxite, gravel (crushed stones) and sand.²¹⁰⁹

Trafficking and prostitution also exist.²¹¹⁰ Girls are trafficked internally and to Europe, as well as from neighboring West African countries for commercial sexual exploitation and domestic service.²¹¹¹ Boys are also trafficked within Guinea to work as street vendors, shoe shiners, and beggars, where they work long hours and are exposed to severe weather, accidents caused by proximity to vehicles, and criminal activities.²¹¹²

Both Guinean boys and girls are trafficked within West Africa, including to Côte d'Ivoire, Sierra Leone, and Mali, for mining, domestic work, forced labor, and begging.²¹¹³

Through the system of *confiage*, children from rural areas are sent to cities to work or to go to school.²¹¹⁴ If their hosts cannot or choose not to pay their school fees, in order to pay their room and board, children, especially girls, some as young as 5 years, work in domestic service where they carry heavy loads, are not paid for their work, and may be beaten and sexually exploited.²¹¹⁵

The tradition of sending boys to Koranic teachers to receive education, including informal vocational training or apprenticeships, is practiced in some countries, including Guinea.²¹¹⁶ While some boys receive lessons, many are forced by their teachers to beg or work in fields, and sometimes beaten or otherwise mistreated if they fail to meet daily quotas or complete chores.²¹¹⁷

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for employment is 16, as set by the Labor Code and Child Code.²¹¹⁸ Children may work

as apprentices from age 14, or 12 for apprenticeships involving light work in domestic service, agriculture, and other sectors, with the approval of labor inspectors. The Child Code also includes a list of hazardous occupations from which children are prohibited.²¹¹⁹ The Mining Code prohibits children under age 16 from working in mines or quarries, other than as assistants.²¹²⁰ Order 2791/MTASE/DNTLS/96 Working Conditions for Employees Aged under 18 Years excludes children younger than age 18 from working in hazardous conditions.²¹²¹

Children in Guinea are required to attend school until the age of 12. This makes children age 13 to 15 vulnerable to the worst forms of child labor because they are not required to be in school and their legal work options are limited.

The Child Code and Penal Code criminalize child trafficking, sex tourism, pornography, and prostitution.²¹²² The Labor Code prohibits forced labor.²¹²³

The Labor Code does not extend to children in unpaid, temporary, or non-contract work in agriculture or to domestic servants.

Institutional Mechanisms for Coordination and Enforcement

While there is no agency coordinating across the Government on child labor issues, a national committee exists to monitor and protect children’s rights and to implement the Child Code.²¹²⁴

In addition, a National Committee Against Trafficking, chaired by the Ministry of Social Affairs and the Promotion of Women and Children, is a coordinating body that meets quarterly on trafficking issues. It comprises responsible officers from relevant ministries, police, justice, NGOs, and other stakeholders involved in trafficking issues.²¹²⁵

The Ministry of Labor leads in enforcing child labor laws, including by maintaining a list of hazardous work in which children under age 18 cannot be employed.²¹²⁶ However, the implementing text laying out penalties for violations of laws included in the Child Code was not completed during the reporting period.²¹²⁷ Information could not be obtained on the nature and

number of child labor inspections, enforcement of child labor laws, or on the number of labor inspectors.

The Ministry of High Crimes and Anti-Drug Enforcement is responsible for the enforcement of anti-trafficking laws.²¹²⁸ The *Police Mondaine*, a unit under the Ministry of Security, investigates crimes of child prostitution and child trafficking.²¹²⁹ Local authorities, police, and border agents in individual prefectures can apprehend child traffickers at the country’s borders.²¹³⁰ While 13 trafficking cases were reported during this period, there is no information available of how many of these were related specifically to children.²¹³¹

In February 2009, following the death of President Lansana Conte and subsequent takeover by the Council for Democracy and Development (CNDD), CNDD leader Captain Moussa Dadis Camara publicly authorized security to shoot anyone found trafficking children. There are no reports of any subsequent shootings.²¹³²

The use of available laws to prosecute worst forms of child labor violations has been limited. There is a lack of trained staff and finances to conduct child labor legal proceedings effectively.²¹³³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

Government Policies on the Worst Forms of Child Labor

There is no evidence that the Government of Guinea has a comprehensive policy specifically to combat the worst forms of child labor.

However, the Ministry of Social Affairs and the Promotion of Women and Children developed *Un Monde Digne des Enfants*, a declaration and comprehensive action plan to assist children.²¹³⁴ It includes general protections and objectives against child labor, mistreatment, exploitation, and violence to eliminate trafficking and sexual exploitation.²¹³⁵ The plan does not specify concrete activities, tangible outcomes, and targets to achieve its goals.

The Poverty Reduction Strategy (2007-2010) (PRSP), strengthens social protections for children, establishes mechanisms to raise public awareness on laws and protections for children, and provides implementation strategies for an Education for All Program to improve education in Guinea. The PRSP includes actions to support street children and provisions for combating human trafficking in ECOWAS member countries, including Guinea.²¹³⁶

Guinea has a National Action Plan to Combat Trafficking in Persons and participates in a number of international policies to address trafficking.²¹³⁷ The regional 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, remains active. It requires signatories to investigate and prosecute trafficking offenders, rehabilitate and reintegrate trafficking victims, and assist other signatory countries in implementing measures under the agreement.²¹³⁸ Guinea is a member of the ECOWAS working group on child trafficking, designed to combine resources to monitor cross-border trafficking. In 2009, Guinea signed a regional agreement to provide protection and assistance to trafficking victims.²¹³⁹ The Governments of Guinea and Mali signed a bilateral agreement to combat trafficking in 2005.²¹⁴⁰

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

The Government of Guinea has participated in several USDOL-funded projects, including projects targeting children exploited in agriculture, mining, domestic service, and informal sectors. These projects include the 4-year \$4.4 million child labor education initiative that ended in September 2008 and strengthened institutional capacity to identify and monitor child laborers and provided education and training to children. It also includes a 3-year \$3.5 million project, which began in September 2008 and that targets 7,860 children for withdrawal and prevention from exploitative labor and that collects data on child trafficking. Due to a 2008 *coup d'état* by elements of the military, the Government is no longer participating in this ongoing project.²¹⁴¹

The Government of Guinea participated in a 3-year USDOL-funded project with the goal of enhancing national capacity for child labor data collection, analysis, and dissemination. The project, which ended in September 2010, also funded technical assistance to the government to conduct surveys, research, and training.

Additionally, the Government of Guinea participated in USDOS- and USAID-funded projects to collect data on child trafficking, create a national trafficking database, and provide services and training to trafficking victims.²¹⁴²

The Government of Guinea also took part in programs with other international organizations including creating child protection committees to monitor child labor reviewing human trafficking legislation, providing training and awareness raising on trafficking to media and civil society, and providing officials and law enforcement officers with capacity-building training to manage migration and investigate trafficking prosecution.²¹⁴³ The Government does not provide services directly, but rather refers child trafficking victims to NGO-sponsored services.²¹⁴⁴

Current social programs do not adequately address the scope of the worst forms of child labor in Guinea, particularly in agriculture and domestic service where large number of children work and are unprotected by the legal provisions.²¹⁴⁵

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

IN THE AREA OF LAWS AND REGULATIONS:

- Increase the minimum age for compulsory education from 12 to 16.
- Complete the implementation framework for the Child Code.
- Extend protections to children in unpaid, temporary, or non-contract work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Assess budgetary priorities with a view toward providing resources to conduct effective legal proceedings concerning the worst forms of child labor.

IN THE AREA OF POLICIES:

- Develop a child labor policy.
- Set targets and establish concrete outcomes for all policies related to child labor.

IN THE AREA OF PROGRAMS:

- Expand social programs to provide services to children engaged in or at risk of entering the worst forms of child labor, particularly in agriculture, mining, and domestic service.

²¹⁰⁴ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

²¹⁰⁵ U.S. Department of State, “Guinea,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135957.htm>. See also ILO-IPEC, *Rooting Out Child Labour from Cocoa Farms: Paper No. 3, Sharing Experiences*, Geneva, 2007; available from http://www.ilo.org/ipecinfor/product/download.do?sessionId=0a038009ceb894400a9b81d4f9e93c38d63c1e604c7.hkzFngTDp6WImQuUaNaKbND3IN4K-xaIah8S-xyIn3uKmAiN-AnwbQbxaNvzaAmI-huKa30xgx95fjWta3eIpkzFngTDp6WImQuxahySbxaTbN8TbMb48OX3b4Dtgj15eMbyknvrkLOIQzNp65In0__?type=document&id=6446. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Guinea (ratification: 2003)* [online] 2007 [cited April 14, 2010]; 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 d’Enfants en Guinée*,

Rapport d’analyse des résultats, Conakry, October 2006, 41. See also World Education, *SELECT - Stop Exploitive Labor and Educate Children for Tomorrow*, Project Document (draft), January 2009, 16.

²¹⁰⁶ World Education, *SELECT, Project Document (January 2009)*, 12.

²¹⁰⁷ Ibid.

²¹⁰⁸ Government of Guinea, *Conditions de travail des salariés âgés de moins de 18 ans*, (April 22, 1996); available from <http://www.droit-afrique.com/images/textes/Guinee/Guinee%20-%20Travail%20des%20mineurs.pdf>. See also 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. See also U.S. Department of State, «Country Reports- 2009: Guinea,» section 7d. See also USDOL official, E-mail communication to USDOL official, February 4, 2010. See also Association Guinéenne de Recherche - Action Et d’Alphabétisation pour le Développement, *Etude Dans les Zones Minières (Diamantifère & de l’Or) de Bonodou & Dandano: Lutte Contre la Traite des Personnes à des fins d’exploitation de leur Travail*, 2007. See also World Education, *SELECT, Project Document (January 2009)*, 19.

²¹⁰⁹ World Education, *SELECT- Stop Exploitive Labor and Educate Children for Tomorrow*, Cooperative Agreement, September 30, 2008, 19.

²¹¹⁰ 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; available from <http://www.icftu.org/www/pdf/clsguinea2005.pdf>. See also U.S. Embassy- Conakry, *reporting*, January 21, 2009, para 5.

²¹¹¹ U.S. Department of State, “Guinea (Tier 2 Watch List),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142983.pdf>.

²¹¹² U.S. Department of State, “Country Reports- 2009: Guinea.” See also UN General Assembly Human Rights Council, *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social, and Cultural, Including the Right to Development (A/HRC/7/8/Add.1)*, A/HRC/7/8/Add.1, March 4, 2008; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/23/77/PDPF/G0811377.pdf?OpenElement>. See also U.S. Department of State, “Trafficking in Persons Report- 2010.”

²¹¹³ U.S. Department of State, “Country Reports- 2009: Guinea,” 5. See also U.S. Department of State, “Trafficking in Persons Report- 2010.” See also U.S. Embassy- Conakry, *reporting*, May 15, 2008, para 1. See also U.S. Department of State, “Sierra Leone (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142983.pdf>.

²¹¹⁴ Human Rights Watch, *Bottom of the Ladder: Exploitation and Abuse of Girl Domestic Workers*, New York, June 2007; available from <http://hrw.org/en/node/10932/section/1>. See also Global Eye on Human Trafficking, *Finding Hope in West Africa*, [online] 2006 [cited March 12 2010]; available from http://www.iom.ch/jahia/wedav/site.myjahiasite.shared/mainsite/projects/showcase_pdf/global_eye_fifth_issue.pdf.

²¹¹⁵ Human Rights Watch, *Exploitation and Abuse of Girl Domestic Workers*, 27-28. See also Human Rights Watch, *Legal, Policy and Programmatic Responses to Protect Child Domestic Workers*, [online] 2007 [cited March 12 2010]; 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 des enfants en Guinée (rapport provisoire)*, Anti Slavery International, Conakry, November, 2005, 26; available from http://www.crin.org/docs/ACEEF_Trafic_Enfants_Guinée.doc. See also ILO, *Rapport d'analyse des résultats*, 40-42.

²¹¹⁶ 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>. See also U.S. Department of State, “Country Reports- 2009: Guinea.”

²¹¹⁷ U.S. Embassy- Conakry, *reporting*, February 29, 2008, para 1, 5, 8.

²¹¹⁸ Government of Guinea, *Code du travail de la République de Guinée (003/PRG/SGG/88)*, (1988). See also Government of Guinea, *Loi Portant Code de l'Enfant (L/2008/011)*, (August 2008).

²¹¹⁹ Government of Guinea, *Code de l'enfant, 2008*, article 415.

²¹²⁰ Government of Guinea, *Code Minier: L/95/036/CTRN constituting the mining code of the Republic of Guinea* (1995), article 135; available from <http://www.droit-afrique.com/images/textes/Guinee/Guinee%20-%20Travail%20des%20mineurs.pdf>. See also Government of Guinea, *Code du travail de la République de Guinée*, (1988), article 5.

²¹²¹ Government of Guinea, *Code de travail des mineurs, 1996*, articles 1-5, 7, 10, 11. See also Government of Guinea, *Code du travail, 1988*, article 5, 31. See also Government of Guinea, *Code de l'enfant, 2008*, articles 411-416.

²¹²² Government of Guinea, *Code du travail, 1988*. See also Government of Guinea, “Guinea,” in *Legislation of Interpol Member States on Sexual Offences against Children*, 2006; available from <http://www.interpol.int/public/children/sexualabuse/nationallaws/csaGuinea.asp>.

²¹²³ Government of Guinea, *Code du travail, 1988*, article 5. See also International Confederation of Free Trade Unions (ICFTU), *Report for the WTO General Council Review of the Trade Policies of Guinea*, 5.

²¹²⁴ Government of Guinea, *Rapport de la Guinée sur le suivi de la Déclaration et du Plan d'action «Un monde plus digne des enfants»*, prepared by Direction Nationale de l'Education Préscolaire et de la Protection de l'Enfance (DNEPPE), 2006, 8; available from http://www.unicef.org/worldfitforchildren/files/Guinea_WFFC5_Report.pdf.

²¹²⁵ Government of Guinea, *Rapport de la Guinée sur le suivi de la Déclaration et du Plan d'action «Un monde plus digne des enfants»*, prepared by Direction Nationale de l'Education Préscolaire et de la Protection de l'Enfance (DNEPPE), 2007; available from http://www.unicef.org/worldfitforchildren/files/Guinea_WFFC5_Report.pdf.

²¹²⁶ U.S. Department of State, “Country Reports- 2009: Guinea,” section 7d. See also U.S. Embassy- Conakry, *reporting, January 21, 2009*, para 4.

²¹²⁷ U.S. Embassy- Conakry, *reporting, January 21, 2009*, para 1.

- ²¹²⁸ U.S. Department of State, “Trafficking in Persons Report- 2010.”
- ²¹²⁹ Human Rights Watch, *Legal, Policy and Programmatic Responses*. See also Government of Guinea, *Rapport de la Guinée sur le suivi de la Déclaration et du Plan d’action «Un monde plus digne des enfants»*, 6.
- ²¹³⁰ U.S. Embassy- Conakry, *reporting, February 29, 2008*, para 5-7.
- ²¹³¹ U.S. Embassy- Conakry, *reporting*, January 26, 2010.
- ²¹³² U.S. Department of State, “Country Reports- 2009: Guinea,” section 7d.
- ²¹³³ Human Rights Watch, *Legal, Policy and Programmatic Responses*. See also Government of Guinea, *Rapport de la Guinée sur le suivi de la Déclaration et du Plan d’action «Un monde plus digne des enfants»*, 6.
- ²¹³⁴ Government of Guinea, *Rapport de la Guinée sur le suivi de la Déclaration et du Plan d’action «Un monde plus digne des enfants»*.
- ²¹³⁵ Ibid.
- ²¹³⁶ Government of Guinea, *Second Progress Report on the Poverty Reduction Strategy*, January 2006, 35, 36; available from [http://siteresources.worldbank.org/INTPRS1/Resources/Guinea_APR2\(Jan2006\).pdf](http://siteresources.worldbank.org/INTPRS1/Resources/Guinea_APR2(Jan2006).pdf).
- ²¹³⁷ World Education, *SELECT, Project Document (January 2009)*, 6, 40-42.
- ²¹³⁸ Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006. See also ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 7. See also Government of Guinea, *Rapport de la Guinée sur le suivi de la Déclaration et du Plan d’action «Un monde plus digne des enfants»*..
- ²¹³⁹ USDOL official, E-mail communication to USDOL official, February 19, 2010. See also Integrated Regional Information Networks, “Burkina Faso: New child trafficking law hard to enforce “, IRINnews.org, [online], June 4, 2008 [cited March 18, 2010]; available from <http://www.unhcr.org/refworld/country,,,BFA,,4847bb9120,0.html>.
- ²¹⁴⁰ Government of Guinea, *Rapport de la Guinée sur le suivi de la Déclaration et du Plan d’action «Un monde plus digne des enfants»*, 6.
- ²¹⁴¹ 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. See also World Education Inc., 2010 [cited March 9 2010]; available from <http://www.worlded.org/WEIInternet/projects/ListProjects.cfm?Select=Country&ID=148>. See also World Education, *SELECT, Project Document (January 2009)*, 1, 9. See also U.S. Department of State, “Country Reports- 2009: Guinea.”
- ²¹⁴² USAID official, E-mail communication to USDOL official, July 27, 2009. See also USDOL official, E-mail communication to USDOL official, October 13, 2009. See also USDOS official, E-mail communication to USDOL official, July 22, 2009.
- ²¹⁴³ Government of Guinea, *Rapport de la Guinée sur le suivi de la Déclaration et du Plan d’action «Un monde plus digne des enfants»*, 6, 7. See also IOM, *Migration Initiatives Appeal 2009*, accessed March 12, 2010; available from http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/books/Migration%20Initiatives09.pdf. See also IOM, *Guinea*, [online] 2010 [cited March 9 2010]; available from <http://www.iom.int/jahia/Jahia/guinea>.
- ²¹⁴⁴ Government of Guinea, *Rapport de la Guinée sur le suivi de la Déclaration et du Plan d’action «Un monde plus digne des enfants»*, 6. See also U.S. Department of State, «Trafficking in Persons Report- 2010.»
- ²¹⁴⁵ Government of Guinea, *Code du travail, 1988*.

Guinea-Bissau

The Government of Guinea-Bissau has made efforts to address trafficking of children through awareness-raising efforts and victim repatriation. However, children in the country continue to be exploited in the worst forms of child labor in the agriculture sector and through trafficking for forced begging. There are gaps in enforcement efforts and a lack of a comprehensive policy framework or sufficient programs to address the issue.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	47.3%
Attending School	5-14 yrs.	56.9%
Combining Work and School	7-14 yrs.	24.4%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Guinea-Bissau are exploited in the worst forms of child labor,²¹⁴⁶ many of them in agriculture. The rate of child work is highest in rural areas,²¹⁴⁷ where children perform farm work and cattle herding.²¹⁴⁸ For four months each year, during the annual cashew harvest, some children are partially or completely withdrawn from school to work in the fields.²¹⁴⁹ Children's work in agriculture commonly involves possibly harmful activities, such as using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides.

In urban areas, many children work on the streets, shining shoes, washing cars, and selling various items.²¹⁵⁰ Street work makes children vulnerable to severe weather, traffic accidents and criminal elements. Children also work as apprentices in activities such as metalworking, mechanics, and carpentry,²¹⁵¹ where they may use potentially dangerous machinery and tools and carry heavy loads. Some children work for other families as unpaid domestic servants.²¹⁵² Child domestic workers may be subject to long hours, possibly harmful activities and physical and sexual exploitation by their employer.

In Guinea-Bissau it is traditional practice to send boys to stay with *marabouts* (an Islamic religious leader and teacher) to receive education at a Koranic school, which may include a vocational or apprenticeship component.²¹⁵³ Children attending such schools are known as *talibés* in the Wolof language or *almudus* in the Fula language, regardless of whether they live at home or are entrusted to *marabouts* in distant villages.²¹⁵⁴ Some children attend Koranic schools in Guinea-Bissau and others are sent abroad to Senegal and other neighboring countries. While some boys receive lessons, many are forced by their teachers to beg for money and food.²¹⁵⁵ Each child must present the teacher an established amount of money and may be beaten if he fails to do so.²¹⁵⁶ There have been reports of boys trafficked from the country to Senegal and to a lesser extent Mali and Guinea for forced begging.²¹⁵⁷

Girls in Guinea-Bissau are sometimes exploited as prostitutes.²¹⁵⁸ Girls are also trafficked internally for commercial sexual exploitation in small bars and restaurants.²¹⁵⁹ Children, primarily boys, are trafficked within the country for begging and agricultural labor, including on cotton plantations. Children from the Bafata and Gabu regions of the country are also trafficked to Senegal, Mali, and Guinea.²¹⁶⁰

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for employment is 14. The Government prohibits children under 18 from engaging in heavy or dangerous labor, including work in mines,²¹⁶¹ however it has not provided a comprehensive list of other hazardous occupations that are off limits for children. The Constitution prohibits forced labor, including by children;²¹⁶² however, it is unclear whether this applies to forced begging.

There are laws against the removal of minors, rape, sexual abuse, and the kidnapping of minors.²¹⁶³ There are also laws against kidnapping which can be used to prosecute traffickers.²¹⁶⁴ There is also a statutory rape law that prohibits sex with someone under 16 years old.²¹⁶⁵ This law appears to leave 16 and 17 year old children without this legal protection.

Finally, Guinea-Bissau requires compulsory education only until age 12, two years before children are legally permitted to work. This makes 12 and 13-year-olds more vulnerable to involvement in worst forms of child labor.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

In 2008, the Ministry of Solidarity (MOS) formed a National Committee to Fight Against Trafficking in Persons (National Trafficking Committee). A separate anti-trafficking committee formed by the Ministry of Civil Service and Labor reportedly also met during the year.²¹⁶⁶ However, research has found no evidence of coordinating mechanisms to combat other worst forms of child labor.

The Ministry of Justice and the Ministry of Civil Service and Labor, in collaboration with the Institute of Women and Children, enforce worst forms of child labor laws, including minimum age work requirements. There is no information indicating that any child labor inspections were undertaken by the Government of Guinea-Bissau during the reporting period.²¹⁶⁷

The Ministry of Interior is responsible for efforts to reduce child trafficking.²¹⁶⁸ In 2009, there were reports that trafficking through official border crossings had decreased and that, as a result, police had stopped fewer children and only arrested two *marabouts*.²¹⁶⁹ There were no successful prosecutions in 2009.²¹⁷⁰ However published reports indicate that trafficking persisted. Traffickers with children crossed the border into Senegal at night, and at more secluded and unguarded crossing points.²¹⁷¹ In some cases parents were found to have colluded with traffickers.²¹⁷² Some of these children were repatriated and parents were required to sign a contract promising not to send their children away under penalty of jail. The Association of the Friends of Children (AMIC) monitored the agreement during 2009 through visits to the households of repatriated trafficked children.²¹⁷³

Between April 2007 and March 2008, the Government of Guinea-Bissau, through its Embassy in Dakar and with the cooperation of the Government of Senegal, repatriated 43 children to Guinea-Bissau from Senegal. Also, police coordinated their repatriation efforts with NGOs and referred 160 victims to NGO providers of victim services.²¹⁷⁴

Government Policies on the Worst Forms of Child Labor

Research found no evidence of a national plan to combat the worst forms of child labor, including trafficking, nor have child labor issues been mainstreamed into broader development efforts. Furthermore, information was not identified to indicate that the government has conducted in-depth research concerning worst forms of child labor.

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

Government officials have worked with the NGO, Association of the Friends of Children (AMIC) to combat trafficking through awareness raising and the repatriation of victims. The Government provides \$12,000 annually to AMIC, which runs the country's only trafficking shelter for victims in Gabu and conducts regular awareness programs.²¹⁷⁵ A regional \$5.2 million IPEC project to combat the worst forms of child labor, funded by Spain, includes Guinea-Bissau among its four countries.²¹⁷⁶ Government social programs to address the worst forms of child labor in Guinea-Bissau are limited in scope, given the extent of the worst forms of child labor

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the legal framework to protect children from all forms of possibly harmful work.
- Amend laws to provide protection to all minors against prostitution
- Enact and enforce legislation that criminalizes forced child begging for economic gain.
- Raise the age for compulsory education to 14.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Collect and make publicly available information on investigations of the worst forms of child labor.
- Enforce the country's legal protections against the worst forms of child labor, including through labor inspection.
- Investigate and prosecute trafficking cases to ensure a focus on those engaged in parental deception and exploitation of children through forced begging.
- Establish a coordinating mechanism to combat all worst forms of child labor.

IN THE AREA OF POLICIES:

- Establish a comprehensive policy framework to address all worst forms of child labor.
- Support research to gain increased knowledge of the scope and magnitude of the worst forms of child labor in Guinea-Bissau.

IN THE AREA OF PROGRAMS:

- Step up government efforts to implement social programs to address the worst forms of child labor and provide adequate protection to child victims, particularly in agriculture.
- Undertake greater trafficking prevention efforts, such as public awareness campaigns targeting families of prospective *talibés*.

²¹⁴⁶ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²¹⁴⁷ Ministry of Economy and UNICEF, *Guinée-Bissau: Enquete par Grappes a Indicateurs Multiples 2006*, June 2006; available from http://www.childinfo.org/files/MICS3_GuineaBissau_FinalReport_2006_Fr.pdf.

²¹⁴⁸ Guinea-Bissau PLAN International official, Interview with USDOL consultant, June 13, 2006, 56. 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>.

²¹⁴⁹ Ministry of Education official, Interview with USDOL consultant, June 14, 2006, 61. See also U.S. Department of State, "Country Reports- 2008: Guinea-Bissau," section 6d.

²¹⁵⁰ 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.

²¹⁵¹ 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.

²¹⁵² Cooperation and Development official, Interview with USDOL consultant, June 12, 2006, 52.

²¹⁵³ 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/afrik/iknt11.pdf>. See also UNICEF, *Under the Facade of*

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²¹⁵⁴ UNICEF, *Child Trafficking in Guinea-Bissau, An Exploratory Study*, 2010.

²¹⁵⁵ 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 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>.

²¹⁵⁶ UNICEF, *Under the Facade of Religious Study*.

²¹⁵⁷ U.S. Department of State, "Guinea-Bissau (Tier 2 Watch List)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010, 163; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>.

²¹⁵⁸ U.S. Department of State, "Guinea-Bissau," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, 8; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135958.htm>.

²¹⁵⁹ U.S. Embassy- Dakar, "Guinea-Bissau," in *Trafficking in Persons Report- 2009*, 2009, 148; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/index.htm>.

²¹⁶⁰ Ibid. 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". 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>.

²¹⁶¹ General Labor Inspectorate official, Interview with USDOL consultant, May 26, 2006. See also U.S. Department of State, "Country Reports- 2008: Guinea-Bissau," section 6d.

²¹⁶² Government of Guinea-Bissau, *Constitution of the Republic of Guinea-Bissau*, (1984), article 37; available from <http://www.icrc.org/ihl-nat.nsf/162d151af444ded44125673e00508141/8ff8cad34667b579c1257083002a6fa8!OpenDocument>. See also U.S. Department of State, "Guinea-Bissau (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008, 149; available from <http://www.state.gov/documents/organization/105656.pdf>.

²¹⁶³ U.S. Department of State, "Country Reports- 2009: Guinea-Bissau."

²¹⁶⁴ U.S. Department of State, “Country Reports- 2008: Guinea-Bissau,” section 6d.

²¹⁶⁵ U.S. Department of State, “Country Reports- 2009: Guinea-Bissau.”

²¹⁶⁶ U.S. Department of State, “Trafficking in Persons Report- 2008: Guinea Bissau,” 149.

²¹⁶⁷ U.S. Department of State, “Country Reports- 2009: Guinea-Bissau,” section 6.

²¹⁶⁸ Ibid.

²¹⁶⁹ Human Rights Watch, *Off the Backs of the Children*, April 15, 2010, 51; available from <http://www.hrw.org/en/reports/2010/04/15/back-children?print>.

²¹⁷⁰ U.S. Department of State, “Country Reports- 2009: Guinea-Bissau,” section 6.

²¹⁷¹ Human Rights Watch, *Off the backs of the Children*, 51.

²¹⁷² U.S. Department of State, “Country Reports- 2009: Guinea-Bissau,” section 6.

²¹⁷³ U.S. Department of State (March 11, 2010). Guinea-Bissau. *Country Reports on Human Rights Practices- 2009*. Washington, DC, section 6. See also UNICEF, *Child Trafficking in Guinea-Bissau*.

²¹⁷⁴ U.S. Department of State, “Trafficking in Persons Report- 2010: Guinea Bissau,” 164.

²¹⁷⁵ U.S. Department of State, “Country Reports- 2009: Guinea-Bissau,” section 6. See also U.S. Department of State, “Guinea-Bissau,” in *Trafficking in Persons Report- 2009*, 2009, 148; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/index.htm>.

²¹⁷⁶ ILO-IPEC official, E-mail communication, July 17, 2010.

Guyana

The Government of Guyana continued to work with ILO-IPEC and UNICEF to address the worst forms of child labor. It has neither enacted all needed legal reforms, including draft legislation outlawing the worst forms of child labor, nor has it provided support to the National Steering Committee to enable it to effectively address the worst forms of child labor, or made efforts to sustain donor-funded projects. Child labor continues to exist in the agricultural, logging, and the fishing sectors, exposing children to occupational health and safety risks.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	26.3%
Attending School	5-14 yrs.	95.8%
Combining Work and School	7-14 yrs.	28.3%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

In Guyana, children are found in the worst forms of child labor,²¹⁷⁷ principally in the agriculture, logging, and fishing industries.²¹⁷⁸ In agriculture, children may carry heavy loads, apply agrochemicals and use sharp cutting tools.²¹⁷⁹

In addition, some Guyanese children are trafficked, both domestically and internationally, for commercial sexual exploitation and forced labor.²¹⁸⁰ Some Guyanese girls from rural areas are lured by traffickers to coastal population centers and coerced into working as domestic servants. Others are coerced to work in shops or forced into prostitution.²¹⁸¹

Laws and Regulations on the Worst Forms of Child Labor

Guyana's Employment of Young Persons and Children (Amendment) Act of 1999 sets the minimum age for all types of employment at 15.²¹⁸² Children under age 15 may be employed in technical schools, provided such work is approved and supervised by the

public authority.²¹⁸³ A change in legislation is being considered to allow children who have reached the age of 13 to do some kinds of work.²¹⁸⁴ The Government has stated that the proposal is intended to establish a minimum age for light work, in line with standards in ILO Convention 138.²¹⁸⁵

Under Guyanese law, persons under 16 are legally prohibited from working during the night or at worksites where hazardous work is routinely performed, such as in mines, quarries, manufacturing, shipbuilding, building construction and reconstruction, docks, quays, wharves, and warehouses.²¹⁸⁶ Guyana's Occupational Safety and Health Act stipulates that persons under 16 may not be hired to work at any job that is likely to jeopardize their health, safety, or morals.²¹⁸⁷ However, the Government has not codified a corresponding list of occupations that constitute hazardous work for children.

In 2006, Guyana's National Assembly passed an amendment which would have outlawed the worst forms of child labor, but because the President opposes some aspects of it, it has not become law.²¹⁸⁸

The Constitution of Guyana prohibits forced labor.²¹⁸⁹ Human trafficking is prohibited under the Combating of Trafficking in Persons Act of 2005.²¹⁹⁰ In addition, anyone who procures, counsels, or commands a child to commit a drug-related felony can be prosecuted under Guyana's Criminal Law (Offenses Act).²¹⁹¹ Guyana's Defense Act requires a person to be age 18 to be conscripted into the armed forces.²¹⁹²

In May of 2010, the Sexual Offenses Act of 2009 was enacted, which expanded protections for young children.²¹⁹³ The new legislation made the criminal offense of rape gender-neutral and removed the requirement that the claims of young children must be corroborated.²¹⁹⁴

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

Institutional Mechanisms for Coordination and Enforcement

The Government of Guyana has established a National Steering Committee on Child Labor (NSCCL) which is tasked with recommending policies and programs to eliminate child labor in all its forms.²¹⁹⁵ However, the NSCCL has reportedly stopped meeting on a regular basis, potentially limiting its ability to carry out its mandates.²¹⁹⁶ There is also a National Task Force for Combating Trafficking in Persons (NTFCTP).²¹⁹⁷ Participants on the NTFCTP are drawn from the

Ministries of Home Affairs, Human Services, Legal Affairs, Foreign Affairs, Amerindian Affairs, Guyana Police Force, Help and Shelter, and Food for the Poor. The NTFCTP is charged with reporting on the nature and magnitude of trafficking in persons in Guyana and documenting the Government's response.²¹⁹⁸

The Ministry of Labor, Human Resources, and Social Security (MLHRSS) is responsible for enforcing child labor laws.²¹⁹⁹ Within the MLHRSS, the Chief Labor Officer (CLO) handles all workplace safety and health and wage and hour inspections and special investigations stemming from reports of child labor.²²⁰⁰ In 2009, the MLHRSS employed 20 labor inspectors who assist the CLO.²²⁰¹ Under the authority of the Factories Act, labor inspectors can enter any workplace at any time to conduct an inspection and require the employer to provide all documents and information to show that the business is in compliance with the law.²²⁰²

In 2009, the MLHRSS conducted about 3,000 workplace inspections, an average of 150 inspections per inspector.²²⁰³ There were 12 complaints of possible violations of child labor lodged with the MLHRSS in 2009.²²⁰⁴ However, MLHRSS inspectors were not able to validate that any legal violations had occurred with regard to any of the child labor complaints and took no further action.²²⁰⁵

Guyana's Ministry of Education (MOE) is responsible for monitoring children who are out of school.²²⁰⁶ Guyana's education statute empowers school attendance officers to enter any premise or place during school hours, make enquiries about any child residing or being employed there, and report the parent of the truant child to the Chief Education Officer.²²⁰⁷ However, there is no evidence that the Ministries of Labor and Education are sharing information or that the MOE is referring child labor cases to the MOL.

The Guyana Police Force (GPF) is responsible for investigating possible crimes involving the worst forms of child labor. The NTFCTP brings complaints of child trafficking to the attention of the GPF. The GPF has instituted mandatory training on trafficking for the Criminal Investigations Division Police.²²⁰⁸

During the reporting period, two cases of alleged child trafficking were investigated, but no charges were filed, reportedly due to a lack of evidence.²²⁰⁹ However, the

NTFCTP noted in its first report that the country had recorded its first trafficking in persons conviction when a person was found guilty of trafficking two girls in Bartica.²²¹⁰

Government Policies on the Worst Forms of Child Labor

Although Guyana does not have a standalone child labor policy, it is cooperating with UNICEF to implement a Country Program Action Plan for 2006-2010. This plan includes measures to address and prevent child labor and is closely aligned with the Government's poverty reduction strategies and human rights agenda.²²¹¹ UNICEF has pledged approximately \$3.3 million dollars to help implement the plan, which will promote children's rights and protections, child survival, and adolescent development, particularly among vulnerable youth such as working children.²²¹² Goals include supporting projects to reduce child labor, exploitation, and the trafficking of children.²²¹³

Research found no evidence that Guyana has bilateral agreements with countries to which Guyanese children are trafficked, to cooperate in efforts to combat child labor and trafficking.²²¹⁴ Guyana has, however, signed onto political declarations with the region, including the Caribbean Community and Common Market Secretariat, pledging its commitment to protect people from trafficking.²²¹⁵

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

The Government of Guyana has participated in a number of donor-funded programs to eliminate child labor, which have focused on data collection, education, and youth employment.²²¹⁶

For example, the Government of Guyana participated in a USDOL-funded project, EDUCARE, which ended in 2009.²²¹⁷ This project withdrew and prevented

children from engaging in exploitive child labor and built capacity within the Ministry of Education's School Welfare Service to ensure school attendance at the primary and secondary levels.²²¹⁸

In 2008, Guyana was part of a \$1,210,000, 11-country project to combat child labor.²²¹⁹ In Guyana, the project seeks to strengthen the capacity of the Government of Guyana and local authorities in the formulation, implementation, and enforcement of specific policies to address child labor in coordination with social partners and civil society, and to help reduce poverty by providing access to basic education and skills training to disadvantaged children and youth.²²²⁰ The project also supports ongoing efforts to eliminate child labor and promote youth employment.²²²¹ While the projects cited above are important to advance the elimination of the worst forms of child labor, there is no evidence to indicate that the Government of Guyana has adopted the measures necessary to ensure the long-term success of these internationally-supported initiatives.

During the reporting period, the MLHRSS and the National Task Force for Combating Trafficking in Persons continued to conduct awareness-raising campaigns on human trafficking, and the Government continued to support efforts to assist victims of trafficking.²²²² The Government increased its funding to an NGO that provided shelter, counseling, and medical assistance to victims of trafficking and domestic violence; provided travel funds to facilitate the return to Guyana of Guyanese trafficking victims; offered vocational training, medical, and financial assistance to victims; and supported the training of 100 people who were designated as community "focal points" to identify and report potential trafficking cases.²²²³

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

IN THE AREA OF LAWS AND REGULATIONS:

- Explicitly identify hazardous jobs prohibited to minors.
- Enact into law the 2006 Amendment to the Employment of Young Persons and Children Act passed by the Parliament that prohibits the worst forms of child labor.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Reconstitute the National Steering Committee on Child Labor with representatives from multiple sectors to address child labor.
- Create a mechanism to ensure that the Ministry of Education shares information gathered from its truancy monitoring with the Ministry of Labor to identify potential child labor cases.

IN THE AREA OF POLICIES:

- Form partnerships with governments in countries to which Guyanese children are trafficked to combat international child trafficking.

IN THE AREA OF PROGRAMS:

- Take steps to ensure long-term sustainability of efforts to address the worst forms of child labor.

²¹⁷⁷ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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²¹⁸⁰ U.S. Department of State, "Guyana," in *Country Report on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>.

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²¹⁸⁵ Ibid.

²¹⁸⁶ Government of Guyana, *Employment of Young Persons and Children Act (Chapter 99:01)*.

²¹⁸⁷ Government of Guyana, *Occupational Safety and Health Act - Chapter 99:10*, (1997); available from http://www.gina.gov.gy/gina_pub/laws/Laws/cap9910.pdf.

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Haiti

Following the January 2010 earthquake, the issue of trafficking Haitian children for domestic service has received heightened attention from the Government of Haiti and the international community. Nonetheless, the practice of employing child domestic servants is prevalent throughout the country. Social protection programs remain insufficient for the nationwide prevention and elimination of the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	29.0%
Attending School	5-14 yrs.	81.2%
Combining Work and School	7-14 yrs.	27.5%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Haiti are exploited in the worst forms of child labor,²²²⁴ most commonly in domestic service.²²²⁵ This occurs through the practice of sending children, particularly girls, from poor rural areas to work as domestic servants for more well-off families, often with the perception that the children will have increased educational opportunities.²²²⁶ While some of these children, referred to as *restaveks*, are cared for and receive an education, many are trafficked into forced labor. Such children receive no schooling or pay and are at risk of sexual exploitation and physical abuse.²²²⁷ A 2009 survey estimates that 225,000 children work as *restaveks* in urban areas of Haiti, which is a number that is likely growing.²²²⁸ A previous requirement to pay a salary to domestic workers age 15 and older encouraged employers to dismiss *restaveks* before they reached that age, which in turn has contributed to a large population of street children in Haiti.²²²⁹ Prior to the January 2010 earthquake, there were an estimated 2,500 street children living in the capital, many of whom were former domestic servants.²²³⁰ The thousands of individuals displaced because of the earthquake have likely increased the number of both *restaveks* and street children.²²³¹ Children on the streets work washing car windows, as vendors,



and as beggars; and they are exposed to a variety of hazards, such as severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.²²³² Children on the streets are also exploited in prostitution.²²³³

Children in Haiti also work on farms where they may be exposed to pesticides, sharp tools, harsh conditions, and long hours.²²³⁴ A 2007 household survey in one department in Haiti found that children constituted one-quarter of the farm workers sampled. They contributed to the cultivation of pistachios, corn, peas, millet, sugarcane, manioc, and rice.²²³⁵

Haitian nationals who migrate to the Dominican Republic often lack personal identification papers and are consequently more vulnerable to exploitive labor situations.²²³⁶ The earthquake exacerbated this vulnerability as hundreds of thousands of Haitians lost their identification cards in the earthquake.²²³⁷ Children are trafficked both internally and from Haiti to the Dominican Republic.²²³⁸ Haitian children trafficked to the Dominican Republic work in domestic service, sex tourism, and agriculture.²²³⁹

Criminal groups rule many parts of Haiti, and children work with them as porters, spies, messengers, and armed marauders. Children of extremely poor families

are especially vulnerable to recruitment by armed gangs. They have been forced to participate in illegal activities and subjected to rape.²²⁴⁰

The January 2010 earthquake in Haiti severely damaged Port-au-Prince and surrounding areas, displacing more than 1.3 million people. It further devastated the country’s already inadequate social services, exacerbated political and socio-economic instability, and weakened the already poor educational system.²²⁴¹ Public safety has further deteriorated, particularly in Internally Displaced Persons (IDP) camps where girls are vulnerable to sexual violence and exploitation by self-appointed “security guardians.” Local NGOs and the Haitian National Police have indicated that reported cases of trafficking, forced labor, and forced prostitution of children have risen following the earthquake.²²⁴²





Laws and Regulations on the Worst Forms of Child Labor

Haiti’s Labor Code sets the minimum age for work in industrial, agricultural, or commercial enterprises at age 15.²²⁴³ Children age 15 to 18 who seek employment must obtain a work authorization from the Ministry of Labor. Employing a child without a work authorization is punishable by fines.²²⁴⁴ Children are prohibited from night work in industrial jobs, and from work that is likely to harm their health, safety, or morals.²²⁴⁵ There is no evidence of a list specifying what hazardous activities are prohibited to children.

The law sets the minimum age for military service at 18.²²⁴⁶ The Act on the Prohibition and Elimination of All Forms of Abuse, Violence, Ill Treatment, or Inhuman Treatment Against Children of 2003 prohibits the exploitation of children, which includes servitude and forced or compulsory labor and the use of children in criminal activities or armed conflict.²²⁴⁷ The Act criminalizes child trafficking and recruiting children for sexual exploitation, pornography, and illicit activities.²²⁴⁸ Although this Act does not include legal penalties against offenders, the Ministry of Social Affairs has the authority to use all laws against violators of these prohibitions.²²⁴⁹ Based on this Act, if the nature or condition of domestic service harms the health, safety or morals of children, employers of child domestic servants may be penalized. However, there is no minimum age restriction for work in domestic

service and there are no legal penalties for employing children in domestic labor.²²⁵⁰

A further gap is in the legal framework concerns education. Children in Haiti are required to attend school only until age 11.²²⁵¹ This gap may make children age 12 to 14 particularly vulnerable to the worst forms of child labor as they are not required to be in school but are below the minimum age for work.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Haiti has established a coordinating mechanism to combat the worst forms of child labor.²²⁵²

The Ministry of Social Affairs, through its Institute of Social Welfare and Research (IBESR), is responsible for enforcing child labor laws and for pursuing violations against children, according to the Act of 2003.²²⁵³ The Government has indicated that understaffing and a shortage of basic supplies hinder IBESR’s ability to conduct child labor investigations.²²⁵⁴ Consequently, the Government has not been reporting statistics on child labor violations investigated, prosecutions, or penalties imposed.²²⁵⁵

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.²²⁵⁶ The BPM has 75 officers and maintains a hotline to collect tips regarding child exploitation and abuse.²²⁵⁷ The BPM has the authority to respond to these tips and apprehend persons who have been reported to exploit child domestic workers.²²⁵⁸ However, the BPM does not target *restavek* cases for investigation because there are no specific legal penalties against the exploitive forms of the practice.²²⁵⁹ Following the earthquake, border officials identified and assisted potential child trafficking victims and referred some to NGOs.²²⁶⁰ Authorities have referred some *restaveks* to IBESR for temporary housing and care in NGO-supported shelters.²²⁶¹ The BPM has two holding cells to temporarily house minors in Port-au-Prince.²²⁶²

Government Policies on the Worst Forms of Child Labor

Haiti's poverty reduction strategy aims to improve the living conditions of children.²²⁶³

To improve access to education, the Haitian Government participates in the Education for All (EFA) campaign, overseen by the Ministry of Education. The EFA project subsidizes school fees, provides school feeding programs, and offers training to increase the number of qualified teachers so that more children will attend school.²²⁶⁴ The EFA project in Haiti reportedly exceeded goals set in 2007 by enrolling twice the anticipated number of new students into school.²²⁶⁵ However, the January 2010 earthquake damaged an estimated 4,000 schools that require reconstruction.²²⁶⁶

The question of whether these poverty and education policies have an impact on the worst forms of child labor does not appear to have been addressed.

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

Over the past decade, the Government of Haiti has participated in a number of donor-funded projects to combat trafficking and in one project which aimed to reduce exploitive child domestic service through education.²²⁶⁷

Currently, the Government is participating in a 2-year \$270,000 project to eradicate and prevent the worst forms of child labor, funded by the Government of Brazil.²²⁶⁸ It is also participating in a 5-year \$7.5 million project supported by the Coca-Cola Company. Its goal is to develop a sustainable mango juice industry that will raise incomes and standards of living for 25,000 Haitian mango farmers.²²⁶⁹ To lessen the economic impact from the January 2010 earthquake, USAID has been supporting cash-for-work activities to stabilize household livelihoods, which could reduce the likelihood of child exploitation.²²⁷⁰

The Ministry of Social Affairs assists children who work or live in the streets.²²⁷¹ From April 2009 until the January 2010 earthquake, the Ministry of Social Affairs, in collaboration with an NGO, identified 126 *restaveks* for needed assistance; however, considering the number of *restaveks* in exploitive situations, the number identified appears low.²²⁷² Following the earthquake, 816 *restaveks* have been identified in 25 major IDP camps in Port-au-Prince.²²⁷³ Before the earthquake, the Government promoted the reintegration of child *restaveks* into supportive family environments.²²⁷⁴ However, following the earthquake, the Haitian Government has indicated that vulnerable children placed in family-based foster care risk being exploited as *restaveks* because the Government does not have the capacity to monitor the placement of children.²²⁷⁵ Furthermore, educational programs and opportunities for children in rural areas are limited, which may contribute to child trafficking and the *restavek* practice.²²⁷⁶

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the legal framework to ensure the minimum age for work applies to domestic service.
- Ensure that children working as domestics receive schooling, pay, and protection from abuse and exploitation.
- Increase the age of compulsory schooling to match the minimum age for work.
- Amend the law to provide specific penalties against exploitive forms of the *restavek* practice, child trafficking, and sexually exploiting children.
- Amend the law to provide comprehensive protection against child labor in hazardous activities.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Make the Institute of Social Welfare and Research and the Haitian National Police's Brigade for the Protection of Minors priorities when determining allocations of government and donor resources.
- Investigate and prosecute trafficking cases involving *restaveks*.

IN THE AREA OF POLICIES:

- Develop a national action plan to address the worst forms of child labor, including hazardous work in agriculture and child domestic service.
- Assess the impact that existing poverty and education policies have on addressing the worst forms of child labor.
- Work with the Dominican Republic to create a joint action plan that addresses cross-border child trafficking.

IN THE AREA OF PROGRAMS:

- Include child labor and child trafficking issues as a consideration in all recovery and reconstruction efforts, implement programs to provide social services to such children, and monitor the treatment of children in such programs.
- Provide identification cards for all residents to reduce vulnerability to trafficking and exploitation.
- Raise awareness about the realities of the *restavek* situation to deter parents from sending their children into this practice.
- Prioritize resources to build an educational system that provides access to quality education for all children, with a focus on programs that improve educational opportunities in rural areas where children have a high vulnerability to trafficking and becoming *restaveks*.

²²²⁴ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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²²²⁶ PADF and USAID/Haiti Mission, *Lost Childhoods in Haiti*, 6, 25, 30. See also ILO Committee of Experts, *Individual Observation C29: Haiti (2010)*.

²²²⁷ U.S. Department of State, "Country Reports- 2009: Haiti," section 7d. See also U.S. Department of State, "Haiti," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142763.htm>. See also 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 August 12, 2010]; 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,"

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²²²⁹ ILO Committee of Experts, *Individual Observation C29: Haiti (2010)*. See also ILO Committee of Experts, *Report of the Committee of Experts*. See also Government of Haiti, *Code du travail*, (1984), article 350; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/135/64790/F61HTI01.htm>. 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 1; available from <http://www.hsph.harvard.edu/population/trafficking/haiti.traf.03.doc>.

²²³⁰ U.S. Department of State, "Country Reports- 2009: Haiti," section 5.

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²²³² U.S. Department of State, "Country Reports- 2009: Haiti," section 7d. See also U.S. Embassy- Port-au-Prince, *reporting*, February 6, 2009.

²²³³ *Ibid.*

²²³⁴ U.S. Department of State, "Country Reports- 2009: Haiti," section 7d.

²²³⁵ Macro International, *Child Labor in Haiti's Agricultural Sector - A Study of Children in the Rural Centre Department (Draft)*, June 23, 2008, 35.

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²²⁴² U.S. Department of State, “Trafficking in Persons Report- 2010: Haiti.” See also United States Institute of Peace, “Haiti: A Forward Look.” See also International Crisis Group, *Haiti: Stabilisation and Reconstruction after the Quake*, 10. See also Ninette Sosa, “Child slavery a growing problem in Haiti, advocate says,” *CNN.com* (2010); available from [http://edition.cnn.com/2010/WORLD/americas/07/11/haiti.child.slavery/index.html?eref=edition_americas&utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+rss%2Fedition_americas+\(RSS%3A+Americas\)#fbid=EcB5Zuows2i&wom=false](http://edition.cnn.com/2010/WORLD/americas/07/11/haiti.child.slavery/index.html?eref=edition_americas&utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+rss%2Fedition_americas+(RSS%3A+Americas)#fbid=EcB5Zuows2i&wom=false). See also Martin Fletcher, “Aid agencies in Haiti race to save ‘orphans’ from child traffickers,” *The Times and The Sunday Times* (2010); available from http://www.timesonline.co.uk/tol/news/world/us_and_americas/article7002406.ece. See also Amanda Kloer, *Child Trafficking Rings Kidnapping Haitian Kids from Hospitals*, [2010 [cited September 8, 2010]; available from http://humantrafficking.change.org/blog/view/child_trafficking_rings_kidnapping_haitian_kids_from_hospitals. See also The Levin Institute of the State University of New York, “Haiti’s Struggles Continue: A Case of Child Trafficking?,” *Globalization101.org* (2010); available from http://www.globalization101.org/news1/Child_Trafficking_2010. See also Rebecca Winthrop, *Protecting Haiti’s Children: Good Intentions or Child Trafficking?*, [February 24, 2010 [cited March 12, 2010]; available from http://www.brookings.edu/opinions/2010/0224_haiti_adoption_winthrop.aspx. See also Elizabeth Cohen, “Painful plight of Haiti’s ‘restavek’ children,” *CNN.com* (2010); available from O:ZZ_ICLP\CHILDLAB\Research Resources\LATIN AMERICA & CARIBBEAN\Haiti\2009-2010 Research\Painful plight of Haiti’s ‘restavek’ children - CNN_com.mht. See also Integrated Regional Information Networks, “Disasters fuel migration, diaspora fuels economy”. See also International Crisis Group, *Haiti: Stabilisation and Reconstruction after*

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²²⁷⁵ U.S. Department of State, “Trafficking in Persons Report- 2010: Haiti.”

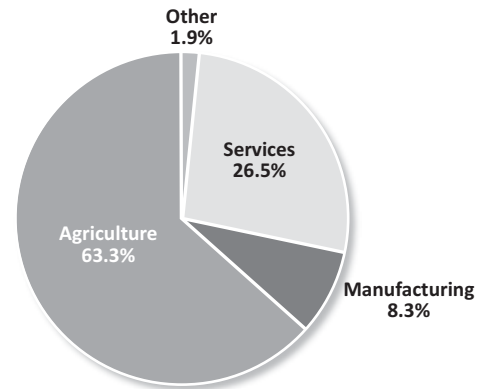
²²⁷⁶ PADF and USAID/Haiti Mission, *Lost Childhoods in Haiti*, 74.

Honduras

The Government of Honduras has a national plan of action to combat the worst forms of child labor. However, children continue to work in agriculture. The level of inspection and enforcement activity against the worst forms of child labor is unknown, and there are conflicts in laws regarding the minimum age for work.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	5.4%
Attending School	5-14 yrs.	84.7%
Combining Work and School	7-14 yrs.	3.5%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Honduras are exploited in the worst forms of child labor, many of them in agriculture.²²⁷⁷ A majority of children working in Honduras are boys, generally working in rural areas.²²⁷⁸ Children work in melon, coffee fields. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of sugarcane.²²⁷⁹ Children working in agriculture may be exposed to the use of dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides. Children also work in the fishing industry, including as deckhands and as divers in the lobster industry.²²⁸⁰ Children working in fishing are exposed to risks, such as severe weather conditions and drowning. Indigenous children are especially vulnerable to exploitation in agriculture and fishing.²²⁸¹

Children also work in limestone and lime production, begging on the streets, and scavenging in garbage dumps.²²⁸² Children working on the streets are exposed to severe weather, accidents caused by proximity to vehicles, and vulnerability to crimes. In addition, children, predominantly girls, work as domestic servants.²²⁸³ Child domestic labor commonly

involves long hours of work, while often exposing children to physical and sexual exploitation by their employer. Children are also reported to work as drug mules in urban areas.²²⁸⁴

Honduras is principally a source and transit country for children subjected to trafficking in persons, including for the purpose of forced prostitution.²²⁸⁵ Women and children are generally trafficked from rural areas into commercial sexual exploitation in urban and tourist spots, such as Tegucigalpa, San Pedro Sula, and the Bay Islands.²²⁸⁶

The Honduran Institute for Children and the Family (IHNFA) estimates that more than 10,000 children are at risk for sexual exploitation and that several hundred children are victims of commercial sexual exploitation.²²⁸⁷



Laws and Regulations on the Worst Forms of Child Labor

Honduran legislation conflicts regarding the legal age for work as it applies to children age 14. The Constitution and Labor Code prohibit the employment of persons under age 16, with the exception that children age 14 to 15 may be permitted to work

with written parental consent and permission from the Ministry of Labor (MOL). However, the Children’s Code prohibits a person age 14 and under from working, even with parental permission, and establishes prison sentences of 3 to 5 years for individuals who allow children to work illegally.²²⁸⁸ Notwithstanding, a 2007 government analysis of the legal minimum age for employment placed the minimum age at 14.²²⁸⁹ An employer who legally hires a person age 14 or 15 must certify that the young person has finished or is finishing compulsory schooling.²²⁹⁰

All persons under age 18 are prohibited from night work, dangerous work, and full-time work.

Executive Accord STSS-211-01, prohibits all forms of forced or bonded labor.²²⁹¹ The Penal Code criminalizes procuring, recruiting, or submitting children to commercial sexual exploitation. Executive Accords prohibit the use of children in illegal activities such as drug trafficking, and they protect children from being trafficked.²²⁹² Honduras has no compulsory military service in peacetime. However, during times of conflict military service is compulsory for Hondurans ages 18 to 30.²²⁹³

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

Institutional Mechanisms for Coordination and Enforcement

A national commission created under the National Action Plan to Prevent and Eradicate Child Labor II (NPAPECL II) coordinates all matters related to child labor. Members of the national commission include MOL, IHNFA, the Supreme Court, the Social Security Administration, the Public Ministry, and other government entities.²²⁹⁴

MOL is the primary government agency responsible for inspecting labor conditions and enforcing child labor laws.²²⁹⁵ IHNFA is charged with supervising and providing technical assistance to private and public institutions that work to protect the well-being of children and their families.²²⁹⁶

During the reporting period, MOL received 24 complaints of companies violating child labor laws.²²⁹⁷ It is unknown if these complaints have been resolved. The Workers’ Commission for the Prevention and Eradication of Child Labor and Commercial Sexual Exploitation, created by ILO and six unions, assists in filing complaints of child labor violations with the Government.²²⁹⁸

By the end of 2009, there were 120 inspectors on the payroll. During the year, they carried out about 15,000 labor inspections.²²⁹⁹ Information about how many of these inspections were related to child labor was not obtained. Because of the inspections, MOL sanctioned six companies. ILO estimates that on average these cases took 9 months to resolve.²³⁰⁰

The Public Ministry’s Office of the Special Prosecutor for Children (OSPC) prosecutes criminal cases against those alleged to have involved children in trafficking and hazardous/forced child labor, as well as those involving the sexual exploitation of children.²³⁰¹ OSPC is staffed by three district attorneys, two lawyers, four public ministry investigators, and two agents to address trafficking in the country.²³⁰²

During the reporting period, there were 83 pending investigations into allegations of human trafficking and commercial sexual exploitation of children.²³⁰³ OSCP reported that, during 2009, 26 cases went to trial. Of these, 10 cases were closed (three for commercial sexual exploitation of children, three for trafficking of minors, and four for child pornography) and eight of them resulted in convictions ranging from 3 to 18 years

of imprisonment. It took an average of 1 to 2 years to close these cases.²³⁰⁴

Government Policies on the Worst Forms of Child Labor

In 2008, the Government of Honduras launched the 7-year National Action Plan to Prevent and Eradicate Child Labor II (NPAPECL II). The goals of NPAPECL II are to prevent children from dropping out of school before they can legally work, withdraw children who are currently engaged in the worst forms of child labor, and ensure that the laws that protect children are enforced.²³⁰⁵

A joint effort by ILO and the Government, called the “Road Map for the Eradication of Child Labor in Honduras” (RECL) aims to improve coordination of the Government’s responses to child labor issues.²³⁰⁶ After being on hold for a year due to the removal of President Zelaya in 2009, RECL is operational again.²³⁰⁷

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

Since 2000, the Government of Honduras has participated in a number of initiatives to combat child labor. One USDOL-funded initiative enrolled children in school and prevented them from working on a melon plantation.²³⁰⁸ Because of this project, the Government of Honduras took a leading role in the monitoring of the children who benefit from the project.²³⁰⁹

Between 2000 and 2009, Honduras also participated in three Central America regional projects funded by USDOL. The projects, totaling \$15.6 million, reduced child labor in the commercial agricultural sector; strengthened the capacity of the Government and civil society organizations to combat the commercial sexual exploitation of children and child trafficking; and enhanced regional cooperation, legislation, policies, and institutions to reduce child labor through the provision of educational services.²³¹⁰ Because of one of the regional projects, the Ministry of Education adopted the project’s pilot educational model called *Niño Tutor* (“Child Tutor”) 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.²³¹¹ However, the Ministry of Education’s focus on regular teacher strikes and negotiations with teachers unions over salary disputes may dilute the efficacy of public school-based programs. From 2008 to 2009, the Government participated in a program financed by the Government of Spain to prevent and eradicate child labor among indigenous Lencas.²³¹² Even though the Government of Honduras has participated in several programs to eradicate child labor, additional efforts are needed to reach all of the children in agriculture and fishing.

During the reporting period, government agencies participated in anti-trafficking training and awareness-raising activities.²³¹³ The Government, through the Ministries of Governance and Security, signed MOUs with an NGO to offer workshops and share information to combat child labor and child trafficking.²³¹⁴

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

IN THE AREA OF LAWS AND REGULATIONS:

- Harmonize legislation addressing the minimum age for work to protect children age 14 from involvement in the worst forms of child labor.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Collect and publish data on the number of child labor inspections and violations.

IN THE AREA OF POLICIES:

- Continue implementation of the National Plan of Action for the Eradication of Child Labor II and document its progress.

IN THE AREA OF PROGRAMS:

- Implement programs to address the worst forms of child labor in agriculture and fishing.

²²⁷⁷ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2004. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²²⁷⁸ UCW and ILO-IPEC, *Child Labour in the Latin America and Caribbean Region: A Gender Based Analysis*, ILO, Geneva, April 2006, 90.

²²⁷⁹ ILO-IPEC, *Good Practices for the Prevention and Progressive Eradication of Child Labor in Agriculture in Central American and the Dominican Republic*, Managua, 2006, 7; available from http://www.oit.org.pe/ipecc/documentos/good_practices_agri.pdf. See also U.S. Embassy- Tegucigalpa, *reporting*, January 20, 2009.

²²⁸⁰ ILO-IPEC, *Good Practices for the Prevention and Progressive Eradication of Child Labor in Agriculture*. See also U.S. Embassy- Tegucigalpa, *reporting*, January 20, 2009.

²²⁸¹ ILO-IPEC, *Trabajo infantil y pueblos indígenas: El caso Honduras*, 2007, 42.

²²⁸² U.S. Department of State, "Honduras," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136117.htm>.

²²⁸³ ILO Committee of Experts, *Observation, Worst Forms of Child Labor Convention, 1999 (No. 182) Honduras (ratification: 2001)*, [online] 2009 [cited February 24, 2010]; available from <http://www.ilo.org/ilolex/>.

²²⁸⁴ U.S. Embassy- Tegucigalpa, *reporting*, February 4, 2010.

²²⁸⁵ U.S. Department of State, "Honduras (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>.

²²⁸⁶ Ibid.

²²⁸⁷ U.S. Department of State, "Country Reports- 2009: Honduras."

²²⁸⁸ U.S. Department of State, *Investment Climate Report - Honduras*, June 2010; available from <http://www.state.gov/e/eeb/rls/othr/ics/2010/138079.htm>.

²²⁸⁹ Office of Labor and Social Security official, Letter to Primero Aprendo Project Coordinator, July 25, 2007.

²²⁹⁰ U.S. Department of State, *Investment Climate Report*.

²²⁹¹ U.S. Embassy- Tegucigalpa, *reporting*, February 4, 2010. See also Government of Honduras, *Reglamento sobre Trabajo Infantil en Honduras*, Acuerdo Ejecutivo No. STSS-211-01, (October 10, 2001); available from <http://www.glin.gov/search.action>.

²²⁹² Government of Honduras, *Reglamento sobre Trabajo Infantil*. See also Government of Honduras, *Acuerdo Ejecutivo No. STSS-097-2008, Reforma por adición artículo 8 del Reglamento sobre Trabajo Infantil en Honduras*, Acuerdo Ejecutivo No. STSS-097-2008, (May 12, 2008); available from http://white.oit.org.pe/ipecc/documentos/listados_tip_honduras.pdf.

²²⁹³ 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.

²²⁹⁴ National Commission to Eradicate Child Labor, *II Plan de Acción Nacional para la Prevención y Erradicación del Trabajo Infantil en Honduras 2008-2015*, Tegucigalpa, 2009; available from <http://white.oit.org.pe/ipecc/pagina.php?pagina=102>.

²²⁹⁵ U.S. Embassy- Tegucigalpa, *reporting*, February 4, 2010.

²²⁹⁶ National Commission to Eradicate Child Labor, *II Plan de Acción Nacional*.

²²⁹⁷ U.S. Embassy- Tegucigalpa, *reporting*, February 4, 2010.

²²⁹⁸ Ibid.

²²⁹⁹ Ibid. In 2008, the Government carried out about 17,000 inspections.

²³⁰⁰ Ibid.

²³⁰¹ Ibid.

²³⁰² U.S. Department of State, "Country Reports- 2009: Honduras," section 6.

²³⁰³ U.S. Department of State, "Trafficking in Persons Report- 2010: Honduras."

²³⁰⁴ U.S. Embassy- Tegucigalpa, *reporting*, February 4, 2010.

²³⁰⁵ National Commission to Eradicate Child Labor, *II Plan de Acción Nacional*.

²³⁰⁶ U.S. Embassy- Tegucigalpa, *reporting, February 4, 2010*.

²³⁰⁷ U.S. Embassy- Tegucigalpa official, E-mail communication to USDOL official, September 16, 2010.

²³⁰⁸ ILO-IPEC, *Prevention and Elimination of Child Labor in the Melon Plantations of Honduras*, Project Document, July 2005.

²³⁰⁹ ILO-IPEC, *Prevention and Elimination of Child Labor in the Melon Plantations in Honduras*, Technical Progress Report, March 2005.

²³¹⁰ ILO-IPEC, *Combating Child Labor Through Education in Central America and the Dominican Republic (“Primero Aprendo”)*, Project Document, 2009. See also ILO-IPEC, *Combating Child Labor in the Commercial Agricultural Sector*, Project Document, 2005. 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, San Jose, 2005.

²³¹¹ 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, annex K.

²³¹² ILO-IPEC, *Ficha Pais: Honduras*, 2010; available from <http://white.oit.org.pe/ipec/documentos/fichahonduras.pdf>.

²³¹³ U.S. Embassy- Tegucigalpa, *reporting, February 18, 2010*.

²³¹⁴ U.S. Embassy- Tegucigalpa, *reporting, February 4, 2010*.

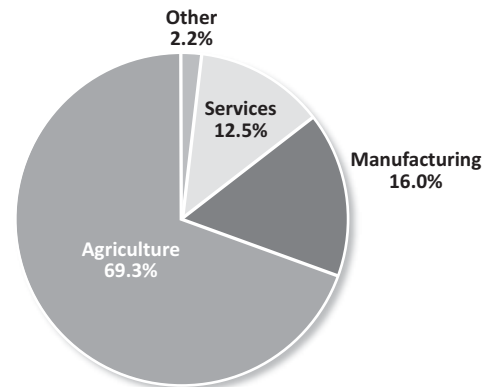
* In practice students pay for some expenses.

India

The Government of India combats the worst forms of child labor through its National Child Labor Projects. It has also designed a “Convergence Model” strategy which integrates a range of social protection schemes to help prevent and withdraw children from hazardous child labor. It has increased funding for and coordination of an extensive network of programs to address the worst forms of child labor. However, such child labor persists in India, particularly in agriculture and the informal economy. Forced child labor exists in domestic service, agriculture, and manufacturing. India lacks a minimum age for work and sets a low age for hazardous work, hindering efforts to address the problem.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	3.3%
Attending School	5-14 yrs.	82.1%
Combining Work and School	5-14 yrs.	0.6%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in India are exploited in the worst forms of child labor,²³¹⁵ with the majority of working children employed in agriculture, including in the production of rice and hybrid seeds.²³¹⁶ Children who work in agriculture may carry heavy loads, and apply harmful pesticides.

A large number of children also work in the informal economy, with child labor increasingly found in home-based production rather than organized factory settings.²³¹⁷ Children are also found engaged in work on the street which may include vending food and other goods, repairing vehicles and tires, scavenging and rag picking, shoe shining, car washing, and begging.²³¹⁸ Although research has not identified the specific work activities such children perform in India, children working on the streets are exposed

to a variety of dangers, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements. Children are also found working in construction and domestic service. Most children working in domestic service are girls age 12 to 17 but some are reportedly as young as age 5 or 6. Many work very long hours and suffer abusive treatment.²³¹⁹ Waste picking is prevalent among children in castes and tribes that have traditionally suffered from societal discrimination.²³²⁰ Service industries that employ children include hotels, food service, and tourism.²³²¹ Children also quarry sandstone and other materials, break stones, and polish gems. They are involved in manufacturing matches, bricks, carpets, locks, glass bangles, fireworks, *bidis* (cigarettes), footwear, garments, brassware, and other metal goods.²³²² While children are involved in dangerous labor in the stitching of soccer balls, there have been reports of a reduction.²³²³ Children also embroider or sew beads to fabric.²³²⁴ Children

involved in manufacturing activities often work in cramped and poorly lit conditions, may be exposed to harmful chemicals, and may use potentially dangerous machinery and tools, risking joint pain, headaches, hearing loss, respiratory problems, and finger deformity.²³²⁵

There is little recent data on the extent and nature of child labor, particularly in the informal sector. The Supreme Court of India has directed the Ministry of Labor and Employment (MOLE) to complete a survey of children working in hazardous occupations.²³²⁶ Forced child labor has been reported in India.²³²⁷ Children perform forced or indentured labor in domestic service, gemstone cutting, quarrying, and at brick kilns and rice mills. Children also work under forced conditions producing hybrid seeds, garments, and embroidered textiles.²³²⁸ While there are no exact figures on the prevalence of bonded labor in India, the MOLE is funding a bonded labor survey in 23 districts of Madhya Pradesh.²³²⁹

The commercial sexual exploitation of children remains a problem. An estimated 1.2 million children engage in prostitution.²³³⁰ Cases of child sex tourism continue to be reported in India.²³³¹






India is a source, transit, and destination country for minors trafficked for commercial sexual exploitation and forced labor in domestic service, agriculture, and activities such as begging, driving cycle rickshaws, and hotel services.²³³² The majority of such children are Indians trafficked within the country, often within the same state.²³³³ 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.²³³⁴

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 Chhattisgarh.²³³⁵

Laws and Regulations on the Worst Forms of Child Labor

According to the Child Labor Prohibition and Regulation Act, children of any age may be employed, provided employers adhere to restrictions, including a maximum 6-hour workday with a 1-hour rest period, at least 1 day off per week, and no night work

or overtime work.²³³⁶ The lack of a minimum age for employment increases the risk of children falling into the worst forms of child labor. The minimum age for hazardous work is 14, which is not consistent with international standards and may jeopardize the health and safety of young persons. However, the Child Labor-Prohibition and Regulation Act does bar children under age 14 from 16 hazardous occupations and 66 hazardous processes, such as working in factories, mines, and domestic service, handling pesticides, weaving carpets, and grinding stone.²³³⁷ Employing children under age 14 in a hazardous industry can lead to fines and imprisonment. Victims also receive compensation. The Government must either pay the family of the child approximately \$108 or find employment for an adult member of the family.²³³⁸ However, the labor law does not cover large swaths of the economy including family farms and other family businesses.²³³⁹

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	None
	Minimum Age for Hazardous Work	14
	Compulsory Education Age	14
	Free Public Education	Yes

The Juvenile Justice (Care and Protection of Children) Act prohibits exploiting juvenile employees under age 18 by such practices as keeping youth in bonded conditions or garnishing their wages.²³⁴⁰ Violators may be fined or imprisoned.²³⁴¹

The Bonded Labor System (Abolition) Act outlaws bonded labor in India, and provides for district-level vigilance committees. These committees investigate allegations of bonded labor and release anyone found

in bondage. The Bonded Labor System (Abolition) Act also provides for rehabilitation assistance payments for released laborers. Persons found using bonded labor may be fined and face imprisonment.²³⁴² The Immoral Traffic (Prevention) Act prohibits commercial sexual exploitation and trafficking of boys and girls. Penalties include imprisonment up to a life sentence if the victim is under age 16.²³⁴³ The Narcotic Drugs and Psychotropic Substance Act, No. 61 makes it illegal to cause any person to produce or deal in narcotic or psychotropic substances; punishment consists of fines and imprisonment.²³⁴⁴

There is no compulsory military service in India. Voluntary military recruitment age in India is 17 years and 6 months. However, the minimum age to serve in operational areas is 18.²³⁴⁵

Institutional Mechanisms for Coordination and Enforcement

The National Authority for Elimination of Child Labor is a high-level government body, chaired by the Minister of Labor and Employment, which reviews, monitors, and coordinates policies and programs on child labor.²³⁴⁶ The National Steering Committee on Child Labour, a tripartite committee with members representing government agencies, employers, and workers, guides and monitors child labor policy.²³⁴⁷ The National Human Rights Commission (NHRC) is charged with monitoring implementation of the Bonded Labor System (Abolition) Act. The NHRC monitors state level action against bonded labor through its review of quarterly reports by state governments on bonded labor and through exploratory and investigative missions.²³⁴⁸ The Ministry of Women and Child Development (MWCD) is charged with coordinating anti-trafficking policies and programs.²³⁴⁹ The Ministry of Home Affairs (MHA) Anti-Human Trafficking Cell is responsible for collecting and analyzing state level data on human trafficking, and monitoring state action to enforce the law. During the reporting period, MHA expanded the cell from 6 to 10 officials.²³⁵⁰

While MOLE provides oversight and coordination, state governments enforce labor laws and employ labor inspectors. Timely collection of data on the number of labor inspectors, child labor prosecutions, or convictions remains weak. However, MOLE reported that over 40,000 child laborers were rescued between

January 2009 and December 2009.²³⁵¹ Children were rescued from hazardous work during raids in several states, including Jharkhand, and Delhi.²³⁵²

Six state governments have drafted State Action Plans for Elimination of Child Labor, which may lead to stepped up enforcement. For example, the Gujarat Action Plan calls for two raids every month in all 24 districts.²³⁵³ However inspectors do not investigate family businesses including farms because they do not fall within the scope of the law.²³⁵⁴ Complaints about hazardous child labor can be made through a toll-free helpline called Child Line which operates in 83 cities across India.²³⁵⁵

States also enforce the Bonded Labor System (Abolition) Act. From April 2008 to March 2009, the Government prosecuted 12,244 forced labor cases resulting in 566 convictions.²³⁵⁶ This is a significant increase from the previous year's reported 20 convictions.²³⁵⁷ Additionally, 364 bonded laborers were released and rehabilitated between April 2009 and March 2010 in Bihar and Uttar Pradesh.²³⁵⁸ The number of cases involving children is unknown as the Government does not disaggregate these data.

State and local police are responsible for enforcing human trafficking laws. The Government has established forty-seven state level Anti-Human Trafficking Units (AHTUs) in Andhra Pradesh, West Bengal, Bihar, Maharashtra, and Goa.²³⁵⁹ It is also investing over \$440 million to establish a tracking system to connect all of India's 14,000 linguistically diverse police stations. This new system will allow police to better monitor trends in serious crimes including trafficking.²³⁶⁰ In 2008, the Government sponsored child migration and trafficking training for 22 state and federal officials.²³⁶¹ In partnership with UNODC, several state governments trained 5,419 police officials on trafficking issues.²³⁶²

From April 2008 to February 2009, more than 4,000 men, women, and children were rescued from human trafficking.²³⁶³

Government Policies on the Worst Forms of Child Labor

In 1988, the Government of India developed the National Policy on Child Labor which lays out concrete actions for combating hazardous child labor,

including legislative reforms and direct assistance to children.²³⁶⁴ A growing number of states, including Andhra Pradesh, Bihar, Maharashtra, Tamil Nadu, Karnataka, Gujarat, and Orissa are implementing action plans to eliminate child labor from hazardous industries.²³⁶⁵ These action plans may create task forces at the state, district, and village level and coordinate social protection schemes and services provided by government and civil society organizations.²³⁶⁶ The Ministry of Labor's National Skills Development Policy includes provisions for child laborers, including short-term skills training for children removed from the worst forms of child labor.²³⁶⁷

The 2009 Right of Children to Free and Compulsory Education Act (RTE) lays out the country's commitments to protect children from hazardous child labor and to provide universal access to primary education with a focus on children from disadvantaged social groups.²³⁶⁸ The RTE provides for free and compulsory education to all children age 6 to 14. The Act prohibits denying admission to children who lack a birth certificate, allows children to transfer schools, requires local authorities to identify out-of-school children, forbids discrimination against disadvantaged groups, and prescribes quality education standards.²³⁶⁹

India has made policy commitments to combat human trafficking, including child trafficking. 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.²³⁷⁰

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

The Government of India's National Policy on Child Labor includes direct assistance projects which are collectively known as the National Child Labor Projects (NCLPs). The NCLPs operate at the district level to identify working children, withdraw them from hazardous work, and provide education and vocational training. The projects set up NCLP schools, mainstream children into formal education and provide them with stipends, meals and health checkups.²³⁷¹ The process of forming NCLP schools and identifying their students begins with a survey conducted at the district level. A school is established for approximately every 50 students identified.²³⁷² Because the identification of NCLP students is survey

based, child laborers identified after a survey has been conducted may not be able to enroll in NCLP schools. As of July 2009, the Government was providing services to 507,450 former child laborers through NCLPs.²³⁷³ The Government increased the budget for NCLPs by 35 percent, to \$26.5 million, for 2010-2011.²³⁷⁴ Since the NCLPs inception in 1988, their scope has expanded from operating schools in 12 districts to operating 9,000 schools in 250 districts in 21 of India's 28 states.²³⁷⁵ The Government plans to extend the NCLP program to all 602 districts in the country by 2012.²³⁷⁶ While the NCLP scheme serves many former child laborers, it excludes children working in agriculture, family enterprises, and other informal sectors not covered by Indian law. 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.²³⁷⁷ 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.²³⁷⁸ The Government of India and USDOL jointly funded and collaborated on the 8-year, \$40 million INDUS project, which withdrew more than 100,000 children from hazardous work. The project was designed to complement the NCLP program and the Government's primary education initiatives.²³⁷⁹

The Government is currently participating in a USDOL-funded, \$6.85 million Convergence Model Project, which targets 9,700 children for withdrawal and 9,300 children for prevention from work in hazardous labor in 10 districts in the states of Bihar, Jharkhand, Gujarat, Madhya Pradesh, and Orissa (2008-2013). The project is designed to strengthen the Government's efforts to combat hazardous child labor by combining its various social protection schemes, including the National Rural Employment Guarantee Scheme, National Child Labor Project, *Swablamby Swasthya Yojana* (SSY) Health Insurance Scheme, *Sarva Shiksha Abhiyan*, and the Skills Development Initiative Scheme.²³⁸⁰ With support from the Government of Italy, the state government of Karnataka participated in a \$3.75 million project to combat exploitation of child and adolescent workers in the sericulture (silk farming) industry, which ended August 2010.²³⁸¹ The Government of India and its state governments are collaborating on a program to rescue and rehabilitate child and adult bonded laborers.

This includes conducting surveys to identify bonded laborers, and providing each of them with stipends of 20,000 rupees (\$408), training and education, and organizing awareness-raising activities.²³⁸²

MOLE's Grants-in-Aid scheme funds over 100 NGOs to provide rehabilitation services to working children.²³⁸³ MOLE's Skill Development Initiative Scheme offers vocational training programs and gives priority to children withdrawn from child labor and to the parents of child laborers.²³⁸⁴ Since 1996, a toll-free helpline called Child Line has provided counseling to over 3 million children in need and referral to rehabilitation services in 83 cities across India.²³⁸⁵

In 2009, MWCD launched a new scheme which seeks to protect children, including working children. The Integrated Child Protection Scheme (ICPS) will improve access to protection services, create public awareness, increase accountability on child protection, enhance service delivery, and set up a monitoring and evaluation system.²³⁸⁶ The Government has increased the budget for ICPS to \$59 million for the 2010-2011 budget, a six-fold increase from the previous year.²³⁸⁷ In addition, MWCD's scheme for the Welfare of Working Children in Need of Care and Protection and its Integrated Scheme for Street Children provide nutrition, health services, and education to street children and working children.²³⁸⁸

MOLE achieved success on a \$400,000 pilot project in Tamil Nadu to reduce bonded labor in brick kilns and rice mills.²³⁸⁹ Based on this pilot project, MOLE has launched its holistic, convergence-based approach to overcome bonded labor in Andhra Pradesh, Haryana, and Orissa.²³⁹⁰ The approach integrates existing government programs to target vulnerable workers. The Government also provided \$78,000 between April 2009 to March 2010 to rehabilitate bonded laborers in Bihar and Uttar Pradesh.²³⁹¹

MWCD coordinates a wide range of anti-trafficking activities, in collaboration with NGOs and state governments, including raising awareness, rescuing victims, and providing shelter homes, counseling, legal aid, medical care, repatriation, and rehabilitative services.²³⁹² These efforts include MWCD's *Ujjawala* scheme, which supports the reintegration and repatriation of trafficking victims. Since August 2008, MCWD has provided more than \$952,000 in funding to 96 projects in 10 states to help reintegrate and repatriate 1,700 trafficking victims.²³⁹³ MWCD is providing more than \$1 million in support to 200 shelters. The states of Andhra Pradesh, Goa, West Bengal, Maharashtra, and Bihar operate Anti-Human Trafficking Units.²³⁹⁴

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Child Labor (Prohibition and Regulation) Act, 1986 to:
 - Establish a minimum age for employment (e.g., 14 years) in non-hazardous occupations to prevent very young children from engaging in work which is harmful to their health or development.
 - Increase the minimum age for employment in hazardous occupations from age 14 to meet international standards (age 18, with possible exceptions for 16 and 17 year olds with necessary health and safety precautions).
 - Expand the scope of the act to cover children working in family enterprises.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Improve information on the extent of the worst forms of child labor and enforcement by:
 - Conducting a national survey on the worst forms of child labor, including those children working in the informal sector.
 - Conducting a national survey of bonded labor (disaggregating data on children).
 - Creating a database of labor inspections to better consolidate and inform policy at the national level.
 - Including child trafficking violations in the Ministry of Home Affairs new \$440 million dollar Crime and Criminal Tracking and Networking System.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to converge with other Government social protection schemes by:
 - Prioritizing families of children performing hazardous labor for assistance.
 - Providing a platform for districts to share convergence models and best practices.
 - Strengthening linkages between NCLPs and other major social protection schemes of the government.
 - Financially supporting state level convergence coordination mechanisms.

²³¹⁵ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children are from 2004-2005. Data on school attendance are from 2006. Data on children combining working and school are from 1999-2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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²³¹⁷ ILO, *A Decade of ILO-India Partnerships*, New Delhi, 2004, 70-71; available from <http://www.ilo.org/public/english/region/asro/newdelhi/download/publ/childlabour/indpubl04engl.pdf>. See also Neera Burra, *Child Labour in Rural Areas with a Special Focus on Migration, Agriculture, Mining and Brick kilns*, 2007, 1; available from http://www.ncpcr.gov.in/Reports/Child_Labour_in_Rural_areas_with_special_focus_on_Migration_Agriculture_%20Mining_by_Neera_Burra.pdf. See also National Commission for Protection of Child Rights, *Abolition of Child Labour and Making Education a Reality for Every Child as a Right*, 2008, 6.

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²³²⁰ 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/ipecc/prod/eng/2004_eval_scavenging_en.pdf.

²³²¹ ILO, *A Decade of ILO-India Partnerships*, 71. See also Neera Burra, *Child Labour in Rural Areas with a Special Focus on Migration, Agriculture, Mining and Brick kilns*, 1.

²³²² U.S. Department of State, "India," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136087.htm>. See also P. and Sanjay Raj Madhavan, *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 Rick Westhead, "Modernizing India on the Backs of Children," *The Star*, March 6, 2010; available from www.thestar.com/printarticle/775934.

²³²³ U.S. Department of State official, E-mail communication to USDOL official, November 12, 2010.

²³²⁴ U.S. Department of State, "Country Reports- 2009: India," section 7d. See also U.S. Embassy- New Delhi, *reporting*, May 30, 2008, para 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. See also Neera Burra, *Child Labour in Rural Areas with a Special Focus on Migration, Agriculture, Mining and Brick kilns*, 27.

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²³²⁶ Ministry of Labour and Employment, *Annual Report of the Ministry of Labour 2008-2009*, New Delhi, August 31, 2009, 97; available from <http://labour.nic.in/annrep/annrep2008.htm>.

²³²⁷ U.S. Department of State, “Country Reports- 2009: India,” section 7c, 7d.

²³²⁸ 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/DECLARATIONWEB.DOWNLOAD_BLOB?Var_DocumentID=5071. See also U.S. Embassy- New Delhi, *reporting*, December 4, 2007, para 12. See also U.S. Embassy- New Delhi, *reporting*, March 4, 2009, question 23B. See also U.S. Department of State, “Country Reports- 2009: India,” sections 7c, 7d. See also Venkateswarlu, *Child Bondage in Cotton*, 8 and 9. See also U.S. Department of State, “Nepal,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6c; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136091.htm>.

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Indonesia

The Government of Indonesia has established a policy and legislative framework to combat child labor, including integration of child labor issues into its current strategic development plan. Despite these efforts, children continue to engage in the worst forms of child labor in agriculture and domestic servitude, and there are gaps in the legal protections for child domestic workers.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Indonesia are exploited in the worst forms of child labor,²³⁹⁵ many of them in agriculture. Children work on rubber, palm oil, and tobacco farms.²³⁹⁶ Children who work in agriculture may be exposed to extreme weather, carry heavy loads, use pesticides, work long hours, exposed to sharp objects, fall from tall heights, and suffer respiratory problems.²³⁹⁷ Children, primarily girls, also work as domestic servants, some as young as age 11, and may be mentally, physically, and sexually abused and they can be subject to debt bondage.²³⁹⁸ Children work in the informal sector, including those living on the street, providing services, selling small items, begging, scavenging, and working beside their parents in family businesses, or cottage industries.²³⁹⁹

Children also work in fishing where they are exposed to injury from fishing nets, snake bites, and drowning.²⁴⁰⁰ Additionally, children work in the production and manufacture of goods such as footwear, food, and woodwork.²⁴⁰¹ Such children face long working hours, lower pay, and unsafe working conditions.²⁴⁰² Children also work in the small-scale mining sector, including in gold mines,²⁴⁰³ as well as in construction.²⁴⁰⁴







Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of cigarettes, cloves, cacao, coconuts, coffee, furniture, kapok (silk cotton tree), stones, sugarcane, tea, and textiles.²⁴⁰⁵

Indonesia is primarily a source country, and to a lesser extent a destination country, for child trafficking. Children, primarily girls, are trafficked from Indonesia to Malaysia, Saudi Arabia, Taiwan, Japan, and Singapore and are subject to forced prostitution and forced labor in domestic servitude and cottage industries.²⁴⁰⁶ Children, mainly girls, are trafficked from China and Eastern Europe to Indonesia and are subject to commercial sexual exploitation.²⁴⁰⁷ In Indonesia, children are also internally trafficked for the purpose of domestic servitude; sex tourism in Bali and Riau Island; production, transporting, and the sale of drugs; agriculture; mining; and fishing.²⁴⁰⁸

Laws and Regulations on the Worst Forms of Child Labor

The Manpower Act (2003) sets the minimum age of work at 15 and the minimum age for hazardous work at 18.²⁴⁰⁹ Act No. 1/2000 identifies 13 types of hazardous work including prostitution, mining, cottage industries, construction, and domestic

service.²⁴¹⁰ Additionally, Decree No. 235 (2003), which implements Article 74 of the Manpower Act, identifies hazardous working conditions for children as exposure to heavy machinery, confined spaces, hazardous chemicals, heavy loads, isolated areas, and late-night hours, and it prohibits engagement in certain occupations.²⁴¹¹ Despite the above protections, the Manpower Act does not cover domestic work nor does it cover children who are self-employed.²⁴¹² In December 2009, the Government of Indonesia's Legislation Council placed a draft of the Domestic Worker's Law on the parliament's agenda for 2010 which would entitle domestic workers, including those between the ages of 15 and 17, the same rights as formal workers. However, the law has not yet been passed.²⁴¹³

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	No

The Manpower Act also prohibits slavery, prostitution, and the production and use of illegal substances.²⁴¹⁴ The Pornography Law (2008) specifically prohibits child pornography and establishes penalties for violators.²⁴¹⁵ The Penal Code specifies penalties for a legal guardian that provides a child under 12 to another person for the purposes of begging, harmful work, or work that affects the child's health.²⁴¹⁶ The Child Protection Act prohibits the physical, economic, and sexual exploitation of children and sets strict penalties for violations.²⁴¹⁷

In September 2009, Indonesia ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.²⁴¹⁸ Law No. 21 on the Eradication of the Criminal Act of Trafficking in Persons (2007) defines and prohibits trafficking, including debt bondage and sexual exploitation, with increased penalties in cases where the victim is a child and where government officials are involved.²⁴¹⁹ The Child Protection Act (2002) also criminalizes and prescribes penalties for child trafficking and sexual exploitation, and prohibits the use or involvement of children in the misuse, production, or distribution of narcotics.²⁴²⁰

Institutional Mechanisms for Coordination and Enforcement

The National Action Committee (NAC) for the Elimination of the Worst Forms of Child Labor coordinates and monitors policy and program efforts to eliminate the worst forms of child labor. The NAC is chaired by the Ministry of Manpower and Training (MOMT) and is comprised of other government agencies, employers, NGOs, and unions. A recent in-depth evaluation of child labor programs in Indonesia uncovered that there is widespread confusion about the role, responsibilities, and function of the committee, particularly the role of coordination beyond sharing of information.²⁴²¹ There are also action committees at the provincial level; in 2009, there were Child Labor Action Committees in 26 of 33 provinces and 116 of 458 districts.²⁴²² More generally, the National Commission on Child Protection monitors and reports on child protection issues.²⁴²³ In October 2009, the Government renamed the Ministry of Women Empowerment to the Ministry of Women Empowerment and Child Protection, and tasked them with coordinating all child protection efforts in the country.²⁴²⁴

The National Task Force to Combat Trafficking in Persons, established in 2008, is responsible for coordinating anti-trafficking efforts, including child trafficking at the national level.²⁴²⁵ During the reporting period, the coordination of the committee was transferred from the Ministry of Social Welfare to the Ministry of Women's Empowerment and Child Protection, and is carried out in collaboration with the Coordinating Ministry for Peoples Welfare.²⁴²⁶ The Ministries of Peoples Welfare, Women's Empowerment, Social Affairs, and Education all have received

budgetary allocations to combat trafficking.²⁴²⁷ There are numerous anti-trafficking task forces at the local level that coordinate action between NGOs, police, prosecutors, and courts.²⁴²⁸

MOMT at the provincial and district levels is responsible for enforcing child labor laws.²⁴²⁹ In 2009, the MOMT hired an additional 231 labor inspectors, for a total of 2,200. Of these 2,200 labor inspectors, 600 are in Jakarta and 1,600 are dispersed throughout the rest of the country.²⁴³⁰ Labor inspectors are tasked with the responsibility of enforcing child labor protections and also for withdrawing children from work and returning them to school.²⁴³¹ Information was not available on the number of inspections or the number of child labor violations during the reporting period.

The National Police have the right to conduct inspections and raids as well as attain arrests in all crimes. It is common for the police to conduct joint inspections with the MOMT, the National Commission for Child Protection, and other government agencies.²⁴³² The national and local trafficking task forces work together to enforce the anti-trafficking law.²⁴³³ The Government routinely trains law enforcement officials and has increased the number of prosecutors. In 2009, there were 139 trafficking prosecutions, an increase from 129 prosecutions in 2008.²⁴³⁴

The Government has investigated cases of government officials' complicity in trafficking cases. Such cases include two civil servants falsifying identity documents, as well as a police officer collecting "protection money" from a brothel owner. These cases were under prosecution in the reporting period.²⁴³⁵

Government Policies on the Worst Forms of Child Labor

The Government of Indonesia's general policy framework for the elimination of child labor is the 20-year National Plan of Action (NPA) for the Elimination of the Worst Forms of Child Labor (2002-2022).²⁴³⁶ The NPA is in its second 5-year phase and is focusing on continued development of national and local policies to combat child labor, as well as providing direct assistance to child laborers and at risk children.²⁴³⁷ During the reporting period, the Minister of Home Affairs issued guidelines on the formation of

regional child labor action committees, regional action plans, and empowerment of communities to combat child labor.²⁴³⁸ Approximately \$23 million has been allocated by the Government for the 2010-2014 period to combat child labor.²⁴³⁹

During the reporting period, the Government enacted a new National Plan of Action (NAP) on Trafficking and Child Sexual Exploitation (2009-2014) after an extensive evaluation of their previous plan of action.²⁴⁴⁰

In addition, Indonesia has incorporated child labor issues into relevant development agendas. For example, the National Mid-Term Development Plan (2010-2014) includes a focus on addressing the worst forms of child labor in domestic work, transportation, construction, and mining sectors and provides specific targets and budgetary allocations.²⁴⁴¹ Also, the National Development Planning Agency's Strategic Guidelines for 2009 includes a focus on removing children from the worst forms of child labor.²⁴⁴² The country's Poverty Reduction Strategy Plan (2005-2009) included objectives for preventing exploitation and the worst forms of child labor, and increasing protection for street children and child workers.²⁴⁴³ In addition, the National Plan of Action of Human Rights in Indonesia (2004-2009) had measures to protect children against the worst forms of child labor, including trafficking, sexual exploitation, and pornography.²⁴⁴⁴ While child labor has been incorporated into a number of larger development policies and plans, a recent in-depth evaluation of past and present USDOL funded projects in Indonesia indicates that child labor is still often treated as a stand-alone issue.²⁴⁴⁵

Aside from general child labor policy frameworks, the Government of Indonesia has made some progress towards sector-specific policy guidelines, specifically with child domestic workers. For example, in 2006, the Ministry of Women's Empowerment and Child Protection published guidelines for child domestic workers specifying the minimum age as 15 and working conditions for domestic workers between ages 15 and 17.²⁴⁴⁶

In February 2010, the Government of Indonesia published the results of a National Child Labor Survey that gathered comprehensive data about work characteristics of children age 5-17 years and aims to assist the Government in prioritizing policy interventions to eliminate child labor. The report

revealed that there are at least 4 million children working, of which 1.7 million are working in violation of Indonesia's child labor legislation.²⁴⁴⁷ It is unclear how this information has been used by the Government to inform its programming.

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

The Government of Indonesia has participated in a large number of programs to combat child labor since the 1990s. For example, between 1999 and 2009 USDOL provided \$26.3 million in funding directly to Indonesia, as well as an additional \$7.2 million regionally, in technical cooperation programs to combat child labor in Indonesia.²⁴⁴⁸ These projects have been geographically dispersed and have targeted children being exploited in fishing, footwear, domestic service, agriculture, drug trafficking, trafficking for commercial sexual exploitation and forced labor, as well as street work. Notable accomplishments of these projects include approximately 45,000 children rescued from exploitive labor through the provision of education and vocational training services, involvement in the drafting of the NPA and other social development policies, establishment of provincial and district child labor committees, and the Government's adoption and national implementation of the project's child trafficking prevention model.²⁴⁴⁹

Currently, the Government is participating in two USDOL-funded projects, totaling \$11.25 million which target children exploited in or at risk of being exploited in domestic service, commercial agriculture, street work, drug trafficking, and trafficking for commercial sexual exploitation. In order to ensure that beneficiary children do not enter into or return to exploitive work, one of the projects also targets 10,000 children participating in the Government's Conditional Cash Transfer program in geographic areas that have high concentrations of child labor.²⁴⁵⁰ Both projects are expanding successful interventions started under earlier projects.²⁴⁵¹

The Government is also participating in a Government of Netherlands-funded \$22.6 million project on child labor and youth employment project in six provinces in East Indonesia.²⁴⁵²

The Government has a large scale Conditional Cash Transfer (CCT) program which provides cash transfers to very poor families who meet a set of criteria, including enrollment in school. By targeting the poorest families, the CCT is reaching families most at risk of child labor. Additionally, a key performance indicator of the CCT is reducing child labor, making it one of the few CCT programs globally that specifically addresses child labor.²⁴⁵³ MOMT expanded the CCT to 13 provinces to reach over 500,000 impoverished households in 2009.²⁴⁵⁴ MOMT also provides supplemental programs for child laborers benefiting from the CCT, targeting their withdrawal from exploitive labor.²⁴⁵⁵ The Government also provided financial aid to an additional 1.5 million impoverished students and concentrated its Open School program on areas with large numbers of child laborers, providing them with the opportunity to attend school.²⁴⁵⁶

During the reporting period, the Minister of Social Affairs made a declaration that there will be no more street children by 2011 and proposed a \$20 million program to reach the goal.²⁴⁵⁷

The Government is currently participating in anti-trafficking programs funded by USDOS to provide medical and psychosocial recovery services to trafficking victims and to strengthen law enforcement's response in trafficking cases.²⁴⁵⁸ Additionally, the Government has provided large numbers of anti-trafficking trainings to law enforcement and prosecutors.²⁴⁵⁹ GOI also has an anti-trafficking initiative called Operation Flower, which provides services for children trafficked for commercial sexual exploitation, and collaborates with NGOs on efforts to raise awareness on trafficking, provide assistance to law enforcement officials, and protect trafficking victims.²⁴⁶⁰

The Government of Indonesia has a range of social programs across the country to assist children vulnerable to or engaged in the worst forms of child labor in multiple sectors. However, given the large numbers of child laborers, the current allocation of resources by the Government is insufficient to address the problem in a sustainable manner.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Approve the Domestic Worker's Law which would create protections for child domestic workers.
- Create legal protections for children not covered by the law, including self employed children and those working on the street.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Clarify the roles and responsibilities of the National Action Committee (NAC) for the Elimination of the Worst Forms of Child Labor.
- Collect data on the number of inspections carried out and the number of child labor violations uncovered, and make the information publicly available.

IN THE AREA OF POLICIES:

- Utilize data from the national child labor survey to prioritize policy and programs to combat child labor.

IN THE AREA OF PROGRAMS:

- Dedicate additional resources to social programs to combat the worst forms of child labor, including the creation of new programs or through replication or expansion of successful donor-funded programs.

²³⁹⁵ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

²³⁹⁶ 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, 45. See also End Child Labor, *Indonesia Child Labor by Industry or Occupation*, accessed March 1, 2010; available from http://www.endchildlabor.org/db_infoBank.cfm?Action=View. 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): Baseline Survey of Child Labour on Plantations Banyuwangi-East Java* Annex to the Technical Progress Report, September 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): Baseline Survey of Child Labour on Plantations-Lampung*, Annex to the Technical Progress Report, September 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): Baseline Survey of Child Labour on Plantations-North Sumatera*, Annex to the Technical Progress Report, March 2009. See also U.S. Department of State, *Human Rights Report Indonesia 2009*, March 11, 2010.

²³⁹⁷ ILO-IPEC, *Baseline Report Child Labor on Plantations Lampung, 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): Baseline Survey of Child Labour on Plantations Banyuwangi-East Java*, Annex to the Technical Progress Report, September 2009. See also ILO-IPEC, *Baseline Report Child Labor on Plantations North Sumatera, 2009*.

²³⁹⁸ Human Rights Watch, *Workers in the Shadows: Abuse and Exploitation of Child Domestic Workers in Indonesia*, February 11, 2009; available from <http://www.hrw.org/en/reports/2009/02/10/workers-shadows-0>. 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. See also "Always on Call: Abuse and Exploitation of Child Domestic Workers in Indonesia," *Human Rights Watch*

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²³⁹⁹ The Foundation of Action Research and Training Institute commission by the ILO-IPEC, *Baseline Study on Street Children in East Jakarta*, September 2008, 37-42. See also U.S. Department of State, *Human Rights Report Indonesia 2009*. See also ILO-IPEC, *Project of Support to the Indonesian Time-bound Program Phase II, project document*, 42. 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. See also U.S. Embassy- Jakarta, *reporting, January 20, 2009*. See also Child Rights Information Network, "Sex Abuse Exams Violates Child Rights," *Jakarta Globe* (Jakarta), January 21, 2010.

²⁴⁰⁰ End Child Labor, *Child Labor by Industry or Occupation*.

²⁴⁰¹ U.S. Department of State, *Human Rights Report Indonesia 2009*.

²⁴⁰² U.S. Embassy- Jakarta, *reporting*, June 5, 2008.

²⁴⁰³ Ibid. See also U.S. Embassy- Jakarta, *reporting, January 20, 2009*. See also U.S. Department of State, *Human Rights Report Indonesia 2009*. See also International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Indonesia*, 15-16. See also ILO-IPEC, *In Their Own words...Indonesia: A Boy from a Mining Family*, Jakarta, June, 2006; available from <http://www.ilo.org/ipecc/areas/Miningandquarrying/MoreaboutCLinmining/Intheirownwords.../lang--en/index.htm>. See also ILO-IPEC, *Child Labour in the informal Mining Sector in East Kalimantan: a Rapid Assessment*, August 2004; available from <http://www.ilo.org/ipeccinfo/product/viewProduct.do?productId=8533>.

²⁴⁰⁴ Rustam and Lamitur Tampubolon, *Child Labor and its Situation in Nias, North Sumatera*, ILO-IPEC, 2006. See also U.S. Embassy- Jakarta, *reporting, January 20, 2009*. See also U.S. Department of State, *Human Rights Report Indonesia 2009*.

²⁴⁰⁵ End Child Labor, *Child Labor by Industry or Occupation*. See also ILO-IPEC, *Baseline Child Labor on Plantations East Java, 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): Baseline Survey of Child Labour on Plantations-North Sumatera Annex to the Technical Progress Report*, March 2009. See also U.S. Embassy- Jakarta, *reporting, January 20, 2009*. See also U.S. Department of State, *Human Rights Report Indonesia 2009*. See also U.S. Embassy- Jakarta,

reporting, June 5, 2008. See also Rustam and Tampubolon, *Child Labor and its Situation in Nias, North Sumatera*.

²⁴⁰⁶ U.S. Department of State, "Indonesia (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>.

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²⁴⁰⁸ ECPAT International CSEC Database, *Indonesia*, accessed March 5, 2010; available from http://www.ecpat.net/EI/CSEC_onlineDatabase.asp. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Indonesia." See also ILO-IPEC, *Project of Support to the Indonesian Time-bound Program Phase II, project document*, 42. See also U.S. Department of State, *Human Rights Report Indonesia 2009*. See also International Catholic Migration Commission and The Solidarity Center, *When They Were Sold*.

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Iraq

The Government of Iraq has strengthened its legal framework on the worst forms of child labor. However, children are still exploited in street work and child soldiering. Significant gaps remain in Government coordination mechanisms and in programs to address the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	12.4%
Attending School	5-14 yrs.	69.6%
Combining Work and School	7-14 yrs.	9.9%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

In Iraq, children are exploited in the worst forms of child labor,²⁴⁶¹ including in agriculture.²⁴⁶² Evidence suggests that rural children work at a higher rate than those living in urban areas.²⁴⁶³ Work in agriculture can involve the use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides. There are reports of children working in dangerous conditions in family-owned automobile shops and on construction sites.²⁴⁶⁴

There is significant evidence of children living on the streets, where they beg and participate in street commerce.²⁴⁶⁵ Street children may experience violence, sexual abuse, and drug use.²⁴⁶⁶ Criminal gangs use street children in drug trafficking and prostitution.²⁴⁶⁷

Children are exploited in the commercial sex industry, some as a result of trafficking.²⁴⁶⁸ Children are also trafficked for forced labor.²⁴⁶⁹ Gangs target young boys and girls for sexual exploitation and for sale into prostitution.²⁴⁷⁰ Reports from destination countries indicate that girls are trafficked from Iraq to Jordan, Syria, and Persian Gulf States.²⁴⁷¹ Internally, women and girls are trafficked for sexual exploitation through the traditional institution of temporary marriages in which the family receives a dowry from a husband; but

instead of constituting a true marriage commitment, an agreement is made beforehand to dissolve the marriage after an agreed upon length of time.²⁴⁷² There is anecdotal evidence of children trafficked from orphanages by employees of those organizations for the purpose of forced prostitution.²⁴⁷³

It is alleged that Sunni and Shiite Militias, as well as Al Qaida in Iraq recruit and use children as fighters and suicide bombers and for spying, working as couriers, scouting, and planting improvised explosive devices.²⁴⁷⁴ In April and May 2009, the United Nations Assistance Mission in Iraq investigated four cases of children used by insurgent groups in Kirkuk.²⁴⁷⁵ There are also reports that children are used to construct bombs.²⁴⁷⁶ There are no reports of children in the new Iraqi Army.

Laws and Regulations on the Worst Forms of Child Labor²⁴⁷⁷

The 1987 Labor Law as amended by the Coalition Provisional Authority Order Number 89 sets the minimum age for employment at 15 and prohibits anyone less than 18 from engaging in hazardous work.²⁴⁷⁸ Article 91.2 outlines a partial list of types of work considered hazardous including work underground or under water; work with dangerous machinery or handling heavy loads; work in an unhealthy environment; and work where a child

is unreasonably confined to the premises of the employer.²⁴⁷⁹ Instruction No. 19 of 1987 (on Child Labor) includes additional prohibitions on hazardous labor for children, deeming illegal any employment of children in construction; work with lead or toxic substances; in tanneries; or in any other place of employment that is hazardous to the health or morals of the child.²⁴⁸⁰

Order Number 89 also sets employment conditions for those age 15 and older, including work hours, medical examinations, and annual leave policies. Order Number 89 also provides for the creation of a register of employed children. Children employed in family enterprises are exempt from the order's requirements, which may put them at greater risk for involvement in the worst forms of child labor.²⁴⁸¹






Children in Iraq are required to attend school until age 11. This leaves children ages 12 to 15 vulnerable to the worst forms of child labor as they are not required to be in school but are not permitted to work either.

In addition to hazardous work, other worst forms of child labor are defined and prohibited by order number 89. These include slavery and similar practices, including forced labor, child trafficking, compulsory recruitment of minors for use in armed conflict, child prostitution and child pornography, and illicit activities such as drug trafficking.²⁴⁸²

The use of child soldiers in the Iraqi armed forces is prohibited by Coalition Provisional Authority Order Number 22 Creation of a New Iraqi Army. This order sets the minimum recruitment age at 18 and specifies recruitment to be voluntary.²⁴⁸³ Order Number 89 also prohibits the use of child soldiers and outlines punishment of those enlisting children into armed service as imprisonment of up to 3 months.²⁴⁸⁴ These laws, however, do not specifically address recruitment into other armed groups.

The Constitution prohibits trafficking of women and children and the sex trade.²⁴⁸⁵ The Penal Code prohibits incitement of children into prostitution and provides for up to 10 years imprisonment for violations.²⁴⁸⁶ Law No. 8/1988 on Combating Prostitution comprehensively prohibits prostitution.²⁴⁸⁷ Pursuant to order Number 89 child prostitution and child pornography are both considered worst forms of child labor punishable by imprisonment.²⁴⁸⁸ There

is no single law defining trafficking in persons.²⁴⁸⁹ The amended Penal Code does not directly address or establish penalties for human trafficking, although child trafficking is included in order Number 89 as one of the worst forms of child labor punishable by up to 3 months imprisonment.²⁴⁹⁰ This punishment is much lower than punishments for comparable crimes, namely child prostitution. The Government has drafted comprehensive anti-trafficking legislation; however it has not yet been passed.²⁴⁹¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Iraq does not have a coordinating mechanism to combat the worst forms of child labor; although, there is a coordinating mechanism to combat human trafficking. A Government committee comprised of the Ministry of Human Rights, Ministry of Foreign Affairs, Ministry of the Interior, and Ministry of Labor and Social Affairs (MOLSA) monitors the human trafficking situation and makes recommendations, although it has no authority to implement them.²⁴⁹²

The Government of Iraq has enforcement mechanisms to promote compliance with laws on the worst forms of child labor. The Child Labor Unit (CLU) within the Labor Inspectorate of MOLSA is responsible for enforcing child labor regulations.²⁴⁹³ Information

was not identified on the number of inspectors or inspections completed during the reporting period.

The Ministries of Interior of both the Iraqi and Kurdish Regional Governments (KRG) are responsible for enforcement of laws against trafficking.²⁴⁹⁴ No data was found regarding prosecutions, convictions, or sentences imposed in cases of human trafficking.²⁴⁹⁵

Government Policies on the Worst Forms of Child Labor

Coalition Provisional Authority Order Number 89 that amended the labor code also lays out policy regarding how the Government should address the worst forms of child labor.²⁴⁹⁶ This order calls for programs to be designed to prevent the engagement of children in hazardous labor, provide direct assistance for the removal of children in these labor situations, and ensure access to basic education.²⁴⁹⁷ However, it is unclear whether this policy has been followed or if the issue of child labor has been integrated into other government policies and action plans.

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

The Government of Iraq has participated in the implementation of programs to eliminate the worst forms of child labor, but few resources have been devoted to the issue. In 2005 the Government introduced a social program to reduce poverty and protect children from worsening living conditions; the program included a child allowance that was conditional upon school attendance.²⁴⁹⁸ This type of

conditional cash transfer program is designed to make sending children to school more attractive, and thus encourage families to enroll children in school. By the end of 2005, 1 million families had benefited from programs with MOLSA.²⁴⁹⁹

The Government, through the National Institute for Human Rights, conducted workshops in Baghdad during 2009 in order to raise awareness of trafficking.²⁵⁰⁰ In addition, several trafficking workshops were provided for students in schools and colleges focusing on the impact of trafficking, the processes the perpetrators use, and the methods of prevention.²⁵⁰¹

The Government is also collaborating with IOM on programs, although not specifically addressing the worst forms of child labor, geared to the needs of the most vulnerable populations including internally displaced persons and refugees at risk of involvement in hazardous work, prostitution, child soldiering, and trafficking. IOM, at the request of the Ministry of Health is providing psychosocial services for at-risk children in several governorates.²⁵⁰² In order to monitor and assess the needs of internally displaced persons and returnees to the country and provide protection, including from trafficking, IOM also works with the Ministry of Displacement and Migration.²⁵⁰³

Despite these efforts, programs to address the needs of children involved in dangerous work on the streets and in agriculture as well as those that may be exploited as child soldiers are inadequate to address the magnitude of these problems in Iraq.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Code to cover children working in family-based enterprises or supervised by family members as well as those working on the streets.
- Increase the age of compulsory schooling.
- Increase penalties for those who violate laws prohibiting the worst forms of child labor including child trafficking.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Designate a government entity responsible for coordinating efforts to combat the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Establish social programs to address the removal and prevention of children from child soldiering, including by:
 - Devoting funds to return and reintegration services for former child combatants.
 - Identifying and removing children involved in counterinsurgency militias.
 - Provide comprehensive educational and psychosocial support services to orphans and children living and working on the streets.
- Establish or expand programs to provide assistance to children involved in dangerous work in agriculture.

²⁴⁶¹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²⁴⁶² U.S. Department of State, "Iraq," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136069.htm>.

²⁴⁶³ Central Organization for Statistics and Information Technology and Kurdistan Regional Statistics Office, *Iraq: Multiple Indicator Cluster Survey 2006, 2007*; available from http://www.childinfo.org/files/MICS3_Iraq_FinalReport_2006_eng.pdf.

²⁴⁶⁴ U.S. Department of State, "Country Reports 2009: Iraq," section 6d. See also U.S. Department of State, "Iraq,"

in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5, 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119116.htm>. See also Integrated Regional Information Networks, "Iraq: Child Labour on the Rise as Poverty Increases," IRINnews.org, June 12, 2007; available from <http://www.irinnews.org/Report.aspx?ReportId=72683>.

²⁴⁶⁵ U.S. Department of State, "Country Reports 2009: Iraq."

²⁴⁶⁶ Integrated Regional Information Networks, "Iraq: Children Lured into Drugs and Prostitution," IRINnews.org, February 12, 2007; available from <http://www.irinnews.org/Report.aspx?ReportId=70094>. See also Integrated Regional Information Networks, "Street children face hunger and abuse," IRINnews.org, December 26, 2005; available from www.irinnews.org/PrintReport.aspx?ReportId=25835.

²⁴⁶⁷ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Iraq (ratification: 2001)*, [online] 2009 [cited February 3, 2010]; available from [http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23528&chapter=9&query=\(Iraq\)+@ref+%2B+%23YEAR%3D2009&highlight=&querytype=bool&context=0](http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23528&chapter=9&query=(Iraq)+@ref+%2B+%23YEAR%3D2009&highlight=&querytype=bool&context=0).

²⁴⁶⁸ Ibid. See also U.S. Department of State, "Iraq," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>.

- ²⁴⁶⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Iraq.” See also Integrated Regional Information Networks, “Sex traffickers target women in war-torn Iraq”, IRINnews.org, [online], October 26, 2006; available from <http://www.irinnews.org/report.aspx?reportid=61903>.
- ²⁴⁷⁰ ILO Committee of Experts, *Individual Direct Request C182: Iraq (2009)*.
- ²⁴⁷¹ Ibid.]. See also U.S. Embassy - Baghdad, *reporting*, June 23, 2009.
- ²⁴⁷² U.S. Department of State, “Trafficking in Persons Report- 2010: Iraq.”
- ²⁴⁷³ U.S. Department of State, “Country Reports 2009: Iraq,” section 6. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Iraq.” See also U.S. Department of State, “Country Reports- 2008: Iraq,” section 5.
- ²⁴⁷⁴ 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, 8; available from http://www.un.org/children/conflict/_documents/countryvisits/IraqVisitReport.pdf. See also UN General Assembly Security Council, *Children and armed conflict, Report of the Secretary-General*, March 26, 2009; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/282/44/PDF/N0928244.pdf?OpenElement>.
- ²⁴⁷⁵ United Nations Assistance Mission for Iraq, *Human Rights Report: 1 January - 30 June 2009*, 2009; available from www.uniraq.org/documents/UNAMI_Human_Rights_Report15_January_June_2009_EN.pdf.
- ²⁴⁷⁶ Integrated Regional Information Networks, “Iraq: Poverty drives children to work for armed groups,” [www.irinnews.org](http://www.irinnews.org/Report.aspx?ReportId=72084), May 10, 2007; available from <http://www.irinnews.org/Report.aspx?ReportId=72084>.
- ²⁴⁷⁷ It is unclear whether laws similar to those mentioned in this section are in effect in the Kurdistan Region.
- ²⁴⁷⁸ Coalition Provisional Authority, *Coalition Provisional Authority Order 89*, (May 5, 2004), articles 90.1-91.1; available from <http://iraqog.org/english/pdf/CPA-O-89-E.pdf>.
- ²⁴⁷⁹ Ibid., article 91.2.
- ²⁴⁸⁰ ILO NATLEX National Labor Law Database, *Instruction No. 19 of 1987 (on Child Labor)*, June 25, 2010; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=IRQ&p_classification=04&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY.
- ²⁴⁸¹ Coalition Provisional Authority, *Order 89*, article 92-96.
- ²⁴⁸² Ibid., article 91.3.
- ²⁴⁸³ Coalition Provisional Authority, *Coalition Provisional Authority Order Number 22 Creation of a New Iraqi Army*, (2003), section 6; available from http://www.iraqcoalition.org/regulations/20030818_CPAORD_22_Creation_of_a_New_Iraqi_Army.pdf.
- ²⁴⁸⁴ Coalition Provisional Authority, *Order 89*, articles 91.3 and 97.
- ²⁴⁸⁵ Government of Iraq, *Constitution of Iraq*, (October 15, 2005), article 37c. See also U.S. Embassy - Baghdad, *reporting*, February 25, 2009, para 4a.
- ²⁴⁸⁶ *Penal Code with Amendments*, (September 9, 1980), article 399; available from http://law.case.edu/saddamtrial/documents/Iraqi_Penal_Code_1969.pdf. See also U.S. Embassy - Baghdad, *reporting, February 25, 2009*, paras 4a and 4b.
- ²⁴⁸⁷ ILO Committee of Experts, *Individual Direct Request C182: Iraq (2009)*.
- ²⁴⁸⁸ Coalition Provisional Authority, *Order 89*, articles 91.3 and 97.
- ²⁴⁸⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Iraq.”
- ²⁴⁹⁰ Coalition Provisional Authority, *Order 89*, articles 91.3 and 97.
- ²⁴⁹¹ U.S. Department of State, “Trafficking in Persons Report- 2010: Iraq.”
- ²⁴⁹² U.S. Department of State, “Country Reports 2009: Iraq,” section 6.
- ²⁴⁹³ ILO Committee of Experts, *Individual Direct Request C182: Iraq (2009)*.
- ²⁴⁹⁴ Ibid. See also U.S. Department of State, “Country Reports- 2008: Iraq,” section 5.
- ²⁴⁹⁵ ILO Committee of Experts, *Individual Direct Request C182: Iraq (2009)*. See also U.S. Department of State, “Country Reports- 2008: Iraq,” section 5.
- ²⁴⁹⁶ Coalition Provisional Authority, *Order 89*, article 91.5.
- ²⁴⁹⁷ Ibid.
- ²⁴⁹⁸ U.S. Department of State, “Country Reports 2009: Iraq,” section 6d.
- ²⁴⁹⁹ Ibid.
- ²⁵⁰⁰ Ibid., section 6.
- ²⁵⁰¹ Ibid.
- ²⁵⁰² IOM, *Migration Initiatives Appeal 2009: Iraq*, 2009; available from <http://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/mi/iraq.pdf>.
- ²⁵⁰³ Ibid.

Jamaica

The Government of Jamaica has passed laws and participated in the implementation of social programs to combat the worst forms of child labor. However, the legal framework to address these issues is incomplete and does not adequately protect children from hazardous labor. Children continue to be involved in the worst forms of child labor, particularly as victims of trafficking for commercial sexual exploitation and domestic service.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	8.4%
Attending School	5-14 yrs.	98.6%
Combining Work and School	7-14 yrs.	9.5%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Jamaica can be found in the worst forms of child labor,²⁵⁰⁴ particularly as victims of trafficking for commercial sexual exploitation as well as domestic service.²⁵⁰⁵ Some children are trafficked internally from rural to urban and tourist areas for the purpose of prostitution.²⁵⁰⁶ In other instances, young rural girls enticed with promises of an education, clothes, and money end up working as domestic servants under conditions of forced labor.²⁵⁰⁷

Street children are especially vulnerable to being trafficked.²⁵⁰⁸ Street boys, in particular, are lured and transported to various locations to sell drugs or become gun or drug couriers, and are often sexually exploited.²⁵⁰⁹

In rural areas, children are engaged in agriculture, which may involve activities such as using dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides.

Laws and Regulations on the Worst Forms of Child Labor

The Child Care and Protection Act of 2004 establishes the minimum age for employment in Jamaica at 15.²⁵¹⁰

The Act states that a child under the age of 18 should not be employed in the performance of any work that is likely to be hazardous, interfere with a child's education, or that may be harmful to the child's health or physical, mental, spiritual, or social development.²⁵¹¹

The Child Care and Protection Act, the Building Operations and Works of Engineering Construction Regulations of 1968, the Shipping Act, and the Dock's (Safety Health and Welfare) Regulations of 1968 include specific provisions prohibiting the employment of children in certain types of hazardous work.²⁵¹²


The Ministry of Labor also maintains a draft list of occupations prohibited to children, which includes fishing at sea, working with insecticides, operating heavy-duty equipment, or participating in the production of pornography; however, the list has not been codified as law.²⁵¹³ The Jamaican Parliament plans to debate the new Occupational Safety and Health Act, which would codify the Labor Ministry's list of prohibited work and raise the penalty for violating the law to a maximum of \$11,000.²⁵¹⁴ If enacted, this law would provide inspectors with access into workplace areas that are currently prohibited as well as facilitate more inspections in the informal sector.²⁵¹⁵

In Jamaica there is no law that specifically prohibits forced or slave labor.²⁵¹⁶ However, there are laws

prohibiting all forms of trafficking. The Trafficking in Persons (Prevention, Suppression and Punishment) Act of 2007, for example, prohibits all forms of trafficking and allows for restitution to the victims.²⁵¹⁷ The Child Care and Protection Act states that no person shall sell or participate in the trafficking of minors.²⁵¹⁸

The Dangerous Drugs Act of 1942, amended in 1994 prohibits importing, exporting, cultivating, manufacturing, selling, using, dealing, transporting, and possessing different types of drugs.²⁵¹⁹ The Child Care and Protection Act also prohibits the employment of children in the selling of alcohol or tobacco products.²⁵²⁰ Although both the Dangerous Drug Act and the Child Care and Protection Act afford children some protection, they do not prohibit the use of children for the production and trafficking of drugs.²⁵²¹

In Jamaica, volunteers for the Defense Force have to be at least age 18²⁵²² and although someone under 18 could enlist with parental consent, he/she could not graduate from training until reaching the age of 18.²⁵²³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	18
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Government established the National Steering Committee for the Protection of Children in conjunction with ILO-IPEC in 2002.²⁵²⁴ The

committee serves as the central point for policy development and guidance as well as periodic review and evaluation.²⁵²⁵ The committee, which did not meet on a regular basis, has now reconvened under a new child labor project.²⁵²⁶

In order to address trafficking in persons, the Government established a National Taskforce Against Trafficking in Persons under the auspices of the Ministry of National Security in 2005.²⁵²⁷ The task force’s responsibility is to facilitate the exchange of information among the various agencies and actors as well as create momentum for counter trafficking efforts.²⁵²⁸

The Ministry of Labor and Social Security (MLSS) is the Government entity with the authority to enforce child labor laws.²⁵²⁹ The Child Labor Unit (CLU) and the Office of Health and Safety (OHS) within the MLSS enforce and monitor child labor efforts and interventions such as policy development, and research among the agencies.²⁵³⁰ In 2009, \$630,000 was allocated to the MLSS for areas responsible for child labor inspections.²⁵³¹

During the reporting period, the CLU coordinated activities to facilitate multiple agency responses among various agencies regarding enforcement.²⁵³² The OHS increased the number of labor inspectors from 20 in 2008 to 30 inspectors the following year.²⁵³³ The OHS also increased the number of factory inspections from 559 in 2008 to 881 during the reporting period.²⁵³⁴ However, even with an increase in inspections, the inspectors did not find any incidents of child labor.²⁵³⁵

As part of its efforts to enforce the Trafficking Act, the Government trained 71 people from the Ministry of National Security, 15 from the Ministry of Foreign Affairs and Foreign Trade and 648 people from the Jamaican Constabulary Force in the identification of trafficking victims.²⁵³⁶ Children identified as victims of trafficking are to be returned to families, referred to foster homes, or housed in Government operated facilities, some of which also serve as juvenile detention centers.²⁵³⁷

Although the Trafficking Act became effective in 2007, conviction rates remain low and comprehensive data on prosecutions or convictions of trafficking offenders are not available.²⁵³⁸ Under the Trafficking Act, one successful prosecution and at least six ongoing

sex trafficking prosecutions were reported over the past year.²⁵³⁹ However, three other known cases of trafficking were prosecuted under different statutes.²⁵⁴⁰ The Department of Public Prosecution is working closely with the anti-trafficking police unit to identify cases that should be prosecuted under the trafficking laws.

Government Policies on the Worst Forms of Child Labor

In September 2009, the MLSS made an announcement that it plans to implement a National Plan of Action to address child labor in Jamaica.²⁵⁴¹ The plan identifies child domestic workers, children in hazardous sectors including agriculture as well as children in prostitution and forced labor as target groups for priority action.²⁵⁴² The plan's objective is to increase the knowledge base on child labor, raise public awareness, strengthen institutional capacity to combat child labor, and provide direct support and assistance to victims of child labor.²⁵⁴³ The MLSS's CLU was allocated \$196,000 to fund the National Plan.²⁵⁴⁴

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

The Government has participated in the implementation of programs to eliminate the worst forms of child labor. With donor funding, in 2001, the Government of Jamaica implemented a 2-year program to collect baseline information and to reduce and eliminate the worst forms of child labor in Jamaica.²⁵⁴⁵

In 2007, the Government of Jamaica and the International Organization on Migration (IOM) worked together on a \$140,002 project to counter trafficking in persons on a regional and national level.²⁵⁴⁶ The program's approach emphasized raising awareness about trafficking through training of NGO and Government officials and dissemination of information as part of the effort to prevent trafficking, protect victims, and prosecute traffickers.²⁵⁴⁷

The Government is also participating in a 3-year \$1,000,000 project funded by the EU.²⁵⁴⁸ The Tackle Child Labor through Education (TACKLE) project aims to reduce poverty by providing access to basic education and skills training for children, and to strengthen the capacity of national and local authorities to combat child labor effectively.²⁵⁴⁹ As part of the TACKLE project, four action programs will focus on agriculture and urban areas where exploitive child labor is a major concern.²⁵⁵⁰ One such action program is the implementation of a mentorship summer camp targeting approximately 300 inner city children to impart child labor messages with the hope to change behavior and reduce incidences of child labor in those communities.²⁵⁵¹ Although the TACKLE project aims to provide access to basic education and skills training, as well as to strengthen the capacity of national and local authority to formulate, implement, and enforce policies to tackle child labor, it is unclear whether these projects are sustainable.²⁵⁵²

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

IN THE AREA OF LAWS AND REGULATIONS:

- Enact the Occupational Safety and Health Act in 2010 and include the codification of the list of hazardous occupations prohibited to children under age 18.
- Amend and enact laws to provide protection against forced or slave labor.
- Amend the laws to prohibit the use of children for the production and trafficking of drugs.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Convene the National Steering Committee for the Protection of Children on a regular basis, to guide efforts under the National Plan of Action.
- Increase Government capacity to collect data on the investigation, prosecution, and convictions of traffickers as well as data on victims of trafficking.
- Strengthen measures to investigate, prosecute, and convict individuals involved in the trafficking of children for commercial sexual exploitation by:
 - Increasing training for law enforcement employees and labor inspectors.
 - Dedicating sufficient resources to conduct investigations in response to complaints of child trafficking.

IN THE AREA OF POLICIES:

- Implement the National Plan of Action on the Elimination of Child Labor to strengthen institutional capacity to combat child labor, increase the knowledge base, raise public awareness, and provide direct support and assistance to victims of child labor.

IN THE AREA OF PROGRAMS:

- Coordinate with other international and local NGOs to ensure long term sustainability of effective projects to address the worst forms of child labor.

²⁵⁰⁴ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²⁵⁰⁵ U.S. Embassy- Kingston, *reporting*, February 19, 2010. See also U.S. Department of State, "Jamaica (Tier 2)," in *Trafficking in Persons Report - 2010* Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/>

[organization/142979.pdf](http://www.state.gov/documents/). See also U.S. Department of State, "Jamaica," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, 9; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136118.htm>.

²⁵⁰⁶ U.S. Department of State, "Trafficking in Persons Report - 2010 Jamaica."

²⁵⁰⁷ IOM, *Exploratory Assessment of Trafficking in Persons in the Caribbean Region*, June 2005, 89.

²⁵⁰⁸ *Ibid.*, 88.

²⁵⁰⁹ *Ibid.*

²⁵¹⁰ Government of Jamaica, *Child Care and Protection Act of 2004*, (2004), Section 34; available from <http://www.moj.gov.jm/laws/statutes/The%20Child%20Care%20and%20Protection%20Act.pdf>. See also U.S. Embassy- Kingston, *reporting*, February 19, 2010.

²⁵¹¹ Government of Jamaica, *Child Care and Protection Act*, Section 2, 34.

- ²⁵¹² ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Jamaica (ratification: 2003) submitted: 2006*, [on line] [cited January 5, 2010]; available from <http://www.ilo.org/ilolex/english/subjlst.htm>.
- ²⁵¹³ U.S. Embassy- Kingston, *reporting*, January 23, 2009. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Jamaica (ratification: 2003) Submitted: 2009*, [online] [cited January 25, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23532&chapter=9&query=Jamaica%40ref&highlight=&querytype=bool&context=0>
- ²⁵¹⁴ U.S. Embassy- Kingston, *reporting*, February 19, 2010.
- ²⁵¹⁵ ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Jamaica (ratification: 2003) 2009*. See also U.S. Embassy-Kingston, *reporting*, February 19, 2010.
- ²⁵¹⁶ U.S. Department of State, “Country Reports- 2009: Jamaica.”
- ²⁵¹⁷ U.S. Department of State, “Jamaica (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 U.S. Department of State, “Country Reports- 2009: Jamaica.”
- ²⁵¹⁸ U.S. Department of State, “Country Reports- 2009: Jamaica.” See also ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Jamaica (ratification: 2003) 2009*. See also Government of Jamaica, *Child Care and Protection Act*, 17
- ²⁵¹⁹ ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Jamaica (ratification: 2003) 2009*.
- ²⁵²⁰ Government of Jamaica, *Child Care and Protection Act*, 35. See also ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Jamaica (ratification: 2003) 2009*.
- ²⁵²¹ ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Jamaica (ratification: 2003) 2009*.
- ²⁵²² 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.
- ²⁵²³ Ibid.
- ²⁵²⁴ U.S. Department of State, “Jamaica,” in *Country Reports on Human Rights Practices - 2004*, Washington, DC, February 25, 2004; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27904.htm>.
- ²⁵²⁵ Jamaica Information Service, “Ministers Speeches: Sectoral Debate 2005 Presentation By Hon. Horace Dalley, Minister of Labour and Social Security on May 17, 2005,” (May 17, 2005); available from http://www.jis.gov.jm/minspeeches/html/20050517t160000-0500_5690_jis_sectoral_debate_2005_presentation_by_hon__horace_dalley__minister_of_labour_and_social_security_on_may_17__2005.asp.
- ²⁵²⁶ U.S. Embassy- Kingston, *reporting*, February 19, 2010. See also U.S. Embassy- Kingston official, E-mail communication to USDOL official, October 28, 2010.
- ²⁵²⁷ Chemonics International Inc., *Anti-Trafficking Technical Assistance: Jamaica Anti-Trafficking Assessment: October 3-October 15, 2005*, produced for review by the United States Agency for International Development November 2, 2005, Page 6; available from http://pdf.usaid.gov/pdf_docs/Pnadf129.pdf.
- ²⁵²⁸ U.S. Embassy- Kingston, *reporting*, February 19, 2010. See also Chemonics International Inc., *Anti-Trafficking Technical Assistance 7*.
- ²⁵²⁹ U.S. Embassy- Kingston, *reporting*, February 19, 2010.
- ²⁵³⁰ Ibid.
- ²⁵³¹ Ibid.
- ²⁵³² Ibid. See also U.S. Embassy- Kingston, *reporting*, February 19, 2010.
- ²⁵³³ U.S. Embassy- Kingston, *reporting*, January 23, 2009. See also U.S. Embassy- Kingston, *Reporting*, Feb 19, 2010.
- ²⁵³⁴ U.S. Embassy- Kingston, *reporting*, February 19, 2010. See also U.S. Embassy- Kingston, *reporting*, January 23, 2009.
- ²⁵³⁵ U.S. Embassy- Kingston, *reporting*, February 19, 2010.
- ²⁵³⁶ U.S. Department of State, “Trafficking in Persons Report - 2010 Jamaica.”
- ²⁵³⁷ Ibid.
- ²⁵³⁸ Ibid.
- ²⁵³⁹ Ibid. See also U.S. Embassy- Kingston, *reporting*, February 19, 2010.
- ²⁵⁴⁰ U.S. Embassy- Kingston, *reporting*, February 19, 2010.
- ²⁵⁴¹ Jamaica Labour Party, “Labour Ministry Tackles Child Labour,” (September 24, 2009); available from <http://www.jamaicalabourparty.com/base/content/labour-ministry-tackles-child-labour>
- ²⁵⁴² Lincoln Robinson, *Draft National Plan of Action on Child Labour - Jamaica (based on Stakeholder consultation and feedback Sessions held in Kingston and Montego Bay, June 2004)*.
- ²⁵⁴³ Jamaica Labour Party, “Labour Ministry Tackles Child Labour.”

²⁵⁴⁴ U.S. Embassy- Kingston, *reporting, February 19, 2010.*

²⁵⁴⁵ ILO-IPEC, *National Programme for the Prevention and Elimination of Child Labour in Jamaica and SIMPOC Survey*, October 2001.

²⁵⁴⁶ U.S. Department of State, “U.S. Government Funds Obligated in 2007 for TIP Projects.”

²⁵⁴⁷ Ibid.

²⁵⁴⁸ ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*, Geneva, 2008; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=8511>, U.S. Embassy-

Kingston, *Reporting, February 19, 2010.* See also Jamaica Labour Party, “Labour Ministry Tackles Child Labour.”

²⁵⁴⁹ ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries.*

²⁵⁵⁰ U.S. Embassy- Kingston, *reporting, February 19, 2010.*

²⁵⁵¹ Jamaica Information Service, “Ministry of Labour and Social Security: Saturday is World Day Against Child Labour,” (June 11, 2010); available from http://www.jis.gov.jm/labour/html/20100611t100000-0500_24285_jis_saturday_is_world_day_against_child_labour.asp.

²⁵⁵² Ibid.

Jordan

The Government of Jordan has strengthened its legal framework to combat the worst forms of child labor by amending its Labor Code to include children working in agriculture. However, children working in family businesses are not covered. Although few children appear to engage in the worst forms of child labor, some children are exploited in hazardous work in small businesses.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

In Jordan, few children appear to engage in the worst forms of child labor.²⁵⁵³ However, children engaged in dangerous child labor may be found in small businesses. These children, mostly boys, engage in a variety of dangerous occupations that have been classified by the Government of Jordan as hazardous child labor. According to the country's 2007 Child Labor Survey and other sources, this includes work in auto maintenance and repair, vocational trade (such as blacksmiths, electricians, battery technicians, plumbers), agriculture, fishing, mining, manufacturing, electricity, gas, and water sectors, construction (carpenters, painters), hotels and restaurants, transport and storage, street work, and begging.²⁵⁵⁴ Some children engage in dangerous child labor in the tourism industry in Petra and the Dead Sea regions by working as street peddlers. Children working on the streets are exposed to a variety of dangers, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Children in these areas also work as scavengers.²⁵⁵⁵ Refugee children, including Iraqi children, are more likely to work in the worst forms of child labor.²⁵⁵⁶





Laws and Regulations on the Worst Forms of Child Labor

The Ministry of Labor (MOL)'s Labor Code establishes the minimum age for work as 16.²⁵⁵⁷ The minimum age for hazardous work is 18. The 1997 Decision issued by the Ministry of Labor, concerning dangerous, tiring or harmful works to the health of juveniles, defines children engaged in hazardous work to include those who work in (1) specific sectors such as construction, electricity, gas, steam, water, mining and quarrying, hotels and restaurants, and streets; (2) specific occupations, such as protective services workers, waiters or bartenders, extraction and construction workers, and scavengers; and (3) specific working conditions, such as carrying heavy loads, operating heavy equipment/machinery, and working 43 hours or more per week.²⁵⁵⁸

The Labor Code affords protection to many working children, but it does not cover children working in family businesses and agriculture.²⁵⁵⁹

During the reporting period, the Labor Code was amended to cover all workers in agriculture and domestic work and establish fines for violations in these sectors.²⁵⁶⁰ The MOL has yet to enact proposed by-laws for agriculture giving labor inspectors the authority to cover agriculture.²⁵⁶¹

The Labor Code has been amended to include new articles prohibiting forced labor, harassment, and other forms of abuse.²⁵⁶² In March 2009, Jordan ratified the Anti-Human Trafficking Law. The Law prohibits human trafficking for forced labor and sexual exploitation, including prostitution. It also identifies the coordinating body on trafficking, procedures for processing trafficking violations, and specifies imprisonment and penalties for trafficking violations.²⁵⁶³

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

Institutional Mechanisms for Coordination and Enforcement

The MOL through its Child Labor Unit (CLU) heads the National Committee to Combat Child Labor, which coordinates the activities of 13 governmental agencies and NGOs.²⁵⁶⁴ The CLU is responsible for creating new legislation on child labor and monitoring the scope and prevalence of child labor.²⁵⁶⁵ The CLU currently only has two full-time staff members, limiting its ability to execute its mandate.²⁵⁶⁶

The MOL has 140 labor inspectors. While all labor inspectors are charged with investigating child labor complaints, 10 labor inspectors have been appointed to act as regional leads on child labor and to work with government and non-governmental partners to investigate cases.²⁵⁶⁷

In addition, during the reporting period, the MOL created a public/private partnership to conduct child labor surveillance in eight governorates of Jordan. This partnership involves both MOL inspectors and community-based organization/NGO staff members working together to identify child labor violations.²⁵⁶⁸ As of March 2010, CHF trained 49 inspectors to identify child labor violations and assist child labor victims.

Research did not reveal the total number of child labor inspections conducted during the reporting period. MOL labor inspectors identified 375 child laborers in small businesses, such as mechanic shops and restaurants, and referred them to informal and nonformal educational services.²⁵⁶⁹ MOL community surveillance teams identified 285 cases requiring children to be withdrawn from the worst forms of child labor. Research did not reveal whether the community surveillance cases are inclusive of total MOL child labor violations. Despite these identified violations, the Government fined only 33 businesses for child labor violations and did not bring any court actions relating to any child labor offenses.²⁵⁷⁰

The Ministerial Committee on Trafficking coordinates Government of Jordan’s anti-human trafficking efforts. This Committee includes members from the Ministries of Foreign Affairs, Health, Justice, Labor, Social Affairs, Trade and Industry, and the Public Security Department.²⁵⁷¹ During the reporting period, the Government of Jordan’s efforts to prevent trafficking included establishing a joint labor inspector and police anti-trafficking unit.²⁵⁷² In 2009, the U.S. Department of Justice and U.S. Department of State—with collaboration from the Jordanian Judicial Institute—trained Jordanian judges and prosecutors on international and national legislation related to human trafficking.²⁵⁷³

Government Policies on the Worst Forms of Child Labor

The Jordanian National Strategy for the Elimination of the Worst Forms of Child Labor (2006-2015) is the main policy framework for actions to eliminate the worst forms of child labor. This Strategy was drafted by the MOL in consultation with the ILO and other stakeholders. During the reporting period, MOL created the National Committee for Child Labor (NCCCL) to operationalize the Strategy and create an action plan, key stakeholders, and timeframe.²⁵⁷⁴

The Jordanian National Plan of Action for Children (NPA) (2004-2013) prioritizes children in general and includes a child labor component. The child labor component aims to eliminate the worst forms of child labor in Jordan by 2013 and to decrease the number of child laborers. The NPA's child labor objectives are to (1) eliminate the worst forms of child labor by 2013 and decrease the number of child laborers under age 16; (2) rehabilitate and reintegrate working children; (3) conduct research studies on the worst forms of child labor; (4) offer alternatives for increasing the income of families whose children work; (5) develop national legislation in harmony with international conventions on the prevention of child labor, including ILO Convention 182; and (6) raise awareness on child labor and its impact on the child's physical and psychological development.²⁵⁷⁵ UNICEF reported that the NPA will spend approximately \$10 million dollars to combat child labor. While the NPA does include a child labor component, research indicates that the NPA prioritizes the drafting of a children's rights law, not an anti-child labor law, and, in general, lacks ministerial coordination.²⁵⁷⁶

The National Agenda (2006-2015) is the overall Government of Jordan development agenda and indirectly supports the elimination of child labor by calling for strengthening of the labor inspectorate and the provision of vocational training opportunities.²⁵⁷⁷

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

The Government of Jordan has participated in government- and donor-funded projects to combat the worst forms of child labor in informal and small businesses, agriculture, and street work.

The Government of Jordan is currently participating in a \$4 million project with support from USDOL. This 2008-2012 project aims to withdraw and prevent 8,000 children from the worst forms of child labor through the provision of educational and other social services.²⁵⁷⁸ This project aims to ensure long-term sustainability by partnering with the National Aid Fund (NAF) in order to provide conditional cash transfers and loans to families of child laborers.²⁵⁷⁹

The Government of Jordan is also currently providing \$352,609 to the Jordan Hashemite Fund for Human Development (JOHUD) to provide social and other services to MOL-referred child laborers.²⁵⁸⁰ The GOJ's Ministry of Education (MOE) is assisting CECLE with an awareness-raising program to stop child begging.²⁵⁸¹

During the reporting period, through financial and technical assistance from USDOL and ILO, MOL released a summary report from a 2007 Child Labor Survey. MOL has made this report publicly available on its Web site.²⁵⁸²

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Code to cover children working in family enterprises.
- Approve proposed by-laws for agricultural workers which will enable labor inspectors to investigate child labor violations in the agriculture sector.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase the number of Ministry of Labor/Child Labor Unit administrative staff in order to carry out its mandate of effectively monitoring the scope and prevalence of child labor and creating new legislation on child labor.
- Prosecute violators of labor laws that pertain to child labor and impose sanctions such as imprisonment and fines where appropriate.

IN THE AREA OF PROGRAMS:

- As administrative capacity is appropriately increased within committed Government stakeholders, continue to provide social programs that will aim to eliminate the worst forms of child labor.

²⁵⁵³ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

²⁵⁵⁴ CHF International, *2009 Baseline Report: Jordan Combating Exploitive Child Labor through Education (CECLE)*, 2009. See also Government of Jordan, *Human Resources*, [online] [cited January 5, 2010]; available from <http://www.kinghussein.gov.jo/resources5.html>. See also U.S. Embassy- Amman, *reporting*, February 11, 2010, para 9. See also CHF International *Project Document Under USDOL and CHF International Cooperative Agreement: Combating Exploitive Child Labor through Education*, 2008, 9. See also Government of Jordan, *Working Children in the Hashemite Kingdom of Jordan: Results of the 2007 Child Labour Survey*, Geneva, 2009, 1, 4. See also CHF International official, E-mail communication to USDOL official, July 13, 2010.

²⁵⁵⁵ CHF International *CECLE Project Document*, 9.

²⁵⁵⁶ CHF International, *2009 Baseline Report Jordan*.

²⁵⁵⁷ CHF International, *Combating Exploitive Child Labor through Education (CECLE)*, Technical Progress Report, March 15, 2009, 5-6. See also Government of Jordan, *Labour Code, Law No. 8 of 1996 and its Amendments*, (March 2, 1996), article 73; available from <http://www.mol.gov.jo/Portals/1/labor%20law%20english.pdf>.

²⁵⁵⁸ ILO NATLEX National Labor Law Database, *Decision issued by the Ministry of Labour concerning dangerous or tiring or harmful works to the health of juveniles, 1997*.

Official Gazette, 1997-02-01, No. 4181, January 21, 2010. See also Government of Jordan, *Labour Code*, article 74. See also Government of Jordan, *Working Children in the Hashemite Kingdom of Jordan: Results of the 2007 Child Labour Survey*.

²⁵⁵⁹ ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Jordan (ratification: 2000)*, [online] 2009 [cited January 5, 2010]; available from [http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23533&chapter=9&query=\(Jordan\)+@ref+%2B+%23YEAR%3E2008&highlight=&querytype=bool&context=0](http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23533&chapter=9&query=(Jordan)+@ref+%2B+%23YEAR%3E2008&highlight=&querytype=bool&context=0). See also U.S. Embassy- Amman, *reporting, February 11, 2010*, para 18.

²⁵⁶⁰ Government of Jordan, *Labour Administration and Compliance in Jordan: A Multi-Stakeholder Collaboration*, October 2009, 16, 17; available from http://www.jordanembassyus.org/new/aboutjordan/jordanpdf/LaborReport_Oct2009.pdf.

²⁵⁶¹ U.S. Department of State official, E-mail communication to USDOL official, January 20, 2010.

²⁵⁶² Government of Jordan, *Government of Jordan Labor Administration and Compliance Progress Report*.

²⁵⁶³ United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, [online] [cited January 20, 2010]; available from http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en. See also Government of Jordan, *Anti-Trafficking-in-Persons Law*, (March 31, 2009); available from hard copy. See also U.S. Embassy- Amman, *reporting, February 18, 2009*.

²⁵⁶⁴ U.S. Embassy- Amman, *reporting, February 11, 2010*, para 16.

²⁵⁶⁵ ILO Committee of Experts, *Individual Direct Request Concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Jordan (ratification: 2000)*, [online] 2009 [cited January 20, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23533&chapter=9&query=%28Jordan%29+%40ref+%2B+%23YEAR%3E2008&highlight=&querytype=bool&context=0>. See also U.S. Embassy- Amman, *reporting, February 11, 2010*.

²⁵⁶⁶ U.S. Embassy- Amman, *reporting, February 11, 2010*, para 15.

²⁵⁶⁷ *Ibid.*

²⁵⁶⁸ CHF International, *Combating Exploitive Child Labor through Education (CECLE)*, Technical Progress Report, September 30, 2009, 8.

²⁵⁶⁹ *Ibid.*

²⁵⁷⁰ U.S. Embassy- Amman, *reporting, February 11, 2010*.

²⁵⁷¹ ILO, *Eliminating Forced Labour and Trafficking in Jordan*, [online] [cited January 23, 2010]; available from http://www.ilo.org/sapfl/Projects/lang--en/WCMS_104064/index.htm.

²⁵⁷² U.S. Department of State, “Jordan (Tier 2),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009, 172; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/index.htm>.

²⁵⁷³ U.S. Embassy- Amman, *reporting*, October 21, 2009.

²⁵⁷⁴ CHF International official, E-mail communication to USDOL official, August 12, 2010. See also CHF International, *CECLE, Technical Progress Report, September 30, 2009*.

²⁵⁷⁵ Government of Jordan, *The Jordanian National Plan of Action (2004-2013)*, 2004; available from <http://www.ncfa.org.jo/LinkClick.aspx?fileticket=jcn9iwyG758%3d&tabid=71&mid=402>.

²⁵⁷⁶ CHF International, *2009 Baseline Report Jordan*, 26. See also U.S. Embassy- Amman, *reporting, February 11, 2010*, para 24. See also CHF International official, Meeting with USDOL official, September 9, 2010.

²⁵⁷⁷ U.S. Embassy- Amman, *reporting, February 18, 2009*, para 2.

²⁵⁷⁸ CHF International, *CECLE, Technical Progress Report, March 15, 2009*. See also U.S. Embassy- Amman, *reporting, February 11, 2010*.

²⁵⁷⁹ U.S. Embassy- Amman, *reporting, February 11, 2010*.

²⁵⁸⁰ Government of Jordan, *Jordanian National Plan of Action*.

²⁵⁸¹ U.S. Embassy - Amman, Email communication to USDOL Official, November 12 2010.

²⁵⁸² Government of Jordan, *Working Children in the Hashemite Kingdom of Jordan: Results of the 2007 Child Labour Survey*. See also U.S. Embassy- Amman, *reporting, February 11, 2010*, para 10.

Kazakhstan

The Government of Kazakhstan has initiated several policies to address worst forms of child labor; however, gaps remain in the implementation of policies and programs to address the worst forms of child labor in agriculture.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	3.2%
Attending School	5-14 yrs.	90.7%
Combining Work and School		unavailable

Prevalence and Distribution of the Worst Forms of Child Labor

Children in Kazakhstan are exploited in the worst forms of child labor, most commonly in agriculture.²⁵⁸³ Children are found in cotton and tobacco fields, where they work long hours in extreme heat and sun without proper protection; they do not have adequate access to water, nutrition, or sanitation; and they are exposed to harmful pesticides that can damage their health and growth.²⁵⁸⁴

In some regions children constitute up to 50 to 60 percent of the total workforce in tobacco and cotton fields.²⁵⁸⁵ These children mainly come from low-income families in the area, but children from the neighboring countries of Kyrgyzstan and Uzbekistan migrate along with their families to work in the cotton and tobacco fields of Kazakhstan as well.²⁵⁸⁶ Recent reports suggest that the incidence of child labor in these sectors may have declined during the 2010 harvests.²⁵⁸⁷

Children also work in urban areas as street vendors and porters,²⁵⁸⁸ where they face dangers such as severe weather, bearing heavy loads, accidents caused by proximity to traffic, and vulnerability to criminal elements.

Reports indicate that Kazakh women and children are trafficked for forced prostitution within Kazakhstan

and internationally. Women and children are also trafficked from Central Asian countries, Russia, and Ukraine to Kazakhstan and forced into prostitution.²⁵⁸⁹ Kazakhstan has high rates of internal child trafficking and it has been noted that child exploitation and child trafficking is seasonal corresponding to agricultural work.²⁵⁹⁰ While research shows that girls are trafficked internationally and internally for sexual exploitation, boys tend to be trafficked internationally for labor exploitation.²⁵⁹¹


There are also indications that the incidence of child prostitution and children's involvement in drug trafficking may be on the rise.²⁵⁹²

Laws and Regulations on Worst Forms of Child Labor

The minimum age for employment in Kazakhstan is 16.²⁵⁹³ The Labor Code identifies a list of conditions or occupations that are prohibited for children under age 18. These include gambling, working overtime, night-time entertainment establishments, moving weights above a maximum standard, and the production and transportation of and trading in alcoholic products, tobacco goods, narcotics, and psychotropic substances.²⁵⁹⁴ Article 148 of the Criminal Code establishes penalties for violation of the labor laws that cause severe harm to the rights and interests of citizens, including children.²⁵⁹⁵

The Labor Code prohibits forced labor,²⁵⁹⁶ unless under a court mandate or in a state of emergency.²⁵⁹⁷ In addition, the Criminal Code prohibits trafficking in persons for both forced labor and commercial sexual exploitation.²⁵⁹⁸ Tourist agencies are governed by mandatory licensing laws, which were created to help the Government prevent the trafficking and forced prostitution of women and children.²⁵⁹⁹

The Government prohibits the recruitment of children under the age of 18 in the military.²⁶⁰⁰

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

Institutional Mechanisms for Coordination and Enforcement

The National Coordination Council to Combat the Worst Forms of Child Labor is responsible for coordinating government and other efforts to combat the worst forms of child labor. The Council was established under the Ministry of Labor and Social Protection and meets two times a year.²⁶⁰¹ The Council is chaired by the Vice Minister of Labor and includes representatives of the Ministry of Interior, Education, Prosecutor General's Office, Human Rights Ombudsman's Office, the National Commission on Family Issues and Gender Policy, and NGOs.²⁶⁰²

The Interdepartmental Committee on Human Trafficking, which is chaired by the Ministry of Justice

and includes other relevant ministries, has the primary responsibility of coordinating efforts to combat human trafficking.²⁶⁰³

The Ministry of Labor and Social Protection enforces child labor laws and its labor inspectors monitor compliance.²⁶⁰⁴ In 2008, the latest year where data are available, the Labor and Social Protection Ministry employed 363 inspectors, who made 23,060 visits to workplaces.²⁶⁰⁵ While the issue of child labor falls under their purview, there are no data on the numbers of child-labor-specific investigations, children assisted, or child labor cases prosecuted.²⁶⁰⁶ There is also no child labor monitoring system in place to identify, refer, and continue to track victims of child labor.²⁶⁰⁷

Through the National Information Resource Center on Child Labor, the Government organized four training sessions and seminars on child labor for state labor inspectors, inspectors for the affairs of minors, social workers, and experts in regional departments of the Ministry of Labor and Social Protection.²⁶⁰⁸

The Anti-Trafficking Unit in the Ministry of Internal Affairs employs 35 officers responsible for investigating allegations of human trafficking; including trafficking of children.²⁶⁰⁹ In 2009, the Ministry of Internal Affairs filed 16 criminal suits, resulting in nine convictions for trafficking of children. The number of children rescued as a result of investigations is unknown but based on the number of investigations it is estimated that at least 16 children were saved. Investigations took, on average, 2 months to resolve.²⁶¹⁰

The Ministry of Internal Affairs, through the police force, also investigates crimes against children and has identified instances of child labor violations in the entertainment, transport and other sectors.²⁶¹¹ The Ministry of Internal Affairs, through its Anti-Trafficking in Persons study center, trained approximately 100 migration and criminal police officers on trafficking issues during the reporting period.²⁶¹²

Government Policies on the Worst Forms Child Labor

The Government established a National Action Plan on the Worst Forms of Child Labor (2009-2011) to be implemented by the Ministries of Labor and Social Protection, Education, Interior, Justice, Culture, and

the Prosecutor General's Office. The plan includes actions to develop a child labor monitoring system, awareness raising on child labor issues among government officials and the public, educational programs, and efforts to strengthen and enforce child labor laws and policies. Among the educational programs, it outlines programs to prevent migrant children from engaging in the worst forms of child labor.²³¹³

The Government has a national action plan specifically focused on combating human trafficking (2009-2011). The plan identifies actions to be taken, in particular, the establishment of crisis centers that provide shelter and rehabilitation services to victims.²⁴¹⁴ While the Government of Kazakhstan has made efforts to combat trafficking, the UN Committee on Economic, Cultural, and Social Rights has urged the Government to step up its efforts to implement its action plan.²⁶¹⁵

The Ministry of Education's 2007-2011 Children of Kazakhstan program has a component that specifically addresses the issue of child labor. It proposes awareness-raising programs and pilot projects to provide alternative jobs for children of legal working age.²⁶¹⁶

In May 2009, the Government established the National Action Plan on Human Rights (2009-2012). It recommends improving systems for detecting and combating the worst forms of child labor, and taking additional measures to fight human trafficking.²⁶¹⁷

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

Between 2004 and 2007, Kazakhstan participated in a USDOL-funded regional project to prevent and withdraw children from the worst forms of child labor. Its goal was to build awareness among families and local institutions, set up monitoring databases at the local and state level, and provide formal and informal education programs. Assistance for children and their families also included school meals, uniforms, school materials, and stipends to increase enrollment of children at risk or withdrawn from child labor.²⁶¹⁸

The Ministry of Education's Children of Kazakhstan program has established several support centers to help children who were victims of the worst forms of child labor.²⁶¹⁹

The Government also provides funding to establish shelters and offer rehabilitation and reintegration of services to victims of trafficking, including women and children.²⁶²⁰ However, despite these efforts, IOM has indicated that the Government does not allocate enough resources for the protection and reintegration of victims of trafficking, especially in the protection of victims following the conclusion of a trial.²⁶²¹

During the reporting period, the Government funded a nationwide public awareness campaign against human trafficking.²⁶²² There was a dearth of government programs to address worst forms of child labor in agriculture, where the majority of child labor exists, though recent reports indicate some cooperative efforts were made with industry and NGO partners during the 2010 harvest.²⁶²³

Based on the reporting above, the following actions would advance the reduction of the Worst Forms of Child Labor in Kazakhstan:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Develop a child labor monitoring system focused on the identification, referral, and continued monitoring of children in the worst forms of child labor.

IN THE AREA OF POLICIES:

- Fully implement the national action plan on trafficking in persons.

IN THE AREA OF PROGRAMS:

- Expand programs to address worst forms of child labor, especially in the agriculture sector.
- Further develop or expand programs to protect and assist victims of trafficking.

²⁵⁸³ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²⁵⁸⁴ Human Rights Watch, *"Hellish Work" Exploitation of Migrant Tobacco Workers in Kazakhstan*, New York, July 14, 2010; available from <http://www.hrw.org/en/reports/2010/07/14/hellish-work-0>.

²⁵⁸⁵ ILO-IPEC, "Elimination of Child Labor In kazakhstan 2005-2010," (2010); available from <http://www.stopdettrud.kz/download/publicacy/engfactsheet.pdf>.

²⁵⁸⁶ Human Rights Watch, *"Hellish Work" Exploitation of Migrant Tobacco Workers in Kazakhstan*. Kazakhstan., July 2010.

²⁵⁸⁷ U.S. Embassy - Astana, *reporting*, August 31, 2010. See also U.S. Embassy- Astana, *reporting*, September 1, 2010.

²⁵⁸⁸ ILO-IPEC, "Combating Child Labour in Central Asia Commitment becomes Action"(PROACT-CAR Phase I & II), 2010."

²⁵⁸⁹ United States Department of State, "Kazakhstan," in *Trafficking in Persons Report- 2010*, Washington, DC, 2010; available from <http://www.state.gov/documents/organization/143187.pdf>.

²⁵⁹⁰ UNICEF, *Risks and Realities of Child Trafficking in Asia*, 2009; available from http://www.unicef.org/ceecis/Child_trafficking_in_central_asia_FINAL_23_03.pdf.

²⁵⁹¹ U.S. Department of State, "Kazakhstan," 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/119135.htm>. See also U.S. Embassy- Astana, *reporting*, February 17, 2009.

²⁵⁹² ILO-IPEC, "Combating Child Labour in Central Asia – Commitment becomes Action" (PROACT-CAR Phase I & II), 2010."

²⁵⁹³ Government of Kazakhstan, *Labor Code of the Republic of Kazakhstan*, (May 15, 2007); available from <http://www.oit.org/dyn/natlex/docs/MONOGRAPH/76433/82753/F982631364/Microsoft%20Word%20-%20ENG%20KAZ.76433.pdf>.

²⁵⁹⁴ Ibid.

²⁵⁹⁵ ILO-IPEC, *Elimination of Child Labour in Kazakhstan, 2005-2010*, Report, Geneva, 2010; available from <http://www.stopdettrud.kz/download/publicacy/engfactsheet.pdf>. See also Government of Kazakhstan, *Criminal Code of the Republic of Kazakhstan*, LAW No. 167, (July 16, 1997); available from <http://www.legislationline.org/download/action/download/id/1681/file/ca1cfb8a67f8a1c2ffe8de6554a3.htm/preview>.

²⁵⁹⁶ Government of Kazakhstan, *Labor Code*.

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Kenya

In 2009, the Government launched an ILO-IPEC project to establish models for child labor free areas in Kenya and continued to expand its cash transfer program for orphans and vulnerable children. Despite these efforts, Kenya has failed to commit sufficient resources to effectively enforce child labor laws. As a result, children continue to be involved in the worst forms of child labor, particularly in agriculture.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	32.5%
Attending School	5-14 yrs.	74.9%
Combining Work and School	7-14 yrs.	32.3%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor²⁶²⁴

Children are exploited in the worst forms of child labor in Kenya, many of them in agriculture and fishing.²⁶²⁵ Roughly 79 percent of all working children are engaged in agriculture, working on tea and sugar plantations, ranches, and in the production of coffee, miraa (a stimulant plant), rice, sisal, and tobacco. Although evidence is limited, there is also reason to believe that the worst forms of child labor are used in the production of flowers.²⁶²⁶ Children involved in agriculture often work long hours, use dangerous tools and farm machinery, and are exposed to toxic substances and harmful pests.²⁶²⁷ Children also engage in fishing, including for tilapia and sardines, for which they use knives and hooks and dive under water to chase fish into nets.²⁶²⁸

Outside the agriculture sector, children are employed in charcoal burning, logging, and mining. There is limited evidence that children mine in abandoned gold mines, where they may be exposed to toxic materials, increasing their chances of developing respiratory diseases.²⁶²⁹ Limited evidence suggests that children work in small quarries by breaking rocks into gravel without protective gear.²⁶³⁰ There is also reason to believe that the worst forms of child labor are used

in the production of alcohol, furniture, and textiles. Children also work in construction and domestic service. Child domestics are vulnerable to sexual harassment by their employers and work long hours.²⁶³¹ Children are also involved in the transportation industry and carry heavy hand luggage.²⁶³² In dumpsites, children collect and sell scrap materials such as metal and paper, often exposing themselves to tetanus and other infectious diseases by sorting through waste with their bare hands.²⁶³³

Although not available for analysis in this report, in June 2008 the Government released a report analyzing the child labor situation in the country based on more recent data from the 2005 Integrated Household Budget Survey Labor Module.²⁶³⁴ In general, the report indicates a reduction in the number of working children in harmful conditions. However, the survey omits the estimated 700,000 children living and working on the streets due to household-level surveying constraints.²⁶³⁵

Children in Kenya are also found in other activities constituting the worst forms of child labor, such as participation in armed militias, debt bondage, and prostitution.²⁶³⁶ Child prostitution is prevalent in Nairobi, Kisumu, Eldoret, Nyeri, and the coastal areas.²⁶³⁷ In 2006, UNICEF estimated that up to 30

percent of girls between ages 12 and 18 living in the coastal areas of Malindi, Mombasa, Kalifi, and Diani—or between 10,000 and 15,000 girls—were engaged in prostitution.²⁶³⁸ Sex tourism is also prevalent in these coastal areas.²⁶³⁹

Children are also trafficked for forced labor in street vending, domestic service, agricultural labor, herding, sex tourism, and prostitution.²⁶⁴⁰ 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 that may end up trafficking the child.²⁶⁴¹






Laws and Regulations on the Worst Forms of Child Labor

The Employment Act of 2007 prohibits the employment of children in the worst forms of child labor. According to the Employment Act, the minimum age for employment is 16 years and the minimum age for hazardous work is 18 years.²⁶⁴²

Under the Kenyan Constitution adopted in August 2010, forced labor, slavery, and servitude are prohibited.²⁶⁴³ The Children’s Act of 2001 prohibits all forms of hazardous child labor, child trafficking, and children from being recruited into the military.²⁶⁴⁴ The Sexual Offences Act of 2006 prohibits child trafficking for the purposes of sexual exploitation, promoting child sex tourism, child prostitution, and child pornography.²⁶⁴⁵ In 2008, the Government completed its list of hazardous occupations for children, appropriately including all major sectors where children work, such as agriculture, domestic service, transport, mining and stone crushing, herding of animals, deep lake or sea fishing, and work in the urban informal sector.²⁶⁴⁶

While these laws and regulations provide a strong legal framework against the worst forms of child labor, two significant gaps remain. First, the Children’s Act does not prohibit domestic and international trafficking, or the recruitment, harboring, transportation, transfer, and receipt of children for the purposes of forced labor.²⁶⁴⁷ To fill this gap, the Government developed the Counter Trafficking in Persons Bill (2009), which is currently under deliberation in Parliament.²⁶⁴⁸ Children are required to attend school until age 13. This standard makes children ages 13 to 16 particularly

vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum age for work.²⁶⁴⁹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	13
	Free Public Education	No

Institutional Mechanisms for Coordination and Enforcement

The Inter-Ministerial Coordination Committee is the primary child labor policy making mechanism and manages the implementation of the National Action Plan for the Elimination of Child Labor in Kenya. Chaired by the Vice President, this committee is intended to meet no less than four times a year. The National Steering Committee on Child Labor is chaired by the Permanent Secretary of the Ministry of Labor and is charged with developing a child labor monitoring and evaluation system as well as disseminating information on the worst forms of child labor.²⁶⁵⁰ However, the Inter-Ministerial Coordinating Committee has never met and the National Steering Committee on Child Labor met only twice in four years. The Ministry of Labor could not offer customary compensation to committee participants and did not have adequate staff to develop an agenda or organize meetings.²⁶⁵¹ The Ministry of Agriculture has not been charged with a role in efforts to combat hazardous child labor, although the majority of working children are engaged in agriculture.²⁶⁵²

Within the Ministry of Labor, the Child Labor Division was designated to be the Secretariat for both the Inter-Ministerial Coordination Committee and National Steering Committee on Child Labor. The Child Labor Division leads efforts to monitor action programs for the elimination of child labor at the district and community level.²⁶⁵³ It also manages an information resource center to improve the collection and dissemination of data on child labor throughout the country.²⁶⁵⁴ Reports indicate the Child Labor Division lacks ministerial support and does not have adequate staff, with only one employee on full time assignment.²⁶⁵⁵ The National Council for Children's Services, Area Advisory Committees, District Child Labor Committees, and Local Child Labor Committees also coordinate efforts to combat child labor.²⁶⁵⁶ While detailed information is not available on all these bodies, available evidence suggests that since many District Child Labor Committees rely on volunteers, their success depends on whether they can obtain funding and whether members regularly participate.²⁶⁵⁷

The National Steering Committee on Anti-Trafficking in Persons coordinates efforts to combat child trafficking.²⁶⁵⁸ The Steering Committee's ability to carry out its mandate and share information is unknown, as during the reporting period it met infrequently.²⁶⁵⁹

The Government of Kenya has also designated institutions for enforcement of child labor laws. The Ministry of Labor (MOL) is responsible for investigating labor infractions and pursuing child labor complaints with its 96 inspectors.²⁶⁶⁰ Labor inspectors may terminate an employment agreement between a child and employer in any labor situation. Once an incident of child labor is found, the MOL refers cases to the Ministry of Gender and Child Affairs for further investigation and possible prosecution.²⁶⁶¹ Significant criminal violations are referred to the Kenyan police, who participate in District Child Labor Committees.²⁶⁶² The police and labor inspectors have seven days to investigate a worst form of child labor complaint and provide any findings to the person who submitted the complaint and the Minister of Labor.²⁶⁶³ Reportedly, the MOL has difficulty enforcing the law due to inadequate funding, and even lacks basic office supplies. There appears to be inconsistent awareness and little training on child labor issues for labor inspectors.²⁶⁶⁴

The Ministry of Gender and Child Affairs is responsible for enforcing laws relating to hazardous and forced child labor and is the lead agency on anti-trafficking issues.²⁶⁶⁵ This Ministry employed 400 child protection officers in 2009, up from 310 in 2008.²⁶⁶⁶ Protection officers cannot arrest offenders or prosecute crimes against children; instead they have access to prosecutors from the Attorney General's office for these purposes.²⁶⁶⁷ In collaboration with a local NGO, the Ministry of Gender and Child Affairs operates Childline Kenya, a toll-free, nationwide hotline to provide counseling and referrals to callers who need assistance with child labor and child prostitution situations.²⁶⁶⁸ In 2010, the Kenyan Government created a National Steering Committee for the Childline, chaired by the Ministry of Gender Permanent Secretary, to advance the investigation of cases initiated by calls to the hotline.²⁶⁶⁹ Childline received 30,000 calls for help and support in the last year, of which over 350 calls were related to child labor.²⁶⁷⁰ Investigations were launched for the child labor calls, although most cases were not prosecuted.²⁶⁷¹

In 2009, the Government charged 119 parents and guardians of 209 children with abusing their children by removing them from school and forcing them to work as domestic servants. It is unclear which enforcement body initiated the cases and whether they were enforced as a result of a labor investigation.²⁶⁷² Information is not available on how many child labor investigations were opened, how many citations issued, and whether child labor cases were managed effectively and appropriate penalties applied.²⁶⁷³

The police's anti-trafficking unit and the Criminal Investigation Department are responsible for enforcing laws related to trafficking, commercial sexual exploitation of children, and the use of children in illicit activities.²⁶⁷⁴ During the reporting period, the police opened 25 child trafficking cases resulting in 267 children being rescued, of which three violators of the law were convicted.²⁶⁷⁵ However reports indicate the number of police officers is inadequate given the extent of trafficking crimes.²⁶⁷⁶ Reports also indicate this unit lacks sufficient resources to carry out investigations and provide services to victims.²⁶⁷⁷ In addition, due to a lack of training, the police's anti-trafficking unit and the Criminal Investigation Department's effectiveness have been called into question.²⁶⁷⁸

Government Policies on the Worst Forms of Child Labor

The National Action Plan for the Elimination of Child Labor in Kenya (2004-2015, revised 2008) serves as the primary government instrument to prevent and eliminate child labor in Kenya.²⁶⁷⁹ This plan aims to eliminate the worst forms of child labor by 2015 by targeting vulnerable populations, including orphans and vulnerable children and HIV/AIDS affected children, and addressing the root causes of child labor in Kenya such as poverty, the lack of access to education, and weak government institutions. This plan is implemented through the ILO-IPEC Timebound Program (TBP) and prioritizes law enforcement, awareness raising, and universal basic education.²⁶⁸⁰ However, the Child Labor Division was not provided with a budget to implement its many roles and responsibilities under this plan.²⁶⁸¹

Child labor concerns are mainstreamed into Kenyan development agendas and key policy documents including the Vision 2030, UNDAF (2009-2013), ILO Country Program for the Republic of Kenya (2007-2011), Kenya Education Sector Support Program (2005-2010), and the Policy for Alternative Provision of Basic Education and Training (2009).²⁶⁸² Other policy initiatives exist that do not explicitly consider child labor issues, such as the Orphans and Vulnerable Children (OVC) Policy and National Action Plan (2003).²⁶⁸³ The question of whether these policies have an impact on the worst forms of child labor does not appear to have been addressed.

In addition, other policy initiatives aimed at sustainably reducing child labor have not been formally adopted by the Government. One policy still in draft form is the National Child Labor Policy, which aims to prevent harmful child labor practices, especially the worst forms of child labor, by increasing human capital.²⁶⁸⁴ It addresses the factors causing children to enter the labor market, such as poverty, internal conflict, a weak education system, lack of social security and employment opportunities, and HIV/AIDS.²⁶⁸⁵

The establishment of the National Action Plan for the Elimination of Child Labor in Kenya and the inclusion of child labor as a priority in numerous development goals are important accomplishments; however, the National Child Labor Policy remains in draft form.²⁶⁸⁶

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

In 2005, the Government of Kenya launched its TBP targeting children engaged in the worst forms of child labor.²⁶⁸⁷ To date, the TBP is the primary instrument to eliminate the worst forms of child labor. The first phase of the TBP included a 4-year project funded by USDOL at \$5 million, which ended in April 2009.²⁶⁸⁸ This project withdrew or prevented 25,852 children from exploitive labor in domestic service, commercial sexual exploitation, commercial and subsistence agriculture, fishing, herding, and informal-sector street work.²⁶⁸⁹

In support of the TBP, the Government also took part in the 4-year Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) project, funded by USDOL at \$14.5 million and World Vision at \$5.9 million through March 2009. KURET withdrew or 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.²⁶⁹⁰

In 2009, the Government launched the second phase of the TBP, which included another 4-year project funded by USDOL at \$4.6 million. This project aims to withdraw and prevent a total of 8,155 children from exploitive labor through the provision of direct educational services and will provide 1,000 families with access to micro-credit, socio-economic programs, employment creation schemes, and skills development education.²⁶⁹¹

The Government also participates in a 4-year \$18.9 million project funded by the European Commission to combat child labor through education in 11 countries.²⁶⁹² In addition, the Government of Kenya participated in two other projects through December 2009 that promoted national coordination in combating child labor. These programs were funded by the Government of Germany at \$447,410 and \$538,731, respectively.²⁶⁹³

In support of efforts to reduce the high incidence of child prostitution in the coastal regions, the Ministry of Tourism and Wildlife, UNICEF, and the World Tourism Organization worked to raise awareness of child prostitution and child sex tourism among hotels and tour operators and lobbied companies in the hospitality industry to adopt and implement the ECPAT Code of Conduct.²⁶⁹⁴ During the reporting

period an additional 66 hotels signed the Code of Conduct.²⁶⁹⁵ Despite these pledges, more effort is needed to withdraw and prevent children from prostitution and sex tourism and to raise awareness among the tourist population on the penalties for these crimes.²⁶⁹⁶

To address the trafficking of children in Kenya's agriculture sector, the Government in partnership with the International Solidarity Center, the Kenya Plantation and Agricultural Workers Union, and the Kenya Sugar Plantation Workers Union, undertook a 1-year program funded by the US Department of State at \$301,150.²⁶⁹⁷ This project aims to generate incentives for parents to keep children in school, train shop stewards as monitors and peer educators, and raise awareness about child trafficking to encourage workplace policies that do not facilitate or condone child trafficking.²⁶⁹⁸

The Government also implemented its own social protection programs. For example, in 2009 the Government, with World Bank assistance, scaled up its cash transfer program for OVCs to cover 90,000 households in 47 districts.²⁶⁹⁹ 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.²⁷⁰⁰ To receive benefits from the program, caregivers of OVCs must attend training classes on nutrition and reproductive health and ensure that children under their care receive birth certificates, immunizations, and attend basic education. Every year since 2005, the Government has increased its funding to this program, providing \$10.6

million in 2009-2010.²⁷⁰¹ During the reporting period, the Government also launched a national census to allow for further collection of child labor data.²⁷⁰² It is unclear whether this census will also collect data on the trafficking of children, an area where information is currently limited.²⁷⁰³

In collaboration with 11 other African countries, Kenya strengthened its ability to combat the trafficking of children by participating in the East African Police Chiefs Cooperation Organization (EAPCCO) to strengthen regional cooperation and capacities among East African law enforcement authorities.²⁷⁰⁴ The Government also participates in the Regional Program for Eastern Africa (2009-2012), which includes activities that support the ratification and implementation of the United Nations Convention against Transnational Organized Crime and its Protocols and the development of border control systems.²⁷⁰⁵ During the reporting period, the MOL, in collaboration with the IOM, implemented a trafficking awareness and inspection program for the country's 35 foreign employment agencies. As part of this program, members of the Kenya Association of Private Employment Agencies received training on measures to prevent labor trafficking.²⁷⁰⁶

While the Government participates in numerous initiatives and implements its own programs, it has not committed adequate resources to sustain many of these internationally sponsored activities nor linked projects to existing social protection programs. In general, such programs are under-funded, limiting the Government's ability to provide assistance to victims.²⁷⁰⁷

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

IN THE AREA OF LAWS AND REGULATIONS:

- Seek swift passage of the Counter Trafficking in Persons Bill to prohibit domestic and international trafficking and the recruitment, harboring, transportation, transfer, and receipt of children for the purposes of forced labor.
- Raise the compulsory education age to 16.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure the Inter-Ministerial Coordinating Committee, National Steering Committee on Child Labor, and National Steering Committee on Anti-Trafficking have the resources and staff to carry out their responsibilities.
- Designate a role for the Ministry of Agriculture in the effort to combat the worst forms of child labor.
- Hire staff for the District Child Labor Committees to raise funds and manage volunteers.
- Strengthen the capacity of the Ministry of Labor, Kenyan police, the police's anti-trafficking unit, and the Criminal Investigation Department to carry out their mandate:
 - Allocating resources to carry out investigations and provide services to victims.
 - Providing regular training on the worst forms of child labor.
- Make publicly available information about how many child labor investigations are opened, how many citations and criminal prosecutions initiated and issued, and what penalties are applied.

IN THE AREA OF POLICIES:

- Strengthen national policies against the worst forms of child labor:
 - Amend the National Action Plan for the Elimination of Child Labor to provide the Child Labor Division with the necessary resources, such as additional personnel and ministerial support, to carry out its mandate;
 - Assess the impact the Orphans and Vulnerable Children (OVC) Policy and National Action Plan (2003) may have on addressing the worst forms of child labor;
 - Enact and implement the National Child Labor Policy.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to prevent children's involvement in the worst forms of child labor:
 - Expand government resources that support child labor elimination projects;
 - Link projects with existing social protection programs to ensure the long-term sustainability of project initiatives;
 - Expand efforts to withdraw and prevent children from prostitution and sex tourism and deepen awareness raising efforts among the tourist population.

²⁶²⁴ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²⁶²⁵ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010.

²⁶²⁶ Ministry of Labour and Human Resource Development, *National Plan of Action for the Elimination of Child Labour in Kenya 2004-2015, Revised 2008*, September, 2008, 30. See also Lawrence Kinoti, "Children Hooked to Miraa", AllAfrica.com, [previously online], September 15, 2007, [cited December 12, 2007]. 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 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, 78. See also U.S. Department of State, "Kenya," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135959.htm>. See also Kenya National Bureau of Statistics, *2005 Kenya Integrated Household Budget Survey Child Labour Analytical Report*, Nairobi, June 2008, 1, 40, 42. See also Africa News, "Africa: Stealing Childhood on Coffee and Tea Plantations," (September 26, 2006); available from <http://allafrica.com/stories/200609260050.html>.

²⁶²⁷ Ministry of Labour and Human Resource Development, *National Action Plan for the Elimination of Child Labour in Kenya 2004-2015 (Revised 2008)*, January 5, 2009. See also Kenya National Bureau of Statistics, *Child Labour Analytical Report*, 1, 40, 42.

²⁶²⁸ 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, 1-3.

²⁶²⁹ Kenya National Bureau of Statistics, *Child Labour Analytical Report*, 38-42. See also U.S. Embassy official, E-mail communication to USDOL official, January 29, 2010, para A. See also U.S. Embassy- Nairobi, *reporting*, January 25, 2010, para A. See also Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, Nairobi, July 2008, 7.

²⁶³⁰ U.S. Embassy- Nairobi, *reporting*, June 16, 2008, para 15. See also U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para A.

²⁶³¹ Kenya National Bureau of Statistics, *Child Labour Analytical Report*, 40 and 42. See also ILO Committee of Experts, *CEACR: Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Kenya (ratification: 1979)*, [online] 2009 [cited January 12, 2009]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=617&chapter=3&query=C138%40ref%2B%23YEAR%3D2009&highlight=&querytype=bool&context=0>. See also Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, 5.

²⁶³² Kenya National Bureau of Statistics, *Child Labour Analytical Report*, 40 and 42. See also Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, 5-6.

²⁶³³ Dann Okoth, "Child Labour Syndicates," *The Standard* (Nairobi), November 27, 2006. See also Lou Witherite, *Combating Exploitative Child Labor through Education in Kenya, Uganda, Rwanda, and Ethiopia Together (KURET): Kenya Country Report*, Independent Final Evaluation, Macro International, Washington, DC, November 2008, vii. See also Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, 17.

²⁶³⁴ Kenya National Bureau of Statistics, *Child Labour Analytical Report*, iii.

²⁶³⁵ ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention*. See also Kenya National Bureau of Statistics, *Child Labour Analytical Report*. See also ILO-IPEC, *Creating the enabling environment to establish models for child labour free areas in Kenya: Support to the implementation of the National Action Plan for the Elimination of the Worst Forms of Child Labour with special focus on agriculture and older children.*, Project Document, September 22, 2009, 3-4; available from [hard copy on file].

²⁶³⁶ U.S. Department of State, "Country Reports- 2009: Kenya," section 7d. See also Kenya National Bureau of Statistics, *Child Labour Analytical Report*, 1. See also U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para a.

²⁶³⁷ 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-

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²⁶³⁸ Jones, *Sex Tourism and Sexual Exploitation of Children on the Kenyan Coast*, vi. See also U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para A.

²⁶³⁹ U.S. Embassy- Nairobi, *reporting*, March 09, 2010, 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.

²⁶⁴⁰ U.S. Embassy- Nairobi, *reporting*, March 09, 2010, para 2B. See also The Solidarity Center, *Trafficking in Persons from Labor Perspective: Kenya*, 9.

²⁶⁴¹ U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para A.

²⁶⁴² Government of Kenya, *The Employment Act, 2007 (No. 11 of 2007)*, (October 22, 2007), part I and part VII, sections 53-62; available from http://www.kenyalaw.org/kenyalaw/klr_app/frames.php. See also U.S. Department of State, “Country Reports- 2009: Kenya,” section 7d.

²⁶⁴³ Government of Kenya, *The Proposed Constitution of Kenya*, (May 6, 2010), section 30; available from <http://www.nation.co.ke/blob/view/-/913208/data/157983/-/18do0kz/-/published+draft.pdf>. See also BBC News Africa, “Kenya president ratifies new constitution”, [bbc.com](http://www.bbc.co.uk/news/world-africa-11106558), [online], August 27, 2010; available from <http://www.bbc.co.uk/news/world-africa-11106558>.

²⁶⁴⁴ Government of Kenya: Kenya Gazette Supplement, *The Children’s Act, 2001 (No. 8 of 2001)*, (January 4, 2002), section 10-13; available from http://www.kenyalaw.org/kenyalaw/klr_app/view_cap.php?CapID=393.

²⁶⁴⁵ 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. See also Interpol, *National Laws: Legislation of Interpol member states on sexual offences against children: Kenya*, November 19, 2009; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaKenya.pdf>.

²⁶⁴⁶ 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>. See also Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, 5-17.

²⁶⁴⁷ Government of Kenya: Kenya Gazette Supplement, *The Children’s Act, 2001 (No. 8 of 2001)*, section 13.

²⁶⁴⁸ U.S. Department of State, “Kenya (Tier 2),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>, Africa News, “Harsh Penalties Proposed to Stem Human Trafficking”. See also United Nations, *Replies by the Government of Kenya to the list of issues (E/C.12/KEN/Q/1) to be taken up in connection with the consideration of initial report of Kenya (E/C.12/KEN/1)*, E/C.12/KEN/Q/1/add.1, Geneva, October 21, 2008; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/447/30/PDF/G0844730.pdf?OpenElement>.

²⁶⁴⁹ UNESCO, *EFA Global Monitoring Report 2009: Overcoming inequality: why governance matters*, Oxford University Press, Paris, 2008; available from <http://unesdoc.unesco.org/images/0017/001776/177683e.pdf>. See also Government of Kenya, *The Employment Act, 2007*, article 56.

²⁶⁵⁰ Government of Kenya, *National Action Plan for the Elimination of Child Labour in Kenya 2004-2015 (Revised 2008)*, (January 5, 2009), 36-37. See also U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para E.

²⁶⁵¹ Dr. Laurie Zivetz and Rutere Salome Kagendo, *IPEC Evaluation: Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, Final Evaluation, ILO-IPEC, May 2009, vi-vii, 13-14; available from [hard copy on file].

²⁶⁵² ILO-IPEC, *Agricultural Policies and the Elimination of Child Labor in Kenya- Key Issues, Gaps and Opportunities*, Nairobi, June 12, 2007, 17. See also Kenya National Bureau of Statistics, *Child Labour Analytical Report*, 41.

²⁶⁵³ Ministry of Labour and Human Resource Development, *National Plan of Action for the Elimination of Child Labour*, 32.

²⁶⁵⁴ Ibid.

²⁶⁵⁵ Dr. Laurie Zivetz and Rutere Salome Kagendo, *IPEC Evaluation: Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, vi,vii, 7. See also ILO-IPEC, *Creating the enabling environment to establish models for child labour free areas in Kenya*, 17. See also U.S. Embassy - Nairobi official, E-mail communication to USDOL official, September 01, 2010.

²⁶⁵⁶ United Nations, *Replies by the Government of Kenya to the list of issues (E/C.12/KEN/Q/1) to be taken up in connection with the consideration of initial report of Kenya (E/C.12/KEN/1)*, E/C.12/KEN/Q/1/add.1, Geneva, October 21, 2008; available from <http://www2.ohchr.org/english/bodies/cescr/docs/AdvanceVersions/E.C.12.KEN.Q1.Add1.doc>. See also U.S. Embassy- Nairobi, “reporting,” (January 16, 2009). See also Ministry of Labour, *Draft National Child Labour Policy: Towards a Child Labour Free Society*, April, 2009.

²⁶⁵⁷ Dr. Laurie Zivetz and Rutere Salome Kagendo, *IPEC Evaluation: Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, 10. See also ILO-IPEC, *Creating the enabling environment to establish models for child labour free areas in Kenya*, 18.

²⁶⁵⁸ United Nations, *Replies by the GOK to the list of issues*. See also Nairobi, “reporting, January 16, 2009.” See also Ministry of Labour, *Draft National Child Labour Policy*.

²⁶⁵⁸ United Nations, *Replies by the GOK to the list of issues*, 42. See also U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para E. See also U.S. Embassy- Nairobi, *reporting, January 16, 2009*, para c.

²⁶⁶⁰ U.S. Embassy- Nairobi official, E-mail communication to USDOL official, March 01, 2010. See also U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para C. See also Dr. Laurie Zivetz and Rutere Salome Kagendo, *IPEC Evaluation: Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, 10.

²⁶⁶¹ U.S. Embassy- Nairobi official, E-mail communication, March 01, 2010. See also U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para C.

²⁶⁶² U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para B. See also U.S. Embassy- Nairobi official, E-mail communication, March 01, 2010.

²⁶⁶³ U.S. Embassy- Nairobi official, E-mail communication, March 01, 2010. See also Government of Kenya, *The Employment Act, 2007*, section 54.

²⁶⁶⁴ U.S. Department of State, “Country Reports- 2009: Kenya,” section 7d. See also World Vision, *KURET Executive Summary: Kenya Child Labor Policy Review*, February, 2007. See also ILO-IPEC, *Creating the enabling environment to establish models for child labour free areas in Kenya*, 18.

²⁶⁶⁵ U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para C, D. See also U.S. Department of State, “Trafficking in Persons Report- 2009: Kenya.” See also United Nations, *Replies by the GOK to the list of issues*. See also Ministry of Labour, *Draft National Child Labour Policy*.

²⁶⁶⁶ U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para C, section 5. See also U.S. Embassy- Nairobi, *reporting, March 09, 2010*, para 3c.

²⁶⁶⁷ U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para C5. See also U.S. Embassy- Nairobi official, E-mail communication, March 01, 2010.

²⁶⁶⁸ U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para C, section 3. See also U.S. Embassy- Nairobi, *reporting, June 10, 2008*, paras 1, 2, 4, 7, 8.

²⁶⁶⁹ U.S. Embassy - Nairobi official, E-mail communication, September 01, 2010.

²⁶⁷⁰ Olan International, “Childline Kenya meets surge in demand for help”, plan-international.org, [online], May 29, 2009 [cited January 4, 2010]; available from <http://plan-international.org/what-we-do/protection/childline-kenya-meets-surge-in-demand>. See also U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para C3.

²⁶⁷¹ U.S. Embassy- Nairobi official, E-mail communication, March 01, 2010.

²⁶⁷² U.S. Department of State, “Trafficking in Persons Report- 2009: Kenya.” 175.

²⁶⁷³ U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para B, C5.

²⁶⁷⁴ *Ibid.*, para C, D. See also U.S. Department of State, “Trafficking in Persons Report- 2009: Kenya.”

²⁶⁷⁵ U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para B, C5.

²⁶⁷⁶ *Ibid.*, para D, section 4-5, 8.

²⁶⁷⁷ U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para C4, para D1, 5.

²⁶⁷⁸ *Ibid.*, para D1, 5.

²⁶⁷⁹ Ministry of Labour, *Draft National Child Labour Policy*, 18. See also Government of Kenya, *NAP for the Elimination of Child Labour in Kenya 2004-2015*, 4, 10-11.

²⁶⁸⁰ Government of Kenya, *NAP for the Elimination of Child Labour in Kenya 2004-2015*, 4, 12-15, 34. See also Ministry of Labour and Human Resource Development, *National Plan of Action for the Elimination of Child Labour*, 20-21. See also ILO Committee of Experts, *CEACR: Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Kenya (ratification: 2001)*, [online] 2009 [cited January 12, 2009]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=statu s01&textbase=iloilc&document=1446&chapter=16&query=%23subject%3D03%40ref%2B%23YEAR%3D2009&highlight=&querytype=bool&context=0>. See also ILO-IPEC, *Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, Final Technical Progress Report, Geneva, April 15, 2009, 5, 8.

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- ²⁶⁸² Ministry of Labour and Human Resource Development, *National Plan of Action for the Elimination of Child Labour*. See also Science and Technology Ministry of Education, *Kenya Education Sector Support Programme 2005-2010*, Program Document, July, 2005. See also ILO-IPEC, *Final TPR*. See also Ministry of Education, *Policy For Alternative Provision of Basic Education and Training*, May, 2009. See also Joyce Mulama, “Education-Africa: Spare the Plough, and School the Child”, Inter Press Service News Agency (IPS), [online], April 10, 2007 [cited February 23, 2009]; available from <http://www.ipsnews.net/print.asp?idnews=32835>. See also Kenya National Bureau of Statistics, *Child Labour Analytical Report*. See also ILO-IPEC, *Decent Work Country Programme: Kenya (2007-2011)*, Geneva, August, 2007; available from <http://www.oit.org/public/english/bureau/program/dwcp/download/kenya.pdf>. See also Ministry of Labour and Human Resources Development, *Revised Draft: Medium Term Plan 2008-2012 for Labour and Employment Sector*, March, 2009. See also ILO-IPEC, *Creating the enabling environment to establish models for child labour free areas in Kenya*, 10, 13-14, 16.
- ²⁶⁸³ United Nations, *Replies by the GOK to the list of issues*. See also World Vision, *Kenya Child Labor Policy Review*.
- ²⁶⁸⁴ Ministry of Labour, *Draft National Child Labour Policy*, ii, 9-13. See also U.S. Embassy- Nairobi official, E-mail communication, March 01, 2010.
- ²⁶⁸⁵ Ministry of Labour, *Draft National Child Labour Policy*, ii, 9-13.
- ²⁶⁸⁶ World Vision, *Kenya Child Labor Policy Review*. See also Ministry of Labour, *Draft National Child Labour Policy*.
- ²⁶⁸⁷ Joyce Mulama, “New Pressure to End Child Labour”, ipsnews.net, [online], April 2, 2005 [cited June 02, 2010]; available from <http://ipsnews.net/interna.asp?idnews=28131>.
- ²⁶⁸⁸ ILO-IPEC, *Final TPR*, 1, 4. See also ILO-IPEC, *Kenya TBP, Project Document*, 1.
- ²⁶⁸⁹ ILO-IPEC, *Final TPR*, 5. See also ILO-IPEC, *Kenya TBP, Project Document*, 1, 52, 71.
- ²⁶⁹⁰ World Vision, *Kenya, Uganda, Rwanda, and Ethiopia Together (KURET)*, Technical Progress Report, September 29, 2008, cover.
- ²⁶⁹¹ U.S. Department of Labor, *Technical Cooperation Project Summary: Creating the enabling environment to establish models for child labor free areas in Kenya: Support to the implementation of the national action plan for the elimination of the worst forms of child labor with special focus on agriculture and older children* 2009.
- ²⁶⁹² ILO-IPEC, E-mail communication to USDOL official, September 01, 2010. 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/ipecinfo/product/viewProduct.do?productId=8511>. See also U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para E.
- ²⁶⁹³ ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008.
- ²⁶⁹⁴ U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para F.
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- ²⁶⁹⁷ U.S. Embassy- Nairobi, *reporting*, September 30, 2008. See also The Solidarity Center, *Child Labor in Kenya: The Solidarity Center, in Partnership with the Kenyan Plantation and Agricultural Workers Union (KPAWU) is Launching a New Child Labor/Child Trafficking Program*, [online] [cited December 23, 2009]; available from <http://www.solidaritycenter.org/content.asp?contentid=438>.
- ²⁶⁹⁸ Solidarity Center, *The Solidarity Center and its partners in Kenya are fighting child trafficking and forced labor on agricultural plantations, in the fishing industry, and in domestic work*, [online] [cited December 23, 2009]; available from <http://www.solidaritycenter.org/content.asp?contentid=958>. See also U.S. Embassy - Nairobi official, E-mail communication, September 01, 2010.
- ²⁶⁹⁹ Joyce Mulama, “Education-Africa: Spare the Plough, and School the Child”, Inter Press Service News Agency (IPS), [online], April 10, 2007 [cited February 23, 2009]; available from <http://www.ipsnews.net/print.asp?idnews=32835>. See also U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para E. See also ILO-IPEC, *Creating the enabling environment to establish models for child labour free areas in Kenya*, 16.
- ²⁷⁰⁰ Mulama, “Spare the Plough and School the Child”. See also U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para E. See also ILO-IPEC, *Creating the enabling environment to establish models for child labour free areas in Kenya*, 16.
- ²⁷⁰¹ U.S. Embassy - Nairobi official, E-mail communication, September 01, 2010.
- ²⁷⁰² ILO-IPEC, *Final TPR*.

²⁷⁰³ United Nations, *Consideration of reports submitted by states parties under articles 16 and 17 of the covenant: Kenya*, E/C.12/KEN/CO/1, Geneva, December 1, 2008, 7; available from [hard copy on file].

²⁷⁰⁴ UNODC, “Making in-roads in the fight against trafficking”, unodc.org, [online], August 13, 2008 [cited October 27, 2009]; available from <http://www.unodc.org/easternafrika/en/front-page/making-in-roads.html>. See also The Institute for Security Studies, *Profile: Eastern African Police Chiefs Cooperation Organization (EAPCCO)*, [online] [cited January 12, 2010]; available from http://www.iss.co.za/index.php?link_id=3893&slink_id=4556&link_type=12&slink_type=12&tmpl_id=3.

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²⁷⁰⁶ U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para E. See also U.S. Embassy - Nairobi official, E-mail communication, September 01, 2010.

²⁷⁰⁷ U.S. Embassy- Nairobi, *reporting, March 09, 2010*, para 26B. See also U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para F, G. See also Dr. Laurie Zivetz and Rutere Salome Kagendo, *IPEC Evaluation: Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, 9.

Kiribati

During the reporting period, the Government ratified ILO Conventions 138 and 182. Children sell goods on the street and girls are trafficked for prostitution. There does not appear to be any programs to address the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor






Children in Kiribati are exploited in the worst forms of labor.²⁷⁰⁸ Children sell goods on the street.²⁷⁰⁹ Street vending exposes children to dangers such as road accidents, air pollution, and extreme weather. Girls are also trafficked internally for prostitution and child pornography may be produced as a result.²⁷¹⁰ Crewmembers of fishing vessels are reported to be common clients.²⁷¹¹

Laws and Regulations on the Worst Forms of Child Labor

The Employment Ordinance sets the minimum age for employment at 14, and the Employment (Amendment) Act 2008 sets the minimum age for hazardous work at 18.²⁷¹² The Penal Code prohibits forced labor²⁷¹³ and trafficking in persons.²⁷¹⁴ The Penal Code also prohibits the procurement of any girl under age 18 for prostitution, or procurement of any male regardless of age for this purpose.²⁷¹⁵ Kiribati has no regular military force.²⁷¹⁶

The Government ratified ILO Conventions 138 and 182 during the reporting period.²⁷¹⁷



	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Kiribati has established a coordinating mechanism to combat the worst forms of child labor. The Government has not taken any action to investigate, arrest, prosecute, or convict traffickers during the reporting period.²⁷¹⁸

The Ministry of Labor and Human Resources Development is responsible for enforcing child labor laws.²⁷¹⁹ The Ministry received no complaints of child labor during the reporting period.²⁷²⁰ In addition, no child labor inspections were conducted during the reporting period.²⁷²¹ No trainings on issues related to the worst forms of child labor were held.²⁷²²

Government Policies on the Worst Forms of Child Labor

The National Advisory Committee on Children, which is made up of representatives from government agencies and NGOs, has drafted a National Children's Plan that awaits Cabinet approval.²⁷²³

The Kiribati Country Program Action Plan, developed with UNICEF Pacific, provides the basis for the Child Protection Program (2008-2012); one goal of the Child Protection Program is to reduce exploitation of children in the Pacific Islands.²⁷²⁴

The question of whether these policies have an impact on the worst forms of child labor does not appear to have been addressed.

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

Research found no evidence of any programs to address the worst forms of child labor.

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

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Increase law enforcement efforts to target trafficking and the commercial sex sector.

IN THE AREA OF POLICIES:

- Assess the adequacy of current policies to prevent commercial sexual exploitation of children.
 - Take steps to reduce the demand for commercial sex exploitation of children by fishing crews.
- Assess the impact that the Child Protection Program may have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Develop programs to address the needs of children engaged in commercial sexual exploitation and street vending.
- Consider a comprehensive study of children's activities to determine whether they are engaged in at risk for other worst forms of child labor.

²⁷⁰⁸ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

²⁷⁰⁹ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention*, CRC/C/KIR/CO/1, Geneva, September 29, 2006, 11-12; available from [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/54c00eda0882cbf0c125722d002c60c9/\\$FILE/G0645200.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/54c00eda0882cbf0c125722d002c60c9/$FILE/G0645200.pdf).

²⁷¹⁰ U.S. Embassy- Suva official, E-mail communication to USDOL official, November 9, 2010.

²⁷¹¹ U.S. Department of State, “Kiribati,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>. See also U.S. Department of State, “Kiribati,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, Section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/135994.htm>. See also Government of the Republic of Kiribati, *Kiribati: A Situation Analysis of Children, Women and Youth*, Suva, 2005, 56; available from http://www.unicef.org/pacificislands/Kiribati_Sitan.pdf.

²⁷¹² Government of the Republic of Kiribati, *Employment Ordinance*, (April 22, 1966), article 84; available from http://www.paclii.org/ki/legis/consol_act/ea149/. See also Government of the Republic of Kiribati, *Employment (Amendment) Act 2008*, (May 15, 2008), section 8;

available from <http://www.parliament.gov.ki/act/2008/Employment%20%28Amendment%29%20Act%202008.pdf>.

²⁷¹³ Government of the Republic of Kiribati, *Employment Ordinance*, article 75. See also Government of the Republic of Kiribati, *Penal Code*, (October 18, 1965), article 249; available from http://www.paclii.org/ki/legis/consol_act/pc66/.

²⁷¹⁴ U.S. Department of State, “Country Reports- 2009: Kiribati,” section 6.

²⁷¹⁵ Government of the Republic of Kiribati, *Penal Code*, articles 136, 155.

²⁷¹⁶ Central Intelligence Agency, “Kiribati,” in *The CIA World Factbook*, 2010; available from <https://www.cia.gov/library/publications/the-world-factbook/geos/kr.html>.

²⁷¹⁷ U.S. Embassy- Suva, *reporting*, February 2, 2010.

²⁷¹⁸ U.S. Department of State, “Trafficking in Persons Report- 2010: Kiribati.”

²⁷¹⁹ U.S. Department of State, “Kiribati,” 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/eap/119042.htm>.

²⁷²⁰ U.S. Embassy- Suva, *reporting*, February 2, 2010.

²⁷²¹ U.S. Embassy- Suva official, E-mail communication to USDOL official, September 9, 2010.

²⁷²² Ibid.

²⁷²³ UNICEF Pacific, *Protect me with love and care: A Baseline Report for creating a future free from violence, abuse and exploitation of girls and boys in Kiribati*, Suva, October 2009, 2; available from http://www.unicef.org/pacificislands/UNICEF_KIRIBATI_Feb.pdf.

²⁷²⁴ Ibid., 1, 5.

Kosovo

The Government is working with ILO to bring its laws in line with ILO Conventions 138 and 182. Children face unsafe work conditions in street work, notably Roma children in forced labor, as the result of trafficking. Concerns have been expressed about the Government's capacity to identify and prosecute traffickers.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable








Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Kosovo are exploited in the worst forms of child labor,²⁷²⁵ many of them in street work in urban areas and in the agriculture sector in rural areas.²⁷²⁶ Many of the street children come from the Roma, Ashkalia, and Egyptian communities. Children working on the streets are engaged in begging, selling goods or newspapers, or scavenging at dumpsites. They may face unsafe work conditions such as lifting heavy loads,²⁷²⁷ severe weather, accidents caused by proximity to vehicles, injuries by sharp tools and scrap metal, exposure to toxic fumes, and vulnerability to criminals.²⁷²⁸

Children working in agriculture may be exposed to severe work conditions that include long hours in extreme heat; inadequate access to water, nutrition, or sanitation; and exposure to harmful pesticides.²⁷²⁹

Kosovo is a source, transit, and destination country for children trafficked for forced prostitution and forced begging. Children are trafficked within Kosovo for the same purposes. Children in Roma communities are particularly susceptible to trafficking for forced labor, including begging at hotels and restaurants and working in the streets washing car windows.²⁷³⁰

Laws and Regulations on the Worst Forms of Child Labor

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Kosovo's Provisional Government came into being in 2008. The Labor Act sets the minimum age for employment at 15 and prohibits children below age 18 from engaging in work that may be physically harmful,²⁷³¹ such as hard manual labor, activities that

take place underground or underwater, and nighttime and overtime work.²⁷³² The Government is currently working with ILO to develop a more comprehensive list of hazardous work for children.²⁷³³ The Labor Act also prohibits forced labor.²⁷³⁴

The Criminal Code was adopted in 2004.²⁷³⁵ It strictly prohibits all forms of trafficking in persons,²⁷³⁶ any form of facilitation of prostitution including recruiting, transporting, organizing, or providing space for such activities,²⁷³⁷ and any form of procurement of sexual services or pornographic materials.²⁷³⁸

The compulsory age for voluntary recruitment to the Military is set at age 18. However, during time of war, persons age 17 can be recruited.²⁷³⁹

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor and Social Welfare (MLSW) coordinates efforts in Kosovo to combat the worst forms of child labor.²⁷⁴⁰ A Child Labor Unit was established within MLSW to coordinate all activities related to child labor in the Ministry, as well as across other government entities.²⁷⁴¹

Although MLSW takes the lead on worst forms of child labor, coordination of trafficking issues falls within the responsibility of the Prime Minister's Office for Good Governance, Human Rights, Equal Opportunities, and Gender Issues.²⁷⁴² The Office coordinates the work of counter-trafficking entities, including the relevant ministries, NGOs, and international organizations.²⁷⁴³

MLSW is responsible for enforcing laws related to the worst forms of child labor.²⁷⁴⁴ The Labor Inspectorate works with the police, municipal governments, and other relevant authorities to monitor compliance with labor laws.

The Office of the Labor Inspectorate was set up only after passing of the United Nations Interim Administration Mission in Kosovo Regulation for Essential Labor Law in 2001 and reports indicate that it suffers from a shortage of resources in terms of funding and institutional capability.²⁷⁴⁵ According to the Labor Inspectorate's Annual Report of 2009, it had completed more than 8,000 inspections of employers.²⁷⁴⁶ However, there are more than 99,000 registered businesses in Kosovo. There are no further data available about the enforcement activities

undertaken by labor inspectors as they relate to the worst forms of child labor.²⁷⁴⁷

Under regulations issued by the Ministry of Education, Science, and Technology, it is the responsibility of the local municipal education offices and school directors to identify children who should be in school, but are not. Such children may be working in exploitive labor. The officials are required to refer such children to services that should lead to their enrollment and attendance.²⁷⁴⁸

Enforcement functions for trafficking are housed in the Department of Justice, which has authority over the Police Service.²⁷⁴⁹ The Police have a Trafficking in Human Beings Investigation Section, with regional offices and a staff of 28.²⁷⁵⁰

In 2009, the Government identified 29 trafficking victims, prosecuted 25 sex trafficking offenders, and secured 22 convictions.²⁷⁵¹ However, there are also reports that during the same period there were two consecutive night raids, and close to 200 victims were found but never identified as victims, thus raising questions about the efficiency of victim identification methods and enforcement activities.²⁷⁵²

OSCE has expressed concern that the capacity of the Government to investigate and prosecute traffickers is not sufficient.²⁷⁵³ The Police, OSCE, and the Ministries of Labor and Social Welfare, Internal Affairs, and Justice conducted 11 training sessions on trafficking in May 2010. The objective was to make 330 border police and 33 customs officers capable of effectively identifying foreign and local victims of trafficking and making referrals of these victims to appropriate agencies for social welfare services.²⁷⁵⁴

Government Policies on the Worst Forms of Child Labor

The Kosovo Action Plan (KAP) to Prevent and Eliminate the WFCL for 2010-2012 is working on increasing the knowledge base of government agencies and NGOs as social partners on ILO core conventions, including child labor, and building their capacity in design and program implementation of the KAP, as well as resource mobilization and awareness raising activities.²⁷⁵⁵

The Strategy and Action Plan for Human Rights of the Republic of Kosovo (2009-2011) was drafted by the Office of the Prime Minister and approved by the

Government in December 2008. The elimination of the worst forms of child labor is explicitly referenced in the discussion of the rights of the child.²⁷⁵⁶

The 2009-2013 Strategy and Action Plan on the Rights of Children was approved by the Government of the Republic of Kosovo on June 9, 2009.²⁷⁵⁷ The action plan includes key objectives aimed at addressing child labor and issues related to child labor, but notable is a lack of discussion of street children and forced begging. The office of the Prime Minister formed an Inter-Ministerial Committee on the Rights of the Child to carry out the objectives of the plan and to coordinate policies, processes, and institutions meant to ensure the rights of the child.²⁷⁵⁸

The Government and OSCE developed the National Action Plan to Combat Trafficking in Human Beings for Kosovo as part of regional efforts to address trafficking issues.²⁷⁵⁹ The plan focuses on prevention, protection, prosecution, policy, and coordination.²⁷⁶⁰

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

The Government has worked with ILO on several programs focused on combating child labor. For example, they developed a community-level child labor monitoring system, oriented the legal framework toward ILO Conventions 138 and 182,²⁷⁶¹ and trained officials on the application of ILO conventions on child labor.²⁷⁶² UNICEF, ILO, and the Government are training teachers to identify children engaged in the worst forms of child labor, so as to help move the children into acceptable activities.²⁷⁶³

The Ministry of Justice and IOM jointly sponsor anti-trafficking hotlines.²⁷⁶⁴ Several roundtable and panel discussions on human trafficking have taken place where officials took part in a regional project to train parents to prevent children from becoming trafficking victims. The Prime Minister has declared every October to be national trafficking awareness month.²⁷⁶⁵

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

IN THE AREA OF LAWS AND REGULATIONS:

- Complete work with ILO on a comprehensive list of hazardous work for children and amend the Labor Act to include that list.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Improve capacity of authorities to investigate and prosecute trafficking crimes.
- Publish information on labor inspections and other enforcement efforts to combat the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Revise action plans to contain explicit objectives for assisting street children, particularly those forced to beg.
- Target services to children from the Roma, Ashkalia, and Egyptian communities.
- Consider programs to increase public awareness of child beggars and other children forced to work and live on the streets.

²⁷²⁵ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the

definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

²⁷²⁶ UNICEF, *Child Labour in Kosovo A Study on Working Children*, 2004; available from http://www.unicef.org/kosovo/kosovo_media_pub_prot.008.04.pdf.

²⁷²⁷ Ibid.

- 2728 Ibid.
- 2729 Ibid.
- 2730 U.S. Department of State, “Kosovo (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.unhcr.org/refworld/docid/4c1883e5b.html>.
- 2731 Government of the Republic of Kosovo, *Labour Law*, (October 8, 2001); available from http://www.unmikonline.org/regulations/unmikgazette/02english/E2001regs/RE2001_27.pdf.
- 2732 Ibid.
- 2733 UN Kosovo Team, *International Labor Organisation (ILO)*, [online] 2010. accessed November 29, 2010, available from <http://www.unkt.org/?cid=2,47>. See also ILO-IPEC, *Protect CEE: Project of Technical Assistance against labour and sexual exploitation of Children including trafficking, in countries of Central and Eastern Europe*, Geneva, 2005; available from www.ilo.org/ipeinfo/product/download.do?type=document&id=1901.
- 2734 Government of the Republic of Kosovo, *Labour Law*.
- 2735 UN Interim Administration Mission in Kosovo, *Combating Human Trafficking in Kosovo: Strategy & Commitment*, May 2004; available from http://www.unmikonline.org/misc/UNMIK_Whit_paper_on_trafficking.pdf.
- 2736 Government of the Republic of Kosovo, *Provisional Criminal Code of Kosovo*; available from http://www.unmikonline.org/regulations/2003/RE2003_25_criminal_code.pdf.
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- 2739 Coalition to Stop the Use of Child Soldiers, “Kosovo,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/serbia>.
- 2740 ILO-IPEC, *Project CEE*.
- 2741 Ibid.
- 2742 Ibid.
- 2743 Ibid.
- 2744 Ibid.
- 2745 Institute for Advanced Studies, *Regulating Employment in Kosovo, Labor Law, and its Implementation*, June 2010; available from <http://www.fesprishtina.org/wb/media/pdf/Labouranalysis.pdf>.
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- 2747 Ibid.
- 2748 Government of the Republic of Kosovo, *Law on Inspection of Education in Kosovo*, (2004); available from http://www.masht.gov.net/advCms/documents/Ligji_mbi_inspeksionin_e_arsimit_ne_kosove.pdf. See also ILO-IPEC, *Project CEE*. See also UN Interim Administration Mission in Kosovo, *On the Promulgation of the Law Adopted by the Assembly of Kosovo on Primary and Secondary Education*, 2002; available from http://www.unmikonline.org/regulations/2002/RE2002_19.pdf.
- 2749 Commission of the the European Communities, *Kosovo Under UNSCR 1244 2007 Progress Report*, Brussels, 2007; available from http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/kosovo_progress_reports_en.pdf.
- 2750 Ibid.
- 2751 U.S. Department of State, “Trafficking in Persons Report- 2010: Kosovo.”
- 2752 Ibid.
- 2753 EU, *Country of Return Information Project*, 2009; available from www.cri-project.eu/cs/cs-kosovo-en.pdf.
- 2754 Ibid. See also OSCE, *Mission in Kosovo*, 2010; available from <http://www.osce.org/item/44764.html>.
- 2755 ILO, *ILO-SRO Budapest Newsletter*, 2009; available from http://www.ilo.org/public/english/region/eurpro/budapest/download/newsletter_2009_2.pdf.
- 2756 Government of the Republic of Kosovo, *Strategy and Action Plan on Human Rights of the Republic of Kosovo 2009-2011*, Office of the Prime Minister, 2008; available from http://humanrights-ks.org/repository/docs/Strategija_2009_2011_Eng%20.pdf.
- 2757 Government of the Republic of Kosovo, *Action Plan 2009 for the Implementation of the European Partnership for Kosovo*, Technical Progress Report, 2009.
- 2758 Ibid.
- 2759 OSCE, *An Agenda for Change Implementing the Platform for Action Against Human Trafficking*, December 10, 2009; available from http://www.osce.org/publications/cthb/2009/12/41953_1410_en.pdf.
- 2760 ILO-IPEC, *Project CEE*.
- 2761 ILO-IPEC, *Technical Progress Report Action Plan Summary*, 2009.
- 2762 ILO, *ILO-SRO Budapest Newsletter*.
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- 2764 IOM, *The Republic of Serbia including the Province of Kosovo Migration Profile*, 2007; available from <http://www.iom.hu/PDFs/Serbia%20and%20Kosovo%20Province%20Sept%202007.pdf>.
- 2765 ILO-IPEC, *Project CEE*. See also U.S. Department of State, “Kosovo,” in *Trafficking in Persons Report- 2008: Special Cases*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/105390.htm>.

Kyrgyz Republic

The Government has a legal and policy framework in place to address the worst forms of child labor. Children continue to work in exploitive situations in agriculture. Little information is available to assess whether the legal and policy framework is successfully enforced or implemented.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	4.5%
Attending School	5-14 yrs.	84.0%
Combining Work and School	7-14 yrs.	4.8%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Kyrgyz Republic are exploited in the worst forms of child labor, many in agriculture.²⁷⁶⁶ Children work in tobacco and cotton. During the cotton harvesting season, classes are canceled in some schools in southern Kyrgyz Republic and children are sent to work in the fields.²⁷⁶⁷ Children working in agriculture are exposed to extreme heat and may engage in potentially harmful activities, such as operating heavy machinery/tools and transporting heavy loads.²⁷⁶⁸

Although evidence is limited, there is reason to believe the worst forms of child labor are used in other sectors including: the mining of coal and gold; the digging of silicon from landfills; in the harvesting of rice and in the raising of cattle.²⁷⁶⁹ Children have also worked as porters and in construction.²⁷⁷⁰

Children are engaged in prostitution and the illicit distribution and sale of drugs.²⁷⁷¹ There are reports that children are trafficked internationally for forced labor and commercial sexual exploitation, but evidence is limited.²⁷⁷²


Laws and Regulations on the Worst Forms of Child Labor

The 2006 Children's Code forbids the worst forms of child labor, identifies the minimum age for employment, and the types of work that children may not perform, and it indicates the rights of children to vocational education and employment as appropriate to their age and health.²⁷⁷³ The minimum age for work is 16 but children may work at age 14 with the permission of a parent or guardian. The minimum age for hazardous work is 18.²⁷⁷⁴ The law forbids the use of forced or unhealthy work for minors, night work, work involving heavy lifting, and underground work. It guarantees minors rest periods.²⁷⁷⁵ The law also prohibits forced labor, including by children.²⁷⁷⁶ In addition, the Kyrgyz Republic's Minors' Rights (Protection and Defense) Act prohibits using a minor for work beyond his or her capacity.²⁷⁷⁷

During the reporting period, new municipal-level laws were enacted, enabling minors without complete identification documents, who are potentially at risk for child labor, to gain access to education and health services.²⁷⁷⁸

A new constitution was approved on June 27, 2010, which includes language forbidding child labor.²⁷⁷⁹

The Criminal Code prohibits adults from involving minors in criminal activity, particularly prostitution.²⁷⁸⁰ The 2005 Prevention and Combating Trafficking in Persons law criminalizes trafficking for the purposes of both sexual exploitation and forced labor.²⁷⁸¹ The minimum age for military recruitment is 18.²⁷⁸²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Government has a Coordination Council on Child Labor.²⁷⁸³ The Ministry of Labor, Employment and Migration, (MLEM) coordinates and implements efforts to combat trafficking in persons.²⁷⁸⁴

MLEM’s State Labor Inspectorate and the Prosecutor General’s Office enforce child labor laws.²⁷⁸⁵ The State Prosecutor General’s office in the first 10 months of 2009 identified 184 cases of illegal use of child labor. According to the Prosecutor General’s office, in 30 cases the defendants were found guilty and received administrative punishments, 28 defendants were instructed to stop violating the law, 16 cases were under review, and two criminal cases were started.²⁷⁸⁶

The Ministry of Interior enforces laws against the use of minors in prostitution and other illicit activities.²⁷⁸⁷ The State Prosecutor General enforces trafficking in persons laws.²⁷⁸⁸

Government Policies on the Worst Forms of Child Labor

In 2008, the Government adopted a State Program of Action of Social Partners for the Elimination of the Worst Forms of Child Labor for the years 2008 to 2011.^{2789 2790}

In 2007, the President of the Kyrgyz Republic signed a Country Development Strategy for 2007-2010 that reportedly incorporates the country’s State Program of Action of Social Partners to Eliminate the Worst Forms of Child Labor.²⁷⁹¹ The Kyrgyz Republic’s Education Development Strategy for 2007-2010 acknowledges the problem of child labor.²⁷⁹²

In September 2008, the Government passed the National Action Plan against Human Trafficking. Its goals include increasing public awareness and increasing social protection for trafficking victims.²⁷⁹³ With funding from the UN and assistance from the Government of Japan and the Republic of Korea, the Government has begun to input passport and citizenship-related records in a centralized digital database.²⁷⁹⁴

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

The Government continued to provide in-kind assistance for NGO-operated shelters for trafficking victims, including one specifically for children.²⁷⁹⁵

The Kyrgyz Republic has participated in donor-funded regional child labor projects. Project strategies included capacity building, protecting children from the worst forms of child labor, implementing programs for children found in the worst forms of child labor, and measures to address the agricultural sector.²⁷⁹⁶ The projects also integrated policies for combating the worst forms of child labor with education, training, and youth employment policies, and they used research as a tool to raise awareness about the worst forms of child labor. Research included an assessment of the health and working conditions of children working in

the cotton, rice, and tobacco sectors.²⁷⁹⁷ The health assessment of working children was presented to the children's parents. One project established Resource Centers on the Worst Forms of Child Labor and disseminated information on child labor through public and parliamentary hearings, a TV talk show, and other means.²⁷⁹⁸ A study found that, after these activities, parents in rural areas were more aware of the risks associated with jobs their children may be hired for and will no longer let them do this work.²⁷⁹⁹

In 2009, the Government of Kyrgyzstan opened a resource center for street children with UNDP as a part of the State Program of Action with Social Partners to Eradicate the Worst Forms of Child Labor. The resource center provides training to street children and helped the children find age-appropriate work when they reached the legal working age.²⁸⁰⁰ In addition, the Government participated in a national survey on child labor during 2008 and 2009.²⁸⁰¹

The Combating Child Labor in Central Asia: Commitment Becomes Action project began in January 2008 and ends in December 2010. It is funded by Germany at a level of \$1,405, 402.²⁸⁰²

The Government has also supported programs aimed at keeping children in school, including New Generation, Jashtyk (Youth) and Jetkinchek (Access to Education).²⁸⁰³

Some of these social programs appear to be too limited in scope to protect all children engaged in the worst forms of child labor, particularly in mining and commercial sexual exploitation.

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

IN THE AREA OF COORDINATION ENFORCEMENT:

- Ensure effective enforcement actions in sectors where the worst forms of child labor are prevalent, including agriculture.
- Increase labor inspections during the cotton harvesting season, especially in southern Kyrgyz Republic.

IN THE AREA OF POLICIES AND PROGRAMS:

- Ensure that classes in southern Kyrgyz Republic are not canceled during the harvesting season and that children remain in school.
- Continue to increase public dissemination of information on the worst forms of child labor to parents, employers, and workers in rural areas.
- Expand social programs to combat the worst forms of child labor, particularly in mining and commercial sexual exploitation.

²⁷⁶⁶ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data on working children and children combining working and schooling are from 2006. Data on school attendance are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's

work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²⁷⁶⁷ U.S. Department of State, "Kyrgyz Republic," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136089.htm>. See also Asia Human Rights Commission, *Kyrgyzstan:*

Children Labor to Pay School Fees, [online] [cited April 1, 2010]; available from <http://acr.hrschool.org/mainfile.php/0188/340/>.

²⁷⁶⁸ Ibid. See also Ramazon Dyrlydaev and Severine Jacomy, *Rights of the Child in Kyrgyzstan*, Geneva, February 2004; available from http://www.crin.org/docs/resources/treaties/crc.37/Kyrgyzstan_OMCT_ngo_report.pdf.

²⁷⁶⁹ U.S. Department of State, “Country Reports- 2009: Kyrgyz Republic.” See also Asia Human Rights Commission, *Children Labor to Pay School Fees*. See also Sari Schutrum-Boward, “Kyrgyz Child Labor in Coal Mines,” *The Guilfordian*, September 8, 2007; available from <http://media.www.guilfordian.com/media/storage/paper281/news/2007/09/07/World/Kyrgyz.Child.Labor.In.Coal.Mines-2956765.shtml>. See also Ilan Greenberg, *There’s Money in Dirt, for Those Who Find Bits of Silicon*, [online] 2006 [cited April 1, 2010]; available from http://www.nytimes.com/2006/09/05/world/asia/05kyrgyzstan.html?_r=1&pagewanted=print.

²⁷⁷⁰ Dyrlydaev and Jacomy, *Rights of the Child in Kyrgyzstan*. See also U.S. Department of State, “Country Reports- 2009: Kyrgyz Republic.”

²⁷⁷¹ U.S. Department of State, “Country Reports- 2009: Kyrgyz Republic.”

²⁷⁷² Ibid.

²⁷⁷³ ILO-IPEC, *IPEC Evaluation: CAR Capacity Building Project: Regional programme on the worst forms of child labour in Central Asia through education and youth employment (Eye Project)*, RER/04/54/USA P.340.04.400.054, International Labour Office, Geneva, October-December 2007.

²⁷⁷⁴ U.S. Department of State, “Country Reports- 2009: Kyrgyz Republic.”

²⁷⁷⁵ 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.

²⁷⁷⁶ U.S. Department of State, “Country Reports- 2009: Kyrgyz Republic.”

²⁷⁷⁷ UN Committee on the Rights of the Child, *Second periodic reports of States parties due in 2001: Kyrgyzstan*.

²⁷⁷⁸ U.S. Embassy- Bishkek, *reporting*, February 5, 2010.

²⁷⁷⁹ U.S. Embassy- Bishkek official, E-mail communication to USDOL official, November 12, 2010.

²⁷⁸⁰ UN Committee on the Rights of the Child, *Second periodic reports of States parties due in 2001: Kyrgyzstan*.

²⁷⁸¹ U.S. Department of State, “Kyrgyz Republic (Tier 2),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>.

²⁷⁸² U.S. Embassy-Bishkek, *reporting*, February 17, 2009.

²⁷⁸³ UN Committee on the Rights of the Child, *Second periodic reports of States parties due in 2001: Kyrgyzstan*.

²⁷⁸⁴ U.S. Embassy- Bishkek, *reporting*, March 2, 2010.

²⁷⁸⁵ U.S. Department of State, “Country Reports- 2009: Kyrgyz Republic.”

²⁷⁸⁶ UN Committee on the Rights of the Child, *UN Committee on the Rights of the Child Third and Fourth Report on Kyrgyz Republic presented in accordance with article 44 of the Convention on the Rights of Child: The Kyrgyz Republic 2003-2009*; available from <http://www.mz.kg/ru/pravachild/>.

²⁷⁸⁷ U.S. Embassy- Bishkek, *reporting*, February 5, 2010.

²⁷⁸⁸ U.S. Embassy- Bishkek, *reporting*, March 2, 2010.

²⁷⁸⁹ ILO-IPEC, *IPEC Evaluation: CAR Capacity Building Project*. See also U.S. Embassy-Bishkek, *reporting*, February 17, 2009.

²⁷⁹⁰ The ILO-IPEC evaluation also references a “National Program on the Elimination of WFCL” and it is unclear whether this is a separate program.

²⁷⁹¹ ILO-IPEC, *IPEC Evaluation: CAR Capacity Building Project*.

²⁷⁹² Science and Youth Policy of the Kyrgyz Republic Ministry of Education, *Education Development Strategy of the Kyrgyz Republic (2007-2010)*, 2006; available from <http://planipolis.iiep.unesco.org/upload/Kyrgyzstan/Kyrgyzstan%20Education%20Development%20Strategy%202007-2010.pdf>.

²⁷⁹³ U.S. Embassy- Bishkek, *reporting*, March 2, 2010.

²⁷⁹⁴ Ibid.

²⁷⁹⁵ Ibid.

²⁷⁹⁶ ILO-IPEC, *IPEC Evaluation: CAR Capacity Building Project*.

²⁷⁹⁷ Ibid.

²⁷⁹⁸ Ibid.

²⁷⁹⁹ Ibid.

²⁸⁰⁰ Government of the Kyrgyz Republic, *National Report of the Kyrgyz Republic presented in the framework of Universal Periodic Review of UN Council for Human Rights, approved by decree of the Government #61*, February 2, 2010; available from http://www.mfa.kg/file/kg_humanrights_nationalreport_ru.pdf.

²⁸⁰¹ ILO-IPEC, *Action against child labour: 2008-2009: IPEC Progress and Future Priorities*, International Labour Office, Geneva, February 2010; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=12813>.

²⁸⁰² ILO-IPEC official, E-mail communication, July 17, 2010.

²⁸⁰³ U.S. Embassy- Bishkek, *reporting*, March 16, 2009.

Lebanon

The Government of Lebanon has implemented programs that assist vulnerable families and children and provide incentives for school attendance. However, hazardous child labor continues in tobacco farming and domestic service. Gaps remain in the legal framework and enforcement efforts to combat the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Although evidence is limited, there is reason to believe that children in Lebanon are exploited in the worst forms of child labor²⁸⁰⁴ in some tobacco production.²⁸⁰⁵ They may engage in physically arduous tasks for long hours, sometimes with dangerous equipment or pesticides, and without proper protection such as work gloves.²⁸⁰⁶ According to a UNDP report on the state of human development in Lebanon, working children across sectors report psychological pressure, long hours, and adverse working conditions.²⁸⁰⁷ According to the ILO, some tobacco farmers were provided with free machines that automatically align and thread tobacco leaves in 2009. This process is normally done by children, so these machines reportedly contributed to a decrease in the number of children in the fields that year.²⁸⁰⁸

A growing number of children are believed to be working as domestic servants.²⁸⁰⁹ Child domestics may work long hours and are at risk for physical and sexual exploitation by their employer. Child labor is predominant in the informal sectors of the economy, including small businesses, mechanical workshops, carpentry, construction, welding, and fisheries.²⁸¹⁰

Children also work on the streets in tasks such as vending and washing car windshields.²⁸¹¹ Children working on the streets are often forced to do so by

“employers” who take the child’s earnings at the end of the day.²⁸¹² They are exposed to a variety of risks, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

A growing number of children are believed to be exploited in prostitution and in the drug trade.²⁸¹³ Lebanon is a transit country for Eastern European children trafficked to other Middle Eastern countries for forced prostitution.²⁸¹⁴

Although children are not known to participate in the Lebanese Armed Forces, there are reports that children living in Palestinian refugee camps in Lebanon are involved with various armed groups operating in the country.²⁸¹⁵

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 14, prohibits children below age 16 from industrial, arduous, or unhealthy work, and provides a detailed list of work prohibited to children under age 16, including work handling tobacco.²⁸¹⁶ Children age 14 and over require a medical certificate proving they are fit for their designated job. For all working children, the Labor Code regulates work hours, and provides basic protections, such as limiting working to 6 hours per day, with 1 hour of rest every 4 hours

worked.²⁸¹⁷ Once children turn age 16, the law treats them as working adults. A draft list of work hazardous for all children under age 18 was formulated by the Government in 2008; however, until it is finalized, children age 16 to 17 may be legally exposed to all the hazards that list seeks to prohibit.²⁸¹⁸

Small family farms are also exempted from the provisions of the Labor Code that regulate hazardous work.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	15
	Compulsory Education Age	15
	Free Public Education	Yes

The Penal Code prohibits forced labor and involuntary servitude.²⁸¹⁹ The Penal Code also prohibits the commercial sexual exploitation of children and financial gain from the prostitution of others.²⁸²⁰ The minimum age for voluntary recruitment into the Armed Forces is 18 for soldiers, non-commissioned personnel, and officers.²⁸²¹ Lebanon also has a law against using children in illicit activities.²⁸²²

Research found no evidence that Lebanon currently has laws that address human trafficking, but various other laws are used to address related offenses.²⁸²³ Such laws stipulate penalties for committing abduction, with increased penalties if the abduction is for the purposes of sexual exploitation.²⁸²⁴ An anti-trafficking-in-persons law drafted by the Ministry of Justice (MOJ) in collaboration with UNODC was submitted to the Cabinet in December 2009.²⁸²⁵

Institutional Mechanisms for Coordination and Enforcement

The Child Labor Unit (CLU) of the Ministry of Labor (MOL) coordinates Government efforts to combat the worst forms of child labor. These efforts include policy setting, awareness raising, and outreach to local communities.²⁸²⁶ The CLU works with government offices and civil society groups as well as regional and international organizations working in Lebanon.²⁸²⁷

The Higher Council for Childhood (HCC) coordinates the work of public committees and civil society to ensure children's rights under the CRC. The HCC is presided over by the Minister of Social Affairs and implements the overall principles of children's rights, including dealing with child labor issues.²⁸²⁸ The HCC develops interventions to assist child laborers, establishes strategies for dealing with the issue, and creates education policy initiatives to reach delinquent students and reduce the dropout rate.²⁸²⁹

The CLU also enforces child labor laws.²⁸³⁰ Inspectors conduct routine inspections of workplaces in the formal sector. Much of the agricultural sector is composed of small family farms that are excluded from the labor law, but, according to MOL officials, such workplaces can be inspected if a complaint is received and the employer refuses requests to meet with investigators at the Unit's office.²⁸³¹ With regard to child domestics, there is no mechanism to investigate complaints since social workers—the only officials allowed to enter a private home—may only assess the overall welfare of the family and not working conditions for domestic laborers.²⁸³²

At the end of 2009, the CLU employed approximately 130 labor inspectors and assistant inspectors.²⁸³³ The Government does not maintain statistics on the number of inspections carried out by the CLU, the number of violations, sanctions against violators, or the number of children assisted.²⁸³⁴ According to the MOL, the number of CLU inspectors is inadequate. Further, while training was reportedly provided during 2009, the MOL still reports that inspectors are often unaware of the requirements for reporting violations.²⁸³⁵

Several government ministries enforce criminal laws regarding the worst forms of child labor. The Ministry of Interior's Internal Security Forces, MOL, MOJ, and the HCC all have responsibility for enforcing laws related to child trafficking and the use of children in

illicit activities, such as commercial sexual exploitation of children.²⁸³⁶ The Surete Generale (General Security) is the lead agency in dealing with international guest workers and processing cases of exploitation which encompasses international human trafficking.²⁸³⁷ The Government does not track the number of investigations or prosecutions of crimes related to trafficking in children.²⁸³⁸

During the reporting period, the HCC worked with World Vision to provide six trafficking awareness workshops for social workers around Lebanon. The U.S. Embassy's International Narcotics and Law Enforcement assistance program trained 1,195 Internal Security Forces cadets to identify and assist victims of trafficking.²⁸³⁹

Government Policies on the Worst Forms of Child Labor

In 2004, the Government of Lebanon launched the National Policy and Programming Framework for the Elimination of the Worst Forms of Child Labor. The plan outlined various actions, including creating a national database on child labor, sensitizing the general public and policy makers on the issue of child labor, and providing alternative education opportunities.²⁸⁴⁰ These initiatives were subsequently taken up through a partnership with ILO-IPEC which implemented a program to support the National Policy.²⁸⁴¹

The Government incorporates child labor issues into broader development policies. "For example, the Social Action Plan: Toward Strengthening Social Safety Nets and Access to Basic Social Services, targets households with working children because they are a group living in acute poverty.²⁸⁴² The Plan allows around 6,500 families to access cash assistance of about \$600, conditional upon keeping children in school.²⁸⁴³ It also includes a plan to address child labor through vocational and life skills training programs as well as encouraging school enrollment by reducing the cost of incidental expenses involved with education.²⁸⁴⁴

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

The Government has participated in donor-funded projects that sought to strengthen Government and civil society's capacity to combat child labor through education in small, family-owned business, street work, and agriculture with a specific focus on tobacco farming.²⁸⁴⁵ A USDOL-funded regional project that ended in 2008 established a database system to document all educational and livelihoods interventions and developed a child's game called "My Rights Game" to raise awareness of child labor and acceptable child work.²⁸⁴⁶

Currently, the Government participates in an Italian Development Cooperation Office project slated to run from 2009 to 2011. The project targets north Lebanon and the Bekaa governorates and aims to prevent and withdraw 1,000 children from exploitive and hazardous labor through educational and other services.²⁸⁴⁷ The Government is also collaborating with the ILO on skills development, employment services, and local socioeconomic recovery with a particular emphasis on helping vulnerable groups such as children working in the worst forms of child labor.²⁸⁴⁸

In 2009, the HCC conducted awareness campaigns and training sessions on child labor throughout Lebanon. The Council also worked with World Vision to facilitate six workshops to raise awareness of child trafficking.²⁸⁴⁹ The MOSA has contracted 14 NGOs to provide health, education, and rehabilitation services to vulnerable children. In 2009, the Government contributed approximately \$5 million to organizations providing these services.²⁸⁵⁰

The Government does not appear to provide protective services to children working as domestics, a vulnerable population.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Ratify the list of hazardous activities prohibited to children under age 18.
- Pass the draft comprehensive trafficking-in-persons law with adequately stringent penalties.
- Amend the laws to provide protection to children working in harmful situations on family farms and in domestic service.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Devote more resources to the Child Labor Unit, including for training, to ensure that it is able to effectively carry out its duties.
- Track the number of inspections carried out by the Child Labor Unit and the result of each inspection to gain additional knowledge about the magnitude of the problem of exploitive child labor in the country.
- Track statistics of violations related to trafficking-in-persons.

IN THE AREA OF PROGRAMS:

- Establish efforts to provide protective services to children working in domestic service.

²⁸⁰⁴ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

²⁸⁰⁵ U.S. Department of State, “Lebanon,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136073.htm>. See also Partners for Development-Civil Group, *Baseline Study on Education and Child Labour Risks on Tobacco Plantations*, July 2007.

²⁸⁰⁶ Partners for Development-Civil Group, *Baseline Study on Education and Child Labour Risks on Tobacco Plantations*, 6-8, 25-26. See also U.S. Embassy- Beirut, *reporting*, February 3, 2010, 1B.

²⁸⁰⁷ UNDP, *The National Human Development Report: Toward a Citizen’s State*, March 2009, 57, 33; available from <http://www.undp.org/publications/lebanon-nhdr-report-summary-english.pdf>.

²⁸⁰⁸ U.S. Department of State official, E-mail communication to USDOL official, April 4, 2009.

²⁸⁰⁹ U.S. Embassy- Beirut, *reporting*, February 3, 2010, 2A.

²⁸¹⁰ U.S. Department of State official, E-mail communication, April 4, 2009.

²⁸¹¹ Ministry of Justice Government of Lebanon, *Measures to prevent and combat trafficking in human beings: Lebanon country assessment*, May 2008, 36; available from <http://www.unodc.org/documents/human-trafficking/Lebanon-HTreport-Oct08.pdf>. See also U.S. Department of State, “Country Reports- 2009: Lebanon,” section 7d.

²⁸¹² Government of Lebanon, *Measures to prevent and combat trafficking in human beings: Lebanon country assessment*, 36.

²⁸¹³ U.S. Embassy- Beirut, *reporting*, February 3, 2010, 2A.

²⁸¹⁴ Ibid.

²⁸¹⁵ Coalition to Stop the Use of Child Soldiers, “Lebanon,” in *Child Soldiers Global Report 2008*, London, 2008, 207-208; 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, paragraphs 59, 60; available from [http://www.reliefweb.int/rw/RWfiles2007.nsf/filesbyrwdocunidfilename/egua-7bbtf3-full_report.pdf/\\$file/full_report.pdf](http://www.reliefweb.int/rw/RWfiles2007.nsf/filesbyrwdocunidfilename/egua-7bbtf3-full_report.pdf/$file/full_report.pdf).

²⁸¹⁶ Government of Lebanon, *Code du travail- Travail des enfants*, Law No. 536, (July 24, 1996), article 22 and 23, Annex I; available from <http://www.lebaneselaws.com/>. See also U.S. Department of State, “Country Reports- 2009: Lebanon,” section 7d. See also 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.

²⁸¹⁷ Government of Lebanon, *Code du travail*, articles 21-25.

²⁸¹⁸ U.S. Department of State official, E-mail communication to USDOL official, September 1, 2010.

²⁸¹⁹ U.S. Embassy- Beirut, *reporting*, February 3, 2010, para 4A.

²⁸²⁰ Government of Lebanon, *Measures to prevent and combat trafficking in human beings: Lebanon country assessment*, 14-15.

²⁸²¹ Ministry of National Defense Government of Lebanon, Army Command,, Email communication to U.S. Department of State official, June 21, 2009. See also Coalition to Stop the Use of Child Soldiers, “Lebanon,” 207.

²⁸²² Law Library of Congress, *Lebanon Children’s Rights: International and National Laws and Practices*, The Library of Congress, 2007; available from <http://www.loc.gov/law/help/child-rights/pdfs/childrensrights-lebanon.pdf>.

²⁸²³ U.S. Department of State, “Country Reports- 2009: Lebanon,” sections 6 and 7c.

²⁸²⁴ Government of Lebanon, *Measures to prevent and combat trafficking in human beings: Lebanon country assessment*, 15, 13. See also U.S. Department of State, “Country Reports- 2009: Lebanon.”

²⁸²⁵ U.S. Embassy- Beirut, *reporting*, March 10, 2010.

²⁸²⁶ Government of Lebanon, *Unit for the Combat of Child Labour in Lebanon at the Ministry of Labour*, 2010; available from www.clu.gov.lb <http://www.clu.gov.lb/english/definition/index.html> <http://www.clu.gov.lb/english/international/index.html>.

²⁸²⁷ *Ibid.*

²⁸²⁸ Higher Council for Childhood, *The Higher Council for Childhood: Get to know us*, [website] [cited September 13, 2010]; available from <http://www.atfalouna.gov.lb/en/AboutUs/Ourmission.aspx>.

²⁸²⁹ *Ibid.*].

²⁸³⁰ U.S. Department of State, “Country Reports- 2009: Lebanon,” section 7d.

²⁸³¹ U.S. Embassy- Beirut, *reporting*, February 3, 2010.

²⁸³² *Ibid.*

²⁸³³ *Ibid.*, section 2C.

²⁸³⁴ *Ibid.*

²⁸³⁵ *Ibid.*, para 5-8.

²⁸³⁶ U.S. Department of State, “Country Reports- 2009: Lebanon,” section 6. See also U.S. Embassy- Beirut, *reporting*, March 10, 2010.

²⁸³⁷ U.S. Embassy- Beirut, *reporting*, February 3, 2010.

²⁸³⁸ *Ibid.*

²⁸³⁹ *Ibid.*, 8.

²⁸⁴⁰ 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, Geneva, September 3, 2004, 8-9.

²⁸⁴¹ 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.

²⁸⁴² *Ibid.*, 2.

²⁸⁴³ Republic of Lebanon, *Social Action Plan: Toward Strengthening Social Safety Nets and Access to Basic Social Services*, January 2007, 15.

²⁸⁴⁴ 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*, 2-3.

²⁸⁴⁵ ILO-IPEC, *Supporting the National Policy and Program Framework, Project Document*. See also 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.

²⁸⁴⁶ 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*, 14 and 18.

²⁸⁴⁷ U.S. Embassy- Beirut, *reporting*, January 15, 2009, para 17.

²⁸⁴⁸ UN System Lebanon, *ILO UN System in Lebanon*, [online] April 2009 2009 [cited July 2, 2010]; available from <http://www.un.org.lb/Subpage.aspx?pageid=53>.

²⁸⁴⁹ U.S. Embassy- Beirut, *reporting*, February 3, 2010.

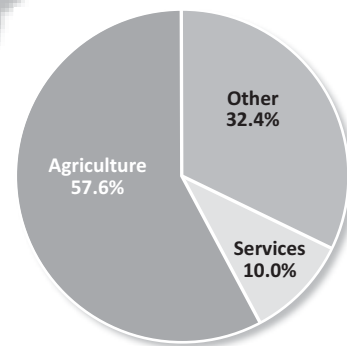
²⁸⁵⁰ *Ibid.*

Lesotho

The Government of Lesotho piloted a cash transfer program in three districts to improve the welfare of vulnerable children and made significant efforts to prevent human trafficking through public awareness campaigns. The worst forms of child labor persist in livestock herding, domestic service, and commercial sexual exploitation. The Government has neither developed a list of hazardous activities nor enacted a national plan of action against child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	2.2%
Attending School	5-14 yrs.	81.8%
Combining Work and School	7-14 yrs.	25.3%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Lesotho are exploited in the worst forms of child labor,²⁸⁵¹ many of them in agriculture, where the majority of working children are found.²⁸⁵² Children's work in agriculture may involve long hours, physically arduous tasks, dangerous tools, and a high risk of occupational injury.²⁸⁵³ Children, especially boys, herd livestock.²⁸⁵⁴ Child herders often work in cattle posts for several months, where they are isolated from their communities, exposed to extreme weather conditions, denied education, and at risk of being attacked by armed men.²⁸⁵⁵

Children are commonly employed as domestic servants.²⁸⁵⁶ Many child domestics work long hours, sometimes as long as 16 hours a day, and are susceptible to sexual abuse.²⁸⁵⁷ Children also engage in informal street vending.²⁸⁵⁸ Children found in street vending work excessive hours without rest, are exposed to harsh weather conditions, and face physical and verbal abuse from older vendors.²⁸⁵⁹ Some children also perform household chores without a time limit.²⁸⁶⁰

Other worst forms of child labor exist in Lesotho. Children are used by criminals to engage in illicit activities such as theft, drug trafficking, and dealing in stolen goods.²⁸⁶¹ They are vulnerable to commercial sexual exploitation.²⁸⁶² Children are also reportedly trafficked from Lesotho to South Africa for domestic service and commercial sexual exploitation.²⁸⁶³

Lesotho has the third-highest rate of HIV prevalence in the world.²⁸⁶⁴ The HIV/AIDS pandemic contributed to a rapid increase in the number of orphans and vulnerable children (OVC) in Lesotho from 2005 to 2008.²⁸⁶⁵ OVC, especially girls, often become primary caregivers for their family members.²⁸⁶⁶ These vulnerable children frequently leave school and engage in the worst forms of child labor, including prostitution and domestic service, to survive.²⁸⁶⁷



Laws and Regulations on the Worst Forms of Child Labor

According to the Labour Code, the minimum age for employment is 15 and the minimum age for hazardous work is 18. Children age 13 to 15 may perform light

work in a home-based environment, technical school, or other institution approved by the Government.²⁸⁶⁸ The Labour Code prohibits the employment of children at night; in mines and quarries; and in work that is likely to jeopardize their health, safety, and morals.²⁸⁶⁹

Gaps in the law remain. Neither the Labour Code nor any other law specifies the types of hazardous work that may cause harm to children's health, safety, and morality.²⁸⁷⁰ The Labour Code does not extend hazardous work protections to children who are employed without a contract.²⁸⁷¹

No legislation prohibits the use of children for the distribution and production of drugs, a known problem in Lesotho.²⁸⁷² Lesotho does not have laws specifically prohibiting trafficking in children for either sexual or labor exploitation. However, violators can be prosecuted under the Child Protection Act of 1980, the Sexual Offenses Act of 2003, and the Labour Code Order of 1981 as amended.²⁸⁷³ The draft Children's Protection and Welfare Bill would criminalize and define child trafficking, but it has not been enacted.²⁸⁷⁴

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Although the Government of Lesotho established coordination mechanisms for fighting trafficking, research found no evidence of a coordination mechanism to combat the worst forms of child labor.²⁸⁷⁵ In July 2009, the Government launched the Multi-Sectoral Committee on Trafficking (MCT).²⁸⁷⁶ The MCT comprises representatives of government ministries, NGOs, international organizations, and law enforcement. Participating ministries include the Ministry of Foreign Affairs and International Relations; the Ministry of Gender, Youth, and Sports; the Ministry of Justice and Human Rights; the Ministry of Health and Social Welfare; the Ministry of Education and Training; the Ministry of Labor and Employment; the Ministry of Home Affairs; and the Ministry of Law and Constitutional Affairs.²⁸⁷⁷ Despite this level of participation, the MCT does not have financial resources and a finalized National Plan of Action.²⁸⁷⁸

The Ministry of Labor and Employment (MOLE) and the Child and Gender Protection Unit (CGPU) in the national police are responsible for enforcing child labor laws and investigating child labor violations. Weekly, MOLE inspects a sample of formal enterprises for Labor Code violations, including the use of child labor. In 2009, MOLE inspectors did not identify any child labor violations.²⁸⁷⁹ According to ILO, the labor inspection system in Lesotho could become more efficient and effective with additional financial resources.²⁸⁸⁰

CGPU is responsible for enforcing laws related to hazardous and forced child labor, child prostitution, child trafficking, and the use of children for illicit activities.²⁸⁸¹ It has an office in each of Lesotho's 12 police districts that is staffed by three officers.²⁸⁸² During the reporting period, CGPU did not investigate any cases related child trafficking, child prostitution, or the use of children in illicit activities.²⁸⁸³ The Government also did not provide any specific funding for CGPU to investigate the worst forms of child labor.²⁸⁸⁴

Government Policies on the Worst Forms of Child Labor

The Government of Lesotho does not have an approved policy framework for the elimination of the worst forms of child labor. The Government drafted a national action plan for the elimination of child labor in 2008, but the plan is under review in Lesotho's Cabinet and has not been adopted.²⁸⁸⁵ During the reporting period, MCT developed a national action plan to combat human trafficking. However, in 2009, it did not present this plan to the Government for review.²⁸⁸⁶

The Government's National Orphans and Vulnerable Children strategic plan notes that OVC are exposed to child labor and the plan calls for improved child welfare legislation and expanded vocational training, but it does not propose any social programs to withdraw or prevent such children from engaging in exploitive labor.²⁸⁸⁷

In cooperation with the Government of Lesotho, the UN Development Assistance Framework promotes education for herd boys, domestic workers, and vulnerable children. It also supports youth employment and builds the Government's capacity to provide social welfare services to vulnerable children.²⁸⁸⁸ The ILO Decent Country Work Program (DCWP) aims to create a framework for sustainable youth employment.²⁸⁸⁹ The DCWP, however, did not include activities to target children engaged in or at risk of entering the worst forms of child labor.²⁸⁹⁰

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

In recent years, the Government of Lesotho has cooperated with donor-funded regional projects focused on education quality and access for children in or at risk of engagement in the worst forms of child labor, as well as targeted research and the development of action plans to combat the worst forms of child labor.²⁸⁹¹ One of these, an education project, withdrew 2,388 children and prevented 8,739 children in five countries (including Lesotho) from engaging in the worst forms of child labor.²⁸⁹²

In 2009, the Government of Lesotho managed programs that reached children engaged in or at risk of entering the worst forms of child labor. The Government's National AIDS Commission implemented a strategic plan that aims to provide education and economic strengthening services to OVC and reduce the impact of HIV/AIDS on OVC, herd boys, and girls.²⁸⁹³ The Government also continued to implement its Free Primary Education program. This program aims to eliminate school fees across the country through a phased approach and provide school meals to vulnerable children.²⁸⁹⁴ The Government also conducted extensive public campaigns to increase awareness of human trafficking.²⁸⁹⁵

In cooperation with UNICEF, the Government launched the Child Grants Program in 2009 to provide direct cash transfers to vulnerable households in three districts. The program aimed to improve the welfare of children burdened with poverty, food insecurity, HIV/AIDS, and poor access to public services.²⁸⁹⁶

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend labor laws to include a list of all hazardous activities prohibited for children, including the specific types of hazardous work that are likely to harm their health, safety, and morality.
- Ensure that labor laws provide protections for all children, regardless of labor contract status.
- Amend labor laws to prohibit the use of children for drug trafficking.
- Enact the Children's Protection and Welfare Bill to strengthen measures to investigate, prosecute and convict individuals involved in the trafficking of children for sexual and labor exploitation.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor that includes government efforts related to orphans and vulnerable children, education, and HIV/AIDS.
- Provide the Multi-Sectoral Committee on Trafficking with a clear mandate.
- Devote more financial resources to enforcement of child labor laws.

IN THE AREA OF POLICIES:

- Enact and implement the draft national action plans to combat child labor and trafficking.
- Articulate and implement actions to address the stated priority of child labor prevention within the national development agenda for orphans and vulnerable children.
- Assess the impact that the Decent Work Country Agenda's sustainable youth employment framework may or could have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Increase the number of children benefiting from Lesotho's policy of free primary education.
- Extend the Child Grants programs to all districts of Lesotho.

²⁸⁵¹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2002. Data on children combining working and schooling are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²⁸⁵² Government of Lesotho, *2008 Integrated Labour Force Survey; Preliminary Results Report*, Maseru, 2009 3; available from <http://www.bos.gov.ls/downloads.htm>. See also U.S. Embassy - Maseru, *reporting*, February 1, 2010, para 2.

²⁸⁵³ ILO-IPEC, *World Day Against Child Labor: An Overview of Child Labour in Agriculture*, June 12, 2007; available from http://www.ilo.org/ipeinfo/product/download.do;jsessionid=0a038009ced9bab3789b0bd40418d8acb5cf86aacbd.hkzFngTDp6WImQuUaNaKchD31N4K-xalah8S-xyIn3uKmAiN-AnwbQbxaNvzaAmI-huKa30xgx95fjWta3eIpkzFngTDp6WImQuxahiMchuKc3yQc2b48OX3b4Dtj15eMbyknvrkLOIQzNp-65In0__?type=document&id=4048.

²⁸⁵⁴ Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*, Ministry of Employment and Labor and ILO, Maseru, 2006, 3-5. See also ILO Committee of Experts, *Individual Direct Request*

concerning *Worst Forms of Child Labour Convention, 1999 (No. 182) Lesotho (ratification: 2001)*, [online] 2010 [cited August 13, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/countrylist.pl?country=Lesotho>.

²⁸⁵⁵ Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*, 5. See also UNICEF, *Humanitarian Action Lesotho 2007*; available from www.unicef.org/har07/files/countrychap_Lesotho.pdf.

²⁸⁵⁶ U.S. Embassy - Maseru, *reporting, February 1, 2010*, paras 2 and 7.

²⁸⁵⁷ Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*, 6. See also U.S. Embassy - Maseru, *reporting, February 1, 2010*, para 7.

²⁸⁵⁸ U.S. Embassy - Maseru, *reporting, February 1, 2010*, paras 2, 3, and 6.

²⁸⁵⁹ *Ibid.*, para 6. See also Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*, 6.

²⁸⁶⁰ ILO Committee of Experts, *Individual Direct Request C182: Lesotho (2010)*.

²⁸⁶¹ Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*, 3-4. See also U.S. Embassy - Maseru, *reporting, February 22, 2010*, para 1b.

²⁸⁶² U.S. Embassy - Maseru, *reporting, February 22, 2010*, para 2-4.

²⁸⁶³ *Ibid.*, para 1b. See also UNESCO, *Human Trafficking in Lesotho: Root Causes and Recommendations*, Paris, 2007, 25; available from <http://unesdoc.unesco.org/images/0015/001528/152824E.pdf>.

²⁸⁶⁴ USAID, *The President's Emergency Plan for AIDS Relief; FY 2009 Country Profile: Lesotho*, [online] [cited August 13, 2010]; available from http://sa.usaid.gov/southern_africa/print/93.

²⁸⁶⁵ Government of Lesotho, *National HIV and AIDS Strategic Plan: 2006-2011 (Revised April 2009)*, National AIDS Commission, April 2009, paras 4.4.2.1 available from http://www.nas.org.ls/documents/REVISED_NSP_FINAL_VERSION.pdf.

²⁸⁶⁶ *Ibid.*

²⁸⁶⁷ ILO-IPEC, *SCREAM: A special module on HIV, AIDS, and Child Labour*, Geneva, 2007; available from <http://www.ilo.org/ipecc/Campaignandadvocacy/Scream/lang--en/index.htm>. See also Government of Lesotho, *National HIV and AIDS Strategic Plan*, para 4.4.3.1.

²⁸⁶⁸ Government of Lesotho, *Labour Code Order*, 24, (1992), sections 3, 124 (1-2) and 125 (1); available from <http://www.ilo.org/dyn/natlex/docs/WBTEXT/31536/64865/E92LSO01.htm>.

²⁸⁶⁹ *Ibid.*, sections 125(1), 126(1), and 127(1).

²⁸⁷⁰ ILO Committee of Experts, *Individual Direct Request C182: Lesotho (2010)*, Article 3, clause d.

²⁸⁷¹ *Ibid.*].

²⁸⁷² ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Lesotho (ratification: 2001)*, [online] 2009 [cited March 18, 2010]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

²⁸⁷³ U.S. Department of State, "Lesotho (Tier 2 Watch List)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>.

²⁸⁷⁴ ILO Committee of Experts, *Individual Direct Request C182: Lesotho (2010)*. See also U.S. Embassy - Maseru, *reporting, February 22, 2010*, para 3.

²⁸⁷⁵ U.S. Embassy - Maseru, *reporting, February 22, 2010*, para 2b.

²⁸⁷⁶ U.S. Department of State, "Trafficking in Persons Report- 2010: Lesotho".

²⁸⁷⁷ U.S. Embassy - Maseru, *reporting, February 22, 2010*, para 1a. See also U.S. Embassy - Maseru official, E-mail communication to USDOL official, November 10, 2010.

²⁸⁷⁸ Government of South Africa, *Tsireledzani: understanding the dimensions of human trafficking in Southern Africa*, March 2010, para 7.4.5.5; available from <http://www.hsrc.ac.za/index.php?module=pagesetter&tid=8&filter1=bibtittle^like^trafficking&filter2=abstract^like^trafficking>. See also U.S. Embassy - Maseru official, E-mail communication, November 10, 2010.

²⁸⁷⁹ U.S. Embassy - Maseru, *reporting, February 1, 2010*, para 16.

²⁸⁸⁰ A. Sivananthiram, *Assessment of the Labour Inspection System in Lesotho; Draft conclusions and recommendations of the mission to evaluate the system of labour inspection*, Geneva, March, 2005, 7.

²⁸⁸¹ U.S. Embassy - Maseru, *reporting, February 1, 2010*, paras 16, 17, and 19.

²⁸⁸² UNESCO, *Human Trafficking in Lesotho*, 50. See also U.S. Embassy - Maseru official, E-mail communication, November 10, 2010.

²⁸⁸³ U.S. Embassy - Maseru, *reporting, February 1, 2010*, para 20.

²⁸⁸⁴ *Ibid.*, para 19.

²⁸⁸⁵ *Ibid.*, paras 21 and 23.

²⁸⁸⁶ U.S. Department of State, "Trafficking in Persons Report- 2010: Lesotho".

²⁸⁸⁷ Government of Lesotho, *National OVC Strategic Plan: 2006-2011*, 6, 13-14, 108-114; available from <http://www.health.gov.ls/National%20OVC%20Strategic%20Plan-%20a%20copy%20032007.pdf>.

²⁸⁸⁸ UN, *United Nations Development Assistance Framework; Action Plan, 2008-2012*, Maseru, Lesotho, December, 2009, 18, 20, and 21; available from http://www.ls.one.un.org/whatwedo/undaf_action_plan.php. See also Government of Lesotho, *Kingdom of Lesotho; Education Sector Strategic Plan; 2005 to 2015*, Maseru, March 2005, para 4.6.2.

²⁸⁸⁹ ILO, *Decent Work Country Programme; Lesotho; 2006 to 2009*, 20; available from www.ilo.org/public/english/bureau/program/dwcp/download/lesotho.pdf.

²⁸⁹⁰ ILO, *Decent Work Country Programme: Lesotho, 2006, 20-21*; available from www.ilo.org/public/english/bureau/program/dwcp/download/lesotho.pdf.

²⁸⁹¹ American Institutes for Research, *Reducing Exploitive Child Labor in Southern Africa (RECLISA)*, Project Document, Washington, DC, September 8, 2005, cover sheet, 17, 18. See also ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL)*, Final Technical Progress Report, Geneva, September, 2008, 1-4. See also U.S. Department of Labor, *Technical Cooperation Project Summary: 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*, August 11, 2010 2010; available from http://www.dol.gov/ilab/map/countries/south_africa.htm.

²⁸⁹² American Institutes for Research, *Reducing Exploitive Child Labor in Southern Africa (Botswana, Lesotho, Namibia, South Africa, and Swaziland) through Education*, Technical Progress Report, August, 2008, 20.

²⁸⁹³ Government of Lesotho, *National HIV and AIDS Strategic Plan*, paras 4.4.2.4, 4.4.3.4, and 4.4.4.

²⁸⁹⁴ UN General Assembly, *National report Submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Lesotho*, February 22, 2010, para 92; available from <http://www.upr-info.org/-Lesotho-.html>.

²⁸⁹⁵ U.S. Department of State, “Trafficking in Persons Report- 2010: Lesotho”.

²⁸⁹⁶ UNICEF, *Lesotho cash-grants pilot programme aims to ensure vulnerable children’s rights*, November 18, 2009; available from http://www.unicef.org/infobycountry/lesotho_51799.html?q=printme.

Liberia

The Government of Liberia launched youth employment programs, published research, and conducted awareness-raising campaigns to combat the worst forms of child labor. Hazardous child labor continues to exist however, especially in agriculture, mining, and rubber tapping. Liberia does not yet have a comprehensive policy to combat exploitive child labor, especially its worst forms, and does not effectively enforce its child labor laws.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Liberia, many of them in hazardous work.²⁸⁹⁷ A number of working children are engaged in agriculture where they may work long hours, perform physically arduous tasks, use dangerous tools, and face a high risk of occupational injury.²⁸⁹⁸ On some rubber plantations, children are commonly employed to tap rubber trees, clear brush, and carry buckets.²⁸⁹⁹ Children work in stone cutting and the mining of natural resources, including alluvial diamonds and gold.²⁹⁰⁰ Children are also employed as domestic servants.²⁹⁰¹ In such work, they may work long hours and their isolation in homes may put them at risk of physical and sexual harassment. Children transport heavy loads as porters, truck loaders, and sand baggers, and some children are employed to carry imported goods from Côte d'Ivoire into Liberia and load them onto commercial trucks.²⁹⁰² Children are also employed as domestic servants.²⁹⁰³ In such work, they may work long hours and their isolation in homes may put them at risk of physical and sexual harassment. Children, especially girls, engage in prostitution.²⁹⁰⁴ Some children are trafficked within and outside of Liberia for domestic service and exploitive labor.²⁹⁰⁵


Liberia was engaged in intermittent conflict from 1990 to 2003 and the long term effects leave many children vulnerable to the worst forms of child labor. This long period of war displaced entire communities and destroyed the country's political, economic, and physical infrastructure. Thousands of children were recruited by armed groups during the conflict to serve as combatants or sex slaves. Liberia remains mired in poverty. Nearly 64 percent of the entire population lives under the absolute poverty line.²⁹⁰⁶

Laws and Regulations on the Worst Forms of Child Labor

The Government of Liberia has laws to protect children from the worst forms of child labor. The Labor Law sets the minimum age for work at 16 years. Children under age 16 are prohibited from working during the school day and may only work for wages if the employer can demonstrate that they are attending school regularly and have a basic education.²⁹⁰⁷ Labor recruiters are permitted to hire children between ages 16 and 18 for occupations which the Ministry of Labor determines are not harmful to children's physical and moral development.²⁹⁰⁸ The law does not establish adequate prohibitions against the involvement of children in hazardous activities. In particular, the law does not prohibit the use of children in work that

exposes them to sexual, physical, and psychological abuse; takes place underground or in confined spaces; and involves the transport of heavy loads, all of which occur in sectors where Liberian children work. Further, the law does not provide a comprehensive list of hazardous activities in Liberia that are forbidden to children under age 18.²⁹⁰⁹

The Constitution of the Republic of Liberia prohibits forced and bonded labor and slavery.²⁹¹⁰ An Act to Ban Trafficking in Persons within the Republic of Liberia criminalizes the trafficking of children for the purposes of commercial sexual exploitation and forced labor.²⁹¹¹

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Government of Liberia has established mechanisms for monitoring issues related to the worst forms of child labor and designated institutions for child labor enforcement.

The National Commission on Child Labor (NACOMAL) is charged with monitoring child labor issues and directing policies. The commission is headed by the Ministry of Labor and includes representatives from the Ministries of Health & Social Welfare, Gender & Development, and Youth

& Sports.²⁹¹² The objectives of NACOMAL include awareness raising, reforming national child labor laws, and designing a national child labor database.²⁹¹³ However, the commission's efforts are hindered by a lack of reliable data because the national statistics office does not conduct child labor surveys and has limited capacity to collect data for strategic planning and evidenced-based policies.²⁹¹⁴ Serious budgetary constraints also impede the commission's efforts.²⁹¹⁵

NACOMAL is also responsible for enforcing child labor laws. NACOMAL conducted two investigations in 2009; neither of these resulted in any prosecutions.²⁹¹⁶

In addition to NACOMAL, the Women and Children Protection Section (WACPS) of the Liberia National Police Force contributes to the enforcement of child labor laws. WACPS has 245 investigators who are primarily trained on women's issues. However, WACPS is not responsible for child labor investigations. If WACPS investigators identify exploited children in the course of their work; they will attempt to resolve the situation.²⁹¹⁷ There are limited opportunities for NACOMAL and WACPS to collaborate. NACOMAL does not have permanent field staff and representatives from WACPS, the Liberian National Police Force, or the Ministry of Justice do not participate in the commission as members or observers.²⁹¹⁸ WACPS did not report any child labor prosecutions 2009.²⁹¹⁹

Liberia also has mechanisms in place for monitoring and law enforcement of criminal violations of the worst forms of child labor. The Ministries of Justice and Labor are responsible for enforcing anti-trafficking legislation.²⁹²⁰ The Government coordinates anti-trafficking activities through the National Human Trafficking Task Force.²⁹²¹ The Task Force is chaired by the Ministry of Labor with representatives from the Ministries of Justice, Foreign Affairs and Internal Affairs, the national police, and the Bureau of Immigration and Naturalization.²⁹²² The Task Force meets on a monthly basis.²⁹²³ Task Force members assist the Liberian National Police with human trafficking investigations and monitor court cases.²⁹²⁴ The Task Force also publishes reports that are accessible to the public.²⁹²⁵ Despite the Task Force's efforts, the Government of Liberia did not prosecute any child traffickers or provide anti-trafficking training to police officers during the reporting period.²⁹²⁶

Government Policies on the Worst Forms of Child Labor

The Government of Liberia has not established a policy framework to promote the elimination of the worst forms of child labor. However, it has undertaken a Country Program Action Plan (2008-2012) with UNICEF that seeks to reduce the vulnerability of children to exploitation, including child labor and child trafficking.²⁹²⁷ The plan calls for UNICEF to complete a national child labor analysis and build the capacity of Liberian institutions to prevent child trafficking and the worst forms of child labor.²⁹²⁸ The plan provides indicators, targets, and sources of data to measure UNICEF's progress.²⁹²⁹ The Government and UNICEF intend to conduct a midterm evaluation of the plan in 2010. The plan indicates that UNICEF will create detailed annual work plans with implementing partners that will list specific actions, inputs, and outputs.²⁹³⁰

The Government of Liberia has included child labor issues in several relevant development agendas and social policies. The United Nations Development Assistance Framework for Liberia (2008-2012) tasks ILO with reforming national labor laws in accordance with ILO conventions and assisting in the implementation of child labor policies.²⁹³¹ It also requires other UN agencies to promote youth employment and increase access to quality education.²⁹³² The Government's Poverty Reduction Strategy (2008-2011) recognizes the links between household income and child labor and highlights the importance of protecting children from physical, psychological, and sexual abuse.²⁹³³ Liberia's National Social Welfare Policy prioritizes the development of action plans and policies that target child labor and child trafficking.²⁹³⁴ The National Youth Policy for Liberia identifies children working in the informal sector, children living and working in the streets, and children associated with armed groups as priority target groups for assistance.²⁹³⁵

While these policies address child labor concerns, the Government does not have a national child strategy that coordinates all of its child labor activities and provides concrete targets to protect children from exploitation in hazardous work and human trafficking.²⁹³⁶

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

The Government of Liberia has participated in the implementation of programs to eliminate the worst forms of child labor since 2003, when it emerged from more than a decade of civil war. Most programs have sought to remediate child labor issues that were created or exacerbated by the conflict. From 2003 to 2006, the Government's National Commission on Disarmament, Demobilization, Rehabilitation, and Reintegration in collaboration with UNICEF, the UN Mission in Liberia, and other partners demobilized 10,963 child combatants.²⁹³⁷ From 1998 to 2007, the Government implemented the accelerated learning program in partnership with UNICEF and other international organizations to provide primary education to children whose schooling was interrupted by armed conflict.²⁹³⁸ The Government participated in the USDOL-funded \$6 million Child Labor Education Initiative project in Sierra Leone and Liberia from 2005 to 2010 that was implemented by the International Rescue Committee. This 4-year project, which was launched in 2005 withdrew a total of 8,243 children and prevented a total of 21,647 children from exploitive child labor.²⁹³⁹

During the reporting period, the Government supported the UN Joint Program for Employment and Empowerment of Young Women and Men in Liberia, which aims to produce decent employment for disadvantaged youth in the informal economy and agriculture.²⁹⁴⁰ The Government also published the National Youth Policy Action Plan, which provides youth of legal working age with training in entrepreneurship skills and linkages to business mentoring programs and cooperatives.²⁹⁴¹ The Government signed a memorandum of understanding with UNICEF. In this memorandum, the Government agreed to establish child protection focal points in all military barracks and design a child rights and child protection training program for all military officers and civilian staff in the Liberian Ministry of National Defense.²⁹⁴²

In partnership with UNICEF, the Government finalized a situational analysis of human trafficking in Liberia.²⁹⁴³ The Government also organized media campaigns about the negative impacts of human trafficking.²⁹⁴⁴ The Government's Truth and Reconciliation Commission (TRC) continued to investigate the individual and systematic use of child

soldiers in Liberia from January 1979 to October 14, 2003 and issued its final report.²⁹⁴⁵ The report noted that all armed groups under the TRC's review used child soldiers.²⁹⁴⁶ While the Government's efforts to eradicate child labor increased in 2009, the scope of existing programs is insufficient to address the scope of the problem in Liberia.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Include a clear prohibition against children's involvement in the worst forms of child labor.
- Define hazardous work in Liberia that is prohibited to children under 18.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a national database to monitor children's engagement and removal from the worst forms of child labor.
- Conduct national child labor surveys to inform strategic planning and evidence-based policies.
- Integrate representatives from the WACPS, Liberian National Police Force, or the Ministry of Justice into the National Commission on Child Labor.
- Develop a national database to monitor trafficking violations.

IN THE AREA OF POLICIES:

- Develop a comprehensive annual work plan to eradicate child labor and evaluate its effectiveness.

IN THE AREA OF PROGRAMS:

- Increase the scope of existing social programs to reach more children at risk of the worst forms of child labor.

²⁸⁹⁷ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

²⁸⁹⁸ U.S. Department of State, "Country Reports- 2009: Liberia," section 7d. See also Government of Liberia and Macro International, *Liberia Demographic and Health Survey*, 17.

²⁸⁹⁹ U.S. Department of State, "Country Reports- 2009: Liberia," section 7d. See also U.S. Embassy- Monrovia, *reporting*, January 20, 2009, para 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_liberiarubber.pdf.

²⁹⁰⁰ U.S. Department of State, "Country Reports- 2009: Liberia," section 7d. See also UN Mission in Liberia, *Report on the Human Rights Situation in Liberia: January -- June 2009*, Monrovia, May 2009, para 41; available from <http://unmil.org/>. See also U.S. Embassy- Monrovia, *reporting*, January 20, 2009, para 2e. 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>.

²⁹⁰¹ International Rescue Committee, *Countering Youth and Child Labour Through Education (CYCLE)*, Project Document, New York, August 2007, 9. See also U.S. Embassy- Monrovia, *reporting*, January 20, 2009, para 2e. See also U.S. Department of State, “Liberia,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>.

²⁹⁰² Government of Liberia and Macro International, *Liberia Demographic and Health Survey*, 17-18. See also 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. See also Women’s Refugee Commission, *Dreams Deferred*, 2-3.. See also UN Mission in Liberia, *Human Rights Situation in Liberia*, para 42.

²⁹⁰³ International Rescue Committee, *Countering Youth and Child Labour Through Education (CYCLE)*, 9. See also U.S. Embassy- Monrovia, *reporting*, January 20, 2009, para 2e. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Liberia.”

²⁹⁰⁴ U.S. Department of State, “Country Reports- 2009: Liberia,” section 6. 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/pubblicazioni/Liberia/Liberia_sexual_exploitation_edited_LB.pdf

²⁹⁰⁵ U.S. Department of State, “Trafficking in Persons Report- 2010: Liberia.” See also UNICEF, *News note: Liberia launches its situational analysis report on human trafficking*, Monrovia, March 1, 2010; available from http://www.unicef.org/media/media_52882.html?q=printme.

²⁹⁰⁶ UNICEF, *The Country Programme Action Plan 2008-2012 between The Government of Liberia and the United Nations Children’s Fund*, 2008, paras 3 and 4; available from www.unicef.org/wcaro/WCARO_Pub_Liberia_CPAP08-12.pdf.

²⁹⁰⁷ Government of Liberia, *Labor Law (Title 18 and 18A)*, (1956), section 74; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=LBR&p_classification=01.02&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY.

²⁹⁰⁸ *Ibid.*, 1506, para 11. See also U.S. Embassy- Monrovia, *reporting*, January 20, 2009, para 2a.

²⁹⁰⁹ Government of Liberia, *Labor Law (Title 18 and 18A)*, section 74. See also U.S. Embassy- Monrovia, *reporting*, January 20, 2009, para 2a. See also

²⁹¹⁰ Government of Liberia, *Constitution of the Republic of Liberia*, (January 6, 1986), article 12; available from <http://www.tlcafrica.com/constitution-1986.htm#chapter3>.

²⁹¹¹ Government of Liberia, *An Act to Ban Trafficking in Persons within the Republic of Liberia*, (2006).

²⁹¹² Government of Liberia, *Ministry of Labour; National Commission on Child Labour (NACOMAL); Plan of Action 2007-2016*, Monrovia, 2007, 1-2. See also U.S. Embassy- Monrovia, *reporting*, January 20, 2009, 2b.

²⁹¹³ Government of Liberia, *Ministry of Labour; National Commission on Child Labour (NACOMAL); Plan of Action 2007-2016*, 3.

²⁹¹⁴ U.S. Embassy- Monrovia, *reporting*, January 20, 2009, para 2e. See also Government of Liberia and UNDP, *Liberia’s Progress Towards the Millenium Development Goals* Monrovia, 2008, 8; available from <http://www.undg.org/unct.cfm?module=CoordinationProfile&page=Country&CountryID=LIR>.

²⁹¹⁵ U.S. Embassy-Monrovia, *e-mail communication to USDOL official*, November 19, 2010.

²⁹¹⁶ U.S. Embassy- Monrovia, *reporting*, February 1, 2010, para 2c. See also U.S. Department of State, “Country Reports- 2009: Liberia,” section 7d.

²⁹¹⁷ U.S. Embassy- Monrovia, *reporting*, February 1, 2010, paras 2c and 2g.

²⁹¹⁸ *Ibid.*, para 2c. See also Government of Liberia, *Ministry of Labour; National Commission on Child Labour (NACOMAL); Plan of Action 2007-2016*.

²⁹¹⁹ U.S. Embassy- Monrovia, *reporting*, February 1, 2010, para 2c.

²⁹²⁰ U.S. Department of State, “Country Reports- 2009: Liberia,” section 6.

²⁹²¹ U.S. Embassy- Monrovia, *reporting*, February 1, 2010.

²⁹²² U.S. Department of State, “Liberia,” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/123137.htm>. See also U.S. Embassy- Monrovia, *reporting*, February 1, 2010, para 2b.

²⁹²³ U.S. Embassy- Monrovia, *reporting*, February 1, 2010, para 4c.

²⁹²⁴ *Ibid.*, para 4d.

²⁹²⁵ *Ibid.*, para 2d.

²⁹²⁶ U.S. Department of State, “Trafficking in Persons Report- 2010: Liberia.”

²⁹²⁷ UNICEF, *Country Programme of Action 2008-2012*, paras 49 and 51.

²⁹²⁸ *Ibid.*, 23 and 44.

²⁹²⁹ Ibid., 42 and 44.

²⁹³⁰ Ibid.

²⁹³¹ United Nations Development Group, *United Nations Development Assistance Framework for Liberia 2008-2012: Consolidating Peace and National Recovery for Sustainable Development*, May 2007, 37; available from <http://www.undg.org/unct.cfm?module=CoordinationProfile&page=Country&CountryID=LIR>.

²⁹³² Ibid., 27, 40.

²⁹³³ Government of Liberia, *Poverty Reduction Strategy*, International Monetary Fund, Washington, July, 2008, 185-187; available from <http://www.imf.org/external/pubs/ft/sctr/2008/cr08219.pdf>.

²⁹³⁴ Government of Liberia, *Social Welfare Policy*, Monrovia, March, 2009, xi, 9; available from <http://liberiamohsw.org/Policies&Plan.html>.

²⁹³⁵ Government of Liberia, *A National Youth Policy for Liberia: A Framework for Setting Priorities and Executing Action*, Monrovia, December, 2005, 20-22; available from flyliberia.org/Youth%20Policy%20-%20Final%20Doc%2006.doc.

²⁹³⁶ U.S. Embassy- Monrovia, *reporting, February 1, 2010*, para 2e.

²⁹³⁷ UN Security General, *Children and armed conflict; Report of the Secretary General*, New York, October 26, 2006, para 56; available from <http://www.un.org/Docs/journal/asp/ws.asp?m=A/61/529>. See also Thomas Jaye, *Transitional Justice and DDR: The Case of Liberia*, June, 2009, 2; available from www.ictj.org/static/Publications/Jaye_Li_DDR_Liberia_ResearchBrief_2009.pdf

²⁹³⁸ UNICEF, *Liberia Accelerated Learning Program (2007); Presentation on the Achievements and Challenges of the Accelerated Learning Programme*, 2007; available from info.worldbank.org/etools/docs/.../LiberiaALPPPTpresentation.pdf.

²⁹³⁹ U.S. Department of Labor, *Technical Cooperation Summary-Countering Youth and Child Labor Through Education in Sierra Leone and Liberia (CYCLE)*, Washington, DC, 2009; available from <http://www.dol.gov/ilab/map/countries/liberia.htm>.

²⁹⁴⁰ UN Development Group, *UN Joint Program for Employment and Empowerment of Young Women and Men in Liberia.*, February 16, 2009, 2,4,6,8; available from <http://www.undg.org/unct.cfm?module=JointProgramme&page=JointProgrammeView&CountryID=&&JointProgrammeID=566&>

²⁹⁴¹ Jane C. Miller Wood Gary Walker, and Eric Allemanno,, *Liberia Youth Fragility Assessment*, USAID, Washington, April 2009, 5,30,31; available from http://pdf.usaid.gov/pdf_docs/PNADQ258.pdf

²⁹⁴² UNICEF, *Memorandum of Understanding between Ministry of National Defense and United Nations Children's Fund*, Monrovia, October, 2009; available from <http://www.reliefweb.int/rw/rwb.nsf/db900sid/ASAZ-7X2HZB?OpenDocument&query=memorandum%20of%20understanding'&cc=libr>.

²⁹⁴³ UNICEF, *Liberia situational Analysis on human trafficking.*

²⁹⁴⁴ U.S. Department of State, "Trafficking in Persons Report- 2010: Liberia."

²⁹⁴⁵ Government of Liberia, *An Act to Establish the Truth and Reconciliation Commission (TRC) of Liberia*, (May 12,), article IV(4a,4e), article VII(26h-g); available from <https://www.trcofliberia.org/scholarly-resources/documents/an-act-establishing-the-truth-and-reconciliation-commission-trc-of-liberia>. See also U.S. Department of State, "Country Reports- 2009: Liberia," introduction.

²⁹⁴⁶ U.S. Department of State, "Country Reports- 2009: Liberia," introduction.

Macedonia

In 2009, the Government of Macedonia published a National Action Plan to Combat Trafficking of Children (2009-2012). The Government has also assembled a variety of agencies and mechanisms devoted to ending the worst forms of child labor. However, social programs addressing the unique needs of street children and child victims of human trafficking are lacking. Forced begging and child trafficking continue to be problems.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	9.9%
Attending School	5-14 yrs.	84.7%
Combining Work and School		Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Macedonia are found in some of the worst forms of child labor,²⁹⁴⁷ particularly in informal work on the street, many of them engage in forced, exploitative, and organized begging in open markets, in the streets, and to bar patrons at night. Children who work on the street may be exposed to a variety of dangers, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements. Street children are often members of the Roma ethnic group, and many are forced by adults to beg at busy intersections, street corners, and restaurants.²⁹⁴⁸

Other worst forms of child labor in Macedonia include the trafficking of children, both internally and to other countries, for the purposes of forced labor in commercial sexual exploitation.²⁹⁴⁹

Laws and Regulations on the Worst Forms of Child Labor

The Constitution of Macedonia and the Labor Relations Act set the minimum working age at 15.²⁹⁵⁰ Article 63 of the Labor Relations Act states that a person must be at least age 18 to engage in hazardous

work and also stipulates that employees under age 18 may not work underground or underwater, engage in strenuous physical labor, or perform other jobs which may be harmful or threatening to their life or health.²⁹⁵¹






Forced labor is prohibited by Article 11 of the Constitution.²⁹⁵² The minimum age for voluntary military service is age 18, and there is no compulsory military service. The Criminal Code bans prostitution and procuring for prostitution, in addition to slavery and transporting of people in slavery.²⁹⁵³

The Law on Foreigners allows foreign child victims of trafficking two months of temporary residence, known as a “contemplation period,” so that they may consider whether or not they want to cooperate with the authorities. This period can be extended several times for child victims of trafficking.²⁹⁵⁴ The issuance of residence permits is conditional upon the child victim’s willingness to cooperate with authorities in the investigation and prosecution of traffickers.²⁹⁵⁵

Macedonian Police have established a witness protection unit. However, child victims of human trafficking are not always informed about the risks that they face, which could include psychological trauma by way of public humiliation and the potential of re-victimization.²⁹⁵⁶

Cooperating with authorities may include a legal obligation for trafficked children to face their traffickers in a court of law.²⁹⁵⁷ It is concerning that children testify in order to obtain a temporary visa. This is coercive to the victim and could be damaging to their psychological health if forced to testify.

While begging itself is not illegal in Macedonia, the use of children for forced, organized, and exploitative begging is prohibited under Article 201 of the Criminal Code.²⁹⁵⁸ Article 201 states that it is illegal for parents or guardians to coerce children into forced prostitution for their own interest, and that the parent or guardian will be held accountable for neglecting and mistreating a juvenile.²⁹⁵⁹

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	18
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Government of Macedonia has created the National Commission for Children's Rights (NCCR). Among other activities, the NCCR is expected to coordinate the involvement of all institutions who work to combat trafficking in human beings.²⁹⁶⁰ Research does not indicate whether the NCCR coordinates actions to address child begging or other worst forms of child labor in Macedonia. The National Commission meets six times a year to draft policies and strategies, in addition to monitoring

their implementation. The Commission has created a subgroup specifically for addressing the needs of child victims of trafficking.²⁹⁶¹ An action plan for the subgroup has been drafted, and the status of its current implementation is pending the biannual submission of reports to the National Commission.²⁹⁶²

The State Labor Inspectorate, a department within the Ministry of Labour and Social Policy, is responsible for workplace inspections, to monitor for labor law violations, including those regarding child labor.²⁹⁶³ There are approximately 110 to 120 labor inspectors.²⁹⁶⁴ Inspections are divided into two categories: occupational safety and health inspectors (OSH) and labor relations. In regional offices where there is only one inspector, he or she may cover the roles of both inspectors without training on appropriate occupational safety and health for children.²⁹⁶⁵ OSH and labor relations inspectors are mandated to carry out at least 60 inspections per month.²⁹⁶⁶ Inspectors are required to carry out inspections at least once a year within the following sectors: industrial, agriculture, trade, construction, forestry, transport, communal services, craft trade, hotel and restaurants, schools and universities, workshops, and laboratories used for professional practice. Inspections for all other premises are required once every 3 years.²⁹⁶⁷

During the reporting period, the Ministry of Labor and OSCE trained 110 to 120 labor inspectors on identifying labor trafficking and procedures for investigating these crimes by coordinating their activities with the National Referral Mechanism Office (NRM).²⁹⁶⁸

There is no nationally accessible registry of inspections that have been carried out by MLSP inspectors because the results of inspections are recorded on paper. These results are kept in regional offices, which are not shared with other regional offices.²⁹⁶⁹

The Government of Macedonia has established the Social Care Center and the Office of the Ombudsman, which are available to receive complaints of hazardous and forced child labor, although no official complaints were received during the year.²⁹⁷⁰

Within the Public Prosecutor's Office, the Organized Crime and Corruption Unit is responsible for prosecuting a variety of issues, including trafficking in children, child commercial sexual exploitation,

and the use of children in illicit activities. The office has a mandate for 13 prosecutors, although as of this reporting period only seven had been hired.²⁹⁷¹

The Ministry of the Interior (MOI) is the agency responsible for enforcement of criminal laws on the worst forms of child labor, including human trafficking and forced begging. The MOI has a Border Affairs section, a monitoring and enforcement division that plays a critical role in the identification of victims at border points and is empowered to accept and process the temporary residence permits that can be issued to victims of human trafficking.²⁹⁷² Within the Organized Crime department, there are two informal sub-units of the Trafficking in Human Beings section (THB), one of which is dedicated exclusively to trafficking.²⁹⁷³ The THB section includes 14 specialized police officers located in the Macedonian capital.²⁹⁷⁴ These officers receive training on Standard Operating Procedures (SOPs) for treating victims of trafficking.²⁹⁷⁵ However, since the THB section is located only in Skopje, local police outside of the capital may be unaware of the Standard Operating Procedures for treatment of victims of trafficking.

The Ministry of Foreign Affairs provides protection and assistance to foreign child victims of human trafficking by contacting their respective consular officials, except in cases where those children are covered by the Transnational Referral Mechanism (TRM) project of the International Centre for Migration Policy Development.²⁹⁷⁶ The TRM works to provide comprehensive assistance to all foreign victims of trafficking in the region through the development and implementation of Standard Operating Procedures for referral and assistance at the transnational level.²⁹⁷⁷

Within the MOI, the police force is the primary mechanism for enforcing criminal laws on forced begging. The police force has begun a new policy of having plain clothes police officers reach out to street children and engage their families in order to find viable alternatives to forced begging.²⁹⁷⁸

During the reporting period, the Ministry of the Interior, with the assistance of the International Organization for Migration, began training 250 local and border police officers in an effort to increase awareness and police abilities to identify victims based

on a new, more discreet victim profile and adapting police techniques to the current methods used by human traffickers.²⁹⁷⁹ The Government also initiated trainings for police and special investigators on the implementation of standard operating procedures for victim identification.²⁹⁸⁰

Twelve investigations were opened on child trafficking during the reporting period.²⁹⁸¹ Of these 12 investigations, four cases of trafficking involving seven children were brought to the court. Two of these cases involved labor exploitation and two were a combination of labor and sexual exploitation.²⁹⁸² However, the courts did not rule on any of the trafficking cases brought forward by prosecutors in 2009.²⁹⁸³

The Ministry of Labour and Social Policy is responsible for rendering psychological, medical, and educational services, operating day centers, and protecting children and adults who have been victimized by human traffickers.²⁹⁸⁴ Within the MLSP, the Office of the National Referral Mechanism exists to deal with the initial identification and assistance of victims of trafficking, including children. The NRM is officially charged with the task of coordinating all protection services only for domestic adult and child victims of trafficking, however, exceptions are made for foreign children who are victims of trafficking within Macedonia's borders.²⁹⁸⁵

Government Policies on the Worst Forms of Child Labor

In 2005, the Government of Macedonia adopted a 10-year National Action Plan for the Rights of Children in Macedonia, which outlines activities for prevention and elimination of the worst forms of child labor. This National Action Plan includes direct assistance, poverty reduction, and intervention activities, as well as provisions for the rehabilitation of children and a stipulation for better access to primary education.²⁹⁸⁶ Nevertheless, it does not appear that the Government of Macedonia has implemented specific national policies regarding children working on the streets.

The Ministry of Labor and Social Policy, in conjunction with UNICEF, has published a National Action Plan to Combat Trafficking of Children

(NAP) in the Republic of Macedonia (2009-2012). The National Action Plan focuses on preventative measures to protect children from trafficking as well as suggesting policy and legislative solutions to the problem.²⁹⁸⁷ However, the NAP fails to recommend structural or operational solutions that would assist in combating human trafficking and does not lay out concrete actions.²⁹⁸⁸

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

Currently, the Government funds two centers in Skopje that provide services to street children.²⁹⁸⁹ In consultations with UNICEF and NGOs, the MOI has sought more holistic solutions to solving the forced, organized, and exploitative begging problems within the Roma minority; however there are limited programs to address the education or economic roots of the forced begging problem.²⁹⁹⁰

Macedonia runs a Reception Center for foreign child trafficking victims, with additional services provided by an NGO. The Government funds the Reception Center but does not fund the NGO services, which rely upon external donations.²⁹⁹¹ Also, because there are no centers dedicated exclusively to children, adults and children are routinely mixed together.²⁹⁹² Children, however, have different needs than adults, requiring more specialized assistance, attention, and protection.

There are 27 Centers for Social Welfare (CSW) providing reintegration services for victims of trafficking. The centers cannot accommodate all victims in a 24-hour period, leaving some victims to find their own accommodations until the Centers for Social Welfare reopen the following day.

With government financing, NGOs run two hotlines for reporting trafficking cases.²⁹⁹³

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Law on Foreigners to protect child victims regardless of their collaboration with government authorities during the prosecution of the human traffickers.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Broaden the scope of the Trafficking in Human Beings section's area of monitoring and enforcement to include regions outside of the capital.
- Establish training programs for local police located outside of Skopje that instruct them in the proper treatment of and conduct towards victims of human trafficking.
- Provide the inspectors of the Ministry of Labor and Social Policy with a nationally accessible computerized system and technical assistance to record inspections and utilize electronic systems while at the office and in the field.

IN THE AREA OF POLICIES:

- Develop the National Action Plan to include concrete structural or operational solutions to combat and prevent the worst forms of child labor in Macedonia.

IN THE AREA OF PROGRAMS:

- Expand programs to address the economic and educational factors behind forced, organized, and exploitative begging, particularly within the Roma community.
- Increase the capacity of the Centers for Social Welfare to reach more trafficking victims in need, and adapt services to the unique needs of child victims.

²⁹⁴⁷ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2005-2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²⁹⁴⁸ U.S. Department of State, "Macedonia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136044.htm>.

²⁹⁴⁹ Ibid.

²⁹⁵⁰ Government of Macedonia, *Constitution of the Republic of Macedonia of 1991*, (September 8, 1991); available from <http://www.sobranie.mk/en/default.asp?ItemID=9F7452BF44EE814B8DB897C1858B71FF>.

²⁹⁵¹ Government of Macedonia, *Labor Relations Act*, (December 27, 1993); available from <http://www.ilo.org/dyn/natlex/docs/WBTEXT/47727/65084/E93MKD02.htm>.

²⁹⁵² Government of Macedonia, *Constitution of Macedonia*, Government of Macedonia, *Labor Relations Act*, article 11.

²⁹⁵³ Central Intelligence Agency, "Macedonia," in *The CIA World Factbook*, 2010; available from <https://www.cia.gov/library/publications/the-world-factbook/geos/mk.html>.

²⁹⁵⁴ Terre des Hommes, *Report on the Implementation of UNICEF Guidelines for the Protection of the Rights of Child Victims of Trafficking*, Regional Report, Lausanne, February 22, 2010; available from http://crin.org/docs/tdh_south_eastern_europe.pdf.

²⁹⁵⁵ Ibid.

²⁹⁵⁶ Ibid.

²⁹⁵⁷ Ibid.

²⁹⁵⁸ Government of Macedonia, *1996 Criminal Code*, (July 23, 1996); available from <http://www.mlrc.org.mk/law/CriminalCode.htm>.

²⁹⁵⁹ Ibid.

²⁹⁶⁰ Terre des Hommes, *UNICEF Guidelines-Macedonia*.

²⁹⁶¹ Ibid.

²⁹⁶² Ibid.

²⁹⁶³ ILO Labour Administration and Inspection Programme, *Information Resources: Macedonia*, [online] July 2009 [cited January 27, 2010]; available from http://www.ilo.org/labadmin/info/lang--en/WCMS_114938/index.htm.

²⁹⁶⁴ U.S. Embassy- Skopje, *reporting*, March 1, 2010.

²⁹⁶⁵ Ibid.

²⁹⁶⁶ ILO Labour Administration and Inspection Programme, *Information Resources: Macedonia*.

²⁹⁶⁷ Ibid.

²⁹⁶⁸ U.S. Embassy- Skopje, *reporting*, March 1, 2010.

²⁹⁶⁹ Ibid.

²⁹⁷⁰ Ibid.

²⁹⁷¹ Ibid.

²⁹⁷² Ibid.

²⁹⁷³ Terre des Hommes, *UNICEF Guidelines-Macedonia*.

²⁹⁷⁴ Ibid.

²⁹⁷⁵ Ibid.

²⁹⁷⁶ National Alliance for Children's Rights, *Alternative report of the non-governmental organizations to the state reports about the situation with the rights of the child in the Republic of Macedonia*, First Children's Embassy in the World- Megjashi, Skopje, 2009; available from <http://www.childrensembassy.org.mk/default-en.asp?ItemID=652DDFC050F97641A28A40D7B61E01C8>.

²⁹⁷⁷ International Centre for Migration Policy and Development, *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Person in Europe: TRM-EU*, 2010; available from http://www.anti-trafficking.net/fileadmin/IIMS-documents/ICMPD/TRM/TRM_guidelines_2010-02-15_for_web.pdf.

²⁹⁷⁸ U.S. Embassy- Skopje, *reporting*, March 1, 2010.

²⁹⁷⁹ Ibid.

²⁹⁸⁰ Ibid.

²⁹⁸¹ Ibid.

²⁹⁸² Ibid.

²⁹⁸³ Ibid.

²⁹⁸⁴ U.S. Department of State, "Country Reports- 2009: Macedonia."

²⁹⁸⁵ Terre des Hommes, *UNICEF Guidelines-Macedonia*.

²⁹⁸⁶ U.S. Embassy- Skopje, *reporting*, March 1, 2010.

²⁹⁸⁷ Government of Macedonia and UNICEF, *National Action Plan to Combat Trafficking in Children in Macedonia 2009-2012*, (April 2009); available from http://www.unicef.org/tfymacedonia/NAP_Children_April_09_-_ENG.pdf.

²⁹⁸⁸ Terre des Hommes, *UNICEF Guidelines-Macedonia*.

²⁹⁸⁹ U.S. Department of State, "Country Reports- 2009: Macedonia."

²⁹⁹⁰ U.S. Embassy- Skopje, *reporting*, March 1, 2010.

²⁹⁹¹ Terre des Hommes, *UNICEF Guidelines-Macedonia*.

²⁹⁹² Ibid.

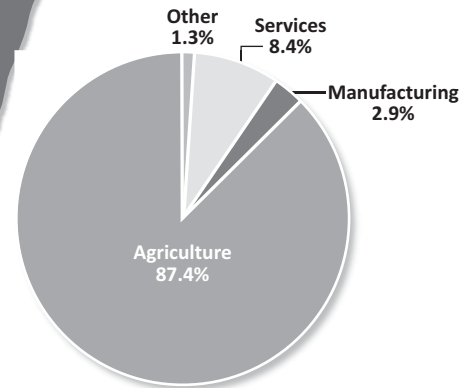
²⁹⁹³ Ibid.

Madagascar

The Government of Madagascar has enacted laws to combat many of the worst forms of child labor. However, the worst forms of child labor persist, particularly in agricultural. Recent political instability has hampered the flow of resources to programs to combat the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	22.1%
Attending School	5-14 yrs.	69.1%
Combining Work and School		Unavailable



Prevalence and Distribution of the Worst Forms of Child Labor²⁹⁹⁴

Children in Madagascar are involved in the worst forms of child labor, primarily in agriculture.²⁹⁹⁵ In rural areas, children as young as age eight are involved in the production of wine, tea, cocoa, cotton, sisal, and vanilla.²⁹⁹⁶ Children laboring in the tea industry are known to work with fertilizer and carry up to 50 kilograms of weight on their backs. Children working in sisal production are exposed to pulmonary illness from inhaling fibers from the cutting process.²⁹⁹⁷ Children also pick fruit from trees, herd cattle, and produce oil and copra (dried meat of the coconut).²⁹⁹⁸ Additional risks for children in agriculture may include using dangerous machinery and tools.

In coastal areas, children work in fishing, deep sea diving, and the shrimp and oyster industry.²⁹⁹⁹ Children fish on the open sea, and children who gather shrimp perform deep sea diving with unsafe equipment or no equipment at all.³⁰⁰⁰

Malagasy children are also involved in domestic service.³⁰⁰¹ In Madagascar, child domestic servants work an average of 12 hours per day, with some working up to 18 hours per day.³⁰⁰² Children receive little to no payment for their work, and are often isolated from the outside world.³⁰⁰³ These children may

develop bone deformities from carrying children while performing work.³⁰⁰⁴ Children working as domestic servants are also vulnerable to sexual and psychological abuse from their employers.³⁰⁰⁵

Children as young as age 5 mine precious and semi-precious stones, including sapphires, and perform informal-sector work in and around the mines. Many child miners work in the town of Ilakaka, and most work alongside their families.³⁰⁰⁶ Children in the mining sector work long hours and risk respiratory problems from breathing in areas with little aeration as well as frequent accidents and death, due to landslides.³⁰⁰⁷ Children as young as age 5 also engage in salt mining and production in Tulear, where they are exposed to heavy loads, high temperatures, and water retention from overexposure to salt.³⁰⁰⁸





Children as young as age 3 work in granite mines and other stone quarries, performing tasks such as collecting and sorting stone blocks, cutting stone, or making and shoveling gravel.³⁰⁰⁹ Children quarrying stone work long hours, with no security measures for safety, and face physical and verbal abuse, including the withholding of food.³⁰¹⁰ Children also labor in brick and gravel making.³⁰¹¹

In the informal sector, children work in welding and mechanical work, transporting goods by rickshaw, and

begging.³⁰¹² Additionally, due to the 2009 Madagascar Coup, children have become involved in illicit activities, such as selling stolen fuel.³⁰¹³

Children in Madagascar are engaged in commercial sexual exploitation, mostly in urban areas, including Antananarivo and Ilakaka.³⁰¹⁴ Due to the March 2009 coup and the current economic crisis, child sex tourism is no longer confined to small coastal towns; commercial sexual exploitation in the Atsinanana region has spread, and demand for underage girls is on the rise.³⁰¹⁵ While victims of child sex tourism are usually girls, boys are exploited as well.³⁰¹⁶ Children are often recruited by fraudulent offers of employment in the service industry, and are then forced into the commercial sex trade.³⁰¹⁷

Madagascar is a source country for domestic and international trafficking.³⁰¹⁸ Malagasy children are mostly trafficked domestically from rural to urban areas for forced labor in commercial sexual exploitation, domestic service, mines, fishing, and agriculture.³⁰¹⁹ Domestic traffickers of children include taxi drivers, friends, and relatives.³⁰²⁰ Girls are trafficked internationally to Lebanon for domestic service and are often recruited near airports for easy transportation.³⁰²¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	10
	Free Public Education	Yes

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for work and apprenticeships at 15.³⁰²² However, children in Madagascar are required to attend school only until age 10.³⁰²³ This gap between compulsory education and the legal work age makes children more susceptible to involvement in the worst forms of child labor.

The Labor Code prohibits children under age 18 from employment that is immoral or hazardous, and several other laws also restrict children’s work.³⁰²⁴ Decree N2007-563 permits children between ages 15 and 17 to perform light work if the work does not exceed their strength, is not hazardous, and does not interfere with the child’s health or physical, mental, spiritual, moral, and social development. The Decree also permits children age 14 to work when authorized by a labor inspector.³⁰²⁵ Both the Decree and the Labor Code prohibit children under age 18 from performing work at night.³⁰²⁶ The Decree further stipulates the weight load a child can carry by gender.³⁰²⁷ Decree N2007-563 also prohibits children from working near toxic materials and pesticides, as domestic laborers, and in bars, discos, casinos, mines.³⁰²⁸

Malagasy law criminalizes the commercial sexual exploitation, trafficking of children, and the use of children to produce and disseminate pornographic materials.³⁰²⁹ Forced labor is prohibited in Madagascar under both the Labor Code and Decree N2007-563.³⁰³⁰ The Penal Code also allows for the extradition of Malagasy nationals and persons charged with trafficking in other countries.³⁰³¹

The minimum age for voluntary and compulsory military service under Malagasy law is 18.³⁰³²

Institutional Mechanisms for Coordination and Enforcement

The National Committee to Fight Child Labor (CNLTE) is an inter-ministerial committee lead by the Ministry of Civil Services and Labor and composed of the Ministries of Education, Health, and Justice.³⁰³³ The committee coordinates programs, provides input on legislation and regulations on child labor, and is charged with monitoring and pursuing the implementation of the National Action Plan to Fight Child Labor.³⁰³⁴ The Division for the Prevention,

Abolition, and Monitoring of Child Labor (PACTE) within the Ministry of Civil Service and Labor supports the CNLTE by coordinating, monitoring, and evaluating framework activities designed to fight against child labor. The Division also conducts research and development activities to promote the fight against child labor.³⁰³⁵

Anti-trafficking efforts in Madagascar have been coordinated by the President's Inter-Ministerial Anti-Trafficking Committee, with members from the Ministries of Education, Culture, Interior, Tourism, Youth and Sports, Health, Family Planning, Foreign Affairs, Defense, and the independent anti-corruption bureau BIANCO.³⁰³⁶ The committee oversees anti-trafficking work in the Ministries of Civil Services and Labor, Justice, and Population, as well as parts of the police and *gendarmerie* (a military body charged with police duties among civilian populations).³⁰³⁷ However, since the 2009 coup, the Inter-Ministerial Anti-Trafficking Committee has ceased to function.³⁰³⁸

The Ministry of Civil Services and Labor is charged with enforcing child labor laws and conducting workplace inspections.³⁰³⁹ The Ministry of Civil Services and Labor has 71 labor inspectors, with an additional five inspectors specifically for child labor.³⁰⁴⁰ However, evidence indicates regional labor inspectors were largely replaced after the 2009 coup, and no information on new assignments, the number of inspectors, or regular inspections performed is available.³⁰⁴¹ No complaint-driven child labor inspections were carried out during the reporting period and information is unavailable on targeted inspections.³⁰⁴² The Ministry of Justice is charged with enforcing all laws pertaining to violence against children, including trafficking and the commercial exploitation of children.³⁰⁴³ Inspectors from the Ministry of Civil Services and Labor and magistrates from the Ministry of Justice also enforce these laws.³⁰⁴⁴ The Morals and Minors Brigade of the National Police Force oversees investigations related to minors, including issues of trafficking and the commercial sexual exploitation of children.³⁰⁴⁵ The Morals and Minors Brigade employs 35 agents.³⁰⁴⁶ The UN trained lawyers, judges, and ministry representatives on international resources to combat child labor.³⁰⁴⁷

The Morals and Minors Brigade's anti-trafficking data base is currently dormant due to a lack of funding and the reassignment of key personnel, however it

continues to operate a hotline and work with other agencies, NGOs, and international organizations to organize victim's assistance.³⁰⁴⁸ During the reporting period, 33 complaints regarding child trafficking were reported to the hotline. All 33 complaints were investigated, and 80% of the trafficked children were rescued. Eighteen cases were closed, but there is no evidence of prosecutions or convictions.³⁰⁴⁹ Considering the 2007 estimate of 300,000 trafficked children in Madagascar, the number of investigations and arrests is minimal compared to the scope of the problem.³⁰⁵⁰

Additional cases filed during the reporting period include one case of sex tourism, one indictment for debauchery, 315 cases of corruption of a minor, and 190 arrests for corruption of a child.³⁰⁵¹

Government Policies on the Worst Forms of Child Labor

In 2007, the Government adopted the Madagascar Action Plan (MAP) (2007-2012), and the National Action Plan to Eliminate the Worst Forms of Child Labor (NAP) (2004-2019). The NAP is harmonized with the larger policy framework of the MAP, and includes anti-trafficking and anti-prostitution initiatives.³⁰⁵² The MAP expressly states an objective of fighting child labor and trafficking, while the NAP identifies four categories of the worst forms of child labor in Madagascar and lays out interventions.³⁰⁵³ The Government also has a National Action Plan to Fight Child Labor, which has been active for the last 15 years.³⁰⁵⁴

Child labor concerns have also been incorporated into national development agendas and key documents such as the Education for All Program, and the Decent Work Program (2008-2013). Madagascar's Poverty Reduction Strategy Paper (2007-2012), and United Nations Development Assistance Framework (2008-2011) do not specifically address the worst forms of child labor.³⁰⁵⁵

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

The Government of Madagascar participated in a \$3.64 million regional project that ended in March 2007, and a \$488 million regional project that was completed in December 2009. Both projects were funded by

France to combat the worst forms of child labor in Francophone, Africa.³⁰⁵⁶

As a result of the 2009 coup, funding from many international donors including the African Union, European Union, World Bank, and the United States was suspended.³⁰⁵⁷ In some cases, this funding suspension excluded humanitarian aid.³⁰⁵⁸

Prior to the 2009 coup, the Government of Madagascar was participating in a 4-year global project to eliminate the worst forms of child labor. The \$14.7 million project, funded by the European Commission, targeted 13 countries to withdraw and prevent children from the worst forms of child labor.³⁰⁵⁹ Madagascar was also involved in a 3-year, French-funded, \$5.3 million project, which aimed at eliminating the incidence of the worst forms of child labor in eight Francophone African countries.³⁰⁶⁰ Madagascar was also participating in an \$85 million Education for All project funded by the World Bank.³⁰⁶¹ Research was unable to determine if these programs were still ongoing after the 2009 coup.

The Government continues to participate in the East African Police Chiefs' Cooperation Organization to increase coordination in combating human trafficking.³⁰⁶² The Government also raises awareness on child sex trafficking by hanging posters and full-page warnings, and by providing booklets warning

tourists of the consequences of sex tourism.³⁰⁶³

However, amid budget cuts to public services, the education budget was slashed by 20-30%. Since the 2009 coup, there have been a number of reports that indicate school enrollment has dropped and children's engagement in work activities has increased.³⁰⁶⁴

A USDOL-funded, 4-year, \$4.5 million project to combat the worst forms of child labor continued throughout the reporting period, despite the coup. However, the project relinquished all ties with the Government, and now works only at the local level. The project targets agriculture, commercial sexual exploitation, domestic service, mining, and quarrying.³⁰⁶⁵ It aims to withdraw a total of 4,500 children and prevent another 4,500 children from exploitive labor.³⁰⁶⁶

The former Government of Madagascar participated in a 4-year USD \$4.75 million Time-Bound Program funded by USDOL, which ended in June 2009.³⁰⁶⁷

The project addressed exploitive child labor in agriculture, domestic work, stone quarrying, mining, fishing, and commercial sexual exploitation.³⁰⁶⁸ It also participated in a 2-year, \$400,000 USAID-funded, anti-trafficking project which conducted a baseline survey to assess trafficking in Madagascar, and aimed to raise awareness, build capacity of local organizations, provide social services, and facilitate legal actions to combat trafficking.³⁰⁶⁹

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

IN THE AREA OF LAWS AND REGULATIONS:

- Harmonize the minimum age for work and the age for compulsory education.
- Amend the Penal Code to prohibit the use of children for illicit activities.
- Ensure that existing legislation regarding child labor is upheld despite the instability brought by the 2009 coup.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Undertake child labor inspections and, track and make publicly available information on the results of the inspections.
- Fund the existing anti-trafficking database and providing personnel to oversee operations.
- Expand efforts to investigate and prosecute trafficking cases.

IN THE AREA OF POLICIES:

- Ensure committees to combat the worst forms of child labor are operational.

²⁹⁹⁴ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2007. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²⁹⁹⁵ U.S. Embassy- Antananarivo, *reporting*, March 10, 2010, section 2 and 2d12.

²⁹⁹⁶ U.S. Embassy- Antananarivo, *reporting*, February 25, 2010, 1a-11a. See also 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. Department of State, "Madagascar," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, 2010, 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>.

²⁹⁹⁷ U.S. Embassy- Antananarivo, *reporting*, February 25, 2010, 2a. See also ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, Project Document, 8.

²⁹⁹⁸ U.S. Embassy- Antananarivo, *reporting*, February 25, 2010, 5a, 10a.

²⁹⁹⁹ ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, Project Document, 7. See also U.S. Department of State, "Country Reports- 2009: Madagascar," section 7d. See also U.S. Embassy- Antananarivo, *reporting*, February 25, 2010, 4a.

³⁰⁰⁰ ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, Project Document, 7.

³⁰⁰¹ Government of Madagascar, *Informations sur le Travail des Enfants*, submitted in response to U.S. Department of Labor Federal Register Notice (2009) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Antananarivo, April 9, 2010. See also U.S. Department of State, "Country Reports- 2009: Madagascar," 7d. See also U.S. Embassy- Antananarivo, *reporting*, December 3, 2007, 3. See also Confederation Syndicale Internationale, *Rapport pour l'Examen des Politiques Commerciales de Madagascar par le Conseil General de l'OMC*, [2008], 7-8.

³⁰⁰² Frédérique Andriamaro, *Bulletin d'Information sur la Population de Madagascar*, 2009, 3; available from <http://>

sites.univ-provence.fr/lped/IMG/pdf/BIP_53.pdf. See also UN Office of the High Commissioner for Human Rights, *Mise en oeuvre du Pacte relatif aux Droits Civils et Politiques, La Situation des Droits de l'Homme a Madagascar*, Geneva, March 2007, 31-32; available from http://www2.ohchr.org/english/bodies/hrc/docs/ngos/omct_madagascar.pdf.

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³⁰⁰⁴ ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, Project Document, 7.

³⁰⁰⁵ *Ibid.*

³⁰⁰⁶ *Ibid.*, 6.

³⁰⁰⁷ *Ibid.* See also UN Office of the High Commissioner for Human Rights, *La Situation des Droits de l'Homme a Madagascar*, 33.

³⁰⁰⁸ ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, Project Document, 7.

³⁰⁰⁹ *Ibid.*, 6-8. See also U.S. Embassy- Antananarivo, *reporting*, February 29, 2008, 3.27.A-D. 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/>.

³⁰¹⁰ ILO-IPEC, *Child Labour in Stone Quarrying*, 2.

³⁰¹¹ U.S. Embassy- Antananarivo, *reporting*, March 10, 2010, 8a, 11a.

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- ³⁰²⁵ Government of Madagascar, *Decret N 2007 - 563*, articles 203.
- ³⁰²⁶ Government of Madagascar, *Labor Code*, articles 101. See also Government of Madagascar, *Decret N 2007 - 563*, articles 10, 12.
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- ³⁰²⁸ *Ibid.*, section II, article 12,16,22.
- ³⁰²⁹ *Ibid.*, article 13 and 15. See also 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>.
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³⁰⁵³ Sandy Wark, *Independent Mid-term Evaluation: Combating the Worst Forms of Child Labor in Madagascar (WFCL) – IPEC’s contribution to the National Plan of Action to Eliminate Child Labor*, 6-8.

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³⁰⁵⁷ Integrated Regional Information Networks, “Madagascar: Government Cuts Hit Education Hard”, (February 15, 2010); available from <http://www.irinnews.org/PrintReport.aspx?ReportID=88111>. See also Afrol News, “EU to Keep Freezing Madagascar Aid,” (June 4, 2010); available from <http://www.afrol.com/articles/36256>. See also Mei-Ling McNamara,

“Madagascar: State of Denial,” *Aljazeera*, August 29, 2010; available from <http://english.aljazeera.net/programmes/peopleandpower/2010/08/201081864237806607.html>. See also Reuters, “Madagascar Suspended by AU,” *Strait Times*, March 20, 2009; available from http://www.straitstimes.com/Breaking%2BNews/World/Story/STIStory_352579.html.

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³⁰⁵⁹ ILO-IPEC official, E-Mail Communication, July 17, 2010. 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>. See also Afrol News, “EU to Keep Freezing Madagascar Aid.” See also Mei-Ling McNamara, “Madagascar: State of Denial.”

³⁰⁶⁰ ILO-IPEC official, E-Mail communication.

³⁰⁶¹ World Bank, *Madagascar: Integrated Safeguards Data Sheet Concept Stage*, October 24, 2008; available from http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2008/10/27/000076092_20081027144707/Rendered/PDF/Integrated0Saf10Sheet1Concept0Stage.pdf. See also Integrated Regional Information Networks, “Madagascar: Government Cuts Hit Education Hard “.

³⁰⁶² UNODC, *Promoting the Rule of Law and Human Security in Eastern Africa: Regional Programme 2009-12*, December 2009, 3, 12; available from http://www.unodc.org/documents/easternafrika//regional-ministerial-meeting/Eastern_Africa_Regional_Programme_Final_Draft.pdf.

³⁰⁶³ U.S. Embassy- Antananarivo, *reporting, March 10, 2010*, para 29/E.

³⁰⁶⁴ Integrated Regional Information Networks, “Madagascar: Government Cuts Hit Education Hard “. See also UNICEF and PTA, *Pandora’s Box: Youth at a Crossroad Emergency Youth Assessment on the Socio-Political Crisis in Madagascar and its Consequences*, 2009, 23; available from http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/MINE-7TC49W-full_report.pdf/%24File/full_report.pdf. See also Karine Maillot, “Madagascar : Le travail des enfants, une situation “plus dure qu’avant la crise” “ *Zinfos*, March 2, 2010; available from http://www.zinfos974.com/Madagascar-Le-travail-des-enfants-une-situation-plus-dure-qu-avant-la-crise_a15274.html. See also Mei-Ling McNamara, «Madagascar: State of Denial.»

³⁰⁶⁵ Private Agencies Collaborating Together (PACT), *Combating Exploitive Child Labor in Madagascar*, Proposal, 2008.

³⁰⁶⁶ Ibid. See also ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar - IPEC's Contribution to the National Action Plan to Eliminate Child Labour*, Final Technical Progress Report, Geneva, July 2009, 1, 34.

³⁰⁶⁷ USDOL, “Combating Exploitive Child Labor Through Education in Madagascar Technical Progress Report Technical Cooperation Project Summary,” (2009). See also ILO-IPEC, *Combating the Worst Forms of Child Labour, July 2009 Final Technical Progress Report*, 1, 34.

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³⁰⁶⁹ USAID, *Anti-trafficking in Persons Programs in Africa: A Review*, Washington, DC, April, 2007, 61, 62; available from http://pdf.usaid.gov/pdf_docs/PDACCJ521.pdf.

Malawi

The Government of Malawi has supported social programs targeting working children and their families. However, implementation of existing policies and limited enforcement has hindered the elimination of the worst forms of child labor. The Government has not passed legislation protecting children working on tenant farms. Children continue to engage in such work particularly in the tea and tobacco sectors.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	33.6%
Attending School	5-14 yrs.	79.5%
Combining Work and School	7-14 yrs	36.7%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Malawi are exploited in the worst forms of child labor.³⁰⁷⁰ Many work on farms, including in the commercial tea and tobacco sectors. These children are exposed to verbal and physical abuse, physical injuries from carrying heavy loads, respiratory problems, and exposure to toxic fertilizers and pesticides. Nicotine absorption from handling tobacco causes illness, including Green Tobacco Sickness.³⁰⁷¹ Children are involved in the tenancy system, where owners loan tenants agricultural inputs and deduct the debt from future profits. Cases in which families cannot meet production quotas and repay these debts might lead to debt bondage.³⁰⁷²

Boys are also involved in the worst forms of child labor in quarrying, mining, fishing, and construction, where they carry heavy loads, work long hours, and are exposed to dangerous conditions. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of cattle.³⁰⁷³

Girls are involved in domestic service, where they may work long hours and are often abused.³⁰⁷⁴

Children are also exploited, and in some cases trafficked, into other worst forms of child labor, including prostitution, begging, and sex tourism.³⁰⁷⁵ Within Malawi, boys are also trafficked for animal herding and girls for work in restaurants, bars, and domestic service.³⁰⁷⁶ Malawian children and children from Zambia and Mozambique are trafficked for forced labor on farms.³⁰⁷⁷

Laws and Regulations on the Worst Forms of Child Labor






The Employment Act No. 6 (Republic of Malawi, 2000) sets the minimum age for employment at 14. This minimum age does not extend to work performed in vocational technical schools, training institutions, or private homes.³⁰⁷⁸ The Employment Act sets the minimum age for hazardous labor at 18.³⁰⁷⁹ However, the Constitution also protects children under age 16 from hazardous work.³⁰⁸⁰ This discrepancy may lead to inconsistent enforcement of the law. While, the Act and Malawi's Constitution forbid children from engaging in hazardous labor, these laws do not define or list what types of work are banned.³⁰⁸¹

Malawi has no minimum compulsory age for attending school, leaving children under age 14, who are not

required to be in school and not permitted to legally work either, vulnerable to the worst forms of child labor.

The Employment Act and Constitution of the Republic of Malawi prohibit and punish slavery, servitude, and forced labor.³⁰⁸² There is currently no specific anti-trafficking legislation in Malawi, though trafficking can be prosecuted through child labor, forced labor, and hazardous labor provisions the Employment Act and Penal Code.³⁰⁸³ The Penal Code includes protections for girls from sexual exploitation, but not boys.³⁰⁸⁴ It criminalizes procurement, but not the sale of girls into prostitution, nor does it prohibit pornography.³⁰⁸⁵

The Government of Malawi finalized an updated list of hazardous tasks.³⁰⁸⁶ The draft Tenancy Bill, which regulates labor tenancy and includes legal protections for children working in agriculture through the tenancy system has not been passed and signed into law.³⁰⁸⁷

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor’s Child Labor Unit is the primary agency coordinating efforts to combat child labor.³⁰⁸⁸ This unit provides technical assistance to other government agencies implementing child labor laws at the district and national-level.³⁰⁸⁹ It also provides policy planning and guidance on child labor issues, including to the Child Labor Network, of which it is a member. This Network is responsible for drafting policies, identifying resources, and harmonizing programs and activities for the elimination of the worst forms of child labor.³⁰⁹⁰ Participating members include government, trade unions, employers, and civil society.³⁰⁹¹

Malawi also has created a coordination mechanism to address human trafficking. Led by the Ministry for Gender, Children, and Community Development, the Inter- ministerial Task Force on Human Trafficking coordinates anti-trafficking efforts and partners with international and NGOs to draft national action plans to combat trafficking.³⁰⁹² The National Steering Committee on Orphans and Vulnerable Children and the National Steering Committee on Child Labor are also responsible for addressing trafficking issues specifically related to children.³⁰⁹³ There is reportedly no coordination between the task force and these two committees.³⁰⁹⁴

The Ministry of Labor’s General Inspectorate is charged with performing inspections and investigating all labor complaints, including those related to child labor.³⁰⁹⁵ Labor officers in 29 decentralized district offices administer and coordinate labor inspection services.³⁰⁹⁶ To report hazardous child labor, workers and district child labor protection committees are encouraged to notify these district labor offices.³⁰⁹⁷

By law, labor inspectors are required to visit workplaces biannually. They are to use standard forms to guide and report the results of their inspection for child labor.³⁰⁹⁸ However, according to the ILO, these standard forms are not yet widely used and mandatory inspections do not regularly take place due to lack of resources.³⁰⁹⁹

In 2009, the Ministry of Labor’s 160 inspectors performed 2,645 inspections.³¹⁰⁰ According to the Government of Malawi, child labor violations

were prosecuted in the courts, including 67 cases between January 2009 and March 2010.³¹⁰¹ A Labor Inspection Policy was developed providing instruction on conducting general labor inspections and training on the use of the ILO-developed child labor law enforcement manual was provided to district government staff.³¹⁰²

The Ministry of Gender, Children, and Community Development is the lead agency responsible for the enforcement of trafficking laws.³¹⁰³ The Ministry employs child protection workers to identify trafficking and child labor victims.³¹⁰⁴ The police also rescue child trafficking victims.³¹⁰⁵ Other agencies supporting the enforcement of child trafficking laws include the Ministry of Justice, the Ministry of Labor, and the Ministry of Local Government and Rural Development.³¹⁰⁶

Government Policies on the Worst Forms of Child Labor

The draft National Child Labor Policy (2009) that provides government, civil society, and other partners with a framework to implement child labor programs and activities, still awaits Cabinet approval.³¹⁰⁷ However, the Government approved the National Action Plan to Combat Child Labor, which proposes concrete activities to support this and other policies to combat child labor.³¹⁰⁸

The National Youth Policy (1996) includes protections for at-risk youth. The policy addresses the problem of youth unemployment and lack of education, and includes services aimed at eliminating child labor.³¹⁰⁹

Malawi has mainstreamed child labor into other important development agendas. For instance, Malawi's Growth and Development Strategy 2006-2011 makes the elimination of the worst form of child labor a priority. It sets a budget for efforts to combat child labor, including for activities of the child labor unit.³¹¹⁰ The government and UN-agencies in Malawi work together under the One UN Fund program. Among other things, this program seeks to enhance current UN agencies' activities to combat child labor.³¹¹¹ The government's ILO-supported Decent Work Country Program prioritizes the elimination of the worst forms of child labor and includes an indicator to monitor progress toward this end.³¹¹²

The Government of Malawi developed a National Child Labor Database in 2002 which identifies child laborers.³¹¹³

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

In recent years, the Government has partnered with international organizations to withdraw and prevent children from the worst forms of child labor. ILO-IPEC has implemented two USDOL-funded projects. These projects have helped strengthen child labor policies, created a child labor database monitoring system, and assisted in the drafting of codes of conduct for the elimination of child labor in the production of tea, tobacco, and other agricultural goods. To date, they have withdrawn or prevented 1,625 children from the worst forms of child labor and aim to do the same for 4,982 children by the end of 2012.³¹¹⁴ The Government of Malawi is also a member of a steering committee member of the Eliminating Child Labor in Tobacco Growing (ECLT) Foundation's Integrated Child Labor Elimination Project, which intends to reduce child labor in 200 villages.³¹¹⁵

The Government is implementing the National Education Strategic Plan 2008-2017.³¹¹⁶ During the reporting period, the Ministry of Education ran national campaigns to promote free primary education, trained more primary school teachers and provided incentives to teachers to take positions in rural areas.³¹¹⁷ In collaboration with NGO partners, the Government developed educational infrastructure, including hostels, feeding shelters, school buildings, and improved sanitation; and built the capacity of community leaders, teachers, and government officials to combat child labor.³¹¹⁸ The Government also utilizes a reference manual on child labor and education produced by the Teachers Union of Malawi.³¹¹⁹

To help victims of trafficking, the government runs a shelter providing counseling and rehabilitation for child trafficking victims and street children. The Government of Malawi conducted a child trafficking study in partnership with UNICEF.³¹²⁰

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

IN THE AREA OF LAWS AND REGULATIONS:

- Make education compulsory for all children.
- Clarify the minimum age for hazardous work and adopt specific definitions of hazardous work prohibited to children.
- Protect children working in the tenancy system by passing the Tenancy Bill, which regulates tenant farms and protects children working on them.
- Ensure that both boys and girls are protected from sexual exploitation.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Improve coordination among key agencies and bodies responsible for combating child trafficking.
- Adopt the current ILO child labor law enforcement manual nationwide.
- Require inspectors to use newly developed data collection forms and keep records of workplace visits.
- Provide training on the Labor Inspection Policy.
- Provide resources to enable labor inspectors to conduct biannual inspections.

IN THE AREA OF POLICIES:

- Finalize and implement the draft Child Labor Policy.

³⁰⁷⁰ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 2004. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³⁰⁷¹ ILO-IPEC, *Malawi: Child Labour Data Country Brief*, Geneva, January 2008; available from www.ilo.org/ipceinfo/product/download.do?type=document&id=7802. See also Plan International, *Hard work, long hours, and little pay*, 2009, 11, 31, 41, 34; available from <http://plan-international.org/files/global/publications/protection/Plan%20Malawi%20child%20labour%20and%20tobacco%202009.pdf>. See also ECLT Foundation, "Integrated Child Labour Elimination Program, Phase 2 Baseline Survey", [online], August, 2008

[cited April 14, 2010]; available from http://www.eclt.org/site/wp-content/uploads/2009/09/MalawiICLEP1_Baseline.pdf. See also Olivia Sterns, "Child Tobacco Farmers 'Exposed to Toxic Levels of Nicotine'", [online], September 25 2009 [cited November 24, 2010]; available from <http://www.cnn.com/2009/HEALTH/09/25/child.tobacco.picking/index.html>. See also Deborah Fahy Bryceson, "Ganyu casual labour, famine and HIV/AIDS in rural Malawi: causality and casualty," *Journal of Modern African Studies* 44, no. 2 (2006).

³⁰⁷² ILO-IPEC, *Project of Support to the National Action Plan to Combat Child Labour in Malawi*, Project Document, Geneva, September 2009. See also Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*, November 2009.

³⁰⁷³ U.S. Department of State, "Malawi," in *Malawi: Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135957.htm>. See also M.G. Tsoka, *Rapid Assessment of Child Domestic Labour in Malawi Volume I: Main Report*, ILO-IPEC and the University of Malawi Centre for Social Research, Zomba, January 2005; available from <http://www.ilo.org/ipceinfo/product/viewProduct.do?productId=4727>. See also Ministry of Justice, *First periodic report of Malawi on the implementation of the Convention on the Rights of the Child*, 2007, 22; available from <http://www2>.

ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.MWI.2.pdf. See Tsoka, *Rapid Assessment of Child Domestic Labour in Malawi*, 202. See also Kwakwarhi Mwanamai, *Malawi: Poverty afflicts children orphaned by AIDS*, UNICEF, November 5, 2005; available from www.unicef.org/infobycountry/malawi_29672.html?q=printme. ILO-IPEC, *Rapid assessment report on HIV/AIDS and child labour [stated in six selected districts of Zambia: Lusaka, Luanshya, Livingstone, Kapiri Mposhi, Katete and Chipata]*, International Programme on the Elimination of Child Labour, Lusaka, July 17, 2007, vi, x.

³⁰⁷⁴ U.S. Department of State, “Country Reports- 2009: Malawi.” See also Tsoka, *Rapid Assessment of Child Domestic Labour in Malawi*. See also Ministry of Justice, *First periodic report of Malawi on the implementation of the CRC*, 22. See Tsoka, *Rapid Assessment of Child Domestic Labour in Malawi*, 202. See also U.S. Embassy- Lilongwe, *reporting*, May 30, 2008, para 1. See also Mwanamai, *Malawi: Poverty afflicts children orphaned by AIDS*. See also ILO-IPEC, *Project of Support to the National Action Plan to Combat Child Labour in Malawi, Project Document (September 2009)*, iv.

³⁰⁷⁵ Ministry of Justice, *First periodic report of Malawi on the implementation of the CRC*, 66.

³⁰⁷⁶ U.S. Department of State, “Malawi (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>.

³⁰⁷⁷ Ministry of Justice, *First periodic report of Malawi on the implementation of the CRC*, 66. See also Millennium Center for Research & Development, *Final Report: Child Trafficking in Malawi*, ILO-IPEC, September 2008, viii, 21. See also Ministry of Justice, *First periodic report of Malawi on the implementation of the CRC*, 21.

³⁰⁷⁸ Government of Malawi, *Employment Act No.6*, (2000), articles 21, 22; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/58791/65218/E00MWIo1.htm>.

³⁰⁷⁹ Ibid.

³⁰⁸⁰ Government of Malawi, *Constitution*, (2004); available from <http://www.sdn.org.mw/constitut/dtlinde.html>.

³⁰⁸¹ Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*. See also Government of Malawi, *Constitution*, article 23.

³⁰⁸² Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*, 27. See also Government of Malawi, *Employment Act No.6*, articles 4(1,2). See also Integrated Regional Information Networks, “Malawi: Outrage over lenient fine for trafficking boys”, IRINnews.org, [online], December 16, 2006 [cited March 18, 2010]; available from <http://www.irinnews.org/Report.aspx?ReportId=56005>. See also Government of Malawi, *Constitution*.

³⁰⁸³ Government of Malawi, *Penal Code*, n.d., 257-269, 135-147; available from <http://www.protectionproject.org> [hard copy on file]. See also Government of Malawi, *Employment Act No.6*, article 4.

³⁰⁸⁴ Government of Malawi, *Penal Code*, art 140. See also Government of Malawi, “Current Affairs: Civil Society Expresses Concern Over Laws”, [online], May 6, 2010 [cited November 23, 2010]; available from <http://www.malawi.gov.mw/story.php?id=141>.

³⁰⁸⁵ Government of Malawi, *Penal Code*. See also Government of Malawi, “Current Affairs: Civil Society Expresses Concern Over Laws”.

³⁰⁸⁶ U.S. Embassy- Lilongwe, *reporting*, February 1, 2010.

³⁰⁸⁷ U.S. Embassy- Lilongwe, *reporting*, February 1, 2010, section 5(2). See also ILO-IPEC, *Country Programme to Combat Child Labour in Malawi, Technical Progress Report*, Geneva, September 2008, 77. See also ILO-IPEC, *Project of Support to the National Action Plan to Combat Child Labour in Malawi, Project Document (September 2009)*, 7.

³⁰⁸⁸ U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, 2c: 1, 2, 4.

³⁰⁸⁹ ILO-IPEC, *Program to Combat Child Labor in Malawi, Technical Progress Report (September 2008)*, 41, 71, 78.

³⁰⁹⁰ U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, 2c: 6. See also Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*, 6.

³⁰⁹¹ U.S. Embassy- Lilongwe, *reporting, February 1, 2010*. See also Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*.

³⁰⁹² U.S. Department of State, “Trafficking in Persons Report- 2010: Malawi.”

³⁰⁹³ Ibid.

³⁰⁹⁴ Ibid.

³⁰⁹⁵ ILO, *Malawi Information Resources: Labor Administration and Inspection Program*, Geneva, March 2009; available from http://www.ilo.org/labadmin/info/lang--en/WCMS_112605/index.htm.

³⁰⁹⁶ U.S. Embassy- Lilongwe, *reporting, February 1, 2010*.

³⁰⁹⁷ Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*. See also U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, 3.

³⁰⁹⁸ U.S. Embassy- Lilongwe, *reporting, February 1, 2010*. See also Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*, 11.

³⁰⁹⁹ ILO, *Labor Administration and Inspection Programme*, February 22 2010; available from http://www.ilo.org/labadmin/info/lang--en/WCMS_112605/index.htm.

- ³¹⁰⁰ U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, para. 5, 6.
- ³¹⁰¹ Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*, 11.
- ³¹⁰² ILO-IPEC, *Project of Support to the National Action Plan to Combat Child Labour in Malawi*, Project of Support to the National Action Plan to Combat Child Labour in Malawi, Technical Progress Report, Geneva, March 2010. See also Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*, 11.
- ³¹⁰³ U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, section I:1.
- ³¹⁰⁴ U.S. Department of State, “Malawi,” 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/119011.htm>. See also U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, 2D:1.
- ³¹⁰⁵ U.S. Embassy- Lilongwe, *reporting*, February 13, 2009, section 1. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Malawi.”
- ³¹⁰⁶ U.S. Department of State, “Trafficking in Persons Report- 2010: Malawi.” See also U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, 2D: 1.
- ³¹⁰⁷ U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, III, B 1-3. See also ILO-IPEC, *Technical Progress Report (March 2010)*, 2-3.
- ³¹⁰⁸ ILO-IPEC, *Technical Progress Report (March 2010)*, 3.
- ³¹⁰⁹ Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*, 7.
- ³¹¹⁰ U.S. Embassy- Lilongwe, *reporting, January 12, 2009*, section 7. See also Government of Malawi, *Malawi Growth and Development Strategy: From Poverty to Prosperity 2006-2011*, 2006, 211; available from http://planipolis.iiep.unesco.org/upload/Malawi/Malawi_PRSP_2006_2011.pdf. See also ILO-IPEC, *Technical Progress Report (March 2010)*.
- ³¹¹¹ ILO-IPEC, *Project of Support to the National Action Plan to Combat Child Labour in Malawi, Project Document (September 2009)*, iv. See also ILO-IPEC, *Technical Progress Report (March 2010)*.
- ³¹¹² ILO-IPEC, *Project of Support to the National Action Plan to Combat Child Labour in Malawi, Project Document (September 2009)*, iv.
- ³¹¹³ UN Committee on the Rights of the Child, *Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Malawi*, March 27, 2009, 15; available from <http://www.unhcr.org/refworld/country,,CRC,,MWI,,49d5f7a10,0.html>.
- ³¹¹⁴ ILO-IPEC, *Country Programme to Combat Child Labour in Malawi*, Project Document, Geneva, 2005, 2, 41, cover page. See also ILO-IPEC, *Country Programme to Combat Child Labour in Malawi*, Final Technical Progress Report, Geneva, March 2009, 1 and 26. See also ILO-IPEC, *Country Programme to Combat Child Labour in Malawi*, Project Document (Modification 2), Geneva, 2010.
- ³¹¹⁵ See ECLT Foundation, “Quick Facts: ECLT in MALAWI, ICLEP 2”, [online], [cited April 14, 2010]; available from http://www.eclt.org/activities/projects/malawi_iclep2.html. See also U.S. Embassy- Lilongwe, *reporting, May 30, 2008*, para 2.
- ³¹¹⁶ ILO-IPEC, *Project of Support to the National Action Plan to Combat Child Labour in Malawi, Project Document (September 2009)*, 7.
- ³¹¹⁷ ILO-IPEC, *Program to Combat Child Labor in Malawi, Technical Progress Report (September 2008)*.
- ³¹¹⁸ Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*, 11, 12.
- ³¹¹⁹ ILO-IPEC, *Program to Combat Child Labor in Malawi, Technical Progress Report (September 2008)*.
- ³¹²⁰ U.S. Embassy- Lilongwe, *reporting, January 12, 2009*, sect. 6. See also Millennium Center for Research & Development, *Child Trafficking in Malawi*, 56. See also U.S. Embassy- Lilongwe, *reporting, February 13, 2009*, section 2. See also U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, 9: 1. See also CRIDOC SECRETARIAT, *Joint Project Proposal: Enhancing Youth Participation in 16 Days of Activism against Gender Violence*, 2009; available from <http://www.cwgl.rutgers.edu/16days/kit09/cal/africa/malawiCRIDOCproposal.doc>.

Maldives

In November 2009, the Government criminalized the use of children in prostitution and pornography. Some reports indicate that some children work as domestic servants in private households and others are exploited in forced prostitution. There is a lack of coordination mechanisms and social programs to protect and assist children that may be engaged in these worst forms of child labor. The lack of evidence of other worst forms of child labor may be indicative of a small problem, or a hidden one.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Distribution of the Worst Forms of Child Labor





There are reports of limited numbers of children exploited in the worst forms of child labor in the Maldives, mainly as child domestics in private households.³¹²¹ It is common for children from smaller islands, where secondary education is not available, to live with “host families” on larger islands, where they perform domestic chores in addition to attending school.³¹²² Some of these children are sexually abused by their hosts or families, and some never even receive any education.³¹²³ The number of children moving to larger islands for an education appears to be declining as the Government of the Maldives has established more schools in the islands.³¹²⁴ Separate reports indicate that forced prostitution of girls is also a problem in the Maldives.³¹²⁵ In general, data on working children in the Maldives is scarce, making it difficult to understand the scope and nature of the issues.

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act establishes 16 as the minimum age for work, and 18 as the minimum age for work that may have a detrimental effect on a child’s health, education, safety, or conduct.³¹²⁶ Minors under age 16 cannot be required to work during school hours or after 11 p.m.³¹²⁷ Research has not found evidence of laws or regulations that specify the “forms of work that may have a detrimental effect on a child’s health, education, safety, or conduct” under the Employment Act.

Although the Maldivian Constitution establishes the right to education, Maldivian law does not establish an age for compulsory schooling. The absence of a compulsory education law places children under age 16 at risk of involvement in the worst forms of child labor as they are not required to be in school and are below the minimum age for work. The Employment Act and the Constitution both prohibit forced labor, and

the Constitution prohibits slavery and servitude.³¹²⁸ There is no forced conscription into the military, and the voluntary recruitment age is 18.³¹²⁹ The Child Sex Abuse (Special Provisions) Act, which was passed into law in November 2009, criminalizes the use of children for prostitution and pornography,³¹³⁰ with a penalty of up to 25 years imprisonment.³¹³¹

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	None
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of the Maldives has established a coordinating mechanism to combat the worst forms of child labor in domestic service and forced prostitution.

The Ministry of Health and Family’s (MHF) Department of Gender and Family Protection Services enforces child labor provisions of the Employment Act.³¹³² During the reporting period, the MHF employed three labor inspectors, each of whom inspects for all violations of the Act.³¹³³ They identified no child labor violations.³¹³⁴ Research did not identify any efforts to provide training to officials responsible for enforcing child labor laws or the number of child labor-related inspections carried out during the reporting period. A Labor Tribunal composed of lawyers and human resource professionals examines and adjudicates labor-related

cases.³¹³⁵ In addition, the Maldives established a Labor Relations Authority, which began workplace inspections in September 2010.³¹³⁶

The Ministry of Human Resources is mandated to maintain a “blacklist” of employers who violate any provision of the Employment Act, preventing them from employing new workers until violations are corrected.³¹³⁷ It is not known whether this “blacklist” has been used for violations of the child labor provisions of the Act.

Other agencies are responsible for enforcement of criminal laws regarding the worst forms of child labor. The police force’s Family and Child Protection Unit has jurisdiction over cases related to child sexual exploitation, including child prostitution and pornography.³¹³⁸ Reportedly, most persons detained on Child Sex Abuse Act charges were released pending sentencing, although it is not clear what proportion of these perpetrators were charged with prostitution or pornography as opposed to other forms of child sexual abuse covered by the law.³¹³⁹

The police force and the Department of Immigration and Emigration are charged with identifying victims of trafficking in persons. The Government provided training to these officials during the reporting period on identification of trafficking victims.³¹⁴⁰ No training was provided on investigation or prosecution of trafficking crimes, however, and officials did not prosecute or convict any perpetrators of trafficking.³¹⁴¹

Government Policies on the Worst Forms of Child Labor

On May 15, 2009, the Maldives became an official member state of the ILO, and the Government is collaborating with the ILO on a work plan covering a range of labor issues, which could provide a platform for efforts to combat the worst forms of child labor.³¹⁴²

The Government’s Poverty Reduction Strategy Paper includes specific goals related to increasing the capacity of the MHF to provide support services to children; improving data collection and analysis on vulnerable children; and coordinating, monitoring and evaluating child protection services provided by social service providers and NGOs.³¹⁴³ The fourth United Nations Development Program Country Program (2008-2010) sets a goal to increase income and employment

opportunities and improve health, nutrition, education, and protection status for the most vulnerable and marginalized women and youth in the Maldives by 2010.³¹⁴⁴

The question of whether these poverty alleviation policies have an impact on the worst forms of child labor does not appear to have been addressed.

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

The MHF provides general protection and rehabilitation services, such as counseling, medical

treatment, and educational assistance, to vulnerable children.³¹⁴⁵ The Government has publicly stated that since the majority of its budget for child and family services goes to persons in need of medical support as well as staff training costs, nearly all of the government's child protection programs and services are funded by international donors.³¹⁴⁶

Research found no evidence of any programs to address the worst forms of child labor for children engaged in domestic service or those that may be exploited in forced prostitution.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Employment Law or enact regulations specifying the types of work that are detrimental to children's health, education, safety, or conduct.
- Enact a compulsory education law.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordination mechanism among government agencies to combat the worst forms of child labor in domestic service and forced prostitution.
- Ensure appropriate training of officials responsible for enforcing laws related to the worst forms of child labor.

IN THE AREA OF POLICIES:

- Conduct research on the prevalence of the worst forms of child labor to determine if better targeted policies and services are necessary.
- Assess the impact that existing poverty alleviation policies may have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Develop and implement programs to address the worst forms of child labor, specifically to provide assistance to children that may be exploited in domestic service or forced prostitution.
- Provide all children with access to quality secondary school options to reduce the reliance on "host family" domestic work situations.

³¹²¹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

³¹²² U.S. Embassy- Colombo, *reporting, November 12, 2010*

³¹²³ U.S. Department of State, “Maldives,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136090.htm>. See also U.S. Embassy- Colombo, *reporting, February 17, 2010*.

³¹²⁴ U.S. Embassy- Colombo, *reporting, November 12, 2010*

³¹²⁵ U.S. Embassy- Colombo, *reporting, February 17, 2010*.

³¹²⁶ *Employment Act*, (October 13, 2008), articles 6, 7; available from [http://www.employment.gov.mv/Resources/Employment%20Act%20\(English%20Translation\)%20entitled%20to%20enforcement%20from%20the%20date%20of%2013th%20October%202008.pdf](http://www.employment.gov.mv/Resources/Employment%20Act%20(English%20Translation)%20entitled%20to%20enforcement%20from%20the%20date%20of%2013th%20October%202008.pdf). See also Law Library of Congress official, E-mail communication to USDOL official, August 10, 2010.

³¹²⁷ *Employment Act*, article 9.

³¹²⁸ *Ibid.*, article 3. See also *Constitution of the Republic of Maldives*, (2008), article 25; available from <http://www.presidencymaldives.gov.mv/publications/constitution.pdf>.

³¹²⁹ Coalition to Stop the Use of Child Soldiers, “Maldives,” in *Child Soldiers Global Report 2008*, London, 2009; available from <http://www.childsoldiersglobalreport.org/content/maldives>.

³¹³⁰ Siraj Hussain, E-mail communication to USDOL official, September 23, 2010.

³¹³¹ U.S. Department of State, “Country Reports- 2009: Maldives.”

³¹³² *Ibid.*, section 7.

³¹³³ U.S. Embassy- Colombo, *reporting, February 17, 2010*. See also Government of Maldives, *Employment Tribunal*, [online] 2009 [cited April 7, 2010]; available from http://www.employmenttribunal.gov.mv/index_en.html. See also U.S. Embassy- Colombo, *reporting, February 17, 2010*.

³¹³⁴ U.S. Embassy- Colombo, *reporting, February 17, 2010*.

³¹³⁵ *Ibid.* See also Government of Maldives, *Employment Tribunal*. See also U.S. Embassy- Colombo, *reporting, February 17, 2010*.

³¹³⁶ U.S. Embassy- Colombo, *reporting, November 12, 2010*

³¹³⁷ U.S. Department of State, “Country Reports- 2009: Maldives,” section 7.

³¹³⁸ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Maldives*, CRC/C/MDV/CO/3, Geneva, July 13, 2007; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/432/55/PDF/G0743255.pdf?OpenElement>.

³¹³⁹ U.S. Department of State, “Country Reports- 2009: Maldives.”

³¹⁴⁰ U.S. Department of State, “Maldives,” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/123137.htm>.

³¹⁴¹ U.S. Embassy- Colombo, *reporting, February 17, 2010*.

³¹⁴² U.S. Embassy- Colombo, *reporting, February 17, 2010*. See also ILO, *The Republic of Maldives becomes 183rd ILO member State*, Press Release, Geneva, May 18, 2009; available from http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Press_releases/lang--en/WCMS_106306/index.htm.

³¹⁴³ Government of Maldives, *Poverty Reduction Strategy Paper*, Male, January, 2008; available from http://planipolis.iiep.unesco.org/upload/Maldives/Maldives_PRSP_2008.pdf.

³¹⁴⁴ United Nations Development Program, *UNDP Country Programme Maldives (2008-2010)*, July, 2007; available from http://www.undp.org/asia/country_programme.html.

³¹⁴⁵ UN Committee on the Rights of the Child, *Written Replies by the Government of Maldives Concerning the List of Issues Received by the Committee on the Rights of the Child Relating to the Consideration of the Second and Third Combined Periodic Report of Maldives*, CRC/C/MDV/Q/3/Add.1, Geneva, March 5, 2007, para. 2 (g); available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/408/24/PDF/G0740824.pdf?OpenElement>. See also UN Committee on the Rights of the Child, *Consideration of Reports of States Parties (continued): Maldives*, CRC/C/SR.1391, Geneva, January 30, 2009, para. 3; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/403/89/PDF/G0940389.pdf?OpenElement>.

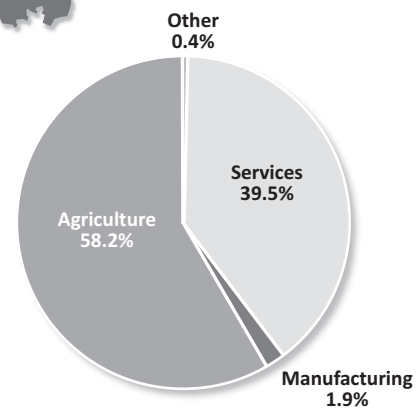
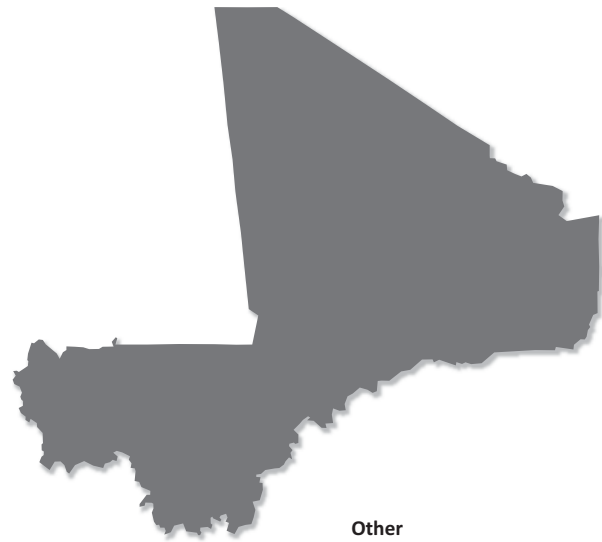
³¹⁴⁶ UN Committee on the Rights of the Child, *Written Replies- 2007: Maldives*.

Mali

The Government of Mali dramatically increased the number of labor inspectors during the reporting period. However, the Government conducted only one labor inspection. Children continue to perform worst form of child labor, especially in agriculture and domestic service. The laws in place to combat the worst forms of child labor are not harmonized, and gaps and inconsistencies make children vulnerable to exploitation.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	72.6%
Attending School	5-14 yrs.	44.8%
Combining Work and School	7-14 yrs	20.5%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Mali are exploited in the worst forms of child labor,³¹⁴⁷ many of them in domestic service and agriculture.³¹⁴⁸ Children in agriculture may begin work as young as age 4, and are involved in the production of rice. Although evidence is limited, there is reason to believe that the worst forms of child labor are also used in the production of cotton.³¹⁴⁹ By age 10, some children work with chemical fertilizers and dangerous tools. Children in agriculture are also exposed to pesticides, and are prone to injury and fatigue due to long hours and exposure to the environment.³¹⁵⁰ Children involved in domestic service work long hours, receive low and irregular pay, and may be subject physical or sexual abuse.³¹⁵¹

The commercial sexual exploitation of children remains a problem in Mali, especially for girls, who work as vendors in hotels, restaurants, bars, and mines.³¹⁵² Some children, including street children,

work as porters, vendors, or garbage scavengers.³¹⁵³ Children working on the streets are exposed to a variety of dangers, including exposure to bad weather, traffic accidents, mistreatment, and physical and sexual abuse.³¹⁵⁴

Children work in quarries. Children as young as age 5 are also exploited in mining.³¹⁵⁵ In small-scale gold mines, children are involved in all mining activities, including extracting material from underground passages.³¹⁵⁶ Children do extraction work in holes from 3-12 meters deep, and sometimes treat gold with mercury.³¹⁵⁷ In gold mines, children work long hours in unhealthy and dangerous conditions, risking injury, asphyxia, and exposure to diseases. They also perform work that surpasses their physical and mental capabilities.³¹⁵⁸

Other worst forms of child labor exist in Mali. Children, especially of the Tamachek community, continue to be subject to hereditary slavery in certain parts of Mali. These children may be forced to work

as domestic or agricultural laborers.³¹⁵⁹ Additionally, children, primarily of Songhai ethnicity, work in debt bondage in the northern salt mines of Taudenni.³¹⁶⁰




In Mali, it is a traditional practice to send boys, called *talibe*, to Koranic teachers to receive education, which may include a vocational or apprenticeship component.³¹⁶¹ 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. For example, *talibes* from Mali and from bordering countries, such as Burkina Faso, are exploited in rice fields where some farmers pay teachers directly for the boys' labor.³¹⁶² Children as young as age 7 perform forced labor as *talibes* in Mali. These children may be punished if they do not remit enough money to their teachers.³¹⁶³

Mali is a source, transit, and destination country for children trafficked for forced labor and commercial sexual exploitation.³¹⁶⁴ Children are trafficked internally to the central regions to work in agriculture, including rice fields.³¹⁶⁵ Girls are also trafficked into domestic service, while boys have been trafficked within Mali to work in gold mining and begging.³¹⁶⁶ Malian children are trafficked to Senegal and Guinea for forced labor in gold mines.³¹⁶⁷ Children in Mali are also trafficked to Côte d'Ivoire to work as domestic servants, in mines, and on plantations, especially on cotton and cocoa farms.³¹⁶⁸ Likewise, Malian boys are trafficked to Mauritania for forced begging, while Malian girls are trafficked there for domestic service and prostitution.³¹⁶⁹ Boys from other countries, such as Niger, Guinea, and Burkina Faso are trafficked to Mali for forced begging.³¹⁷⁰ Thousands of girls from Nigeria are trafficked to Mali for forced prostitution.³¹⁷¹

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for work at 14. However, children under age 14 may work with the approval of the Minister of Labor.³¹⁷² The minimum age for hazardous work is 18, including hazardous work in agriculture. During the reporting period, the Government of Mali issued a decree with an updated list of hazardous work.³¹⁷³ However, the list does not include domestic service or work performed in the informal sector. Moreover, the Labor Code and the decree are not harmonized. For example, the decree provides a list of establishments, such as mines, in

which children under age 18 may not be employed. However, the Labor Code only limits the hours when a child may be employed in such work; it does not prohibit work in those specific places.³¹⁷⁴ Both the Code's and the Decree's list of hazardous work allows children ages 14 and older to partake in some hazardous activities.³¹⁷⁵ Nonetheless, the Labor Code bans the employment of any child under age 18 in any work that presents dangers or harms the morality of the child.³¹⁷⁶

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Further inconsistencies exist in the legal framework regarding penalties to be applied for violations of criminal activities related to the worst forms of child labor. The Child Protection Code provides protection for children under age 18.³¹⁷⁷ The Penal Code establishes criminal penalties. However, the Penal Code does not provide consistent and adequate penalties for many of the prohibitions enumerated in the Child Protection Code. For example, the Penal Code only provides penalties for those recruiting and enlisting children under age 15 into the armed forces, even though the Child Protection Code extends this prohibition to all children under age 18.³¹⁷⁸ The Child Protection Code outlaws begging and the Penal Code provides for punishment of this activity. However, the Penal Code only punishes those who are begging, not those who are forcing others to beg.³¹⁷⁹

The Penal Code prohibits the trafficking of children.³¹⁸⁰ The Penal Code also forbids the debauching of children, including third party involvement in prostitution or sexual slavery (pimping).³¹⁸¹ However, prostitution is legal in Mali and inciting a child into prostitution is an offense only applicable to girls, not boys.³¹⁸² Furthermore, provisions of the Penal Code are not applied to prostitution cases without proof of pimping.³¹⁸³ The Penal Code also makes the child criminally liable for their involvement in prostitution.³¹⁸⁴

Although the Penal Code bans slavery, no penalties are outlined for the offense.³¹⁸⁵ Forced labor is prohibited under the Labor Code. However, the punishment for forced labor is only a fine and/or imprisonment for a period of 15 days to 6 months.³¹⁸⁶

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor, Civil Service and State Reform has overarching responsibility for coordinating the Government of Mali's efforts to combat the worst forms of child labor.³¹⁸⁷ The Ministry for the Advancement of Women, Children, and the Family (MPWCF) is the lead agency for anti-trafficking matters, and is charged with leading the inter-ministerial committee which addresses this issue. The committee is comprised of 13 ministries and civil society groups.³¹⁸⁸

Child labor laws are enforced by the Ministry of Labor, Civil Service, and State Reform. The Ministry's labor inspectors receive and investigate complaints, and perform surprise labor inspections in the formal labor sector.³¹⁸⁹ A variety of mechanisms are in place to report child labor violations.³¹⁹⁰ During the reporting period, the Government of Mali increased its number of labor inspectors to 52, which represents more than a 500 percent increase from the eight labor inspectors who were employed in 2007.³¹⁹¹ During the reporting period, labor inspectors received four in-country trainings. Additionally, inspectors were sent to trainings at a training center in Cameroon, as well as to an international training center in Italy.³¹⁹² The Government conducted one labor inspection during the reporting period, yielding a discovery of eight underage girls working as prostitutes in a bar. The girls were placed in the care of NGOs, and the bar was issued a fine.³¹⁹³ The number of inspections (one)

carried out during the reporting period is insignificant compared to the magnitude of the problem in Mali.

The Ministry of Internal Security, through its Morals Brigade of the National Police, is the principal agency handling cases of the commercial sexual exploitation of children.³¹⁹⁴ However, there is no mechanism for reporting complaints related to the trafficking or commercial sexual exploitation of children, and the police lack equipment and funding to enforce existing laws in these areas effectively.³¹⁹⁵

The MPWCF is the lead agency for combating trafficking, and coordinates the repatriation of trafficking victims, in collaboration with the Ministries of Justice, Territorial Administration, and Labor and Civil Services.³¹⁹⁶ Police received some anti-trafficking training in 2007; however, there is no evidence of such training during the reporting period.³¹⁹⁷ There is no formal system for identifying victims of trafficking, and no trafficking cases were prosecuted during the reporting year.³¹⁹⁸ The Malian Government works with NGOs and foreign Governments to operate centers that help to return trafficked children to their families.³¹⁹⁹ However, Mali does not have a system in place for transferring detained victims to NGOs.³²⁰⁰

Incidents during the reporting period demonstrate gaps in the Government's ability to process child trafficking cases. In one case, the MPWCF lacked the resources to transport children who had been rescued from a trafficker; thus NGOs and diplomatic missions were asked to provide the transportation costs.³²⁰¹ Several trafficking arrests were made during the reporting period. However, in five of the six arrests, the accused were released, some without explanation.³²⁰² In the sixth arrest, a man stopped for crossing the border with eight undocumented children was detained, but the children were returned to the man shortly thereafter.³²⁰³ These examples suggest a lack of thorough investigation and documented decision making regarding suspected cases of trafficking.

During the reporting period, the Government of Mali did not take action on all five pending cases of traditional slavery. Moreover, of the five pending cases and one new case, only one child was released from slavery. The other children were returned to their owners, or still await verdicts.³²⁰⁴ Since the Penal Code does not provide penalties for slavery, prosecutors

must rely on Criminal Code article 242, which bans individuals from entering into liberty-depriving contracts and agreements.³²⁰⁵ NGOs in Mali argue that these laws are not sufficient to prosecute cases of hereditary slavery, and there are reports that many government officials do not acknowledge the existence of hereditary slavery.³²⁰⁶

Government Policies on the Worst Forms of Child Labor

The National Plan for the Elimination of Child Labor (PANETEM) formulated in 1997, is currently being updated and reviewed.³²⁰⁷ Despite updates and modifications, the plan itself has not yet been adopted.³²⁰⁸ Nevertheless, a program of action for the design of PANETEM was launched during the reporting period.³²⁰⁹ The National Steering Committee on Child Labor, created in 1999, was charged with monitoring and directing national action plans on child labor. This group involves 43 members from key ministers as well as NGOs and Civil Society members.³²¹⁰ However, no money has been budgeted for the National Action Plan; ministries are expected to fund initiatives through existing funding.³²¹¹ Various other commissions have been designated to work on child labor policy, including: The National Program Against Child Labor, The Project Against Child Trafficking, the Support Project for TBP-Mali, and the Project Against Child Labor Through Education.

Child labor concerns have been explicitly incorporated in the Poverty Reduction Strategic Plan (2007-2011).³²¹² Policies concerning the trafficking of children for exploitative labor were also strengthened during the reporting period by the adoption of the Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa under ECOWAS. This agreement explicitly targets, among others, victims of exploitative labor and hazardous child labor. The inclusion of begging as a possible purpose of trafficking within this policy appropriately reflects the regional need to combat this growing problem.³²¹³ The policy agreement builds on the framework developed under 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; under the multilateral border agreement among Mali, Burkina Faso, Senegal, and Côte d'Ivoire, and under bilateral trafficking agreements, including

those with Côte d'Ivoire (2000), Burkina Faso (2004), Senegal, (2004) and Guinea (2005).³²¹⁴

The Government of Mali has also worked with the UN to formulate a Development Assistance Framework which addresses child protection, including support for children who are victims of trafficking, and increased access to social services, including education, for vulnerable children.³²¹⁵

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

The Government of Mali has participated in donor-funded projects that affect child labor. From 1990 to 2005, the World Bank implemented a \$652.8 million project to improve policy dialogue and access to education.³²¹⁶ The Malian Government also participated in a USDOL-funded project, that ended in 2007, which provided educational opportunities to children, including those trafficked for exploitive labor and those in domestic service.³²¹⁷

The Government of Mali currently participates in a USDOL-funded, 4-year, \$3.5 million Timebound preparatory project. The Timebound Program aims to integrate child labor into the national strategy framework to reduce poverty.³²¹⁸ The project has increased data about child labor and demonstrated several successful pilot programs aimed at withdrawing or preventing the worst forms of child labor in agriculture, mining, domestic service, trafficking, and the commercial sexual exploitation of children.³²¹⁹

Mali participates in three regional projects to combat the worst forms of child labor: a 4-year, nine-country, French-funded, \$5.3 million regional project which aims to contribute to the abolition of child labor in West Africa;³²²⁰ a 2-year, eight-country, \$2.8 million anti-trafficking project funded by Denmark; and a 4-year, \$5.1 million, four-country project funded by Spain.³²²¹ Additionally, the Government of Mali participates in a 4-year, \$14.7 million project funded by the European Commission to combat child labor through education in 12 countries globally.³²²²

During the reporting period, Mali participated in an NGO-sponsored trafficking awareness-raising campaign that targeted at risk children and their parents.³²²³ It focused on trafficking in the agricultural, mining, and quarrying sector, as well as the trafficking

of girls in urban areas and in the informal economy.³²²⁴ The campaign is implemented by regional offices using workshops and radio broadcasts.³²²⁵

USAID continues to implement a 5-year, \$30 million education project which aims to improve basic education.³²²⁶

The Government of Mali has generally relied on NGOs and international organizations to provide social programs for vulnerable children.³²²⁷ While the Government of Mali has tried to increase access to education, schools in the country lack sufficient space to serve all eligible children.³²²⁸

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

IN THE AREA OF LAWS AND REGULATIONS:

- Ensure children under age 14 are not permitted to work.
- Harmonize the legislative framework for addressing the worst forms of child labor, including: the Child Protection Code, the Penal Code, the Labor Act, and the Hazardous Child Labor Decree.
- Criminalize and provide appropriate penalties for all worst forms of child labor, especially slavery and forced labor, including forced begging and commercial sexual exploitation.
- Ensure that both girls and boys are protected from prostitution and are not punished for being forced into it.
- Amend the Labor Code to prohibit children under age 18 from working in all hazardous conditions.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase the number of child labor inspections.
- Develop effective and integrated monitoring and reporting mechanisms.
- Strengthen measures to investigate, prosecute, and convict individuals involved in the trafficking of children for sexual and labor exploitation, including by:
 - Providing sufficient funds so investigators are able to travel, transport victims to safety, and arraign traffickers.
 - Increasing training for law enforcement officers, judges, and prosecutors.
 - Providing mandatory minimum sentences for violations.
 - Introducing a mechanism, such as a hotline, for reporting such crimes.

IN THE AREA OF POLICIES:

- Finalize, enact, and fund an updated National Action Plan to Eliminate the Worst Forms of Child Labor.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to prevent children's involvement in exploitive child labor, including by:
 - Developing and implementing effective model programs to withdraw children from the worst forms of child labor and provide them with access to quality education.
 - Mainstreaming child labor elimination strategies into existing education, health, and social services.

³¹⁴⁷ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³¹⁴⁸ UCW, *Comprendre le Travail des Enfants au Mali*, Rome, May 2009. See also ILO-IPEC, *Support for the Preparation of the Mali Time-Bound Programme*, Technical Progress Report, Geneva, September 3, 2008. See also U.S. Embassy- Bamako, *reporting*, February 3, 2010, 2A.

³¹⁴⁹ ILO-IPEC, *Support for the Preparation of the Mali Time-Bound Programme*, Project Document, Geneva, September 1, 2006, 5.

³¹⁵⁰ *Ibid.*, 6.

³¹⁵¹ UCW, *Comprendre le Travail des Enfants au Mali*, 25, 26. See also U.S. Department of State, «Mali (Tier 2 Watch List),» in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>. See also UN Human Rights Council, *Compilation Prepared by the Office High Commissioner for Human Rights, in accordance with paragraph 15(b) of the Annex to Human Rights Council Resolution 5/1 - Mali*, Mali, April 2008, sections 2 and 5; available from <http://www.unhcr.org/refworld/docid/48abd56a0.html>. See also ILO-IPEC, *MALI TBP Project Document*, 6.

³¹⁵² ILO-IPEC, *Programme International pour l'Abolition du Travail des Enfants*, Technical Progress Report: Annex I, Geneva, September 1, 2007, 13 and 14. See also Ministère de la Promotion de la Femme de l'Enfant et de la Famille and UNICEF, *Etude sur les connaissances, attitudes, et pratiques en matière des droits de l'enfant et de la femme au Mali*, Report, Bamako, April, 2009, 44 and 45. See also U.S. Department of State, «Trafficking in Persons Report-2010: Mali.» See also ILO-IPEC, *Rapport: Volet Pays Mali: Etude transfrontalière sur le travail des enfants dans les sites d'orpaillage du BF, du Mali, et du Niger* Mali, August 2009, 63.

³¹⁵³ See Integrated Regional Information Networks, "Mali: Children scrape by on scrap", IRINnews.org, [online], April 7, 2008 [cited April 1, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=77641>. See also ILO-IPEC, *MALI TBP Project Document*, 7.

³¹⁵⁴ ILO-IPEC, *MALI TBP Project Document*, 7.

³¹⁵⁵ ILO-IPEC, *Etude transfrontalière sur le travail des enfants dans les sites d'orpaillage*, 1, 2, 6, 45-47 and 60. See also U.S. Department of State, "Mali," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6c and d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135964.htm>.

³¹⁵⁶ ILO-IPEC, *Etude transfrontalière sur le travail des enfants dans les sites d'orpaillage*, 2, 6, 45-47 and 60. See also U.S. Department of State, "Country Reports- 2009: Mali," section 6c and d.

³¹⁵⁷ ILO-IPEC, *MALI TBP Project Document*, 6.

³¹⁵⁸ ILO-IPEC, *Etude transfrontalière sur le travail des enfants dans les sites d'orpaillage*, 2. See also ILO-IPEC, *MALI TBP Project Document*, 7. See also ILO-IPEC, *Etude sur les questions du genre, le travail des enfants et les pires formes de travail des enfants dans les mines et carrières: Kenieba et Bougouni (Mali)*, Preliminary Report, Mali, November 2009, 25.

³¹⁵⁹ Programme des Nations Unie pour le Développement, *Rapport final de l'étude actualisée de la situation des droits humains au regard des objectifs du CSCR*, Bamako, July 2007, 18. See also U.S. Embassy- Bamako, *reporting*, February 3, 2010. See also U.S. Department of State, "Country Reports- 2009: Mali," section 6c and d. See also Integrated Regional Information Networks, "Mali: Thousands still live in slavery in north", IRINnews.org, [online], July 14, 2008 [cited February 12, 2010]; available from <http://www.unhcr.org/refworld/docid/487f10be1a.html>. See also U.S. Embassy- Bamako, *reporting*, February 19, 2010, 3d.

³¹⁶⁰ U.S. Department of State, "Country Reports- 2009: Mali," section 6. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Mali."

³¹⁶¹ Integrated Regional Information Networks, "Mali: Urbanisation fuelling begging on streets of capital", IRINnews.org, [online], January 22, 2008 [cited March 15, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=76375>. See also ILO-IPEC, *Termes de référence: Etude sur l'exploitation des enfants mendians au Mali*, Mali, April 2008. 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. Department of State, "Country Reports- 2009: Mali."

³¹⁶² ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Mali (ratification: 2000)*, [online] 2008 [cited February 5, 2010]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>. See also Winrock International, *Spotlight on ENDA, Mali*, [online] July 2005 [cited February 16, 2010]; available from <http://circle.winrock.org/news/ml-ENDA.cfm>.

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- ³¹⁶⁴ U.S. Department of State, “Trafficking in Persons Report- 2010: Mali.” See also M. Hamadou Tolo, *Etude sur la traite des enfants au Mali et au Senegal*, 7. See also U.S. Department of State, «Country Reports- 2009: Mali.» See also U.S. Embassy- Bamako, *reporting, February 19, 2010*, 3B.
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³²²⁶ USAID, *Education Program* [2010 [cited July 26, 2010]; available from <http://www.usaid.gov/ml/en/education.html>.

³²²⁷ U.S. Embassy- Bamako, *reporting, February 3, 2010*.

³²²⁸ Integrated Regional Information Networks, “Mali: Students left behind in race for education MDG”, IRINnews.org, [online], February 6, 2009 [cited March 16, 2010]; available from <http://www.irinnews.org/Report.aspx?ReportId=82801>. See also ILO-IPEC, *Support for the Preparation of the Mali Time-Bound Programme*, Technical Progress Report, Geneva, September 24, 2009, 5.

Mauritania

The Government developed a national strategy and a 3-year plan of action for the protection of children. However, the Government does not enforce child labor laws and its social programs do not sufficiently address the needs of vulnerable children. As a result, children continue to engage in the worst forms of child labor in agriculture, as well as indentured servitude in remote areas of the country.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Mauritania are exploited in the worst forms of child labor,³²²⁹ many of them in agriculture. In rural areas, children commonly perform activities such as farming (e.g., rice, beans, and vegetables), where they are exposed to carrying heavy loads and dangerous tools and chemicals.³²³⁰ Children herd and care for animals (e.g., goats) and risk injury and exposure to diseases from animals. In addition, children work in the fishing sector, where they are at risk of injury and drowning. Some children also burn wood to produce charcoal and risk injury due to burns.³²³¹

In cities such as Nouakchott, Nouadhibou, Kiffa, and Rosso, children are engaged in the worst forms of child labor in the informal sector, including activities such as street vending, garbage collection, delivery of various goods, transporting people via donkey carts, and apprenticeships to mechanics.³²³² Mostly boys engage in these activities, and many work more than 8 hours a day, 6 days a week and are subject to carrying heavy loads and handling toxic materials.³²³³ Some apprentices are beaten and forced to work for many years by their master.³²³⁴

Some male street children are former Koranic students, or *talibes*.³²³⁵ Traditionally, families send boys to Koranic teachers to receive education, which should involve work or an apprenticeship. However, some Koranic teachers, or *marabouts*, force *talibes* to beg for more than 12 hours a day without adequate food or shelter.³²³⁶ Most *talibes* in Mauritania are between the ages of 6 and 10 and come from the Pulaar tribes in the southern part of the country.³²³⁷

Girls, many of whom are between the ages of 7 and 12, may work as domestic servants in urban households for 6 to 10 hours a day. Many work without pay and some are beaten and sexually abused.³²³⁸ Many domestic servants in Mauritania come from the Senegal River Valley and Assaba and work in Nouakchott.³²³⁹





In Mauritania, children continue to be exploited in indentured servitude and slave-like practices in remote areas of the country, including places where the economy persists on traditional labor and barter arrangements.³²⁴⁰ These children are used in activities such as animal husbandry and herding (e.g., with goats, camels, and other animals).³²⁴¹

Mauritania is a source and destination country for trafficked children.³²⁴² Reports indicate that children

are trafficked within Mauritania for forced labor in agriculture, construction, herding, domestic labor, and fishing.³²⁴³ In addition, children are trafficked by street gang leaders for selling drugs and stealing—girls for domestic labor and sexual exploitation, boys for camel jockeying, and *talibes* for forced begging.³²⁴⁴ However, more recently, there have not been reports of trafficking of boys for camel jockeying.³²⁴⁵ *Talibes* are trafficked from Senegal, Mali, Guinea, and Guinea-Bissau to Mauritania for forced begging.³²⁴⁶ Girls are trafficked from Senegal and Mali for domestic service.³²⁴⁷

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 14. However, if a child has not completed the required 9 years of education, the child may be restricted from employment until such education is complete.³²⁴⁸ At age 12, children may perform light work in establishments where their family members are employed, provided that they have

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

the Ministry of Labor's authorization and maintain their schooling.³²⁴⁹ According to the Labor Code, children under age 16 are prohibited from night work.³²⁵⁰ The Labor Code also bans children under age 18 from work that is dangerous, beyond their strength

or is likely to harm their safety, health, or morals.³²⁵¹ However, the Government lacks a hazardous labor list.

The Penal Protection Code for Children establishes penalties for the sexual exploitation of a child.³²⁵² The Penal Protection Code for Children also states that inciting a child to beg, or giving authority to another person to do so, is punishable.³²⁵³ However, the law does not prohibit the use of children in illicit activities.

Law 2007-048 and Law 025/3003 prohibits forced and compulsory labor, as well as slavery and trafficking in persons.³²⁵⁴ The minimum age for both voluntary and compulsory recruitment into the military is 18.³²⁵⁵

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Mauritania has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Social Affairs, Family, and Children has primary responsibility for both child labor policy and enforcement of all child labor laws, including the worst forms of child labor.³²⁵⁶

The Government of Mauritania has 60 labor inspectors who are responsible for following up on child labor violations.³²⁵⁷ During the reporting period, the Government did not undertake any investigations, prosecutions, convictions, or sentences related to the worst forms of child labor.³²⁵⁸

The Direction of the Judiciary Protection of Children under the Ministry of Justice and the Special Brigade for Minors under the Ministry of the Interior also undertake activities that protect children and enforce laws, including the worst forms of child labor.³²⁵⁹ Information on enforcement activities were not identified through research.

Government Policies on the Worst Forms of Child Labor

With funding and technical support from UNICEF, the National Children's Council of the Ministry of Social Affairs, Family, and Children established a national strategy and 3-year plan of action (2009-2011) for the protection of children.³²⁶⁰ The strategy and action plan aim to strengthen the legal system; increase access to

social services for vulnerable children; and establish a system to coordinate, monitor, and evaluate service provision.³²⁶¹ In addition, the Poverty Reduction Strategy Paper (2006-2010) includes plans to increase access to quality education for all children.³²⁶² The question of whether these policies have an impact on the worst forms of child labor does not appear to have been addressed.

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

During the reporting period, the Government continued to provide support, such as technical support by government officials, to a center for vulnerable children located in Noaukchott. It provided

shelter for 270 children in 2009, many of whom were *talibes*.³²⁶³ The Government also participated in awareness-raising campaigns on child domestic labor.³²⁶⁴ Additionally, it continued to participate in a regional project funded by the United Arab Emirates that seeks to return child camel jockeys to their home countries, and to reintegrate them into acceptable childhood activities.³²⁶⁵

Although the Government has participated in programs for vulnerable children and child jockeys, research found limited evidence that it has carried out programs to assist children involved in agriculture, domestic service, the informal sector, street work, or children in indentured servitude.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Draft and adopt a hazardous labor list, in accordance with international standards.
- Draft and adopt a law that prohibits the use of children in illicit activities, in accordance with international standards.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Take all necessary measures to effectively enforce child labor and anti-trafficking laws, including investigation, prosecution, and conviction of individuals.

IN THE AREA OF POLICIES:

- Assess the impact that existing policies may have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Institute programs to address the worst forms of child labor in agriculture, domestic service, informal sectors, and other sectors where children work, as well as children in indentured servitude.

³²²⁹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

³²³⁰ U.S. Embassy- Nouakchott, *reporting*, February 11, 2010, para 3. See also Haimoud Ramdan, *La lutte contre la Précarité des Enfants en Mauritanie*, Université de Nouakchott, 17. See also Le Quotidien de Nouakchott official, Interview with USDOL consultant, May 15, 2008, 65.

³²³¹ U.S. Embassy- Nouakchott, *reporting, February 11, 2010*, para 3. See also Ramdan, *La lutte contre la Précarité des Enfants*, 17. See also Le Quotidien de Nouakchott official, Interview, May 15, 2008, 65.

³²³² 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, 24, 27-28.

³²³³ Ibid.

³²³⁴ Ibid., 29-30, 33. See also SOS-Esclaves official, Interview with USDOL consultant, May 8, 2008, 13.

³²³⁵ U.S. Embassy- Nouakchott, *reporting*, November 30, 2007, para 12. See also U.S. Department of State, “Mauritania,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, sections 6 and 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>. See also Conventions on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention*, June 17, 2009, 16-17; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/430/16/PDF/G0943016.pdf?OpenElement>.

³²³⁶ U.S. Embassy- Nouakchott, *reporting, November 30, 2007*, para 12. See also U.S. Department of State, “Country Reports- 2009: Mauritania,” sections 6 and 7d. See also Conventions on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention*, 16-17.

³²³⁷ U.S. Embassy- Nouakchott, *reporting, February 11, 2010*, para 3. 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.

³²³⁸ U.S. Department of State, “Country Reports- 2009: Mauritania,” section 7d. See also Fall, *Enquete sur le Travail des Enfants et Opportunités d’Insertion a Nouakchott*, 19-20. See also de l’enfance et de la Famille Ministère des Affaires Sociales and UNICEF, *Etude sur le Trafic, la Traite et les Pires Formes de Travail des Enfants en Mauritanie: Rapport Final*, January 10, 2010, 57.

³²³⁹ Ministère de la Justice official, Interview with USDOL consultant, May 7, 2008, 27.

³²⁴⁰ U.S. Department of State, “Mauritania (Tier 3),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009>.

³²⁴¹ Ibid.

³²⁴² Ibid.

³²⁴³ Ibid. See also Association Enfants Développement en Mauritanie official, Interview with USDOL consultant, May 12, 2008, 53.

³²⁴⁴ U.S. Department of State, “Trafficking in Persons Report- 2009: Mauritania.” See also U.S. Department of State, “Country Reports- 2009: Mauritania.”

³²⁴⁵ U.S. Embassy- Nouakchott official, E-mail communication to USDOL official, June 29, 2009.

³²⁴⁶ U.S. Department of State, “Trafficking in Persons Report- 2009: Mauritania.” See also Hamady, *Rapport Narratif de l’enquête Participative sur la Situation des « almuube »*, 12. See also Association Enfants Développement en Mauritanie official, Interview, May 12, 2008, 53.

³²⁴⁷ U.S. Department of State, “Trafficking in Persons Report- 2009: Mauritania.”

³²⁴⁸ Government of Mauritania, *Code du travail*, Loi No. 2004-017, (July 2004), article 153; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=MRT&p_classification=01.02&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY. See also Government of Mauritania, *Loi n° 2001-054 du portant obligation de l’enseignement*, (July 19, 2001), article 1.

³²⁴⁹ Government of Mauritania, *Code du travail*, articles 153 and 154.

³²⁵⁰ Ibid., articles 155 and 164.

³²⁵¹ 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.details?p_lang=en&p_country=MRT&p_classification=04&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY.

³²⁵² Government of Mauritania, *Ordonnance 2005-015 portant protection penale de l’enfant*, (December 5, 2005), articles 24-27.

³²⁵³ Ibid., 42.

³²⁵⁴ 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, 2010]; 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.

³²⁵⁵ 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>.

³²⁵⁶ U.S. Embassy- Nouakchott, *reporting, February 11, 2010*, para 2c7.

³²⁵⁷ Ibid., para 2d20. See also Ministère des Affaires Sociales de l'Enfance et de la Famille and UNICEF, *Strategie Nationale de Protection des Enfants en Mauritanie et Plan d'Action 2009-2013*, August 13, 2009, 25-27.

³²⁵⁸ U.S. Embassy- Nouakchott, *reporting, February 10, 2010*, para 17.

³²⁵⁹ U.S. Embassy- Nouakchott, *reporting, February 11, 2010*, para 2c11.

³²⁶⁰ Conventions on the Rights of the Child, *Written Replies by the Government of Mauritania*, April 22, 2009, 4-5; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/417/29/PDF/G0941729.pdf?OpenElement>.

³²⁶¹ Ministère des Affaires Sociales de l'Enfance et de la Famille and UNICEF, *Strategie Nationale de Protection des Enfants en Mauritanie et Plan d'Action*, 51-55.

³²⁶² IMF, *Poverty Reduction Strategy Paper: Mauritania*, Washington, DC, May 2009; available from <http://www.imf.org/external/np/prsp/prsp.asp#R>. See also Government of Mauritania, *Programme National de Developpement de Secteur Educatif 2001-2010*, 2001; available from http://www.educationfasttrack.org/media/library/Mauritania_Education_Plan.pdf.

³²⁶³ U.S. Embassy- Nouakchott, *reporting, February 11, 2010*, 2d20.

³²⁶⁴ Ibid., para 36.

³²⁶⁵ Ibid.

Mauritius

The Government of Mauritius has strengthened its legal framework to combat the worst forms of child labor and has implemented many programs to prevent and assist victims of commercial sexual exploitation and trafficking. The worst forms of child labor continue to exist, however, in the commercial sexual exploitation of children. Gaps remain in the Government's efforts to coordinate policy related to the worst forms of child labor.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Distribution of the Worst Forms of Child Labor

Children in Mauritius are involved in some of the worst forms of child labor³²⁶⁶, including commercial sexual exploitation.³²⁶⁷ Girls as young as 10 have been found in prostitution in Mauritius.³²⁶⁸ Girls are exploited in both local and tourism-linked prostitution, including by prostitution rings and business persons offering other forms of employment and then exploiting them as prostitutes instead.³²⁶⁹ Some sex workers have also been reported to sell their sons into prostitution.³²⁷⁰

There have been limited reports of child trafficking in Mauritius.³²⁷¹

Although anecdotal evidence suggests that the incidence of child labor in Mauritius is low, children are involved in agriculture, domestic service, and street hawking.³²⁷² Agricultural work may involve using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides. Child street hawkers may be exposed to a variety of hazards, which could include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements. Child domestic work commonly involves long hours of work and can expose children to physical and sexual exploitation by their employers.

Laws and Regulations on the Worst Forms of Child Labor

The Government of Mauritius has laws to protect children against the worst forms of child labor in both the formal and informal sectors. According to the Employment Rights Act, a child by definition is under the age of 16, while the term “young person” refers to those age 16 to 18.³²⁷³ The Employment Rights Act sets the minimum age for work at 16.³²⁷⁴

Any work which is harmful to the health and safety of the person is prohibited for persons less than age 18, with the exception of those age 16 to 17 who have been trained and are under adequate supervision. The Occupational Safety and Health Code provides a specific list of prohibited hazardous work conditions.³²⁷⁵

The Mauritian constitution prohibits forced labor and slavery.³²⁷⁶ The Child Protection Act forbids causing, inciting, or allowing any child to engage in prostitution or child pornography and provides punishment for violation of the law.³²⁷⁷ Acting as an accomplice to child prostitution is also illegal and punishable under the law.³²⁷⁸ Additionally, the Penal Code prohibits sexual intercourse with a female under the age of 16.³²⁷⁹

The Government of Mauritius expanded its legal framework by enacting the Combating Trafficking in Persons Act, Act No. 2 of 2009, which provides a comprehensive framework to combat trafficking in persons.³²⁸⁰ The Trafficking in Persons law provides a maximum of 15 years of imprisonment for offenders of trafficking laws, including those who knowingly aid traffickers.³²⁸¹ In addition to clearly establishing the trafficking of children as a criminal offense, the Combating Trafficking in Persons Act establishes a requirement for Internet service providers to inform the police of any information, which suggests or alludes to trafficking on its server. Failure to report such matters is a criminal offense.³²⁸²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence of coordinating mechanisms to combat child labor in Mauritius. The Ministry of Gender Equality, Child Development and Family Welfare is the lead agency for implementing anti-trafficking policies.³²⁸³

The Ministry of Labor, Industrial Relations, and Employment (MOLIRE) enforces child labor laws. All regular labor inspections include monitoring for child labor.³²⁸⁴ Other agencies have enforcement responsibilities as well including the Office of the

Ombudsperson for Children refers cases, which require investigation to the Child Development Unit (CDU). The CDU and the Minors’ Brigade of the Police Force investigate reported child labor violations.³²⁸⁵

In 2009, MOLIRE employed 30 field officers and 9 trainee officers in its Inspection and Enforcement Division. MOLIRE offers ongoing training in all aspects of labor inspections.³²⁸⁶

Data on the number of inspections conducted in 2009 is unavailable.³²⁸⁷ The extent to which inspections were carried out in agriculture is also unavailable.

The Government has indicated that once a child labor violation has been discovered, child employment is stopped, surprise follow-up visits are conducted to the employment site and prosecution is initiated by the Occupational Safety and Health division of MOLIRE.³²⁸⁸ However, no child labor violations were reported as a result of MOLIRE inspections during the reporting period.³²⁸⁹

The Mauritian Police Force, and in particular its Minors’ Brigade, is the main agency charged with enforcing laws regarding other worst forms of child labor, including trafficking, pornography, and prostitution. The Police Force maintains a database of trafficking cases and allegations.³²⁹⁰ The CDU also refers cases of child prostitution to the Minors’ Brigade for investigation, while the Minors’ Brigade refers children to the CDU for social assistance.³²⁹¹

Several other entities are involved in anti-trafficking efforts, including: the Criminal Investigation Division, the Office of the Ombudsperson for Children, the State Law Office, and the Prime Minister’s Office.³²⁹²

All new recruits of the Mauritian Police Force undertake training on the commercial sexual exploitation of children.³²⁹³ The Mauritian Police Force has also conducted a series of trainings for police station officers, as well as specialized units such as the Police Prosecutor’s Unit, the Criminal Investigation Unit, and the Passport and Immigration Office regarding the commercial sexual exploitation of children, child abuse, and trafficking in persons.³²⁹⁴ In addition, the Ministry of Gender Equality, Child Development, and Family Welfare assisted in training police officers on the commercial sexual exploitation of children.³²⁹⁵ During the reporting period, officers

in the Minors' Brigade received five training sessions on the best practices for combating human trafficking. Students at the police training school, 182 senior police officers, and 70 government officials also received anti-trafficking training.³²⁹⁶ Additionally, 70 government officials received training on the commercial sexual exploitation of children.³²⁹⁷

The Minors' Brigade, in coordination with the National Children's Council, conducts crackdown operations that target areas such as arcades, bus terminals, water fronts and other areas frequented by truant students.³²⁹⁸ Since January 2008, 500 crackdowns have been carried out in areas common to truant students.³²⁹⁹ The Government uses these crackdowns to track and counsel adults who are using their children for child labor.³³⁰⁰ Crackdowns by child welfare and law enforcement officials are also conducted in areas frequented by students at high risk for trafficking.³³⁰¹

In 2009, three cases of child trafficking were reported to the authorities. The children received government funding and assistance. Further, a woman was sentenced to 10 years in prison for subjecting two under age Mauritian girls to prostitution.³³⁰² Her two sons were sentenced to 3 years in prison for sexual relations with a child under 16.³³⁰³ During the reporting period, nine cases of child prostitution were reported to the Ministry of Gender Equality, Child Development and Family Welfare.³³⁰⁴ As of the writing of this report, there was no information on the status of these cases. Also during the reporting period, one investigation of pimping was completed and one adult was prosecuted for the commercial sexual exploitation of three girls.³³⁰⁵ Cases generally take 18 to 24 months from arrest to sentencing, and sentences reflect standards established by legislation.³³⁰⁶

During the reporting period, there were reports of Mauritian nationals involved in child sex tourism in Madagascar. However, the Mauritian Government did not take action to address this specific problem.³³⁰⁷

Government Policies on the Worst Forms of Child Labor

The Government has a policy focused on the commercial sexual exploitation of children. Beginning in 1997, the Government, in conjunction with UNICEF and WHO, commissioned studies which identified the commercial sexual exploitation of children as a

problem. The Government created a National Plan of Action to address this issue in 2003.³³⁰⁸ The plan focuses on awareness raising, data collection, the provision of education and psychosocial services for victims, and indicators for monitoring the incidence of the commercial sexual exploitation of children.³³⁰⁹ The Government of Mauritius has taken action under this plan by conducting awareness-raising and police training.³³¹⁰

The Government of Mauritius is working with UNDP to develop a poverty reduction strategy.³³¹¹ The Government has also implemented other policies, including a 2009 12-year strategy plan for education and human resources, as well as the National Policy Paper on the Family. The question of whether these policies have an impact on the worst forms of child labor does not appear to have been addressed.³³¹²

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

From 2005 to 2009, the Government of Mauritius implemented a public sensitization campaign to make young people aware of the dangers of commercial sexual exploitation.³³¹³ Over the last two years, the Ministry of Tourism published and distributed 3,000 pamphlets on the commercial sexual exploitation of children to members in the tourism industry, including tour operators and hotels.³³¹⁴ The Government also runs a program, started in 2003, that provides education to parents on understanding children's rights. The program is piloted in 16 primary schools and has planned expansions to involve child care centers.³³¹⁵

Mauritius provides services to victims of commercial and sexual exploitation. Child welfare officers take victims to the hospital and work in conjunction with the police officer to obtain a statement. Medical and psychological services are available in public clinics.³³¹⁶ The CDU works in coordination with the Police Department and other agencies to provide 24-hour legal and psychological support to sexually exploited and vulnerable children.³³¹⁷ The CDU also maintains two hotlines for reporting child abuse and takes custody of child trafficking victims, ensuring the children receive schooling, health and psychological care while in its custody.³³¹⁸ However, school reintegration for child victims has proven difficult.³³¹⁹ For example, children victims were not reintegrated

into schools due to negative social attitudes, strict regulations, and a lack of guidance and support.³³²⁰

The Government of Mauritius funds local NGOs to run a public education campaign on the issue of the commercial sexual exploitation of children and to provide child victims with shelter. It also operates a drop-in center, through which it provides educational and counseling services.³³²¹ During the reporting period, the center counseled six girls who were engaged in prostitution.³³²² However, not all identified victims received comprehensive protective services due to overcrowding and a lack of shelter facilities.³³²³

Additionally, the Child Protection (Amendment) Act of 2008 established a child mentoring scheme to provide distressed children, including those involved in or at risk for engaging in prostitution, with support and rehabilitation. However, during the reporting period the Government did not utilize these services to assist children engaged in or at risk of prostitution.³³²⁴

The Government, in coordination with the UNDP, is also conducting a general poverty reduction program which is focusing efforts on increasing attendance at schools.³³²⁵ Increasing access to school could reduce the incidence of child labor by providing alternatives to working children. The program, among other things, provides transitional and educational support to vulnerable households, provides capacity building for employability skills, and strengthens the capacity of training institutions.³³²⁶ The program has contributed to poverty reduction by focusing on 30 schools in deprived regions.³³²⁷ As a preventative measure, the Government is also developing a process to direct students who have dropped out of school to vocational training, literacy and numeracy programs, and has increased efforts, such as school feeding programs and free school supplies, to ensure that children are at school as a preventative measure.³³²⁸

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

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a formal coordinating body to facilitate the efforts of the multiple agencies tasked with combating the trafficking of children for labor exploitation.
- Make publicly available data on child labor inspections and the results of those inspections.

IN THE AREA OF POLICIES:

- Assess the impact that the National Action Plan on commercial sexual exploitation has on the worst forms of child labor.
- Develop national policy to address all worst forms of child labor
- Consider how child labor concerns can be included in development plans currently being drafted.

IN THE AREA OF PROGRAMS:

- Assess the impact that poverty reduction and education programs may have on addressing the worst forms of child labor.
- Improve existing programs to withdraw and prevent children from involvement in commercial sexual exploitation and provide sufficient services to victims.

³²⁶⁶ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

³²⁶⁷ U.S. Embassy- Port Louis, *reporting*, January 29, 2010, para 2.

³²⁶⁸ U.S. Embassy - Port Louis, *reporting*, January 29, 2010, para 3. See also, ECPAT International, *Report on the Status of Action Against Commercial Sexual Exploitation of Children: Mauritius*, 2007; available from http://www.ecpat.net/A4A_2005/PDF/AF/Global_Monitoring_Report-MAURITIUS.pdf.

³²⁶⁹ U.S. Embassy- Port Louis, *reporting*, January 29, 2010, para 2 and 3. See also, United Nations Economic Commission for Africa: Africa Center for Gender and Social Development, *Gender Based Violence: Situational Analysis*, 2009; available from http://www.ggp.up.ac.za/gender_equality/course_material/2009/bayard%202.doc. See also, ECPAT International, *Report on the Status of Action*. See also, U.S. Embassy - Port Louis, *reporting*, January 29, 2010.

³²⁷⁰ U.S. Embassy - Port Louis, *reporting*, February 18 2010, para 25d.

³²⁷¹ ECPAT International, *Report on the Status of Action*, 12. See also, U.S. Embassy - Port Louis, *reporting*, January 29, 2010.

³²⁷² U.S. Embassy - Port Louis, *reporting*, January 29, 2010, 14. See also, U.S. Embassy- Port Louis, *reporting*, January 15, 2009.

³²⁷³ Government of Mauritius, *Employment Rights Act of 2008*, (February 2, 2009); available from <http://supremecourt.intnet.mu>.

³²⁷⁴ Ibid.

³²⁷⁵ Government of Mauritius, *The Occupational Safety and Health Act 2005*, (October 28, 2005); available from <http://www.gov.mu/portal/sites/legaldb/files/occupational%20safety%20&%20health%20act%202005.doc>.

³²⁷⁶ 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.

³²⁷⁷ See also U.S. Embassy- Port Louis, *reporting*, January 15, 2009, para 6. See also, Government of Mauritius, *Written communication*, Update to the Response submitted in response to U.S. Department of Labor Federal Register Notice (December 19, 2009) “Request for Information on

Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor.” Washington, DC, February 19, 2009, section 15. See also, Interpol, “National Laws: Mauritius,” (2009); available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaMauritius.asp>.

³²⁷⁸ ECPAT International, *Report on the Status of Action*, 19.

³²⁷⁹ Interpol, *Legislation of Interpol member states on sexual offences against children: Mauritius*, August 3, 2007; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaMauritius.pdf>.

³²⁸⁰ Government of Mauritius, *The Combating Trafficking in Persons Act 2009*, (May 8, 2009); available from <http://www.gov.mu/portal/goc/assemblysite/file/Act209.pdf>.

³²⁸¹ Ibid.

³²⁸² Government of Mauritius, *The Child Protection (Amendment) Act*, No. 34, (December 6, 2005); available from http://supremecourt.intnet.mu/Entry/dyn/GuestGetDoc.Asp?Doc_Idx=2977961&Mode=Html&Search=No. See also, ECPAT International, *Report on the Status of Action*, 20.

³²⁸³ U.S. Embassy - Port Louis, *reporting*, February 18, 2010, para 26B. See also, U.S. Embassy - Port Louis, *reporting*, January 29, 2010.

³²⁸⁴ U.S. Embassy - Port Louis, *reporting*, January 15, 2010, para 5. See also, Ministry of Women’s Rights- Child Development- Family Welfare and Consumer Protection, *Mauritius National Progress Report of the Special Session of the General Assembly on Children: A World Fit for Children*, December 2006, . See also, Government of Mauritius, *Written communication Update on the Response to U.S. Department of Labor Federal Register Notice (February 19, 2009)*, para 2b.

³²⁸⁵ ILO Committee of Experts, *Observation, Minimum Age Convention, 1973 (No. 138) Mauritius (ratification: 1990)*, online, 2008; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1393&chapter=3&query=Mauritius%40ref%2BObservation%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>. See also ILO Committee of Experts, *Observation, CEACR 2007/78th Session Minimum Age Convention, 1973 (No. 138) Mauritius (ratification: 1990)*.

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³²⁸⁸ Government of Mauritius, *Written communication Update on the Response to U.S. Department of Labor Federal Register Notice (February 19, 2009)*, para 2b.

³²⁸⁹ U.S. Embassy - Port Louis, *reporting*, January 29, 2010, para 2.

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- ³²⁹⁴ Government of Mauritius, *Written communication Update on the Response to U.S. Department of Labor Federal Register Notice (February 19, 2009)*., para 2d.
- ³²⁹⁵ *Ibid.*, para 2d.
- ³²⁹⁶ U.S. Department of State, “Trafficking in Persons Report- 2010.” See also, U.S. Embassy - Port Louis, *reporting, February 18, 2010.*, para 27F and 28K
- ³²⁹⁷ U.S. Embassy - Port Louis, *reporting, February 18, 2010.*, para 27F.
- ³²⁹⁸ Government of Mauritius, *Written Communication April 30, 2010*, Washington, DC, April 30, 2010.
- ³²⁹⁹ *Ibid.*
- ³³⁰⁰ *Ibid.*
- ³³⁰¹ U.S. Department of State, *Angola (Tier 2)*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142981.pdf>.
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- ³³⁰⁴ U.S. Embassy - Port Louis, *reporting, January 29, 2010.*, para 5.
- ³³⁰⁵ U.S. Department of State, “Trafficking in Persons Report- 2010.” See also, U.S. Embassy - Port Louis, *reporting, January 29, 2010*. ECPAT International, *Report on the Status of Action.*, p. 19.
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- ³³⁰⁹ ECPAT International, *Report on the Status of Action*, 13.
- ³³¹⁰ Government of Mauritius, *Written communication Update on the Response to U.S. Department of Labor Federal Register Notice (February 19, 2009)*.
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- ³³¹³ Government of Mauritius, *Written Communication January 19, 2010*, Washington, DC, January 19, 2010. See also, ECPAT International, *Report on the Status of Action*, 16.
- ³³¹⁴ U.S. Embassy - Port Louis, *reporting, February 18, 2010*, para 29A.
- ³³¹⁵ ECPAT International, *Report on the Status of Action*, 16.
- ³³¹⁶ U.S. Department of State, “Trafficking in Persons Report- 2010.”
- ³³¹⁷ ECPAT International, *Report on the Status of Action*, 15. See also, U.S. Embassy - Port Louis, *reporting, February 18, 2010*, para 26D and 26F. See also, Government of Mauritius, *The Combating Trafficking in Persons Act 2010*, (June 14, 2010); available from <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>.
- ³³¹⁸ U.S. Embassy - Port Louis, *reporting, January 29, 2010*, para 4. See also, U.S. Embassy- Port Louis, *reporting*, November 17, 2009, para 4.
- ³³¹⁹ ECPAT International, *Report on the Status of Action*, 13 and 14.
- ³³²⁰ *Ibid.*
- ³³²¹ U.S. Embassy - Port Louis, *reporting, January 15, 2010*, para 7.
- ³³²² U.S. Department of State, “Trafficking in Persons Report- 2010.”
- ³³²³ *Ibid.*
- ³³²⁴ *Ibid.* See also, U.S. Embassy - Port Louis, *reporting, January 29, 2010*.
- ³³²⁵ U.S. Embassy- Port Louis, *reporting, January 29, 2010*. See also, Government of Mauritius, *Written communication, Update to the Response 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 19, 2010. See also, UNDP, *Acheiving the MDGs and Reducing Human Poverty*.
- ³³²⁶ Executive Board of the United Nations Development Programme and of the United Nations Population Fund, *Draft country programme for the Republic of Mauritius (2009-2011)*, 2008, p. 4; available from http://un.intnet.mu/undp/downloads/info/Country%20Programme%20Documents/Mauritius/CPD_2009-2011_Mauritius_Final.pdf.
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- ³³²⁸ U.S. Embassy- Port Louis, *reporting, January 29, 2010*, para 7, 8 and 10.

Moldova

The Government of Moldova has strengthened its legal framework to provide protections for children in the worst forms of child labor, especially those in vagrancy, begging and illicit activities, and work in the informal sector. The Government also signed a Memorandum of Understanding with the ILO to address this issue, and completed the first survey in three years that provides more up-to-date statistics on the number of children involved, as the basis for making progress on the problem. A National Action Plan on the Prevention and Elimination of the Worst Forms of Child Labor for 2011-2015 is currently being considered by the government, with ILO support. Children continue to be involved in the worst forms of child labor in agriculture and on the streets. Although policies and programs to combat such child labor are being formulated, they have yet to be fully implemented.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	30.1%
Attending School	5-14 yrs.	82.2%
Combining Work and School	7-14 yrs.	31.8%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children are engaged in the worst forms of child labor in Moldova in agriculture and on the streets.³³²⁹ A 2009-2010 Moldovan National Child labor survey, commissioned by the Government of Moldova to help address the problem, estimated that 109,000 children were engaged in child labor, mostly in small businesses and agricultural labor. A 2007 ILO report noted that two-thirds of rural children had worked on farms by age 14, although it was not known how many of such children were engaged in worst forms of child labor. An older ILO report notes that school directors, farms, and agricultural cooperatives had signed contracts to have students help with the harvest during the high season in autumn.³³³⁰ Children's work in agriculture



may involve using dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides.

Children work on the streets in Moldova.³³³¹ They also work at factories and in carpentry.³³³² These children may be exposed to a variety of risks, including severe weather, harsh working conditions, dangerous machines and tools, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Moldovan girls are trafficked abroad for commercial sexual exploitation.³³³³ Children, mostly girls, are also trafficked internally from rural areas to the capital, Chisinau.³³³⁴

A 2006 UNICEF report stated that the migration of adults in search of work has left approximately

40,000 children parentless.³³³⁵ These children often lack proper supervision and are at greater risk of labor and sexual exploitation.³³³⁶ Both forced labor and forced prostitution are reportedly especially common in the secessionist region of Transnistria in northeastern Moldova. Children from Moldova are exploited for both labor and commercial sexual exploitation. However, it is unclear how many victims are children.³³³⁷

Laws and Regulations on the Worst Forms of Child Labor

The law sets the minimum age for employment at 16.³³³⁸ In certain cases, children who are age 15 can work with parental or legal authorization, if the work will not interfere with their education, health, or development.³³³⁹ The Government has approved a list of hazardous work forbidden for children under age 18, 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.³³⁴⁰

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

The Constitution prohibits forced labor and the exploitation of minors.³³⁴¹ The law prohibits trafficking

in children for labor and sexual exploitation and lays out penalties for the use of children in the worst forms of child labor.³³⁴²

In January 2009, a new provision of the Law on Labor Force Migration came into force, which is designed to ensure better protection and care of children left behind by migrant parents working and living abroad.³³⁴³ Also in January 2009, a Law on Occupational Safety and Health came into force; it includes child laborers in the category of vulnerable groups that should be protected against specific risks in workplaces.³³⁴⁴ In May 2009 a new version of the Code on Contraventions came into force, which establishes fines for parents or legal guardians who violate children’s rights to care and education and whose children enter vagrancy, begging, and illicit activities.³³⁴⁵

Institutional Mechanisms for Coordination and Enforcement

The National Steering Committee (NSC) on the Elimination of Child Labour was established by the Government of Moldova in 2004 to address and coordinate all child labor issues. In collaboration with the ILO, the National Steering Committee ensures that all responsible government agencies work pursue objectives and targets set for programs to the eliminate exploitative child labor.³³⁴⁶

The Labor Inspection Office (LIO) is the division inside the Ministry of Labor, Family and Social Protection that is responsible for enforcing all labor laws in the Republic of Moldova. Within the LIO, the Child Labor Monitoring Unit (CLMU) enforces laws as they specifically pertain to child labor.³³⁴⁷ The LIO employs 81 labor inspection officers. They are posted in 10 offices throughout the country, and investigate all types of labor violations, including those related to child labor.³³⁴⁸ The availability of training, the number of inspectors, and amount of financial resources dedicated to child labor enforcement is unknown.

Members of the CLMU identify and withdraw working children, raise awareness among employers on the risks of child labor, train labor inspectors, and enforce of child labor laws.³³⁴⁹ The law permits child labor inspections for both legally registered workplaces

and persons, thus covering informal worksites. Inspectors are also allowed to seek assistance from local public administrators to suspend licenses of employers who repeatedly neglect labor inspection recommendations.³³⁵⁰ During the first seven months of 2009, labor inspectors visited 14 enterprises where 45 persons under age 18 were employed. They found that nine of the 45 were employed in violation of child labor laws and fined seven employers as a result.³³⁵¹

The Government created the National Committee for Combating Trafficking in Persons (NCCTIP) in November of 2009 and tasked it with taking concrete action in investigating and opening cases against traffickers. Led by the Deputy Prime Minister, the NCCTIP includes the Ministers of the Interior, Justice, Labor, Family and Social Protection; as well as the Prosecutor General and the Director of the Center for Combating Trafficking in Persons.³³⁵² The Ministry of Justice is responsible for prosecuting criminal violations involving trafficking in human beings, including children. At a meeting of the NCCTIP in November 2009, the Minister of Justice reported that the courts handed down convictions in 57 TIP-related cases in the first ten months of the year.³³⁵³ The courts reached convictions in all four cases involving child trafficking.³³⁵⁴

The Center to Combat Trafficking in Persons (CCTIP) is the Moldovan Government's principal anti-trafficking agency. It operates a task force to coordinate the country's law enforcement efforts. CCTIP keeps statistics on cases opened and transmitted to prosecutors and courts, but not statistics on decisions delivered by the courts or judgments executed, which are kept by the Prosecutor's Office and the Ministry of Justice, respectively.³³⁵⁵ The Government of Moldova does not, however, maintain a central database of these statistics on trafficking cases.

Government Policies on the Worst Forms of Child Labor

A Strategy on the Referral System for Protection and Assistance of Victims and Potential Victims of Trafficking (2009-2011) has been in effect since February 2009.³³⁵⁶

In March 2009, the Government of Moldova also approved the National Youth Strategy and its Plan of Action for 2009-2013 (Law No. 25-XVI).³³⁵⁷ The

Government of Moldova was one of 49 states which agreed to the Agenda 2020 objectives of the European Cultural Convention of the Council of Europe, which facilitates youth employment, access to education and information, and develops health and social protection services.³³⁵⁸ The Government allocated \$25,000 to implement the agenda and is expected to report annually to parliament on its implementation.³³⁵⁹ Considering the scope of the Agenda 2020, this level of funding may be insufficient. The question of whether these policies have an impact on the worst forms of child labor does not appear to have been addressed.

In August 2009, the Government of Moldova signed a Memorandum of Understanding (MOU) with ILO-IPEC.³³⁶⁰ As part of this agreement, the Government will seek to prohibit and eliminate child labor, with priority given to the worst forms, by increasing awareness of and integrating the elimination of child labor into relevant national social and economic development policies and programs. In particular, the MOU stipulates the formulation of policies and programs that will specifically target young girls, children in hidden work situations, and other groups of children with special vulnerabilities and needs.³³⁶¹ In conjunction with the ILO, the Government of Moldova has drafted a comprehensive National Policy and Plan of Action to address the worst forms of child labor.

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

The Government of Moldova has participated in a number of donor-funded projects across multiple sectors to combat child labor and address employment and migration issues. From 2006 to 2009, the Government participated in a USDOL-funded \$3.5 million, regional project to combat trafficking and other worst forms of child labor in Central and Eastern Europe. The project withdrew and prevented children from exploitative labor in Albania, Bulgaria, Moldova, Romania, and Ukraine.³³⁶²

The Moldovan Government, through its Center for Combating Trafficking in Persons, is working in conjunction with NGOs that operate a victim referral system to assist victims. In 2009, this program assisted 66 child labor victims. The referral system has been described as a model for other countries dealing with trafficking.³³⁶³

The National Center for Child Abuse Prevention has been implementing educational, legal, and psychological assistance programs in Moldova since 1997. Within the first nine months of 2009, children were prevented from engaging in hazardous work on the streets and at third party farms, and protected from trafficking.³³⁶⁴ There are government hotlines for reporting labor violations, including child labor issues.³³⁶⁵

The Government of Moldova and the NGO La Strada are participating in a \$320,000, USDOS-funded project to train local government officials, improving protection and assistance for trafficking victims. The project supports the authorities in developing a monitoring system to assess the implementation of the National Referral Mechanism. It also organizes trainings for various government agencies that help to identify, assist, and protect trafficked persons.³³⁶⁶ The Government of Moldova is also participating in a 2-year, \$900,000 project for the prevention and elimination of the worst forms of child labor in Central and Eastern Europe, funded by the German Government.³³⁶⁷

The Ministry for Labor, Family, and Social Protection is responsible for reintegrating children who have been used in criminal activities and are at risk of trafficking. The Ministry is also responsible for consolidating Moldova's child labor programs, developing and implementing policies to protect and assist children and victims.³³⁶⁸ In 2008, the Ministry for Labor,

Family, and Social Protection launched district-level directorates to better meet these responsibilities.³³⁶⁹

Moldova and the ILO launched the country's first Decent Work Country Program (DWCP) from 2006-2007 in order to lay the foundations for ILO contributions towards the country's development. One of the outcomes of the 2006-2007 DWCP was the establishment of local implementation units on child labor in five areas: Chisinau, Balti, Orhei, Ungheni, and Sangerei. Reportedly, these units have had continued success in combating human trafficking and other worst forms of child labor throughout the country.³³⁷⁰ The second DWCP launched in 2008 aims to make improvements in the labor market, social protection, and the elimination of worst forms of child labor. The program also plans to undertake surveys on labor migration, the entry of young people into the labor market, and the prevalence of child labor in the Moldovan economy.³³⁷¹ One of the desired outcomes of the program will be to strengthen the multi-disciplinary Child Labour Monitoring System (CLMS) to identify, withdraw, refer, and track children involved in the worst forms of child labor, as well as generate data and statistics to support policymakers in making informed decisions. The CLMS will continue to focus on the worst forms of child labor and hazardous child labor. It aims to ensure that direct services be provided to children at risk in sectors that have not been sufficiently targeted for services, including agriculture, street working, and human trafficking.³³⁷²

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

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Conduct targeted child labor investigations in the agriculture sector to prevent the use of children during the high harvest season.

IN THE AREA OF POLICIES:

- Expand and improve policies to prevent children's involvement in exploitative child labor, including by:
 - Increasing funding for the annual implementation of the Council of Europe's Agenda 2020 youth policy objectives and including specific child labor objectives.
 - Implementing the MOU with ILO-IPEC to develop policies and programs that specifically addresses the worst forms of child labor.
 - Assessing the impact that the National Youth Strategy and its Plan of Action for 2009-2013 and the Agenda 2020 may have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to prevent children's involvement in exploitative child labor, including by:
 - Implementing public information campaigns to change attitudes of the customary employment of children, especially during the agriculture season;
 - Implementing social programs that specifically target children working in agriculture, street work, and other sectors.

³³²⁹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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³³³¹ United Nations, *Common Country Assessment*, Chisinau, July 2005; available from http://www.un.md/key_doc_pub/doc/CCA_Eng_last.pdf.

³³³² 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>.

³³³³ Ibid., sections 5 and 6d. See also U.S. Department of State, "Moldova (Tier 2 Watch List)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 4, 2009; available from <http://www.state.gov/documents/organization/105658.pdf>.

³³³⁴ U.S. Department of State, "Country Reports- 2008: Moldova," section 5. See also U.S. Embassy- Chisinau, *reporting*, February 18, 2009, para 11.

³³³⁵ Vladimir Lozinksi, *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.

³³³⁶ PROTECT CEE, *Moldova Country Profile*, [online] 2006; available from [Hard Copy on File]. See also U.S. Embassy - Chisinau, *reporting*, February 2, 2010, para 39.

³³³⁷ U.S. Department of State, "Country Reports- 2008: Moldova," sections 5 and 6d.

- ³³³⁸ 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*, January 23, 2009, 4. See also ILO-IPEC, *Trafficking and other Worst Forms of Child Labour in Central and Eastern Europe (Phase II)*, Project Document, Geneva, 2006, 34.
- ³³³⁹ Government of the Republic of Moldova, *Labour Code*, article 46. See also U.S. Embassy- Chisinau, *reporting*, January 23, 2009, 4.
- ³³⁴⁰ 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_engl_12%2007%2007.pdf.
- ³³⁴¹ Government of the Republic of Moldova, *Constitution of the Republic of Moldova*, (1994), articles 44 and 50; available from <http://www.e-democracy.md/en/legislation/constitution/>.
- ³³⁴² 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.
- ³³⁴³ U.S. Embassy - Chisinau, *reporting*, February 2, 2010., para 7.
- ³³⁴⁴ *Ibid.*, para 8.
- ³³⁴⁵ *Ibid.*, para 10.
- ³³⁴⁶ *Ibid.*
- ³³⁴⁷ U.S. Embassy- Chisinau, *reporting*, January 23, 2009. See also, Embassy of Moldova, *submission to DOL representative*, July 19, 2009.
- ³³⁴⁸ U.S. Embassy - Chisinau, *reporting*, February 2, 2010., para 10.
- ³³⁴⁹ Embassy of Moldova, *submission to DOL representative*.
- ³³⁵⁰ U.S. Embassy- Chisinau, *reporting*, January 23, 2009.
- ³³⁵¹ Embassy of Moldova, *submission to DOL representative*.
- ³³⁵² U.S. Embassy- Chisinau, *reporting*, November 23, 2009.
- ³³⁵³ *Ibid.*
- ³³⁵⁴ *Ibid.*
- ³³⁵⁵ U.S. Department of State, “Country Reports- 2008: Moldova,” section 5. See also U.S. Embassy- Chisinau, *reporting*, February 18, 2009, para 30.
- ³³⁵⁶ U.S. Embassy - Chisinau, *reporting*, February 2, 2010., para 41.
- ³³⁵⁷ ILO-IPEC., *Trafficking and other Worst Forms of Child Labour in Central and Eastern Europe (Phase II). Technical Progress Report*. Geneva., August 24, 2009.
- ³³⁵⁸ *Ibid.*
- ³³⁵⁹ *Ibid.*
- ³³⁶⁰ *Ibid.*
- ³³⁶¹ Embassy of Moldova, *submission to DOL representative*.
- ³³⁶² ILO-IPEC, *Balkans Child Trafficking Phase II, Project Document*, cover page, 69.
- ³³⁶³ ILO-IPEC., *Trafficking and other Worst Forms of Child Labour in Central and Eastern Europe (Phase II). Technical Progress Report*. Geneva.
- ³³⁶⁴ Embassy of Moldova, *submission to DOL representative*. See also Embassy of Moldova, *submission to DOL representative*.
- ³³⁶⁵ ILO-IPEC., *Trafficking and other Worst Forms of Child Labour in Central and Eastern Europe (Phase II). Technical Progress Report*. Geneva.
- ³³⁶⁶ U.S. Department of State, “Country Reports- 2008: Moldova,” section 5.
- ³³⁶⁷ ILO-IPEC., *Trafficking and other Worst Forms of Child Labour in Central and Eastern Europe (Phase II). Technical Progress Report*. Geneva.
- ³³⁶⁸ 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. See also U.S. Embassy - Chisinau, *reporting*, February 2, 2010., para 7.
- ³³⁶⁹ ILO-IPEC., *Trafficking and other Worst Forms of Child Labour in Central and Eastern Europe (Phase II). Technical Progress Report*. Geneva.
- ³³⁷⁰ U.S. Embassy - Chisinau, *reporting*, February 2, 2010., para 44. See also Embassy of Moldova, *submission to DOL representative*.
- ³³⁷¹ Embassy of Moldova, *submission to DOL representative*.
- ³³⁷² U.S. Embassy - Chisinau, *reporting*, February 2, 2010., para 44

Mongolia

The Government of Mongolia participates in several programs to eliminate the worst forms of child labor. However, children continue to engage in dangerous work in agriculture and related activities such as herding and artisanal mining. There are gaps in the legal framework for prosecuting criminal offenders, specifically regarding trafficking.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	9.7%
Attending School	5-14 yrs.	79.1%
Combining Work and School	7-14 yrs	11.3%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor³³⁷³

Children are engaged in the worst forms of child labor in Mongolia, most commonly in the agricultural sector, including herding.³³⁷⁴ Herding exposes children to extreme cold, exhaustion, wild animal attack, assault from competing herders, and accidents.³³⁷⁵

Many children mine gold, coal, and fluorspar both on the surface and underground.³³⁷⁶ In mining, children often dig holes, enter tunnels up to 10 meters deep, and transport heavy materials. This situation occurs largely if not exclusively in the informal, artisanal mining sector, and is not associated with formal in-country mining activities.³³⁷⁷

Children also perform informal work as traders, porters, rag pickers, and horse jockeys.³³⁷⁸ Child rag pickers work in dump sites where they are exposed to unhygienic conditions, extreme weather, and health problems caused by inhaling smoke from burning garbage.³³⁷⁹ Child porters often carry loads exceeding their own weight or pushcarts weighing up to one ton.³³⁸⁰

Worst forms of child labor such as child prostitution and child trafficking also exist in Mongolia. Child prostitution including child sex tourism is a growing

problem.³³⁸¹ There are instances where girls are trafficked internally and forced into prostitution in saunas and massage parlors.³³⁸² Girls are also trafficked to China, Macau, Malaysia, and South Korea for sexual exploitation and forced labor.³³⁸³

Laws and Regulations on the Worst Forms of Child Labor

The Labor Law sets the minimum age for employment at 16, but allows children at age 15 to work with the permission of a parent or guardian. Under certain conditions children as young as 14 may participate in vocational education for up to 30 hours.³³⁸⁴ The Labor Law specifically states that it applies to work performed under a labor contract, thus failing to cover most working children in Mongolia, who work without a formal contract.³³⁸⁵

Order No. 107 List of Jobs Prohibited to Minors 2008, issued by the Ministry of Social Welfare and Labor (MOSWL), lists locations, professions, and conditions of work for which it is prohibited to employ minors under the age of 18, including some forms of hazardous agriculture and mining, or as load carriers, horse breakers or trainers, or at garbage dump sites.³³⁸⁶ The Order does not specify whether it is applicable only to children working under an employment

contract or whether it is applicable to all children, even if in informal work situations. The 2002 Criminal Code and the 1996 Law on the Protection of the Rights of the Child (Child Rights Law) prohibit forced labor and the use of children in exploitive activities such as begging.³³⁸⁷

Human trafficking and child trafficking are also prohibited by law. Article 113 of the Criminal Code, amended in 2007 specifically prohibits trafficking and prescribes stringent penalties.³³⁸⁸ The Supreme Court’s interpretation of this law, however, stipulates that victims who know they are destined for sex work cannot be classified as trafficked and, therefore, the Court has allowed judicial officials to prosecute trafficking offenders under the lesser offense of forced prostitution.³³⁸⁹

The Criminal Code prohibits sexual intercourse with those under the age of 16, involving children in prostitution, inducing others to engage in prostitution by force or threat, and running brothels.³³⁹⁰

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

Institutional Mechanisms for Coordination and Enforcement

A National Steering Committee on Child Labor was re-established in 2006 under the Ministry of Social Welfare and Labor (MOSWL), to promote child labor

policies, mainstream child labor issues into national agendas, and mobilize the effort against child labor.³³⁹¹ This Committee has promoted tripartite partnership in combating child labor and initiated awareness campaigns.³³⁹²

The enforcement of child labor laws is conducted by the Labor Inspectorate. The Inspectorate includes 90 inspectors within the country’s General Agency for State Inspection.³³⁹³ This body’s mandate includes investigating occupational safety, hygiene, and social security as well as child labor nationwide.³³⁹⁴

In 2009, MOSWL, along with ILO-IPEC, trained labor inspectors on child labor issues.³³⁹⁵ The trainings included information on the definition of child labor, its many forms, and how to conduct child labor inspections.

Three major sector-based inspections on child labor took place in 2009 in construction, mining, and street vending.³³⁹⁶ As a result, 80 children were removed from rural artisanal mining, provided medical treatment, and enrolled in school.³³⁹⁷ During the reporting period, 193 child labor violations were found. One hundred thirty-three of these cases were resolved through consultation, but no penalties were imposed.³³⁹⁸

There is no centralized agency charged with criminal enforcement of child trafficking, sexual exploitation, and prostitution.³³⁹⁹ However, MOSWL is responsible for coordinating the National Plan of Action on Commercial Sexual Exploitation and Trafficking of Children and Women.³⁴⁰⁰ In 2009, MOSWL worked with UNICEF to train 720 social workers to deal with the sale and prostitution of children and their use in pornography.³⁴⁰¹ The National Legal Institute also developed a training curriculum for police, prosecutors, attorneys, and judges for addressing child labor, including commercial sexual exploitation.³⁴⁰² Eleven cases of human trafficking were opened from January through August 2009, although the results of these cases were unavailable at the time of this writing.³⁴⁰³

Victims of human trafficking are sometimes prosecuted for crimes committed as a direct result of their victimization.³⁴⁰⁴ In 2009, two child victims of trafficking were convicted of defamation after

filing charges against their trafficker. The girls were sentenced to two years in prison.³⁴⁰⁵ Victim protection is weak and the Government does not provide direct assistance, even to victims who assist in the prosecution of their traffickers.³⁴⁰⁶

Government Policies on the Worst Forms of Child Labor

In 2008, the Government began implementing the third phase of its National Program of Action for the Development and Protection of Children (NPADPC).³⁴⁰⁷ This program provides a framework for all national efforts to address children's issues, and specifically includes the elimination of the worst forms of child labor as an objective.³⁴⁰⁸ Strategies for achieving this objective include expanding training on child labor, conducting national research, working to reduce poverty, improving child labor monitoring systems, and taking urgent action in specific sectors such as mining.³⁴⁰⁹ Objective 12 of the NPADPC is to protect children against violence in accordance with international standards including enlisting domestic and international cooperation to prevent trafficking and commercial sexual exploitation of children.³⁴¹⁰

Although the NPADPC incorporates the relevant worst forms of child labor and articulates specific actions to take, it remains unclear whether this policy is effectively implemented. An ILO report found that the resources allocated to the relevant components of the NPADPC were not adequately tracked, and the monitoring of objectives is weak.³⁴¹¹

The National Development Strategy calls for supporting child laborers through education, vocational training, and health services.³⁴¹² The State Policy on Population Development also includes eliminating the worst forms of child labor as an objective.³⁴¹³

The National Plan of Action on Commercial Sexual Exploitation and Trafficking of Children and Women incorporates actions against child trafficking and sexual exploitation.³⁴¹⁴ The Programme on Development of Small-Scale Mining also addresses child labor in key areas. In June 2009, the Government adopted The State Policy on Herders which clarifies the conditions and criteria for engaging children in herding to eliminate worst forms of child labor in that sector.³⁴¹⁵

In January 2009, MOSWL, the Confederation of Mongolian Trade Unions, and the Mongolian Employers Federation signed an MOU to create a social partnership to prevent the use of child labor as a means of cheap labor. This action was taken to ensure that the most vulnerable were protected during the global economic crisis.³⁴¹⁶

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

In May 1999, even before ratifying ILO Convention 182, the Government of Mongolia signed an MOU with ILO-IPEC which started a program to combat child labor.³⁴¹⁷ This initiative was designed to improve knowledge about child labor in Mongolia, assist in designing child labor policy, promote the development of child labor legislation, and support direct action for child laborers.³⁴¹⁸ The \$570,000 USDOL-funded program targeted 1,500 children for withdrawal and prevention from child labor in mining, prostitution, and herding and provided services to 2,091 children over the life of the project.³⁴¹⁹ A \$1 million second phase of the support program was implemented from 2002 until 2005.³⁴²⁰

From 2005 through 2009, the Government implemented the Child Money Program, a social assistance program which gave cash allowances to poor families on the condition that they met certain criteria. For the first year of the program, eligible families had to remove children from harmful forms of child labor, however this requirement was subsequently lifted and the program has ended.³⁴²¹

The Government of Mongolia implemented a USDOL-funded \$2.9 million ILO-IPEC project from 2005 through 2010—Support to the Government's Sub-program to Eliminate the Worst Forms of Child Labor: Time-Bound Measures through 2010.³⁴²² As a part of this program, the Government of Mongolia launched community-based child labor monitoring systems to address child labor in the informal sector.³⁴²³ The project targeted mining, herding, child domestic labor, prostitution, and the informal sector.³⁴²⁴ By the end of the implementation period, the project had withdrawn and prevented 5,316 children from child labor and 503 girls from commercial sexual exploitation.³⁴²⁵ Project evaluations note that the program has been effective in

establishing mechanisms for policy coordination and building local government capacity to eliminate child labor.³⁴²⁶

The Government is also participating in sector-specific projects focused on children in mining and in human trafficking. Three projects funded by the Swiss Agency for Development and Cooperation, ILO-IPEC, and the United Nations Population Fund combat child labor

in mining. These projects have provided educational services for 390 child miners.³⁴²⁷

During the reporting period, the Government cooperated with USDOS programs to combat trafficking in persons through strategic litigation, the training of stakeholders, victim services, and raising general awareness.³⁴²⁸

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend labor legislation to eliminate exceptions and provide protections to all children, particularly in agriculture and other informal sectors.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Impose penalties on child labor violations in accordance with the law.
- Provide protection and direct assistance to victims of human trafficking.

IN THE AREA OF POLICIES:

- Conduct a comprehensive evaluation of the National Program of Action for the Development and Protection of Children to ensure its full and effective implementation.

³³⁷³ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³³⁷⁴ ILO, World Bank, and UNICEF, *Understanding Children's Work and Youth Employment Outcomes in Mongolia*, Rome, June 2009, 24; available from <http://ucw-project.org/pdf/publications/Mongolia.pdf>.

³³⁷⁵ ILO-IPEC, *Support to the Proposed National Sub-programme to Eliminate the Worst Forms of Child Labour:*

Time-Bound Measures, Project Document, September 30, 2005, 4.

³³⁷⁶ Ibid., 3. See also ILO, World Bank, and UNICEF, *UCW Report-Mongolia 2009*, 40.

³³⁷⁷ ILO, World Bank, and UNICEF, *UCW Report-Mongolia 2009*, 40.

³³⁷⁸ ILO-IPEC, *Support to the Proposed National Sub-programme to Eliminate WFCL*, Project Document, 3. See also U.S. Department of State, "Mongolia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from www.state.gov/g/drl/rls/hrrpt/2009/eap/136001.htm.

³³⁷⁹ ILO, World Bank, and UNICEF, *UCW Report-Mongolia 2009*, 43.

³³⁸⁰ ILO-IPEC, *Support to the Proposed National Sub-programme to Eliminate WFCL*, Project Document, 3.

³³⁸¹ Ibid.

³³⁸² U.S. Department of State, "Mongolia," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from www.state.gov/g/tip/rls/tiprpt/2010/142760.htm.

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- ³³⁸⁴ Government of Mongolia, *Law on Labour of Mongolia*, (July 1, 1999), articles 71.1, 109.1, 109.2, 109.3; available from <http://www.investmongolia.com/law25.pdf>.
- ³³⁸⁵ ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Mongolia (ratification: 2002)*, [online] 2008 [cited February 17, 2010], article 7; available from [http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21613&chapter=9&query=\(mongolia\)+@ref+%2B+%23YEAR%3E2006&highlight=&querytype=bool&context=0](http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21613&chapter=9&query=(mongolia)+@ref+%2B+%23YEAR%3E2006&highlight=&querytype=bool&context=0). See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Mongolia (ratification: 2001)*, [online] 2008 [cited February 17, 2010], 2.c; available from [http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21881&chapter=9&query=\(mongolia\)+@ref+%2B+%23YEAR%3E2006&highlight=&querytype=bool&context=0](http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21881&chapter=9&query=(mongolia)+@ref+%2B+%23YEAR%3E2006&highlight=&querytype=bool&context=0). See also U.S. Embassy-Ulaanbaatar, *reporting*, March 10, 2010.
- ³³⁸⁶ Government of Mongolia, *List of Jobs and Occupations Prohibited to Minors*, (September 26, 2008). See also U.S. Embassy- Ulaanbaatar, *reporting*, January 16, 2009, 3. 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.
- ³³⁸⁷ Government of Mongolia, *Law on the Protection of the Rights of the Child with Amendments*, article VII. See also Government of Mongolia, *Criminal Code of Mongolia*, (2002), article 121; available from <http://www.unhcr.org/refworld/docid/3ed919fd4.html>.
- ³³⁸⁸ Government of Mongolia, *Criminal Code of Mongolia*, Article 113. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Mongolia.”
- ³³⁸⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Mongolia.”
- ³³⁹⁰ Government of Mongolia, *Criminal Code of Mongolia*, Article 115.
- ³³⁹¹ ILO, World Bank, and UNICEF, *UCW Report-Mongolia 2009*, 82.
- ³³⁹² *Ibid.*
- ³³⁹³ U.S. Embassy- Ulaanbaatar, *reporting*, March 10, 2010.
- ³³⁹⁴ *Ibid.*
- ³³⁹⁵ *Ibid.*
- ³³⁹⁶ *Ibid.*
- ³³⁹⁷ *Ibid.*
- ³³⁹⁸ *Ibid.*
- ³³⁹⁹ *Ibid.*
- ³⁴⁰⁰ *Ibid.* See also ILO, World Bank, and UNICEF, *UCW Report-Mongolia 2009*.
- ³⁴⁰¹ UN Committee on the Rights of the Child, *Summary record of the 1460th (Chamber A) meeting, Fifty-third session* Geneva, January 13, 2010, para. 19; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/401/18/PDF/G1040118.pdf?OpenElement>.
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- ³⁴⁰⁴ U.S. Department of State, “Trafficking in Persons Report- 2010: Mongolia.”
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- ³⁴¹² *Ibid.*
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- ³⁴¹⁶ U.S. Embassy- Ulaanbaatar, *reporting*, March 10, 2010.
- ³⁴¹⁷ ILO, *Mongolia*, [online] [cited July 21, 2010]; available from www2.ilo.org/public/english/region/asro/bangkok/arm/mng.htm.
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³⁴²¹ UNICEF, *Child Benefits and Poverty Reduction: Evidence from Mongolia's Child Money Programme*, New York, May 7, 2007, 9-10; available from http://www.unicef.org/socialpolicy/index_45215.html.

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³⁴²³ U.S. Embassy- Ulaanbaatar, *reporting, March 10, 2010*. 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 6, 2010, 4 and 7.

³⁴²⁴ ILO, World Bank, and UNICEF, *UCW Report-Mongolia 2009*, 82.

³⁴²⁵ ILO-IPEC, *Support to the Proposed National Sub-programme to Eliminate the Worst Forms of Child Labour: Time-Bound Measures*, GPRA Reporting, Geneva, October 15, 2010.

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³⁴²⁷ ILO Committee of Experts, *Individual Direct Request concerning Minimum Age (Underground Work) Convention, 1965 (No. 123) Mongolia (ratification: 1981)*, [online] 2009 [cited February 17, 2010], part IV; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23145&chapter=9&query=Mongolia@ref&highlight=&querytype=bool&context=0>.

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Montenegro

The Government of Montenegro has established a legal framework to prevent the worst forms of child labor. However, there is no list of hazardous tasks or occupations prohibited for children, and gaps remain in the monitoring and enforcement of laws, as well as the development of government policies on the worst forms of child labor. Children continue to work on the street, in forced organized begging, and construction. Roma children are particularly vulnerable to this kind of exploitation.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	12.9%
Attending School	5-14 yrs.	87.8%
Combining Work and School	7-14 yrs.	87.7%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Montenegro, particularly Roma children, are exploited in the worst forms of child labor.³⁴²⁹ These children work on the streets, in the construction sector, and are engaged in forced, organized begging in order to provide financial support for their families.³⁴³⁰ Children working on the streets may be exposed to a variety of dangers, including severe weather, harsh working conditions, dangerous machines and tools, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Montenegrin children, primarily poor women and young girls, are trafficked for forced labor and commercial sexual exploitation. Montenegro is largely a transit country for trafficking victims en route to other countries, and to a lesser extent, a source and destination country for human trafficking victims. Children are also subjected to forced prostitution in Montenegro.³⁴³¹

In some farming communities, young children also work in agriculture.³⁴³² This work may involve

harmful activities, such as using potentially dangerous machinery and tools, carrying heavy loads, and applying toxic pesticides.

Laws and Regulations on the Worst Forms of Child Labor

The Labor Law of 2006 establishes the minimum age for work at 15, and the minimum age for hazardous work at 18.³⁴³³ However, there is no list of hazardous tasks or occupations that are prohibited to children.

The Constitution guarantees children special protection from psychological, physical, economic, and any other kind of exploitation or abuse. It also explicitly bans forced labor.³⁴³⁴

Articles 209 and 210 of the Criminal Code prohibit the enabling or procurement of a child for sexual acts and the recruitment, sale, and incitement of persons for the purposes of prostitution. The Criminal Code stipulates greater penalties for those who perpetrate this act against a minor.³⁴³⁵ Articles 444 and 445 of the Criminal Code explicitly ban trafficking in children for the purposes of labor and commercial

sexual exploitation, forced prostitution or begging, pornography, and organ harvesting, as well as trafficking in children for adoption.³⁴³⁶

In late 2009, the Montenegrin Parliament passed the Law on Labor Inspection, which empowers labor inspectors to suspend or shut down employers who have violated labor laws.³⁴³⁷ An amendment to the Labor Law, passed in 2008, authorizes labor inspectors to issue monetary penalties for violation of labor provisions.³⁴³⁸

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Office of the National Anti-Trafficking Coordinator is the major entity responsible for overseeing efforts to combat human trafficking, including trafficking of children. It regularly reports on the progress being made concerning these issues.³⁴³⁹ However, research found no evidence of a coordinating mechanism to combat other worst forms of child labor.

Montenegro has other institutional mechanisms in place to protect children. In July 2009, the Deputy Ombudsman for Children’s Rights was appointed specifically to address issues concerning children.³⁴⁴⁰ The Council on Child Rights was also formed at this time, and it has begun to meet on an ad hoc

basis. However, the Council on Child Rights has no systematic work program.³⁴⁴¹ Furthermore, it is unknown whether the Deputy Ombudsman and the Council on Child Rights have any role or responsibilities for addressing child labor in particular.

The Ministry of Labor and Social Welfare’s, Labor Inspectorate is responsible for enforcing child labor laws.³⁴⁴² It has 40 inspectors who are responsible for monitoring conditions in workplaces throughout the country.³⁴⁴³ In 2009, the Labor Inspectorate conducted over 13,000 labor inspections and found approximately 8,000 violations of labor standards.³⁴⁴⁴ However, it did not disclose whether any of these violations involved children. Furthermore, there is no central database for child labor inspections, violations reported, and penalties imposed.³⁴⁴⁵

The Government of Montenegro does not provide awareness or victim identification training to the officials who are charged with enforcing child labor laws.³⁴⁴⁶ In addition, the Government does not appear to provide the Labor Inspectorate with a national registry of enterprises in Montenegro.

Government agencies involved in enforcing anti-trafficking laws include the Chief State Prosecutor, Montenegrin courts, the Ministry of the Internal Affairs and the Police Directorate, as well as the Ministries of Health, Justice, Labor and Social Welfare, and Education.³⁴⁴⁷ Anti-trafficking efforts within the Police Directorate are led by the organized crime department of the criminal police.³⁴⁴⁸ The Government of Montenegro has established a unified system for collecting data on law enforcement through the Office of the National Anti-Trafficking Coordinator. The Montenegrin courts, Chief State Prosecutor, and the Police Directorate all contribute information to this database.³⁴⁴⁹

The Government of Montenegro investigated and prosecuted 14 suspects in cases that involved trafficking charges in 2009, although it is unknown how many of these cases involved children. Out of these 14 suspects, 11 were convicted by Montenegrin courts.³⁴⁵⁰ The Government also arrested and initiated prosecutions against 10 Roma adults for allegedly organizing and forcing their own relatives, young Roma children, to beg on the streets.³⁴⁵¹

In Montenegro, there have been allegations that some police officers are facilitating forced prostitution of

children.³⁴⁵² In February 2010, three police officers were arrested and charged for abuse of their authority for their suspected involvement in the forced prostitution of young girls.³⁴⁵³

Government Policies on the Worst Forms of Child Labor

As part of the Strategy Paper on Poverty Reduction and Social Inclusion, the Government developed the National Strategy for Social and Child Protection 2008-2012 to ensure the essential rights of the most vulnerable groups of society, including Roma and their children.³⁴⁵⁴ Additionally, the Government has adopted an Action Plan for the Decade of Roma Inclusion 2005-2015 and the Strategy for the Improvement of the Status of the RAE (Roma, Ashkali, and Egyptian) Population in Montenegro. These strategies aim to improve the living standards for Roma and others.³⁴⁵⁵ The Government allocated approximately \$500,000 dollars for the first year of the strategy and pledged to allocate 0.2 percent of its total budget each year in order to finance activities prescribed by the strategy.³⁴⁵⁶ The question of whether these strategies have an

impact on the worst forms of child labor does not appear to have been addressed.

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

The Government of Montenegro funds the Center for Children and Youth, which provides temporary assistance for child victims of trafficking and organized begging, including psychological care, legal aid, and vocational training.³⁴⁵⁷ The National Anti-Trafficking Coordinator's Office funds the center in Podgorica, an expense which accounted for approximately two-thirds of the annual anti-trafficking budget of 123,000 Euro (approximately \$168,000) in 2009.³⁴⁵⁸

The Government also sponsors public awareness campaigns and education initiatives for the Roma population, as well as general public awareness campaigns, public service announcement, and conferences on human trafficking.³⁴⁵⁹ However, the Government of Montenegro lacks programs that target children who engage in potentially hazardous agricultural work or those engaged in construction activities.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Law to include a list of hazardous activities and occupations prohibited to children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Provide the Labor Inspectorate with a national registry of enterprises that operate within Montenegro's borders.
- Provide the Labor Inspectorate with the funding to create a national database of case involving violations of child labor law.
- Provide victim assistance and identification training to all relevant officers and government agents who are involved in efforts to combat the worst forms of child labor.

IN THE AREA OF POLICIES:

- Incorporate and streamline the elimination of the worst forms of child labor into all government policies pertaining to children, and in particular, the Roma minority.
- Assess the impact that social policies may have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Implement programs that specifically address the problem of children working in agriculture and construction activities.

³⁴²⁹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and children combining work and school are from 2005. Data on school attendance are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³⁴³⁰ U.S. Embassy- Podgorica, *reporting*, February 5, 2010. See also U.S. Department of State, "Montenegro," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136048.htm>.

³⁴³¹ U.S. Department of State, "Montenegro (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/143187.pdf>.

³⁴³² U.S. Department of State, "Country Reports- 2009: Montenegro."

³⁴³³ ILO NATLEX National Labor Law Database, *Labor Law 2008*, accessed January 25, 2010; available from <http://www.gov.me/files/1227178179.doc>.

³⁴³⁴ ILO NATLEX National Labor Law Database, *Constitution of the Republic of Montenegro*, accessed July 19, 2010; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=MGO&p_classification=01.01&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY.

³⁴³⁵ ILO NATLEX National Labor Law Database, *Criminal Code of the Republic of Montenegro 2004*, accessed September 29, 2010; available from <http://www.legislationonline.org/documents/action/popup/id/4168/preview>.

³⁴³⁶ Ibid.

³⁴³⁷ ILO NATLEX National Labor Law Database, *Law on Labor Inspection 2008*, accessed January 25, 2010; available from <http://www.ilo.org/dyn/natlex/docs/MONOGRAPH/81588/88702/F642528465/MGO81588.pdf>.

³⁴³⁸ U.S. Embassy- Podgorica, *reporting*, February 5, 2010.

³⁴³⁹ U.S. Embassy- Podgorica, *reporting*, March 4, 2010.

³⁴⁴⁰ Ibid.

³⁴⁴¹ Ibid.

³⁴⁴² U.S. Embassy- Podgorica, *reporting*, February 5, 2010.

³⁴⁴³ Ibid.

³⁴⁴⁴ U.S. Department of State, "Trafficking in Persons Report- 2010: Montenegro."

³⁴⁴⁵ Labor Administration and Inspection Program, *Labor Inspection Country Profile: Montenegro*, [online] July 1, 2009 cited; available from http://www.ilo.org/labadmin/info/lang--en/WCMS_114178/index.htm.

³⁴⁴⁶ U.S. Department of State, "Country Reports- 2009: Montenegro."

³⁴⁴⁷ Ibid.

³⁴⁴⁸ Ibid.

³⁴⁴⁹ U.S. Embassy- Podgorica, *reporting*, March 4, 2010.

³⁴⁵⁰ U.S. Department of State, "Trafficking in Persons Report- 2010: Montenegro."

³⁴⁵¹ Ibid.

³⁴⁵² Ibid. See also U.S. Department of State, "Country Reports- 2009: Montenegro."

³⁴⁵³ Ibid.

³⁴⁵⁴ U.S. Embassy- Podgorica, *reporting*, February 5, 2010.

³⁴⁵⁵ Ibid.

³⁴⁵⁶ Ibid.

³⁴⁵⁷ U.S. Department of State, "Country Reports- 2009: Montenegro." See also U.S. Department of State, "Trafficking in Persons Report- 2010: Montenegro."

³⁴⁵⁸ U.S. Embassy- Podgorica, *reporting*, March 4, 2010.

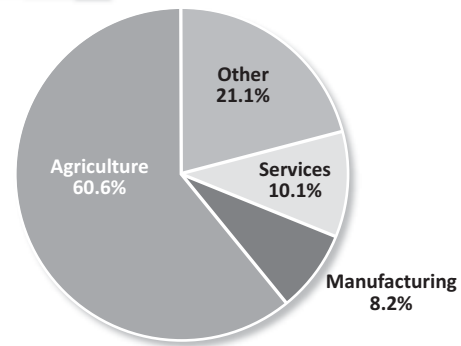
³⁴⁵⁹ U.S. Embassy- Podgorica, *reporting*, January 13, 2009. See also U.S. Department of State, "Country Reports- 2009: Montenegro."

Morocco

The Government of Morocco has implemented campaigns to raise awareness about child labor and launched initiatives to reduce poverty as a means to combat the worst forms of child labor. However, many children continue to perform exploitative work, particularly in agriculture and domestic service, some under conditions of involuntary servitude. Legislative and enforcement gaps leave children working in private residences and on farms unprotected.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	7-14 yrs.	13.2%
Attending School		Unavailable
Combining Work and School	7-14 yrs.	0.9%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Morocco are exploited in the worst forms of child labor,³⁴⁶⁰ mostly in agriculture.³⁴⁶¹ Children working in agriculture may use potentially dangerous machinery and tools, carry heavy loads, and apply harmful pesticides.

Tens of thousands of young girls are sent to work as live-in domestic servants, often before their 10th birthday.³⁴⁶² Parents often sell their girls or receive payment in exchange for their daughters' servitude.³⁴⁶³ These *petites bonnes* ("little maids") often face conditions of involuntary servitude including long hours with no breaks, physical, verbal, and sexual abuse, withheld wages, and even restrictions on their movement.³⁴⁶⁴ Frequently these children are sent from rural villages to more urban areas and are unable to contact their families or find their way home.³⁴⁶⁵ Most *petites bonnes* are denied an education and illiteracy rates are especially high among this population.³⁴⁶⁶

Children also work in auto mechanics, carpentry, and construction, where they may use dangerous tools and equipment, be exposed to chemicals, dust, and high levels of noise, and face ergonomic dangers from lifting heavy objects or performing repetitive movements.³⁴⁶⁷ Children work with artisans in the informal sector, producing textiles and carpets.³⁴⁶⁸ Children in Morocco are often sent to be artisan apprentices, many of them under the age of 12.³⁴⁶⁹ Some Moroccan boys are subject to involuntary servitude as apprentices for mechanics, artisans, and in the construction industry.³⁴⁷⁰

Street children are a growing concern in Morocco, with thousands on the streets of Casablanca, Marrakech, Fès, and Mèknes.³⁴⁷¹ Street children in Morocco engage in diverse forms of work including selling cigarettes, begging, shining shoes, washing cars, and working as packers in ports, and are exploited through prostitution and illicit activities.³⁴⁷² These children living and working on the streets face a high risk of economic or sexual exploitation, violence, and drug abuse.³⁴⁷³

Other children in Morocco are victims of commercial sexual exploitation. Child prostitution has been reported principally in Azrou, Beni Mellal, and Mèknes, and in the cities of Tangier, Agadir, Marrakech, Rabat, and Casablanca.³⁴⁷⁴ Former child domestic servants are especially likely to engage in prostitution.³⁴⁷⁵ Moroccan boys and girls are exploited for sex tourism, especially in Tangiers, Agadir, Marrakech, and El Hajeb, popular tourist sites that attract customers from the Persian Gulf and Europe.³⁴⁷⁶

Laws and Regulations on the Worst Forms of Child Labor






The Labor Code of 2004 establishes the minimum age of employment at age 15 and limits the number of hours that children under age 16 can work, specifically during the night.³⁴⁷⁷ However, the Labor Code makes exceptions for minors to work beyond nighttime restrictions in seasonal or time-sensitive agricultural activities.³⁴⁷⁸ The Labor Code also prohibits hazardous activities for children under age 18.³⁴⁷⁹ During the reporting period, the Ministry of Employment and Professional Training (MOEPT) began to update its list of occupations that qualify as “hazardous work” for children.³⁴⁸⁰

The Labor Code does not apply to businesses with less than 5 employees or to work in private residences.³⁴⁸¹ Domestic servants are also specifically excluded from the Labor Code.³⁴⁸² The Ministry of Labor (MOL) and the Ministry of Social Development, Family and Solidarity (MOSDFS) have drafted legislation, which has not yet been validated, that would better protect domestic servants and substantially increase penalties for employers who use child domestic workers.³⁴⁸³

Forced or compulsory child labor is prohibited in the Labor Code and Penal Code.³⁴⁸⁴

The commercial sexual exploitation of children, including pornography and prostitution, is prohibited under the Moroccan Penal Code. In addition, the Penal Code criminalizes inciting, procuring, or facilitating the prostitution of a minor.³⁴⁸⁵ An amendment to the Penal Code also forbids sex tourism.³⁴⁸⁶

Morocco does not have a specific trafficking in persons law, but child trafficking can be prosecuted using articles from the Penal Code and Immigration Law.³⁴⁸⁷

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Social Development, Family and Solidarity (MOSDFS) is the focal coordinating body for child labor efforts in Morocco.³⁴⁸⁸ MOSDFS oversees the National Plan of Action for Children (PANE) in cooperation with other ministries.³⁴⁸⁹

The Ministry of Employment and Professional Training (MOEPT) is responsible for enforcing the Labor Code and implementing child labor laws.³⁴⁹⁰ The MOEPT employs 412 general labor inspectors nationwide, of which 45 concentrate on children’s issues, and receive 14 weeks of specialized training on child labor. The majority of inspectors, up to 330, have received some training on child labor issues.³⁴⁹¹ The law enables inspectors and police to bring charges against employers of children under age 15, or those employing children of working age in prohibited activities.³⁴⁹² In the first 6 months of 2009, labor inspectors issued 94 warnings and 39 fines to businesses for employing children under age 15, and issued 616 warnings and 19 fines to businesses for employing children between the ages of 15 and 18. No convictions resulted in prison terms, and the amounts of the fines levied are not known.³⁴⁹³ The vast informal sector of Morocco, where many children

are subjected to the worst forms of child labor, is not monitored by labor inspectors which results in a lack of protection for these children.³⁴⁹⁴ For instance, there is no institutional mechanism for monitoring child labor on family farms or in private residences, where the majority of exploited children in Morocco work.

The Ministry of the Interior (MOI) is responsible for enforcing Penal Code legislation against prostitution and trafficking.³⁴⁹⁵ In addition, the Ministry of Justice (MOJ) is responsible for prosecuting criminal offenses such as commercial sexual exploitation of children and child trafficking.³⁴⁹⁶ The most recent available statistics on criminal investigations and prosecutions show that in 2008, there were 203 cases of facilitating the prostitution of a minor, leading to 193 prosecutions. Another 160 cases of directly prostituting a minor were investigated, leading to 239 prosecutions. The MOJ reports that in 2009, 10 foreigners were prosecuted for crimes such as inciting a minor for prostitution and the violent rape of a minor, with sentences ranging from one month to two years in prison.³⁴⁹⁷

Government Policies on the Worst Forms of Child Labor

The Government is currently carrying out the broad National Plan of Action for Children (PANE) 2006-2015, which focuses on children's health, protection, and education. The PANE includes the issue of child labor and pilot programs focusing on street children and domestic child labor.³⁴⁹⁸

The issue of child labor has been mainstreamed into Government policies and programs such as the King's 2005 National Initiative for Human Development (NIHD). The NIHD serves as a framework to reduce poverty through improved education and health facilities, access to electricity and drinking water, attention to the needs of girls and women, and income and employment initiatives such as microfinance. Reducing child labor is one of the goals of the initiative.³⁴⁹⁹

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

As part of the PANE, Inqad, a national pilot program implemented through MOSDFS, is tasked with combating domestic child labor through judicial

reform and cooperation with efforts by civil society.³⁵⁰⁰ Inqad activities include national awareness raising campaigns on the dangers of using domestic servants.³⁵⁰¹ MOSDFS is also piloting the "INDIMAJ" program, as set forth in the PANE, to provide services to street children.

Livelihood projects implemented under the NIHD have resulted in improved employment, housing, and access to education and medical services for Moroccans.³⁵⁰² The question of whether these projects have an impact on the worst forms of child labor does not appear to have been addressed.

Previously, the Government of Morocco participated in a USDOL-funded 5-year, \$3.1 million project to withdraw and prevent 7,334 children from child labor, with an emphasis on the domestic service sector.³⁵⁰³ The Government also participated in a 5-year, \$2.25 million project to eliminate child labor in rural areas of Morocco, funded by USDOL. Project activities included establishing non-formal schools in rural areas not served by the public school system and providing transportation and access to dormitories for secondary students to attend distant schools. Through this initiative, 11,662 children were withdrawn or prevented from child labor.³⁵⁰⁴

The Government of Morocco participated in an IPEC 4-year, \$5 million regional project to combat child labor in Francophone Africa, funded by the Government of France. Morocco has also participated in a 6-year, \$600,000 ILO-IPEC project to combat child labor in Morocco, funded by the Government of Belgium.

The Government is currently participating in a \$3 million USDOL-funded, 3-year project to combat the worst forms of child labor through direct education services. To date, the project has withdrawn or prevented 7,885 children from the worst forms of child labor. Government agencies have collaborated with this project. The Ministry of Social Development, Family and Solidarity contributed by supporting an awareness-raising campaign against child domestic servitude, with support also through the Ministry of Religious Affairs.³⁵⁰⁵

Morocco is currently participating in a 3-year, \$700,000 project to fight gender-based violence through empowerment of women and girls in Morocco, funded by UNDP in collaboration with ILO-IPEC. This project addresses girls who are victims of trafficking and other worst forms of child labor.³⁵⁰⁶

The Government and ILO-IPEC contributed a total of \$337,758 in 2009 to organizations implementing projects to combat child labor, raise awareness, and provide direct services to victims. In addition,

the Government regularly hosts committees and conferences with civil society and the private sector that address child labor.³⁵⁰⁷

Although the Government of Morocco has participated in a number of programs to address some of the worst forms of child labor, research found no evidence that it has carried out programs specifically to assist children involved in agriculture.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend legislation to protect children working family farms.
- Adopt legislation to protect domestic workers and to prevent children under the legal working age from domestic servitude.
- Amend the Labor Code to apply labor laws to all employers.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Create a mechanism to monitor, enforce, and protect children working in domestic services and the informal sector.

IN THE AREA OF PROGRAMS:

- Develop targeted programs to address children working in agriculture.
- Expand programs to prevent and eliminate children's involvement in exploitive child labor in domestic service.

³⁴⁶⁰ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children are from 1999. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³⁴⁶¹ U.S. Department of State, "Morocco," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d.; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136075.htm>. See also U.S. Consulate- Casablanca, *reporting*, February 1, 2010, para 3, 5.

³⁴⁶² Human Rights Watch, *Inside the Home, Outside the Law*, December 2005, section I; available from <http://www.hrw.org/en/reports/2005/12/19/inside-home-outside-law-0>. See also Human Rights Watch, *Morocco: 'Hidden' Children Face Abuse*, [online] December 20, 2005 [cited November 19, 2010]; available from http://hrw.org/english/docs/2005/12/21/morocc12278_txt.htm. See also ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001)*, [online] 2010 [cited September 23,

2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=799&chapter=3&query=Morocco%40ref%2B%20Observation%40ref%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0>. See also International Trade Union Confederation (ITUC), *Internationally Recognised Core Labour Standards in Morocco: Report for the WTO General Council Review of the Trade Policies of Morocco (Geneva, 24 to 26 June 2009)*, International Trade Union Confederation (ITUC), Geneva, 2009, 7; available from http://www.ituc-csi.org/IMG/pdf/WTO_report_Morocco_Final_EN.pdf.

³⁴⁶³ U.S. Department of State, “Country Reports- 2009: Morocco,” section 7d. See also ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001)*. See also U.S. Consulate- Casablanca, *reporting*, February 22, 2010, 6.

³⁴⁶⁴ Human Rights Watch, *Morocco: ‘Hidden’ Children Face Abuse*. See also U.S. Department of State, “Morocco (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/143187.pdf>. See also Human Rights Watch, *Inside the Home, Outside the Law*. See also ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001)*, [online] 2008 [cited November 19, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=10389&chapter=6&query=Morocco%40ref&highlight=&querytype=bool&context=0>. See also International Trade Union Confederation (ITUC), *Internationally Recognised Core Labour Standards in Morocco*, 7. See also U.S. Consulate- Casablanca, *reporting*, February 22, 2010, 7.

³⁴⁶⁵ ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001)*. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Morocco.” See also Human Rights Watch, *Morocco: ‘Hidden’ Children Face Abuse*. See also U.S. Consulate- Casablanca, *reporting*, February 22, 2010, 7.

³⁴⁶⁶ Human Rights Watch, *Morocco: ‘Hidden’ Children Face Abuse*. See also Human Rights Watch, *Inside the Home, Outside the Law*. See also U.S. Consulate- Casablanca, *reporting*, February 22, 2010, 7.

³⁴⁶⁷ U.S. Consulate- Casablanca, *reporting*, February 1, 2010, para 3-5. See also U.S. Department of State, “Country Reports- 2009: Morocco,” section 7d. See also Promoting and Protecting the Interests of Children who Work (PPIC-Work), *Hazard Assessment and Mitigation in the Workplace, Instructor’s Manual*, Canadian International Development Agency, November 2009, 35; available from http://www.ppic-work.org/download/manuals/Hazard_

Assessment_and_Risk_Mitigation_Instructors_manual_Nov09.pdf.

³⁴⁶⁸ U.S. Department of State, “Country Reports- 2009: Morocco,” section 7d. See also U.S. Consulate- Casablanca, *reporting*, February 1, 2010, para 3-5.

³⁴⁶⁹ U.S. Department of State, “Country Reports- 2009: Morocco,” section 7d.

³⁴⁷⁰ U.S. Department of State, “Trafficking in Persons Report- 2010: Morocco.” See also U.S. Consulate- Casablanca, *reporting*, February 22, 2010, 4.

³⁴⁷¹ 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.

³⁴⁷² International Society for Prevention of Child Abuse and Neglect (ISPCAN), “Street Children in Morocco: Analysis of the Situation,” *The Link, The Official Newsletter of the International Society for Prevention of Child Abuse and Neglect (ISPCAN)* 15, no. 3 (Winter 2006); available from <http://www.ispcan.org/documents/LINK/ISPCAN.Link15.3.English.pdf>. See also Buy Pascale Harter, *Child glue sniffing rises in Morocco* [2004 [cited August 10 2010]; available from <http://news.bbc.co.uk/2/hi/africa/4113441.stm>.

³⁴⁷³ International Society for Prevention of Child Abuse and Neglect (ISPCAN), “Street Children in Morocco: Analysis of the Situation.” See also Buy Pascale Harter, *Child glue sniffing rises in Morocco*

³⁴⁷⁴ U.S. Consulate- Casablanca, *reporting*, January 21, 2009, para 12. See also U.S. Consulate- Casablanca, *reporting*, February 22, 2010, 5.

³⁴⁷⁵ U.S. Consulate- Casablanca, *reporting*, February 13, 2009, section 6 para 23c.

³⁴⁷⁶ U.S. Department of State, “Trafficking in Persons Report- 2010: Morocco.” See also U.S. Consulate- Casablanca, *reporting*, February 22, 2010, 6. See also ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001)*.

³⁴⁷⁷ 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 and 172; available from <http://www.maroc.ma/NR/rdonlyres/9A951844-BCA6-4468-9EFD-7460E229E00F/0/codedetravail.pdf>. See also U.S. Department of State, “Country Reports- 2009: Morocco,” section 7d.

³⁴⁷⁸ Government of Morocco, *Le nouveau Code du travail*, article 172 and 173.

³⁴⁷⁹ Ibid., articles 179-181.

³⁴⁸⁰ U.S. Consulate- Casablanca, *reporting, February 1, 2010*, para 5.

³⁴⁸¹ Management Systems International official, E-mail communication to USDOL official, September 23, 2009. See also Government of Morocco, *Le nouveau Code du travail*, article 4.

³⁴⁸² U.S. Consulate- Casablanca, *reporting, February 1, 2010*.

³⁴⁸³ Ibid. See also ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001)*.

³⁴⁸⁴ Government of Morocco, *Le nouveau Code du travail*, articles 10, 12. See also U.S. Department of State, «Trafficking in Persons Report- 2010: Morocco.» See also UN Committee on the Rights of the Child (CRC), *Initial Reports of States Parties Due in 2004, Morocco*, online, July 15, 2005, para 40; available from http://www.unhcr.org/refworld/publisher,CRC,STATEPARTIESREP,MAR_43f305590,0.html. See also ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001)*.

³⁴⁸⁵ U.S. Consulate- Casablanca, *reporting, February 22, 2010*, 10. See also U.S. Department of State, “Country Reports- 2009: Morocco.” See also 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, articles 641-645; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/22c537968b14bcfbc1256d2d0037f5b4/\\$FILE/G0340393.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/22c537968b14bcfbc1256d2d0037f5b4/$FILE/G0340393.pdf). See also UN Committee on the Rights of the Child (CRC), *Initial Reports of States Parties, Morocco*, para 23-26.

³⁴⁸⁶ ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001)*.

³⁴⁸⁷ U.S. Department of State, “Trafficking in Persons Report- 2010: Morocco.” See also U.S. Consulate- Casablanca, *reporting, February 22, 2010*, 9. See also U.S. Department of State, “Country Reports- 2009: Morocco,” section 6. See also UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties: Morocco*, articles 660-662. See also UN Committee on the Rights of the Child (CRC), *Initial Reports of States Parties, Morocco*, para 23. See also ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001)*.

³⁴⁸⁸ U.S. Consulate- Casablanca, *reporting, February 22, 2010*, section 26 A-B.

³⁴⁸⁹ U.S. Consulate- Casablanca, *reporting, February 1, 2010*.

³⁴⁹⁰ Ibid., section 6, 2c1. See also U.S. Department of State, “Country Reports- 2009: Morocco,” section 7d.

³⁴⁹¹ U.S. Consulate- Casablanca, *reporting, February 1, 2010*, section 6, 2c5.

³⁴⁹² U.S. Department of State, “Country Reports- 2009: Morocco,” section 7d. See also U.S. Consulate- Casablanca, *reporting, February 1, 2010*, section 6, 2c6.

³⁴⁹³ U.S. Consulate- Casablanca, *reporting, February 1, 2010*, section 6, 2c6.

³⁴⁹⁴ Ibid., section 6, 2c5. See also U.S. Consulate- Casablanca, *reporting, February 13, 2009*, section 8e.

³⁴⁹⁵ U.S. Consulate- Casablanca, *reporting, February 1, 2010*, section 6, 2c1. See also U.S. Department of State, “Country Reports- 2009: Morocco,” section 7d.

³⁴⁹⁶ U.S. Consulate- Casablanca, *reporting, February 1, 2010*, section 7.

³⁴⁹⁷ Ibid.

³⁴⁹⁸ Ibid., section 9. See also ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001)*.

³⁴⁹⁹ U.S. Consulate- Casablanca, *reporting, February 1, 2010*, section 8. See also Fadoua Jouti, *People First: The National Initiative for Human Development*, 2009; available from http://www.emuni.si/Files/Denis/Conferences/EMUNI_ReS/2009/Proceeding/AlAkhawayn/Jouti.pdf. See also Kristyn Schomp, *Child Labour and Microfinance in Morocco: Using Microfinance to Reduce Child Labour and the case of the Al Amanda Microfinance Institution*, School for International Training, 2007, 21; available from http://digitalcollections.sit.edu/cgi/viewcontent.cgi?article=1154&context=isip_collection.

³⁵⁰⁰ U.S. Consulate- Casablanca, *reporting, February 1, 2010*. See also ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001)*. See also Family and Solidarity Government of Morocco: Ministry of Social Development, *Programmes: Enfance*, 2009; available from <http://www.social.gov.ma/fr/index.aspx?mod=3&rub=14>.

³⁵⁰¹ U.S. Consulate- Casablanca, *reporting, February 1, 2010*. See also ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001)*.

³⁵⁰² Central Intelligence Agency, “Morocco,” in *The World Factbook* Washington, D.C., 2009; available from <https://www.cia.gov/library/publications/the-world-factbook/geos/mo.html>. See also Jouti, *People First: The National Initiative for Human Development*. See also Schomp, *Child Labour and Microfinance in Morocco: Using Microfinance to Reduce Child Labour and the case of the Al Amanda Microfinance Institution*.

³⁵⁰³ U.S. Department of Labor, *Evaluation Summary: ADROS: Combating Child Labor Through Education in Morocco*, 2008; available from https://www.dol.gov/ilab/projects/europe_mena/Morocco_ADROS_feval_sum.pdf.

³⁵⁰⁴ U.S. Department of Labor, *Technical Cooperation Project Summary: Combating Child Labor in Morocco by Creating an Enabling National Environment and Developing Direct Action against Worst Forms of Child Labor in Rural Areas* 2008; available from http://www.dol.gov/ilab/projects/europe_mena/Morocco_IPEC_CLOSED.htm.

³⁵⁰⁵ Management Systems International, *Combating Child Labor through Education in Morocco (Dima Adros)*, Technical Progress Report, Rabat, March 31, 2010.

³⁵⁰⁶ ILO-IPEC official, E-mail communication, July 17, 2010. See also MDG Achievement Fund, *MDGF-1707: Programme for the fight against gender-based violence through the empowerment of women and girls in Morocco* 2007; available from <http://sdnhq.undp.org/opas/en/proposals/suitable/204>.

³⁵⁰⁷ U.S. Consulate- Casablanca, *reporting, February 1, 2010*, section 9.

Mozambique

The Government of Mozambique has participated in donor-funded projects to withdraw or prevent children from engaging in the worst forms of child labor.

However, gaps remain in its legal framework. Children can leave school as early as age 12. The law does not define hazardous work. Complaints of child trafficking routinely go uninvestigated. Current social protection programs raise awareness but do not address sectors where the majority of children work in hazardous conditions, such as agriculture.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Mozambique are exploited in the worst forms of child labor,³⁵⁰⁸ many of them in agriculture. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of cotton, cashews, coconuts, copra (dried coconut meat), tea, and sugar.³⁵⁰⁹ Children also produce tobacco on farms and small plots known as *machambas*. Children's work in agriculture may involve activities that are unsafe or unhealthy, such as using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides.³⁵¹⁰

Children in Mozambique also herd livestock and perform domestic labor in third party homes. Child domestic labor may involve long hours of work, activities that risk their health and safety, and vulnerability to physical and sexual exploitation.³⁵¹¹ Children in Mozambique work on the streets, vending items and collecting scrap metal. Risks they may face

include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.³⁵¹² Children also work in restaurants and informal bars known as *barracas*.³⁵¹³ Some girls employed in *barracas* also engage in prostitution.³⁵¹⁴

Another worst form of child labor that occurs in Mozambique is the trafficking of children. Children are trafficked internally and to South Africa and Swaziland for commercial sexual exploitation and forced labor in agriculture, manual work, and domestic service.³⁵¹⁵ 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.³⁵¹⁶

In 2009, there were an estimated 1.2 million orphaned children in Mozambique, many having lost their parents to HIV/AIDS.³⁵¹⁷ In Mozambique, orphaned children are particularly vulnerable to engaging in the worst forms of child labor.³⁵¹⁸

Laws and Regulations on the Worst Forms of Child Labor

The Labor Law establishes the minimum age for employment at 15 and the minimum age for hazardous work at 18.³⁵¹⁹ However, children between 12 and 15 may work with the approval of the Ministries of Labor, Health, and Education; these children are issued legal documents establishing the conditions under which they are allowed to work.³⁵²⁰ In addition, since children may leave school at 12, those from ages 12 to 14 are more vulnerable to begin working before they are legally eligible, and thus to be drawn into the worst forms of child labor.³⁵²¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

The Labor Law also restricts the conditions under which minors between 15 and 18 may work and commits employers to provide for their education and professional training. Minors under age 18 are not permitted to work in unhealthy, dangerous, or physically taxing occupations; they must undergo a medical examination and be paid at least minimum wage.³⁵²² However, the law does not prohibit children between the ages of 15 and 18 from working at night.³⁵²³ In addition, while the Labor Law upholds international conventions, such as ILO Convention 182, it does not specifically identify hazardous labor for children or define the worst forms of child labor.³⁵²⁴

The Constitution prohibits forced labor.³⁵²⁵ The Penal Code, Decree No. 417/71, and Act No. 6/99 provide penalties for child prostitution.³⁵²⁶ Act 3/97 prohibits the use of children in the transport and sale of illegal drugs.³⁵²⁷ The Penal Code also prohibits the trafficking of persons out of the country for sexual exploitation, but does not prohibit internal trafficking or trafficking for forced labor.³⁵²⁸ Although the Trafficking in Persons Law covers these gaps, the Government has not enacted implementing regulations, which are required before a law can be enforced.³⁵²⁹ The Law on Military Service sets the age for military conscription at 19 and voluntary recruitment at 18, which can be lowered in times of war.³⁵³⁰

Institutional Mechanisms for Coordination and Enforcement

To coordinate information on the worst forms of child labor, the Government uses the inter-agency commission on social issues led by the Ministry of Women and Social Action (MIMAS). This commission includes other ministries such as the Ministries of Labor (MITRAB), Justice, Education, Health, and Interior.³⁵³¹ MIMAS receives less than 1 percent of the total government budget and relies on international organizations for office supplies and technical support; therefore, the sustainability and effectiveness of this commission is likely to be limited.³⁵³²

The MITRAB is the federal agency responsible for enforcing child labor laws.³⁵³³ Within the MITRAB, the Labor Inspection Office employs 130 labor inspectors who primarily inspect commercial establishments, even though the Labor Law covers home work, domestic service, and work in rural areas.³⁵³⁴ As most children do not work in commercial establishments, but rather in small-scale agriculture, they may not be protected by enforcement efforts. Reportedly, this office routinely lacks vehicles to conduct inspections.³⁵³⁵ In 2008, the most recent period for which such data are available, 5,000 inspections were conducted, during which more than 8,000 infractions were found, but only 30 percent were prosecuted. It is unknown whether any of these cases were related to child labor.³⁵³⁶

The Anti-Trafficking Brigade within the Ministry of the Interior and the police's Child Protection Units are responsible for enforcing criminal laws relating to the

worst forms of child labor, including trafficking.³⁵³⁷ In Mozambique, there are 184 help desks located in police stations called *gabinetes de atendimento* where trafficking victims can file complaints and get assistance.³⁵³⁸ Although the Government created a hotline to receive reports of trafficking in persons in 2009, it did not investigate these complaints.³⁵³⁹ During the reporting period, the police and border guards received training on how to identify trafficking cases and assist victims.³⁵⁴⁰

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address the worst forms of child labor. However, Mozambique signed the Community of Portuguese Speaking Countries (CPLP) Declaration against child labor, which calls for a CPLP Plan of Action and sets the goal to eliminate the worst forms of child labor by 2016.³⁵⁴¹ The Government also adopted the Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children in the Southern African Development Community (SADC) at an Inter-Ministerial Conference in 2009.³⁵⁴²

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

In Mozambique, social programs specifically designated to eliminate child labor are a recent development with the majority of interventions being internationally donor-funded initiatives. In the past, many child-centered interventions only indirectly contributed to the elimination of child labor, such

as programs targeting children affected by HIV/AIDS.³⁵⁴³ However, the Government did participate in a 3-year, \$3 million project funded by USDOL, which withdrew or prevented 2,177 children from engaging in exploitative work in agriculture, domestic work, street work, and commercial sexual exploitation.³⁵⁴⁴

Currently, the Government mainly combats the worst forms of child labor through awareness raising. For instance, Mozambique participated in a \$3.46 million, 9-year Global Campaign to Raise Awareness and Understanding on Child Labor, funded by Italy through March 2009.³⁵⁴⁵ The Government also raised awareness on trafficking in communities throughout Mozambique during the reporting period.³⁵⁴⁶

Other efforts to combat the worst forms of child labor include the 2-year, \$300,000 project to strengthen trafficking legislation in collaboration with the NGO Rede Came and the 4-year regional project funded by Brazil at \$200,000 to combat the worst forms of child labor in Lusophone countries in Africa.³⁵⁴⁷

However, the Government is not currently involved in social programs to eliminate the worst forms of child labor in sectors where the majority of children work, such as in agriculture and domestic service.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Law to prohibit children from working at night, to identify hazardous labor for children, and to define the worst forms of child labor.
- Raise the compulsory education age to 15.
- Amend the Penal Code to prohibit all forms of trafficking, including internal trafficking and trafficking for forced labor.
- Adopt implementing regulations for the Trafficking in Persons Act.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Allocate sufficient resources to the Ministry of Women and Social Action to coordinate information on the worst forms of child labor.
- Allocate sufficient resources to the Labor Inspection Office and target sectors such as agriculture with a high incidence of child labor.
- Investigate complaints of child trafficking.
- Gather and make publicly available information about enforcement.

IN THE AREA OF POLICIES:

- Adopt and implement a National Action Program on the Elimination of Child Labor.
- Make available to the public information about the implementation of national policies to combat child labor.

IN THE AREA OF PROGRAMS:

- Develop social protection programs that assist children working in sectors such as agriculture and domestic service.

³⁵⁰⁸ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

³⁵⁰⁹ U.S. Embassy- Maputo, *reporting*, February 6, 2010. See also U.S. Department of State, “Country Reports on Human Rights Practices- 2010,” Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135967.htm>. See also American Institutes for Research, *RECLAIM: Reducing Exploitive Child Labor in Mozambique*, Project Document, September 2005, 4.

³⁵¹⁰ U.S. Embassy- Maputo, *reporting*, February 6, 2010, para 2. See also U.S. Department of State, “Mozambique,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135967.htm>. See also U.S. Embassy- Maputo, *reporting*, January 16, 2009. See also American Institutes for Research, *RECLAIM, Project Document (September 2005)*, 4.

³⁵¹¹ Rui Benfica, Julieta Zandamela, Arlindo Miguel, and Natércia de Sousa, *The Economics of Smallholder Household in Tobacco and Cotton Growing Areas of the Zambezi Valley of Mozambique* Ministry of Agriculture, August, 2005, 15; available from <http://www.aec.msu.edu/fs2/mozambique/wps59E.pdf>. See also 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, 8-9; available from <http://>

www.reliefweb.int/library/documents/2006/sc-zim-24may.pdf. See also UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties due in 2001: Mozambique*, prepared by Government of Mozambique, pursuant to Article 44 of the Convention on the Rights of the Child, March 23, 2009, para 356; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/412/30/PDF/G0941230.pdf?OpenElement>.

³⁵¹² U.S. Embassy- Maputo, *reporting, January 16, 2009*, para 3.

³⁵¹³ Integrated Regional Information Networks, “Mozambique: Exploitation and abuse awaits Zimbabwe’s migrants”, IRINnews.org, [online], May 25, 2006 [cited April 18, 2010]; available from <http://www.irinnews.org/report.aspx?ReportId=39621>. See also Save the Children UK, *Visitors from Zimbabwe*, 9.

³⁵¹⁴ 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>.

³⁵¹⁵ UNODC, *Global Report on Trafficking in Persons*, February 2009; available from http://www.unodc.org/documents/Global_Report_on_TIP.pdf. See also Integrated Regional Information Networks, “Exploitation and abuse awaits Zimbabwe’s migrants”. See also U.S. Department of State, “Mozambique (Tier 2 Watch List),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 10, 2010. <http://www.state.gov/documents/organization/143187.pdf>. See also U.S. Department of State official, E-mail communication to USDOL official, January 22, 2009. 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. 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, 37-46; available from http://www.ungift.org/docs/ungift/pdf/knowledge/3332_UNODC_Situational_Assessment_HT.pdf.

³⁵¹⁶ 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*.

³⁵¹⁷ UNICEF, *Child Protection*, [online] 2009 [cited April 7, 2010]; available from <http://www.unicef.org/mozambique/protection.html>. See also UNICEF, *Providing care and support for orphaned and vulnerable children*, [online] 2009 (estimated) [cited April 7, 2010]; available from http://www.unicef.org/mozambique/hiv_aids_2971.html.

³⁵¹⁸ UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties*, para 358.

³⁵¹⁹ *Lei n.º 23/2007 Lei do Trabalho*, Lei n.º 23/2007, (October 2007); available from <http://www.mitrab.gov.mz/Documentos/Legislacao/Lei%20do%20Trabalho.pdf>.

³⁵²⁰ *Labour Law*, (October 2007), articles 248 and 249; available from http://www.arbitrationmz.com/data/docs/Labour_Law_nr_232007.eng.pdf.

³⁵²¹ *Lei do Trabalho*. See also UNESCO, *EFA Global Monitoring Report 2009: Overcoming inequality: why governance matters*, Oxford University Press, Paris, 2008, 298; available from <http://unesdoc.unesco.org/images/0017/001776/177683e.pdf>.

³⁵²² *Mozambique Labour Law*, article 276. See also U.S. Department of State, “Mozambique,” 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/119015.htm>.

³⁵²³ *Lei do Trabalho*.

³⁵²⁴ *Ibid.*, article 13.

³⁵²⁵ *Constituição da República*, (November 2, 1990), article 84(3); available from <http://www.mozambique.mz/pdf/constituicao.pdf>.

³⁵²⁶ Government of Mozambique, “Legislation of Interpol Member States on Sexual Offences against Children,” 2006; available from <http://www.interpol.int/public/children/sexualabuse/nationallaws/default.asp>. See also *Notas Explicativas [regarding the Penal Code]*, (August 31, 2006), sec II arts 391-394 available from http://www.portaldogoverno.gov.mz/Legisla/legisSectores/judiciaria/codigo_penal.pdf.

³⁵²⁷ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Mozambique (ratification: 2003)*, [online] 2009 [cited April 7, 2010]; available from <http://www.ilo.org/ilolex/english/ilquery.htm>.

³⁵²⁸ *Notas Explicativas*, sec IV, article 405A. See also ILO Committee of Experts, *CEACR: Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Mozambique (ratification: 2003) Submitted: 2006*, [online] 2006 [cited April 7, 2010]; available from <http://www.ilo.org/ilolex/english/ilquery.htm>.

³⁵²⁹ Maputo News, *Crime: Human Trafficking Law for Mozambique*, May 2008; available from http://maputo.wantedinafrica.com/news/news.php?id_n=4445. See also U.S. Embassy- Maputo, *reporting*, February 22, 2010, para 3. See also U.S. Embassy- Maputo, *reporting*, February 6, 2010, para 3.

³⁵³⁰ 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>.

³⁵³¹ U.S. Embassy- Maputo, *reporting*, February 6, 2010, para 7.

³⁵³² *Ibid.*, para 8.

³⁵³³ *Ibid.*, para 1. See also U.S. Department of State, "Country Reports- 2009: Mozambique."

³⁵³⁴ U.S. Embassy- Maputo, *reporting*, February 6, 2010, para 4-5. See also *Lei do Trabalho*, article 3.

³⁵³⁵ U.S. Embassy- Maputo, *reporting*, February 6, 2010, para 4-5.

³⁵³⁶ U.S. Embassy- Maputo, *reporting*, February 6, 2010, para 5.

³⁵³⁷ *Ibid.*, para 6. See also UNODC, *Global Report*, 125.

³⁵³⁸ UNODC, *Global Report*, 125.

³⁵³⁹ U.S. Embassy- Maputo, *reporting*, February 6, 2010, para 6.

³⁵⁴⁰ UN Committee on the Rights of the Child, *Written Replies by the Government of Mozambique to the List of Issues (CRC/C/MOZ/Q/2) Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Second Periodic Report of Mozambique (CRC/C/MOZ/2)** September 29, 2009, para 52; available from <http://tb.ohchr.org/default.aspx>.

³⁵⁴¹ ILO, *Come and join a Round Table discussion on the Ministerial Declaration and Plan of Action against child labour of the Community of Portuguese Speaking countries, ILC, Palais des Nations, Room XI, 8th June 2006, 6:15 - 7:45 pm*, Geneva, 2006; available from <http://www.ilo.org/ipeinfo/product/editSearchProduct.do>.

³⁵⁴² UN Committee on the Rights of the Child, *Written Replies by the Government of Mozambique*, para 43. 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 of the Committee on the Rights of the Child: Mozambique*, November 4, 2009, para 86; available from <http://tb.ohchr.org/default.aspx>.

³⁵⁴³ UNICEF, *Country Programme 2002-2006*, [online] [cited September 24, 2010]; available from http://www.unicef.org/mozambique/overview_2127.html.

³⁵⁴⁴ American Institutes for Research, *RECLAIM, Project Document (September 2005)*, 1-4, 7. See also American Institutes for Research, *RECLAIM: Reducing Exploitive Child Labor in Mozambique*, Final Report, September 2008, 6.

³⁵⁴⁵ 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.

³⁵⁴⁶ UN Committee on the Rights of the Child, *Written Replies by the Government of Mozambique*, para 52.

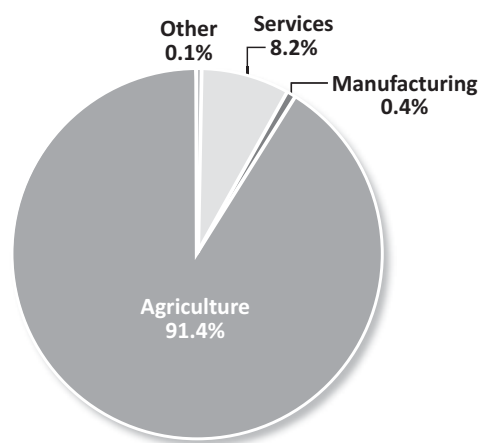
³⁵⁴⁷ USDOS, *USG FUNDS OBLIGATED IN FY 2008 FOR TIP PROJECTS*, 2009; available from <http://www.state.gov/documents/organization/121804.pdf>. See also ILO-IPEC Geneva official, E-mail communication to USDOL official, July 17, 2010.

Namibia

The Government of Namibia conducted targeted investigations of child labor in the agriculture sector. However, children continue to be exploited as domestic servants and work in harmful conditions in agriculture. Significant gaps remain in the legal framework to protect children against the worst forms of child labor and social programs do not sufficiently address the needs of children working as domestic servants or in agriculture.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working children	6-14 yrs.	14.7%
School attendance	6-14 yrs.	91.6%
Combining Work and School	7-14 yrs	13.8%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Namibia,³⁵⁴⁸ with approximately half of all working children being exploited as domestic servants.³⁵⁴⁹ Such children may collect firewood and water, walking long distances and carrying heavy loads.³⁵⁵⁰ Reports indicate that some children are vulnerable to being overworked and may suffer physical and sexual abuse by their employers.³⁵⁵¹ Children also work in agriculture, which may involve risky activities such as dangerous machinery and tools, heavy loads, and harmful pesticides.³⁵⁵² Children raise livestock and herd cattle in isolated areas. Children also produce charcoal, repair motor-vehicles, and unload goods for truck drivers, including chemicals.³⁵⁵³

Children as young as 12, including street children, are exploited in prostitution in the capital, coastal towns, and along main transport routes.³⁵⁵⁴ Children are also coerced by adults to commit crimes, including theft and property crimes.³⁵⁵⁵

Namibia is a source, destination, and transit country for trafficked children. A 2009 qualitative assessment of human trafficking in Namibia conducted by the Ministry of Gender Equality and Child Welfare identified only a small number of child trafficking victims.³⁵⁵⁶ However, it was beyond the scope of the assessment to account for all trafficking victims in Namibia. Although evidence is limited, there is reason to believe that children are trafficked for many purposes, including domestic service, commercial sexual exploitation, agricultural labor, cattle herding, and charcoal production.³⁵⁵⁷ Children are also trafficked to South Africa and possibly Angola for commercial sexual exploitation.³⁵⁵⁸

Laws and Regulations on the Worst Forms of Child Labor

The Labor Act sets the minimum age for work at 14.³⁵⁵⁹ The Constitution sets the minimum age for hazardous work at 15 and prohibits children from employment that is likely to harm their physical health or mental, spiritual, moral, or social development; or

would interfere with their education.³⁵⁶⁰ The Labor Act also prohibits children age 14 and 15 from working in any mine, industrial, or construction setting, and from engaging in night work, unless authorized by the Minister of Labor.³⁵⁶¹ However, the law does not specify other hazardous occupations and activities in which children should not be employed such as domestic service. In addition, there are no specified penalties against employers of child laborers, and as authorized by the Labor Act, the Minister of Labor can identify special tasks in which children may enter hazardous work at age 14.³⁵⁶²

The Constitution and Labor Act prohibit slavery and forced labor and provide penalties for violators of those provisions.³⁵⁶³ The Prevention of Organized Crime Act of 2004 prohibits both domestic and international trafficking in persons and the recruitment, harboring, transportation, transfer, and receipt of persons for the purposes of commercial sexual exploitation and forced labor.³⁵⁶⁴ The Government recently launched a public consultation on the Child Care and Protection Bill to address child trafficking, but the bill has yet to be adopted by the National Assembly.³⁵⁶⁵

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

The Combating of Immoral Practices Act, as amended in 2000, prohibits parents or guardians from offering their female child for prostitution.³⁵⁶⁶ This law

prohibits parents or guardians, but not other persons, from offering a child for prostitution. It also does not prohibit the recruitment, use, or sale of a child in prostitution, or benefiting from the proceeds of child prostitution.³⁵⁶⁷

According to the ILO, there are no laws in Namibia which prohibit the use of children in the sale, production, and transport of drugs.³⁵⁶⁸ Namibia's ratification of the CRC Optional Protocol on Armed Conflict prohibited conscription into the armed forces and set the minimum age for voluntary military service at age 18.³⁵⁶⁹

Institutional Mechanisms for Coordination and Enforcement

In 2005, the Government established the Participatory Advisory Committee on Child Labor (PACC) to coordinate information on child labor. The PACC includes several government ministries, businesses, organized labor, and international organizations and is supposed to meet on a monthly basis.³⁵⁷⁰ In practice, the PACC meets irregularly and shares information only on an ad-hoc basis.³⁵⁷¹

The Ministry of Labor and Social Welfare's Labor Inspectorate enforces child labor laws and tracks cases of the worst forms of child labor.³⁵⁷² The Labor Inspectorate has 36 labor inspectors who are trained to identify the worst forms of child labor. Two inspectors dedicated solely to child labor inspections are based in Windhoek.³⁵⁷³ During the reporting period, the Inspectorate identified 111 instances of child labor by conducting random, three-week long inspections in the agriculture sector.³⁵⁷⁴

In 2009, the Inspectorate's budget was \$65,000 to cover all operating costs, including child labor and forced labor inspections. At the time of reporting, Inspectorate officials claimed the budget was inadequate and that they lacked the necessary resources for a more expansive labor inspection regime.³⁵⁷⁵

In 2009, the President of Namibia made public statements denouncing the use of children for labor on communal land and called on the Government ministries to collaborate in investigations of practices of child labor in eight of Namibia's 13 regions.³⁵⁷⁶ To

assist law enforcement officials and investigators in this effort, the ILO with support from the Government conducted training workshops on child labor in six of Namibia's 13 regions.³⁵⁷⁷

The Ministry of Gender Equality and Child Welfare (MGECW) and the Woman and Child Protection Unit, an inter-ministerial organization operating within the Ministry of Safety and Security (but effectively run by the police), are respectively responsible for therapeutic counseling and enforcement of criminal laws regarding the worst forms of child labor, including trafficking and commercial sexual exploitation. The MGECW employs 49 social workers throughout the country to provide counseling and referral services to victims of trafficking.³⁵⁷⁸ The Woman and Child Protection Unit employs 89 officers who are available to investigate possible trafficking cases and assist victims of sexual assault.³⁵⁷⁹ The Namibian Government spent \$10,000 on other direct efforts to combat child trafficking in 2009.³⁵⁸⁰ To date, there have been no prosecutions or convictions for violations of trafficking laws in Namibia.³⁵⁸¹

Government Policies on the Worst Forms of Child Labor

The National Development Plan (2007-2012) has as one of its objectives: to harmonize all laws and policies on child labor, ensure that existing child labor laws are enforced, and expand the scope of inspections to include agriculture, domestic service, and the informal economy.³⁵⁸² Child labor concerns are also included in: the National Policy on Orphans and Vulnerable Children (OVC), the National Gender Policy (1997), the Education for All National Plan (2001-2015), and the Education and Training Sector Improvement Program (2006-2011).³⁵⁸³

In addition, the Government currently participates in a USDOL-funded project that has as one of its objectives, the creation of a stand-alone national action plan targeted specifically on the worst forms of child labor.³⁵⁸⁴

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

The Government recently placed a priority on anti-trafficking interventions, with most nationally sponsored initiatives in this realm. For instance, the Ministry of Home Affairs and Immigration set up an office in the maternity ward at Katutura State Hospital to ensure that every child born receives a birth certificate in an attempt to combat the trafficking of children. Universal birth registration for children documents a child's existence, increases their chances to access education, and improves the likelihood of being found if trafficked.³⁵⁸⁵ The Government launched a toll-free hotline in 2009 that is operated by the Namibian police for reporting crimes, including child trafficking.³⁵⁸⁶ It also created a national database to record statistics on trafficking and child labor and conducted awareness-raising about gender-based violence and human trafficking.³⁵⁸⁷ In addition, the Government is currently rehabilitating 13 buildings to be used as shelters for victims of gender-based violence, trafficking, and the worst forms of child labor.³⁵⁸⁸

International-donor-funded anti-trafficking initiatives include the Government's Zero Tolerance Campaign for Gender Based Violence and Human Trafficking in partnership with USAID, which conducted a baseline study to assess the existence, extent, nature, and impact of human trafficking in Namibia.³⁵⁸⁹ The Government also participated in several regional conferences to combat the trafficking of children associated with the 2010 FIFA World Cup.³⁵⁹⁰

Additionally, the Government continued to participate in the 4-year, \$4.7 million, USDOL-funded regional project to support the implementation of national child labor action plans. This 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.³⁵⁹¹

While the Government implements programs to combat the worst forms of child labor, its efforts do not sufficiently target areas where the majority of children work, such as domestic service and agriculture.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Act to include more specific language on the types of hazardous occupations and activities in which children should not be employed, and to set the minimum age for any such work at 18.
- Amend the Labor Act to provide sanctions against employers of child laborers and to prohibit the inclusion of children in hazardous work at age 14 with the Minister of Labor's permission.
- Amend the Combating of Immoral Practices Act to prohibit any person offering a child, including male children, for prostitution and from recruiting, using, selling, and benefiting from the proceeds of male and female child prostitution.
- Prohibit the use of children in the sale, production, and transport of drugs. Seek swift passage of the revisions to the Child Care and Protection Bill to better address child trafficking.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure the Participatory Advisory Committee on Child Labor (PACC) meets on a regular basis to facilitate the exchange and dissemination of information on child labor and to improve the coordination of its work plan.
- Consider the adequacy of enforcement budgets for the Labor Inspectorate and to combat the trafficking of children.
- Expand labor inspection coverage to all geographic areas where the worst forms of child labor are prevalent.
- Provide training to the Ministry of Gender Equality and Child Welfare employees and the Police's Women and Child Protection Unit on the worst forms of child labor to improve the likelihood of successful prosecutions and conviction of offenders.

IN THE AREA OF POLICIES:

- Continue efforts to develop a national action plan targeted specifically at eliminating the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to prevent children's involvement in the worst forms of child labor, including by developing appropriate social protection programs for the withdrawal and prevention of children working in domestic service and agriculture.

³⁵⁴⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 1999. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³⁵⁴⁹ Government of Namibia, *Namibia Child Activities Survey: Report of Analysis*, ISBN: 978-086976-787-0, Ministry of Labour and Social Welfare, 2005, 51, 62; available from [hard copy on file].

³⁵⁵⁰ *Ibid.*, 51.

³⁵⁵¹ ILO-IPEC, *Implementation Plan of the Programme Towards the Elimination of the Worst Forms of Child Labour in Namibia, 2004-2007*, Geneva, 2005, 6-7; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=4511>. See also Government of Namibia, *Namibia Child Activities Survey*, 51, 62.

³⁵⁵² Government of Namibia, *Namibia Child Activities Survey*, 51, 62. See also U.S. Embassy- Windhoek, *reporting*, January 16, 2009, para 3.

³⁵⁵³ U.S. Embassy- Windhoek, *reporting*, February 05, 2010, section 1, para 2, section 2, para 3. See also ILO-IPEC, *Implementation Plan of TECL, Phase I 8-9*. See also U.S. Embassy- Windhoek, *reporting, January 16, 2008*, para 3. See also U.S. Embassy- Windhoek, E-mail communication to USDOL official, June 21, 2010. See also

³⁵⁵⁴ ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL), Phase II*, Project Document, Geneva, September 25, 2008, 23. See also Africa News, "Namibia: Prostitution Rife in Oshikango", IRINnews.org, [online], April 8, 2008 [cited January 5, 2010]; available from <http://allafrica.com/stories/200804080585.html>. See also ILO-IPEC, *Implementation Plan of TECL, Phase I 9*. See also Integrated Regional Information Networks, "Namibia: Underage sex-workers have few other options to survive", irinnews.org, [online], October 24, 2005 [cited July 28, 2010]; available from <http://www.irinnews.org/report.aspx?reportid=56813>. See also Government of the Republic of Namibia, *National Plan of Action for Orphans and Vulnerable Children*, Windhoek, October 2007, 12-13; available from www.unicef.org/infobycountry/files/NPAforOVC-Vol1.pdf.

³⁵⁵⁵ Catharine Sasman, "Vulnerable Children at Risk of Exploitation", AllAfrica, [online], February 1, 2008 [cited January 5, 2010]; available from <http://allafrica.com/stories/200802010315.html>. See also Government of the Republic of Namibia, *National Plan of Action 2006-2010*, 13. See also ILO-IPEC, *Implementation Plan of TECL, Phase I 9*.

³⁵⁵⁶ U.S. Department of State, "Namibia," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>. See also Government of the Republic of Namibia, *A Baseline Assessment of Human Trafficking in Namibia, A Nationally Representative Qualitative Assessment*, Ministry of Gender Equality and Child Welfare, Windhoek, June, 2009, 11.

³⁵⁵⁷ U.S. Embassy- Windhoek, *reporting, February 19, 2010*, para 3. See also U.S. Embassy-Windhoek, *reporting*, February 12, 2009, para 4. See also ILO-IPEC, *TECL, Phase II, Project Document*, 23. See also Africa News, "Namibia 'Slavery' Threatens San", July 26, 2007 [cited January 05, 2010]; available from <http://allafrica.com/stories/200707260811.html>. See also Africa News, "Namibia: Human Trafficking Mirrors Society's Underbelly", allAfrica.com, [online], February 6, 2009 [cited December 31, 2009]; available from <http://allafrica.com/stories/printable/200902060690.html>. See also U.S. Department of State, "Trafficking in Persons Report-2010: Namibia." See also Government of the Republic of Namibia, *Baseline on Human Trafficking*, 11.

³⁵⁵⁸ U.S. Embassy- Windhoek, *reporting*, January 16, 2009, para 5. See also U.S. Embassy- Windhoek, *reporting, February 19, 2010*, para 3, 6. See also ILO-IPEC, *TECL, Phase II, Project Document*, 23.

³⁵⁵⁹ Government of Namibia, *Labor Act* (December 31, 2007), 12; available from http://www.parliament.gov.na/acts_documents/81_3971_gov_notice_act_11.pdf.

³⁵⁶⁰ Government of Namibia, *Constitution* (February 1990), article 15; available from http://www.servat.unibe.ch/law/icl/wa00000_.html.

³⁵⁶¹ Government of Namibia, *Labor Act* 13-14.

³⁵⁶² ILO-IPEC, *TECL, Phase II, Project Document*, 28. See also International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Botswana, Lesotho, Namibia, South Africa and Swaziland*, Report for the WTO General Council Review of Trade Policies of the Five Countries of the Southern African Customs Union (SACU), Geneva, November 4-6, 2009, 17; available from http://www.ituc-csi.org/IMG/pdf/20091103101840-Microsoft_Word_-_SACU-final_.pdf. See also Government of Namibia, *Constitution of the Republic of Namibia, 1990*, article 15.

³⁵⁶³ Government of Namibia, *Constitution of the Republic of Namibia, 1990*, article 9. See also Government of Namibia, *Labor Act* chapter 2, section 4.

³⁵⁶⁴ Government of Namibia, *Prevention of Organized Crime Act*, No. 289, (December 19, 2004), 8, 15; available from http://www.parliament.gov.na/acts_documents/228_act_29_of_2004.pdf. See also U.S. Embassy- Windhoek, *reporting, February 19, 2010*, para 13.

³⁵⁶⁵ IPS- Inter Press Service, “Namibia: Behind the new child bill”, CRIN.org, [online], August 25, 2009 [cited December 28, 2009]; available from <http://www.crin.org/resources/infoDetail.asp?ID=20737&flag=news>. See also New Era, “Namibia: Child law under revision”, CRIN.org, [online], April 20, 2009 [cited December 28, 2009]; available from <http://www.crin.org/resources/infoDetail.asp?ID=20097&flag=news>. See also Clever Mapaire and Lena N Kangandjela, “Work in progress: The Child Care and Protection Act in Namibia,” in *Children’s Rights in Namibia*, ed. Oliver Ruppel, Windhoek: Konrad Adenauer Foundation, 2009, 135-136; available from http://www.kas.de/upload/auslandshomepages/namibia/children_Rights/Children_g.pdf.

³⁵⁶⁶ International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Botswana, Lesotho, Namibia, South Africa and Swaziland*, 17. See also Government of the Republic of Namibia, *Baseline on Human Trafficking*, 43.

³⁵⁶⁷ International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Botswana, Lesotho, Namibia, South Africa and Swaziland*, 17. See also Government of the Republic of Namibia, *Baseline on Human Trafficking*, 43.

³⁵⁶⁸ ILO Committee of Experts, *Individual Direct Request Worst Forms of Child Labour Convention, 1999 (No. 182) Namibia (ratification: 2000) Submitted: 2008* [online] 2008 [cited December 29, 2009]; 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>.

³⁵⁶⁹ 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>.

³⁵⁷⁰ U.S. Embassy- Windhoek, *reporting, February 05, 2010*, section 2c, para 2. See also U.S. Department of State, “Namibia,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>. See also ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labour (TECL), Phase II*, Technical Progress Report (TPR) - South Africa, Botswana & Namibia, September 2009, August 28, 2009, 5; available from [hard copy on file].

³⁵⁷¹ U.S. Embassy- Windhoek, *reporting, February 05, 2010*, para 2c.2, 2d.1.

³⁵⁷² *Ibid.*, section 2c, para 1.

³⁵⁷³ *Ibid.*, section 2c, para 1, 5.

³⁵⁷⁴ U.S. Embassy- Windhoek, *reporting, February 19, 2010*, para 3. U.S. Embassy- Windhoek, *reporting, February 05, 2010*, section 2c, para 6, 10. See also Government of Namibia, *Child Labour Inspection (Investigative) Report in the Agricultural Sector (Commercial and Communal Areas)*, August 18, 2009, 3; available from [hard copy on file].

³⁵⁷⁵ U.S. Embassy- Windhoek, *reporting, February 05, 2010*, para 2c.4. See also U.S. Embassy- Windhoek, *reporting, February 19, 2010*, para 23. See also U.S. Embassy - Windhoek, E-mail communication to USDOL official, November 17, 2010.

³⁵⁷⁶ Brigitte Weidlich, “President on the labour warpath”, *namibian.com*, [online], July, 13, 2009 [cited December 28, 2009]; available from [http://www.namibian.com.na/index.php?id=28&tx_ttnews\[tt_news\]=57317&no_cache=1](http://www.namibian.com.na/index.php?id=28&tx_ttnews[tt_news]=57317&no_cache=1). See also U.S. Embassy- Windhoek, *reporting, February 19, 2010*, para 7.

³⁵⁷⁷ U.S. Embassy- Windhoek, *reporting, February 05, 2010*, section 2b, para 14.

³⁵⁷⁸ *Ibid.*, section 2d, para 1. See also U.S. Embassy- Windhoek, *reporting, February 19, 2010*, para 2, 9. See also U.S. Embassy - Windhoek, E-mail communication, November 17, 2010.

³⁵⁷⁹ U.S. Embassy- Windhoek, *reporting, February 19, 2010*, para 9. See also UNODC, *Global Report on Trafficking in Persons*, Global Report, February 2009; available from http://www.ungift.org/docs/ungift/pdf/humantrafficking/Global_Report_on_TIP.pdf. See also U.S. Embassy- Windhoek, *reporting, February 05, 2010*, section 2d, para 1.

³⁵⁸⁰ U.S. Embassy- Windhoek, *reporting, February 05, 2010*, para 2d.1, 2. See also U.S. Embassy - Windhoek, E-mail communication, November 17, 2010.

³⁵⁸¹ U.S. Embassy- Windhoek, *reporting, February 19, 2010*, section 2b, para 11, U.S. Embassy- Windhoek, *reporting, February 05, 2010*. See also Chemonics International Inc, *Anti-Trafficking Technical Assistance*, Nineteenth Quarterly Progress Report April 1, 2009 - June 30, 2009, United States Agency for International Development (USAID), July 31, 2009, 1, 5; available from http://www.usaid.gov/our_work/cross-cutting_programs/wid/pubs/ATTO_19th_Quarterly_Report_July09.pdf.

³⁵⁸² ILO-IPEC, *TECL, Phase II, Project Document*, 26-27. See also U.S. Embassy- Windhoek, *reporting, February 05, 2010*, section 2e, para 2.

³⁵⁸³ ILO-IPEC, *TECL, Phase II, Project Document*, 21, 25, 27. See also Government of the Republic of Namibia, *National Plan of Action 2006-2010*, 7. See also International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Botswana, Lesotho, Namibia, South Africa and Swaziland*, 18. See also ILO Committee of Experts, *Individual Direct Request C182: Namibia*. See also Government of Namibia, *Education and Training Sector Improvement Program (ETSIP): Phase I (2006-2011)*, February, 2007, 6; available from <http://planipolis.iiep.unesco.org/upload/Namibia/Namibia%20ETSIP%202007.pdf>. See also Elizabeth Terry, “The need for a coordinated approach to facilitate access to education: A key finding of the research into child labour in Namibia” (paper presented at the RECLISA Southern African regional child labour conference, Windhoek, July, 2006), 3.

³⁵⁸⁴ ILO-IPEC, *TECL, Phase II, Project Document*, i, 2-3, 5, 85. See also Nangula Shejavali, “Namibia receives funding to eliminate child labour”, [namibian.com](http://www.namibian.com), [online], October 14, 2008 [cited December 28, 2009]; available from [http://www.namibian.com.na/index.php?id=28&tx_ttnews\[tt_news\]=50259&no_cache=1](http://www.namibian.com.na/index.php?id=28&tx_ttnews[tt_news]=50259&no_cache=1). See also ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labour (TECL), Phase II*, Technical Progress Report (TPR) - South Africa, Botswana & Namibia, March 2010, March 12, 2010, 4-5; available from [hard copy on file].

³⁵⁸⁵ Shantha Bloemen, “Birth registration effort aims to protect child rights in Namibia”, UNICEF, [online], October 28, 2009 [cited December 30, 2009]; available from http://www.unicef.org/infobycountry/namibia_51570.html.

³⁵⁸⁶ U.S. Embassy- Windhoek, *reporting, February 05, 2010*, section 2d, para 4.

³⁵⁸⁷ *Ibid.*

³⁵⁸⁸ U.S. Embassy- Windhoek, *reporting, February 19, 2010*, para 24, 31.

³⁵⁸⁹ Africa News, “Namibia: Country Acts on Gender Violence, Human Trafficking”, allafrica.com, [online], August 7, 2009 [cited December 31, 2009]; available from <http://allafrica.com/stories/printable/200908070707.html>. See also U.S. Department of State, *U.S. Government Funded Research Projects on Trafficking in Persons FY01-09 (By Fiscal Year)*, [online] August 11, 2009 [cited December 29, 2009]; available from <http://www.state.gov/g/tip/rls/other/2009/127200.htm>.

³⁵⁹⁰ Government of the Republic of Namibia, *Baseline on Human Trafficking*, 39.

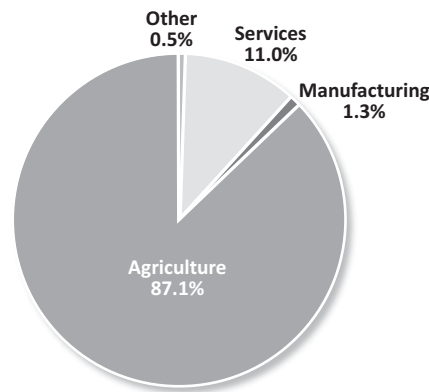
³⁵⁹¹ ILO-IPEC, *TECL, Phase II, Project Document*, i, 2-3, 5, 85. See also Shejavali, “Namibia receives funding to eliminate child labour”. See also U.S. Embassy-Windhoek, *reporting, February 12, 2009*, para 7.

Nepal

The Government of Nepal has improved access to schooling as a means to combat the worst forms of child labor. Despite these efforts, the worst forms of child labor remain a significant problem. Nepal's lack of compulsory education, low minimum working age, and inadequate enforcement of labor laws contribute to children performing dangerous work in a number of sectors, most commonly in agriculture, and children continue to be trapped in bonded labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	39.6%
Attending School	5-14 yrs.	69.2%
Combining Work and School		Unavailable



Prevalence and Distribution of the Worst Forms of Child Labor³⁵⁹²

Children are exploited in the worst forms of child labor in Nepal; more than three quarters of them are engaged in agriculture, which may expose them, to occupational safety risks including dangerous machinery and tools, heavy loads, and harmful pesticides.³⁵⁹³ Children also work in the production of bricks where they often work in dust-filled environments, carry loads of bricks on their heads, and suffer back injuries.³⁵⁹⁴ Children are also found in mining and stone breaking, where dangers include falling off steep hillsides and working in unstable tunnels at risk of collapse. These children also risk eye and hand injuries while breaking rocks.³⁵⁹⁵ In the construction sector, children operate heavy machinery and may face dangers due to a lack of proper safety precautions.³⁵⁹⁶ Child rag pickers and recyclers in Nepal are exposed to sharp glass, metal objects, and dangerous chemicals, and work long hours often in both the early morning and late evening collecting items to recycle.³⁵⁹⁷

Children endure unsafe conditions in the carpet sector where they often inhale harmful dust, are exposed to harmful chemicals, and work in cramped spaces.

The duties children perform in the carpet sector can include wool spinning, thread rolling, wool dyeing, carpet weaving, trimming, and carpet washing.³⁵⁹⁸ Children also are subject to long hours in poor lighting and cramped working conditions in zari (embroidered textile) production.³⁵⁹⁹ Child porters carry heavy loads for long hours and are vulnerable to injuries.³⁶⁰⁰ Children in Nepal also work as domestics, in shops and restaurants, transportation and in the entertainment sector exposed to health and safety risks that may include dangerous machinery, mental or physical abuse, and working long hours well into the night.³⁶⁰¹

Other worst forms of child labor in Nepal include bonded labor. There are two kinds of child bonded laborers in Nepal: *Kamaiyas*, who are born into a family legacy of bonded labor and other bonded child laborers, who commonly come from large, landless families.³⁶⁰² As bonded laborers, children work in carpet-weaving, domestic service, rock breaking, brick manufacturing, and embroidery of textiles.³⁶⁰³ Bonded child laborers can also be exploited as commercial sex workers.³⁶⁰⁴

Nepali children are also vulnerable to being trafficked. They are trafficked to India to work in embroidery and

garment industries and metal workshops. Some also serve as domestics or are forced to beg.³⁶⁰⁵ 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 domestic servants or factory workers.³⁶⁰⁶

In February 2010, the Communist Party of Nepal-Maoist released the last of the 3,000 individuals who had been recruited as children, often forcibly, to serve in combat and in various battlefield support functions.³⁶⁰⁷ While there has been a reduction in children’s involvement in armed conflict, children continue to perform criminal roles in criminal organizations in the Terai area.³⁶⁰⁸

In July 2009 the Government released a report on child labor based on data from the 2008 Labor Force Survey which reported a reduction in the number of children working in hazardous conditions.³⁶⁰⁹

Laws and Regulations on the Worst Forms of Child Labor






The Child Labour (Prohibition and Regulation) Act of 2000, establishes the minimum age for work at 14 and the minimum age for hazardous work at 16. Penalties for violating the law include imprisonment.³⁶¹⁰

However the Government has yet to finalize a list defining hazardous work.³⁶¹¹ Additionally, the absence of compulsory education laws may push children into the worst forms of child labor.

Nepali law also prohibits forced or compulsory labor. The Kamaiya Labor (Prohibition) Act of 2002 forbids keeping or employing any person as a bonded laborer and cancels any unpaid loans or bonds between creditors and Kamaiya (bonded) laborers.³⁶¹²

Finally, the Government has laws against trafficking and sexual exploiting children and involving children in illicit activities. The Trafficking in Person and Transportation Control Act prohibits trafficking in persons and prostitution and prescribes imprisonment for violations.³⁶¹³ Another law, the Children’s Act punishes persons who use children under age of 16 in immoral activities, including taking and distributing pornographic photographs.³⁶¹⁴ This law also protects

children under age 16 from involvement in “immoral professions” and in the sale, distribution, or trafficking of alcohol and drugs.³⁶¹⁵ However children age 16 and 17 are vulnerable under the law. They are the ones who may face criminal penalties if found in activities such as prostitution and the sale of drugs. Further, there is no prohibition against taking of pornographic photographs of children age 16 and 17.³⁶¹⁶ The voluntary military recruitment age in Nepal is 18.³⁶¹⁷

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	16
	Compulsory Education Age	No
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Steering Committee and a high-level inter-ministerial committee coordinate child labor eradication efforts. The National Steering Committee is headed by the Ministry of Labor and Transport Management (MoLTM) and is comprised of other Government departments. However, these committees have not met in two years.³⁶¹⁸

The National Human Rights Commission’s Office of the National Rapporteur on Trafficking is responsible for monitoring the government’s response to trafficking and the effectiveness of its anti-trafficking policies.³⁶¹⁹

The MoLTM is the primary federal agency responsible for enforcing child labor laws.³⁶²⁰ In 2009, the MoLTM employed only 10 labor inspectors nationwide.³⁶²¹ These inspectors must handle all types of labor code violations.³⁶²² They also lack the authority to monitor the types of non-traditional establishments where many child laborers are found. These include home-based enterprises and non-registered establishments in the informal and agricultural sectors.³⁶²³ All 10 labor inspectors received basic training for enforcement in the formal sector.³⁶²⁴ The Department of Labor, which houses the labor inspectorate, is the part of the MoLTM with the smallest annual budget (\$127,000).³⁶²⁵ It carried out 1,198 inspections from July 2008 to July 2009.³⁶²⁶ MoLTM does not maintain records on the types of labor inspections it conducts or the sanctions imposed. Therefore it is unclear whether child labor violations were found or perpetrators punished.³⁶²⁷

At the local level, District Child Welfare Boards (DWCBs) have some limited legal authority to enforce child labor laws and may level civil fines.³⁶²⁸ These DCWBs are the entities that receive complaints of forced child labor violations. However, the Government maintains no data on the number of cases reported.³⁶²⁹

The Ministry of Land Reform and Management is responsible for enforcing laws against bonded labor laws in agriculture.³⁶³⁰ During the reporting period, in accordance with the Kamaiya Prohibition Act, the Government provided rehabilitation services to 4,870 adult Kamaiyas (bonded laborers).³⁶³¹

The Ministry of Home Affairs and the Ministry of Law's Office of the Attorney General are responsible for anti-trafficking enforcement.³⁶³² Women and Children's Service Centers (WCSC) at the district level investigate crimes against women and children including trafficking.³⁶³³ However, as of February 2010, they employed only 56 investigators nationwide. From January 2008 to February 2009, 139 trafficking cases were reported and 68 people were arrested and prosecuted for trafficking offenses.³⁶³⁴ Information on the number of child trafficking victims was unavailable as the government does not disaggregate cases of child trafficking victims.

The National Rapporteur on Trafficking is tasked with monitoring the enforcement of laws related to the commercial sexual exploitation of children at the national level.³⁶³⁵ In 2009, the Supreme Court ordered the formation of district-level Monitoring and Action Committees to investigate reports of commercial sexual exploitation, including the exploitation of children.³⁶³⁶

Government Policies on the Worst Forms of Child Labor

MoLTM's National Master Plan on Child Labor, 2004-2014, calls for eliminating the worst forms of child labor by 2009 and all forms of child labor by 2014. The Government is currently in the process of revising this plan but does not plan to adjust its goal of eliminating all forms of child labor by 2014.³⁶³⁷

The Government also has a National Plan of Action to Combat Trafficking.³⁶³⁸ Forty-one women's police units, in conjunction with NGOs, help provide referral services to trafficking victims including girls. NGOs have also received limited funding to provide rehabilitation, medical care, and legal services to trafficking victims.³⁶³⁹ The Government provided financial assistance to raise awareness on trafficking in 26 high-risk districts.³⁶⁴⁰

In August 2009, the Government approved its School Sector Reform Plan, which aims to expand access to education and provide alternative schooling, and non-formal education. Out-of-school children (which include child laborers) are the primary beneficiaries identified in the plan.³⁶⁴¹ The National Planning Commission's 2007 Interim Three-Year Plan addresses hazardous child labor through a social awareness and re-integration campaign. It addresses child labor by expanding education opportunities to working children, and providing skills training to youth over age 14 who may be especially vulnerable.³⁶⁴² However, the Government allocated a mere \$68,000 to address the hazardous child labor eradication portion of the plan.³⁶⁴³

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

The Government of Nepal relies largely on donor funding for programs to address the worst forms of child labor. In June 2001, the Government of Nepal became the first country in South Asia and one of the first three countries in the world to launch a Time-Bound Program (TBP) to end the worst forms of child labor.³⁶⁴⁴ The Nepal TBP was largely financed by USDOL.³⁶⁴⁵ The TBP provided education services and other support to withdraw and prevent children from exploitive work in the following sectors: porters, recyclers/rag-pickers, domestic servants, carpet factory workers, mine/quarry workers, former bonded laborers, brick factory workers, transport workers, restaurant-entertainment workers, and children affected by the civil war. The program also achieved important advancements in raising public awareness and successfully advocated for legislative reforms.³⁶⁴⁶

The Government is participating in two additional projects funded by USDOL. First, the 3-year, \$4.25 million, New Path New Steps, runs through December 2012.³⁶⁴⁷ This project provides new learning and employment opportunities for exploited and at-risk children and aims to withdraw 8,000 children and prevent 7,000 children from commercial sexual exploitation, domestic service, brick factories, mining, portering, and the embroidered textile sectors.³⁶⁴⁸

The Government is also participating in a USDOL-funded project to assist former child bonded laborers and their families, which concludes in December 2010. This project aims to withdraw 3,000 children and prevent 6,600 children from exploitive labor.³⁶⁴⁹ The Government is also participating in a UNICEF funded \$550,000 two-and-a-half-year project to support efforts to withdraw 1,000 children from the worst forms of child labor through skills development, awareness raising, and improved enforcement.³⁶⁵⁰

Through an UNICEF-funded project, the Government is also providing rehabilitation assistance to children formerly associated with the Maoist rebel forces. Each former child soldier is entitled to receive \$140 and access to rehabilitation services which may include formal schooling, vocational training, health education training, and small business training.³⁶⁵¹

Since 2001, the Government has rescued and rehabilitated freed Kamaiya bonded laborers, some of whom are children, providing them with land, home construction materials, and livelihood training. In 2009, the Government provided rehabilitation services and support to 4,870 former Kamaiyas,³⁶⁵² However not all freed Kamaiyas have received these services.³⁶⁵³

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the following laws so that they are in line with ILO Convention 182:
 - Raise the minimum age for entry into hazardous work from ages 16 to 18 and finalize the list of hazardous work as prescribed by ILO Convention 182 on the Worst Forms of Child Labor.
 - Legally define a child as any person under age 18 years so that all children are equally protected under the law.
- Establish a compulsory education age for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish routine meeting schedules for the National Steering Committee on child labor per requirements in the National Master Plan.
- Increase the number of labor inspectors responsible for child labor and devote more resources to enforcement of child labor laws.
- Address the gap in child labor enforcement in home-based enterprises and non-registered establishments in the informal and agricultural sectors.
 - Enhance data collection on the worst forms of child labor to include:
 - Aggregate complaints/reports on child labor made to the District Welfare Boards at a national level;
 - Maintain records on type of labor inspections the MoLVT conducts;
 - Disaggregate data collected by district level WDO's to identify the number of child trafficking victims.

IN THE AREA OF POLICIES:

- Allocate adequate funding to implement the revised National Master Plan on Child Labor, 2004-2014.

IN THE AREA OF PROGRAMS:

- Undertake an in-depth study on the trafficking in children to assess its scope and root causes to develop effective monitoring strategies, and adopt measures to prevent and eliminate it.
- Expand existing programs to assist Kamaiya bonded child laborers.

³⁵⁹² Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 1999. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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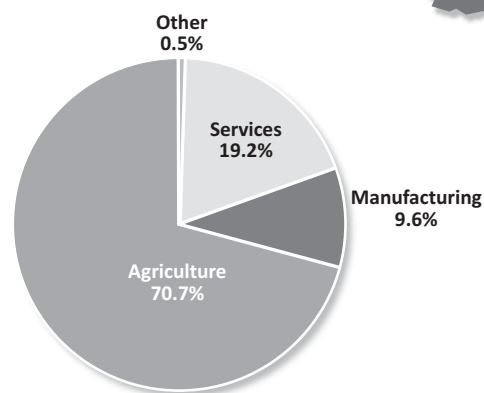
Nicaragua

The Government of Nicaragua has strengthened its policy framework to address the worst forms of child labor by signing collaboration agreements with the mining industry and coffee producers. However, dangerous child labor continues to exist, especially in agriculture. There are gaps in the enforcement of child labor laws and in programs that address exploitative child labor in some agricultural and informal sectors.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	8.4%
Attending School	5-14 yrs.	84.9%
Combining Work and School	7-14 yrs	7.0%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Nicaragua are exploited in the worst forms of child labor, especially in agriculture where they often carry heavy loads, use dangerous tools, and are exposed to dangerous pesticides and fertilizers.³⁶⁵⁴ Children in the agricultural sector work in the production of crops such as coffee, bananas, sugarcane, and tobacco.³⁶⁵⁵ Children also work long hours under risk of physical injury in stock breeding, crushing stone, extracting pumice, mining for gold, and collecting mollusks and shellfish.³⁶⁵⁶ In addition, children work in street sales where they are exposed to a variety of dangers, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.³⁶⁵⁷ Children also work as domestic servants in third-party homes, where they may work long hours and are often subjected to abuse. Some children engage in construction, where they may carry heavy loads and use dangerous tools.³⁶⁵⁸ Children may also work in transport where they may be isolated from their families and have an elevated

risk of physical injury by riding on the exterior of vehicles or entering and exiting moving vehicles.³⁶⁵⁹ A significant number of children work in the informal sector, and some are engaged in garbage dump scavenging.³⁶⁶⁰ Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of oranges, African palm, sugarcane, fireworks, cigars, bread and pornography.³⁶⁶¹

Children are also exploited in prostitution.³⁶⁶² Nicaragua is a source and transit country for minors trafficked for sexual exploitation.³⁶⁶³ Some children are trafficked within Nicaragua for sex tourism, which is reportedly on the rise, and to work as domestic servants.³⁶⁶⁴ Persons without legal identification documents are at an increased risk of trafficking, and UNICEF has indicated that over a third of children have not been formally registered with the Government.³⁶⁶⁵ Undocumented Nicaraguan boys are recruited to work without pay on farms in Costa Rica.³⁶⁶⁶ 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 urban areas or neighboring countries.³⁶⁶⁷ The Government reports that trafficking was linked to organized crime, including prostitutes and brothel owners who recruit trafficking victims, and that trafficking is a significant problem.³⁶⁶⁸ The Government believes that the lack of economic opportunities, increased regional trade, semi-porous borders, and the development of communications technology have been factors contributing to the recruitment of children and youth into sexual exploitation and trafficking.³⁶⁶⁹

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at age 14.³⁶⁷⁰ Children ages 14 to 16 must have parental permission and be under the supervision of the Ministry of Labor (MOL) in order to work.³⁶⁷¹ Minors are prohibited from engaging in work that may interfere with their schooling or that endangers their health and safety, such as work in mines, garbage dumps, and night entertainment venues.³⁶⁷² The law imposes fines for violators and allows inspectors to close establishments employing children.³⁶⁷³ The labor code includes requirements for employers who contract adolescents to work in their homes to facilitate and promote the education of those adolescent workers.³⁶⁷⁴ In June 2010, in consultation with civil society organizations, employers' and workers' groups, the MOL published an updated list of types of work that are harmful to the health, safety, and morals of children, applicable to both the informal and formal sectors.³⁶⁷⁵

The Constitution prohibits forced labor, slavery, and indentured servitude.³⁶⁷⁶ The Constitution was amended in 1995 to prohibit military conscription. The minimum legal age for entry into the Armed Forces is 18.³⁶⁷⁷

The Penal Code increased penalties related to the commercial sexual exploitation of children, including penalties for the procurement or recruitment of children under age 18 for prostitution.³⁶⁷⁸ Promoting, filming, or selling child pornography is prohibited.³⁶⁷⁹ The Penal Code also prohibits trafficking of persons and imposes increased penalties for trafficking of children under age 18.³⁶⁸⁰

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Commission for the Progressive Eradication of Child Labor and Protection of the Young Worker (CNEPTI), which is within the MOL, has been the primary institution that sets the priorities on child labor policy.³⁶⁸¹ CNEPTI consists of a consortium of government agencies and NGOs to address child labor issues in the country through awareness-raising strategies and coordination of direct action programs.³⁶⁸² However, CNEPTI has not officially convened since September 2009.³⁶⁸³

The MOL is responsible for enforcing labor laws.³⁶⁸⁴ The MOL's Inspector General's Office is responsible for inspecting all child labor violations.³⁶⁸⁵ The Child Labor Inspections Unit (CLU) is dedicated to training, regulating, and integrating child labor issues into labor inspections.³⁶⁸⁶ The CLU works with the Nicaraguan National Police (NNP), Ministry of Family, and the Human Rights Attorney for Children to enforce child labor laws.³⁶⁸⁷

CNEPTI receives revenues from fines that are used to raise awareness and protect minors.³⁶⁸⁸ The CLU held three workshops in 2009 for merchants, coffee farmers and school directors that covered child labor laws and

prevention.³⁶⁸⁹ The Ministry of Family administers a general hotline to report the welfare of children, including the exploitation of children.³⁶⁹⁰ In 2009, the MOL had 92 total inspectors, of which two were dedicated to conducting child labor investigations; 476 child labor inspections were conducted in various locations and sectors throughout the country that resulted in 91 children being removed from work.³⁶⁹¹

The Ministry of Government is responsible for combating trafficking, operating an anti-trafficking unit, leading the National Coalition against Trafficking in Persons (NCATIP), and supporting a national protocol to repatriate children and adolescents who have been victims of trafficking.³⁶⁹² Nonetheless, a 2009 evaluation of a USDOL-funded project found that institutional weakness among some of the agencies that participate in the NCATIP could hinder the effectiveness of the protocol.³⁶⁹³ The Public Ministry's Gender Unit has two national-level prosecutors and 35 department-level prosecutors who prosecute cases of child exploitation, including child trafficking, commercial sexual exploitation, and the use of children in illegal activities.³⁶⁹⁴ There is no available information on the number of prosecutions or convictions for child exploitation cases.³⁶⁹⁵

The NNP maintains a national hotline for reporting child trafficking.³⁶⁹⁶ In 2009, there were two convictions for child trafficking.³⁶⁹⁷ The Government provides limited shelter and services to child trafficking victims, but international organizations and NGOs are the principal service providers assisting trafficking victims.³⁶⁹⁸

Government Policies on the Worst Forms of Child Labor

The Government's National Time-Bound Program was developed to create a coordinated policy led by CNEPTI for the elimination of the worst forms of child labor.³⁶⁹⁹ CNEPTI has been developing a Roadmap for the Elimination of the Worst Forms of Child Labor by 2015 in Nicaragua that will replace the previous strategic plan to end all forms of child labor; however, the Roadmap has not yet been officially launched.³⁷⁰⁰ The MOL has collaboration agreements with the Mining Chamber and Mining Union, and with coffee plantations to prevent and eliminate the worst forms of child labor.³⁷⁰¹

The Government's Policy on Special Protection for Children and Adolescents includes special protections for victims of commercial sexual exploitation and trafficking in persons.³⁷⁰² 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.³⁷⁰³

The Government provides oversight to the 10-year National Action Plan for Children and Adolescents, which supports children's rights.³⁷⁰⁴ The National Program for Decent Work in Nicaragua (2008-2011) supports efforts to eliminate the worst forms of child labor by 2015 as outlined in the Hemispheric Agenda and includes specific provisions for assistance to CNEPTI and the National Commission against Commercial Sexual Exploitation.³⁷⁰⁵ Additionally, the Government of Nicaragua's poverty reduction strategy incorporates policy actions to eradicate child labor.³⁷⁰⁶ The concrete action plans needed to realize the child labor objectives have not yet been fully articulated.

The Government is striving to achieve the Millennium Development and Education for All goals by 2015 and has received support in its poverty reduction strategies from the World Bank and USAID that has contributed to improved educational access, attendance, and quality in primary schools.³⁷⁰⁷ Secondary schools have not been targeted as a priority and secondary school attendance remains low.³⁷⁰⁸

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

The Government of Nicaragua has participated in the implementation of programs to eliminate the worst forms of child labor. Since 2001, the Government has participated in several USDOL-funded projects that aimed to eliminate child prostitution in Leon, exploitative child labor in Managua's main garbage dump, on coffee plantations, and in farming and stockbreeding.³⁷⁰⁹ CNEPTI has been effective in raising awareness about the negative effects of exploitative child labor, supporting national child labor surveys, involving children and adolescents in cultural and rights-based programs, and coordinating direct action programs in various sectors where the worst forms of child labor occur.³⁷¹⁰

The *Plan Cosecha de Café* (Coffee Harvest Plan) supported by CNEPTI aims to develop an integral approach to assist children whose parents work in the coffee harvest; it has resulted in producers agreeing to support educational alternatives on the coffee plantations.³⁷¹¹ The MOL has been collaborating with coffee producers, other government ministries, and civil society organizations to achieve a child-labor free coffee harvest in the Department of Jinotega. The Ministry has identified the need to extend these strategies to reach more children who work; however, the lack of resources hinders progress in this area.³⁷¹² The Government of Nicaragua is participating in a USDOL-funded, 3-year \$5 million initiative that aims to withdraw and prevent 10,045 children from exploitative labor primarily in the coffee-growing Departments of Madriz and Jinotega through the provision of education and training opportunities.³⁷¹³ The project has worked to generate awareness-raising among parents and business owners about the hazards of child labor, commitments among coffee plantation owners to eliminate child labor in their production processes, construction of new schools on coffee plantations, and support for the provision school materials.³⁷¹⁴

First Lady Rosario Murillo, in coordination with the Ministries of Family, Health, Education, and Government, oversees a child labor initiative called Program Amor (Love) that targets 25,000 street children and their families primarily in Managua, to provide education for children and vocational training for parents.³⁷¹⁵ Additionally, a project

funded by USDOS provides shelter and medical assistance to child trafficking victims, in addition to conducting awareness-raising activities for families on trafficking.³⁷¹⁶

The Government conducts a birth registration campaign with assistance from the United Nations Population Fund that targets many undocumented children in rural areas and indigenous communities along the Atlantic Coast to facilitate their access to social services and to reduce vulnerability to trafficking.³⁷¹⁷

The Government participated in regional projects to combat the worst forms of child labor, including a project that built the capacity of Government and civil society organizations to combat the commercial sexual exploitation of children and child trafficking through the creation and strengthening of legislative prohibitions, national plans of action, and repatriation protocols.³⁷¹⁸ Another regional project focused on strengthening regional cooperation, legislation, policies, and institutions to reduce child labor through the provision of education.³⁷¹⁹ The Government participates in a 4-year, \$8.4 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.³⁷²⁰

Despite these efforts, current programs do not appear to be sufficient to address the extent of the worst forms of child labor in Nicaragua, particularly in the production of tobacco, crushed stone, and pumice.

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

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Dedicate greater resources to the enforcement of child labor laws, including in the informal sector.
- Enforce the labor laws regarding domestic workers and raise awareness about employers' obligation to promote the education of adolescent workers.
- Increase the role of CNEPTI to address the worst forms of child labor, including the frequency of meetings.
- Enhance efforts to fight child trafficking, including improving coordination and information sharing among actors involved in national, bilateral and regional anti-trafficking campaigns, raising awareness, increasing resources to victims, and expanding birth registration campaigns nationwide.

IN THE AREA OF POLICIES:

- Develop concrete action plans that pursue the child labor objectives included in the Hemispheric Agenda and poverty reduction strategy.
- Officially launch and implement the Roadmap for the Elimination of the Worst Forms of Child Labor by 2015 in Nicaragua.

IN THE AREA OF PROGRAMS:

- Increase resources to improve attendance in secondary education.
- Expand awareness raising and other strategies to reduce the demand for child sex tourism and commercial sexual exploitation.
- Apply good practices and strategies undertaken to eliminate child labor in the coffee sector to other sectors, including by raising awareness and partnering with business owners in specific sectors to eliminate child labor in their production processes.
- Develop programs to address the worst forms of child labor in the production of tobacco, crushed stone, pumice and other sectors with a high incidence of hazardous child labor.

³⁶⁵⁴ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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³⁶⁵⁹ ILO-IPEC and the Government of Nicaragua, *Trabajo Infantil Peligroso en Nicaragua*. See also Government of Nicaragua - Ministerio del Trabajo, *Acuerdo Ministerial núm. JCHG-08-06-10 sobre prohibición de trabajos peligrosos para personas adolescentes y listado de trabajos peligrosos*, June 23, 2010, article 6 section F.

³⁶⁶⁰ Government of Nicaragua- Ministerio del Trabajo, *Situación del Trabajo Infantil En Nicaragua, Riesgos Y Daños*. See also ILO-IPEC and the Government of Nicaragua, *Trabajo Infantil Peligroso en Nicaragua*. See also U.S. Embassy- Managua, *reporting, February 13, 2009*.

³⁶⁶¹ Government of Nicaragua - Ministerio del Trabajo (CNEPTI), *Son incontables sus riesgos y daños*. See also Government of Nicaragua - Ministerio del Trabajo, *Situación del Trabajo Infantil En Nicaragua, Riesgos Y Daños*. See also U.S. Embassy - Managua, *reporting, February 2, 2010*. See also U.S. Embassy- Managua, *reporting, April 28, 2009*. See also ILO-IPEC and the Government of Nicaragua, *Trabajo Infantil Peligroso en Nicaragua*. See also U.S. Department of State, “Country Reports- 2009: Nicaragua,” section 5. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Nicaragua (ratification: 2000)*, [online] 2009 [cited February 25, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23545&chapter=9&query=%28Nicaragua%29+%40ref+%2B+%23YEAR%3E2008&highlight=&querytype=bool&context=0>.

³⁶⁶² U.S. Department of State, “Nicaragua (Tier 2 Watch List),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>. See also U.S. Department of State, “Country Reports- 2009: Nicaragua,” section 5.

³⁶⁶³ U.S. Department of State, “Trafficking in Persons Report- 2010: Nicaragua.” See also UN Human Rights Committee, *Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant: Concluding Observations: Nicaragua CCPR/C/NIC/CO/3*, Geneva, December 12, 2008; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/456/92/PDF/G0845692.pdf?OpenElement>. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Nicaragua (ratification: 2000)*.

³⁶⁶⁴ U.S. Department of State, “Country Reports- 2009: Nicaragua,” section 5. See also U.S. Department of State, “Nicaragua (Tier 2 Watch List),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/index.htm>. See also U.S. Embassy - Managua, *reporting, February 17, 2010*.

³⁶⁶⁵ U.S. Department of State, “Nicaragua,” in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 2d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119167.htm>. See also U.S. Embassy- Managua, *reporting, December 14, 2007*.

³⁶⁶⁶ U.S. Department of State, “Country Reports- 2008: Nicaragua,” section 5. See also U.S. Department of State, “Trafficking in Persons Report- 2009: Nicaragua.”

³⁶⁶⁷ U.S. Department of State, “Country Reports- 2009: Nicaragua,” section 5. See also U.S. Embassy- Managua, *reporting, February 13, 2009*.

³⁶⁶⁸ U.S. Embassy- Managua, *reporting, February 13, 2009*. See also U.S. Department of State, “Country Reports- 2009: Nicaragua,” section 5. See also Government of Nicaragua, *Protocolo de procedimientos para la repatriación de niños, niñas y adolescentes víctimas de trata de personas*, prepared by ILO-IPEC and IOM, August 27, 2007.

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- ³⁶⁸⁰ *Ibid.*, article 182.
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³⁷¹⁴ American Institutes for Research, *ENTERATE*. See also American Institutes for Research, *ENTERATE: Technical Progress Report, September 2010*. See also *Acta de compromiso de los productores asistentes al foro 12 de junio-día mundial contra el trabajo infantil*, 2010.

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³⁷¹⁹ 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 CARE, *Primero Aprendo Project: Combating Exploitive Child Labor through Education in Central America and the Dominican Republic*, Final Technical Progress Report, Managua, March 31, 2009, 2.

³⁷²⁰ ILO-IPEC Geneva official, E-mail communication to USDOL official, July 17, 2010.

Niger

The Government of Niger supported limited programs to reduce the worst forms of child labor, such as providing services to street children. Gaps remain in legislation, policies, and programs to address the worst forms of child labor. Children continue to be exploited in hazardous work in agriculture, including the raising of animals, and the mining of gold, gypsum, and salt.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	66.2%
Attending School	5-14 yrs.	31.1%
Combining Work and School	7-14 yrs	24.9%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Niger are exploited in the worst forms of child labor,³⁷²¹ many of them in agriculture and raising animals.³⁷²² Such children may carry loads that are too heavy for their small stature and work long hours, putting them at greater risk of injury. Children work in dangerous conditions in mines and quarries, including in the production of salt, gypsum, and gold where they break rocks, extract, process, and hoist ore, and transport heavy loads.³⁷²³ Interviews of approximately 400 children in mining sites, conducted in 2009, found that 38 percent of these children reported having been the victim of an accident at the work site.³⁷²⁴

Children, especially girls, working in domestic service and street vending, are at risk of physical or sexual harassment.³⁷²⁵ Children work in manufacturing and maintenance, including welding, carpentry, and metal work.³⁷²⁶ Children also work in slaughterhouses, which exposes them to health and safety risks.³⁷²⁷

In urban areas, street children are prevalent; they are found begging or performing tasks such as dishwashing and portering.³⁷²⁸ Such children risk injury from activities such as carrying heavy loads

as porters or from accidents caused by proximity to vehicles while begging in the street.

Some children in Niger work in conditions of forced labor. In some cases, this stems from the traditional practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component.³⁷²⁹ Some boys are forced by their teachers to beg and surrender the money that they have earned or perform manual labor, including in agriculture.³⁷³⁰ In addition, traditional forms of caste-based servitude still exist in parts of Niger among nomadic populations.³⁷³¹ Slaves, including children, are often forced to work long hours as shepherds, agricultural workers, or domestic servants.³⁷³² Girls who work as domestic servants are sometimes pressed into prostitution. Commercial sexual exploitation of children also exists near the border with Nigeria and along the main highway.³⁷³³

Niger serves as a source, transit, and destination country for children trafficked for forced labor and commercial sexual exploitation.³⁷³⁴ Children are trafficked internally for forced labor in mines, agricultural labor, begging, and domestic service, as well as for commercial sexual exploitation.³⁷³⁵ Children from Benin and Mali are trafficked to Niger for

exploitive labor, including working in mines, on farms, and on the streets as menial laborers.³⁷³⁶ Children are trafficked through Niger to Europe or North Africa.³⁷³⁷ Nigerien children are trafficked to work as beggars or manual laborers in Nigeria, Mali, and Burkina Faso.³⁷³⁸

In 2009, after Niger's President dissolved the National Assembly and the Constitutional Court, granting himself emergency powers, many donor nations suspended development assistance to Niger, which remains one of the least developed nations.³⁷³⁹ In addition, a failed harvest and food crisis prompted many rural Nigeriens to leave their villages to seek food and work, which increased the risk to rural children of being trafficked into the worst forms of child labor.³⁷⁴⁰

Laws and Regulations on the Worst Forms of Child Labor






The Labor Code sets the minimum age for employment at 14, including for apprenticeships, while the minimum age for hazardous labor is set at 16. This law also requires that no child or apprentice be employed in work that exceeds his or her strength and that employers guarantee certain minimum sanitary conditions.³⁷⁴¹ However, Decree No. 67-126/MFP/T of September 1967, which authorizes children who are age 16 to work in certain hazardous activities, does not adequately address the related safety concerns by requiring training, instruction, supervision, and other necessary protections for this group of workers.³⁷⁴² Education is only compulsory until age 12, leaving a gap before the legal working age of 14, which puts children in that group at risk of falling into the worst forms of child labor.³⁷⁴³

The Minister of the Interior issued a circular prohibiting the use of children in mining in several regions of Niger.³⁷⁴⁴ Through the labor and penal codes, Niger prohibits and provides criminal penalties for forced and bonded labor.³⁷⁴⁵ The 2003 Loi n° 2003-025 amended the Penal Code to criminalize slavery and provide appropriate penalties (up to 30 years imprisonment) for such acts, and includes specific reference to children under 18 who might be put into such a situation by parents or guardians.³⁷⁴⁶ Nigerien law also specifically prohibits inciting a person to beg, but such acts, categorized as a misdemeanor, may be punished by a fine and up to 1 year of imprisonment.³⁷⁴⁷ However, these restrictions and

penalties do not appear sufficient to deter forced begging, which is a prevalent form of forced child labor in Niger.

Since 2006, Niger has been reviewing a draft law against trafficking but had not yet adopted it, as of the end of the reporting period.³⁷⁴⁸ Nonetheless, traffickers of children may be prosecuted under the Penal Code which criminalizes kidnapping.³⁷⁴⁹ The Penal Code also defines and sets penalties for several components of commercial sexual exploitation, but does not capture all such crimes. It criminalizes carnal knowledge of children under the age of 13, facilitating prostitution and owning a brothel, but it does not directly criminalize prostitution. Such crimes might be considered offenses under the prohibition against indecency, but this is not clear from the law.³⁷⁵⁰ The lack of legislation criminalizing all forms of commercial sexual exploitation leaves children vulnerable and unprotected.³⁷⁵¹

In February 2010, a military junta seized power and suspended the Constitution, along with some of the governing institutions discussed in this report.³⁷⁵² Although this did not affect the laws discussed above, the impact on the country's child labor efforts at this point is not known.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	16
	Compulsory Education Age	12
	Free Public Education	Yes

Institutional Mechanisms for Monitoring and Enforcement

Niger established a national child labor steering committee which coordinates efforts to reduce worst forms of child labor.³⁷⁵³ This steering committee, established through the Ministry of Community Development in 2006, includes representatives from eight ministries, as well as representatives from NGO and UN agencies.³⁷⁵⁴

The Ministry of Labor is charged with enforcing labor laws, including those provisions governing hazardous labor for children under age 18. It has nine regional labor inspectorates and approximately 100 inspectors who are responsible for investigating and enforcing all elements of the Labor Code, including child labor.³⁷⁵⁵ Inspectors conduct both routine and complaint-based inspections in the formal sector.³⁷⁵⁶ According to the ILO Committee of Experts, the labor inspectorate acutely lacks both human and material resources, although each regional inspection service does have a vehicle to visit worksites.³⁷⁵⁷

While the Ministry of Labor handles hazardous work, responsibility for other worst forms of child labor is divided. The Ministries of Interior, Justice, and the Promotion of Women, and the Protection of Children share the responsibility for problems such as trafficking, slavery, and sexual exploitation.³⁷⁵⁸ Since 2004, Nigerien authorities investigated at least 8 cases of caste-based slavery, including the enslavement of children.³⁷⁵⁹ During the reporting period, law enforcement officials arrested several traffickers connected to the trafficking of at least 112 children. At least two of these traffickers were subsequently released without charges, while others were charged under laws related to kidnapping.³⁷⁶⁰

Government Policies on the Worst Forms of Child Labor

In March 2000, Niger adopted a National Action Policy (NAP) against Child Labor, which provided a framework for some actions, but did not address child labor in the rural sector.³⁷⁶¹ The Government worked with stakeholders to update this NAP. In November 2009, an updated NAP was reviewed and validated by a group of experts. To date, however, the updated NAP has yet to be adopted.³⁷⁶² The government developed an action plan in 2007 to target

the exploitation of children by religious instructors, but this has reportedly not been implemented due to a lack of funding.³⁷⁶³ Child labor concerns have been incorporated in the following national development agendas and policy documents: Accelerated Development and Poverty Reduction Strategic Plan (2008-2012) and the draft United Nations Development Assistance Framework Workplan 2009-2013.³⁷⁶⁴

The Ministry of Labor and National Institute of Statistics conducts surveys related to the worst forms of child labor, with the support of partners such as UNICEF and ILO-IPEC. However, Niger does not appear to have published comprehensive data related to the worst forms of child labor since 2000, impeding its ability to appropriately target and prioritize policies and programs.³⁷⁶⁵

Niger also established a National Committee to Combat Forced Labor and Discrimination in 2006. It undertook a pilot study to assess slavery and child labor in preparation for a national action plan; but has not finished developing this plan.³⁷⁶⁶ A NAP to combat the sexual exploitation of children was adopted by the Government in 2006.³⁷⁶⁷ Niger has also developed several draft NAPs, which provide overarching, sectoral frameworks, including a NAP for child protection and survival, and a NAP against the trafficking of children.³⁷⁶⁸ However, these draft plans have not yet been adopted.

During the reporting period the Government adopted the Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa under ECOWAS. This agreement explicitly targets, among others, victims trafficked for the purpose of exploitive labor and hazardous child labor. Begging was included as a form of exploitation, reflecting the regional need to combat this growing problem.³⁷⁶⁹ The agreement builds on the framework developed under 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.³⁷⁷⁰ In 2009, the Government of Niger also participated in the launch of the African Union Commission Initiative against Trafficking Campaign, which focuses on ensuring that the fight against trafficking is a priority development goal across the continent.³⁷⁷¹

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

Niger has been delivering social programs, which provide services for children engaged in the worst forms of child labor since at least 2001. For example, the Government has been providing services to street children via the National Committee for Combating the Phenomena of Street Children, under the leadership of the Ministry for the Promotion of Women and Protection of Children.³⁷⁷² As part of this effort, the Ministry of Labor also supports a vocational training program for street children.³⁷⁷³ 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.³⁷⁷⁴ Since 2006, Niger has a national unit to target programs to combat begging.³⁷⁷⁵

Additionally, the Government of Niger worked to combat child labor via a French-funded regional project, which ended in December 2009, and included vocational training and apprenticeship programs.³⁷⁷⁶ The Government is participating in a 4-year, USDOL-funded regional project that runs through January 2010, to withdraw 1,500 children and prevent 2,500 children from hazardous artisanal gold mining in Niger and Burkina Faso.³⁷⁷⁷

The National Commission for Human, Rights and Civil Liberties is gathering information related to customary slavery in Niger, including of children.³⁷⁷⁸

Across Niger, the scale of social protection programs and services aimed at preventing the worst forms of child labor does not match the scope of the problem, which has been heightened by deepening poverty during the reporting period.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the Labor Code to raise the minimum age for hazardous work to 18 and define the specific hazardous occupations that are illegal for children. Increase the minimum age for compulsory education to at least 14.
- Amend the Penal Code to provide stiffer penalties for all acts of forced labor, including forced begging.
- Enact legislation criminalizing all forms of commercial exploitation of children and providing appropriate penalties.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase resources to carry out inspections on the worst forms of child labor.

IN THE AREA OF POLICIES:

- Adopt and implement the updated National Action Plan (NAP) to Combat Child Labor and adopt other relevant draft NAPs, such as those addressing child survival and trafficking in persons.
- Conduct and make publicly available research on the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Expand programs and increase resources for social programs to prevent and withdraw children from the worst forms of child labor, particularly in agriculture.

³⁷²¹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported here, which may or may not include the worst forms of child labor. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

³⁷²² Government of Niger: National Institute of Statistics, *Enquête Pilote sur le Travail des Enfants*, May, 2008, 13.

³⁷²³ ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Niger (ratification: 2000)*, [online] 2008 [cited February 5, 2010]; 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 ILO-IPEC, *Etude transfrontaliere sur le travail des enfants dans le secteur de l'orpaillage traditionnel au Burkina Faso, au Mali, et au Niger*, December 2009, 5, 11, and 31. See also ILO-IPEC, *Child Labour in Salt Mining: The Problem*, [online] June 2006 [cited February 5, 2010]; available from <http://www.ilo.org/ipecc/areas/Miningandquarrying/MoreaboutCLInmining/lang--en/index.htm>. See also Ali Ramadan Sekou Maina, *Rapport Niger: Etude Transfrontaliere sur le travail des enfants dans le secteur de l'orpaillage traditionnel au Burkina, au Mali et au Niger*, ILO-IPEC Research Report, December 2009, 31. See also ILO-IPEC and Government of Niger: National Institute of Statistics, *Enquête Base sur le Travail des Enfants sur les Sites d'Orpaillage de Komabangou et M'bangou*, October 2009, 20.

³⁷²⁴ Ali Ramadan Sekou Maina, *Etude Transfrontaliere: Rapport Niger*, 11, 31, and 35.

³⁷²⁵ Government of Niger- National Institute of Statistics, *Enquête Pilote sur le Travail des Enfants*, May 2008, 13. See also UNICEF, *Aichatou's story: New skills protect a former street vendor from exploitation in Niger*, [online] November 17, 2008 [cited February 22, 2010]; available from http://www.unicef.org/girlseducation/niger_46412.html?q=printme.

³⁷²⁶ U.S. Embassy- Niamey, *reporting*, January 26, 2009, section d, para 6. See also U.S. Embassy- Niamey, *reporting*, June 15, 2009, para 3.

³⁷²⁷ U.S. Embassy- Niamey, *reporting*, June 15, 2009, para 3.

³⁷²⁸ UNICEF, *UNICEF and partners aid child labourers and fight trafficking in Niger*, [online] June 15, 2007 [cited February 22, 2010]; available from http://www.unicef.org/infobycountry/niger_39997.html?q=printme. See also UNICEF, *Aichatou's story: New skills protect a former street vendor from exploitation in Niger*.

³⁷²⁹ U.S. Embassy - Niamey, *reporting*, February 19, 2009, section b, para 4 and section c, para 4. 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>.

³⁷³⁰ Government of Niger, *Strategie de developement accelere et de reduction de la pauvreté 2008-2012*, Niamey, August 2007, 56. 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 C182: Niger (2008)*. 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.

³⁷³¹ U.S. Department of State, "Niger," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7c; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135969.htm>. See also Integrated Regional Information Networks, "NIGER: New slavery study welcomed by human rights experts", IRINnews.org, [online], May 31, 2007 [cited February 22, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=72487>.

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³⁷³³ U.S. Department of State, "Niger (Tier 2 Watch List)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/143188.pdf>. See also U.S. Embassy - Niamey, *reporting*, February 19, 2009, para B(4) and C(5).

³⁷³⁴ U.S. Embassy- Niamey, *reporting*, January 26, 2009, section d, 11. See also ILO Committee of Experts, *Individual Observation C182: Niger (2008)*.

³⁷³⁵ UNICEF, *UNICEF and partners aid child labourers and fight trafficking in Niger*. See also U.S. Department of State, "Niger (Tier 2 Watch List)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>.

³⁷³⁶ U.S. Embassy - Niamey, *reporting, February 19, 2009*. See also UNICEF, *UNICEF and partners aid child labourers and fight trafficking in Niger*.

³⁷³⁷ U.S. Embassy- Niamey, *reporting, January 26, 2009*, section d, 11.

³⁷³⁸ Integrated Regional Information Networks, “NIGER: When religious teachers traffic their students”, IRINnews.org, [online], August 26, 2009 [cited February 5, 2010]; available from <http://www.irinnews.org/Report.aspx?ReportId=85857>. See also U.S. Embassy- Niamey, *reporting, January 26, 2009*, para D. See also U.S. Embassy - Niamey, *reporting, February 19, 2009*. See also U.S. Department of State, “Burkina Faso (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>.

³⁷³⁹ UNDP, *Statistics of the Human Development Report*, [online] 2009 [cited February 22, 2010]; available from <http://hdr.undp.org/en/statistics/>. See also Reuters, “U.S. suspends aid to Niger over president’s term”, Reuters.com, [online], December 23, 2009 [cited February 22, 2010]; available from <http://www.reuters.com/article/idUSN2316856820091223>. See also BBC, “Massive win for Niger president”, BBC.co.uk, [online], August 7, 2009 [cited February 22, 2010]; available from <http://news.bbc.co.uk/2/hi/8189205.stm>.

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³⁷⁴² ILO Committee of Experts, *Individual Direct Request C138: Niger (2008)*.

³⁷⁴³ Ibid.]. See also U.S. Department of State, “Country Reports- 2009: Niger,” section 6.

³⁷⁴⁴ ILO Committee of Experts, *Individual Observation C182: Niger (2008)*.

³⁷⁴⁵ Government of Niger, *Code du Travail*, article 4.

³⁷⁴⁶ 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 C29: Niger (2008)*.

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³⁷⁴⁹ Government of Niger, *Code Penal*, articles 248-249 and 255-258.

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Nigeria

During the reporting period, Nigeria took steps to combat the trafficking of children, and three more states ratified the Federal Child Rights Acts. However, forced and hazardous child labor in farm work and quarries remain a pressing issue, as does the high level of trafficking of children for labor exploitation. The Government's lack of a policy framework to combat all worst forms of child labor, and gaps and contradictions in the legal framework, undermine efforts to combat the worst forms of child labor.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Nigeria are exploited in the worst forms of child labor,³⁷⁷⁹ particularly in agriculture. In rural areas, most children work in farming, including children as young as age 4 and the majority of these children report work-related injuries.³⁷⁸⁰ Some may use dangerous tools to cultivate cassava.³⁷⁸¹ Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of tobacco.³⁷⁸² Children also work on cocoa plantations and small farms, where they spray pesticides and apply fertilizer without protective gear, and sometimes work under conditions of forced labor.³⁷⁸³

In urban areas, many children work in the streets as vendors, porters, and scavengers.³⁷⁸⁴ A growing number of children, including girls, are also both living and working in the streets in these jobs and as beggars.³⁷⁸⁵ Such work in the streets exposes children to severe weather, vehicular accidents, and the need to carry heavy loads. Children also risk exposure to dangerous conditions while working in sand harvesting and fishing.³⁷⁸⁶ One study surveyed children working

in river communities in Nigeria, which primarily included children in fishing, and found that 70 percent reported having been injured at work at least once in the previous year.³⁷⁸⁷ Children also risk injury or death working, sometimes in forced labor, in mines and quarries, especially in granite and gravel production.³⁷⁸⁸

In Nigeria, it is traditional to send boys, called *almajirai*, to Koranic teachers to receive an education, which may include a vocational or apprenticeship component.³⁷⁸⁹ While some boys receive lessons, others are forced by their teachers to beg and surrender the money they earn; such boys may go without adequate food or shelter.³⁷⁹⁰ Reports suggest that some *almajirai* children in Nigeria may be deliberately scarred or injured to arouse sympathy and thus encourage donations.³⁷⁹¹ The number of *almajirai* in urban areas is reportedly on the rise.³⁷⁹²

Girls are also exploited in domestic service, where they risk sexual and physical abuse.³⁷⁹³ Commercial sexual exploitation of children, especially girls, also occurs in some Nigerian cities, including Port Harcourt and Lagos; and there are reports of girls in some Nigerian refugee camps being subject to prostitution.³⁷⁹⁴

Nigeria is a source, transit, and destination country for child trafficking.³⁷⁹⁵ Children in Nigeria are trafficked internally for work in domestic service, agriculture, street-peddling, and begging.³⁷⁹⁶ Children are also trafficked for work in the worst forms of child labor from Nigeria to multiple countries in West and Central Africa, as well as to the U.K. and Saudi Arabia.³⁷⁹⁷

Children are trafficked into Nigeria from the Central African Republic and Liberia for work in agriculture, domestic service, vending, and mining.³⁷⁹⁸ They are trafficked from Togo for the same jobs and for commercial sexual exploitation.³⁷⁹⁹ Chadian children are trafficked to Nigeria to herd cattle, while children from Niger are trafficked to Nigeria to beg and perform manual labor.³⁸⁰⁰ Beninese boys are also trafficked into Nigeria to work in granite mines and gravel quarries.³⁸⁰¹

Laws and Regulations on the Worst Forms of Child Labor

In Nigeria, legislative power to protect children is reserved for its states. However, the Federal Government has the authority to establish labor standards.³⁸⁰² The Federal Labour Act is in force in all 36 states of Nigeria and sets a minimum age of employment at 12. Nigeria's Labour Act establishes an exception to its minimum age law permitting children at any age to do light work in domestic service or work alongside a family member in agriculture or horticulture.³⁸⁰³ Nigeria also has a Federal Child Rights Act, which states must adopt for it to be force in that state's territory. During the reporting period, three states ratified this legislation, bringing the total number of states to 23, although some states still need to take additional steps for it to be in force.³⁸⁰⁴ Where it is in force, the Child Rights Act raises the minimum age to 14 and supersedes the Labour Act.³⁸⁰⁵

The Child Rights Act also prohibits the worst forms of child labor, including the forced labor of children and use of children for prostitution or in armed conflict. Additionally, it prohibits the use of children, including the *almajirai*, in street hawking and begging.³⁸⁰⁶ States may also enact additional provisions to bolster protection for working children within their territory. Certain states within Nigeria have taken this step, and closed gaps in the law.³⁸⁰⁷ For example, the Abia State Child's Rights Law (2006) prohibits domestic service

outside of the home or family environment to all children under age 18.³⁸⁰⁸

However in states that have not adopted the Child Rights Act, there may be no state-level law protecting children from worst forms of child labor, leaving them vulnerable to exploitation.³⁸⁰⁹ Such states may also continue to have a minimum age of 12, with no provision to protect children of any age from light work in domestic service or agriculture and horticulture.³⁸¹⁰

Neither Nigeria's Labour Act nor its Child Rights Act lays out a comprehensive list of hazardous activities prohibited to children nor do they establish a clear minimum age for hazardous work.³⁸¹¹






The Labour Act sets different age thresholds for various hazardous activities. For example, a youth age 15 or older may work in industries or on vessels when they are run by family members.³⁸¹² The law prohibits youth under age 16 from being employed underground or working with machines, but explicitly permits children age 16 to 18 to perform these hazardous activities.³⁸¹³ However, the same law forbids the employment of young persons under age 18 in work injurious to their health, safety, or morals.³⁸¹⁴

Nigeria's framework of laws is inconsistent and contradictory, introducing gaps that may make children vulnerable to worst forms of child labor. While the Child Rights Act applies appropriately stringent penalties, the penalties for violating the hazardous labor provisions from the Labour Act may not be stiff enough to deter violations.³⁸¹⁵ For example, for such violations, the Labour Act imposes only minimal fines (with a maximum fine of \$0.80).³⁸¹⁶

The Constitution of Nigeria prohibits forced labor, slavery, or servitude.³⁸¹⁷ The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act (2003), which applies throughout Nigeria, prohibits trafficking, prostitution, pornography, drug trafficking, and the forced or compulsory recruitment of children into armed conflict.³⁸¹⁸ Nigerian law punishes such offenses appropriately with fines and imprisonment.³⁸¹⁹

However, some of the states that apply *Shari'a* may treat children as offenders rather than victims. For

example the *Shari'a* Penal Code of the state of Zamfara defines an offender as anyone who “does any obscene or indecent act in a private or public place, or acts or conducts himself/herself in an indecent manner.”³⁸²⁰ Treating child victims of commercial sexual exploitation runs counter to internationally-accepted standards for the treatment of such children.³⁸²¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Nigeria has established a coordinating mechanism to combat the worst forms of child labor. However, Nigeria does have a National Agency for Prohibition of Trafficking in Persons which coordinates the fight against trafficking.

The Federal Ministry of Employment, Labor, and Productivity is principally responsible for ensuring that Federal labor laws are enforced. Its inspections department is charged with enforcing the Labour Act, including those provisions related to child labor.³⁸²² Labor inspectors reportedly number 550 and are deployed to all 36 states, as well as the Federal Territory of Abuja.³⁸²³ In 2009, the Government of Nigeria reportedly conducted 1,500 inspections, of which 150 specifically concerned child labor. Of the

150 child labor investigations, 50 resulted in additional investigations, but none of these child labor cases led to a prosecution, conviction, fine, or penalty.³⁸²⁴ Although working onboard seafaring vessels is explicitly permitted to children age 15 and above, there were no inspectors responsible for conducting inspections on these vessels, creating a gap in the child labor enforcement framework.³⁸²⁵

At the state level, all 36 states have specific ministries responsible for children’s affairs.³⁸²⁶ States may also undertake other measures which aid in the enforcement of labor provisions. For example, Ondo State reports having established a Child Labor Monitoring System in cocoa plantations.³⁸²⁷

The National Police Force bears the primary responsibility for enforcing laws against forced labor and commercial sexual exploitation, particularly prostitution.³⁸²⁸ However, the National Police are not educated on state laws; and such laws may be the only one protecting children from a particular worst form of child labor within a specific state. This limits the capacity of the National Police to enforce laws protecting children from the worst forms of child labor.³⁸²⁹ States are prohibited from having their own police forces; however, some which enforce *Shari'a* are permitted to have religious boards (*Hisbah*). They enforce laws, including those against prostitution but do not have the power to arrest or detain.³⁸³⁰ Except for those cases linked to trafficking, there are no statistics available for the number of investigations, prosecutions, or convictions related to forced labor, commercial sexual exploitation, or other worst forms of child labor.

The National Agency for Prohibition of Trafficking in Persons (NAPTIP), which has some 555 employees, is responsible for enforcing anti-trafficking legislation.³⁸³¹ NAPTIP staffed 22 units in those states with the worst trafficking problems.³⁸³² From January to July 2010, the most recent period for which such statistics are publicly available, NAPTIP reported that it had rescued 260 children age 1 to 17.³⁸³³ The National Police Force and the Nigerian Immigration Service also have anti-trafficking units responsible for combating trafficking, while other agencies, such as the National Drug Enforcement Agency help identify traffickers and their victims.³⁸³⁴

Government Policies on the Worst Forms of Child Labor

The draft Nigeria Child Labor Policy and related draft National Action Plan were prepared in 2005-2006, but have never been officially adopted. Nevertheless, the Ministry of Labor reports that components of the draft National Child Labor Policy are being implemented.³⁸³⁵

Nigeria also has an approved Decent Work Plan which includes elements, such as vocational training for youth, that link with the fight against the worst forms of child labor.³⁸³⁶

The Government of Nigeria has a National Plan of Action on Trafficking in Persons (2008), which provides government entities and NGOs a coordination framework for research, protection, prevention, and prosecution. Along with this plan, the Government has a National Policy on Protection and Assistance to Trafficked Persons in Nigeria, which provides for services to trafficking victims, such as protection and rehabilitation.³⁸³⁷

Policies concerning the trafficking of children for exploitive labor were strengthened during the reporting period by the adoption of the ECOWAS Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa, which includes a focus on sectors, such as begging.³⁸³⁸ The agreement builds on the framework developed under 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. Nigeria's policies related to trafficking of children are also based on a multilateral agreement with Liberia, Burkina Faso, Guinea, Niger, Mali, Benin, and Côte d'Ivoire; bilateral trafficking agreements, including those with Benin, Britain, Spain, and Italy; and the Libreville Common Platform Declaration to Combat Trafficking in West and Central Africa.³⁸³⁹ As part of its efforts to work with Benin, Nigeria takes part in a joint committee to combat child trafficking, which is implementing a 2009-2010 Joint Action Plan to combat the trafficking of children from Zakpota, Benin to Abeokuta, Nigeria, for labor in stone quarries.³⁸⁴⁰

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

Since 2000, Nigeria has partnered with the ILO and SIMPOC to obtain initial data about the prevalence of child labor, including child prostitution and child begging.³⁸⁴¹ From 2002-2006, the Government of Nigeria participated in a USDOL-funded project in support of actions to reduce hazardous child labor in commercial agriculture.³⁸⁴² Since 2007, the Ministry of Labor has been working to develop codes of conduct for various sectors, including mining, construction, and fishing; and in 2008, Nigeria conducted a national survey to identify the prevalence and nature of child labor; although results from this survey do not appear to be publicly available.³⁸⁴³

The Government of Nigeria is participating in a 4-year regional project, (2009-2013), funded by USDOL at \$7.95 million, which aims to establish a national action plan to eliminate the worst forms of child labor and institute a formal list of hazardous labor for children in Nigeria.³⁸⁴⁴ The Government continues to target hazardous child labor in agriculture through its participation in the USAID-supported Sustainable Tree Crops Program. This program incorporates child labor issues into its teachings on pest and quality management, raising awareness on particularly hazardous aspects of agricultural work for children.³⁸⁴⁵ In addition, Terre des Hommes continues to implement activities aimed at reducing child labor in granite quarries and gravel pits, including by working with local government officials among others to repatriate children forced to work there.³⁸⁴⁶

During the reporting period, the Government of Nigeria raised awareness on exploitive child labor through its Labor Ministry and supported a similar effort with a focus on trafficking through NAPTIP.³⁸⁴⁷ Since 2001, the Government of Nigeria has been partnering with the IOM, specifically targeting minors, as part of programs to build capacity, provide direct services, and raise awareness on trafficking. Similarly, Nigeria has been collaborating with UNODC since 2002 on programs aimed at reducing trafficking of both adults and minors.³⁸⁴⁸

During the reporting period, Nigeria supported efforts to increase birth registration as a targeted part of reducing the trafficking of children.³⁸⁴⁹ NAPTIP, with the support of the American Bar Association—Rule of Law Initiative, has launched a database to connect its regional offices and improve its data collection.³⁸⁵⁰ Nigeria continues to operate shelters for trafficking victims and reunite or repatriate trafficked children.³⁸⁵¹ Eight such shelters are operated by NAPTIP, and each of these locations supports a local hotline. However, there is no national hotline to report suspected cases of trafficking.³⁸⁵²

NGOs and states also run programs to address trafficking. NGOs support shelters to which government officials may send rescued children; however, due to a lack of resources during the reporting period, these shelters were only able to care for a very limited number of victims.³⁸⁵³ States have

taken steps to prevent trafficking. For example, 26 states have established anti-trafficking networks to raise awareness.³⁸⁵⁴

Nigeria has a program to withdraw street children, including those who have been trafficked into street hawking, and provide them with educational or vocational skills development.³⁸⁵⁵ With the assistance of UNICEF and NGOs, some state education agencies also support nonformal education efforts aimed at street children. This effort includes using a radio program to provide educational lessons.³⁸⁵⁶

Despite the many projects across Nigeria, the scale of such programs is not sufficient to reach all Nigerian children engaged in or vulnerable to the worst forms of child labor, especially children in begging, mining, domestic service, and hazardous agriculture.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labour Act to make the minimum age, and provisions related to light work, conform to international standards.
- Publish a comprehensive list of hazardous activities prohibited to minors.
- Strengthen penalties for child labor violations.
- Ensure that those states applying *Shari'a* as the Penal Code do not blame child victims for commercial sexual exploitation.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a mechanism to coordinate and monitor efforts to combat the worst forms of child labor.
- Collect and make statistics on child labor enforcement publicly available.
- Take all necessary measures to enforce labor laws and other laws related to the worst forms of child labor.

IN THE AREA OF POLICIES :

- Update and adopt the draft National Child Labor Policy and establish a National Action Plan to target all worst forms of child labor.
- Continue to collect and make publicly available data on the prevalence of working children.
- Establish and expand programs to provide services to children working in agricultural, begging, domestic service, and mining.

³⁷⁷⁹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

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³⁷⁸² Lawal and Akintayo, “Children Participation in Vegetable Production and Associated Hazards in Oyo State: Nigeria: Implications for Poverty Alleviation and Extension,” 445-448. See also Seun Akioye, “A new form of child labour is slowly emerging in Oyo state tobacco growing communities”, May 27, 2009 [cited March 15, 2010]; available from <http://nigerianationaltobaccocontrolbill.blogspot.com/2009/05/childs-slavery-in-bats-farm.html>.

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³⁷⁸⁵ Aminu Abubakar, “Nigeria Struggles to Curb Rise in Child Beggars”, Yahoo News, [online], November 18, 2009 [cited November 20, 2009]; available from http://news.yahoo.com/s/afp/20091118/wl_africa_afp. See also UN Committee on the Rights of the Child, *Concluding Observations: Nigeria*, CRC/C/NGA/CO/3-4, Geneva, June 11, 2010, 24, para 84; available from <http://www.unhchr.ch>. See also UNICEF, *At a Glance: Digital Diary: Nigerian street children tell their stories of life without security*, [December 26, 2007 [cited February 2, 2009]; available from http://www.unicef.org/infobycountry/nigeria_42282.html?q=printme. See also U.S. Embassy- Abuja, *reporting*, February 19, 2008, para 3.

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³⁷⁹¹ U.S. Embassy- Abuja, *reporting*, February 19, 2010, para 2(c).

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³⁸⁵⁶ *Ibid.*, 117.

Oman

The Government of Oman has improved the Ministry of Manpower's enforcement capacity by increasing the number of labor inspectors. However, gaps remain regarding enforcement of child labor laws, and the absence of a compulsory age for education hinders efforts to address the worst forms of child labor. Children reportedly continue to work in the informal agriculture and fishing sectors, where they may be exposed to occupational health and safety risks.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor³⁸⁵⁷

There is limited evidence regarding the worst forms of child labor in Oman.³⁸⁵⁸

Children reportedly work in the informal economy, particularly in agriculture and fishing.³⁸⁵⁹ There is a lack of information on the kinds of dangerous work children perform, and these children may be exposed to unsafe and unhealthy activities.

Camel racing is a part of the Bedouin cultural heritage, and traditionally young boys have participated as jockeys on a voluntary basis, which could involve the risk of injury during a race.³⁸⁶⁰ There were no reports in 2009 of boys under 18 working as camel jockeys.³⁸⁶¹

Because of limited data, it is difficult to ascertain whether child prostitution, pornography, or trafficking exists in Oman. In 2009, the Government reported that the sale of children, child prostitution, and child pornography was not a “perceptible problem.”³⁸⁶² However, the UN Committee on the Rights of the Child has raised concerns about the possibility that some children may be trafficked among migrant workers entering Oman.³⁸⁶³

Laws and Regulations on the Worst Forms of Child Labor


According to Oman's Labor Law and the Sultan's Royal Decree No. 35/2003, the minimum age for admission to work is 15.³⁸⁶⁴ However, for certain hazardous occupations the minimum age for work is 18.³⁸⁶⁵

The Government has identified 43 hazardous occupations, including camel jockeying, that are prohibited for children under age 18, but the full list of occupations has not been made available to the ILO.³⁸⁶⁶ As of 2007, camel jockeys have been required to register in person with the Omani Camel Racing Federation and show proof of age by submitting a birth certificate, photographs, and a passport.³⁸⁶⁷

Oman's labor law also governs hours and conditions of employment under which juveniles may work.³⁸⁶⁸ The labor law bars juveniles from working between 6 p.m. and 6 a.m., or for more than 6 hours per day.³⁸⁶⁹ The Minister of Manpower (MOM) has the authority to determine the occupations and industries in which juveniles may work and what the minimum age of employment in these occupations should be.³⁸⁷⁰

Royal Decree No. 126/2008 prohibits the trafficking of children.³⁸⁷¹ Inciting a child to carnality or prostitution is punishable by imprisonment under Article 220 of the Penal Code.³⁸⁷² Article 224 of the Penal Code also makes it a crime for a person to produce, possess, or distribute obscene pictures or other pornographic objects.³⁸⁷³

In Oman, children receive free primary education, but attending school is not compulsory under the law.³⁸⁷⁴ In 2008, UNESCO estimated that 28 percent of the primary school age children in Oman were out of school.³⁸⁷⁵ Thus, some children under age 15 may be more susceptible to engagement in the worst forms of child labor.³⁸⁷⁶

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research was inconclusive in regard to whether the Government of Oman has established a coordinating mechanism to combat the worst forms of child labor in Oman.

The Ministry of Manpower (MOM) has the responsibility for monitoring employer compliance with the labor laws, including laws on child labor.³⁸⁷⁷

Omani labor law (Royal Decree 25/2003) applies to all companies with a license from the Government to conduct business.³⁸⁷⁸ In practice, enforcement of the labor law often does not extend to the informal sectors, such as agriculture, fishing, and small family businesses, where children may work.³⁸⁷⁹ In general, compliance with child labor laws is monitored during routine labor inspections by the labor inspectorate. Monitoring can also be triggered by complaints registered directly with the MOM or through information sharing on labor cases between the MOM and Royal Oman Police (ROP).³⁸⁸⁰ The Government operates a 24-hour hotline to allow citizens to report claims of labor abuses, including trafficking. However, in 2009, there were no reports of complaints related to child labor.³⁸⁸¹

In 2009, to improve its monitoring and enforcement capacity, the MOM hired over 180 new labor inspectors.³⁸⁸² The Government partnered with ILO to train 180 labor inspectors on trafficking victim identification during inspections of private companies.³⁸⁸³

In 2009, MOM inspected 2,226 businesses.³⁸⁸⁴ No information was available to indicate whether child labor violations were found.³⁸⁸⁵

Royal Decree 126/2008 directs the Ministry of Foreign Affairs (MFA) to spearhead the Government's efforts to combat trafficking,³⁸⁸⁶ and established the National Committee to Combat Human Trafficking (NCCHT).³⁸⁸⁷ The committee includes representatives from the Ministries of Manpower, Justice, Social Development, the Public Prosecutor, and the Royal Oman Police.³⁸⁸⁸ The committee met regularly during the current reporting period.³⁸⁸⁹ The NCCHT was made responsible for establishing a comprehensive program for combating trafficking, including programs to collect and report trafficking statistics and to care for and rehabilitate victims.³⁸⁹⁰

In 2009, the Government indicted and convicted accused traffickers and imposed sentences including imprisonment with fines of \$26,000.³⁸⁹¹ The 2009 indictments and convictions did not include cases of trafficking involving underage children.³⁸⁹²

Government Policies on the Worst Forms of Child Labor

The Government has formulated a National Plan to Combat Human Trafficking³⁸⁹³ as called for under Royal Decree 126/2008. Action programs have been developed as a result of this decree as outlined below.

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

The Government has implemented a number of programs and initiatives to address human trafficking.³⁸⁹⁴ The Government has provided legal assistance, shelter, and psychological care to sex trafficking victims; distributed brochures in numerous

languages that highlighted the rights and services workers are entitled to, the assistance available to trafficking victims and information on how to report trafficking crimes. It also launched a Web site and provided information on pertinent legislation and other matters relating to trafficking.³⁸⁹⁵ These efforts contribute to preventing child trafficking. In 2009, no child trafficking complaints were reported.³⁸⁹⁶

The Government has not conducted an in-depth study on sexual exploitation and trafficking of children to determine the extent to which this is a problem in Oman.³⁸⁹⁷ At the same time, there is a lack of information on the kinds of hazardous work children perform in agriculture and fishing.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Make publicly available the list of all hazardous occupations and jobs prohibited for children under age 18.
- Establish a compulsory age for school that is consistent with the minimum age for employment.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure that mechanisms exist to coordinate policy and guide programs on the worst forms of child labor.
- Establish mechanisms to inspect all sectors, including small-scale agriculture, and fishing sectors for child labor violations.
- Track and report on child labor violations uncovered in labor inspections.
- Ensure that enforcement efforts to prevent child labor violations in camel racing are being undertaken and report on the results.

IN THE AREA OF PROGRAMS:

- Conduct a national survey to determine the extent and nature of child labor in Oman and use the results of the survey to formulate, monitor, and evaluate anti-child labor laws, policies and programs.
- Based on the evidence, establish specific programs targeted at preventing the worst forms of child labor, particularly in small-scale agriculture and fishing.

³⁸⁵⁷ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

³⁸⁵⁸ U.S. Embassy- Muscat, *reporting*, February 10, 2010.

³⁸⁵⁹ International Trade Union Confederation, “Oman,” in *Internationally-Recognised Core Labour Standards in the Sultanate of Oman*, 2008; available from http://www.ituc-csi.org/IMG/pdf/TPR_OMAN.Final.pdf. See also Hamood Al Towaiya, Personal Communications on DOL’s 2007 Findings on the Worst forms of Child Labor, March 16, 2009.

³⁸⁶⁰ ILO Committee of Experts, *CEACR 2007/78th Session: Oman (ratification: 2001)*, [online] 2007; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-displayAllComments.cfm?conv=C182&ctry=2790&hdroff=1&lang=EN>.

³⁸⁶¹ U.S. Embassy- Muscat, *reporting*, February 10, 2010.

³⁸⁶² UN Committee on the Rights of the Child, *Consideration of Reports Submitted By States Parties - Oman*, Geneva, January 20, 2009; available from http://ww2.ohchr.org/english/bodies/crc/docs/CRC_C_OPSC_OMN_1_NEW.pdf.

³⁸⁶³ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Oman*, CRC/C/OMN/CO/2, Geneva, September 29, 2006, sections 65 and 66(a); available from http://www.ohchr.org/english/bodies/crc/docs/co/CRC_C_OMN_CO_2.pdf.

³⁸⁶⁴ Government of Oman, *Royal Decree No. 35/2003: Oman Labour Law*, (May 3, 2003).

³⁸⁶⁵ ILO Committee of Experts, *CEACR 2007/78th Session - Oman*.

³⁸⁶⁶ *Ibid.*]

³⁸⁶⁷ 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; available from <http://www.unhcr.org/refworld/docid/466d6231e.html>.

³⁸⁶⁸ Government of Oman, *Oman Labour Law*.

³⁸⁶⁹ *Ibid.*

³⁸⁷⁰ *Ibid.*

³⁸⁷¹ Government of Oman, *Royal Decree No. 126/2008: Law Combating Trafficking in Persons*, (November 23, 2008); available from <http://www.google.com/search?hl=en&q=Royal+Decree+No.126%2F2008+-+oman&BtnG=Search&aq=f>.

³⁸⁷² Government of Oman, *Penal Code*, (1974); available from <http://www.interpol.int/public/Children/SexualAbuse/NationalLaws/csaOman.asp>.

³⁸⁷³ Hamood Al Towaiya, Letter to Marcia Eugenio, March 16, 2009.

³⁸⁷⁴ UN Committee on the Rights of the Child, *Oman (Second Periodic Report)*, Geneva, September 29, 2006; available from http://olddoc.ishr.ch/hrm/tmb/treaty/crc/reports/crc_43/crc_43_oman.pdf.

³⁸⁷⁵ UNESCO Institute for Statistics, *Global Rankings - Arab States - Rate of Primary Age Children Out Of School*, 2008; available from http://stats.uis.unesco.org/TableView/document.aspx?ReportId=125&IF_.

³⁸⁷⁶ Fererico Allais & Frank Hagemann, *Child labor and education: Evidence from SIMPOC Surveys - IPEC* June 2008; available from <http://www.ilo.org/ipec>.

³⁸⁷⁷ U.S. Embassy- Muscat, *reporting*, February 10, 2010.

³⁸⁷⁸ Hamood Al Towaiya, DOL’s 2007 Findings on the Worst Forms of Child Labor, March 16, 2009.

³⁸⁷⁹ International Trade Union Confederation, “Core Labor Standards in Sultanate of Oman.”

³⁸⁸⁰ U.S. Embassy- Muscat, *reporting*, February 10, 2010.

³⁸⁸¹ *Ibid.*

³⁸⁸² U.S. Embassy- Muscat official, E-mail communication to USDOL official, November 14, 2010.

³⁸⁸³ U.S. Department of State, “Oman (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>.

³⁸⁸⁴ *Ibid.*

³⁸⁸⁵ *Ibid.*

³⁸⁸⁶ U.S. Embassy- Muscat, *reporting*, March 3, 2008.

³⁸⁸⁷ Government of Oman, *Law Combating Trafficking in Persons*.

³⁸⁸⁸ U.S. Embassy- Muscat, *reporting*, March 3, 2008.

³⁸⁸⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Oman.”

³⁸⁹⁰ U.S. Embassy- Muscat, *reporting*, March 3, 2008.

³⁸⁹¹ U.S. Department of State, “Trafficking in Persons Report- 2010: Oman.”

³⁸⁹² U.S. Embassy- Muscat official, E-mail communication to USDOL official, November 18, 2010.

³⁸⁹³ Government of Oman, *Law Combating Trafficking in Persons*.

³⁸⁹⁴ U.S. Department of State, “Trafficking in Persons Report- 2010: Oman.”

³⁸⁹⁵ *Ibid.*

³⁸⁹⁶ U.S. Embassy- Muscat, *reporting*, February 10, 2010.

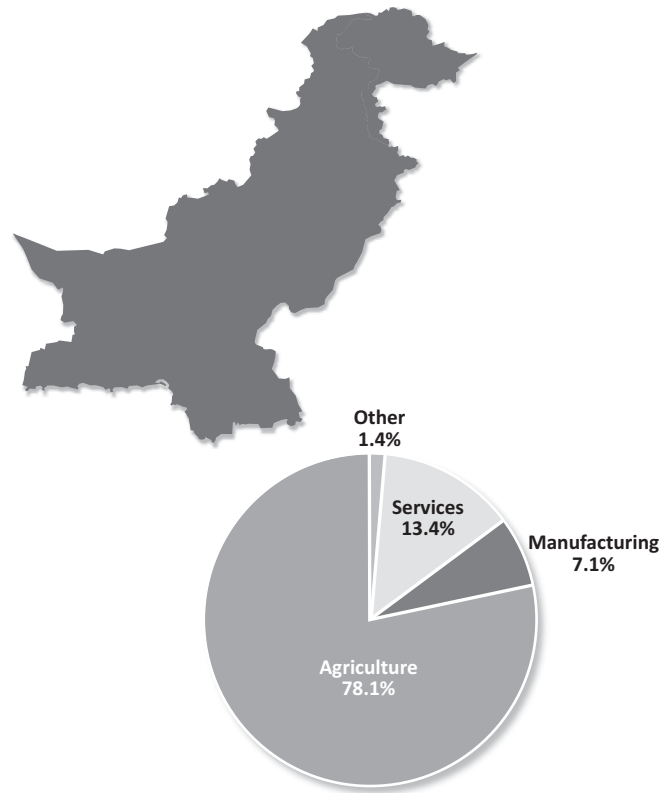
³⁸⁹⁷ UN Committee on the Rights of the Child, *Concluding Observations: Oman (Second Periodic Report)*.

Pakistan

The Government of Pakistan participates in several projects that aim to eliminate the worst forms of child labor; however, children are still engaged in the worst forms of child labor in agriculture and are often subjected to bonded labor. Significant gaps remain in the legal framework and enforcement efforts to address the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	16.4%
Attending School	10-14 yrs.	64.9%
Combining Work and School		Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor³⁸⁹⁸

Children in Pakistan are exploited in the worst forms of child labor, primarily in agriculture, where they may engage in unsafe and unhealthy activities such as the use of dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides.³⁸⁹⁹ Children also work in manufacturing where, in the glass bangle sector, they are exposed to high temperatures and toxic chemicals.³⁹⁰⁰ Children are also found working in carpet weaving, informal construction, transport, leather tanning, deep-sea fishing, and the surgical instrument industry each of which has been classified by the Government as hazardous.³⁹⁰¹

Children in urban areas are often employed as domestic servants where they may be vulnerable to sexual abuse.³⁹⁰²

Children of Afghan refugees, who live along the borders of Pakistan, are especially susceptible to street work including rag picking and collecting waste.³⁹⁰³ Children working on the streets are exposed to a variety of dangers, which may include exposure to

severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Other worst forms of child labor also exist in Pakistan including forced child labor, child trafficking, child soldiering, and using children in illegal activities. Some children are forced to work as bonded laborers in the brick industry, carpet weaving, agriculture, and coal mining.³⁹⁰⁴ Often, bonded laborers are unable to pay their debts. Their movements may be restricted by armed guards and they may be subject to violence or being resold.³⁹⁰⁵

Child trafficking continues to be a problem with children kidnapped, rented, or sold to work in agriculture, domestic service, prostitution, or as beggars.³⁹⁰⁶ Girls who are sold into forced marriages are sometimes subsequently trafficked internationally for prostitution.³⁹⁰⁷ Despite concerted efforts to eliminate the practice, there is evidence that boys are still trafficked to the Gulf States to work as camel jockeys.³⁹⁰⁸

There are reports of children being used by non-state militant groups in armed conflict.³⁹⁰⁹ Non-state groups kidnap children or coerce parents into giving away

their children to spy, fight, or die in suicide attacks.³⁹¹⁰ Reports indicate that children as young as age 11 are recruited by pro-Taliban insurgents and trained as suicide bombers.³⁹¹¹

Children along the border with Afghanistan are used in illegal smuggling operations. These children carry heavy loads of small arms, drugs, and household goods across the border.³⁹¹² Occasionally these children have dangerous encounters with law enforcement, and some children have been shot and killed by border police.³⁹¹³

Laws and Regulations on the Worst Forms of Child Labor

Under the 1991 Employment of Children Act, children of any age may be employed, provided that those under the age of 14 are not employed in occupations or processes deemed hazardous by the Government.³⁹¹⁴ Among the four occupations and 34 processes considered hazardous for children are manufacturing, mixing, and applying pesticides and insecticides; working at railway stations or ports; carpet weaving; construction; working in the glass bangle industry; and manufacturing of cement, explosives, and other products that involve the use of toxic substances.³⁹¹⁵ Brick making, a sector in which many child laborers work, including some bonded child laborers, is not specifically included on the list of prohibited hazardous occupations or processes. Further, the list of hazardous labor only prohibits occupations and processes for children under the age of 14, leaving children age 15 to 17 unprotected from dangerous or harmful work.

Bonded labor, forced labor, and human trafficking are prohibited by law. The Bonded Labor System Abolition Act (BLAA) of 1992 eliminates the liability of bonded laborers to repay their debt and frees property tied to this debt.³⁹¹⁶ Part II of The Constitution of Pakistan outlaws all forms of forced labor.³⁹¹⁷ The Prevention and Control of Human Trafficking and Smuggling Ordinance 2002 prohibits the trafficking of children internationally for exploitive activities.³⁹¹⁸ Sections 17 through 23 of the Government of Pakistan's Emigration Ordinance apply to the prosecution of internal trafficking cases.³⁹¹⁹






The purchase or sale of a person for the purpose of prostitution is outlawed by the Pakistan Suppression of Prostitution Ordinance 1961.³⁹²⁰ Pakistan's laws do not specifically prohibit child pornography, but the

Penal Code outlaws the circulation of any "obscene material."³⁹²¹

Pakistan does not have military conscription. The minimum voluntary recruitment age is 17.³⁹²²

During the reporting period, initial efforts were made to enhance Pakistan's legal framework against the worst forms of child labor. In 2009, the Ministry of Social Welfare drafted the Child Protection Bill 2009 to criminalize child seduction, child pornography, cruelty to children, internal child trafficking and child abuse.³⁹²³ A draft Employment and Services Conditions Act 2009 has also been developed that would, if enacted, make it unlawful to employ children under the age of 14 in any sector.³⁹²⁴ The Government also formed a committee to hold nationwide, multi-stakeholder consultations to draft amendments to strengthen the 1992 Bonded Labor Abolition Act.³⁹²⁵

However, the Government of Pakistan has yet to adopt any of the draft legislation.

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

Institutional Mechanisms for Coordination and Enforcement

The Child Labor Unit of the Federal Ministry of Labor collaborates with Provincial Labor and Manpower Departments, workers' and employers' organizations,

NGOs, and ILO to provide analysis and to facilitate implementation of child labor policy.³⁹²⁶ Child Labor Resource Cells (CLRC) conduct research, build capacity, and coordinate child labor activities at the provincial level.³⁹²⁷

In 2009, the Ministry of Social Welfare began to implement its Child Protection Management Information System (CPMIS). It collects data from police, child protection agencies, detention centers, and other organizations regarding child trafficking, family care, sexual exploitation, violence against children, and juvenile justice.³⁹²⁸ Data from the CPMIS is not yet available and therefore, the monitoring system's effectiveness can not be assessed.³⁹²⁹

Local vigilance committees are responsible for supervising the implementation of the BLAA, assisting in rehabilitating bonded laborers, and helping them achieve the objectives of the law.³⁹³⁰ The committees include the deputy commissioner of each district, representatives from the police, judiciary, municipal authorities, workers, and employers.³⁹³¹

District magistrates are authorized to implement the BLAA; however, their positions have since been eliminated.³⁹³² Furthermore, feudal landlords affiliated with political parties or acting as local officials use their influence to protect their involvement in bonded labor. These circumstances contrive to hamper the effectiveness of BLAA enforcement and as yet, there have been no convictions under the Act.³⁹³³

Provincial departments of labor and labor courts perform inspections in industrial areas and markets to identify child labor violations and pursue legal action against employers.³⁹³⁴ The number of inspectors or inspections completed nationwide is unknown. However, in Khyber Pakhtunkhwa Province (formerly known as the North West Frontier Province), which has the highest ratio of working children among all Pakistani provinces, 808 child labor inspections were carried out in industrial and commercial establishments including shops, hotels, restaurants, markets, and mechanic shops.³⁹³⁵ NGOs and child protection centers report that police and labor inspectors cooperate with them and refer children to protective services.³⁹³⁶ In the same province, the Provincial Department of Labor initiated 151 child labor prosecutions in 2009, and decided 89 cases

resulting in warnings and fines being assessed against offenders.

In the provinces of Sindh and Punjab, the Departments of Labor held trainings for labor officers and inspectors on the worst forms of child labor, child exploitation, and forced child labor. The Punjab Government also developed a training kit for labor inspection officers on child labor issues.³⁹³⁷

According to the ILO, inspections do not take place in establishments employing less than 10 people, which is where most child labor occurs. Further, the All Pakistan Federation of Trade Unions reports that labor inspection responsibilities have been transferred to local bodies which are often headed by industrialists or feudal lords, and the inspectorates are therefore, subservient to them.³⁹³⁸ These constraints in the labor inspection system reduce the likelihood of reported child labor violations, making prosecution, conviction, and punishment of violators unlikely.³⁹³⁹

The Anti-Trafficking Unit of the Federal Investigation Agency (FIA) is the lead agency responsible for enforcing transnational trafficking-related laws.³⁹⁴⁰ FIA has approximately 700 officers to investigate all federal crimes, including child trafficking.³⁹⁴¹ The FIA carried out 649 trafficking investigations in 2009 and convicted 385 people under the Prevention and Control of Human Trafficking and Smuggling Ordinance 2002.³⁹⁴² At least three of these were child traffickers. FIA cooperates with other governments on trafficking cases, operates a hotline for victims, and publishes information on anti-trafficking efforts on its website.³⁹⁴³ In 2009, FIA offered anti-human trafficking training to 250 officials and police in four cities with topics including child labor trafficking victim identification, interviewing, and case investigation.³⁹⁴⁴

Government Policies on the Worst Forms of Child Labor

The Government of Pakistan's 2000 National Policy and Plan of Action to Combat Child Labor (NPPA) highlights three objectives: to withdraw children from hazardous occupations, rehabilitate child laborers, and eliminate all forms of child labor.³⁹⁴⁵ It outlines a national action plan for combating child labor that includes awareness raising, the establishment of child

labor resource centers, conducting surveys to expand knowledge on child labor, strengthened enforcement, expanded education facilities, and poverty alleviation measures.³⁹⁴⁶ The policy outlines resources to be allocated to implement the policy, including Rs. 100 million (\$1.16 million) from the Government and a fixed yearly contribution by the quasi-governmental education assistance agency, Pakistan Bait-ul-Mal, and the non-profit Islamic educational trust, the Iqra Fund.³⁹⁴⁷

In 2008, the Government of Pakistan's National Action Plan for Children was adopted.³⁹⁴⁸ One goal of this plan is to prohibit, restrict, and regulate child labor with a view to its ultimate elimination.³⁹⁴⁹ The plan lays out 14 key strategies and actions including harmonizing work between government agencies, NGOs, and donors; promoting research on child labor issues; developing non-formal education for child laborers; providing micro-credit for families of child laborers; and conducting national surveys on child labor. The policy also addresses child trafficking and outlines key objectives for its elimination.³⁹⁵⁰ It is unclear whether funding has been allocated for these objectives or if they have been implemented at the local level.

Both of the aforementioned plans mandate child labor surveys; however such surveys have not been conducted since 1996.³⁹⁵¹ The lack of recent data hampers the Government's ability to develop policies, determine programs' impacts, or plans for future child labor initiatives.³⁹⁵²

The Federal Investigation Agency has a National Action Plan for Combating Human Trafficking. This plan lays out prevention, prosecution, and protection strategies for ending human trafficking including child trafficking.³⁹⁵³ It provides for awareness-raising efforts, service provider training, data collection, and the establishment of victims' shelters. The plan also outlines which ministry, agency, or unit is responsible for each action. It does not, however, allocate funding to any given action item.

The Government of Pakistan has incorporated the elimination of the worst forms of child labor into other development and poverty reduction policies. The Government's current Poverty Reduction Strategy Paper reiterates the commitment to the NPPA and

incorporates the reduction of child labor in its target-setting process.³⁹⁵⁴ The 2001 National Policy and Plan of Action for the Abolition of Bonded Labor and Rehabilitation of freed Bonded Laborers address the issue of exploitive child labor.³⁹⁵⁵ The Labor Policy 2002 also endorses the NPPA and establishes a Government commitment to increase the minimum age for work in hazardous labor to 18.³⁹⁵⁶ This specific commitment on increasing the age for work in hazardous labor, however, has yet to be implemented.

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

Since 2000, the Government has participated in a number of donor-funded projects to combat child labor, focused on specific sectors where it occurs, such as soccer ball manufacturing, tanneries, rag picking, the production of surgical instruments, coal mining, seafood, and glass bangle industries.³⁹⁵⁷ A USDOL-funded project in the soccer ball industry focused on implementing a social protection program as well as increasing the capacity of partner organizations including government agencies.³⁹⁵⁸

During the reporting period, the Government continued to administer National Centers for Rehabilitation of Child Labor to remove children age 5 to 14 from hazardous labor and provide them with education, clothing, and a stipend.³⁹⁵⁹ There are 292 centers, which have provided services to over 15,000 students nationwide.

The Government specifically targets bonded laborers for support services and programming. The Ministry of Labor has provided legal services to bonded laborers in the Khyber Pakhtunkhwa Province and Punjab since 2005.³⁹⁶⁰ These services were expanded to Balochistan and Sindh provinces in 2009. The project has an annual budget of \$21,000 and has benefited over 700 bonded laborers, including children.³⁹⁶¹

The Punjab Provincial Government continued implementation of its \$1.4 million project (launched at the end of 2008) aimed at eliminating bonded labor in brick kilns. This project to date has helped nearly 6,000 bonded laborers obtain national identity cards and has provided \$140,000 in no-interest loans to help free laborers from debt.³⁹⁶² The Sindh provincial government has continued to implement its \$116,000

project (launched at the end of 2005), which provided state-owned land for housing camps and constructed 75 low-cost housing units for freed bonded laborer families.

Given the magnitude of the bonded labor situation in Pakistan, the resources allocated to these programs are insufficient to properly address the problem.

Currently the Government is participating in a \$6.8 million project to combat worst forms of child labor.³⁹⁶³ The project, which works in many informal sectors with bonded and forced child labor, includes a national survey on child labor, and strategies to raise awareness and mainstream child trafficking and child labor initiatives into national policies. The Government makes in-kind contributions and dedicates personnel to the project.

The Government also participates in a 3-year \$1.5 million USDOL-funded project to provide education and training programs for children in Balakot, Khyber Pakhtunkhwa Province who were left vulnerable to hazardous child labor by the earthquake of October

8, 2005.³⁹⁶⁴ The project targets 500 children for withdrawal and 2,000 children for prevention from hazardous work. As of March 2010, 3,607 children had been withdrawn or prevented from exploitive child labor as a result of this project.³⁹⁶⁵

Additionally, the Government participates in a USDOL-funded 4-year, \$4.4 million project to eliminate child labor in smuggling, automobile workshops, construction, embroidery, agriculture, and street vending.³⁹⁶⁶ The project targets 15,000 children for withdrawal and prevention from exploitive labor through education and vocational training opportunities.

While the Government of Pakistan has a number of initiatives to address the worst forms of child labor, projects focused on street work and agriculture are insufficient to address the scope of the problem. In addition, there is no evidence of programs specifically targeting child domestics, who may work long hours and are at risk for physical and sexual exploitation by their employer.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt the draft Employment and Services Conditions Act of 2009 to prohibit children below age 14 from working.
- Revise the 1991 Employment of Children Act to prohibit children under the age of 18 from engaging in hazardous work and include brick making as a prohibited occupation for children.
- Adopt the draft Child Protection Bill to criminalize child seduction, child pornography, cruelty to children, internal child trafficking and child abuse.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Provide the provincial Departments of Labor the authority to perform labor inspections in establishments with fewer than 10 workers.
- Reassign implementation authority for the Bonded Labor Abolition Act from the district magistrate to an active government agency.
- Create centralized mechanisms for child labor inspection and BLAA enforcement in an effort to limit local officials' influence over interference with enforcement efforts.

IN THE AREA OF POLICIES:

- Conduct sectoral surveys on areas with a high-incidence of child labor to increase the knowledge base in these areas, inform policy and program planning, and determine the impact of interventions.

IN THE AREA OF PROGRAMS:

- Target government programs to reach children working in the most prevalent worst forms of child labor including street work, agriculture, and domestic service.
- Expand government programs that target bonded child laborers and ensure that there are protected from further exploitation and abuse.

³⁸⁹⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 1999-2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³⁸⁹⁹ 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, 21. See also U.S. Department of State, "Pakistan," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from www.state.gov/g/drl/rls/hrrpt/2009/sca/136092.htm. See also U.S. Embassy- Islamabad, *reporting*, December 13, 2007, para 7.

³⁹⁰⁰ U.S. Embassy- Islamabad, *reporting*, March 26, 2010.

³⁹⁰¹ 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 Government of Pakistan, *Employment of Children Act*, (June 4, 1991, as amended December 20, 2005); available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/22707/64834/E91PAK01.htm>.

³⁹⁰² Save the Children- UK, *Mitigating Child Labour Through Education in Pakistan*, Project Document, London, September, 2005, 3.

³⁹⁰³ *Ibid.*, 3. See also *ibid.*, 7.

- ³⁹⁰⁴ U.S. Department of State, “country Reports- 2009: Pakistan.” See also Gulmina Bilal, “Death in the Mines,” *Newsline* (April 2006); available from <http://www.newsline.com.pk/newsApr2006/exposeapr.htm>.
- ³⁹⁰⁵ U.S. Embassy- Islamabad, *reporting, March 26, 2010*, part I, page 6.
- ³⁹⁰⁶ *Ibid.*, part I, page 6.
- ³⁹⁰⁷ U.S. Department of State, “Pakistan,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from www.state.gov/g/tip/tiprpt/2010.
- ³⁹⁰⁸ U.S. Embassy- Islamabad, *reporting, March 26, 2010*, 4, 2Fc. See also “Child camel jockeys back in demand?,” *Daily Times*, April 20, 2010; available from www.dailytimes.com.pk/default.asp?page=2010%5C04%5C20%5Cstory_20-4-2010_pg3_3.
- ³⁹⁰⁹ Coalition to Stop the Use of Child Soldiers, *Pakistan*, London, 2008, 266-267; available from <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>. See also U.S. Embassy- Islamabad, *reporting, March 26, 2010*, 3, 13.
- ³⁹¹⁰ U.S. Department of State, “Trafficking in Persons Report- 2010: Pakistan.”
- ³⁹¹¹ Coalition to Stop the Use of Child Soldiers, *Global Report 2008: Pakistan*.
- ³⁹¹² Save the Children- UK, *Mitigating Child Labour in Pakistan, Project Document*, 3.
- ³⁹¹³ *Ibid.*, 8.
- ³⁹¹⁴ Government of Pakistan, *Employment of Children Act*, part II, section 3.
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- ³⁹¹⁶ U.S. Embassy- Islamabad, *reporting, March 26, 2010*.
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³⁹⁴¹ Ibid.

³⁹⁴² Ibid. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Pakistan.”

³⁹⁴³ U.S. Embassy- Islamabad, *reporting, February 19, 2009*, para 5g, 7a.

³⁹⁴⁴ U.S. Embassy- Islamabad, *reporting, March 26, 2010.*

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³⁹⁴⁸ 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.

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³⁹⁵¹ UN Committee on the Rights of the Child, *CRC Concluding Observations (2009)*, 21.

³⁹⁵² Save the Children- UK, *Mitigating Child Labour in Pakistan, Project Document*, 4.

³⁹⁵³ Federal Investigation Agency, *Pakistan National Action Plan for combating Human Trafficking*, [online] [cited August 3, 2010]; available from www.fia.gov.pk/HUMAN.htm.

³⁹⁵⁴ ILO-IPEC, *Child Labour and Responses*. 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.

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³⁹⁵⁷ ILO-IPEC, *Supporting the Time-Bound Program on the Elimination of the Worst Forms of Child Labour in Pakistan*, Project Document, Geneva, 2003, 9-10.

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³⁹⁶² U.S. Department of State, “Trafficking in Persons Interim Assessment: Pakistan.”

³⁹⁶³ U.S. Embassy- Islamabad, *reporting, March 26, 2010.*

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³⁹⁶⁵ ILO-IPEC, *Pakistan Earthquake: Child Labour Response Project*, Technical Progress Report, Geneva, March 10, 2010.

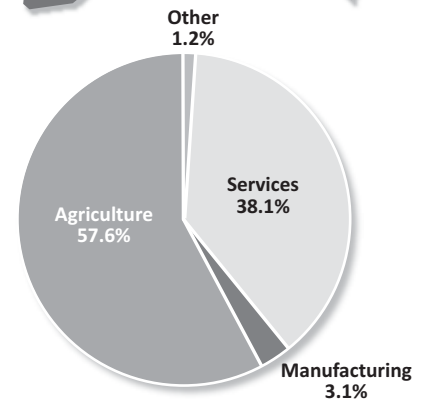
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Panama

The Government of Panama has a strong policy framework to combat the worst forms of child labor. However, gaps remain in legal prohibitions on some worst forms of child labor. In addition, children continue to engage in the worst forms of child labor in agriculture and urban informal work.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	5.1%
Attending School	6-14 yrs.	93.8%
Combining Work and School	7-14 yrs	3.1%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor³⁹⁶⁷ in Panama, many of them in agriculture, where they are exposed to pesticides, often carry heavy loads, and work in extreme weather conditions. Some children cultivate coffee and to lesser extent, sugarcane. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of melons, tomatoes, and onions.³⁹⁶⁸ The rate of child labor among indigenous children is approximately three times the national rate.³⁹⁶⁹ Children from indigenous communities frequently migrate with their families for agricultural work, sometimes crossing into Costa Rica.³⁹⁷⁰

In urban areas, children work on the streets selling goods, shining shoes, washing cars, and assisting bus drivers. These activities often carry the risk of illness and injury as they require high physical exertion and exposure to densely transited areas with the risk of auto accidents.³⁹⁷¹

In addition, many children, mostly girls of indigenous or Afro-Panamanian descent, work as domestic servants, where they are vulnerable to physical, psychological, or sexual abuse. According to the most recent child labor census published in 2009,

approximately 3,700 children and adolescents work in domestic service.³⁹⁷²

Children are also victims of commercial sexual exploitation, particularly in rural areas and in the city of Colon. In addition, some girls are trafficked within the country for the purpose of forced labor in domestic service.³⁹⁷³

Laws and Regulations on the Worst Forms of Child Labor

Panama's Constitution, Family Code, and Labor Code set the minimum age for employment at 14.³⁹⁷⁴ According to the Labor Code, however, children who have not completed primary school may not begin work until they reach age 15.³⁹⁷⁵ Similarly, the Law on Education notes that children under the age of 15 cannot work or participate in other activities that deprive them of their right to attend school regularly.³⁹⁷⁶ The Constitution specifically prohibits children from engaging in domestic service before they reach age 14.³⁹⁷⁷ While the Family and Labor Codes allow children to begin light work in agriculture at age 12, the Agriculture Code prohibits children under the age of 14 from working in agriculture.³⁹⁷⁸ CEACR has noted that neither the Family nor the Labor Codes provides clear regulations for the conditions under which children age 12 to 14 may engage in light work.³⁹⁷⁹

Various laws and an executive decree govern hazardous work by children. The Family Code and the Labor Code prohibit children less than age 18 from certain activities and types of hazardous work, including work in venues where alcohol is sold, in public transport, with electricity, with toxic substances, and underground.³⁹⁸⁰ Panama adopted Decree No. 19, a comprehensive list of hazardous work for children, in 2006, which provides 29 additional hazardous types of work prohibited for children under age 18, including work underwater or on ships, with pesticides, involving exposure to extreme weather conditions, with heavy equipment or dangerous tools, involving carrying heavy loads, in the transport of goods or people, and in trash recycling.³⁹⁸¹ Both the Labor Code and Penal Code establish penalties for employing children in hazardous or illegal occupations.³⁹⁸²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Legislation that increased penalties for commercial sexual exploitation of children went into effect in May 2008. While the Penal Code prohibits soliciting and paying for prostitution with a minor, there is no prohibition on benefiting from the proceeds of child prostitution or operating a brothel that employs children.³⁹⁸³ The Penal Code provides comprehensive prohibitions against child pornography, including its production, distribution, possession, or promotion. Child sex tourism is also prohibited.³⁹⁸⁴ Trafficking

of minors domestically and internationally for sexual purposes is punishable with prison and fines. However, trafficking for the purpose of forced labor is not prohibited.³⁹⁸⁵ In addition, while Panamanian law prohibits the use of children in illicit activities, it does not establish penalties for violations.³⁹⁸⁶

Institutional Mechanisms for Coordination and Enforcement

The Committee for the Eradication of Child Labor and the Protection of Adolescent Workers (*Comité para la Erradicación de Trabajo Infantil y la Protección del Trabajador Adolescente*, CETIPPAT) coordinates various efforts to combat child labor, including the implementation of the country's National Plan of Action. CETIPPAT comprises 27 institutions, businesses, and NGOs, and it is led by the First Lady. Members include the Ministries of Labor (*Ministerio de Trabajo y Desarrollo Laboral*, MITRADEL), Education, Health, and Agriculture, as well as representatives from international, workers' and employers' organizations.³⁹⁸⁷ In addition, the National Commission for the Prevention of Crimes of Sexual Exploitation (*Comisión Nacional para la Prevención de Delitos de Explotación Sexual*, CONAPREDES) coordinates government efforts to combat the commercial sexual exploitation of children (CSEC), and is led by the Office of the Attorney General. Members of the CONAPREDES include the Ministries of Labor, Education, Social Development, and Health, as well as representatives from civil society organizations, universities, and international organizations.³⁹⁸⁸ CONAPREDES met once during the reporting period.³⁹⁸⁹

The Ministry of Labor is charged with enforcement of child labor laws. During the reporting period, the Government of Panama established the National Bureau against Child Labor and for the Protection of Adolescent Workers within the MITRADEL, replacing the previous department charged with the enforcement of child labor laws.³⁹⁹⁰ MITRADEL employed 150 labor inspectors, four of whom are dedicated exclusively to child labor issues. All labor inspectors were trained to identify child labor violations.³⁹⁹¹ Complaints related to child labor may be filed through MITRADEL's general labor hotline or in-person at one of the MITRADEL offices.³⁹⁹² In 2009, MITRADEL had a budget of approximately \$500,000 to combat

child labor. The total amount of funding allocated to all government institutions to combat child labor was approximately \$4.5 million.³⁹⁹³

During the reporting period, MITRADEL carried out 1,102 child labor inspections in the formal sector, and confirmed 72 cases of the worst forms of child labor in agriculture, car washes, landfills, and fishing, among others.³⁹⁹⁴ Because of inspections, 436 children were referred to services provided by CETIPPAT. Sanctions were imposed on seven businesses for violation of child labor laws.³⁹⁹⁵ MITRADEL also inspected 11 coffee farms and identified 16 children working. The employers received guidance on child labor laws as a result.³⁹⁹⁶ MITRADEL provided trainings on child labor to government officials, including 130 labor inspectors during the reporting period.³⁹⁹⁷ MITRADEL coordinates with Child and Adolescent Courts and the National Secretariat for Childhood, Adolescence, and Family to refer cases of children found in exploitive work outside of the formal economy.³⁹⁹⁸

The Panamanian National Police Sex Crimes Unit is responsible for investigating trafficking cases. The Department of Judicial Investigations also operated a unit of three staff dedicated to investigating CSEC and trafficking in persons for sexual exploitation.³⁹⁹⁹ There are 14 attorneys specializing in the prosecution of CSEC and trafficking cases nationwide. During the reporting period, the Government investigated seven cases of commercial sexual exploitation of children, resulting in one conviction.⁴⁰⁰⁰

During 2009, MITRADEL provided training to its labor inspectors to identify CSEC cases. In addition, law enforcement officers, prosecutors, and judges received training on trafficking issues.⁴⁰⁰¹ In 2008, the Government established a special trafficking victims unit inside the National Immigration Office. This unit provides protection and legal assistance to trafficking victims and oversees prevention efforts, such as education campaigns.⁴⁰⁰²

Government Policies on the Worst Forms of Child Labor

In 2009, Panama continued implementation of its National Plan for the Eradication of Child Labor and the Protection of Young Workers (2007-2011).

The goal of the plan is to eliminate the worst forms of child labor by 2015 and eradicate all illegal child labor by 2020. The National Plan is administered through CETIPPAT. The plan aims to raise awareness, strengthen national legislation, improve the quality of life of families, reintegrate former child workers into the educational system, and produce systems to monitor working children, and it makes specific reference to the needs of indigenous children.⁴⁰⁰³ During 2009, Panama adopted the Roadmap towards the Elimination of Child Labor which aims to achieve the goals of the National Plan to eliminate the worst forms of child labor by 2015 and all child labor by 2020 through strengthening anti-poverty, health, and educational programs and policies.⁴⁰⁰⁴

During the reporting period, CONAPREDES implemented a National Plan of Action against CSEC (2008-2010), which aims to increase capacity victim identification, raise awareness, improve public policy, strengthen legislation, and ensure victim assistance.⁴⁰⁰⁵

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

During the reporting period, the Government's Institute for Human Resources, Capacity Building, and Vocational Training provided scholarships to child laborers,⁴⁰⁰⁶ and operated eight student centers around the country to ensure that children in remote areas could attend secondary school.⁴⁰⁰⁷ The Institute of Vocational Training for Human Development provided skills training to parents of child workers to reduce families' reliance on child labor, investing a total of \$156,546 in the program.⁴⁰⁰⁸ The National Secretariat of Children, Adolescents, and Family implemented programs to detect children in commercial sexual exploitation and engage private sector entities to combat child labor.⁴⁰⁰⁹

The Government provided shelter and other services and funded NGOs to assist child victims of CSEC and trafficking.⁴⁰¹⁰ The CONAPREDES carried out awareness-raising activities on the commercial sexual exploitation of children for members of civil society and government officials. The CONAPREDES also implemented a monitoring system of government actions as part of the National Plan of Action against CSEC.⁴⁰¹¹ Although the Government of Panama has implemented programs to address commercial sexual

exploitation, research found no evidence that it has carried out programs to assist children involved in agriculture and urban informal work.

The Government continued to participate in a 4-year \$3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.⁴⁰¹²

In recent years, the Government has implemented social programs to combat poverty among the most vulnerable and increase children's and families' access to basic and vocational education. For example, a conditional cash transfer program called

Red de Oportunidades (Network of Opportunities) provides cash transfers to families depending on their participation in health and education services. The program also offers training to beneficiaries to improve income generation opportunities.⁴⁰¹³ The question of whether this program has an impact on the worst forms of child labor does not appear to have been addressed. In addition, although the Government of Panama has implemented programs to address the commercial sexual exploitation of children, research found no evidence that it has carried out programs to assist children involved in agriculture and urban informal work.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the Penal Code to explicitly prohibit trafficking in persons for the purpose of forced labor.
- Revise the Penal Code to establish penalties for the use of children for illicit activities.
- Establish clear regulations for the conditions under which children between the ages 12 and 14 may engage in light agricultural work to ensure they are not exposed to hazardous labor.
- Amend the Penal Code to eliminate gaps in existing laws related to child prostitution.

IN THE AREA OF PROGRAMS:

- Assess the impact that the national conditional cash transfer program, *Red de Oportunidades*, may have on addressing the worst forms of child labor, and consider whether families with children in or at risk of entering the worst forms of child labor need to be specifically targeted by the program.
- Develop social programs to address the worst forms of child labor in agriculture and urban informal work.

³⁹⁶⁷ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2003. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³⁹⁶⁸ Casa Esperanza and Creative Association International, *Situación del Trabajo Infantil en Zonas Agrícolas Productoras de Melón de Exportación, Tomate Industrial y Cebolla*, June 2006, 37, 40, 60. See also ILO-IPEC, *Prevention and Elimination of Child Labour and Hazardous Work in Panama, PHASE II*, Project Document, Geneva, September 15, 2006, 9. See also Creative Association International, *El DESTINO hacia la Educación: Disminuyendo y Erradicando el Trabajo Infantil para Nuevas Oportunidades*, Project Document, August 16, 2004, 19. See also U.S. Embassy- Panama, *reporting*, February 23, 2010.

³⁹⁶⁹ Instituto Nacional de Estadística y Censo, "Cuadro 2. POBLACIÓN DE 5 A 17 AÑOS DE EDAD EN LA REPÚBLICA, POR SEXO, SEGÚN ÁREA Y EDAD: ENCUESTA DE TRABAJO INFANTIL, OCTUBRE DE 2008", [online], 2008; available from <http://www.contraloria.gob.pa/inec/Publicaciones/05-03-26/cuadro2.pdf>.

³⁹⁷⁰ U.S. Department of State, “Panama,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136121.htm>. See also U.S. Department of State, “Costa Rica,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136107.htm>.

³⁹⁷¹ 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. See also Contraloría General de la República, El Ministerio de Trabajo y Desarrollo Laboral, El Ministerio de Desarrollo Social, and ILO-IPEC, *Análisis del Trabajo Infantil en el Panamá 2000-2008*, 2009, 18, 68, 70; available from <http://white.oit.org.pe/ipecc/alcuentros/interior.php?notCodigo=1763>. See also U.S. Embassy-Panama, *reporting, February 23, 2010*.

³⁹⁷² ILO-IPEC, *El trabajo infantil doméstico en Panamá*, September 2002, 23, 43, 67; available from http://white.oit.org.pe/ipecc/documentos/ras_cdl_panama.pdf. See also Contraloría General de la República, El Ministerio de Trabajo y Desarrollo Laboral, El Ministerio de Desarrollo Social, and ILO-IPEC, *Análisis del Trabajo Infantil en el Panamá 2000-2008*, 70.

³⁹⁷³ U.S. Department of State, “Panama (Tier 2 Watch List),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>. See also U.S. Department of State, “Country Reports- 2009: Panama,” section 6.

³⁹⁷⁴ Government of Panama, *Código de la Familia*, (1994), article 508; available from http://www.legalinfo-panama.com/legislacion/familia/codfam_index.htm. See also 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 Government of Panama, *Código de Trabajo*, (August 12, 1995), article 117(1); available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/42679/67564/S95PAN01.htm>.

³⁹⁷⁵ Government of Panama, *Código de Trabajo*, article 117(2).

³⁹⁷⁶ 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>.

³⁹⁷⁷ Government of Panama, *Constitución Política*, article 70. See also Government of Panama, *Código de la familia*, (1994), article 716.

³⁹⁷⁸ Government of Panama, *Código de Trabajo*, article 119. See also Government of Panama, *Código de la Familia*, article 716. See also Agrarian Code, *Código Agrario de la República de Panamá*, Ley 37, (September 21, 1962), article 403; available from http://190.34.208.115/Legis-Agro/Codigo_Agrario/Codigo_Agrario.asp.

³⁹⁷⁹ ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Panama (ratification: 2000)*, [online] 2006 [cited April 26, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=18523&chapter=9&query=%28C138%29+%40ref+%2B+%28Panama%29+%40ref&highlight=&querytype=bool&context=0>.

³⁹⁸⁰ Government of Panama, *Código de Trabajo*, article 118. See also Government of Panama, *Código de la Familia*, article 510.

³⁹⁸¹ 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.asamblea.gob.pa/legispan/PDF_NORMAS/2000/2006/2006_548_0012.pdf.

³⁹⁸² 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>.

³⁹⁸³ Government of Panama, *Código Penal de Panamá*, articles 176 and 182.

³⁹⁸⁴ *Ibid.*, article 180, 181, 183-186.

³⁹⁸⁵ *Ibid.*, articles 177 and 179. See also ILO Committee of Experts, *Individual Direct Request concerning Forced Labour Convention, 1930 (No. 29) Panama (ratification: 1966)*, [online] 2010 [cited April 26, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23934&chapter=9&query=%28C029%29+%40ref+%2B+%28Panama%29+%40ref&highlight=&querytype=bool&context=0>.

³⁹⁸⁶ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Panama (ratification: 2000)*, [online] 2008 [cited April 26, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21894&chapter=9&query=%28C182%29+%40ref+%2B+%28Panama%29+%40ref&highlight=&querytype=bool&context=0>.

³⁹⁸⁷ Comité para la Erradicación de Trabajo Infantil y la Protección del Trabajador Adolescente, *Plan Nacional de Erradicación del Trabajo Infantil y Protección de las Personas Adolescentes Trabajadoras 2007-2011*, June 2006, 39-40; available from http://www.oit.org.pe/ipecc/documentos/plan_nacional_cetipat_completo.pdf.

³⁹⁸⁸ Comisión Nacional para la Prevención de los Delitos de Explotación Sexual, *Plan Nacional para la Prevención y Eliminación de la Explotación Sexual Comercial de Niños, Niñas y Adolescentes*, 2008, 30-38; available from http://white.oit.org.pe/ipec/documentos/plan_nacional_pana.pdf.

³⁹⁸⁹ Ministerio Público. “Novena Sesión de la CONAPREDES.” <http://www.ministeriopublico.gob.pa/DetalleDeNoticia.aspx?Id=1140> [online] August 2, 2009 [cited August 2, 2010]; available from <http://www.ministeriopublico.gob.pa/DetalleDeNoticia.aspx?Id=1140>.

³⁹⁹⁰ Ministerio de Trabajo y Desarrollo Laboral, *Decreto*, DM57-2010, (February 23, 2010); available from http://white.oit.org.pe/ipec/documentos/decreto_creacion_direccion_trabajo_infantil_panama_2010.pdf.

³⁹⁹¹ U.S. Embassy- Panama, *reporting*, February 23, 2010. See also U.S. Department of State, “Country Reports- 2009: Panama,” section 7d.

³⁹⁹² U.S. Embassy- Panama, *reporting*, February 23, 2010.

³⁹⁹³ *Ibid.*

³⁹⁹⁴ *Ibid.*

³⁹⁹⁵ *Ibid.*

³⁹⁹⁶ *Ibid.*

³⁹⁹⁷ *Ibid.*

³⁹⁹⁸ U.S. Embassy- Panama official, E-mail communication to USDOL official, August 25, 2010.

³⁹⁹⁹ U.S. Department of State, “Country Reports- 2009: Panama,” section 6. See also U.S. Embassy- Panama, *reporting*, February 23, 2010.

⁴⁰⁰⁰ U.S. Embassy- Panama, *reporting*, February 23, 2010. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Panama.”

⁴⁰⁰¹ U.S. Embassy- Panama, *reporting*, March 10, 2010. See also U.S. Embassy- Panama, *reporting*, February 23, 2010.

⁴⁰⁰² U.S. Embassy- Panama, *reporting*, February 23, 2009 para 4.

⁴⁰⁰³ Comité para la Erradicación de Trabajo Infantil y la Protección del Trabajador Adolescente, *Plan Nacional de Erradicación del Trabajo Infantil y Protección de las Personas Adolescentes Trabajadoras 2007-2011*, 5-8. See also ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas*, 2006, 49-50; available from <http://www.oit.org.pe/ipec/documentos/panama.pdf>.

⁴⁰⁰⁴ Comité para la Erradicación de Trabajo Infantil y la Protección del Trabajador Adolescente and ILO-IPEC, *Hoja de Ruta para hacer de Panamá un país libre de trabajo infantil y sus peores formas*, 2009, 4, 6, 8, 11, 12; available from <http://white.oit.org.pe/ipec/alcencuentros/interior.php?notCodigo=1769>.

⁴⁰⁰⁵ Comisión Nacional para la Prevención de los Delitos de Explotación Sexual, *Plan Nacional para la Prevención y Eliminación de la Explotación Sexual Comercial de Niños, Niñas y Adolescentes*, 26.

⁴⁰⁰⁶ Institute for Human Resources, Capacity Building, and Vocational Training, *Estadísticas*, [online] 2009 [cited April 27, 2010]; available from <http://www.ifarhu.gob.pa/estadisticas/docs/937515743136-32.pdf>.

⁴⁰⁰⁷ *Ibid.*].

⁴⁰⁰⁸ U.S. Embassy- Panama, *reporting*, February 23, 2010.

⁴⁰⁰⁹ *Ibid.* Ministerio de Desarrollo Social. “Trabajo infantil en la mira de Secretaria de Niñez Adolescencia y Familia.” <http://www.mides.gob.pa/?p=1027> [online] December 23, 2009 [cited August 3, 2010]; available from <http://www.mides.gob.pa/?p=1027>.

⁴⁰¹⁰ U.S. Department of State, “Trafficking in Persons Report- 2010: Panama.” See also U.S. Embassy- Panama, *reporting*, March 10, 2010.

⁴⁰¹¹ Ministerio Público, *Taller DevInfoLAC ESC*, [online] 2010 [cited April 27, 2010]; available from <http://www.ministeriopublico.gob.pa/DetalleDeNoticia.aspx?Id=976>. See also Ministerio Público, *Panamá realiza Foro sobre el comercio sexual con personas menores de edad en Centroamérica, Panamá y República Dominicana*, [online] 2010 [cited April 27, 2010]; available from <http://www.ministeriopublico.gob.pa/DetalleDeNoticia.aspx?Id=1016>. See also Ministerio Público, *Taller de Intercambios de experiencia entre Panamá y Costa Rica*, [online] 2010 [cited April 27, 2010]; available from <http://www.ministeriopublico.gob.pa/DetalleDeNoticia.aspx?Id=961>.

⁴⁰¹² ILO-IPEC official, E-mail communication to USDOL official, June 17, 2010.

⁴⁰¹³ Ministerio de Desarrollo Social, *Informe de Avance de la Red de Oportunidades*, 2008, 23; available from http://www.mides.gob.pa/wordpress/wp-content/uploads/2009/07/avance_diciembre_2008.pdf. See also Ministerio de Desarrollo Social, “¿Que es la Red de Oportunidades?”, 2010; available from http://www.mides.gob.pa/?page_id=24.

Papua New Guinea

The Government's National Plan of Action for Decent Work calls for the elimination of child labor. Children are found working on coffee and tea farms, and as street vendors and indentured domestic servants. The lack of free education combined with the absence of compulsory education laws may make children vulnerable to the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Papua New Guinea are exploited in the worst forms of child labor.⁴⁰¹⁴ In rural areas, children work in agriculture, including on tea and coffee farms.⁴⁰¹⁵ Children's work in agriculture commonly involves harmful activities, such as using dangerous machinery and tools, carrying heavy loads, and applying toxic pesticides.

In urban areas, children work as street vendors.⁴⁰¹⁶ Children working on the streets risk a variety of dangers, such as severe weather, accidents caused by proximity to vehicles, and vulnerability to criminals.

A large number of children are engaged in domestic service in Papua New Guinea. Some of these children are held in indentured servitude in order to pay off family debts.⁴⁰¹⁷ Child domestic labor commonly involves long hours of work and dangerous activities, and may expose children to physical and sexual exploitation by their employer.

Children in Papua New Guinea are also involved in other worst forms of child labor, such as prostitution. These children typically work in bars or nightclubs. Children are also exploited through the production of pornography⁴⁰¹⁸ and are trafficked internally

for domestic service and commercial sexual exploitation.⁴⁰¹⁹

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act sets the minimum working age at 16, and the minimum age for hazardous work is 18.⁴⁰²⁰ There is no specific list of hazardous work prohibited for children, although the Act states generally that children may not be engaged in employment in "industrial undertakings," the fishing industry, or under circumstances that are injurious or likely to be injurious.⁴⁰²¹ Children between ages 16 and 17 may work between 6:00 p.m. and 6:00 a.m. only if the other workers are members of their family. Children age 11 to 18 may work in family businesses by obtaining medical clearance, parental permission, and a work permit.⁴⁰²² A permit will not be issued for work if considered harmful to children's health or their physical, mental, or spiritual development is affected.⁴⁰²³ Street trading by children of any age between the hours of 8:00 p.m. and 6:00 a.m. or at any time on a Sunday is prohibited by the Child Welfare Act.

The Constitution prohibits forced labor.⁴⁰²⁴ The Criminal Code prohibits the indecent treatment of boys younger than 14, indecent treatment and






defilement of girls younger than 16, and the abduction, kidnapping, or procurement of girls below age 18 for sexual exploitation.⁴⁰²⁵

Children below age 18 cannot be charged with prostitution.⁴⁰²⁶ Obtaining or procuring a child for commercial sexual exploitation is a criminal offense.⁴⁰²⁷

A new Child Protection and Rights Act, the Lukautim Pikinini (Child) Act of 2009, came into force in April 2010, replacing the previous Child Welfare Act.⁴⁰²⁸ The Act makes criminal certain forms of harmful child labor.⁴⁰²⁹ The Criminal Code specifically prohibits the trafficking of children for commercial sexual exploitation and slavery.⁴⁰³⁰

There is no compulsory military service in Papua New Guinea; the minimum age for voluntary military service is 18, or 16 with parental approval.⁴⁰³¹

The lack of free education combined with the absence of compulsory education laws may leave some children without legal protection from the worst forms of child labor.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	None
	Free Public Education	No

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Papua New Guinea has established a coordinating mechanism to combat the worst forms of child labor.

The Department of Labor and Industrial Relations is responsible for enforcing child labor laws,⁴⁰³² while the Office of the Director for Child Welfare in the Department of Community Development is responsible for implementing the Lukautim Pikinini (Child) Act.⁴⁰³³

No information could be obtained on the financial resources available for labor law enforcement, the number of inspectors, the mechanism for filing formal child labor complaints, or whether any child labor inspections are carried out.⁴⁰³⁴ Senior staff in the Department of Community Development have noted the lack of technical competence and coordination among enforcement agencies as contributing factors to poor child labor law enforcement.⁴⁰³⁵

Government Policies on the Worst Forms of Child Labor

The National Plan of Action for Decent Work calls for the elimination of child labor.⁴⁰³⁶ 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 2006-2011.⁴⁰³⁷

Furthermore, the lack of official data and other statistical information does not allow for an accurate assessment of the full nature and extent of the worst forms of child labor in Papua New Guinea.

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

Since March 2008, the Government has participated in a 4-year, \$19.5 million, 11-country project by the European Commission and ILO-IPEC to combat child labor. The project aims to withdraw children engaged in child labor, improve government capacity to implement and enforce child labor laws and policy, and to work with social partners and civil society.⁴⁰³⁸

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

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt a more specific list of hazardous occupations and activities forbidden for children.
- Establish a compulsory school age for all children.
- Consider the adequacy of legal protection for young children working in family businesses and all children in domestic service.
- Amend legislation to provide boys age 14 and older and girls age 16 and older with legal protection from indecent treatment.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Make available enforcement data on the worst forms of child labor.
- Establish a coordinating mechanism to combat the worst forms of child labor.
- Establish clear lines of responsibility for conducting child labor inspections and provide training to inspectors so they can effectively perform their duties.

IN THE AREA OF POLICIES:

- Consider policies focused specifically on the elimination of the worst forms of child labor in agriculture, domestic service, and commercial sexual exploitation.
- Provide free education to children up to the minimum working age.

IN THE AREA OF PROGRAMS:

- Consider implementing or expanding social programs that aim to eliminate the worst forms of child labor especially in agriculture, domestic service, and commercial sexual exploitation.

⁴⁰¹⁴ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴⁰¹⁵ Department of Community Development official, Interview with USDOL consultant, June 20, 2006. See also Department of Labor and Industrial Relations officials, 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 May 12, 2010; available from http://www.endchildlabor.org/db_infoBank.cfm.

⁴⁰¹⁶ Department of Community Development official, Interview, June 20, 2006. See also U.S. Embassy- Port Moresby, *reporting*, July 14, 2008.

⁴⁰¹⁷ 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, “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>. 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/#>.

⁴⁰¹⁸ UN Committee on the Rights of the Child, *Concluding Observations, February 26, 2004*, para 59. See also U.S. Department of State, “Country Reports- 2008: Papua New Guinea,” section 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)*, [online] [cited June 11, 2008]; available from www.ilo.org/ilolex/. See also

UNICEF, UNESCAP, and ECPAT, *Child Sexual Abuse and Commercial Sexual Exploitation of Children in the Pacific: A Regional Report*, 2006, 34, 38.

⁴⁰¹⁹ 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.

⁴⁰²⁰ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182)* Geneva, 2006. 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*, February 2008.

⁴⁰²¹ The Law Library of Congress, *Child Labor Papua New Guinea*.

⁴⁰²² U.S. Department of State, “Papua New Guinea,” in *Country Reports on Human Rights Practices 2009*, Washington, DC, March 11, 2010, section 7c; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136005.htm>. See also The Law Library of Congress, *Child Labor Papua New Guinea*.

⁴⁰²³ U.S. Embassy- Port Moresby, *reporting, February 23, 2009*.

⁴⁰²⁴ *Constitution of the Independent State of Papua New Guinea*, (1975). See also U.S. Department of State, “Country Reports- 2008: Papua New Guinea,” section 6c.

⁴⁰²⁵ ILO Committee of Experts, *Direct Request C182: Papua New Guinea*.

⁴⁰²⁶ The Protection Project, *Papua New Guinea*; available from <http://www.protectionproject.org/papua.doc>. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention*. See also U.S. Embassy- Port Moresby, *reporting, February 23, 2009*.

⁴⁰²⁷ U.S. Embassy- Port Moresby, *reporting, February 23, 2009*.

⁴⁰²⁸ U.S. Embassy official, E-mail communication to USDOL official, 2010.

⁴⁰²⁹ *Lukautim Pikinini (Child) Act 2009*, subsections 94-96.

⁴⁰³⁰ U.S. Department of State, “Papua New Guinea,” in *Trafficking in Persons Report- 2010, Trafficking in Persons Report- 2010: Papua New Guinea*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/143188.pdf>.

⁴⁰³¹ 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>.

⁴⁰³² U.S. Department of State, “Country Reports- 2009: Papua New Guinea.”

⁴⁰³³ U.S. Embassy official, E-mail communication, April 26, 2010.

⁴⁰³⁴ U.S. Embassy- Port Moresby, *reporting, February 23, 2009*.

⁴⁰³⁵ U.S. Embassy official, E-mail communication, April 26, 2010.

⁴⁰³⁶ ILO-IPEC, *Combating Child Labour in Asia and the Pacific: Progress and Challenges*, 2005, 27.

⁴⁰³⁷ 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*.

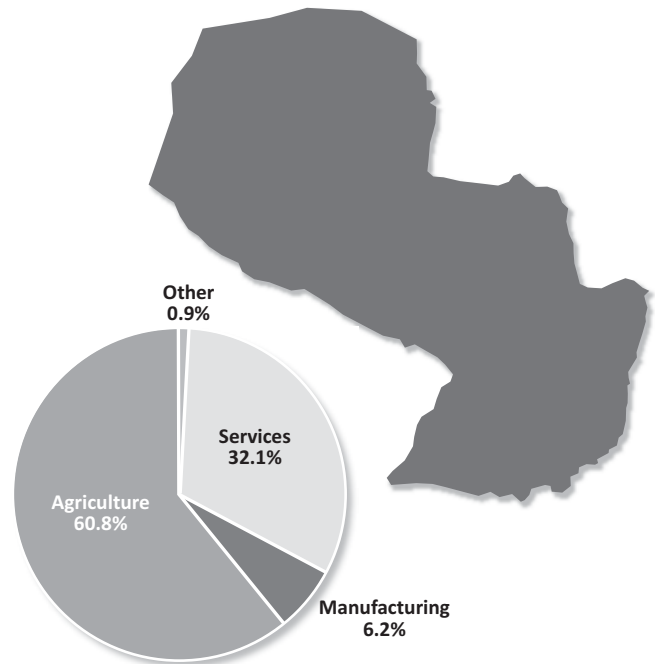
⁴⁰³⁸ EuropeAid, *EC and ILO launch project to tackle child labour in African, Caribbean and Pacific countries*, [Press Release] June 10, 2008 [cited January 26, 2009]; available from http://ec.europa.eu/europeaid/where/acp/documents/ec_tackle_pressrelease_en.pdf. See also ILO, *Tackling child labour through education--Fiji and Papua New Guinea*, [online] October 21, 2008 [cited November 29, 2010]; available from http://www.ilo.org/asia/info/lang--en/WCMS_099948/index.htm.

Paraguay

The Government has implemented cash transfers conditioned on children's removal from work. However, resource constraints hamper the enforcement of child labor laws. In addition, children continue to work in agriculture and domestic service where they may face a variety of occupational health and safety risks.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	15.3%
Attending School	5-14 yrs.	90.3%
Combining Work and School	7-14 yrs	12.1%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor⁴⁰³⁹ in Paraguay, including agriculture and domestic service. Children, primarily boys and many of indigenous descent, work in agriculture including in the production of cotton. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of soy, sesame, wheat, tobacco, manioc, peanuts, beans and stevia (a plant-based sweetener).⁴⁰⁴⁰ Working children in agriculture might engage in unsafe and unhealthy activities such as using dangerous tools, carrying heavy loads, and applying harmful pesticides.

Children, again primarily boys, also work in the production of limestone, as well as in the manufacturing, construction, and transportation sectors where dangers might arise from work involving heavy loads, vehicular accidents, and exposure to toxic dust.

Children also work as street vendors and in markets, where they are exposed to a variety of risks to their safety and health, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.⁴⁰⁴¹ Children, primarily girls and many of indigenous descent, work

as *criadas*, or child domestic servants, and often do not receive salaries despite promises of room, board, and financial support for schooling. Child domestic workers are also sometimes subject to sexual exploitation.⁴⁰⁴²

In the Chaco region of the country, indigenous children work raising cattle, a potentially dangerous activity, and sometimes they work under conditions of debt bondage. Children in Paraguay are trafficked for commercial sexual exploitation and forced domestic service from rural to urban areas, including Asuncion, Encarnacion, and Ciudad del Este.⁴⁰⁴³ Adolescent girls are trafficked to Argentina for commercial sexual exploitation. Child pornography is also a problem.⁴⁰⁴⁴ Children, primarily underage girls, are also trafficked to Spain, Brazil, Chile, and Bolivia.⁴⁰⁴⁵ In addition, children are also found working as drug smugglers along the border with Brazil.⁴⁰⁴⁶

Laws and Regulations on the Worst Forms of Child Labor

The Child and Adolescent Code establishes 14 as the minimum age for work. The Government, however, has not yet adopted regulations governing the nature and conditions of the light work that are permitted for children between the ages of 12 and 14.⁴⁰⁴⁷ A List of Work Endangering Children Decree 4951 prohibits

children under age 18 from working in 26 broad classifications of work including operating dangerous machinery, working with toxic substances, selling alcoholic beverages, working underground, and carrying heavy loads. Research has not identified all of the legal provisions that sanction violations of the Decree or which Ministries are charged with enforcing the provisions of the Decree.⁴⁰⁴⁸ The Labor Code establishes fines for employing children under age 18 in hazardous forms of work.⁴⁰⁴⁹

The Penal Code prohibits commercial sexual exploitation of children and adolescents, including recruiting, facilitating, and benefitting economically from child prostitution.⁴⁰⁵⁰ It also prohibits child pornography, including its production, distribution, and possession.⁴⁰⁵¹ Both the Constitution and the Penal Code prohibit slavery, forced labor, or analogous conditions. The Penal Code establishes penalties for forced labor.⁴⁰⁵²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

July 2009 revisions to the Penal Code increased penalties for the international trafficking of persons. Penalties are higher when a child is trafficked.⁴⁰⁵³ Current legislation does not comprehensively prohibit internal trafficking for forced labor and commercial sexual exploitation.⁴⁰⁵⁴

The law establishes 18 as the minimum age for conscription into the military.⁴⁰⁵⁵ No legislation to prohibit the recruitment of children for illicit activities, such as drug trafficking, could be identified.

Institutional Mechanisms for Coordination and Enforcement

The National Commission to Prevent and Eradicate the Exploitation of Children (CONAETI) is responsible for making and implementing child labor policies in Paraguay. It includes representatives from the Ministries of Labor, Health and Social Welfare, and Education and Culture as well as the Children's and Adolescents' Secretariat, Social Action Secretariat, Women's Secretariat, and civil society.⁴⁰⁵⁶

The Ministry of Justice and Labor is responsible for inspecting workplaces for child labor. It can issue fines against employers found employing children in work prohibited by the Labor Code. The Ministry of Justice and Labor employs 43 labor inspectors, who each inspect for all types of labor violations.⁴⁰⁵⁷ During the reporting period, the Ministry of Justice and Labor had just one vehicle and few other resources to enforce labor laws.⁴⁰⁵⁸ Officials inspected eight brick-making factories and found instances of child labor in six.⁴⁰⁵⁹ Information was not available on whether the Ministry of Justice and Labor penalized those in violation of child labor laws in this case.

The Public Ministry is responsible for prosecuting criminal violations of child labor laws. It has a unit staffed by two prosecutors specializing in human trafficking and sexual exploitation of children. The Public Ministry also acts on referrals from the Ministry of Justice and Labor and the Child and Adolescent Secretariat in cases of hazardous and criminal child labor law violations.⁴⁰⁶⁰ The National Police operates a unit that investigates cases of trafficking and the commercial sexual exploitation of children. The unit employs 33 staff and operates in six cities.⁴⁰⁶¹ The Women's Secretariat and the Child and Adolescent Secretariat have offices dedicated to combating trafficking of children. The Women's Secretariat, the Child and Adolescent Secretariat, and the Public Ministry maintain hotlines to report cases of trafficking and the commercial sexual exploitation of children.⁴⁰⁶² During the reporting period, the Government's Inter-institutional Roundtable to

Combat Trafficking Persons conducted several trainings on trafficking issues for relevant government officials.⁴⁰⁶³

The Government opened 119 trafficking cases during the reporting period involving at least 30 minors. The Public Ministry worked with the Women's Secretariat to provide assistance to 30 child trafficking victims.⁴⁰⁶⁴ The Government indicted 47 suspected traffickers, whose victims included children, and convicted two suspects during the period.⁴⁰⁶⁵

Government Policies on the Worst Forms of Child Labor

CONAETI approved a new National Plan of Action against Child Labor which took effect in January 2010. CONAETI also developed intra- and interdepartmental guides to address child labor violations.⁴⁰⁶⁶

In 2009, the Government of Paraguay signed an agreement with MERCOSUR member countries to coordinate labor inspections, share good practices, and conduct trainings of labor inspectors on issues including child labor, human trafficking, and forced labor.⁴⁰⁶⁷ In addition, MERCOSUR carries 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.⁴⁰⁶⁸

Paraguay's National Tourism Office is part of the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism. The Group, whose members also include Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Peru, Suriname, Uruguay, and Venezuela, conducts prevention and awareness-raising campaigns.⁴⁰⁶⁹

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

In recent years, the Government of Paraguay has operated two programs to combat poverty and prevent/remove children in or at risk of the worst forms of child labor. One is *Programa Abrazo* (Program Hug). This program is for children and adolescents in urban areas engaged in informal work, and it provides cash transfers to families conditioned on their children's school attendance and withdrawal from work. The

program also operates 14 centers in five cities in Paraguay providing education and training, nutritional support, and access to health services.⁴⁰⁷⁰ To date, the program has helped approximately 8,600 households and 30,000 children below 14.⁴⁰⁷¹ The second program serves the Chaco region. It is also a cash transfer program conditioned on families' withdrawal of children from child labor and education and health requirements. That program helps 700 families and approximately 1,300 children younger than age 14.⁴⁰⁷²

Efforts to address child labor are also found in education and anti-trafficking programs. For example, the Ministry of Education and Culture continues to require that all schools gather information on the working status of children. In addition, the Ministry has implemented teacher trainings on child labor issues.⁴⁰⁷³

The Government has also participated in a number of international-donor-funded projects to eradicate the worst forms of child labor in Latin America. During the reporting period, USDOL funded a \$6.75 million, 4-year project to promote collaboration across four countries, Bolivia, Brazil, Ecuador, and Paraguay to combat the worst forms of child labor among socially excluded populations, including children of indigenous and Afro-descent. It began in 2009 and aims to withdraw 3,600 children from and prevent another 3,000 children from entering the worst forms of child labor through education interventions.⁴⁰⁷⁴ The Government also participated in donor-funded initiatives and worked with local NGOs to combat child trafficking. The Government worked with the IDB in a \$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.⁴⁰⁷⁵ The Government also provided some funding to NGOs to assist trafficking victims in Asuncion and Ciudad del Este, which furnish short-term legal, medical, and psychological services.⁴⁰⁷⁶

The Government of Paraguay has initiated a range of programs to combat child labor and its causes. However, although the Government has implemented programs to address child labor in urban informal work, research found no evidence that the current programs reach children working in agriculture and domestic service.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the Penal Code to prohibit trafficking in persons within the national territory.
- Adopt legislation prohibiting the use of children in illicit activities, such as drug smuggling.
- Establish regulations to govern the types and conditions of light work allowed for children between the ages of 12 and 14.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase resources available to the Ministry of Justice and Labor in the form of vehicles, personnel, and training to conduct child labor inspections.
- Publicize the legislation which establishes sanctions for violations of the Decree 4951, the List of Work Endangering Children.

IN THE AREA OF PROGRAMS:

- Expand successful cash transfer programs to reach more families and children affected by child labor.
- Create and expand social programs to reach children working in domestic service and agriculture.

⁴⁰³⁹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴⁰⁴⁰ U.S. Embassy- Asunción, *reporting*, July 23, 2008, 76. See also ILO, Cooperación Española, and el Desarme y la Libertad Movimiento por La Paz, *El Trabajo Infantil en Canindeyu, Paraguay*, Geneva, 2005, 20; available from http://white.oit.org.pe/ipec/boletin/documentos/ti_rural_py.pdf. See also ILO-IPEC, *Sembrando Futuro*, [July 2004 [cited May 3, 2010]; available from <http://white.oit.org.pe/ipec/alcencuentros/interior.php?notCodigo=502>.

⁴⁰⁴¹ ILO-IPEC and Roberto Cespedes, *Infancia y adolescencia trabajadora de Paraguay*, 2006, 49-51, 83; available from http://white.oit.org.pe/ipec/documentos/estadisticas_py_07.pdf. See also Secretaría de Acción Social and ILO, *Impacto de los programas TEC en el trabajo infantil*, 2007, 22; available from http://white.oit.org.pe/ipec/documentos/tmc_paraguay.pdf. See also Ministerio de Trabajo y Justicia, "MJT descubre explotación de niños en caleras y canteras de Vallemi", [online], 2009; available from <http://www.mjt.gov.py/prensa/2009/setiembre/mjt-descubre-explotacion-de-ninos-en-caleras-y-canteras-de-vallemi>.

⁴⁰⁴² ILO-IPEC, *Trabajo Infantil Doméstico en Brasil, Colombia, Paraguay y Perú*, Lima, 2004, 57, 73, and 103; available from http://white.oit.org.pe/ipec/boletin/documentos/perfil_de_trabajo_infantil_vol_1_material_de_trabajo_4_conte.pdf. See also UN Forum on Indigenous Issues, *Mission to Paraguay*, 2009, 16; available from http://www.un.org/esa/socdev/unpfii/documents/UNPFII_Mission_Report_Paraguay_EN.pdf.

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⁴⁰⁵⁹ Ibid.

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⁴⁰⁷¹ Secretaría de Acción Social and ILO, *Impacto de los programas TEC en el trabajo infantil*, 8-10.

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⁴⁰⁷⁵ IDB, *La Trata y el Tráfico de Niños y Adolescentes para fines Explotación Sexual*, [online] [cited May 3, 2010]; available from <http://www.iadb.org/projects/Project.cfm?language=Spanish&PROJECT=RG%2DT1266>.

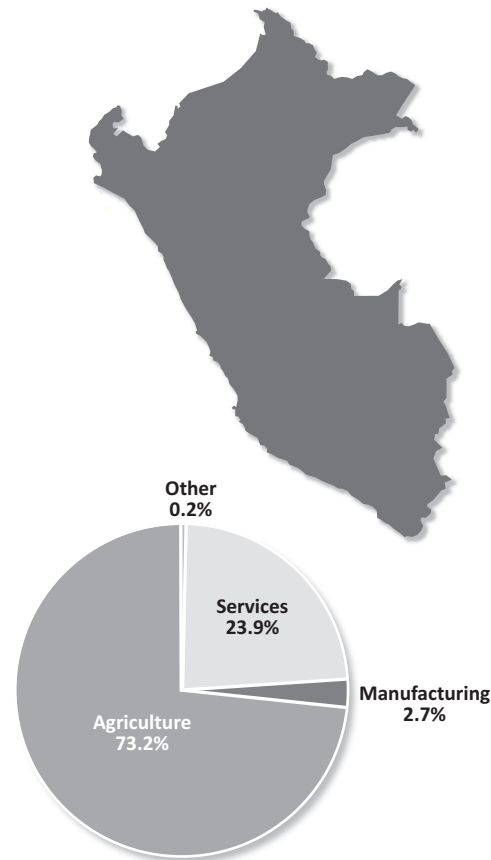
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Peru

The Government of Peru has comprehensive prohibitions on the commercial sexual exploitation of children and child trafficking. However, gaps remain in social protection programs for the prevention and elimination of child labor, which do not reach some of the most vulnerable children. In addition, the worst forms of child labor persist in many sectors, especially in agriculture and urban informal work.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	6-14 yrs.	22.3%
Attending School	5-14 yrs.	96.6%
Combining Work and School	7-14 yrs	22.9%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁴⁰⁷⁷

Children are exploited in the worst forms of child labor in Peru, many in agriculture where they work long hours, perform difficult tasks, and are exposed to dangerous chemicals. For example, children work in the production of coca, cotton, rice, coffee, and sugarcane. They also work in the production of gold, working in mines where they are exposed to chemicals such as lead and arsenic.⁴⁰⁷⁸ Children, mainly girls, work in domestic service in both rural and urban areas where they are vulnerable to physical and sexual abuse.⁴⁰⁷⁹ In urban areas, children produce bricks and fireworks, activities in which they are exposed to harmful chemicals and extreme heat, and carry heavy loads. Children also work as street vendors and street performers, beggars, bus assistants, shoe shiners, car washers, and scavengers in garbage dumps. These types of urban informal activities can involve work with toxic substances, and carry the risk of injury as they often require high physical exertion and exposure to densely-transited areas.⁴⁰⁸⁰

Children in Peru are exploited in other types of activities constituting the worst forms of child labor. For example, according to an ILO study, girls who work in the mining industry are often sexually exploited.⁴⁰⁸¹ Forced child labor is a problem in informal gold mines, cocaine production, and transportation. 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.⁴⁰⁸² Peruvian children are also trafficked internationally for commercial sexual exploitation and forced labor. Drug traffickers and the narco-terrorist group Shining Path (*Sendero Luminoso*—SL) use children to grow food crops and coca, as well as to transport drugs and precursor chemicals.⁴⁰⁸³ There are also credible reports that SL is using child soldiers in the Apurimac-Ene River Valley (VRAE). Child sex tourism is a problem, particularly in Iquitos, Madre de Dios, and Cuzco.⁴⁰⁸⁴ There have reportedly been some cases of Bolivian families selling or renting their children to work in agriculture and mining in Peru. Reports also indicate that children are recruited to transport drugs across the border between Peru and Bolivia.⁴⁰⁸⁵

Laws and Regulations on the Worst Forms of Child Labor

The Law of Minor Children sets the general minimum age for employment at 14 and places some restrictions on the ability of children ages 14 and above to work legally. The minimum age for employment in nonindustrial agricultural work is 15; for work in the industrial, commercial, and surface mining sectors is 16; and for work in the industrial fishing sector is 17.⁴⁰⁸⁶

The Law of Minor Children prohibits night work for children under age 15 and requires children under age 18 to receive a permit from the Ministry of Labor in order to work.⁴⁰⁸⁷ The Government adopted a list of hazardous occupations for children under age 18 which includes 26 types of hazardous activities, which are prohibited under the Law of Minor Children, such as night work, and work in industrial mining and fishing.⁴⁰⁸⁸

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

Peru's Constitution and other legislation prohibit all forms of compulsory labor, including forced labor, debt bondage, and servitude.⁴⁰⁸⁹ Peru's Penal Code prohibits the prostitution of children, including selling, recruiting, using, and benefiting economically from the crime. The Penal Code also prohibits child

pornography, including its production, sale, use, and possession.⁴⁰⁹⁰ The Law against Trafficking in Persons and Illegal Migrant Smuggling prohibits all forms of trafficking in persons and penalties increase significantly for child trafficking.⁴⁰⁹¹ The Military Service Law sets the minimum age at 18 and above, and prohibits forced recruitment into the armed services or any defense or armed groups.⁴⁰⁹² Peru's Decree 22095 prohibits the recruitment of children for the production, sale, and trafficking of illicit drugs.⁴⁰⁹³

Institutional Mechanisms for Coordination and Enforcement

The Government of Peru operates a National Commission for the Prevention and Eradication of Child Labor (CPETI), which is led by the Ministry of Labor and meets once a month for the purpose of coordinating government actions against child labor. Members of CPETI include the Ministry of Education, the Ministry of Justice, Ministry of Foreign Affairs, Ministry of the Interior, and the Ministry of Health, among others.⁴⁰⁹⁴

The Ministry of Labor's Office of Labor Protection for Minors is charged with enforcing child labor laws. The Ministry of Labor employs 412 inspectors who have been generally trained on child labor issues, and 68 of these inspectors specialize in child labor enforcement.⁴⁰⁹⁵ Municipal-level child protection offices coordinated with the Ministry of Labor to document complaints of violations of child labor laws, and referred cases to relevant social protection and legal services.⁴⁰⁹⁶ Information was not available on the number of inspections conducted which revealed instances of child labor or on the number of sanctions for violations of child labor law.

Other agencies are responsible for enforcing criminal laws regarding the worst forms of child labor. The Peruvian National Police's Trafficking Investigation Unit, which employs 32 police officers, is charged with investigating cases of trafficking in persons and the commercial sexual exploitation of children. In addition, the Labor Administrative Authority (*Autoridad Administrativa de Trabajo*) has the authority to levy fines against employers who are guilty of trafficking minors.⁴⁰⁹⁷ The Ministry of the Interior maintains a hotline to receive reports of trafficking in persons.⁴⁰⁹⁸ In 2009, anti-trafficking officials

received training from a number of local NGOs and government ministries on detecting, investigating, and tracking trafficking cases.⁴⁰⁹⁹ The National Police have an annual budget of approximately \$12,000 for investigating trafficking cases, which according to the Ministry of the Interior represents a significant limitation on investigating trafficking cases.⁴¹⁰⁰ During the reporting period, the Peruvian National Police's Trafficking Investigation Unit investigated 137 cases of trafficking in persons affecting 185 victims, 113 of whom were minors, a significant increase over last period. Seven trafficking cases involving minors resulted in six convictions during the reporting period.⁴¹⁰¹ In the area of commercial sexual exploitation of children, 24 cases were opened; however, there is no information on convictions during the reporting period.⁴¹⁰² Despite the Government's increased efforts to investigate child trafficking, law enforcement efforts did not reach many areas where trafficking is common, including in the Amazon region and highlands. In addition, while no formal referral system exists for child trafficking victims to social and legal services, authorities could refer child victims to government-operated children's homes for basic shelter and care.⁴¹⁰³

Government Policies on the Worst Forms of Child Labor

The Government of Peru has a National Plan for the Prevention and Eradication of Child Labor and a National Committee to Prevent and Eradicate Child Labor. The Plan, established in conjunction with the National Plan of Action for Children, focuses on three strategic goals: preventing and eradicating child labor among children under age 14, preventing and eradicating the worst forms of child labor among children under age 18, and protecting the wellbeing of adolescent workers between ages 14 and 18.⁴¹⁰⁴

There are also some sector-focused policies that aim to reduce the worst forms of child labor. The 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.⁴¹⁰⁵ The Ministry of Education adopted a policy directive "0086-2008-ED"

in 2008 that sets standards for tutoring activities in public schools, which includes a goal of combating child labor, especially the worst forms, including work in mines, quarries, brick factories, trash sorting, fireworks production, and work as street vendors and domestic service.⁴¹⁰⁶

The Government of Peru and other associates and member governments of MERCOSUR are carrying out the *Niño Sur* ("Southern Child") initiative to protect the rights of children and adolescents in the region. 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.⁴¹⁰⁷ 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. The Joint Group was created in 2005 and includes Ministries of Tourism from Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Suriname, Uruguay, and Venezuela.⁴¹⁰⁸

The Government of Peru has adopted the 2006-2010 United Nations Development Assistance Framework, which, among other goals, aims to build government capacity to combat child labor through effective policies and programs.⁴¹⁰⁹

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

In recent years, the Government of Peru has implemented national anti-poverty and employment training programs. The Government's *Juntos* (Together) Program provides cash transfers to the poorest and most vulnerable households in 14 of the country's 26 departments, and has an annual budget of \$170 million. *Juntos* reaches a total of over 420,000 households in rural areas of Peru, and conditions transfers on beneficiaries' participation in health and education services.⁴¹¹⁰ However, the cash transfers are not conditioned on withdrawal of children from child labor. In addition, the Ministry of Labor operates the *Construyendo Peru* (Building Peru) program which offers temporary work and technical training to low-income households, and requires beneficiaries to commit to withdrawing children from child labor. During the 2009 calendar year, the *Construyendo Peru*

program budget totaled \$37.3 million.⁴¹¹¹ The Ministry of Labor's *Mi Empresa* (My Business) program trains households on entrepreneurship skills and increasing family income. In addition, the Ministry of Labor runs a *PROJoven* (Pro-Youth) program which provides vocational instruction and on-the-job training to children and youth between the ages of 16 to 24 from low-income households.⁴¹¹² There is no available information on the impact of these national anti-poverty and employment programs on children's school attendance and participation in child labor.

The Government also implements the *Programa Educadores de Calle* (Street Educators), which aims to connect working children and their families to educational and social services with the goal of withdrawing them from exploitive work and improving family welfare.⁴¹¹³ The program has been in operation for 17 years, and the program reports that it has withdrawn 58,000 children since its inception.⁴¹¹⁴

The Government participated in donor-funded efforts to combat child labor. For example, it took part in a 4-year, USDOL-funded project to combat child labor which targeted 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.⁴¹¹⁵ The Government also participates in a 4-year regional project to eradicate child labor in Latin America, funded by the Government of Spain.⁴¹¹⁶ In recent years, the Government took part in USDOL-funded projects to combat child labor in mining, commercial sexual exploitation, and domestic labor. These projects worked with local civil society organizations and Government institutions to build their capacity to combat child labor. One project assisted the national Government in the development of the National Commission and the National Plan against Child Labor.⁴¹¹⁷

Although the Government of Peru has implemented programs to address the worst forms of child labor through the *Educadores de la Calle* program, research has found no evidence that there are programs to assist children working in agriculture, mining, domestic work, and commercial sexual exploitation. Evidence also indicates that existing programs do not reach many children working in urban informal work given the magnitude of child laborers in this sector.

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

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase the scope of child labor inspections to detect the worst forms of child labor, including hazardous work.
- Make publicly available the number of child labor inspections carried out and resulting sanctions/penalties imposed.
- Allocate sufficient resources to law enforcement agencies to investigate and prosecute cases child trafficking.
- Develop a structured system to refer child victims of trafficking to social and legal services.

IN THE AREA OF PROGRAMS:

- Create social programs to reach children working in hazardous agriculture, domestic service, and commercial sexual exploitation.
- Expand social programs to reach children working in the urban informal sector.
- Implement the Directive 0086-2008-ED, to reinsert child laborers into the education system through both formal and informal programs.
- Carry out assessment of impact of cash transfer program and employment training programs on children's school attendance and participation in child labor.
- Implement awareness-raising measures in border areas to prevent the child trafficking and the sale of children to work in agriculture and the recruitment of children for transporting drugs.

⁴⁰⁷⁷ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴⁰⁷⁸ 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*, International Labour Organization, Lima, 2005; available from 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/ipecc/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. See also UNICEF, *Niños en Zonas Cocaleras*, Lima, 2006, 46-48; available from http://www.unicef.org/peru/spanish/peru_unicef_ninoszonascocaleras.pdf. See also ILO-IPEC, "Participación infantil y adolescente en la agricultura en América Latina: Panorama, lecciones y retos", [online], 2007 [cited August 9, 2010]; available from <http://white.oit.org.pe/ipecc/alcencuentros/interior.php?notCodigo=1555#nota5>, U.S. Department of State, "Peru," 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/119170.htm>.

⁴⁰⁷⁹ ILO-IPEC, *Trabajo Infantil Estudio de Opinión Pública en el Perú*, 28.

⁴⁰⁸⁰ *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.

⁴⁰⁸¹ 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/ipeccinfo/product/viewProduct.do?productId=5304>.

⁴⁰⁸² U.S. Department of State, "Peru (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010;

available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>.

⁴⁰⁸³ U.S. Embassy- Lima, *reporting*, February 12, 2010. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Peru."

⁴⁰⁸⁴ U.S. Department of State, "Trafficking in Persons Report- 2010: Peru." See also U.S. Embassy- Lima, *reporting*, February 12, 2010.

⁴⁰⁸⁵ U.S. Embassy- Santiago, *reporting* February 25, 2010. See also U.S. Embassy- La Paz, *reporting*, February 1, 2010. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Peru."

⁴⁰⁸⁶ 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.

⁴⁰⁸⁷ Government of Peru, *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, 27337*, (August 2, 2000), articles 53, 54; available from <http://www.acnur.org/biblioteca/pdf/01163.pdf>.

⁴⁰⁸⁸ *Ibid.*, article 58. See also Government of Peru, *Aprueban la "Relación de Trabajos y Actividades Peligrosas o Nocivas para la Salud Física o Moral de las y los Adolescentes"*, (July 25, 2006); available from http://white.oit.org.pe/ipecc/documentos/decreto_tip_pe.pdf.

⁴⁰⁸⁹ Government of Peru, *Constitución Política del Perú*, article 2; available from <http://www2.congreso.gob.pe/congreso/Constitución-Política-08-09-09.doc>. See also Government of Peru, *Modificación del Código Penal 28251*, (June 7, 2004), article 168; available from http://www.oit.org.pe/ipecc/documentos/ley_28251_esci_pe.pdf.

⁴⁰⁹⁰ Government of Peru, *Código Penal*, articles 179-181, 181-A, 183-A.

⁴⁰⁹¹ 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_peru_06.pdf.

⁴⁰⁹² Government of Peru, *Ley del Servicio Militar*, 27178, (September 28, 1999), articles 6 and 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.

⁴⁰⁹³ Government of Peru, *Ley de Represión del Tráfico Ilícito de Drogas*, 22095, (February 21, 1978), article 57(c); available from <http://www.digemid.minsa.gob.pe/normatividad/DL2209578.HTM>.

⁴⁰⁹⁴ U.S. Embassy- Lima, *reporting*, March 23, 2010

⁴⁰⁹⁵ *Ibid.*

⁴⁰⁹⁶ *Ibid.*

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Philippines

The Government of the Philippines strengthened its legal and policy framework to combat the worst forms of child labor by creating anti-child pornography legislation and granting labor inspectors the authority to close businesses violating child labor laws. The worst forms of child labor continue to exist, especially in agriculture and domestic service. Significant gaps remain in child labor laws and enforcement efforts, and existing social protection programs are not sufficient to prevent and eliminate the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	15.3%
Attending School	5-14 yrs.	79.6%
Combining Work and School	7-14 yrs	11.3%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Philippines are exploited in the worst forms of child labor,⁴¹¹⁸ many of them in agriculture where they often work long hours, perform physically arduous tasks, use dangerous tools, and face a high risk of occupational injury. Children work in the production of bananas, coconuts, corn, rice, rubber, sugarcane, tobacco, and other fruits and vegetables.⁴¹¹⁹ Children are also commonly employed as domestic servants or *kasambahays*.⁴¹²⁰ Many child domestics work long hours, and their isolation in homes makes them susceptible to sexual harassment and physical abuse. Domestic workers are sometimes subjected to forced labor. Children are also involved in compressor mining to extract gold, which requires them to dive into pools of mud with an oxygen tube.⁴¹²¹ Deep-sea fishing is another pursuit in which children participate in two different dangerous activities. They dive from platforms to cast and retrieve nets in deep waters and they drag nets alongside boats, which can result in falls, drowning, and injuries from the nets such as burns and entanglement.⁴¹²² In addition, boys and girls work in home-based manufacturing industries that range

from making fireworks to fashion accessories. This work can be harmful because children, particularly migrant children, work longer hours than allowed with no supervision.⁴¹²³ Rural to urban migration has swollen the ranks of the urban poor, adding to the number of children who may be found living, working, scavenging, and begging on the streets, and exposed to multiple dangers including criminal elements and severe weather.⁴¹²⁴

Children's exploitation in the prostitution, pornography, and sex tourism industries is also a significant problem in the Philippines.⁴¹²⁵ In addition, children, primarily girls, are trafficked from rural to urban areas for forced domestic service and commercial sexual exploitation.⁴¹²⁶ Children are known to be involved in illicit activities, such as the production and trafficking of drugs.⁴¹²⁷ There are no reports of children in the government armed forces in the Philippines but child soldiering is a problem among anti-government and terrorist organizations. The Moro Islamic Liberation Front has made commitments to stop the recruitment and use of children as child soldiers, but the current status of children in its ranks

is unclear.⁴¹²⁸ The Abu Sayyaf Group and the New People's Army, two terrorist organizations, continue to recruit and use child soldiers.⁴¹²⁹

Laws and Regulations on the Worst Forms of Child Labor






The Labor Code sets the minimum age for work at 15 and the minimum age for hazardous work at 18.⁴¹³⁰

Republic Act No. 9231, An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, provides for the protection from and removal of children working in the worst forms of child labor, including forced labor; child trafficking, prostitution, pornography; and the use of a child for illicit activities. It also provides stringent penalties for violations of the act.⁴¹³¹ Republic Act No. 9775, Anti-Child Pornography Act of 2009, protects children against pornography and specifies penalties for violations.⁴¹³² Republic Act No. 9775 establishes strict penalties for persons responsible for the production, distribution, and publication of child pornography, including internet service providers and content hosts.⁴¹³³ Republic Act No. 9208, Anti-Trafficking in Persons Act prohibits trafficking in persons, including children.⁴¹³⁴

During the reporting period, the Government of the Philippines made changes to its legal framework that provide the Department of Labor and Employment (DOLE) broader authority in regards to enforcing child labor laws and setting penalties for child pornography.⁴¹³⁵ For example, DOLE's Department Circular No.3, series of 2009 providing for the Guidelines on the Procedure for Closure of Business, Firm, or Establishment under RA 9231 states DOLE regional directors have the authority to shut down workplaces found in violation of child labor laws, including the immediate closure of firms where the work may cause a child imminent physical or mental harm, especially establishments in which child prostitution occurs.⁴¹³⁶

While the recent legal changes were important, two significant gaps remain. First, children in the Philippines are required to attend school only until the age of 11. This standard makes children ages 12 to 14 particularly vulnerable to the worst forms of child labor as they are not required to be in school

and are not legally permitted to work. Second, child domestic workers also lack adequate legal protections. The Domestic Workers Bill, commonly known as the *Batas Kasambahay*, has been introduced to Congress repeatedly, but it has yet to be enacted.⁴¹³⁷

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

To coordinate efforts to combat child labor, the Government has established the National Child Labor Committee (NCLC), which is headed by DOLE and comprised of approximately 10 other departments, including the Departments of Education (DepEd), Health (DOH), Justice (DOJ), and Social Welfare and Development (DSWD).⁴¹³⁸ NCLC is intended to promote information sharing at the national level, and this monitoring mechanism has been replicated at the regional, local, and village levels.⁴¹³⁹

The Inter-Agency Council Against Trafficking (IACAT) coordinates, monitors, and oversees ongoing implementation of efforts to combat child trafficking.⁴¹⁴⁰ The Department of Justice (DOJ) is the chair of the IACAT, which is comprised of other government agencies including DSWD and NGOs.⁴¹⁴¹ IACAT did not receive any budgeted, line-item funding from the National Government for FY 2009 and

FY 2010, but did receive funding from the Office of the President and PAGCOR, a government-controlled corporation created to regulate the gaming industry in the country.⁴¹⁴²

DOLE is also the primary government agency responsible for the enforcement of child labor laws. It employs 208 labor and employment officers nationwide, who have numerous responsibilities related to the monitoring and enforcement of the labor code. Approximately 153 of them have inspection authority, and these officers monitor for child labor violations as part of their general labor law compliance inspections.⁴¹⁴³ While DOLE conducts regular trainings for its labor inspectors on child labor, the Government acknowledges that the limited number of labor inspectors makes it difficult to enforce child labor laws.⁴¹⁴⁴ The number of sites inspected dropped from 26,169 in 2008 to 4,670 in 2009.⁴¹⁴⁵ The Government attributes this decline to the financial crisis. Inspectors found violations in more than half of the establishments inspected, 2,954 out of 4,670. Only three, however, were child labor-related violations.⁴¹⁴⁶ The small number of child labor violations uncovered during the period relative to the scope and prevalence of child labor points to an insufficient number of labor inspections in sectors where children are known to work.

In addition to DOLE's labor inspections, DOLE also leads an innovative community-based mechanism for detecting, monitoring, and reporting children working in abusive and hazardous situations through the *Sagip Batang Manggagawa* (SBM-“Rescue the Child Laborers”) Quick Action Teams (QAT). The SBM-QAT is composed of DOLE; DSWD; DOH; DepEd; DOJ; Philippine Information Agency; Philippine National Police (PNP); and the Department of the Interior and Local Government.⁴¹⁴⁷ Other civil society groups are also part of the team, including Barangay (Village) Councils for the Protection of Children; school officials; social service departments of hospitals; labor groups; and other NGOs.

From January to December 2009, SBM-QAT conducted 16 removal operations involving 79 children engaged in exploitive labor.⁴¹⁴⁸ These children were referred to DSWD for rehabilitation and reintegration. However, it is unclear what activities the children

were involved in or whether subsequent legal action was taken against their employers under Philippine law. Additionally, reports indicate that SBM-QATs lack sufficient logistical supplies to carry out their mission.⁴¹⁴⁹

The Philippine National Police (PNP) is the principal enforcement agency for child trafficking and commercial sexual exploitation.⁴¹⁵⁰ There is no centralized hotline to report trafficking cases.⁴¹⁵¹

In 2009, the PNP reported 154 cases of child trafficking under investigation, and the National Bureau of Investigations (NBI) reported 189 cases of both adult and child trafficking under investigation.⁴¹⁵² The NBI does not disaggregate data by adults and children, so it is unclear how many of those cases involved minors, or whether the same cases were counted by both agencies. Children are trafficked for both sex and labor in the Philippines, but convictions have been limited to cases of trafficking for sex. In 2009, the Philippine Government convicted eight individuals in five cases of sex trafficking involving minors.⁴¹⁵³ Four of these eight convictions were initiated by NGOs, not the Government of the Philippines. In September 2009, a case filed by an NGO resulted in the conviction of two offenders. Each of the offenders was sentenced to life in prison and fined \$40,000.⁴¹⁵⁴

Government Policies on 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 serve as the primary government policy instruments to prevent and eliminate child labor in the Philippines. Child 21 sets out broad goals to achieve improved quality of life for Filipino children by 2025, and the PPACL lays out the blueprint for reducing the incidence of child labor by 75 percent by 2015.⁴¹⁵⁵ To achieve this blueprint, PPACL identifies five strategic directions that aim to prevent, protect, and reintegrate children from the worst forms of child labor.⁴¹⁵⁶ To translate this strategic framework into action, the Plan of Action (2008-2010) was developed to identify concrete programs, projects, and activities with specific indicators as benchmarks.⁴¹⁵⁷

In the Philippines, child labor has also been mainstreamed into the following national development agendas under the United Nations frameworks: Millennium Development Goals (2015), Medium Term Philippine Development Plan or MTPDP (2004-2010), Philippine Decent Work Common Agenda (2010), Education for All National Plan (2004-2015), Basic Education Reform Agenda, and United Nations Development Assistance Framework Workplan (2011).⁴¹⁵⁸ For example, the MTPDP includes measures for reducing the incidence of child labor, especially in hazardous occupations. In the plan, the Philippine Government specifically pledges to strengthen monitoring systems of child protection laws; develop “social technologies” to monitor child trafficking and pornography; and implement programs for children in armed conflict.⁴¹⁵⁹

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

The Government of the Philippines has participated in donor-funded projects to combat the worst forms of child labor in agriculture, mining and quarrying, fashion manufacturing, deep-sea fishing, domestic work, commercial sexual exploitation, garbage scavenging, and child trafficking in commercial sexual exploitation and forced labor.

In June 2002, the Philippines became the first country in Southeast Asia and fourth country in the world to launch a Timebound Program (TBP) and commit to a 75 percent reduction of the worst forms of child labor by 2015. The Philippine TBP has largely been financed in two phases from 2002 through 2013, for a total of approximately \$22.4 million in USDOL donor funding.⁴¹⁶⁰ Under the first phase, USDOL funded two projects between 2002 and 2008 totaling over \$11 million which provided education services and other supports to withdraw and prevent children from exploitive work.⁴¹⁶¹ In addition, both projects achieved important advancements in raising public awareness and successfully advocated for legislative reforms.⁴¹⁶²

With continued funding from the United States, the Philippines is currently participating in second phases of both of these projects. A followup USDOL-funded \$6.6 million project from 2007 to 2011 will withdraw 18,303 children and prevent 12,097 children from

the worst forms of child labor.⁴¹⁶³ Another followup USDOL-funded \$4.8 million project from 2009 to 2013 will withdraw and prevent 9,350 children from the worst forms of child labor through the provision of educational and non-educational services.⁴¹⁶⁴ While these projects are important for the elimination of the worst forms of child labor, they can be sustained only if the Philippines integrates them into its existing social protection programs for children.

Although the Philippines has yet to adopt the measures necessary to ensure the long-term success of these internationally supported initiatives, it is taking some steps to target children in or at-risk of exploitive labor under the auspices of its own social protection programs. For example, in February 2010, DOLE issued a memo to the regional offices requiring them to allocate 5 percent of the Workers Income Augmentation Program (WINAP) funds for the implementation of the DOLE Child Labor Prevention and Elimination Program in specific sectors.⁴¹⁶⁵ DOLE’s Project Angel Tree provided 7,199 child laborers with educational assistance in 2009.⁴¹⁶⁶ DOLE’s *Kabuhayan para Sa Magulang ng Batang Manggagawa* (KASAMA), or Livelihood for Parents of Child Laborers program, provides funds to parents, guardians, and older siblings of working children in exchange for the removal of those children from exploitive child labor.⁴¹⁶⁷ In another project, the Philippine Government also specifically targets poor families with children engaged in labor or those with children at risk of becoming laborers to receive benefits through a conditional cash transfer (CCT) program to provide health care and educational subsidies. In 2009, CCTs were awarded to 692,798 households.⁴¹⁶⁸ The Government is also providing school nutrition programs to children at risk of becoming laborers, including those who also receive CCT benefits.⁴¹⁶⁹

DOLE’s Youth Education-Youth Employability program provides disadvantaged youth, such as former child laborers, with the resources to pursue post-secondary education through either academic or vocational courses.⁴¹⁷⁰

The DepEd has likewise created a comprehensive Alternative Learning System program that offers non-formal education to all out-of-school children, including child laborers, and also offers them

opportunities to attain education equivalency. While education equivalency has been difficult for many child laborers due to insufficient preparation, this avenue continues to be an option for child laborers to gain access to formal institutions, such as higher education or workforce development institutions.⁴¹⁷¹

While the Government made efforts to reach vulnerable children and combat child labor, the existing resources and number of social programs are insufficient to reach the large number of children engaged in or at risk of the worst forms of child labor in the country.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Increase the age of compulsory schooling to match the minimum age for work.
- Enact the Domestic Workers Bill (*Batas Kasambahay*), which would extend legal protections to domestic workers.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase the number of labor inspectors responsible for child labor and devote more resources to enforcement of child labor laws, including by:
- Targeting the number of inspections in sectors where children work.
- Providing logistical supplies to the *Sagip Batang Manggagawa* Quick Action Teams (SBM-QATs).

IN THE AREA OF PROGRAMS:

- Expand social programs and dedicate additional resources to prevent children's involvement in the worst forms of child labor.

⁴¹¹⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2001. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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- ⁴¹⁷⁰ World Vision, *ABK 2 Initiative: Technical Progress Report*. See also Trade Union Congress of the Philippines, *Young Workers Have Spoken: Make Decent Work for Youth A Reality*, [online] April 12, 2008 [cited May 19, 2010]; available from <http://www.tucp.org.ph/news/index.php/category/tucp-developments/>.
- ⁴¹⁷¹ ILO-IPEC, *Supporting the Time-Bound Program on the Elimination of the Worst Forms of Child Labor in the Republic of the Philippines*.

Russia

The Government of Russia implemented a national fund that provides social welfare assistance to the country's significant population of homeless and orphaned children, many of whom are engaged in unhealthy and unsafe work on the streets. However, the Government has not designated an agency or other body to coordinate national action and policy to combat the worst forms of child labor. Street children continue to engage in illegal and dangerous work, including commercial sexual exploitation and the drug trade.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Russia are exploited in the worst forms of child labor.⁴¹⁷² Many of them beg or work in the informal sector on the streets of major cities.⁴¹⁷³ Older estimates set the number of street children, which may include children who spend daylight hours on the streets as well as homeless children, from 690,000 to as many as 5 million.⁴¹⁷⁴ In 2010, the Public Chamber's Commission on Social Questions and Demographic Policies estimated that approximately 560,000 children are homeless; many of these children are at risk of labor exploitation. Children working on the street perform potentially dangerous activities including repairing cars, carrying heavy loads, and collecting trash (which may contain toxic or injurious materials). They also engage in illegal activities such as prostitution, pornography, and selling drugs or stolen goods.⁴¹⁷⁵ Homeless and orphaned children are particularly vulnerable to involvement in criminal activities in the informal economy.⁴¹⁷⁶ Children from neighboring countries also engage in exploitive work in Russia.⁴¹⁷⁷

In rural areas, children primarily work in agriculture.⁴¹⁷⁸ This work may involve risks to their

safety and health, such as using potentially dangerous machinery and tools, carrying of heavy loads, and applying harmful pesticides.

Commercial sexual exploitation of children, especially in the large cities, remains a concern.⁴¹⁷⁹ Moscow and St. Petersburg are hubs of child trafficking and child commercial sexual exploitation. Children are trafficked internally to these cities and other regions of the country, and from Moldova, Ukraine, Belarus and Kazakhstan, and forced into begging or prostitution.⁴¹⁸⁰ Both girls and boys are trafficked for prostitution, child sex tourism, and pornography.⁴¹⁸¹

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age of employment at 16, with exceptions for 15-year-olds who have completed general education and children under age 14 working in the performing arts, if such work will not harm their health or moral development.⁴¹⁸² Children under age 18 are prohibited from engaging in night work, dangerous work, underground work, or work that may be harmful to their health or moral development. This includes carrying heavy loads

and the production, transportation, and sale of toxic substances (including tobacco, alcohol, and drugs).⁴¹⁸³ Russia’s minimum age for both voluntary and compulsory military recruitment is age 18.⁴¹⁸⁴

The Constitution prohibits forced labor and the Criminal Code explicitly outlaws the engagement of a known minor in slave labor.⁴¹⁸⁵ Section 127 of the Criminal Code prohibits the purchase, sale, recruitment, transportation, harboring, and receiving of a person for the purpose of exploitation, with higher penalties imposed when the victim is a known minor. It is punishable under the Criminal Code to involve a minor in a crime.⁴¹⁸⁶ Involving a minor in prostitution, and creating or circulating pornography depicting a known minor, are also punishable under the Criminal Code.⁴¹⁸⁷ However, Russian law does not criminalize the possession of child pornography, nor does it provide a definition of the term “child pornography”.⁴¹⁸⁸ This may hamper enforcement efforts because of a lack of clear guidance regarding what can be prosecuted as child pornography.

During the reporting period, the Government strengthened criminal punishments available for child sexual exploitation and child pornography by lengthening maximum sentences within the legal guidelines.⁴¹⁸⁹

Institutional Mechanisms for Coordination and Enforcement






Research has found no evidence that the Government of Russia has established a coordinating mechanism to combat the worst forms of child labor.

The Federal Labor and Employment Service (FLES) is responsible for enforcing child labor laws.⁴¹⁹⁰ In 2008, the most recent period for which statistics are available, 10,000 child labor violations were reported by FLES. According to this agency, victims often worked in hazardous conditions for low pay, and were most commonly found in industry, agriculture, and trade.⁴¹⁹¹ Fines totaling \$52,000 were paid by employers who violated child labor laws.⁴¹⁹²

The Ministry of Internal Affairs (MIA) has responsibility for investigating crimes with respect to the worst forms of child labor.⁴¹⁹³ Within MIA, the Criminal Investigation Department investigates severe crimes against children and the Public Security Police Service investigates sex crimes against children, including prostitution and pornography.⁴¹⁹⁴ The Public Prosecutor is charged with prosecuting violations identified by these two agencies. During the reporting period, a small number of law enforcement personnel were trained on trafficking issues.⁴¹⁹⁵

For the first half of 2009, the most recent period for which data is available, the MIA registered 159 crimes involving the production and distribution of pornography. Official data is not available on either child trafficking investigations or the number of prosecutions or convictions for this or other crimes relating to the worst forms of labor.

In 2009, the ILO Committee of Experts examined the Russian Federation’s compliance with the provisions of Convention 182, noting that the Government had repeatedly failed to provide information on the impact of its efforts to prevent child trafficking as required of signatories to the Convention. The ILO has reiterated concerns expressed by the UN Committee on the Rights of the Child over the increasing number of street children in Russia, who are vulnerable to trafficking and labor exploitation.⁴¹⁹⁶

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Government Policies on the Worst Forms of Child Labor

In 2009, the Russian Government created a new federal office to protect children's rights, the Office of the Children's Ombudsman. Regional ombudsmen had already been established in 23 of Russia's 87 provinces; in 2009 their numbers were increased to 28. Since 2006, regional legislatures have made appointments to their ombudsmen offices, expanding the authority of the offices and giving them parliamentary status.⁴¹⁹⁷ These offices are charged with publicly advocating for the needs of vulnerable children, and focus on the plight of street children and orphans.

The Government continues to implement a flagship child welfare policy "Children of Russia". Research found no evidence to determine whether this policy impacts the worst forms of child labor.⁴¹⁹⁸ Because the Government does not collect and analyze national statistics on child labor, current policy and programming may not be sufficiently targeting populations in need, such as rural children engaged in or at risk of hazardous labor in agriculture.

Russia has engaged in multilateral discussions on cross-border trafficking policy. In September 2009, Russia and other members of the Commonwealth of Independent States (CIS) agreed on recommendations to modernize their regional cooperation strategy to combat human trafficking. These recommendations are to be adopted in the CIS 2010-2014 anti-trafficking plan.⁴¹⁹⁹

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

In the past, Russia has participated in projects led by international organizations that focused either on assessing the nature of the street child phenomenon and referring such children to social service programs or improving overall quality of and access to primary education.⁴²⁰⁰

The Government has also cooperated with international organization projects to prevent and provide assistance to victims of child trafficking. One such program, an IOM project (funded in 2007 by the European Commission, USDOS and the Government of Switzerland) operated three Information and Consultative Centers and one Rehabilitation Center to prevent trafficking and assist victims. The project also coordinated referrals to law enforcement and relevant federal agencies, and provided training to government personnel. The centers, which served vulnerable youth and other at-risk groups, closed at the end of 2009 when they could not secure financial support from the Government.⁴²⁰¹

At the local level, the St. Petersburg Government Commission on Issues of Minors and Protection of their Rights manages a working group that meets regularly to address trafficking and child sexual exploitation. During the reporting period, the city expanded the number of facilities that provide shelter and social rehabilitation to homeless children. The St. Petersburg Government Commission also set up a subcommittee on minors in each district.⁴²⁰²

In 2009, the Government of Russia continued the Fund for Children's Support, a child welfare program it initiated the previous year, allocating approximately \$21 million (with an additional \$162 million from regional governments, industry, and NGOs). 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.⁴²⁰³ The Fund implemented 58 regional programs in 2009.⁴²⁰⁴

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

IN THE AREA OF LAWS AND REGULATIONS:

- Criminalize possession of child pornography.
- Codify a legal definition of child pornography.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Gather and report timely statistics on the investigation and prosecution of violations of the worst forms of child labor.

IN THE AREA OF POLICIES:

- Collect data on the nature and prevalence of child labor to guide the design of policy and programming.
- Assess the impact that the Children of Russia policy may have on addressing the worst forms of child labor.
- Formalize the agreement made with migrant-sending countries in the CIS to adopt a new joint cooperation strategy to combat trafficking in persons.

IN THE AREA OF PROGRAMS:

- Build on the groundwork laid by the IOM's consultative and rehabilitation centers by creating a similar mechanism within the federal government to coordinate information and case referrals among relevant agencies and provide assistance to trafficking victims.
- Consult with the Minors Committee of the City of St. Petersburg to identify lessons learned in service provision to trafficked children and facilitate replication of its program in other areas across the country where trafficking is prevalent.

⁴¹⁷² Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

⁴¹⁷³ Interfax News Agency, *Eradication of Child Labor Progresses Significantly - ILO*, May 11, 2006. See also Elena Tjurjukanova and Institute for Urban Economics, *Human Trafficking in the Russian Federation: Inventory and Analysis of the Current Situation and Responses*, UN/IOM Working Group on "Trafficking in Human Beings", Moscow, 2006, 50; available from http://www.unicef.org/russia/ru_human_trafficking_eng.pdf.

⁴¹⁷⁴ 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>. See also U.S. Department of State, "Russia," in *Country Report on Human Rights Practices- 2005*, March 5, 2006; available from <http://www.state.gov/g/drl/rls/hrrpt/2005/61671.htm>.

⁴¹⁷⁵ Tjurjukanova and 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; available from <http://www.unhcr.org/refworld/category,COI,CRC,,RUS,45377eb50,0.html>, U.S. Embassy- Moscow, reporting, January 29, 2010. See also ILO, *Russia: A "vector" of hope for street children in St. Petersburg*, July 27, 2006; available from http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Feature_stories/lang--en/WCMS_071238/index.htm. See also Interfax News Agency, *Eradication of Child Labor Progresses*.

⁴¹⁷⁶ 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 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 -

⁴¹⁷⁷ U.S. Embassy- Moscow, *reporting, January 29, 2010*. See also U.S. Embassy- Moscow, *reporting, January 12, 2009*.

⁴¹⁷⁸ U.S. Embassy- Moscow, *reporting, January 29, 2010*.

⁴¹⁷⁹ 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*, [online] 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>. See also U.S. Embassy- Moscow, *reporting, January 29, 2010*. See also U.S. Department of State, “Russia (Tier 2 Watch List),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/143188.pdf>.

⁴¹⁸⁰ 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, 39, 43, 47; available from http://s3.amazonaws.com/rcpp/assets/attachments/664_68_EN_original.pdf. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Russia.” See also Lisa McAdams, “New Program Aims to Fight Child Trafficking in Russia”, May 25, 2005; available from http://www.politinfo.com/articles/article_2005_05_25_1901.html. See also Tjurjukanova and Economics, *Human Trafficking in the Russian Federation*, 49.

⁴¹⁸¹ O’ Briain, van den Born, and Noten, *Trafficking in Children for Sexual Purposes in Europe*, 40-41. See also ECPAT International CSEC Database, *Russia*, accessed March 17, 2010; available from <http://www.ecpat.net>.

⁴¹⁸² 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>.

⁴¹⁸³ *Ibid.*, article 96, 265.

⁴¹⁸⁴ Coalition to Stop the Use of Child Soldiers, “Russia,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=177>.

⁴¹⁸⁵ *Constitution of the Russian Federation*, (December 25, 1993); available from <http://www.legislationline.org/documents/section/constitutions/country/7>. See also *Criminal Code of the Russian Federation*, 63-FZ, (June 13, 1996); available from <http://www.legislationline.org/documents/section/criminal-codes/country/7>.

⁴¹⁸⁶ *Russian Criminal Code*.

⁴¹⁸⁷ *Ibid.*

⁴¹⁸⁸ U.S. Department of State, “Russia,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>.

⁴¹⁸⁹ U.S. Embassy- Moscow, *reporting, January 29, 2010*.

⁴¹⁹⁰ *Ibid.*

⁴¹⁹¹ *Ibid.*

⁴¹⁹² *Ibid.*

⁴¹⁹³ *Ibid.* See also U.S. Embassy official, E-mail communication to USDOL official, August 5, 2010.

⁴¹⁹⁴ U.S. Embassy official, ECPAT International CSEC Database, *Russia*.

⁴¹⁹⁵ U.S. Embassy- Moscow, *reporting, January 29, 2010*.

⁴¹⁹⁶ ILO Committee of Experts, *Examination of Individual Case concerning Convention No. 182: Worst Forms of Child Labor, 1999 Russian Federation (ratification: 2003)*, [online] 2009 [cited March 17, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=851&chapter=13&query=%28C182%29+%40ref+%2B+%28Russian+Federation%29+%40ref&highlight=&querytype=bool&context=0>. See also UN Committee on the Rights of the Child, *UNCRC Concluding Observations: Russian Federation*. See also 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>.

⁴¹⁹⁷ 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.

⁴¹⁹⁸ U.S. Embassy official, E-mail communication to USDOL official, May 6, 2010.

⁴¹⁹⁹ U.S. Embassy- Moscow, *reporting, January 29, 2010*.

⁴²⁰⁰ Russian Federation, *Education for All: Russia's National Framework for Action*, Moscow, 2000; available from <http://planipolis.iiep.unesco.org/upload/Russian%20Federation/Russia%20NPA%20EFA.pdf>. See also World Bank, *Projects and Operations: Education Reform Project, Russian Federation*, [online] May 26, 2001 [cited September 12, 2010]; available from <http://web.worldbank.org/external/projects/main?pagePK=64283627&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P050474>. See also ILO-IPEC, *In-Depth Analysis of the Situation of Working Children in Moscow*, Moscow, 2002; available from http://www.ilo.org/public/libdoc/ilo/2001/101B09_394_engl.pdf. See also Maria Gorbachova, *For Homeless Children, Hope and Help to Get Off the Streets*, [online] 2010 [cited September 12, 2010]; available from http://www.unicef.org/infobycountry/russia_41947.html.

⁴²⁰¹ *Prevention of Human Trafficking in the Russian Federation*, [online] 2010 [cited March 15, 2010]; available from http://www.no2slavery.ru/eng/information_centers/. See also U.S. Department of State, "Russia."

⁴²⁰² See also U.S. Embassy official, E-mail communication, May 6, 2010. See also US Embassy official, E-mail communication, April 13, 2009.

⁴²⁰³ 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://vladivostoktimes.ru/show/?id=34603&p=12>.

⁴²⁰⁴ U.S. Embassy- Moscow, *reporting, January 29, 2010*.

Rwanda

The Government of Rwanda has strengthened its legal framework against the worst forms of child labor by raising the minimum age for hazardous work from 16 to 18 and passing a Ministerial Order listing the prohibited worst forms of child labor. Despite these efforts, Rwanda has not devoted sufficient resources to enforce its child labor laws effectively. This contributes to the large number of children who work in hazardous conditions, especially in agriculture and domestic service.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	6.1%
Attending School	5-14 yrs.	82.9%
Combining Work and School	7-14 yrs	6.1%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Rwanda, including in agriculture.⁴²⁰⁵ Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of potatoes, corn, beans, sorghum, bananas, rice, and sugar. Children also produce tea. Such work may involve using tools, carrying heavy loads, and applying harmful pesticides.⁴²⁰⁶ Limited evidence suggests that children herd livestock, sometimes working long hours outside.⁴²⁰⁷ Children are also found working in domestic service.⁴²⁰⁸ Child domestics are vulnerable to sexual and other forms of abuse by their employers and may work long hours.⁴²⁰⁹

There is reason to believe that children produce charcoal and work as porters.⁴²¹⁰ They also engage in heavy manual labor such as brick making, digging, and mining.⁴²¹¹ Children in rural Kigali also mine sand in dirty water, exposing themselves to waterborne diseases.⁴²¹² In Nachonga, Gasabo District, Gikongoro, and Rulindo, children working in quarries risk eye and lung damage from stone dust.⁴²¹³ In Rwanda, an estimated 7,000 children live and work on the streets. Some beg, sell goods, and collect garbage.


These children are vulnerable to a variety of dangers, which may include severe weather, accidents caused by proximity to vehicles, and exposure to criminal elements.⁴²¹⁴

Prostitution and trafficking also occur in Rwanda. Older women sometimes coerce girls to provide sexual services in exchange for cash, protection, and living quarters.⁴²¹⁵ Loosely structured prostitution networks recruit children from secondary schools.⁴²¹⁶ Girls are known to be trafficked internally into domestic servitude and prostitution.⁴²¹⁷ Children are also trafficked to Uganda, Tanzania, and Kenya for forced agricultural labor, commercial sexual exploitation, and domestic servitude.⁴²¹⁸ In a few isolated cases, children have been trafficked into Rwanda.⁴²¹⁹

Unlike in past years, there was no indication in 2009 that the National Congress for the Defense of the People (CNDP) recruited Congolese boys from Rwanda-based refugee camps, as well as Rwandans from nearby towns, into forced labor and soldiering in the Democratic Republic of the Congo.⁴²²⁰

Laws and Regulations on the Worst Forms of Child Labor

The Government of Rwanda’s 2009 Labor Law sets the minimum age for work at 16 and raised the minimum age for hazardous work from 16 to 18. This law prohibits children under age 18 from night work and work which is difficult, unsanitary, or dangerous.⁴²²¹ It also prohibits children from working in the worst forms of child labor, which are defined as in ILO Convention 182 to include: slavery or similar practices, forced or bonded labor, the use or recruitment of children into armed conflict, illicit activities, or prostitution, and any work whose nature is detrimental to the health, security, or morals of a child.⁴²²² The 2010 Ministerial Order on the worst forms of child labor prohibits children from working at industrial institutions and in domestic service, mining and quarrying, construction, brick making, and applying fertilizers and pesticides.⁴²²³ In addition to the national laws, some districts have bylaws against hazardous child labor, sanctioning employers and parents for violations.⁴²²⁴

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

Penalties for violations of the Labor Law provisions on worst forms of child labor and hazardous work are stringent, with up to 20 years incarceration and fines.⁴²²⁵ While the Labor Law offers some protection

to workers in the informal sector, these protections do not extend to child laborers.⁴²²⁶

The Law Relating to Rights and Protection of the Child against Violence prohibits slavery, child rape, recruiting, using, or profiting from child prostitution, and using children in pornographic publications or for illicit activities.⁴²²⁷ The Labor Law and Law Relating to the Rights and Protection of the Children against Violence also prohibit children under age 18 from military service and armed combat.⁴²²⁸

Institutional Mechanisms for Coordination and Enforcement

The National Advisory Committee on Child Labor coordinates government efforts relating to the worst forms of child labor and is responsible for reviewing child labor laws, advocating for the inclusion of child labor policies in national development plans, overseeing the implementation of child labor interventions, and conducting field visits to assess child labor and raise awareness.⁴²²⁹ This group meets quarterly and includes representatives from the Ministry of Public Service and Labor (MIFOTRA), the Rwandan National Police (RNP), the National Human Rights Commission, the Ministry of Youth (MINIYOUTH), the Ministry of Education (MINEDUC), the Ministry of Gender and Family Promotion (MIGEPROF), the Ministry of Local Government, Community Development and Social Affairs (MINALOC), the Ministry of Sports and Culture (MINISPOC), the Rwanda Demobilization and Reintegration Commission (RDRC), Rwandan trade unions, the International Labor Organization (ILO), UNICEF, the Private Sector Federation (PSF), and Winrock International.⁴²³⁰ At the village level, 149 Local Child Labor Committees (LCLCs) monitor incidents of child labor.⁴²³¹

To enforce child labor laws, MIFOTRA also employs 30 labor inspectors, one per district; however, some are constrained by a lack of transportation and resources. They are supervised by the district authorities and work with the RNP.⁴²³² There is also one labor inspector at the national level supervised by the Directorate General in charge of labor. MIFOTRA trains labor inspectors at least twice a year to identify and investigate child labor violations.⁴²³³ MIFOTRA employees also visit labor inspectors to assess their

performance at least every six months.⁴²³⁴ Several times a year, labor inspectors train employers and local authorities on child labor issues.⁴²³⁵ Even though the Labor Law does not cover children working in the informal sector, the Government reports that the criteria for conducting inspections is based on whether the type of work may harm the child's health, physical and mental development, morals, and education.⁴²³⁶ Inspections can be conducted without prior notice and labor inspectors may issue warnings, which must be corrected by the offender within seven days. Otherwise, the labor inspector may ask the authorities to close the institution under investigation temporarily.⁴²³⁷ In 2009, labor inspectors issued warnings to people illegally employing children; however, information is not yet available on the number of inspections conducted or whether child labor cases were managed efficiently and appropriate penalties applied.⁴²³⁸

Within villages, citizens can report instances of child labor to the local volunteer officer in charge of social affairs.⁴²³⁹ If the officer cannot resolve the problem, it may be referred to the village leader, who in turn may contact the police. In Rwanda, the district authorities' personal performance contracts include targets for increasing school enrollment, thereby reducing child labor.⁴²⁴⁰ District authorities in Gakenke, using local bylaws, detained 350 children working in a market and advised the parents to send their children to school.⁴²⁴¹

The RNP enforces criminal laws relating to the worst forms of child labor. Within the Criminal Investigation and Scientific Police of the RNP, there is a Child Protection Unit with a network of investigators throughout the country responsible for cases of child abuse, including the use of children in commercial sexual exploitation and trafficking.⁴²⁴² In collaboration with MIGEPROF, the RNP established a gender desk at its headquarters to respond to complaints of gender-based violence. The RNP also operates a free hotline to report incidences of gender-based violence, which is also used for reporting child abuse, including child labor.⁴²⁴³

Some trafficking cases are referred to the RNP by the Directorate General of Immigration and Emigration.⁴²⁴⁴ The Government trains the RNP specifically in sex crimes, crimes against children, and preventing transnational child trafficking; however some officials lack awareness and training on how to

handle internal trafficking cases.⁴²⁴⁵ In addition, there have been indications that some members of the RNP are not sensitized to the needs of child trafficking victims, and that some children found engaged in commercial sexual exploitation were detained in Kigali's Gikondo transit center for several months without being charged for a crime.⁴²⁴⁶ At the time of reporting, the Government was investigating two possible cases of transnational child trafficking.⁴²⁴⁷

Immigration and customs officers assist with the enforcement of child trafficking laws. These officials collaborate with their counterparts in the neighboring countries of Uganda, Tanzania, Burundi, and the Democratic Republic of Congo.⁴²⁴⁸ Standard procedure requires these officials to question all adults seeking to cross the border with children and to show written proof that they have permission from the children's parents or guardian.⁴²⁴⁹

Government Policies on the Worst Forms of Child Labor

The Government has developed a National Policy for the Elimination of Child Labor and a 5-year Action Plan, which it plans to finalize after the publication of the national child labor survey.⁴²⁵⁰

The 2003 National Policy for Orphans and Other Vulnerable Children includes strategies to address the worst forms of child labor by improving working conditions, providing support to needy families, and strengthening the education system.⁴²⁵¹ In 2007, the Government adopted the National Strategic Plan of Action for Orphans and Other Vulnerable Children in Rwanda (NSP) which provides a more detailed framework to achieve the objectives of the National Policy for Orphans and Other Vulnerable Children.⁴²⁵² The services offered to orphans and vulnerable children (OVCs) include health care, shelter, education, psychological support, and livelihood enhancement. However, due to the sheer magnitude of the problem, three-fourths of OVCs have not received government assistance.⁴²⁵³

Rwanda has also made policy commitments to combat the worst forms of child labor in its National Employment Policy and Economic Development and Poverty Reduction Strategy (2008-2012) (EDPRS).⁴²⁵⁴ The Government of Rwanda also adopted the Nine Years Basic Education (9YBE) policy, mandating that

the first nine years of basic education are free and compulsory.⁴²⁵⁵ It is too early to determine the impact this policy may have on child labor.

In addition, Rwanda has adopted 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.⁴²⁵⁶ As part of this agreement, the Government of Rwanda has committed 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. As indicated above, Rwanda has protocols for addressing cross border trafficking in persons, but further information was not identified on the extent to which the Government has implemented these protocols.⁴²⁵⁷

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

The majority of past government interventions to combat the worst forms of child labor were limited to children involved in armed conflict.⁴²⁵⁸ In 2009, the Rwandan Demobilization and Reintegration Commission (RDRC) continued to support these efforts by operating a rehabilitation center in Muhazi for former child combatants.⁴²⁵⁹ The RDRC also raised public awareness of child soldier issues in an effort to make communities more welcoming to children returning from involvement in armed conflict.⁴²⁶⁰

The Government also continued to operate a rehabilitation center, which offers psychosocial counseling, education, and reintegration services to over 200 street boys. The Government also partnered with private organizations to support 35 childcare institutions across the country that provided shelter, basic needs, and rehabilitation for approximately 2,600 street children.⁴²⁶¹

During the reporting period, the Government of Rwanda, with partners, initiated a high-profile public campaign to discourage intergenerational sex and sexual procurement. The Government also built over 3,000 classrooms to accommodate additional students.⁴²⁶² It is too early to determine whether the additional classrooms will have an impact on the worst forms of child labor.

The Government also participated in the 4-year Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) project, which withdrew or prevented 32,823 children (7,372 in Rwanda) from exploitive labor in HIV/AIDS-affected areas of these four countries through the provision of educational services.⁴²⁶³

In 2009, the Government began participating in the project Rwanda Education Alternatives for Children (REACH), which was funded by USDOL at \$4.5 million from September 2009 to March 2013.⁴²⁶⁴ The project aims to withdraw 4,800 children and prevent 3,500 children from exploitive child labor, particularly in the agricultural sector, by providing educational services, strengthening child labor and education policies, and ensuring the sustainability of these efforts.⁴²⁶⁵

During the reporting period, the Government, in partnership with the RNP, UN Children's Fund, UN Development Fund for Women, and UN Population Fund, established a center to provide gender-based violence victims, including child domestics, with free medical, psychosocial support, and police assistance.⁴²⁶⁶ In addition, the MIFOTRA raised public awareness of the worst forms of child labor through radio shows, television announcements, and skits.⁴²⁶⁷ Despite these initiatives, Rwanda's social programs are not sufficient to tackle the scope of the problem.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Law to cover children working in the informal sector.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Improve measures to investigate, prosecute, and convict individuals involved in the worst forms of child labor, including by:
 - Increasing resources and the capacity of labor inspectors.
 - Increasing training among enforcement officials on internal child trafficking.
 - Providing training to RNP employees on the rights of trafficking victims, specifically underage girls engaged in prostitution.
 - Making information publicly available on child labor investigations and prosecutions.

IN THE AREA OF POLICIES:

- Finalize, ratify, and implement the National Policy for the Elimination of Child Labor and 5-year Action Plan on child labor.

IN THE AREA OF PROGRAMS:

- Develop additional social protection programs to assist vulnerable and orphaned children and children working on the streets.

⁴²⁰⁵ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010. Data provided are from 2008. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report. See also World Vision, KURET (Kenya, Uganda, Rwanda, and Ethiopia Together) Final Report: Baseline study and situational analysis of child labor and education in HIV/AIDS affected Communities in Rwanda, Project Document, November, 2005, 12. See also Winrock International, Rwanda Education Alternatives for Children (REACH), Project Document, 2010, 17.

⁴²⁰⁶ Winrock International, Rwanda Education Alternatives for Children (REACH), 17. See also U.S. Embassy- Kigali, reporting, February 16, 2010, 1a. See also U.S. Department

of State, Country Reports on Human Rights Practices- 2009 Rwanda, Washington, DC, March 11, 2010, 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135971.htm>.

⁴²⁰⁷ U.S. Embassy- Kigali, reporting, February 16, 2010, 1d. See also Timothy Kisambira, Child Labor is a Threat to Rwanda's Vision 2020, [2009 April, 10 [cited June 4, 2010]; available from http://www.eac.int/gender/index.php?option=com_content&view=article&id=57&catid=57. See also Winrock International, Rwanda Education Alternatives for Children (REACH), 4, 17.

⁴²⁰⁸ U.S. Department of State, Country Reports- 2009: Rwanda. See also World Vision, KURET, Study of Child Labor in Rwanda.

⁴²⁰⁹ U.S. Department of State, "Rwanda," in Country Reports on Human Rights Practices- 2009, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135971.htm>. See also Kisambira, Child Labor is a Threat to Rwanda's Vision 2020. See also U.S. Embassy- Kigali, reporting, February 18, 2009.

⁴²¹⁰ J. Buyinza, "Rwanda: Child Labor to Be Stamped Out," *New Times* (Kigali), February 3 2008; available from <http://allafrica.com/stories/200802030013.html>. See also U.S. Embassy- Kigali, reporting, February 16, 2010, 2a.1. See also Hilarie Ntawulishira, "Rwanda: School or Work: Do

the Poor Have a Choice?,” *Africa Files/ Syfia Great Lakes*, November 7, 2007; available from <http://www.africafiles.org/article.asp?ID=16388>. See also Karen Tietjen, *Combating Exploitive Child Labor through Education in Kenya, Uganda, Rwanda and Ethiopia Together Project: Rwanda Country Report*, Independent Midterm Evaluation, March, 2007, 5; available from <http://www.dol.gov/ilab/programs/ocft/tcp/KURET-report2.pdf>.

⁴²¹¹ U.S. Department of State, “Country Reports- 2009: Rwanda,” section 7. See also Kisambira, *Child Labor is a Threat to Rwanda’s Vision 2020*.

⁴²¹² World Vision, *KURET (Kenya, Uganda, Rwanda, and Ethiopia Together) Final Report: Baseline study and situational analysis of child labor and education in HIV/AIDS affected Communities in Rwanda*, Project Document, November, 2005, 38. See also Dan Ngabonziza, “Rwanda; Memories of Life as a Child Laborer,” *The New Times*, July 6, 2008; available from <http://allafrica.com/stories/printable/200807070852.html>. See also Kisambira, *Child Labor is a Threat to Rwanda’s Vision 2020*.

⁴²¹³ Kisambira, *Child Labor is a Threat to Rwanda’s Vision 2020*. See also Buyinza, “Rwanda: Child Labor to Be Stamped Out.”

⁴²¹⁴ Human Rights Watch, *Swept Away: Street Children Illegally Detained in Kigali, Rwanda*, New York, May 14, 2006, 3; available from <http://www.hrw.org/en/reports/2006/05/14/swept-away>. See also UN General Assembly, *UN General Assembly Protection of the rights of the child*, New York, November 24, 2009; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/566/79/PDF/N0956679.pdf?OpenElement>. See also Government of Rwanda, *A Situation Analysis of Orphans and Other Vulnerable Children in Rwanda*, 2008, 22; available from www.dol.gov/ilab/programs/ocft/20090602/rwanda08.pdf. See also U.S. Embassy- Kigali, *reporting, February 16, 2010*, para 2a.1.

⁴²¹⁵ U.S. Department of State, “Country Reports- 2009: Rwanda,” section 7d. See also U.S. Department of State, “Rwanda (Tier 2)” in *Trafficking in Persons Report- 2010*, Washington, DC, June 2010, 282-283; available from <http://www.state.gov/documents/organization/143188.pdf>. See also U.S. Embassy- Kigali, *reporting, February 18, 2009*, 23a, c.

⁴²¹⁶ U.S. Department of State, “Trafficking in Persons Report- 2010: Rwanda,” 282-283.

⁴²¹⁷ U.S. Department of State, “Country Reports- 2009: Rwanda,” section 6.

⁴²¹⁸ ILO-IPEC, *Rapid assessment report in trafficking of children into worst forms of child labour, including child soldiers in Uganda*, Status Report, February 2007, v, 28; available from http://www.ilo.org/public/english/region/afpro/daressalaam/download/c_trafficking_uganda.pdf. See

also U.S. Department of State, “Country Reports- 2009: Rwanda,” section 6c. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Rwanda,” 282-283.

⁴²¹⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Rwanda,” 282-283.

⁴²²⁰ Ibid. See also U.S. Embassy- Kigali, *reporting (TIP)*, February 16, 2010, para 30b.

⁴²²¹ Government of Rwanda, *Law regulating Labour in Rwanda*, Law No. 51/2001 of 30/12/2001 (December 30, 2001), article 4, 6, 72; available from <http://www.rwandainvest.gov.rw/lawlab.htm>.

⁴²²² Ibid., article 1, 4, 6, 8, 72, 167.

⁴²²³ Government of Rwanda, *Ministerial Order determining the list of worst forms of child labour, their nature, categories of institutions that are not allowed to employ them and their prevention mechanisms*, No. 06 (July 13.), article 4-8. See also U.S. Department of State, “Country Reports- 2009: Rwanda,” section 7d.

⁴²²⁴ U.S. Department of State, “Trafficking in Persons Report- 2010: Rwanda,” 282-283. See also Martina Nicolls and Lou Witherite, *Independent Final Evaluation of the Combating Exploitive Child Labor Through Education in Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) Project*, October 7, 2009, 30.

⁴²²⁵ Government of Rwanda, *Law regulating Labour in Rwanda*, article 168.

⁴²²⁶ Ibid., article 3. See also ILO Committee of Experts, *CEACR: Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No.182) Rwanda (ratification: 2000)*, [online] 2010 [cited June 9, 2010]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

⁴²²⁷ Government of Rwanda, *Law Relating to Rights and Protection of the Child Against Violence*, 27/2001, (April 04, 2001), articles 33, 38-42; available from http://www.adh-geneva.ch/RULAC/pdf_state/Law-27-2001-Protection-Child-Against-Violence.pdf.

⁴²²⁸ Government of Rwanda, *Law Relating to Rights and Protection of the Child Against Violence*, 2001, April 04, article 19; available from http://www.adh-geneva.ch/RULAC/pdf_state/Law-27-2001-Protection-Child-Against-Violence.pdf. See also Government of Rwanda, *Law regulating Labour in Rwanda*, article 72.

⁴²²⁹ U.S. Embassy- Kigali, *reporting, February 16, 2010*, 2c.2.

⁴²³⁰ Ibid., 2c.2

⁴²³¹ Martina Nicolls and Lou Witherite, *Independent Final Evaluation of the Combating Exploitive Child Labor Through Education in Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) Project*, 24-25.

- ⁴²³² Government of Rwanda, *Ministerial Order determining the modalities of functioning of the labour inspector*, No. 7, (July 13,), article 2-3. See also Ministry of Public Service and Labour, *Strategies Issues Paper: Structure, Programmes and Budget for the Ministry of Public Service and Labour 2009-2012*, Kigali, June 2008, 5, 10; available from <http://www.mifotra.gov.rw/lang/en/about.pdf>. See also U.S. Department of State, “Trafficking in Persons Report-2010: Rwanda,” 282-283. See also U.S. Embassy- Kigali, *reporting, February 16, 2010*, para 2c.1-2, 14.
- ⁴²³³ Government of Rwanda, *Ministerial Order determining the modalities of functioning of the labour inspector*, article 2. See also U.S. Embassy- Kigali, *reporting, February 16, 2010*, para 2c.1-2, 14.
- ⁴²³⁴ U.S. Embassy- Kigali, *reporting, February 16, 2010*, 2 C 14.
- ⁴²³⁵ U.S. Department of State, “Trafficking in Persons Report- 2010: Rwanda,” 282-283.
- ⁴²³⁶ ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No.182) Rwanda (ratification: 2000)*, [online] 2010 [cited June 9, 2010]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.
- ⁴²³⁷ Government of Rwanda, *Ministerial Order determining the modalities of functioning of the labour inspector*, article 7-8.
- ⁴²³⁸ U.S. Department of State, “Trafficking in Persons Report- 2010: Rwanda,” 282-283. See also U.S. Embassy- Kigali, *reporting, February 16, 2010*, 2c.
- ⁴²³⁹ U.S. Embassy- Kigali, *reporting, February 16, 2010*, section 2c.3.
- ⁴²⁴⁰ *Ibid.*, 2e. See also U.S. Embassy- Kigali official, E-mail communication to USDOL official, October 21, 2010.
- ⁴²⁴¹ U.S. Department of State, “Trafficking in Persons Report- 2010: Rwanda,” 282-283.
- ⁴²⁴² U.S. Embassy- Kigali, *reporting, February 16, 2010*, section 2d.1, part I and II. See also Government of Rwanda, *Rwanda National Police: Child Protection Unit*, [online] [cited August 26, 2010]; available from http://www.police.gov.rw/spip.php?article26&var_recherche=child. See also Government of Rwanda, *Rwanda National Police: The Criminal Investigation and Scientific Police* [online] [cited August 26, 2010]; available from http://www.police.gov.rw/spip.php?article29&var_recherche=child.
- ⁴²⁴³ U.S. Embassy- Kigali, *reporting, February 16, 2010*, section 2c.3. See also Government of Rwanda, *Rwanda National Police: RNP Strategies*, [online] [cited August 26, 2010]; available from http://www.police.gov.rw/spip.php?article31&var_recherche=child.
- ⁴²⁴⁴ U.S. Embassy- Kigali, *reporting, February 16, 2010*, 2d.1.
- ⁴²⁴⁵ U.S. Department of State, “Trafficking in Persons Report- 2010: Rwanda,” 282-283. See also U.S. Embassy- Kigali, *reporting, February 16, 2010*, 2d.12. See also Government of Rwanda, *Rwanda National Police: RNP Strategies*.
- ⁴²⁴⁶ U.S. Department of State, “Trafficking in Persons Report- 2010: Rwanda,” 282-283.
- ⁴²⁴⁷ U.S. Embassy- Kigali, *reporting, February 16, 2010*, 2d.1.
- ⁴²⁴⁸ *Ibid.*, 2d.4.
- ⁴²⁴⁹ U.S. Embassy- Kigali, *reporting, February 18, 2009*, 26h.
- ⁴²⁵⁰ U.S. Embassy- Kigali, *reporting, February 16, 2010*, para 2f.
- ⁴²⁵¹ Government of Rwanda, *National Policy for Orphans and Other Vulnerable Children*, Kigali, 2003, 19-20; available from www.unicef.org/southafrica/SAF_resources_overwanda.doc. See also Government of Rwanda, *A Situation Analysis of Orphans and Other Vulnerable Children in Rwanda*, 5.
- ⁴²⁵² Government of Rwanda, *A Situation Analysis of Orphans and Other Vulnerable Children in Rwanda*, 4, 5, 6.
- ⁴²⁵³ *Ibid.*, XX, XIX.
- ⁴²⁵⁴ Government of Rwanda, *National Employment Policy*, MIFOTRA, Kigali, December 2007, 22; available from <http://www.mifotra.gov.rw/documents/Policies/National%20Employment%20Policy.pdf>. See also Government of Rwanda, *Economic Development and Poverty Reduction Strategy, 2008-2012*, September 2007, 61; available from http://planipolis.iiep.unesco.org/upload/Rwanda/Rwanda_EDPRS_2008-2012.pdf.
- ⁴²⁵⁵ Government of Rwanda, *Nine Years Basic Education Implementation, Fast Track Strategies*, Ministry of Education, November 2008; available from http://www.mineduc.gov.rw/IMG/pdf/9_year_B_E.pdf.
- ⁴²⁵⁶ Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006.
- ⁴²⁵⁷ ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006.
- ⁴²⁵⁸ ILO-IPEC, *Regional Programme on the Prevention and Reintegration of Children Involved in Armed Conflicts in Central Africa (Phase I: Identification of a Strategy for Concerted Action)*, Project Document, Geneva, June, 2001. See also 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; available from <http://www.ilo.org/ipceinfo/product/viewProduct.do?productId=6965>.

⁴²⁵⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Rwanda,” 282-283. See also U.S. Embassy-Kigali, *reporting, February 16, 2010*, 2f.1.

⁴²⁶⁰ Integrated Regional Information Networks, “Rwanda: Turning Ex-Child Soldiers into Able Citizens”, IRINnews.org, [online], September 30, 2008 [cited April 27, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=80668>.

⁴²⁶¹ U.S. Department of State, “Country Reports- 2009: Rwanda.” See also Fred Ndoli, “Rwanda: 300 Ex-Street Children Given Vocational Training”, *allafrica.com*, [online], February 10, 2010 [cited October 21, 2010]; available from <http://allafrica.com/stories/201002100066.html>.

⁴²⁶² Government of Rwanda, *Budget Execution Report - 2009/10*, Ministry of Education.

⁴²⁶³ World Vision, *KURET 2009 Compiled Final*, Technical Progress Report, June 30, 2009.

⁴²⁶⁴ U.S. Department of Labor, *ILAB, OCFT Project Status - Africa*, 2010; available from http://www.dol.gov/ilab/projects/sub-saharan_africa/project-africa.htm#.

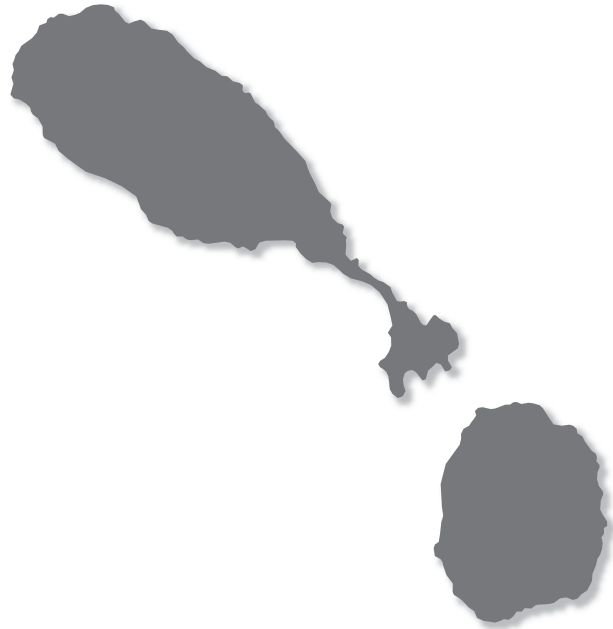
⁴²⁶⁵ Jennifer Fierberg, *Prevent Child Labor in Rwanda through Education*, [May 10, 2010 [cited June 4, 2010]; available from <http://www.ngonewsafrika.org/2010/05/rwanda-prevent-child-labor-in-rwanda.html>. See also USDOL, *Rwanda Education Alternatives for Children (REACH)*, Technical Cooperation Project Summary, 2009. See also USDOL, “U.S. Department of Labor awards nearly \$59 million to eliminate exploitive child labor in 19 countries,” *PR Newswire* (Washington, DC), 2009; available from <http://www.prnewswire.com/news-releases/us-department-of-labor-awards-nearly-59-million-to-eliminate-exploitive-child-labor-in-19-countries-62402067.html>.

⁴²⁶⁶ U.S. Embassy- Kigali, *reporting (TIP), February 16, 2010*, para 26c.

⁴²⁶⁷ U.S. Embassy- Kigali, *reporting, February 16, 2010*.

Saint Kitts and Saint Nevis

Saint Kitts and Nevis does not appear to have a significant child labor problem; however, children work in agriculture and as domestic servants may be vulnerable to worst forms abuses. Gaps in legislation do not adequately protect some children from being employed in hazardous conditions.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁴²⁶⁸


Children in Saint Kitts and Nevis may be vulnerable to the worst forms of child labor, particularly in agriculture where they assist with livestock farming and vegetable production.⁴²⁶⁹ Children's work in agriculture commonly involves the use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides.

Children are also found working as domestic servants in other households, which is an acceptable practice in the Saint Kitts and Nevis society.⁴²⁷⁰ Child domestic labor commonly involves long hours of work and exposes children to risks of physical and sexual exploitation by their employer.

Laws and Regulations on the Worst Forms of Child Labor

The Employment of Women, Young Persons, and Children Act, and the Employment of Children (Restriction) Ordinance, as amended by Act. No 19 of 2002 set the minimum age for employment at 16, including for admission to employment that is likely to harm their health, safety, or morals.⁴²⁷¹ Children

ages 16 and 17 appear to lack legal protection from employment in hazardous conditions.

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

The Constitution explicitly prohibits forced or slave labor.⁴²⁷² Trafficking is also prohibited and

criminalized by a comprehensive anti-trafficking legislation enacted in August 2008.⁴²⁷³ The penalties for any elements of trafficking offenses, including controlling and restricting movement of a person, range from 20 years to life in prison.⁴²⁷⁴

Violators procuring children for prostitution may also be prosecuted under the Probation and Child Welfare Board Act, 1994 which prohibits non-accidental injury to be inflicted on a child by a caretaker, including sexual abuse or activities of a sexual nature.⁴²⁷⁵

Institutional Mechanisms for Coordination and Enforcement

Although the worst forms of child labor do not appear to be significant, research found no evidence that the Government of Saint Kitts and Nevis has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Labor is the lead agency responsible for the enforcement of laws regarding the worst forms of child labor. It has 11 labor inspectors responsible for investigating all labor violations, including those related to children.⁴²⁷⁶ During recent years, there have been no reported complaints, inspections, prosecutions or violations related to the worst forms of child labor in Saint Kitts and Nevis.⁴²⁷⁷

The police force takes the lead in any trafficking investigation and refers suspected cases of child trafficking to the Ministry of Social Development which oversees child abuse cases.⁴²⁷⁸ There have been no investigations conducted or cases prosecuted.⁴²⁷⁹

Government Policies on the Worst Forms of Child Labor

While the worst forms of child labor do not appear to be a significant problem in Saint Kitts and Nevis, research found no evidence that the Government has established a policy framework to combat the existing worst forms of child labor, including children working as domestic servants and children assisting in agriculture.⁴²⁸⁰

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

Research found no evidence of any programs to address child labor. However, the Government has participated in two IOM seminars on human trafficking, including a seminar for Caribbean law enforcement officials and a seminar on Mixed Migratory Flows in the Caribbean.⁴²⁸¹ Topics covered included identification of victims, interview techniques, direct assistance, child trafficking, and a review of national responses.⁴²⁸²

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Saint Kitts and Nevis:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend current laws to increase the minimum age for hazardous employment to 18 and to define work that is hazardous for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.

IN THE AREA OF POLICIES:

- Adopt policies to address the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Implement programs to address the worst forms of child labor.

⁴²⁶⁸ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴²⁶⁹ U.S. Embassy- Bridgetown, *reporting*, February 5, 2010, section 1.

⁴²⁷⁰ Ibid. See also U.S. Department of State, “Saint Kitts and Nevis,” in *Country Reports on Human Rights Practices - 2009*, Washington, D.C., March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136124.htm>.

⁴²⁷¹ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Saint Kitts and Nevis (ratification: 2000) Submitted: 2009*, [on line] [cited July 1, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=statu s01&textbase=iloeng&document=23539&chapter=9&query=Saint+Kitts%40ref&highlight=&querytype=bool&cont ext=0>.

⁴²⁷² Federation of Saint Kitts and Nevis, *The Saint Christopher and Nevis Constitution Order 1983*, 1983; available from <http://pdba.georgetown.edu/constitutions/kitts/kitts83.html>.

⁴²⁷³ U.S. Department of State, “Saint Kitts and Nevis,” in *Country Reports on Human Rights Practices - 2008*, Washington, D.C., February 25, 2009; available from <http://www.state.gov/g/drl/rls/rls/hrrpt/2009/wha/136124.htm>. See also IOM, “Counter-Trafficking Activities in St. Kitts and Nevis An Overview of 2008,” (2009); available from <http://www.iom.int/unitedstates/ct/PDFs/Building%20Capacity/2008/St.%20Kitts%20and%20Nevis-%20Activities%20Summary%202008.pdf>.

⁴²⁷⁴ U.S. Department of State, “Country Reports- 2009: Saint Kitts and Nevis.”

⁴²⁷⁵ ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Saint Kitts and Nevis (ratification: 2000) 2009*.

⁴²⁷⁶ U.S. Embassy- Bridgetown, *reporting*, February 5, 2010.

⁴²⁷⁷ Ibid.

⁴²⁷⁸ Ibid.

⁴²⁷⁹ Ibid.

⁴²⁸⁰ Ibid.

⁴²⁸¹ IOM, “Counter-Trafficking Activities in St. Kitts and Nevis An Overview of 2008.”

⁴²⁸² Ibid.

Saint Lucia

The Government of Saint Lucia has strengthened its legal framework by enacting a new anti-trafficking law. However, gaps remain in its efforts to protect children from the worst forms of child labor, in particular regarding the minimum age for work law, and in data collection and research. Although there is limited information on the prevalence of hazardous child labor, there are reports that children work in the banana harvest and the informal sector. It is not clear whether the lack of evidence of the worst forms of child labor is indicative of a small problem, or a hidden one.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Although there is limited information on the prevalence of the worst forms of child labor in Saint Lucia,⁴²⁸³ there are reports that children in rural areas help harvest bananas where they may be at risk of carrying heavy loads and exposure to harmful pesticides.⁴²⁸⁴

The Government has indicated that child labor appears to be an issue in the informal sector, although additional details on the specific types of work are unavailable.⁴²⁸⁵

Laws and Regulations on the Worst Forms of Child Labor






The Employment of Women, Young Persons, and Children Law, Saint Lucia Revised Ordinances of 1957 sets the minimum age for employment at 14.⁴²⁸⁶ In 2006, the Government proposed Labour Code No. 37, to increase the minimum age for employment to age 15 years.⁴²⁸⁷ The legislation has not been enacted by Parliament.⁴²⁸⁸

The Education Act No. 41 of 1999 makes it an offense to employ a child between the ages of 5 and 15 during the school year.⁴²⁸⁹ The Occupational Health and Safety Act prohibits the employment of persons under age 18 in industrial undertakings.⁴²⁹⁰ It also lists certain types of work that are prohibited.⁴²⁹¹ However, it is unclear whether or not there are prohibitions in hazardous work in other sectors of the economy.

The Constitution prohibits slavery, servitude, or forced labor.⁴²⁹²

The Criminal Code bans the procurement of any male or female under age 18 for prostitution or for the purpose of sexual relations.⁴²⁹³ In 2010, the Government enacted the Counter-Trafficking Act No. 7 to define hostage taking, migrant smuggling, participation in organized criminal group and sexual exploitation of children as offenses.⁴²⁹⁴ The Counter-Trafficking Act is intended to give effect to implementation of the Protocol to Prevent, Suppress, and Punish trafficking in persons.⁴²⁹⁵

Saint Lucia does not have a military force. Instead, the police force is responsible for the security of the country. The minimum age for recruitment to the police force is 18.⁴²⁹⁶

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	No

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Saint Lucia has established a coordinating mechanism to address child labor in agriculture or the informal sector. The Government of Saint Lucia has established a National Coalition against Trafficking in Persons consisting of the Gender Relations Divisions, the Human Services Division, the Police, and the Immigration Service.⁴²⁹⁷

The Department of Labor of the Ministry of Labor Relations, Public Service, and Cooperatives is responsible for enforcing child labor statutes.⁴²⁹⁸ The Government has seven labor inspectors to cover all aspects of labor violations including child labor.⁴²⁹⁹

These inspectors conduct spot investigations and check records to verify compliance with the law. Inspectors are empowered to take legal action against employers found to have employed underage workers. There have been no cases filed to date.⁴³⁰⁰

Anti-trafficking enforcement is among the responsibilities of the Police Department. It refers suspected cases of child trafficking to the Child Welfare Board, which oversees child abuse cases.⁴³⁰¹

Government Policies on the Worst Forms of Child Labor

Research found no evidence that the Government of Saint Lucia has any policies to specifically address the worst forms of child labor.⁴³⁰² However, the Government has recognized the need to conduct solid research and statistical analysis to obtain more information on the prevalence of the worst forms of child labor; such research has not been undertaken to date.⁴³⁰³

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

Although the Government of Saint Lucia has implemented programs to address trafficking of children, research found no evidence that it has carried out programs to assist children involved in agriculture or the informal sector. The Government works with organizations such as the Organization of American States (OAS), the Inter-American Commission of Women, and IOM to address, prevent, and combat the issue of trafficking in persons.⁴³⁰⁴ In 2010, the Government of Saint Lucia participated in an OAS training to increase awareness of trafficking among enforcement agencies.⁴³⁰⁵ The program trained 40 Saint Lucian law enforcement officials in areas such as distinction between trafficking and smuggling as well as victim identification and assistance and protection.⁴³⁰⁶

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

IN THE AREA OF LAWS AND REGULATIONS:

- Increase the minimum age for work to 15.
- Ensure prohibitions on hazardous work in sectors other than industrial undertakings.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat all worst forms of child labor, including hazardous child labor in agriculture and the informal sector.

IN THE AREA OF POLICIES:

- Conduct a comprehensive study to assess the nature and extent of worst forms of child labor in the country.

IN THE AREA OF PROGRAMS:

- Use the results of the study on the worst forms of child labor to assess the need for social programs to assist children working in agriculture and the informal sector.

⁴²⁸³ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴²⁸⁴ U.S. Department of State, “Saint Lucia,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136125.htm>. See also UNICEF, *A Study of Child Vulnerability in Barbados, St. Lucia and St. Vincent and the Grenadines*, November 2006; available from http://www.unicef.org/barbados/cao_resources_vulnerability.pdf.

⁴²⁸⁵ ILO Programme for the Promotion of the Declaration, *Country Baseline Under the ILO Declaration Annual Review (2000-2010): Saint Lucia*, 2010; available from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_cl_lca.pdf.

⁴²⁸⁶ Ibid.

⁴²⁸⁷ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Saint Lucia (ratification: 2000)*, [online] 2010 [cited July 13, 2010]; available from <http://bravo.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25301&chapter=9&query=Saint+Lucia%40ref&highlight=&querytype=bool&context=0>. See also ILO Declaration Experts and ILO Governing Body, *The Effective Abolition of Child Labor: Country Baseline Under the ILO Declaration Annual Review (2000 - 2010) Saint Lucia*, 2010; available from http://natlex.ilo.ch/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_091263.pdf.

⁴²⁸⁸ ILO Declaration Experts and ILO Governing Body, *Saint Lucia*. See also M. G. George, “Labour Code to be implemented,” *The voice*, April 20th, 2010; available from http://www.thevoiceslu.com/local_news/2010/april/20_04_10/Labour_Code_to_be_implemented.htm.

⁴²⁸⁹ ILO Programme for the Promotion of the Declaration, *Country Baseline: Saint Lucia*. See also Government of Saint Lucia, *Education Act No. 41 of 1999*; available from <http://planipolis.iiep.unesco.org/upload/Saint%20Lucia/Saint%20Lucia%20Education%20Act%201999.pdf>.

⁴²⁹⁰ ILO Declaration Experts and ILO Governing Body, *Saint Lucia*. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Saint Lucia (ratification: 2000) Submitted: 2010*, [online] [cited July 13, 2010]; available from <http://bravo.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25301&chapter=9&query=Saint+Lucia%40ref&highlight=&querytype=bool&context=0>

⁴²⁹¹ ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Saint Lucia (ratification: 2000) 2010*.

⁴²⁹² Government of Saint Lucia, *The Saint Lucia Constitution Order of 1978*; available from <http://pdba.georgetown.edu/Constitutions/Lucia/Luc78.html>.

⁴²⁹³ Government of Saint Lucia, *Criminal Code*, 2004.

⁴²⁹⁴ Caribbean Financial Action Task Force, *Mutual Evaluation of Saint Lucia: First Follow-up Report*, May 27, 2010; available from [http://www.cfatf-gafic.org/downloadables/Follow-Up_reports/Saint_Lucia_1st_Follow-up_Report_\(Final\)_English.pdf](http://www.cfatf-gafic.org/downloadables/Follow-Up_reports/Saint_Lucia_1st_Follow-up_Report_(Final)_English.pdf). See also Government of Saint Lucia, *Report to the 11th Session of the Regional Conference on Women in Latin America and the Caribbean*, June 2010; available from <http://www.eclac.org/mujer/noticias/paginas/6/38906/SaintLucia.pdf>.

⁴²⁹⁵ Caribbean Financial Action Task Force, *Mutual Evaluation of Saint Lucia*.

⁴²⁹⁶ Coalition to Stop the Use of Child Soldiers, “Saint Lucia,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf. See also ILO Committee of Experts, *Individual Direct Request C182: Saint Lucia (2010)*.

⁴²⁹⁷ U.S. Department of State, “Country Reports- 2009: Saint Lucia.”

⁴²⁹⁸ U.S. Embassy- Bridgetown, *reporting*, February 5, 2010.

⁴²⁹⁹ *Ibid.*

⁴³⁰⁰ *Ibid.*

⁴³⁰¹ *Ibid.*

⁴³⁰² U.S. Department of State, “Country Reports- 2009: Saint Lucia.”

⁴³⁰³ ILO Programme for the Promotion of the Declaration, *Country Baseline: Saint Lucia*.

⁴³⁰⁴ Government of Saint Lucia, *Report to the 11th Session of the Regional Conference on Women in Latin America and the Caribbean*.

⁴³⁰⁵ Caribbean Net News, “OAS to train officials in St. Lucia and St. Vincent to combat trafficking in persons,” (2010); available from <http://www.caribbeannetnews.com/news-23106--38-38--.html>.

⁴³⁰⁶ *Ibid.*

Saint Vincent and the Grenadines

Saint Vincent and the Grenadines does not appear to have a significant child labor problem; however, children are found working in agriculture and are possibly victims of commercial sexual exploitation. Significant gaps in the law and a lack of policy to combat the worst forms of child labor provide insufficient protection, which result in children being vulnerable to exploitation.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁴³⁰⁷

In Saint Vincent and the Grenadines, some children are found working in the worst forms of child labor, mainly in the harvesting of bananas on farms where they may be at risk of carrying heavy loads and applying harmful pesticides.⁴³⁰⁸

There have been unsubstantiated reports of a small number of trafficking victims, including children who are trafficked internally for the purposes of commercial sexual exploitation. However, the full extent of trafficking in Saint Vincent and the Grenadines is unknown.⁴³⁰⁹






Laws and Regulations on the Worst Forms of Child Labor

The Employment of Women, Young Persons and Children (EWYP) Act, sets the minimum age for employment, including hazardous work, at 14.⁴³¹⁰ Children below the age of 18 are prohibited from being employed at night.⁴³¹¹

The Act also authorizes the Governor-General to establish regulations regarding the health, welfare, and safety of young persons and children; however,



regulations do not exist to prohibit specific occupations or conditions hazardous for children.⁴³¹²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	14
	Compulsory Education Age	16
	Free Public Education	Yes

The Constitution of Saint Vincent and the Grenadines prohibits forced or slave labor.⁴³¹³ There are no laws that specifically address trafficking, though related

offenses may be prosecuted under provisions in the Penal Code. For example, kidnapping or detaining a woman against her will for the purpose of prostitution is an offense punishable with up to 14 years in prison.⁴³¹⁴

A person convicted of causing or encouraging the prostitution of children under the age of 15 may be incarcerated for up to 7 years.⁴³¹⁵

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Saint Vincent and the Grenadines has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Labor is responsible for the enforcement of child labor laws.⁴³¹⁶ Within the Ministry, there are five officers responsible for monitoring all labor issues and complaints including child labor. During the reporting period, no inspections were conducted related to child labor nor were there any reports of child labor complaints.⁴³¹⁷

The Police Force is responsible for investigating trafficking in persons cases and referring the cases to the Ministry of Social Development.⁴³¹⁸

Government Policies on the Worst Forms of Child Labor

Although the worst forms of child labor do not appear to be substantial in Saint Vincent and the Grenadines, research found no evidence of any policies to address existing child labor, including children working in agriculture and trafficked for commercial sexual exploitation.⁴³¹⁹

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

In 2010, the Children Against Poverty bridging program was launched with a total of 56 participating primary schools to develop children's skills through a fun-filled curriculum.⁴³²⁰ A team of over 200 trained personnel including teachers, Ministry Officials, Police Officers, and Community Health Officers were the facilitators. The project goal was to use education as a means of breaking the cycle of poverty.⁴³²¹ The Ministry of Education also operates five Multi-purpose Centers offering full-time technical/vocational education to children age 15-17 to prevent school dropouts.⁴³²² The question of whether these programs have an impact on the worst forms of child labor does not appear to have been addressed.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Saint Vincent and Grenadines:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Employment of Women, Young Persons, and Children Act to make 18 the minimum age for engaging in hazardous work.
- Issue regulations to define a list of hazardous occupations and working conditions prohibited to children under the age of 18.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor, particularly in agriculture.

IN THE AREA OF POLICIES:

- Conduct a rigorous study to assess whether the worst forms of child labor are indicative of a small problem or of a hidden problem that requires further follow up.
- Use the information obtained from the study to develop a national plan of action to address the worst forms of child labor, particularly for children in agriculture.

IN THE AREA OF PROGRAMS:

- Assess the impact that existing programs may have on addressing the worst forms of child labor.

⁴³⁰⁷ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴³⁰⁸ U.S. Embassy- Bridgetown, *reporting*, February 05, 2010.

⁴³⁰⁹ U.S. Department of State, “St. Vincent and the Grenadines (Tier 2 Watch List),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>.

⁴³¹⁰ ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Saint Vincent and the Grenadines (ratification: 2006) Submitted: 2010*, [on line] [cited September 3, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=24850&chapter=9&query=Saint+Vincent+and+the+Grenadines%40ref&highlight=&querytype=bool&context=0>. See also International Trade Union Confederation (ITUC), *Internationally Recognised Core Labour Standards in the Organisation of Eastern Caribbean States (OECS)*, Geneva, 2007; available from http://www.ituc-csi.org/IMG/pdf/OECS_report_final_carr_EN.pdf.

⁴³¹¹ ILO Committee of Experts, *Individual Direct Request, Minimum Age Convention, 1973 (No. 138) Saint Vincent and the Grenadines (ratification: 2006) 2010*

⁴³¹² ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Saint Vincent and the Grenadines (ratification: 2001) Submitted: 2010*, [online] [cited September 7, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25353&chapter=9&query=Saint+Vincent+and+the+Grenadines%40ref&highlight=&querytype=bool&context=0>.

⁴³¹³ *Constitution of Saint Vincent and the Grenadines, 1979*; available from <http://pdba.georgetown.edu/Constitutions/Vincent/Stvincent79.html>.

⁴³¹⁴ Government of Saint Vincent and the Grenadines, *Criminal Code of Saint Vincent and the Grenadines*.

⁴³¹⁵ U.S. Department of State, “Trafficking in Persons Report- 2009.” See also Government of Saint Vincent and the Grenadines, *Criminal Code of Saint Vincent and the Grenadines*.

⁴³¹⁶ U.S. Embassy- Bridgetown, *reporting*, February 05, 2010.

⁴³¹⁷ U.S. Department of State, “Saint Vincent and the Grenadines,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136126.htm>. See also U.S. Embassy- Bridgetown, *reporting*, February 05, 2010.

⁴³¹⁸ U.S. Embassy- Bridgetown, *reporting*, February 05, 2010.

⁴³¹⁹ Ibid.

⁴³²⁰ NBC Radio - SVG, *CAP Bridging Program Officially Launched Today*, [2010 [cited September 7, 2010]]; available from <http://www.nbcsvg.com/profiles/blogs/cap-bridging-program>.

⁴³²¹ Ibid.].

⁴³²² UNICEF, *A Study of Child Vulnerability in Barbados, St. Lucia and St. Vincent and the Grenadines*, November 2006; available from http://www.unicef.org/barbados/cao_resources_vulnerability.pdf.

Samoa

The Government has instituted compulsory education for children under age 15. Children work in agriculture and as street vendors and domestic servants. There is no legal entitlement to free education and there is no evidence of policies or social programs specifically targeted at addressing the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Samoa are exploited in the worst forms of child labor.⁴³²³ Children in rural areas work on village farms and plantations.⁴³²⁴ Work in agriculture commonly involves harmful activities, such as the use of potentially dangerous machinery and tools, carrying heavy loads, and the application of harmful pesticides.

Children work as street vendors in Apia, Samoa's capital, and in a few other locations, including the international airport.⁴³²⁵ Children working on the streets are commonly exposed to a variety of hazards, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Children are also employed in domestic service.⁴³²⁶ Domestic labor by children may involve long work hours, which often prevent children from attending school, and exposure to physical and sexual exploitation by their employers.

The lack of official data and other information does not allow for an accurate assessment of the full nature and extent of the worst forms of child labor in Samoa.



Laws and Regulations on the Worst Forms of Child Labor






The Labor and Employment Act of 1972 sets the minimum age for employment at 15. The Act permits children under age 15 to engage in “safe and light work suited to the capacity of the child” and prohibits them from working with dangerous machinery, in any occupation or place where working conditions are likely to harm their physical or moral health, or on any vessel not under the personal charge of a parent or guardian. The Act treats anyone age 15 and over as an adult worker. The Act covers only establishments of fixed location, so that work that may take place at no set location (such as street vending) is effectively not regulated by the Act.⁴³²⁷

The Samoan Constitution prohibits forced or compulsory labor, but an exception to this provision is given for work or service required by Samoan custom.⁴³²⁸ Research did not identify the specific work activities that would fall under “Samoan custom.”

The Crimes Ordinance Act prohibits inducing a female of any age into sexual relations through fraudulent means.⁴³²⁹ Soliciting or procuring a female of any age for prostitution, or benefiting from the earnings thereof, is also punishable under the Act.⁴³³⁰ Also prohibited is the abduction or detention of any

female child under age 16, with the intent to have sexual relations.⁴³³¹ There is no specific criminal provision regarding child pornography; however, child pornography cases can be prosecuted under a provision of the Penal Code that prohibits the distribution or exhibition of indecent matter.⁴³³² Provisions of the Crimes and Ordinance Act are insufficient to provide adequate protection to boys against commercial sexual exploitation.

There is no comprehensive law prohibiting trafficking in persons, but kidnapping any person with the intent to transport him/her out of the country, or hold the individual for service, is a crime punishable under the Crimes Ordinance Act. Furthermore, no person under age 16 may give consent to “being sent or taken out” of Samoa.⁴³³³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	15
	Compulsory Education Age	14
	Free Public Education	No

The new Education Act of 2009 makes education compulsory for children under age 15.⁴³³⁴ The parents or legal guardian of a compulsory school-aged child who fails to ensure that the child attends school is subject to a fine.⁴³³⁵ The Act further stipulates that if a child under age 15 is not in school and is involved in street vending, the parents or legal guardians may be fined a larger amount.⁴³³⁶ However, there is no legal entitlement to free education. Some families may find schooling costs prohibitive or may need to have children pay their own way. In either case, a child may

work and risk exposure to the worst forms of child labor.

As there are no armed forces maintained by the Government of Samoa, there is no minimum age for conscription.⁴³³⁷

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Samoa has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Commerce, Industry, and Labor (MCIL) is the primary government agency designated to enforce laws related to hazardous or forced child labor. The Ministry of Women, Community, and Social Development and the Ministry of Education may be called upon to help with investigations.⁴³³⁸

Inspectors from the MCIL investigate complaints of violations of the Labor and Employment Act, including complaints of child labor violations and refer them to the Ministry of Police and the office of the Attorney General for enforcement.⁴³³⁹ There are 8 inspectors from MCIL assigned to carry out varied inspections, but none focuses specifically on child labor.⁴³⁴⁰ No information was identified on the number of enforcement actions or the number of violations found during the reporting period.

Although there is no law prohibiting trafficking in persons, trafficking-related investigations are conducted by the Transnational Crimes Unit of the Ministry of Police.⁴³⁴¹

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address the worst forms of child labor in Samoa.

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

Research has not found evidence of any programs by the Government specifically intended to address the worst forms of child labor prevalent in Samoa, nor did the government collect information on exploitive child labor in 2009.⁴³⁴²

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labour Act to provide specific protections against hazardous work activities for all children under age 18.
- Amend provisions in the Crime and Ordinance Act prohibiting the commercial sexual exploitation of children to apply to both boys and girls under age 18.
- Ensure appropriate legal protection for children involved in street vending.
- Prohibit all forced labor.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Make accessible data on the number and type of inspections related to the worst forms of child labor.
- Establish a coordinating mechanism to combat the worst forms of child labor.

IN THE AREA OF POLICIES:

- Establish policies to address relevant worst forms of child labor in Samoa.
- Ensure free education to children up to the minimum compulsory school age.

IN THE AREA OF PROGRAMS:

- Conduct studies to better understand the extent and nature of the worst forms of child labor in agriculture, domestic service, and street vending with a view to identifying legal, policy, and program initiatives needed.
- Develop and implement programs to address relevant worst forms of child labor in Samoa, including children working under exploitive conditions in agriculture, street work, and domestic service.

⁴³²³ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴³²⁴ U.S. Embassy- Apia, *reporting*, March 5, 2010. See also U.S. Department of State, “Samoa,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136007.htm>.

⁴³²⁵ U.S. Embassy- Apia, *reporting*, March 5, 2010.

⁴³²⁶ *Ibid.*

⁴³²⁷ U.S. Department of State, “Samoa,” 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/eap/119055.htm>.

⁴³²⁸ Government of Samoa, *Constitution of the Independent State of Western Samoa 1960*, (January 1, 1962), article 8(1) and 8(2d); available from http://www.pacii.org/ws/legis/consol_act/cotisows1960535/.

⁴³²⁹ Government of Samoa, *Crimes Ordinance 1961*, (December 16, 1961), article 55; available from http://www.pacii.org/ws/legis/consol_act/co1961135/.

⁴³³⁰ *Ibid.*, article 58L-M.

⁴³³¹ *Ibid.*, article 83B.

⁴³³² *Ibid.*, article 43. See also U.S. Department of State, “Country Reports- 2009: Samoa.”

⁴³³³ Government of Samoa, *Crimes Ordinance*, article 83A(1).

⁴³³⁴ U.S. Embassy- Apia, *reporting, March 5, 2010*. See also Government of Samoa, *Education Act 2009*, (2009); available from http://www.paclii.org/ws/legis/num_act/ea2009104/.

⁴³³⁵ Government of Samoa, *Education Act 2009*.

⁴³³⁶ U.S. Embassy- Apia, *reporting, March 5, 2010*.

⁴³³⁷ 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.

⁴³³⁸ U.S. Embassy- Apia, *reporting, March 5, 2010*.

⁴³³⁹ U.S. Embassy- Apia official, E-mail communication to USDOL official, February 16, 2009. See also U.S. Embassy- Apia, *reporting*, December 2, 2007.

⁴³⁴⁰ U.S. Embassy- Apia, *reporting, March 5, 2010*.

⁴³⁴¹ 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*, February 16, 2006, para 197(c); 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).

⁴³⁴² U.S. Embassy- Apia, *reporting, March 5, 2010*.

São Tomé and Príncipe

The Government of São Tomé and Príncipe has established some laws to protect children from the worst forms of child labor. Children in São Tomé and Príncipe continue to work in agriculture. Gaps remain in the country's legal framework and enforcement system, as well as in social programs to protect children from labor exploitation.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	15.4%
Attending School	5-14 yrs.	68.8%
Combining Work and School	7-14 yrs	13.7%



Prevalence and Sectoral Distribution of Worst Forms of Child Labor

Children in São Tomé and Príncipe are involved in the worst forms of child labor.⁴³⁴³ Some children work in agriculture.⁴³⁴⁴ Children working in agriculture may use dangerous machinery and tools, carry heavy loads, and apply harmful pesticides.

Children in São Tomé and Príncipe are also victims of commercial sexual exploitation.⁴³⁴⁵ Children also engage in street vending and domestic service.⁴³⁴⁶ Children working in the streets may face severe weather conditions, accidents caused by proximity to vehicles, and vulnerability to criminal elements. Child domestic labor commonly involves long hours of work and may expose children to physical and sexual exploitation by their employers. Although some children attend school and assist their parents with light tasks, many rural students stop attending school after the fourth grade due to the relative high cost of sending their children to far-away schools, which may leave them vulnerable to the worst forms of child labor.⁴³⁴⁷ There were no reports that children were trafficked to, from, or within the country during the reporting period.⁴³⁴⁸


Laws and Regulations on the Worst Forms of Child Labor

The Law on Individual Labor Contracts sets the minimum age for work in São Tomé and Príncipe at 14, and the minimum age for hazardous work at 18.⁴³⁴⁹ However, there is no list of hazardous occupations. The law also establishes limits on working hours for children under age 18. Specifically, it states that children are prohibited from working more than seven hours per day and 35 hours per week.⁴³⁵⁰ The law prohibits forced or compulsory labor.⁴³⁵¹

The Criminal Code contains provisions prohibiting trafficking in persons.⁴³⁵² The Civil Code includes provisions against child prostitution.⁴³⁵³ However, because these laws define a child as under the age of 16, young people (age 16 to 17) may legally engage in prostitution and the worst forms of child labor.⁴³⁵⁴

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of São Tomé and Príncipe has established a coordinating mechanism to combat the worst forms of child labor.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

The Department of Labor Inspection within the Ministry of Labor, Solidarity and Family Affairs is responsible for enforcing labor laws, including those regarding exploitive child labor. The Department lacks basic equipment, including vehicles and computers, as well as personnel.⁴³⁵⁵ The Department of Labor Inspection uses teams composed of members from other government agencies, such as the Police and Ministry of Social Work, to carry out the enforcement of all labor laws, including those pertaining to child labor.⁴³⁵⁶ The Government intermittently employs 14 labor inspectors.⁴³⁵⁷

Although complaints regarding the worst forms child labor may be lodged with the Department of Labor Inspection or the Police, there were no complaints during the reporting period. Inspections that occurred during the period did not involve child labor.⁴³⁵⁸ It is unknown whether inspections were conducted in sectors in which children work, such as agriculture.⁴³⁵⁹

The Criminal Police Investigation Unit, the Department of Labor Inspection, and social workers are responsible for investigating trafficking of children.⁴³⁶⁰ During the reporting period no complaints were filed regarding such issues. Statistics on investigations, arrests, and convictions for such crimes are unavailable.⁴³⁶¹

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to combat child labor on Sao Tome and Principe.

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

The Government has participated in a Multilateral Cooperative Agreement with 23 other African countries to combat trafficking in persons especially women and children.⁴³⁶² The Government of São Tomé and Príncipe manages three shelters for street children where they receive education and training.⁴³⁶³ However, research found no evidence of programs targeted to children working in agriculture, domestic service, or to children engaged in commercial sexual exploitation.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Sao Tomé and Príncipe:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the law to:
 - Define a child as any person under age 18.
 - Protect children between the ages of 16 and 17 from engaging in commercial sexual exploitation.
 - Develop a list of hazardous occupations prohibited for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Strengthen the enforcement of child labor laws by:
 - Creating permanent positions for labor inspectors in the Ministry of Labor's Department of Labor Inspection.
 - Providing adequate resources to ensure that there is an effective enforcement system.

IN THE AREA OF POLICIES:

- Adopt policies to address the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Establish programs that address the worst forms of child labor observed in Sao Tomé and Príncipe: agriculture, domestic service, and commercial sexual exploitation.

⁴³⁴³ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴³⁴⁴ U.S. Embassy- Libreville, *reporting*, March 10, 2010.

⁴³⁴⁵ UN Committee on the Rights of the Child, *Concluding Observations: São Tomé and Príncipe*, CRC/C/15/Add.235, July 1, 2004; available from <http://tb.ohchr.org/default.aspx?country=st>.

⁴³⁴⁶ U.S. Department of State, "Sao Tome and Principe," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135972.htm>. See also U.S. Embassy- Libreville, *reporting*, March 12, 2010, para 2a1.

⁴³⁴⁷ U.S. Department of State, "Country Reports- 2009: Sao Tome and Principe." See also U.S. Embassy- Libreville, *reporting*, March 12, 2010. See also U.S. Embassy- Libreville official, E-mail communication to USDOL official, November 18, 2010.

⁴³⁴⁸ U.S. Department of State, "Country Reports- 2009: Sao Tome and Principe," section 6. See also U.S. Embassy- Libreville, *reporting*, March 10, 2010.

⁴³⁴⁹ Government of São Tomé and Príncipe, *Regime Jurídico das Condições Individuais de Trabalho*, (June 11, 1992), articles 128 and 129; available from http://www.legis-palop.org/index.php?option=com_docman&task=cat_view&gid=62&Itemid=76&limitstart=10.

⁴³⁵⁰ *Ibid.*, articles 134-136, 147. See also U.S. Department of State, "Country Reports- 2009: Sao Tome and Principe."

⁴³⁵¹ U.S. Department of State, "Sao Tome and Principe," 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/af/119020.htm>. See also Government of São Tomé and Príncipe, *Constituição Política da República Democrática de São Tomé e Príncipe*, (January 25, 2003), article 32; available from <http://www.gov.st/data/filestorage/docs/constistp.pdf>.

⁴³⁵² U.S. Department of State, "Country Reports- 2009: Sao Tome and Principe," section 6. See also 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 35; available from <http://tb.ohchr.org/default.aspx?country=st>.

⁴³⁵³ UN Committee on the Rights of the Child, *Initial Reports: São Tomé and Príncipe*, para 400. See also U.S. Embassy- Libreville official, E-mail communication to USDOL official, March 31, 2009.

⁴³⁵⁴ UN Committee on the Rights of the Child, *Initial Reports: São Tomé and Príncipe*, para 35, 401. See also UN Committee on the Rights of the Child, *Concluding Observations: São Tomé and Príncipe*, para 53.

⁴³⁵⁵ U.S. Embassy- Libreville, *reporting, March 12, 2010*, para 2c1 and 2c4.

⁴³⁵⁶ *Ibid.*, para 2c1 and 2c5.

⁴³⁵⁷ *Ibid.*, para 2c5.

⁴³⁵⁸ *Ibid.*, para 2c3 and 2c6.

⁴³⁵⁹ U.S. Department of State, “Country Reports- 2009: Sao Tome and Principe,” section 6e.

⁴³⁶⁰ U.S. Embassy- Libreville, *reporting, March 12, 2010*, para 2d1.

⁴³⁶¹ *Ibid.*, para 2d1, 2d3-2d12.

⁴³⁶² ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006.

⁴³⁶³ National Assembly of São Tomé and Príncipe, *Programa do XIII Governo*, July 2008; available from <http://www.parlamento.st/>. See also U.S. Department of State, “Country Reports- 2009: Sao Tome and Principe,” section 6.

Senegal

The Government of Senegal continues to participate in several large scale programs to combat the worst forms of child labor. There appears to be little inspection or enforcement activity, however, and children remain engaged in begging and dangerous work in agriculture, fishing, and mining.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	30.0%
Attending School	5-14 yrs.	47.9%
Combining Work and School	7-14 yrs	16.9%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁴³⁶⁴

Children in Senegal are exploited in the worst forms of child labor. Many working children are engaged in agriculture and fishing, which puts them at risk of occupational dangers.⁴³⁶⁵ Children's work in agriculture may involve unhealthy and unsafe activities, such as the use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides. Fishing in Senegal potentially exposes children to explosives, which are commonly used to kill large amounts of fish.⁴³⁶⁶

Children also work as domestic servants in Senegal, where they may be exposed to long hours of work and physical and sexual exploitation by their employer.⁴³⁶⁷ Some girls in Senegal begin work as domestic servants as young as 6.⁴³⁶⁸

Children mine gold and salt.⁴³⁶⁹ They also work in rock quarries. They are exposed to unsafe and unhealthy working conditions such as carrying heavy loads, sifting through dirt using mercury to attract precious metals, and working without protective gear.⁴³⁷⁰

Other dangerous work performed by children takes place in the construction industry, at automobile repair shops, in metal and wood work, and at dumpsites.⁴³⁷¹

Child prostitution occurs in Dakar, in tourist areas, and in other urban areas.⁴³⁷² Children are recruited or trafficked into prostitution by pimps and private brothel and hotel owners. Some children are prostituted by their parents.⁴³⁷³ In addition, children displaced from the South of Senegal, where a 22 year rebellion has taken place often migrate to Dakar and Ziguinchor for prostitution, providing sexual services

to soldiers near the Senegal-Gambia and Senegal-Guinea Bissau borders.⁴³⁷⁴

The practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in Senegal.⁴³⁷⁵ These boys, called *talibes*, are sometimes forced by their teachers, to beg on the streets for food or money and to surrender their earnings.⁴³⁷⁶ *Talibes* are often trafficked from rural areas to major cities within Senegal, as well as from The Gambia, Guinea-Bissau, Mali, and Guinea. Senegalese children are also trafficked to The Gambia and Mauritania for forced begging by religious teachers.⁴³⁷⁷ Many of these children beg in dangerous and unhealthy conditions, are physically abused, and are known to work from 6 a.m. until after dark.⁴³⁷⁸ Although evidence is limited, there is reason to believe that *talibes* in the Casamance region are used to gather cashews and mangos, and to harvest oranges. These children are exposed long working hours and to land mines left in the fields from a 27 year conflict in the region.⁴³⁷⁹ In Thies, *talibes* collect garbage from homes, sometimes carrying very heavy loads.⁴³⁸⁰

Other forms of trafficking in addition to trafficking of boys for forced begging occur in Senegal.⁴³⁸¹ Girls are trafficked to Senegal for the purpose of forced begging on behalf of the blind. These girls work in difficult conditions, and may be vulnerable to abuse.⁴³⁸² Young girls are trafficked from villages in Fatick, Louga, Kaolack, Kolda, Ziguichor, Thies, Saint Louis, and Djourbel to urban centers for domestic service, and are trafficked to many of the same cities for commercial sexual exploitation.⁴³⁸³ Girls are also trafficked to neighboring countries, Europe and the Middle East for sexual exploitation and from Liberia, Ghana, Sierra Leone, and Nigeria into Senegal for the same purpose.⁴³⁸⁴

Laws and Regulations on Child Labor

The Labor Code sets the minimum age for employment, including apprenticeships, at 15.⁴³⁸⁵ Arrêté ministériel n° 3750 and 3751 prohibit children from working in hazardous conditions and identify circumstances in which children under age 18 cannot work or can only work under certain conditions.⁴³⁸⁶ An exception within these laws allows boys under age 16 to work in underground mines and quarries if they are doing “light work.”⁴³⁸⁷ Arrêté ministériel n° 3749 prohibits activities considered to be worst forms of child labor and includes, among others, forced labor, slavery, prostitution, begging for a third party, drug trafficking, scavenging garbage, slaughtering animals, work with dangerous products, and work that imperils the health, safety, or morality of children.⁴³⁸⁸

Senegalese laws require children to attend school through age 12, while the minimum age for children to work is 15. This standard makes children ages 13 to 15 particularly vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum age for work.⁴³⁸⁹

The Constitution bans forced labor.⁴³⁹⁰ Military recruits must be age 18 or older.⁴³⁹¹

The Penal Code prohibits the procurement of a person into prostitution, or acting as an intermediary for prostitution. If the crime involves a minor younger than age 13, sentences are more severe.⁴³⁹² Law n° 2005-06 prohibits all forms of trafficking and provides stringent penalties.⁴³⁹³ The Penal Code forbids third party begging, unless the begging is done on behalf of a family member, blind person, or for collecting alms per religious tradition.⁴³⁹⁴ The existence of these exceptions to the prohibition against third party begging provides a loophole that can be exploited by religious leaders and the blind who are using children for third party begging.⁴³⁹⁵

	C138, Minimum Age	Yes
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Intersectoral Committee, chaired by the Ministry of Labor, coordinates efforts against child labor.⁴³⁹⁶ The committee is comprised of employers' organizations, 20 ministries, religious leaders, international agencies and governors from various regions.⁴³⁹⁷ The Ministry of Labor (MOL) also has a Child Labor Unit to maintain a database for child labor, and assure monitoring and evaluation of child labor activities. However, the Unit has no budget, no office space, and the Unit's work is carried out through part-time contributions of MOL staff whose primary responsibilities are elsewhere.⁴³⁹⁸ The Ministry of Family coordinates another national committee against child labor. This duplication of efforts leads to problems with the coordination of efforts.⁴³⁹⁹

The MOL is responsible for enforcing child labor laws through the Labor Inspections Office and the use of social security inspectors.⁴⁴⁰⁰ During the reporting period there were 67 inspectors and 80 controllers charged with carrying out labor inspections. Labor inspectors monitor and enforce minimum age and all other labor laws in the formal wage sector, which includes state-owned corporations, private enterprises, and cooperatives.⁴⁴⁰¹ If an incident of child labor is found during an inspection, the inspector informs the business owner that the child should be removed from work. If the child is not removed within the specified timeframe, the case is turned over to a local tribunal for adjudication.⁴⁴⁰² According to the MOL, there were no child labor violations in the formal wage sector in 2009. Labor inspectors reportedly lack transportation to undertake inspections.⁴⁴⁰³ As this process does not penalize violators on their first offense, it may not deter employers from exploiting children in the workplace.

The Ministry of Justice leads anti-trafficking and child begging enforcement efforts in Senegal.⁴⁴⁰⁴ Additionally, the Minors' Brigade under the Interior Ministry Special Commissariat, and the local police and gendarmerie work to combat -sex tourism. However, the Minors' Brigade only has a presence in Dakar, while, the commercial sexual exploitation of children is widespread throughout tourist areas outside of Dakar.⁴⁴⁰⁵

During the reporting period, a human trafficking network that sent girls from Senegal to Morocco for domestic work was dismantled. The alleged traffickers were released without charges.⁴⁴⁰⁶ Two religious teachers were arrested for the abuse and forced begging of *talibes*. One was jailed and the other awaits trial.⁴⁴⁰⁷ Although these arrests indicate positive steps towards addressing forced begging, the investigation into the issue of forced begging is lacking compared to the magnitude of the problem of exploited *talibes*.

Government Policies on Child Labor

The Government has been developing a national action plan on child labor since 2003. However, the plan has not yet been adopted by the Government of Senegal.⁴⁴⁰⁸ The Government developed a National Action Plan on Trafficking in Persons which implements trafficking prevention and awareness campaigns, and aims to enhance law enforcement and victim protection. However, the action plan is still awaiting cabinet approval.⁴⁴⁰⁹

The Government has integrated child labor issues into several relevant development policies, including its United Nations Development Assistance Framework (2007-2011);⁴⁴¹⁰ the Ten-Year Education and Training Program (2000-2015), which aims to provide universal quality primary education to all children by 2015;⁴⁴¹¹ the Poverty Reduction Strategy Paper (2006-2010), which promotes better conditions for *talibes* and focuses on social protection and risk management for vulnerable groups, including children;⁴⁴¹² and its National Social Protection Strategy (2005-2015), which classifies children as a specific vulnerable group and includes provisions for their protection against harmful practices, exploitation, and violence.⁴⁴¹³

In 2006, the Government adopted 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.⁴⁴¹⁴ Commitments under the Multilateral Cooperative Agreement include investigation and prosecution of trafficking offenders; rehabilitation and reintegration of trafficking victims; and assisting fellow signatory countries to implement these measures.⁴⁴¹⁵

During the reporting period, the Government adopted the Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa under ECOWAS. This agreement explicitly targets, among others, victims of exploitative labor and hazardous child labor. The Policy identifies begging as a possible outcome of trafficking, reflecting the need to combat this growing problem with regional strategies.⁴⁴¹⁶

Social Programs to Eliminate the Worst Forms of Child Labor

From 2003 to 2007, the Government participated in a USDOL funded project to implement the National Timebound Program to Combat Child Labor that withdrew and prevented children from exploitation in the worst forms of child labor in agriculture, fishing, and domestic work.⁴⁴¹⁷

The Government continues to operate its toll-free child protection hotline, which received 9,545 calls during the reporting period.⁴⁴¹⁸ The Government also runs the Ginndi Center, a shelter for destitute children.⁴⁴¹⁹ The Ginndi Center, in collaboration with the IOM, repatriated or reintegrated 223 child trafficking victims. The Government assisted 108 street children through their Open Center for Education (AEMO) office branch in Mbour and in partnership with UNICEF, started a pilot project in the departments of Guédiawaye and Ziguinchor focused on the social protection of street children.⁴⁴²⁰

In 2009, the Government carried out 43 micro-projects to sensitize the Senegalese people on the existence of the Anti-Trafficking in Persons Law, and trained border security forces, journalists, and government agents on human trafficking issues.⁴⁴²¹

The Government of Senegal currently participates in three multi-million dollar projects to eliminate the worst forms of child labor: a 4-year \$5.1 million regional Spanish-funded project, a 2-year \$2.8 million Denmark-funded project that targets trafficked children in West Africa, and a 3-year \$1.78 million UN-funded project to ameliorate the conditions of at-risk children in Senegal.⁴⁴²²

The Government coordinates several programs targeting *talibes*, including projects which provide awareness raising, training for Koranic teachers, and shelter for *talibes*.⁴⁴²³ Two prominent efforts are two

pilot projects which provide food and educational services to *talibes*, and an \$8.0 million Japan-funded project to withdraw and prevent *talibes* from forced work.⁴³⁹⁴

The Government is currently participating in a 3 year \$7.9 million USDOL-funded regional project designed to strengthen ECOWAS' Child Policy and Strategic Plan of Action and develop programs focusing on child trafficking as it pertains to the strategic plan.⁴⁴²⁵

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the law to prohibit all instances of children forced to beg.
- Amend the law to ensure that the minimum age for hazardous work, including admission to work in underground mines, quarries, and other mineral extraction plants is 18 years for both girls and boys.
- Raise the compulsory schooling age to align it with the minimum age for admission in employment

IN THE AREA OF MONITORING AND ENFORCEMENT:

- Clarify responsibilities of key government agencies in coordinating efforts to combat the worst forms of child labor to avoid duplication of effort.
- Fund, staff and provide sufficient resources to the Child Labor Unit.
- Amend the enforcement process to allow for the prosecution of first-time offenders of child labor laws.
- Expand specialized police units such as the Minors Brigade and the police unit dedicated to sex tourism to extend outside of Dakar.
- Expand efforts to investigate forced begging and take action on abuses performed by religious teachers
- Consider the adequacy of existing inspection and enforcement activities, particularly with regard to coverage of those areas where child labor is most prevalent.

IN AREA OF POLICIES:

- Adopt the Child Labor Policy National Action Plan.
- Approve and adopt the National Action Plan for Trafficking in Persons.

IN AREA OF PROGRAMS:

- Expand existing social programs to target more children involved in or at risk of entering the worst forms of child labor.

⁴³⁶⁴ The statistics in the chart to the left are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

⁴³⁶⁵ U.S. Embassy - Dakar, *reporting*, March 10, 2010, 2a. See also Government of Senegal, *Enquete Nationale sur le Travail des Enfants - ENTES - 2005: Rapport National d'analyses*, August, 2007, 75-76, 79.

⁴³⁶⁶ U.S. Embassy- Dakar, *reporting*, February 23, 2009, para 6.

⁴³⁶⁷ USAID, *Study on the Practice of Trafficking in Persons in Senegal*, USAID, 2004; available from http://www.childtrafficking.com/Docs/moens_2004_study_practice_trafficking_senegal_4.pdf. See also, ILO-IPEC, *Project of Support for the Implementation of the Timebound Programme in Senegal*, IPEC Evaluation, Geneva, December 2007.

⁴³⁶⁸ USAID, *Study on the Practice of Trafficking in Persons in Senegal*, 26.

⁴³⁶⁹ ILO, "In their own words...Senegal: Famara regrets leaving school to mine gold", ILO.org, [online], June 2006 [cited January 23, 2009]; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=4175>. See also ILO, "In their own words...How Awa dreads salt season", ILO.org, [online], June 2006 [cited January 23, 2009]; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=4170>. See also ILO, *Child labour in salt mining: The problem*, June 2006; available from <http://www.ilo.org/ipecinfo/product/download.do;jsessionid=0a038009ce955b2d1476aae475d8e07d5a095d4550f>. See also U.S. Embassy - Dakar, *reporting*, March 10, 2010, para 1a, 1d. See also, U.S. Embassy- Dakar, *reporting*, February 23, 2009.

⁴³⁷⁰ 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. See also ILO, "In their own words...Senegal: Crushing stones from age 7", ILO.org, [online], June 2006 [cited January 23, 2009]; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=4171>. See also U.S. Department of State, "Senegal," in *Country Reports on*

Human rights Practices- 2009, Washington, DC, March 11, 2010, para 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135973.htm>. See also, U.S. Embassy- Dakar, *reporting*, February 23, 2009, para 3. See also, Rukimini Callimachi and Bradley Klapper, "International Herald Tribune: Thousands of children work in African gold mines", A, [online], August 11, 2008 [cited December 2, 2010]; available from <http://www.iht.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.

⁴³⁷¹ 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*, Dakar, February 2006, 19-21. See also Kristoffel Lieten Godefroid Nimbona, *Child Labour Unions: AEJT Senegal*, 2007, 23, 38. See also U.S. Embassy- Dakar, *reporting*, March 08, 2010, para 27c. See also Government of Senegal, *Rapport National d'analyses*, 75-76. 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. See also, Hamadou Tidiane SY, "Dakar's Mbeubeuss Landfill: More Than Meets the Eye", idrc.ca, [online], June 2008 [cited February 25, 2010]; available from http://www.idrc.ca/en/ev-126835-201-1-DO_TOPIC.html.

⁴³⁷² USAID, *Study on the Practice of Trafficking in Persons in Senegal*, 21-23.

⁴³⁷³ *Ibid.*, 22-23.

⁴³⁷⁴ *Ibid.*, 22.

⁴³⁷⁵ 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>. Easton, "Education and Koranic Literacy in West Africa," 1, 3. See also International Trade Union confederation (ITUC), *Internationally Recognized Core Labour Standards in Niger and Senegal: Report for the WTO General Council Review of the Trade Policies of Niger and Senegal*, Geneva, November 11, 2009, 11; available from http://www.ituc-csi.org/IMG/pdf/WTO_report_Niger_Senegal_en_200911101.pdf.

⁴³⁷⁶ Delap Emily, *Begging for Change: Research findings and recommendations on forced child begging in Albania/ Greece, India and Senegal*, 2009, 7, 10, 11, 12; available from http://www.antislavery.org/includes/documents/cm_docs/2009/b/beggingforchange09.pdf. See also, IOM, "Traditional Practices being Abused to Exploit Children in West Africa, warns IOM", IOM, [online], November 22, 2006 [cited December 2, 2010]; available from <http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007>.

⁴³⁷⁷ U.S. Embassy- Dakar, *reporting, March 08, 2010*, para 25b. See also Integrated Regional Information Networks, “Guinea-Bissau - Senegal: Child trafficking on the decline say local authorities”, IRINnews.org, [online], October 15, 2008 [cited December 2, 2010]; available from <http://www.irinnews.org/Report.aspx?ReportId=80928>. See also Delap Emily, *Begging for Change*, 9. See also, U.S. Department of State, “Senegal,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>. See also, U.S. Department of State, “Mauritania (Tier 3),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>. See also, USAID, *Study on the Practice of Trafficking in Persons in Senegal*, 34.

⁴³⁷⁸ U.S. Embassy - Dakar, *reporting, March 10, 2010*. See also 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 Delap Emily, *Begging for Change*, 10, 12. See also, USAID, *Study on the Practice of Trafficking in Persons in Senegal*, 28.

⁴³⁷⁹ U.S. Embassy - Dakar, *reporting, March 10, 2010*, para 2a. See also, U.S. Embassy- Dakar, *reporting, February 23, 2009*. See also, IRIN, “Senegal: One Landmine Gone, Hectares of Farmland Gained” *IRIN*, September 11, 2009; available from <http://www.irinnews.org/Report.aspx?ReportId=86124>.

⁴³⁸⁰ U.S. Embassy - Dakar, *reporting, March 10, 2010*.

⁴³⁸¹ U.S. Embassy- Dakar, *reporting, March 08, 2010*, para 25b.

⁴³⁸² USAID, *Study on the Practice of Trafficking in Persons in Senegal*.

⁴³⁸³ U.S. Embassy- Dakar, *reporting, March 08, 2010*, para 25b. See also, USAID, *Study on the Practice of Trafficking in Persons in Senegal*, 22-24.

⁴³⁸⁴ U.S. Department of State, “Trafficking in Persons Report- 2010: Senegal.”

⁴³⁸⁵ Government of Senegal, *Code du travail 1997*, Loi No. 97-17, (December 1, 1997), article L. 145; available from www.droit-afrique.com/images/textes/Senegal/Senegal%20-%20Code%20du%20travail.pdf

⁴³⁸⁶ 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 1-2; 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 7, 10, 12; available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/64611/64953/F1229124862/SEN64611.pdf>.

⁴³⁸⁷ ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Senegal (ratification: 1999)*, [online] 2009 [cited February 24, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=621&chapter=3&query=Senegal%40ref%2B%2B%20Observation%40ref%2B%23YEAR%3D2009&highlight=&querytype=bool&context=0>. See also Government of Senegal, *Arrêté ministériel n° 3750 MFPTEOP-DTSS*, article 7. See also International Trade Union confederation (ITUC), *Internationally Recognized Core Labour Standards in Niger and Senegal*, 10.

⁴³⁸⁸ 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 2; available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/64610/64951/F2020269921/SEN64610.pdf>. See also Government of Senegal, *Code penal 1965*, Loi No. 65-60, (July 21, 1965), articles 320, 323, 324; available from <http://www.justice.gouv.sn/droitp/CODE%20PENAL.PDF>. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Senegal (ratification: 2000)*, [online] 2009 [cited February 24, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1460&chapter=16&query=C182%40ref%2B%23YEAR%3D2009&highlight=&querytype=bool&context=0>.

⁴³⁸⁹ UNESCO, *Education for All Global Monitoring Report*, 2009, 298; available from <http://www.unesco.org/en/efareport/>.

⁴³⁹⁰ U.S. Embassy- Dakar, *reporting, March 08, 2010*.

⁴³⁹¹ 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. See also OHCHR, *Senegal CRC Optional Protocol (Armed Conflict): Reservations and Declarations*, [online] [cited February 24, 2010]; available from http://www.bayefsky.com/.html/senegal_t2_crc_opt1.php.

⁴³⁹² Government of Senegal, *Code penal 1965*, article 320.

⁴³⁹³ Government of Senegal, *Loi n° 2005-06 du 10 mai 2005 relatif à la lutte contre la traite des personnes et pratiques assimilées et à la protection des victimes*, 2006-06, (May 10,); available from http://www.jo.gouv.sn/imprimer.php3?id_article=3640.

⁴³⁹⁴ USAID, *Study on the Practice of Trafficking in Persons in Senegal*, 34. See also, Government of Senegal, *Code penal 1965*.

- ⁴³⁹⁵ USAID, *Study on the Practice of Trafficking in Persons in Senegal*.
- ⁴³⁹⁶ U.S. Embassy - Dakar, *reporting, March 10, 2010*, para 2b and 2c. See also ILO-IPEC, *Senegal IPEC Evaluation - December 2007*.
- ⁴³⁹⁷ ILO-IPEC, *Senegal IPEC Evaluation - December 2007*.
- ⁴³⁹⁸ ILO-IPEC, “*Project Support for the Implementation of a Time Bound Programme (TBP) in Senegal*, December 2007, 12-13; available from Hard Copy.
- ⁴³⁹⁹ ILO-IPEC, *Senegal IPEC Evaluation - December 2007*.
- ⁴⁴⁰⁰ U.S. Embassy - Dakar, *reporting, March 10, 2010*, para 2b and 2c.
- ⁴⁴⁰¹ U.S. Embassy- Dakar, *reporting, February 23, 2009*, para 9. See also U.S. Embassy- Dakar, *reporting, March 08, 2010*, para 27c. See also U.S. Embassy - Dakar, *reporting, March 10, 2010*, para 2c.
- ⁴⁴⁰² U.S. Embassy - Dakar, *reporting, March 10, 2010*, 2C.
- ⁴³⁷³ Ibid.
- ⁴⁴⁰⁴ U.S. Embassy- Dakar, *reporting, March 08, 2010*, 26D.
- ⁴⁴⁰⁵ U.S. Embassy- Dakar, *reporting, February 19, 2009*, para 24b. See also U.S. Embassy- Dakar, *reporting, March 08, 2010*, para 26b. See also U.S. Embassy - Dakar, *reporting, March 10, 2010*, para 2d. See also, USAID, *Study on the Practice of Trafficking in Persons in Senegal*.
- ⁴⁴⁰⁶ U.S. Department of State, “*Trafficking in Persons Report- 2010: Senegal*.”
- ⁴⁴⁰⁷ Ibid.
- ⁴⁴⁰⁸ Afrique en Ligne, “*Sénégal: Vers un plan cadre pour l’élimination du travail des enfants*” *Afrique en Ligne*, May 6, 2010; available from <http://www.afriquejet.com/afrique-de-l%27ouest/senegal/senegal:-vers-un-plan-cadre-pour-l%27elimination-du-travail-des-enfants-2010050648899.html>. See also, ILO-IPEC, “*Project Support for the Implementation of a Time Bound Programme (TBP) in Senegal*, 8.
- ⁴⁴⁰⁹ U.S. Embassy-- Dakar, *reporting, February 19, 2009*, 27D.
- ⁴⁴¹⁰ United Nations, *Senegal: Plan-Cadre des Nations Unies pour l’Assistance au Développement (UNDAF) (2007-2011)*, 2007, 43, 49; available from http://www.undg.org/docs/6949/UNDAF_SEN_2007_2011.pdf.
- ⁴⁴¹¹ Niane Boubacar and Robert Francois, *Country profile prepared for the Education for All Global Monitoring Report 2007 Strong Foundations: Early Childhood Care and Education*, UNESCO, 2007, 1; available from <http://unesdoc.unesco.org/images/0015/001555/155571e.pdf>. See also Souleymane Faye, “*Senegal: Scrambling to Keep Up With Education For All*”, *ipsnews.net*, [online], October 2, 2009 [cited February 05, 2010]; available from <http://ipsnews.net/news.asp?idnews=48701>.
- ⁴⁴¹² Government of Senegal, *Etude sur la pauvreté et les disparités chez les enfants au Senegal: Rapport Final*, UNICEF, May, 2009, 56; available from http://www.unicef.org/wcaro/wcaro_Senegal_Child_Poverty_FR.pdf. See also Paola Perezniето, *Social protection to tackle child poverty in Senegal*, Overseas Development Institute, September 2009, 1-3; available from <http://www.odi.org.uk/resources/download/3793-odi-project-briefing-english.pdf>. See also Government of Senegal, *Poverty Reduction Strategy Paper*, September, 2006; available from [http://siteresources.worldbank.org/INTPRS1/Resources/Senegal-PRSP\(Sept2007\).pdf](http://siteresources.worldbank.org/INTPRS1/Resources/Senegal-PRSP(Sept2007).pdf).
- ⁴⁴¹³ Government of Senegal, *Rapport Final*, 66. See also Perezniето, *Social protection to tackle child poverty in Senegal*, 2.
- ⁴⁴¹⁴ ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006; available from http://www.ceeac-eccas.org/img/pdf/Multilateral_Agreement_Trafficking-1184251953.doc.
- ⁴⁴¹⁵ Ibid., 5-13.
- ⁴⁴¹⁶ ECOWAS Commission, *Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa*, prepared by ECOWAS, 2009.
- ⁴⁴¹⁷ 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. See also, ILO-IPEC, *Support to the Timebound Programme Elimination of the Worst Forms of Child Labour: Projet d’amélioration des conditions d’apprentissage dans le secteur informel et lutte contre la pauvreté, Bonnes Pratiques*, Annex to Technical Progress Report, Geneva, September 2006. See also, ILO-IPEC, “*Project Support for the Implementation of a Time Bound Programme (TBP) in Senegal*.”

⁴⁴¹⁸ U.S. Department of State, “Trafficking in Persons Report- 2010: Senegal,” 288.

⁴⁴¹⁹ U.S. Embassy - Dakar, *reporting, March 10, 2010*, para 2d.

⁴⁴²⁰ *Ibid.*, para 2d, 2f.

⁴⁴²¹ U.S. Embassy- Dakar, *reporting, March 08, 2010*, para 26b. See also U.S. Embassy - Dakar, *reporting, March 10, 2010*, para 2f.

⁴⁴²² ILO-IPEC, E-mail Communication, July 17, 2010.

⁴⁴²³ U.S. Department of State, “Senegal,” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009, 253; available from <http://www.state.gov/documents/organization/123357.pdf>. See also U.S. Embassy- Dakar, *reporting, March 08, 2010*, para 26b, 27g.

⁴⁴²⁴ Integrated Regional Information Networks, “Retrait et réinsertion des enfants de la rue: Le Parrer dévoile son plan d’action”, IRINnews.org, [online], October 15, 2009 [cited February 5, 2010]; available from <http://fr.allafrica.com/stories/200910150718.html>. See also Rewmi.com, “Amelioration de la situation des enfants de la rue: Le Parrer beneficie de 800 millions du Japon”, [rewmi.com](http://www.rewmi.com), [online], June 6, 2008 [cited December 2, 2010]; available from http://www.rewmi.com/Amelioration-de-la-situation-des-enfants-de-la-rue-Le-Parrer-beneficie-de-800-millions-du-Japon_a10608.html. See also, Terre des hommes, *INFOSENEGAL*, [online] [cited February 24, 2010]; available from [http://www.tdh.ch/website/doc_dnld.nsf/bf25ab0f47ba5dd785256499006b15a4/df1baf758180c16ac125714c004e1f1c/\\$FILE/tdh_info_senegal_2009_fr.pdf](http://www.tdh.ch/website/doc_dnld.nsf/bf25ab0f47ba5dd785256499006b15a4/df1baf758180c16ac125714c004e1f1c/$FILE/tdh_info_senegal_2009_fr.pdf). See also. Government of Senegal, *Rapport Final*, 56.

⁴⁴²⁵ USDOL-ILAB, *Technical Cooperation Project Summary*, Washington, DC, September 30, 2009.

Serbia

The Government of Serbia has a legal and policy infrastructure to combat trafficking. However, the use of street children—notably ethnic Roma—in forced and organized begging remains a serious problem. The worst forms of child labor are particularly prevalent in the informal sector, and the Government of Serbia needs to increase its efforts in monitoring and evaluating the impact that its policies and programs have on children in the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	6.0%
Attending School	5-14 yrs.	92.5%
Combining Work and School	7-14 yrs	6.7%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Serbia are exploited in the worst forms of child labor,⁴⁴²⁶ many of them in begging. Roma children, poor children, and children living in foster homes are the most vulnerable to the worst forms of child labor.⁴⁴²⁷

Roma children begging and selling narcotics are among children working in the streets. Street children often sell small goods and wash car windows.⁴⁴²⁸ Children working on the streets are exposed to a variety of dangers, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Children engage in prostitution. Serbia is also a destination, transit, and source country for the trafficking of children for the purposes of sexual and labor exploitation. Many children are trafficked from Eastern Europe and Central Asia to Western European countries.⁴⁴²⁹

To a lesser extent, children work on farms.⁴⁴³⁰ Children's work in agriculture commonly involves the use of potentially dangerous machinery and tools,

carrying of heavy loads, and the application of harmful pesticides.

Laws and Regulations on the Worst Forms of Child Labor

The Constitution prohibits work for children under 15. There is also a provision that prohibits hazardous work for children under 18;⁴⁴³¹ however, the provision does not provide a specific list of hazardous activities or occupations.






The Constitution bans slavery or positions similar to slavery, including express prohibitions on human trafficking and forced labor.⁴⁴³² The Criminal Code of Serbia further prohibits child prostitution, trafficking and enslavement of children.⁴⁴³³ The Law on the Protection Program for Participants in Criminal Proceedings of 2006 regulates the protection and assistance to victims of human trafficking, including children.⁴⁴³⁴

During the reporting period, the Criminal Code was amended to provide for tougher sentences for traffickers.⁴⁴³⁵ It has been reported that Serbia also amended legislation to include punishment for producing, showing, obtaining, and possession

of pornographic materials involving minors. This includes any use of computer networks for sex crimes against minors.⁴⁴³⁶

The Law on Foreigners was amended to allow victims of human trafficking to obtain temporary visas.⁴⁴³⁷

The Criminal Code does not specifically prohibit the use, procuring or offering of a child for the production and trafficking of drugs and other illicit activities.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Although the Government of Serbia has established the Agency for Coordination and Protection of Trafficking Victims, research found no evidence of a coordinating mechanism to combat other worst forms of child labor.⁴⁴³⁸

The Labor Inspectorate within the Ministry of Labor and Social Policy is responsible for the enforcement of child labor and other labor laws. It employs 300 labor inspectors to enforce all labor issues, including child labor.⁴⁴³⁹

Data on inspections conducted could not be obtained. However, in 2009 the Inspectorate recorded 10 child

labor law violations, some of which were reported in the construction industry.⁴⁴⁴⁰ Other sources report cases of children working night shifts, which is generally prohibited by law. In one instance, an underage worker between 15 and 18 years of age was injured and later died.⁴⁴⁴¹ Charges were pressed in all known instances of labor law violations,⁴⁴⁴² but it is not known whether penalties were assessed.

The Ministry of Internal Affairs leads in the enforcement of anti-trafficking laws. Every local police station has an anti-trafficking unit.⁴⁴⁴³ Furthermore, both state and border police have full-time units.⁴⁴⁴⁴ Additionally, the Service for Fighting Organized Crime (SBPOK) has an Anti-Trafficking Department and works with INTERPOL to share information regarding instances of child trafficking.⁴⁴⁴⁵ Training is provided to a variety of government officials on how to recognize, investigate, and prosecute trafficking, and how to provide victims assistance.⁴⁴⁴⁶

For 2009, the Government of Serbia reported more than 50 investigations into trafficking offenses. These efforts resulted in the conviction of 40 out of 42 alleged offenders.⁴⁴⁴⁷ There were 127 recorded trafficking victims, of which 59 were minors.⁴⁴⁴⁸ Of the total 127 victims, 112 are known to have been referred to service providers by the Agency for the Coordination and Protection of Trafficking Victims.⁴⁴⁴⁹

Government Policies on the Worst Forms of Child Labor

A National Plan of Action for Children (NPA) was adopted in 2004. It seeks poverty reduction, quality education, and better health for all children, and protection of children from abuse, exploitation, and violence.⁴⁴⁵⁰ The NPA has not been allocated resources by the Central Government. Some communities have used it as a framework to create mechanisms to protect children, and funding has been provided in some municipal budgets.⁴⁴⁵¹

The Government of Serbia has been implementing a poverty reduction strategy with the ambitious goal of reducing half of the poverty in Serbia by the end of 2010 through targeting the poorest and most vulnerable social groups for financial assistance and protection.⁴⁴⁵²

The Government has also implemented policies that focus on social protection for Roma children, including the 2005-2015 Roma Decade Framework, which focuses on social protection for Roma children.⁴⁴⁵³

The Youth Employment Policy and Action Plan for 2009-2011, a result of the 2007-2011 Youth Employment Partnership (YEP) project, seeks to help youth obtain productive employment.⁴⁴⁵⁴

The question of whether the above policies have an impact on the worst forms of child labor does not appear to have been addressed.

In April 2009, the Government of Serbia adopted a National Action Plan to Combat Trafficking for 2009-2011. The Government is also implementing a Strategy for Fighting Human Trafficking from 2006 that seeks specifically to protect victims of child trafficking.⁴⁴⁵⁵

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

The Child Allowance Program provides cash benefits to poor families conditional on school enrollment for children age 7 and older.⁴⁴⁵⁶

Through the 2007-2011 Youth Employment Partnerships (YEP) project, the Government of Serbia finances the National Employment Service (NES), which implements, monitors, and evaluates active labor

market programs targeting unemployed youth who are registered with offices in Subotica, Bor, Kraljevo, Novi Pazar, and Pozarevac.⁴⁴⁵⁷

The Ministry of Education project, “Assistance to Roma Children in Education,” seeks to encourage regular attendance of Roma children at school by focusing on and developing language and learning skills.⁴⁴⁵⁸

The question of whether any of the programs have an impact on the worst forms of child labor does not appear to have been addressed.

All social service centers in the country are required to provide 24-hour access for child victims of trafficking.⁴⁴⁵⁹ In addition, the Government provides free access to social and medical care for foreign and domestic trafficking victims and provides them with witness/victim protection services.⁴⁴⁶⁰

In 2008, the Government sold postage stamps to raise funds for a rehabilitation center for victims of human trafficking. The Agency for the Coordination of the Protection of Trafficking Victims has continued to use monies earned from the sale of these stamps to finance its own activities and NGOs that provide services to human trafficking victims.⁴⁴⁶¹ There are hotlines devoted to human trafficking; one run by the Ministry of Internal Affairs, the other by the NGO Astra.⁴⁴⁶²

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the legal framework specifying the types of hazardous work prohibited for children under the age of 18.
- Amend the Criminal Code to specifically prohibit the use, procuring, or offering of a child for the production and trafficking of drugs and other illicit activities.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat all worst forms of child labor.

IN THE AREA OF POLICIES:

- Assess the impact that existing policies may have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Assess the impact that existing programs may have on addressing the worst forms of child labor.

⁴⁴²⁶ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and children combining working and schooling are from 2005. Data on school attendance are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴⁴²⁷ U.S. Embassy- Belgrade, *reporting*, February 9, 2010.

⁴⁴²⁸ ILO Committee of Experts, *Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Serbia (ratification: 2003)*, [online] 2008 [cited March 1, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21906&chapter=9&query=%28C182%29+%40ref+%2B+%28Serbia%29+%40ref&highlight=&querytype=bool&context=0>. See also U.S. Embassy- Belgrade, *reporting*, February XX, 2010.

⁴⁴²⁹ *Serbia (2008)*.

⁴⁴³⁰ *Ibid.* See also U.S. Embassy- Belgrade, *reporting*, February 22, 2010.

⁴⁴³¹ Government of Serbia, *Constitution of the Republic of Serbia*, (September 30, 2006); available from [http://www.venice.coe.int/docs/2006/CDL\(2006\)089-e.asp](http://www.venice.coe.int/docs/2006/CDL(2006)089-e.asp).

⁴⁴³² *Ibid.*

⁴⁴³³ Government of Serbia, *Criminal Code*, (February 28, 2006); available from http://www.osce.org/documents/html/pdftohtml/18196_en.pdf.html.

⁴⁴³⁴ ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

⁴⁴³⁵ U.S. Embassy- Belgrade, *reporting*, February, 2010.

⁴⁴³⁶ ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

⁴⁴³⁷ U.S. Embassy- Belgrade, *reporting*, February 9, 2010.

⁴⁴³⁸ ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

⁴⁴³⁹ U.S. Embassy- Belgrade, *reporting*, February 9, 2010.

⁴⁴⁴⁰ ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

⁴⁴⁴¹ *Ibid.*].

⁴⁴⁴² *Ibid.*].

⁴⁴⁴³ U.S. Embassy- Belgrade, *reporting*, February 22, 2010.

⁴⁴⁴⁴ *Ibid.*

⁴⁴⁴⁵ ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

⁴⁴⁴⁶ U.S. Embassy- Belgrade, *reporting*, February 22, 2010.

⁴⁴⁴⁷ ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

⁴⁴⁴⁸ *Ibid.*]. See also U.S. Embassy- Belgrade, *reporting*, February 9, 2010.

⁴⁴⁴⁹ ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

⁵⁴⁵⁰ *Ibid.*].

⁴⁴⁵¹ *Ibid.*].

⁴⁴⁵² *Ibid.*].

⁴⁴⁵³ *Ibid.*].

⁴⁴⁵⁴ *Ibid.*].

⁴⁴⁵⁵ *Ibid.*].

⁴⁴⁵⁶ *Ibid.*].

⁴⁴⁵⁷ *Ibid.*].

⁴⁴⁵⁸ *Ibid.*].

⁴⁴⁵⁹ *Ibid.*].

⁴⁴⁶⁰ U.S. Embassy- Belgrade, *reporting*, February 22, 2010.

⁴⁴⁶¹ U.S. Department of State, "Serbia (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/143188.pdf>.

⁴⁴⁶² ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

Seychelles

There is no evidence of the worst forms of child labor in the country. Notwithstanding the absence of a demonstrated problem, the National Statistics Bureau began training officers in 2009 to help establish official statistics and documentation on human trafficking. Legal provisions protect girls better than boys, and children working in international trade zones less than in other areas.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor



There is no evidence of the worst forms of child labor in the country.⁴⁴⁶³ Notwithstanding the absence of a demonstrated problem, the National Statistics Bureau began training officers in 2009 to help establish official statistics and documentation on human trafficking.⁴⁴⁶⁴

Laws and Regulations on the Worst Forms of Child Labor

The Constitution of the Republic of Seychelles sets the minimum age for work at 15 and provides for a higher minimum age for employment deemed dangerous, unhealthy, or otherwise harmful to normal childhood development.⁴⁴⁶⁵ The Conditions of Employment Regulations, 1991 specify that children under age 18 are prohibited from engaging in certain types of employment and night work, though children ages 15 to 17 may do so with the approval of a Competent Officer.⁴⁴⁶⁶ The Government has not developed a comprehensive list of hazardous work prohibited to children under age 18.⁴⁴⁶⁷

The International Trade Zone (Conditions of Employment) Order 17 governs employment conditions in international trade zones. It too prohibits

the employment of children younger than age 15.⁴⁴⁶⁸ It does not contain any provision prohibiting children from engaging in hazardous work.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

The Constitution provides for freedom from slavery, servitude, and forced or obligatory labor.⁴⁴⁶⁹ The Penal

Code Act criminalizes the prostitution and sexual exploitation of children.⁴⁴⁷⁰ Specific provisions prohibit the trafficking of girls, domestically or internationally, for the purposes of prostitution and make it illegal to procure or detain any girl against her will, with the intent to engage in sexual conduct or for the purposes of prostitution. These provisions do not cover boys.⁴⁴⁷¹ Other provisions prohibit anyone from benefiting from the procurement or exploitation of any person for the purposes of prostitution and make it illegal to recruit or exploit persons under age 21 for the same purposes.⁴⁴⁷² The Penal Code also prohibits the production or possession of indecent material of a child, or exhibition of indecent material to a child.⁴⁴⁷³

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor. The National Council for Children, a government-funded NGO, advocates for children's interests and rights through awareness-raising activities and by providing training and counseling.⁴⁴⁷⁴

The Ministry of Employment and Human Resource Development is the primary agency responsible for investigating and enforcing child labor laws. During the reporting period, the Ministry reported no cases of child labor that required investigation, nor were any children found working in key sectors.⁴⁴⁷⁵

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor. It is noted, however, that the Government has or is developing other social policies that may help prevent this phenomenon. The Government is implementing a National Plan of Action on Social Development for Seychelles 2005-2015, which strives, in part, to prevent the exploitation of children by providing education on children's rights and improving the quality of child protection services.⁴⁴⁷⁶ During the reporting period, the Seychellois National Assembly approved the establishment of a Social Welfare Task Force, which will consider policies to address social issues.⁴⁴⁷⁷

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

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor. The Government has implemented some programs to protect children from exploitation and provide them with social services. The Government works to fund child welfare initiatives including the Children's Homes Foundation, which provides housing for orphans and children from families facing financial difficulties, and the Children's Fund, which targets children most in need.⁴⁴⁷⁸ The Government also provides subsidized bus fares for needy students.⁴⁴⁷⁹

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

IN THE AREA OF LAWS AND REGULATIONS:

- Develop a comprehensive list of hazardous employment prohibited to all children under age 18.
- Amend International Trade Zone (Conditions of Employment) Order 17 to ensure that child labor laws are consistent with other national laws on the employment of children.
- Amend the Penal Code to prohibit the trafficking of boys, and the procuring or detainment of boys, for the purposes of prostitution.

IN THE AREA OF POLICIES:

- Consider expanding the work of the National Statistics Bureau to collect data on all worst forms of child labor.

⁴⁴⁶³ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴⁴⁶⁴ U.S. Embassy- Port Louis, *reporting*, February 18, 2010.

⁴⁴⁶⁵ Government of Seychelles, *Constitution of the Republic of Seychelles*, (June 18, 1993), article 31; available from <http://www.cmseducation.org/wconsts/seychelles.html>.

⁴⁴⁶⁶ Government of Seychelles, *Conditions of Employment Regulations, 1991*, SI. 34 of 1991, articles 21 and 22; available from <http://www.employment.gov.sc/Documents/Employment%20Act%20Reg-Electronic.pdf>.

⁴⁴⁶⁷ ILO Committee of Experts, *Direct Request concerning Minimum Age Convention, 1973 (No. 138) Seychelles (ratification: 2000)*, [online] 2010 [cited July 23, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=24839&chapter=9&query=Seychelles%40ref&highlight=&querytype=bool&context=0>. See also ILO Committee of Experts, *Direct Request concerning the Worst Forms of Child Labor Convention, 1999 (No. 182) Seychelles (ratification: 1999)*, [online] 2010 [cited July 23, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25342&chapter=9&query=Seychelles%40ref&highlight=&querytype=bool&context=0>.

⁴⁴⁶⁸ Government of Seychelles, *International Trade Zone (Conditions of Employment) Order, 1997*, SI. 13 of 1997, (February 10), article 17; available from http://www.siba.net/index.php?s=file_download&id=36.

⁴⁴⁶⁹ Government of Seychelles, *Constitution*, article 17.

⁴⁴⁷⁰ Government of Seychelles, “Seychelles,” in *Legislation of Interpol Member States on Sexual Offences against Children*, 2006; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaSeychelles.pdf>.

⁴⁴⁷¹ Ibid.

⁴⁴⁷² Ibid.

⁴⁴⁷³ Ibid.

⁴⁴⁷⁴ U.S. Embassy- Port Louis, *reporting, February 18, 2010*. See also National Council for Children, *Services*, [online] [cited November 10, 2010]; available from <http://www.ncc.sc/p/services>.

⁴⁴⁷⁵ U.S. Department of State, “Seychelles,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135974.htm>.

⁴⁴⁷⁶ Government of Seychelles, *National Plan of Action on Social Development, 2005-2015*, Social Development Division, Ministry of Health and Social Services, 2006, 49, 50; available from <http://un.intnet.mu/undp/downloads/seychelles/NPASD.doc>.

⁴⁴⁷⁷ Office of the President of the Republic of Seychelles, *The State House Newsletter*, 1, 2010; available from http://www.statehouse.gov.sc/index.php?option=com_filecabinet&view=files&id=9&Itemid=74.

⁴⁴⁷⁸ U.S. Embassy- Port Louis, *reporting*, March 25, 2010. See also Children’s Homes Foundation, *What We Do*, [online] March 17, 2008 [cited November 11, 2010]; available from <http://www.childhomesfoundation.org.sc/pages/Homes.aspx>. See also Seychelles NATION, *President Extends Special Fund for School Children*, [online] January 18, 2010 [cited August 3, 2010]; available from <http://www.nation.sc/imprimer.php?art=18283>.

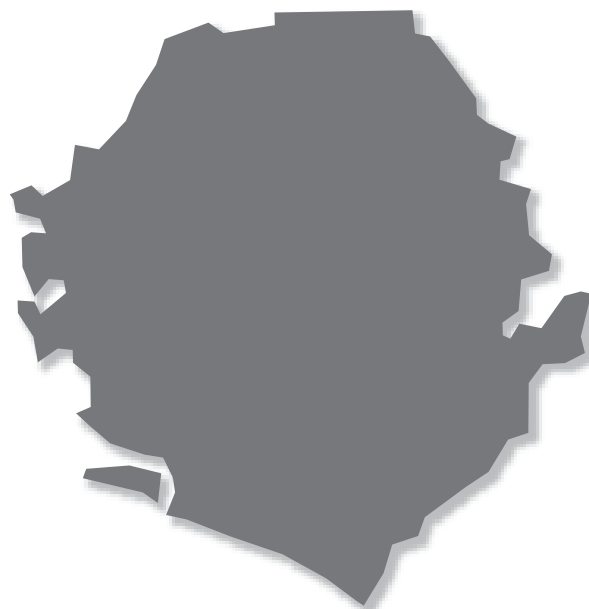
⁴⁴⁷⁹ U.S. Embassy- Port Louis, *reporting, March 25, 2010*.

Sierra Leone

The Government of Sierra Leone participates in donor-funded social protection programs for the elimination of the worst forms of child labor. However, the worst forms of child labor continue to exist especially in agriculture, mining, fishing, and domestic work. Significant gaps remain in the enforcement of child labor laws.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	58.5%
Attending School	5-14 yrs.	67.8%
Combining Work and School	7-14 yrs	44.0%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Sierra Leone are exploited in the worst forms of child labor,⁴⁴⁸⁰ many of them in agriculture, mining, fishing, and domestic work. Children's work in agriculture may expose them to long working hours, dangerous tools, and arduous tasks.⁴⁴⁸¹

Children in Sierra Leone labor in alluvial diamond mining areas.⁴⁴⁸² Several thousand children, mainly boys, toil in an environment that threatens their health and safety. They work long hours, sometimes six to seven days a week, in harsh conditions. They are vulnerable to accidents and diseases and are exposed to collapsing mine pits.⁴⁴⁸³ The children report injury and illness due to the hazardous activities they perform.⁴⁴⁸⁴ Some children as young as age 10 transport heavy bags of gravel on their heads in the mining areas and work from dawn to dusk.⁴⁴⁸⁵ The majority of children laboring in a primary diamond mining area of Sierra Leone—the Kono district—are boys between ages 10 and 17. These boys work in dangerous conditions, with boys age 14 to 17 working in the mines collecting diamonds. Younger children age 5 to 13 generally engage in petty trade and perform other supportive roles around the mines for relatives without pay.⁴⁴⁸⁶ Children in Sierra Leone are also found crushing stones in granite quarries under unsafe and unhealthy

labor conditions, including carrying heavy loads and working long hours.⁴⁴⁸⁷

Children in Sierra Leone work in the fishing industry. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of snapper, mackerel and herring.⁴⁴⁸⁸ Fishing may expose children to the risk of drowning.

Children also engage in domestic work and petty vending.⁴⁴⁸⁹ Adults use street children to sell various items, steal, and beg.⁴⁴⁹⁰ Street children engage in commercial sexual exploitation in large cities like Freetown and Bo.⁴⁴⁹¹ Some are vulnerable to trafficking and other exploitive practices.⁴⁴⁹²

In various countries, including Sierra Leone, parents practice the tradition of sending children to Koranic teachers to receive education, which may include a vocational or apprenticeship component. While some boys receive lessons, others are forced to beg and surrender the money that they have earned or perform manual labor, including in agriculture.⁴⁴⁹³

Sierra Leone is a source, transit, and destination country for children and women trafficked for the purpose of forced labor and commercial sexual exploitation.⁴⁴⁹⁴ The majority of the trafficked victims are children from rural provinces or refugee

communities who are trafficked to urban and mining areas.⁴⁴⁹⁵ Sierra Leonean women and children are also trafficked to other West African countries, notably Guinea, Cote d’Ivoire, Liberia, Nigeria, Guinea-Bissau, and The Gambia for forced labor and commercial sexual exploitation. They are also trafficked to North Africa, the Middle East, and Europe for domestic servitude and sexual exploitation.⁴⁴⁹⁶ Children from Nigeria are also trafficked to Sierra Leone for forced begging, forced labor, and sexual exploitation.⁴⁴⁹⁷






Laws and Regulations on the Worst Forms of Child Labor

The Child Rights Act, enacted in 2007, sets the minimum age for employment at 15. In addition, children must be age 15 or have completed basic education (whichever is later) before entering into an apprenticeship in either the formal or informal sector. Children are also prohibited from performing night work, between the hours of 8:00 p.m. and 6:00 a.m.⁴⁴⁹⁸

The law also prohibits children under age 18 from being employed in hazardous work, defined as work that is dangerous to a child’s health, safety, or morals. The law identifies specific activities as hazardous, including seafaring, mining and quarrying, carrying heavy loads, working in bars, operating machines, and working in environments where chemicals are produced or used.⁴⁴⁹⁹

Sierra Leone’s Child Rights Act contains provisions drawn from the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child with some local adaptations. The National Child Rights Act supersedes all other existing national laws and adopts the international definitions of the child as any person below age 18.⁴⁵⁰⁰ Any person who violates the age restrictions within the Child Rights Act could face two years of imprisonment and/ or a fine.⁴⁵⁰¹

Forced and compulsory labor by children is prohibited by law.⁴⁵⁰² The Child Rights Act prohibits commercial sexual exploitation of children below age 18, but does not criminalize procuring or offering a child for the production of pornography. The Anti-Human Trafficking Act also criminalizes all forms of human trafficking.⁴⁵⁰³ The age for voluntary recruitment or conscription into the armed forces is 18.⁴⁵⁰⁴

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research has found no evidence that the Government of Sierra Leone has established a coordinating mechanism to combat the worst forms of child labor specifically; however, the Ministry of Social Welfare, Gender and Children’s Affairs’ (MOSWGCA) Child Protection Unit has the primary responsibility for protecting children. The Government has established a task force, lead by the Family Support Unit of the Sierra Leone Police (SLP), to coordinate anti-trafficking efforts and an Inter-Ministerial Committee on Trafficking co-chaired by the Ministry of Justice and MOSWGCA.⁴⁵⁰⁵ It includes the Ministries of Education, Internal Affairs, Information, Labor, Health, Foreign Affairs, Local Government, Youth, and Tourism.⁴⁵⁰⁶ District labor officers are responsible for initial investigations and enforcement of child labor provisions in The Child Rights Act at the district level, and the District Councils are responsible for the enforcement in the informal sector.⁴⁵⁰⁷ These district-level labor officers and District Councils have limited punitive powers. However, many local community leaders and chiefs have enacted their own bylaws to punish and deter violations with varying success.⁴⁵⁰⁸

At the national level, the Ministry of Labor enforces child labor laws and employs 10 labor inspectors to

investigate child labor abuses.⁴⁵⁰⁹ The Ministry of Mineral Resources is also charged with enforcing regulations against the use of child labor in mining activities.⁴⁵¹⁰ By law, the Ministry of Mineral Resources is supposed to refuse and revoke the licenses of those in the sector using underage labor. It has never used the revocation provision of the law. The Ministry of Mineral Resources has 300 to 400 monitors in the field, who, while not specifically tasked, sometimes intervene if child labor is found.⁴⁵¹¹

According to USDOS, the Government did not effectively enforce laws against child labor, as well as forced and bonded child labor. However, according to NGOs and government officials, there is a noticeable decline in the prevalence of child labor due to the passing of the Child Rights Act.⁴⁵¹² Reports indicate that child labor remains pervasive in the artisanal mining sector.⁴⁵¹³

No information has been identified regarding mechanisms of criminal law enforcement with respect to the worst forms of child labor. During the reporting period, there were no prosecutions for child labor violations; instead, mediation is generally conducted at the time of the violation.⁴⁵¹⁴

Government Policies on the Worst Forms of Child Labor

In 2007, the Task Force set up by the Government of Sierra Leone created a National Plan of Action, which is currently in force, and, in 2009, the Government signed the regional Policy on the Protection and Assistance to Trafficked Persons approved by ECOWAS.⁴⁵¹⁵

Sierra Leone is one 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.⁴⁵¹⁶ 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.⁴⁵¹⁷

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

The Government of Sierra Leone has participated in programs to eliminate the worst forms of child labor.⁴⁵¹⁸ Since 2005, the Government has participated in the 4-year, \$6 million DOL-funded regional project in Sierra Leone and Liberia, which aims to withdraw 8,243 children and prevent an additional 21,647 children in both countries by improving access to quality education.⁴⁵¹⁹ The project works with the Ministry of Education, Youth, and Sports (MEYS) to support marginalized and disaffected children and youth by providing them with educational or skills training opportunities, school materials, uniforms, and tuition vouchers. The program also mobilizes and sensitizes communities to child labor.⁴⁵²⁰

With support from international organizations, the Government of Sierra Leone continued to participate in training sessions and awareness-raising campaigns on trafficking during the reporting period.⁴⁵²¹

The Government of Sierra Leone also continued to participate in a 2-year, \$324,000 project funded by USDOS to provide training on trafficking and to strengthen victim referral networks.⁴⁵²² In addition, the Government is participating in a 4-year, \$23.8 million project, funded by the EU to combat child labor through education in 11 countries, including Sierra Leone.⁴⁵²³ One of the project's key objectives is strengthening the capacity of national and local authorities to implement and enforce child labor policies.⁴⁵²⁴

The Government's investment in social programs is minimal, and it relies heavily on donor funding to address the worst forms of child labor. These programs are too limited to address the scope of child labor in Sierra Leone, particularly among children working in agriculture, mining, fishing, and domestic work.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Child Rights Act to include child laborers in industrial undertakings in commerce and agriculture.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Increase Ministry of Labor efforts to enforce worst forms of child labor laws.
- Task the monitors of the Ministry of Mineral Resources to enforce child labor laws in artisanal mining.
- Prosecute offenders of violations of the child labor laws.

IN THE AREA OF POLICIES:

- Fund and implement the National Plan of Action on the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Develop and provide funding for specific social programs to eliminate the worst forms of child labor in agriculture, mining, fishing, and domestic work.

⁴⁴⁸⁰ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and children combining working and schooling are from 2005. Data on school attendance are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴⁴⁸¹ International Confederation of Free Trade Unions (ICFTU), *Internationally Recognized Core Labour Standards in Sierra Leone: Report for the WTO General Council Review of the Trade Policies of Sierra Leone*, Geneva, 2005; available from <http://www.icftu.org/www/pdf/clssierraleone2005.pdf>.

⁴⁴⁸² U.S. Department of State, "Sierra Leone," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>. See also A. Hatløy M. Bøås, *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. 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, articles 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).

⁴⁴⁸³ Afrol News, "Child labour affects 72% of Sierra Leone's Children," *Afrol News*, February 9, 2010.

⁴⁴⁸⁴ U.S. Department of State, "Country Reports- 2009: Sierra Leone," section 7d. See also M. Bøås, *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.

⁴⁴⁸⁵ Lansana Fofana, "Sierra Leone: Child Miners - Legacy of Conflict", *Allafrica.com* May 7, 2009 [cited May 20, 2010]; available from <http://allafrica.com/stories/printable/200905080020.html>.

⁴⁴⁸⁶ M. Bøås, *Living in a material world*, 50, 63, 70. 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. See also U.S. Embassy- Freetown official, E-mail communication to USDOL official, July 14, 2009.

⁴⁴⁸⁷ 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.

⁴⁴⁸⁸ 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*. 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- 2009: Sierra Leone,” section 7d.

⁴⁴⁸⁹ ICFTU, *Core Labour Standards* sections III. See also UN Committee on the Rights of the Child, *Consideration of Report: Sierra Leone*, sections 88, 320, and 322.

⁴⁴⁹⁰ U.S. Department of State, “Country Reports- 2009: Sierra Leone,” section 7d. 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 IRC, *Countering Youth and Child Labour through Education (CYCLE)*, Project Document, New York, August 2007, 9.

⁴⁴⁹¹ U.S. Department of State, “Country Reports- 2009: Sierra Leone,” section 6.

⁴⁴⁹² Ibid.

⁴⁴⁹³ 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*, 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*,” August, 1999; available from <http://www.worldbank.org/afr/ik/iknt11.pdf>.

⁴⁴⁹⁴ U.S. Department of State, “Sierra Leone (Tier 2),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009>.

⁴⁴⁹⁵ Ibid.

⁴⁴⁹⁶ Ibid.

⁴⁴⁹⁷ Ibid.

⁴⁴⁹⁸ Government of Sierra Leone, *Child Rights Act 2007*, (June 7, 2007), sections 125-127, 128, 134-135; available from <http://www.sierra-leone.org/Laws/2007-7p.pdf>.

⁴⁴⁹⁹ Ibid.

⁴⁵⁰⁰ UNICEF, *Sierra Leone Approves the National Child Rights Bill*, Freetown, June 7, 2007; available from http://www.unicef.org/media/media_39951.html?q=printme.

⁴⁵⁰¹ Government of Sierra Leone, *Child Rights Act 2007*, part VIII, 131(1), 54.

⁴⁵⁰² U.S. Department of State, “Country Reports- 2009: Sierra Leone,” section 7c.

⁴⁵⁰³ 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>.

⁴⁵⁰⁴ Government of Sierra Leone, *Report on the Implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed conflicts*, Freetown, August 2007, article 2; available from www.essex.ac.uk/armedcon/story_id/000811.doc.

⁴⁵⁰⁵ U.S. Embassy- Freetown, *reporting*, February 12, 2010, para 14.

⁴⁵⁰⁶ Ibid.

⁴⁵⁰⁷ U.S. Embassy- Freetown, *reporting*, January 27, 2009.

⁴⁵⁰⁸ Ibid.

⁴⁵⁰⁹ U.S. Department of State, “Country Reports- 2009: Sierra Leone,” section 7d. See also U.S. Embassy- Freetown, *reporting, February 12, 2010*, para 5.

⁴⁵¹⁰ U.S. Embassy- Freetown, *reporting, January 27, 2009*.

⁴⁵¹¹ Ibid.

⁴⁵¹² Ibid.

⁴⁵¹³ Ibid.

⁴⁵¹⁴ Ibid., para 10.

⁴⁵¹⁵ U.S. Embassy- Freetown, *reporting*, April 7, 2010, para 5D.

⁴⁵¹⁶ Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006.

⁴⁵¹⁷ 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.ceac-eccas.org/img/pdf/Multilateral_Agreement_Trafficking-1184251953.doc.

⁴⁵¹⁸ U.S. Embassy- Freetown, *reporting, February 12, 2010*.

⁴⁵¹⁹ IRC, *CYCLE, Project Document*, 1-2, 23.

⁴⁵²⁰ International Rescue Committee, *Countering Youth and Child Labour through Education (CYCLE)*, Technical Progress Report, New York, September 2008.

⁴⁵²¹ U.S. Embassy- Freetown, *reporting, February 12, 2010*.

⁴⁵²² 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>.

⁴⁵²³ 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/ipecinfo/product/viewProduct.do?productId=8511>.

⁴⁵²⁴ ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*

Solomon Islands

Commercial sexual exploitation of boys and girls continues to be a problem in the Solomon Islands, particularly in association with fishing and logging industries. Significant gaps remain in the laws against the worst forms of child labor and in the enforcement of those laws.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in the Solomon Islands are exploited in the worst forms of child labor.⁴⁵²⁵ 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.⁴⁵²⁶ Girls are trafficked within the Solomon Islands to logging camps for commercial sexual exploitation and boys and girls are brought by their parents to foreign and local fishing ships for commercial sexual exploitation with fishermen.⁴⁵²⁷ Children are also involved in the sale and production of illegal homebrewed alcohol.⁴⁵²⁸ Although research is limited, there are reports that children are also used in pornography.⁴⁵²⁹

Laws and Regulations on the Worst Forms of Child Labor




The Labour Act permits children as young as age 12 to work. Children under age 15 are prohibited from working in industry or on ships and children under age 16 from working in underground mines.⁴⁵³⁰ The Solomon Islands does not have a law prohibiting all children through age 17 from hazardous work nor is there a comprehensive list of hazardous occupations

in place in the country. Children between ages 16 and 18 are barred from working in mines or on ships without a medical certificate and at night without specific written permission from the Commissioner of Labor.⁴⁵³¹ The absence of a compulsory education law places children at risk of involvement in the worst forms of child labor.⁴⁵³² The Constitution prohibits slavery and forced labor.⁴⁵³³

There are no government armed forces in the Solomon Islands.⁴⁵³⁴ The law allows that if needed, forces can be drawn from the Solomon Islands Police Force which has a minimum recruiting age of 18.⁴⁵³⁵

The Penal Code criminalizes production, possession, and distribution of pornography.⁴⁵³⁶ Selling or hiring minors under age 15 and girls under age 18 for prostitution is punishable as a criminal offense.⁴⁵³⁷

Some general provisions in the Penal Code against prostitution, kidnapping, and abduction could be applied to prosecute sex and labor trafficking.⁴⁵³⁸ Prostitution laws do not cover boys between the ages of 15 and 18; therefore they may leave boys without legal protections concerning commercial sexual exploitation.

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	12
	Minimum Age for Hazardous Work	15
	Compulsory Education Age	None
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Although the extent of government coordination of efforts to combat child labor is unclear, the Ministry of Labor hired a desk officer to work on ILO labor standards and child labor issues.⁴⁵³⁹ The Commissioner of Labor, the head of the Labor Division in the Ministry of Commerce, Industry, Labor, and Immigration, is responsible for enforcing child labor laws.⁴⁵⁴⁰ Information was not identified on the number of labor inspectors, enforcement actions, or

the number of violations found during the reporting period. Sources, including the Government, note that lack of sufficient capacity and resources has prevented meaningful enforcement of the laws.⁴⁵⁴¹

While there is some awareness of the problem of commercial sexual exploitation of children, the Government is severely limited in its institutional capacity to address the issue.⁴⁵⁴² The Solomon Islands Police Force, in partnership with the Australian-led Regional Assistance Mission to the Solomon Islands Participating Police Force, appears to be the only body responsible for enforcing laws related to trafficking and commercial sexual exploitation.⁴⁵⁴³ Research did not identify information regarding enforcement actions against commercial sexual exploitation of children.

Government Policies on the Worst Forms of Child Labor

Although research found no evidence of child labor specific policies in the Solomon Islands, the Government signed its first Decent Work Program with the ILO for the period 2009-2010.. This program's priorities include promoting decent employment for youth and making progress towards eliminating child labor.⁴⁵⁴⁴

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

Research found no evidence of any social programs by the Government of the Solomon Islands to address the worst forms of child labor.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Act [1996 Edition] to increase the minimum ages for employment and hazardous work to 14 and 18, respectively, and institute a list of hazardous occupations.
- Institute a law requiring all children to attend school through the age of 14.
- As part of the ongoing review of the Penal Code 1963:
 - Amend laws to prohibit the prostitution of boys under age of 18.
 - Ensure that laws contain comprehensive protections against the trafficking of children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Make information on inspections and investigations regarding the worst forms of child labor publicly available.
- Ensure that enforcement agencies have adequate resources and the capacity to effectively enforce worst forms of child labor laws.

IN THE AREA OF POLICIES:

- Implement strategies for the elimination of child labor under the Decent Work Program.

IN THE AREA OF PROGRAMS:

- Initiate programs to address the worst forms of child labor, particularly the commercial sexual exploitation of children.

⁴⁵²⁵ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴⁵²⁶ UNICEF Pacific, *Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A Regional Report*, Suva, 2008; available from http://www.unicef.org/pacificislands/Small_CESEC.pdf. See also Solomon Islands Department of Home Affairs official, Interview with USDOL official, June 20, 2006. See also Tania Herbert, *Commercial Sexual Exploitation of Children in the Solomon Islands: A Report Focusing on the Presence of the Logging Industry in a Remote Region*, Christian Care Center of the Church of Melanesia, Honiara, July 2007; available from <http://www.melanesiangeo.org/resources/Solomons%20Child%20Exploitation.pdf>. See also Solomon Islands Port Authority official, Interview with USDOL consultant, June 28, 2006. See also Rory Callinan, “Generation Exploited,” *Time* 167, no. 13 (March 27, 2006); available from [http://](http://www.time.com/time/magazine/article/0,9171,1174745,00.html)

www.time.com/time/magazine/article/0,9171,1174745,00.html.

⁴⁵²⁷ U.S. Department of State, “Solomon Islands (Special Cases),” in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105660.pdf>. See also Herbert, *Logging Industry: Solomon Islands*. See also Callinan, “Generation Exploited.”

⁴⁵²⁸ Solomon Islands Central Magistrate’s Court official, Interview with USDOL consultant, June 23, 2006. See also Solomon Islands Police official, Interview with USDOL consultant, September 3, 2006.

⁴⁵²⁹ Callinan, “Generation Exploited.” See also UNICEF Pacific, *Commercial sexual exploitation in the Pacific*. See also Solomon Islands National Council of Women official, Interview with USDOL consultant, June 23, 2006.

⁴⁵³⁰ Government of Solomon Islands, *Labour Act (Chapter 73)*, (1996 Edition), articles 46-48; available from <http://www.pacii.org>.

⁴⁵³¹ *Ibid.*, article 49.

⁴⁵³² *Ibid.*, article 46.

⁴⁵³³ Government of Solomon Islands, *Constitution of Solomon Islands*, (July 7, 1978), article 6; available from

http://www.paclii.org/sb/legis/consol_act/c1978167/.

See also International Trade Union Confederation, *Internationally Recognised Core Labour Standards in the Solomon Islands: Report for the WTO General Council Review of the Trade Policies of the Solomon Islands*, Geneva, May 6 and 8, 2009; available from http://www.ituc-csi.org/IMG/pdf/WTO_report_Solomon_final0509.pdf.

⁴⁵³⁴ 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>.

⁴⁵³⁵ Salote Austin, Osborn Cains, Anafia Norton, Penelope Taylor, Marie Wernham, and Freida, *Protect Me with Love and Care: A Baseline Report for the Solomon Islands*, UNICEF Pacific, Suva, November, 20009; available from http://www.unicef.org/pacificislands/UNICEF_Solomon_Report1.pdf.

⁴⁵³⁶ Government of Solomon Islands, *Penal Code (Chapter 26)*, (Revised 1996), article 173; available from http://www.paclii.org/sb/legis/consol_act/pc66/.

⁴⁵³⁷ *Ibid.*, articles 149-150.

⁴⁵³⁸ *Ibid.*, articles 144, 248, 250. See also U.S. Department of State, “Trafficking in Persons Report- 2008: Solomon Islands.”

⁴⁵³⁹ ILO, *Country Baseline under the ILO Declaration Annual Review (2000-2009): Solomon Islands: The effective abolition of child labour*, Status Report, Geneva, 2009; available from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_091263.pdf.

⁴⁵⁴⁰ U.S. Department of State, “Solomon Islands,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136009.htm>.

⁴⁵⁴¹ International Trade Union Confederation, *Review of Trade Policies of the Solomon Islands*. See also Solomon Islands Ministry of Labor official, Interview with USDOL consultant, June 12, 2006. See also ILO, *Country Baseline: Solomon Islands, Status Report*. See also U.S. Department of State, “Country Reports- 2009: Solomon Islands.”

⁴⁵⁴² Callinan, “Generation Exploited.”

⁴⁵⁴³ *Ibid.* See also Herbert, *Logging Industry: Solomon Islands*.

⁴⁵⁴⁴ ILO, *Fact Sheet: Solomon Islands*, Status Report, Bangkok, 2010; available from http://bravo.ilo.org/asia/whatwedo/publications/lang--en/docName--WCMS_120549/index.htm.

Somalia

The collapse of the Central Government in Somalia in 1991 and ensuing instability and violence in the country have hindered efforts to address the worst forms of child labor. There is currently no minimum age for employment, no compulsory education, and no infrastructure for monitoring or combating child labor. Children engage in the worst forms of child labor in agriculture and continue to be recruited by armed groups, including the Transitional Federal Government's armed forces, for use in armed conflict.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	39.8%
Attending School	5-14 yrs.	48.9%
Combining Work and School	7-14 yrs	20.2%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Somalia,⁴⁵⁴⁵ many of them in agriculture, including herding.⁴⁵⁴⁶ Children's work in agriculture commonly involves using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides.

Children also work on the streets selling cigarettes, washing cars, and shining shoes.⁴⁵⁴⁷ Street work often exposes children to severe weather, accidents caused by proximity to vehicles, and vulnerability to criminals. Children are also forced in to prostitution, break rocks for gravel, work in quarries, and perform construction.⁴⁵⁴⁸

Armed groups and militias, including al-Shabaab and Hizbul Islam systematically recruit children, while the Transitional Federal Government continues to recruit and use children in military operations. Some of the conscripted children plant roadside bombs, operate checkpoints, and are trained to conduct assassinations.⁴⁵⁴⁹

It is believed that Somalia is a source, destination, and transit country for child trafficking.⁴⁵⁵⁰ 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.⁴⁵⁵¹






Laws and Regulations on the Worst Forms of Child Labor

Three distinct entities have concurrently governed Somalia since 1991: the self-declared Republic of Somaliland in the northwest; and the semi-autonomous region of Puntland in the northeast; and iterations of a southern Central Government, the most recent of which is the Transitional Federal Government (TFG) in Mogadishu.⁴⁵⁵² The pre-1991 Labor Code establishes the minimum age for employment at 15.⁴⁵⁵³ Additionally the pre-1991 Labor Code prescribes different minimum ages for certain hazardous activities. For example, 16 was the minimum age for employment in construction and age 18 for work on a vessel or underground.⁴⁵⁵⁴ However, it is unclear whether the Labor Code still applies because the 2004

TFG charter requires the government to establish a minimum age for employment.⁴⁵⁵⁵ This legal gap leaves children unprotected under the law from the worst forms of child labor.

The 2004 TFG Charter prohibits forced labor and military service for children under 18.⁴⁵⁵⁶ It also prohibits child prostitution.⁴⁵⁵⁷

Due to the collapse of the Central Government in 1991, Somalia lacks a clear legal framework on child labor. Efforts to address and prevent exploitive child labor are hampered by basic problems including the fact that it is unclear if there is currently a minimum age for employment, there is no list of hazardous activities prohibited to children, no age for compulsory education, and no free education for children. Additionally none of the regions have laws that specifically prohibit human trafficking.⁴⁵⁵⁸

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	No
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	None
	Free Public Education	No

Institutional Mechanisms for Coordination and Enforcement

Research did not find evidence that any agency in the three government entities is charged with coordinating efforts to combat child labor.

In all three regions of Somalia, the Ministries of Labor, Justice, Interior, and Security are responsible for enforcing laws relating to worst forms of child labor.⁴⁵⁵⁹ However, the governing entities do not enforce child labor laws, and children are actively exploited through military recruitment, including by the TFG.⁴⁵⁶⁰

There was no funding provided to agencies for inspections and no inspectors were employed to enforce child labor laws.⁴⁵⁶¹

In addition research found no evidence of an institutional infrastructure to provide enforcement, investigations, or reporting on child trafficking, commercial sexual exploitation of children, and the use of children in illicit activities.⁴⁵⁶²

The TFG has, however, formed a presidential commission to investigate allegations of child recruitment, and used African Union doctors and military officials to oversee recent recruitment drives.⁴⁵⁶³

Government Policies on the Worst Forms of Child Labor

The Transitional Federal Government has taken steps to end child recruitment for military operations, including signing an anti-recruitment pledge with the UN Special Representative of the Secretary General for Children and Armed Conflict.⁴⁵⁶⁴

Research found no evidence that Somalia has a comprehensive policy or plan to address all forms of exploitive child labor. Authorities in all regions did not provide funding or non-monetary support for policies or plans to address child labor.⁴⁵⁶⁵

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

Research found no evidence that any governing structure in Somalia has developed any program to sufficiently combat the worst forms of child labor.⁴⁵⁶⁶

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

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt legal framework on child labor that includes a minimum age for work and a list of hazardous work activities.
- Adopt laws prohibiting human trafficking.
- Establish an age for compulsory education.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Provide needed funding for agencies responsible for enforcement of child labor laws and hire labor inspectors.
- Immediately cease the recruitment of children for military service
- Enforce the prohibitions laid out in the Transitional Federal Government Charter of 2004 on forced labor and military service for children under age 18.
- Establish an infrastructure to address criminal worst forms of child labor.

IN THE AREA OF POLICIES:

- Develop a comprehensive policy and action plan to combat the worst forms of child labor.
- Develop a comprehensive policy and action plan on the use of child soldiers.
- Make education free to all children.

IN THE AREA OF PROGRAMS:

- Develop programs to prevent and address children's involvement in the worst forms of child labor, particularly the use of children in armed conflict.

⁴⁵⁴⁵ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴⁵⁴⁶ U.S. Embassy- Nairobi, *reporting*, Nairobi, March 1, 2010. See also 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>.

⁴⁵⁴⁷ U.S. Department of State, "Country Reports- 2008: Somalia." See also Integrated Regional Information Networks, "Somalia: Conflict, drought force more children onto Hargeisa streets", IRINnews.org, [online], October 22, 2008 [cited February 4, 2010]; available from <http://www.irinnews.org/Report.aspx?ReportId=81052>. See also U.S. Embassy- Nairobi, *reporting*, March 1, 2010, para 2.

⁴⁵⁴⁸ U.S. Department of State, "Somalia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135976.htm>. See also U.S. Department of State, "Country Reports- 2008: Somalia," sections 5 and 6d. See also U.S. Embassy- Nairobi, *reporting*, March 1, 2010, para 2.

⁴⁵⁴⁹ UN Security Council, *Report of the Secretary-General on Children and Armed Conflict*, S/2009/158, March 26, 2009, 20; available from <http://daccess-ods.un.org/TMP/3496331.html>. See also UN Security Council, *Report of the Secretary-General on Children and Armed Conflict in Somalia*, S/2008/352, May 30, 2008, para 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 1G. See also U.S. Embassy- Nairobi, *reporting, March 1, 2010*, para 2. See also U.S. Department of State, “Somalia (Special Cases),” in *Trafficking in Persons Report - 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142763.htm>. See also Coalition to Stop the Use of Child Soldiers, “Somalia,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=196>. See also UN News Service, “UN identifies most persistent users of child soldiers in armed conflicts,” [online], May 21, 2010 [cited September 22, 2010]; available from <http://www.un.org/apps/news/story.asp?NewsID=34778&Cr=coomar&Cr1#>. See also Jeffrey Gettleman, “U.N. Voices Concern on Child Soldiers in Somalia,” *The New York Times* (New York City), June 16, 2010; available from http://www.nytimes.com/2010/06/17/world/africa/17somalia.html?_r=1&pagewanted=print. See also Jeffrey Gettleman, “Children Carry Guns for a U.S. Ally, Somalia,” *The New York Times* (New York City), June 13, 2010; available from <http://www.nytimes.com/2010/06/14/world/africa/14somalia.html?pagewanted=print>. See also BBC News, “Alarm over Somalia’s child soldiers,” [online], July 29, 2009 [cited September 22, 2010]; available from <http://news.bbc.co.uk/2/hi/8173079.stm>.

⁴⁵⁵⁰ U.S. Department of State, “Trafficking in Persons Report - 2010: Somalia.” See also Integrated Regional Information Networks, “Tragic Cargo- Part One”, IRINnews.org, [online], June 8, 2006 [cited February 4, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=59251>.

⁴⁵⁵¹ U.S. Department of State, “Trafficking in Persons Report - 2010: Somalia.” See also U.S. Department of State, “Country Reports- 2008: Somalia,” section 5.

⁴⁵⁵² U.S. Department of State, “Country Reports- 2008: Somalia,” introduction. See also U.S. Department of State, “Trafficking in Persons Report - 2010: Somalia.”

⁴⁵⁵³ The Government of Somalia, *Law No. 65 of 18 October 1972 to promulgate the Labour Code, 1972*, Article 93; available from http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_127639.pdf.

⁴⁵⁵⁴ *Ibid.*, Article 94.

⁴⁵⁵⁵ Transitional Federal Government of Somalia, *Transitional Federal Charter for the Republic of Somalia, 2004*, article 18; available from <http://www.iss.co.za/AF/profiles/Somalia/charterfeb04.pdf>.

⁴⁵⁵⁶ *Ibid.*, articles 18(4) and 26(d).

⁴⁵⁵⁷ U.S. Department of State, “Country Reports- 2009: Somalia.”

⁴⁵⁵⁸ U.S. Department of State, “Trafficking in Persons Report - 2010: Somalia.” See also U.S. Department of State, “Country Reports- 2009: Somalia.”

⁴⁵⁵⁹ U.S. Embassy- Nairobi, *reporting, March 1, 2010*, para 4.

⁴⁵⁶⁰ UN Security Council, *Report of the Secretary-General on Children and Armed Conflict, 20*. See also U.S. Department of State, “Country Reports- 2009: Somalia.”

⁴⁵⁶¹ U.S. Embassy- Nairobi, *reporting, March 1, 2010*.

⁴⁵⁶² *Ibid.*, para 5.

⁴⁵⁶³ U.S. Department of State official, Email communication to USDOL official, November 18, 2010.

⁴⁵⁶⁴ *Ibid.*

⁴⁵⁶⁵ U.S. Embassy- Nairobi, *reporting, March 1, 2010*.

⁴⁵⁶⁶ *Ibid.*, para 6.

South Africa

The Government enacted new regulations concerning hazardous child labor and established a national child labor coordinating mechanism. Children continue to work in agriculture. The Government's child social protection system has limited resources to assist children engaged in and vulnerable to the worst forms of child labor.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in South Africa are exploited in the worst forms of child labor,⁴⁵⁶⁷ many in agriculture.⁴⁵⁶⁸ Children's work in agriculture can involve long hours, dangerous tools, physically arduous tasks, and exposure to pesticides.⁴⁵⁶⁹ Child labor is found more frequently in the informal economy.⁴⁵⁷⁰ Children are also employed as domestic servants, in many cases working long hours and isolated in homes where they are susceptible to abuse and sexual harassment.⁴⁵⁷¹ Children are employed in taverns and liquor stores to clean, stock supplies, prepare food, and serve alcohol, work which can increase their access to alcohol, and put them at risk of physical and sexual abuse from adults.⁴⁵⁷² Children in South Africa also scavenge in landfills and dumpsites for recyclable materials.⁴⁵⁷³ This work involves long hours and carrying heavy loads in the midst of dangerous machinery, moving vehicles, and burning toxins.⁴⁵⁷⁴ Children in rural areas often spend hours each day fetching water for their families, and hauling heavy loads over long distances.⁴⁵⁷⁵

Some children in South Africa are exploited in prostitution.⁴⁵⁷⁶ Some children are also forced by adults to commit robberies, including armed robbery,

and sell drugs.⁴⁵⁷⁷ Criminal gangs have compelled children to search abandoned mines for gold.⁴⁵⁷⁸





South Africa remains a country of origin, transit, and destination for children trafficked for sexual exploitation and forced labor.⁴⁵⁷⁹ Children from Lesotho, Malawi, Mozambique, Swaziland, Thailand, and China are trafficked to South Africa for prostitution.⁴⁵⁸⁰ Children from Mozambique, Malawi, and Zimbabwe are trafficked to South Africa for agricultural work.⁴⁵⁸¹ South African girls are also trafficked internally and out of the country for prostitution and domestic service.⁴⁵⁸² South African boys are trafficked internally for farm work and street vending.⁴⁵⁸³

Laws and Regulations on the Worst Forms of Child Labor

According to the Basic Conditions of Employment Act 75 of 1999(BCEA), the minimum age for work is 15 and the minimum age for hazardous work is 18.⁴⁵⁸⁴ Employers may hire children under the age of 15 to work in the performing arts with permission from the South African Department of Labor (SADOL).⁴⁵⁸⁵ In January 2010, SADOL published new regulations containing a list of exploitive [hazardous] activities that are prohibited for children under 18.⁴⁵⁸⁶ These

activities include the production and sale of alcohol, mining, scavenging in garbage dumps, and exposure to hazardous substances.⁴⁵⁸⁷ The regulations prohibit the employment of children in work that takes place in cold, hot, or noisy environments; involves respiratory hazards, elevated spaces, the lifting of heavy objects, or piecework; or interferes with a child's access to nutrition, health care, or education.⁴⁵⁸⁸ The regulations also provide guidelines for the employment of children in work that requires overnight separation from parents or guardians.⁴⁵⁸⁹

The Children's Amendment Act prohibits the use of children for slavery, slave-like practices, trafficking, commercial sexual exploitation, and illicit activities.⁴⁵⁹⁰ The act was signed into law by President Thabo Mbeki in March 2008 and was officially implemented on April 1, 2010.⁴⁵⁹¹ The Criminal Law Amendment Act 32 of 2007 defines and criminalizes human trafficking for sexual exploitation.⁴⁵⁹²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	No

On May 7, 2009, the President signed into law the Child Justice Act No. 75 of 2008.⁴⁵⁹³ This act was implemented on April 1, 2010.⁴⁵⁹⁴ The Act allows for the diversion of child offenders from the formal criminal justice system to alternative forms of justice such as victim-offender mediation and family councils.⁴⁵⁹⁵ It calls for the creation of one-stop child justice centers and for the prosecution of adults who

use children for illicit activities.⁴⁵⁹⁶ When an adult has compelled a child to commit a crime, the Child Justice Act requires court officials to consider this when determining the child's placement in the justice system.⁴⁵⁹⁷

In September 2009, the Government of South Africa ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.⁴⁵⁹⁸

Institutional Mechanisms for Coordination and Enforcement

The Government established the Intersectoral Committee on Child Labor in 2009 to coordinate efforts to combat the worst forms of child labor. The committee is chaired by SADOL and members include representatives from commercial agriculture, trade unions, government, and SAPS.⁴⁵⁹⁹ In 2009, the committee met in March, August, and November.⁴⁶⁰⁰

SADOL and SADOJ are responsible for enforcing child labor laws.⁴⁶⁰¹ SADOL inspectors identify suspected cases of child labor and human trafficking and forward evidence to SADOJ for follow-up.⁴⁶⁰² Depending on the type of offense, child labor violations are tried in either a criminal or labor court.⁴⁶⁰³ SADOL and SADOJ do not report statistics on the number of child labor cases opened, closed, or resolved, or the number of convictions made.⁴⁶⁰⁴ SADOL publishes statistics on the number of inspections conducted and the number of labor complaints received and addressed, but it does not disaggregate its data by child labor violations.⁴⁶⁰⁵ According to the Government, SADOL inspectors have difficulty accessing farms to assess compliance with national labor laws, including prohibitions against child labor.⁴⁶⁰⁶ Although they have legal authority, inspectors frequently do not enter farms without an invitation because they are afraid that farmers will treat them as intruders given the high rate of violent crimes against commercial farmers.⁴⁶⁰⁷

The National Prosecution Authority (NPA) prosecutes human trafficking cases.⁴⁶⁰⁸ The Sexual Offenses and Community Affairs Unit (SOCA) within NPA leads a Trafficking in Persons Task Team, which is composed of the Departments of Labor, Home Affairs, Justice, and Social Development, and other representatives of national law enforcement.⁴⁶⁰⁹ The goals of the team include developing a national strategy against

human trafficking for sexual exploitation; promoting interagency collaboration; preparing operating procedures for new trafficking legislation; and organizing training on human trafficking issues.⁴⁶¹⁰ The Human Trafficking Desk within SAPS seeks to monitor and evaluate efforts to investigate trafficking crimes; trains human trafficking investigators; and refers human trafficking cases to provincial SAPS units.⁴⁶¹¹ Despite these efforts, the Government reports that it does not gather systematic data on human trafficking cases and that prosecutors and investigators lack sufficient training on how to identify human trafficking situations.⁴⁶¹²

Government Policies on the Worst Forms of Child Labor

The National Child Labor Program of Action for South Africa, Phase II, 2008-2012 (CLPA) is the Government's primary policy instrument to prevent and eliminate child labor in South Africa.⁴⁶¹³ It calls for activities across the Government and the promotion of new laws against the worst forms of child labor.⁴⁶¹⁴ It also includes a list of indicators to monitor the Government's efforts against child labor.⁴⁶¹⁵

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

From 1998 to 2003, the Government collaborated with ILO-IPEC to collect child labor statistics, and from 2000 to 2003, collaborated with ILO-IPEC on a detailed analysis of the country's child labor policies.⁴⁶¹⁶ The Government participated in a regional child labor project from 2004 to 2008 funded by USDOL. This 4-year, \$9 million project increased educational opportunities for vulnerable children, piloted a scholarship program for working children, and reviewed South Africa's trafficking legislation.⁴⁶¹⁷ Over its lifetime, the project rescued 11,127 children from the worst forms of child labor in five countries, including South Africa.⁴⁶¹⁸ The Government also participated in a 4.5-year, \$5 million, regional project

funded by USDOL that conducted research on the extent of child labor in specific sectors, drafted a monitoring plan for the Government's Child Labor Plan of Action, and protected 5,421 children from exploitive labor.⁴⁶¹⁹

In 2009, the Government participated in a \$4.75 million regional project funded by USDOL in three countries, including South Africa. In South Africa, the project conducts awareness campaigns on child labor; assists SADOL with technical support in implementing CLPA; and targets 4,200 children for withdrawal and prevention from the worst forms of child labor, including hazardous work in agriculture.⁴⁶²⁰

During the reporting period, the Government of South Africa promoted social programs that impact the worst forms of child labor. The Government provided direct cash transfers to the households of vulnerable children to alleviate poverty.⁴⁶²¹ The Government implemented a no-fee school program that covers the poorest 40 percent of primary schools.⁴⁶²² EU, ILO, and IOM funded anti-trafficking planning and awareness-raising activities; and the Government-operated *Thuthuzela* Care Centers that provide medical services, counseling, and legal support to victims of sexual exploitation.⁴⁶²³

The Government has identified constraints on its capacity to offer social protection for children. For example, birth certificates are required to qualify for services, yet more than 20 percent of babies are not registered by their first birthday.⁴⁶²⁴ Also, the child protection system lacks the financial resources and skilled staff to assist the majority of children who need care.⁴⁶²⁵

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

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Report on the number of child labor cases opened, closed, and resolved and the number of convictions.
- Provide sufficient training and systems for law enforcement personnel to identify worst forms of child labor, including human trafficking cases.
- Establish and enforce appropriate procedures to allow for labor inspections in all regulated areas.
- Collect systematic data on human trafficking cases.

IN THE AREA OF POLICIES:

- Make education freely available to all children.

IN THE AREA OF PROGRAMS:

- Implement programs to ensure that all children have birth certificates.
- Allocate resources to better support children in the social protection system.

⁴⁵⁶⁷ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴⁵⁶⁸ Government of South Africa, *The Child Labour Programme of Action for South Africa Phase 2 (2008-2012)*, Draft 4.4, Pretoria, June 2007, 15, 17. See also Judith Streak, “Harvesting Childhood: Causes, nature, and impact of child agricultural labour,” *HSRC Review* vol. 5, no. 3 (September 2007); available from http://www.hsrc.ac.za/HSRC_Review_Article-61.phtml.

⁴⁵⁶⁹ Social Surveys Africa, *Report on Conceptualization of Research into Child Labour in Commercial Agricultural in South Africa*, Pretoria, April 7, 2006, 19-29, 23, 39-40. See also Government of South Africa, *Child Labour Programme of Action: Phase 2*, 62-63.

⁴⁵⁷⁰ U.S. Embassy- Pretoria official, E-mail communication to USDOL official, October 28, 2010.

⁴⁵⁷¹ Government of South Africa, *Child Labour Programme of Action: Phase 2*, 59.

⁴⁵⁷² Andrew Charman, *A rapid assessment of children making and selling liquor in South Africa*, ILO-IPEC, Pretoria, August, 2006, 8-10.

⁴⁵⁷³ Saranel Benjamin, *A rapid assessment on scavenging and waste recycling work by children in South Africa*, ILO-IPEC, Pretoria, October, 2007, 7-9.

⁴⁵⁷⁴ *Ibid.*, 11.

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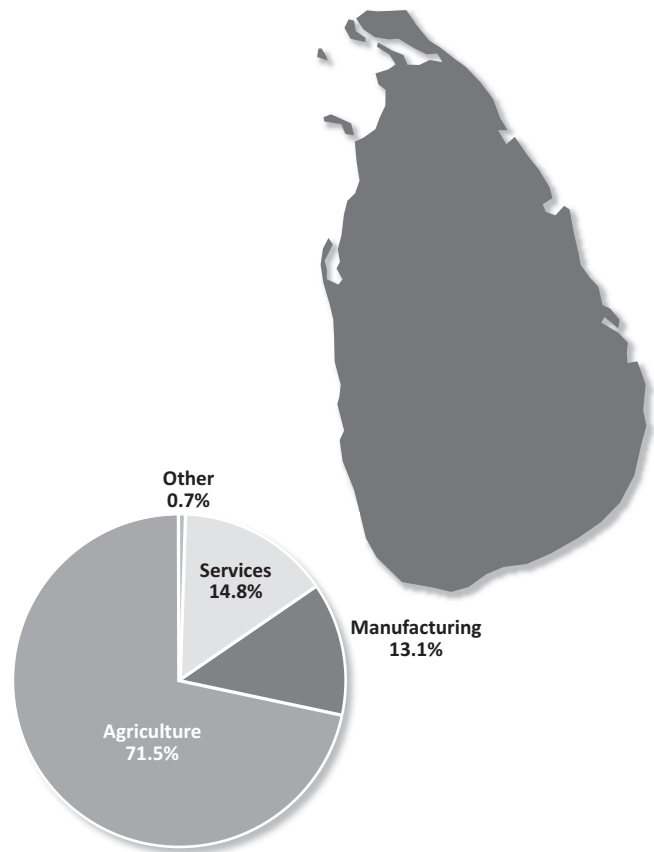
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Sri Lanka

The Government of Sri Lanka has taken steps to address some common worst forms of child labor in the country through programs focused on plantation workers and former child soldiers and has published a National Action Plan to Eliminate the Worst Forms of Child Labor by 2016. However, draft regulations specifying occupations prohibited to children have yet to be published. Children continue to be involved in the worst forms of child labor in agriculture.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁴⁶²⁶

Some children in Sri Lanka are exploited in the worst forms of labor, including in agriculture.⁴⁶²⁷ Some children's work in agriculture could involve the use of potentially dangerous machinery and tools, carrying of heavy loads, and applying harmful pesticides. In some cases children are also employed in domestic service, a largely unregulated sector in which children may work long hours and are vulnerable to physical and sexual abuse.⁴⁶²⁸

There are also reports that children in Sri Lanka also perform dangerous work in the tile and fishing industries, construction, and mining.⁴⁶²⁹ In tile manufacturing children work long hours, carry heavy loads, and experience breathing problems, fatigue, and body pain.⁴⁶³⁰ Children in the fisheries sector work long hours, often at night.⁴⁶³¹

Child trafficking is also an issue in Sri Lanka. Children are trafficked to the Middle East and Singapore, where they are subjected to forced labor and sexual

exploitation.⁴⁶³² Children are also internally trafficked for domestic service, exploitive labor, and commercial sexual exploitation. There are reports of children below the age of 12 being kidnapped to work in fireworks or fish-drying factories.⁴⁶³³ Trafficked children often come from rural areas or Internally Displaced Persons (IDP) camps, and some are lured by the promise of employment in the garment industry.⁴⁶³⁴ The prostitution of children is reported to be of concern, particularly in the coastal areas.⁴⁶³⁵ Boys are among those exploited in prostitution.⁴⁶³⁶

In May of 2009, Sri Lanka's 26-year long internal conflict ended. Until that point, children had been involved in both para-military and military activities, including performing a variety of activities for the Liberation Tigers of Tamil Eelam (LTTE), an armed terrorist opposition group.⁴⁶³⁷ From 2003 to May 2009, UNICEF recorded more than 6,000 cases of children recruited by the LTTE. Forced recruitment of children into the LTTE surged in the months prior to the end of the hostilities, and children were used on the frontlines to dig bunkers, collect weapons from killed soldiers, and protect senior leadership.⁴⁶³⁸ Additionally, the pro-

government Tamil Makkai Viduthlai Pulikal (TMVP), a former LTTE faction and registered political party, was reported to recruit, sometimes forcibly, children as soldiers.⁴⁶³⁹ In 2008, the Government of Sri Lanka, TMVP, and the United Nations signed a Tri-Partite Agreement Action Plan to stop the recruitment and arrange for the release of child soldiers.⁴⁶⁴⁰ In May 2009, the Government of Sri Lanka officially declared victory over the LTTE opposition group, the entire leadership of the LTTE was destroyed, and hostilities ceased. The Government has demonstrated its commitment by adopting a zero tolerance policy toward the recruitment of child soldiers and by rehabilitating the child soldiers who were recruited or forcibly conscripted by the LTTE.⁴⁶⁴¹

Laws and Regulations on the Worst Forms of Child Labor

A 1999 amendment to the Employment of Women, Young Persons, and Children Act of 1956 sets the minimum age for employment at 14.⁴⁶⁴² A second amendment (2006) sets the minimum age for employment in hazardous work at 18.⁴⁶⁴³ Children ages 14 and 15 may work nine hours per day and children ages 16 and 17 may work ten hours per day.⁴⁶⁴⁴ The minimum age for employment at sea is 15.⁴⁶⁴⁵ Children under 14 may be employed by their own parents in agricultural work or as part of training activities.⁴⁶⁴⁶






The 2006 amendment to the Employment of Women, Young Persons and Children Act of 1956 enabled the Ministry of Labor Relations and Manpower to publish a list of hazardous occupations. Accordingly, the Government of Sri Lanka published a draft list of 49 hazardous occupations, 40 of which were to be unconditionally prohibited and 9 of which were to be conditionally prohibited for children ages 14 to 18.⁴⁶⁴⁷ In 2009, the Government drafted regulations to prohibit these hazardous forms of child labor, but the draft has not yet been sent to Parliament for approval.⁴⁶⁴⁸

The Penal Code, Amendment Act No. 16 of 2006, prohibits forced labor, debt bondage, and all forms of slavery.⁴⁶⁴⁹ In addition, the Penal Code prohibits the trafficking of children.⁴⁶⁵⁰

The Penal Code, Amendment Acts No. 22 of 1995 and No. 29 of 1998, prohibit sexual violations against children below 18 years, particularly with regards

to child pornography, child prostitution, and the trafficking of children.⁴⁶⁵¹

The Penal Code 2006 Amendment also prohibits the recruitment of children below 18 years in armed conflict.⁴⁶⁵²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Child Protection Authority (NCPA) is charged with monitoring and coordinating action to protect children.⁴⁶⁵³ This body’s mandate includes formulating policies on child abuse and exploitation and coordinating groups that combat them. It also monitors research, coordinates resource mobilization, and monitors implementation of the law and investigations.⁴⁶⁵⁴ This group treats child labor as a form of abuse along with sexual exploitation and child conscription.⁴⁶⁵⁵

The Department of Labor, within the Ministry of Labor Relations and Manpower, and the NCPA are responsible for enforcing child labor laws.⁴⁶⁵⁶ The Department of Labor’s labor inspectorate employs 314 labor officers to enforce all labor laws, including those on child labor. In 2009, 240 labor officers, police officers, and probation officers were trained on

child labor issues.⁴⁶⁵⁷ The Department of Labor and the NCPA coordinate efforts with the Women and Children's Bureau of the Sri Lanka Police to enforce child labor laws.

Complaints of child labor violations can be made via two hotlines, one with the Women and Children's Bureau of the Sri Lanka Police and the other with the Ministry of Child Development and Women's Empowerment. During the reporting period, these hotlines received 140 complaints of child labor involving children below 14. Nine led to cases being filed. There is no data available on the number of children removed from labor exploitation, convictions or penalties. However, research suggests it takes approximately two years for child labor cases to be resolved.⁴⁶⁵⁸

The NCPA is the lead agency responsible for preventing child trafficking.⁴⁶⁵⁹ The NCPA operates under the Ministry of Child Development and Women's Empowerment and the Women and Children's Bureau of the Department of Police to enforce child trafficking violations.⁴⁶⁶⁰ In 2009, the Sri Lankan Police trained 859 officers on human trafficking issues.⁴⁶⁶¹

Complaints of trafficking violations can be made via the Women and Children's Bureau of the Sri Lanka Police and the Ministry of Child and Development and Women's Empowerment. From January to November 2009, there were 38 trafficking investigations by the Women and Children's Bureau of Sri Lanka Police and ten investigations by NCPA, although it is possible that both agencies conducted investigations of the same cases.⁴⁶⁶² NCPA is reported to have rescued 11 child trafficking victims and conducted 20 arrests. NCPA filed ten cases but it is unknown whether these cases are closed or resolved.⁴⁶⁶³

Although the 2006 Penal Code Amendment prohibits the use of child soldiers, no prosecutions are known to have taken place.⁴⁶⁶⁴

Government Policies on the Worst Forms of Child Labor

The Government of Sri Lanka has established policies specifically focusing on child protection and mainstreamed child labor issues into the national development framework. The Government

implemented a National Action Plan (NAP) for Children (2004-2008).⁴⁶⁶⁵ It budgeted \$124.6 million to implement the policy with \$2 million allocated for child labor programs.⁴⁶⁶⁶ A new NAP (2010-2014), prepared by the Ministry of Finance, will also include an action plan to eliminate child labor.⁴⁶⁶⁷ The new NAP has not yet been published.⁴⁶⁶⁸

The Government's key development plan, *Mahinda Chintana* – A Vision for New Sri Lanka (2006-2016) includes government policies on combating child labor.⁴⁶⁶⁹ The policies outlined in *Mahinda Chintana* encourage parents to keep children in school rather than sending them to work. A key part of the *Mahinda Chintana* is the Roadmap to 2016 – From Commitment to Action, Elimination of the Worst Forms of Child Labor, which aims to eliminate the worst forms of child labor by 2016. The road map includes plans for institutional capacity building of programs for planning, delivery and reporting of child labor, awareness raising, resource centers, and integrated enforcement and monitoring systems. To date, the Government has only released a concept note of this plan.⁴⁶⁷⁰

The Roadmap also provides social protection for at-risk children and specifically focus on the plantation sector where child labor is prevalent.⁴⁶⁷¹ To this end, the policy outlines five key strategies for eliminating child labor, including poverty reduction through minimum wage standards and safety networks for migrant workers and their families; strict enforcement of minimum age employment legislation especially in the informal sector; and rehabilitation of child soldiers.⁴⁶⁷² However, the policy does not lay out specific programs for implementing these initiatives.

The 2007 Youth Employment Policy & National Action Plan also emphasizes access to quality education and recognizes the issue as an important means for addressing child labor.⁴⁶⁷³

The Government has also developed policies regarding certain specific types of the worst forms of child labor. The National Plan of Action to Combat Trafficking in Children for Sexual and Labour Exploitation emphasizes reforming and enforcing laws, strengthening institutions, and conducting research, as well as prevention, rescue, protection and reintegration of trafficked children.⁴⁶⁷⁴

In 2009, the Ministry of Disaster Management and Human Rights developed the National Action Plan of the National Framework Proposal for Reintegration of Ex-combatants into Civilian Life in Sri Lanka. This policy focuses on both adult and child combatants and targets 15,000 participants.⁴⁶⁷⁵ Its goal is rehabilitation of combatants who need psychosocial support for a period of up to three years. Youth will also be given educational opportunities and access to sports, art, theatre, and music.⁴⁶⁷⁶

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

From 1997 through 2001, Sri Lanka participated in 15 donor-funded projects in support of the National Programme on Child Labor, focusing on the prevention and reintegration of former child workers.⁴⁶⁷⁷ Since 2001, six new programs have been initiated, some specifically targeting child trafficking, child domestic labor, and child soldiers.⁴⁶⁷⁸

Currently, the Ministry of Education (MOE) has programs for vulnerable children working in plantations. These children receive educational services, including additional classes for secondary students in plantation areas.⁴⁶⁷⁹ In the plantation province of Sabaragamuwa, the ILO collaborates with

district governments in a Youth Employment Project which benefits youth at risk of entering worst forms of child labor.⁴⁶⁸⁰

Between 2008 and 2009, the Department of Census and Statistics conducted a Child Labor Survey with technical support from the ILO.⁴⁶⁸¹ The survey is intended to be a key component in preventing worst forms of child labor as it is designed to inform further program and policy initiatives. However, the survey results have yet to be released.⁴⁶⁸²

The Government of Sri Lanka has also created rehabilitation and reintegration programs for former child soldiers.⁴⁶⁸³ Specifically, it provided two residential educational and vocational training facilities for 556 child ex-combatants. These facilities offer catch-up education classes and allow family visits to reintegrate the children into the community. Of these ex-combatants, 180 appeared for their grade 11 equivalency exams in December 2009.⁴⁶⁸⁴

The Government Road Map for eliminating the worst forms of child labor specifically targets child trafficking and commercial sexual exploitation, and this effort is headed by the National Child Protection Agency.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Approve the draft regulations prohibiting child labor in occupations on the hazardous list.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Prosecute individuals suspected of recruiting and using children in armed conflict

IN THE AREA OF POLICIES:

- Finalize and publish the National Action Plan for Children (2010-2014) and implement its recommendations.
- Finalize specifics regarding programs to be implemented under the Roadmap to 2016 on the Worst Forms of Child Labor in line with the *Mahinda Chintana*.

IN THE AREA OF PROGRAMS:

- Finalize and publish National Child Labour Survey results.
- Establish and/or further continue programs targeting children involved in hazardous work in the agriculture, tile, fishing, domestic service, and commercial sexual exploitation sectors.

⁴⁶²⁶ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴⁶²⁷ ILO-IPEC, *Child Labour and Responses: Sri Lanka*, [September 11, 2009 [cited April 26, 2010]; available from <http://www.ilo.org/legacy/english/regions/asro/newdelhi/ipec/responses/srilanka/index.htm>..

⁴⁶²⁸ U.S. Department of State, “Sri Lanka,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6d.

⁴⁶²⁹ U.S. Embassy - Colombo, *reporting*, February 8, 2010.. See also University of Colombo Social Policy Analysis & Research Center, *Situation Report on Child Labour*, March 2008 2008.

⁴⁶³⁰ Social Policy Analysis & Research Center, *Plantation, Fire-Works Industry, Tile Industry, Coir Industry & Fishery*, 70.

⁴⁶³¹ *Ibid.*, 102.

⁴⁶³² U.S. Embassy- Colombo, *reporting*, February 16, 2009, paras 9-12. See also U.S. Embassy- Colombo, *reporting*, February 17, 2010, para. 11.

⁴⁶³³ U.S. Embassy- Colombo, *reporting*, February 16, 2009, paras 7, 8, 10, 12. See also U.S. Department of State, “Sri Lanka,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from www.state.gov/g/tip/rls/tiprpt/2010/142761.htm.

⁴⁶³⁴ U.S. Embassy- Colombo, *reporting*, February 16, 2009, para. 12.

⁴⁶³⁵ U.S. Department of State, “Country Reports- 2009: Sri Lanka.”

⁴⁶³⁶ U.S. Embassy- Colombo, *reporting*, February 16, 2009. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Sri Lanka.” See Also ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children Sri Lanka*, Bangkok, 2006, 11; available from http://www.ecpat.net/A4A_2005/PDF/South_Asia/Global_Monitoring_Report-SRI_LANKA.pdf.

⁴⁶³⁷ U.S. Embassy - Colombo, *reporting*, June 12, 2009.

⁴⁶³⁸ Coalition to Stop the Use of Child Soldiers, *Sri Lanka Issues Concerning Protection of Children Post Armed Conflict*, July 2009, 1-3; available from <http://www.unhcr.org/refworld/publisher,CSCOAL,,,4a77f93e2,0.html>. See

also UNICEF, *Sri Lanka: More Children Victims of Conflict says UNICEF*, [2009 [cited October 13, 2010]; available from http://www.unicef.org/media/media_48044.html.

⁴⁶³⁹ U.S. Embassy - Colombo, *reporting*, June 12, 2009. See Also Coalition to Stop the Use of Child Soldiers, *Sri Lanka Issues Concerning the Protection of Children Post Armed Conflict*, 6. See Also United Nations Security Council, *Report of the Secretary-General on Children and Armed Conflict of Sri Lanka*, June 25, 2009; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/351/86/PDF/N0935186.pdf?OpenElement>.

⁴⁶⁴⁰ U.S. Embassy - Colombo, *reporting*, February 8, 2010.

⁴⁶⁴¹ *Ibid.*

⁴⁶⁴² ILO IPEC, *National Legislation and Policies Against Child Labour in Sri Lanka* [September 11, 2009 [cited April 26, 2010]; available from <http://www.ilo.org/legacy/english/regions/asro/newdelhi/ipec/responses/srilanka/national.htm>.

⁴⁶⁴³ *Employment of Women, Young Persons and Children (Amendment) Act, No. 24 of 2006*, (August 21, 2006), 2. 20A. (1).

⁴⁶⁴⁴ U.S. Embassy - Colombo, *reporting*, February 8, 2010.

⁴⁶⁴⁵ Government of Sri Lanka, *Employment of Women, Young Persons, and Children Act of 1956* No. 47 (November 7, 1956), part II, 9.(1); available from <http://www.labourdept.gov.lk/Legislations/Emplof%20WomYouPersonsChi.pdf>. See also U.S. Embassy - Colombo, *reporting*, February 8, 2010.

⁴⁶⁴⁶ Government of Sri Lanka, *Employment of Women, Young Persons, and Children Act of 1956*.

⁴⁶⁴⁷ U.S. Embassy - Colombo, *reporting*, February 8, 2010.

⁴⁶⁴⁸ *Ibid.*

⁴⁶⁴⁹ Government of Sri Lanka, *Penal Code (Amendment), 2006 Act No. 16*, (April 24, 2006).

⁴⁶⁵⁰ U.S. Department of State, “Country Reports- 2009: Sri Lanka.”

⁴⁶⁵¹ Government of Sri Lanka, *Penal Code (Amendment), 1995, Act No. 22*, (October 31, 1995), Government of Sri Lanka, *Penal Code (Amendment), 1998, Act No. 29*, (June 6, 1998).

⁴⁶⁵² U.S. Embassy - Colombo, *reporting*, February 8, 2010.

⁴⁶⁵³ U.S. Department of State, “Sri Lanka,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010.

⁴⁶⁵⁴ National Child Protection Authority, *National Child Protection Authority: Children are like Flowers, They Bruise Easily, Stop Cruelty to Children*, [online] [cited July 16, 2010]; available from <http://www.childprotection.gov.lk/home.html>.

⁴⁶⁵⁵ *Ibid.*].

- ⁴⁶⁵⁶ U.S. Embassy - Colombo, *reporting, February 8, 2010.*
- ⁴⁶⁵⁷ Ibid.
- ⁴⁶⁵⁸ Ibid.
- ⁴⁶⁵⁹ Ibid.
- ⁴⁶⁶⁰ U.S. Embassy - Colombo, *reporting, February 17, 2010.*
- ⁴⁶⁶¹ U.S. Embassy- Colombo, *reporting, February 17, 2010, 9.*
- ⁴⁶⁶² U.S. Embassy - Colombo, *reporting, February 8, 2010.*
- ⁴⁶⁶³ Ibid.
- ⁴⁶⁶⁴ Coalition to Stop the Use of Child Soldiers, *Sri Lanka Issues Concerning the Protection of Children Post Armed Conflict*, 8.
- ⁴⁶⁶⁵ U.S. Embassy - Colombo, *reporting, February 8, 2010.*
- ⁴⁶⁶⁶ 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, 125-126; available from http://www.humanitarianinfo.org/srilanka/docs/National_Plan.pdf.
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- ⁴⁶⁶⁸ Ibid.
- ⁴⁶⁶⁹ Ibid.
- ⁴⁶⁷⁰ U.S. Embassy - Colombo, Email Communication to USDOL Official USDOL Official, November 11, 2010.
- ⁴⁶⁷¹ IPEC, *National Legislation and Policies Against Child Labour in Sri Lanka*
- ⁴⁶⁷² Department of National Planning Ministry of Finance and Planning, *Mahinda Chintana: Vision for a New Sri Lanka A Ten Year Horizon Development Framework 2006-2016*, 2006; available from www.treasury.gov.lk/docs/MahindaChintanaTenYearDevelopmentPlan.pdf.
- ⁴⁶⁷³ IPEC, *National Legislation and Policies Against Child Labour in Sri Lanka*
- ⁴⁶⁷⁴ ECPAT International, *Global Monitoring Report: Sri Lanka*, 16.
- ⁴⁶⁷⁵ Ministry of Disaster Management and Human Rights, *National Action Plan of the National Framework Proposal for Reintegration of Ex-combatants into Civilian Life in Sri Lanka*, October, 2009, 9; available from http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-colombo/documents/publication/wcms_117302.pdf.
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- ⁴⁶⁷⁷ ILO- IPEC, [online] IPEC Action in Sri Lanka [cited July 29, 2010]; available from <http://www.ilo.org/legacy/english/regions/asro/newdelhi/ipec/responses/srilanka/action.htm>.
- ⁴⁶⁷⁸ Ibid.].
- ⁴⁶⁷⁹ U.S. Embassy - Colombo, *reporting, February 8, 2010.*
- ⁴⁶⁸⁰ Ibid.
- ⁴⁶⁸¹ ILO-Colombo, *Child Labor*, [online] 2009 [cited July 29, 2010]; available from http://www.ilo.org/colombo/areasofwork/lang--en/WCMS_DOC_COL_ARE_CHL_EN/index.htm.
- ⁴⁶⁸² Ibid.].
- ⁴⁶⁸³ U.S. Embassy - Colombo, *reporting, February 8, 2010.*
- ⁴⁶⁸⁴ Ibid.

Suriname

The Government of Suriname has strengthened legislation against commercial sexual exploitation of children. Nevertheless, the worst forms of child labor in Suriname continue in the agricultural sector. Gaps remain in the enforcement of child labor laws and establishment of policies and social programs to eliminate the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁴⁶⁸⁵






Children in Suriname are exploited in the worst forms of child labor, particularly in agriculture. Children harvest fruit and rice where they may work with dangerous tools, risk exposure to pesticides and chemical fertilizers, and carry heavy loads. Children are also employed in fishing, where they are exposed to risks of drowning, injury, and use of sharp tools. Children also work in mining and logging.⁴⁶⁸⁶

Children are also involved in prostitution and are trafficked both internally, particularly between Paramaribo and mining camps in Suriname's interior and across the country's borders.⁴⁶⁸⁷ Adolescent girls are most likely to be trafficked for sex.⁴⁶⁸⁸

Laws and Regulations on the Worst Forms of Child Labor

Suriname's Labor Code of 1963 sets the minimum age for employment at 14⁴⁶⁸⁹ and prohibits children under the age of 18 from performing hazardous work.⁴⁶⁹⁰ Children age 14 to 17 are prohibited from working between 7:00 p.m. and 6:00 a.m.⁴⁶⁹¹ Minors under the age of 15 are not allowed to work on boats.⁴⁶⁹²

The Safety Act prohibits young persons under the age of 18 from engaging in work activities that may be injurious to their health and safety.⁴⁶⁹³ The Preparatory Working Group of the National Commission on Child Labour (PWGCCL) created a draft decree containing a list of hazardous work prohibited to children.⁴⁶⁹⁴ However, this draft has not yet been adopted by the Surinamese Government.

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

Article 15 of the Constitution bans forced labor.⁴⁶⁹⁵ Article 307 of the Penal Code prohibits trafficking in persons.⁴⁶⁹⁶ Prostitution is illegal,⁴⁶⁹⁷ and in July 2009, the Criminal Code was amended with specific penalties against child prostitution and a prohibition on child pornography, including a minimum of ten years imprisonment.⁴⁶⁹⁸

School is compulsory until the age of 12, but children cannot legally work until the age of 14. Children between these ages are vulnerable to the worst forms of child labor.

Institutional Mechanisms for Coordination and Enforcement

In November 2009, the National Commission for the Eradication of Child Labor (NCECL) was established by the Preparatory Working Group of the Commission on Child Labour (PWGCCCL). The NCECL recommends additional laws and improves those that already exist in order to ensure accordance with international labor standards, including on the worst forms of child labor.⁴⁶⁹⁹ The Commission consists of officials from the ministries of labor, social affairs, and education, and individuals from labor unions, NGOs, and the private sector.⁴⁷⁰⁰ The Anti-trafficking Working Group is led by the Chief Prosecutor and coordinates the Government's anti-trafficking efforts. This body also works with other countries in the region for this purpose.⁴⁷⁰¹

The Ministry of Justice and Police (MJP) and Ministry of Labor, Technology and Environment (MLTE) are jointly responsible for enforcement of child labor and related laws.⁴⁷⁰² The Youth Affairs Police is also responsible for issues relating to any persons under the age of 18.⁴⁷⁰³

The Ministry of Labor, Technology and Environment's Department of Labor Inspection has 75 inspectors and 25 more new inspectors in training.⁴⁷⁰⁴ The Department of Labor Inspection is responsible for workplace inspections for issues of health and safety conditions and child labor, and inspector visits were carried out within the private sector, primarily in urban areas.⁴⁷⁰⁵ The police generally have responsibility for investigating worst forms of child labor issues in the informal sector.⁴⁷⁰⁶

The Special Anti-trafficking Police Unit (a six-person unit) raids brothels twice a month to determine whether minors are being trafficked or involved in prostitution.⁴⁷⁰⁷ The Trafficking in Persons Police Unit (TIPPU) investigates reports and allegations of trafficking in persons, including those involving children.⁴⁷⁰⁸ A child trafficking case is usually resolved within 6 to 9 months.⁴⁷⁰⁹ Children who have been trafficked are typically referred to the Foundation Against Trafficking in Persons, which is a private organization comprised of local NGOs that provides shelter services for trafficked victims.⁴⁷¹⁰

There were three convictions for trafficking in minors during the reporting period.⁴⁷¹¹ However, the sentences of two years, 1.5 years, and 9 months respectively were not equivalent to the Penal Code standard of 5 to 20 years imprisonment for trafficking in persons for sexual exploitation and for labor exploitation and the sentences were not fully served.⁴⁷¹²

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address the worst forms of child labor.⁴⁷¹³

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

The Government of Suriname participated in a regional project to combat the worst forms of child labor in the Caribbean, which was funded by the Government of Canada.⁴⁷¹⁴ The project's outcomes included a sub-regional workshop on combating child labor in indigenous communities in Suriname and the formation of a national steering committee on child labor.⁴⁷¹⁵ Although the Government of Suriname participated in a regional project to address the worst forms of child labor, research found no evidence that it has carried out programs to assist children in agriculture specifically.

The Ministry of Social Affairs administers a welfare and daycare system for indigent children to prevent them from seeking employment.⁴⁷¹⁶ Vocational programs have also been supported by the government to provide dropouts and older children with an alternative to child labor. The Ministry of Education

and Community Development (MOECD) requested a reformulation of the Program for Improving Basic Education, which was implemented in 2004.⁴⁷¹⁷ Funded by a loan from the Inter-American Development Bank, the project aims to improve basic education and reduce student dropout rates in Suriname's education system. The question of whether these programs have an impact on the worst forms of child labor does not appear to have been addressed.⁴⁷¹⁸

Suriname also took part in a regional initiative to raise awareness of trafficking in persons, funded by IOM.⁴⁷¹⁹ The Maxi Linder Foundation, an NGO funded by the Government, provides resources for victims of trafficking for prostitution, including children.⁴⁷²⁰ The Child and Youth Hotline, called the "1-2-3 Hotline," is a simple number that children can dial to report instances of abuse and trafficking.⁴⁷²¹

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

IN THE AREA OF LAWS AND REGULATIONS:

- Define hazardous types of work prohibited to children through adoption and publication of the draft hazardous decree.
- Raise the compulsory education age to 14, the established minimum age for work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure that those convicted for trafficking children for sexual exploitation and labor exploitation are given the appropriate punishment equivalent to the Penal Code standard.

IN THE AREA OF POLICIES:

- Adopt policies to address the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Assess the impact that existing programs may have in addressing the worst forms of child labor.
- Expand and develop social programs to assist children engaged in or at risk of entering the worst forms of child labor, in particular children working in agriculture.

⁴⁶⁸⁵ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

⁴⁶⁸⁶ U.S. Embassy- Paramaribo, *Trafficking in Persons reporting*, February 19, 2010.

⁴⁶⁸⁷ U.S. Department of State, "Suriname," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>.

⁴⁶⁸⁸ U.S. Embassy- Paramaribo, *Trafficking in Persons reporting*, February 19, 2010.

⁴⁶⁸⁹ Clive Pegus, "A Review of Child Labour Laws of Suriname- A Guide to Legislative Reform," *ILO Subregional Office for the Caribbean* (June 2005).

⁴⁶⁹⁰ Ibid.

⁴⁶⁹¹ U.S. Embassy- Paramaribo, *reporting*, February 19, 2010.

⁴⁶⁹² Ibid.

⁴⁶⁹³ Clive Pegus, "A Review of Child Labour Laws of Suriname- A Guide to Legislative Reform."

⁴⁶⁹⁴ ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No.182) Suriname (ratification: 2006)*, [online] 2010 [cited August 10, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25337&chapter=9&query=Suriname%40ref&highlight=&querytype=bool&context=0>.

- ⁴⁶⁹⁵ Government of Suriname, *Constitution of the Republic of Suriname*, (October 30, 1987); available from <http://pdba.georgetown.edu/Constitutions/Suriname/english.html>.
- ⁴⁶⁹⁶ Clive Pegus, "A Review of Child Labour Laws of Suriname- A Guide to Legislative Reform."
- ⁴⁶⁹⁷ U.S. Department of State, "Suriname," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136127.htm>.
- ⁴⁶⁹⁸ *Ibid.* See also U.S. Embassy- Paramaribo, *reporting, February 19, 2010*.
- ⁴⁶⁹⁹ *Ibid.*
- ⁴⁷⁰⁰ U.S. Department of State, "Country Reports- 2009: Suriname."
- ⁴⁷⁰¹ *Ibid.*
- ⁴⁷⁰² U.S. Embassy- Paramaribo, *reporting, February 19, 2010*.
- ⁴⁷⁰³ *Ibid.*
- ⁴⁷⁰⁴ *Ibid.*
- ⁴⁷⁰⁵ U.S. Department of State, "Country Reports- 2009: Suriname."
- ⁴⁷⁰⁶ *Ibid.*
- ⁴⁷⁰⁷ *Ibid.*
- ⁴⁷⁰⁸ U.S. Embassy- Paramaribo, *Trafficking in Persons reporting, February 19, 2010*. See also U.S. Embassy- Paramaribo, *reporting, February 19, 2010*.
- ⁴⁷⁰⁹ U.S. Embassy- Paramaribo, *reporting, February 19, 2010*.
- ⁴⁷¹⁰ U.S. Department of State, "Country Reports- 2009: Suriname." See also ILO Committee of Experts, *Direct Request C182: Suriname (2010)*.
- ⁴⁷¹¹ U.S. Embassy- Paramaribo, *reporting, February 19, 2010*. See also U.S. Department of State, "Country Reports- 2009: Suriname."
- ⁴⁷¹² U.S. Embassy- Paramaribo, *reporting, February 19, 2010*.
- ⁴⁷¹³ U.S. Embassy- Paramaribo, *reporting, March 3, 2009*.
- ⁴⁷¹⁴ ILO, *ILO in the Caribbean Projects Archive*, [online] July 27, 2009 [cited August 11, 2010]; available from http://www.ilocarib.org.tt/portal/index.php?option=com_content&task=view&id=1116&Itemid=1015#clcaribbean. See also ILO-IPEC Geneva official, E-mail communication to USDOL official, December 12, 2007.
- ⁴⁷¹⁵ *Ibid.*
- ⁴⁷¹⁶ Clive Pegus, "A Review of Child Labour Laws of Suriname- A Guide to Legislative Reform."
- ⁴⁷¹⁷ IDB, *Program for Improving Basic Education*, Project Profile, March 11, 2010; available from <http://www.iadb.org/projects/project.cfm?id=SU-L1019&lang=en>. See also ILO Committee of Experts, *Direct Request C182: Suriname (2010)*.
- ⁴⁷¹⁸ IDB, *Improving Basic Education, Project Profile*.
- ⁴⁷¹⁹ U.S. Department of State, "Country Reports- 2009: Suriname."
- ⁴⁷²⁰ *Ibid.* See also U.S. Embassy- Paramaribo, *Trafficking in Persons reporting, February 19, 2010*.
- ⁴⁷²¹ U.S. Department of State, "Country Reports- 2009: Suriname." See also U.S. Embassy- Paramaribo, *reporting, February 19, 2010*.

Swaziland

The Government of Swaziland has strengthened its legal framework to combat the worst forms of child labor by signing into law the Trafficking and People Smuggling Prohibition Act. However, the Government has not effectively enforced its child labor laws or developed adequate social protection programs for the prevention and elimination of exploitive child labor, especially for children working in agriculture, herding, and domestic service.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	9.6%
Attending School	5-14 yrs.	74.3%
Combining Work and School	7-14 yrs	8.9%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Swaziland, many of them working in agriculture.⁴⁷²² Swaziland has one of the world's highest HIV/AIDS prevalence rates, affecting almost a quarter of the population. As a result, there are over 100,000 orphans who are at risk of entering into the worst forms of child labor.⁴⁷²³

Children are employed to pick cotton and harvest sugarcane. Children working in agriculture may perform physically arduous tasks and risk occupational injury and disease from exposure to dangerous tools, insecticides, and herbicides.⁴⁷²⁴ Information about the worst forms of child labor in Swaziland is limited; however, reports indicate that in addition to agriculture, working children are primarily engaged in herding in remote locations, and domestic service.⁴⁷²⁵ Child domestics may work long hours and be subjected to physical and sexual exploitation by their employer.⁴⁷²⁶

Children also work as porters, transporting heavy loads in self-made carts, and as bus attendants and taxi

conductors, collecting fees and calling out routes while climbing in and out of moving vehicles.⁴⁷²⁷ Children working on the streets as traders and hawkers may be exposed to a variety of hazards, such as severe weather, accidents caused by proximity to automobiles, and vulnerability to criminal elements.⁴⁷²⁸ Children also work 14-hour days in textile factories.⁴⁷²⁹

Children's exploitation in illicit activities and commercial sexual exploitation is also a problem in Swaziland. Children distribute alcohol in liquor outlets, where they are exposed to sexual harassment.⁴⁷³⁰ Reports suggest that children may also grow, manufacture, and sell drugs, and may engage in commercial sexual exploitation at truck stops, bars, and brothels.⁴⁷³¹ Boys often migrate to Swaziland to work in commercial agriculture, market vending, herding, and portering. Some of these boys subsequently become victims of forced labor as their employers reportedly do not allow them to leave.⁴⁷³²

Another worst form of child labor that occurs in Swaziland includes the trafficking of children. Anecdotal evidence suggests that Swaziland is a source, destination, and transit country for child trafficking for the purposes of domestic servitude,

sexual exploitation, and forced labor in agriculture.⁴⁷³³ Swazi girls are trafficked internally into the cities of Mbabame and Manzini and to South Africa and Mozambique for domestic service and commercial sexual exploitation.⁴⁷³⁴

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act of 1980 sets the minimum age for employment in an industrial undertakings at 15, but it does not set a minimum age for other sectors. As most working children in Swaziland are not employed in industrial undertakings, many are therefore, left unprotected by the law.⁴⁷³⁵ The law distinguishes between a child—under the age of 15—and a young person—between ages 15 and 18.⁴⁷³⁶ A child may not work more than 4 hours continuously or 6 hours a day. The employment of a child or young person in places mainly used for the sale and consumption of alcohol, places where their morals may be impaired, work underground, and in dangerous or unhealthy places, is prohibited.⁴⁷³⁷ Despite the above protections, the Employment Act does not address or specify the types of work considered to be hazardous or a worst form of child labor.⁴⁷³⁸

Children are required to attend school until age 12. This standard makes children ages 12 to 15 particularly vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum age for work.⁴⁷³⁹

The Crimes Act criminalizes prostitution. The draft Sexual Offenses and Domestic Violence bill aims to specifically prohibit child prostitution and provide more stringent penalties; however, the bill has yet to be enacted.⁴⁷⁴⁰ The General Pornography Act prohibits pornography.⁴⁷⁴¹ There is no evidence that laws in Swaziland prohibit the use, procuring, or offering of a child for illicit activities.⁴⁷⁴²

In 2009, the Government of Swaziland made changes to its legal framework by signing into law the Trafficking and People Smuggling (Prohibition) Act. This act covers both internal and international forms of trafficking and provides stiff penalties for violators, including up to 25 years’ imprisonment for the trafficking of children for any purpose.⁴⁷⁴³ The act also

provides provisions for victim compensation through the surrender of convicted offenders’ moveable property.⁴⁷⁴⁴

The Constitution prohibits slavery and forced labor, but under the Swazi Administration Order No. 6 of 1998, the Government may demand compulsory work from its citizens for cultivation, road construction, and anti-soil erosion works with stringent penalties for non-compliance. It is unclear whether children are engaged in Government-sponsored compulsory work.⁴⁷⁴⁵ The Umtsofo Swaziland Defense Force Act sets the minimum age for conscription and voluntary recruitment into the military at 18.⁴⁷⁴⁶

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	None
	Compulsory Education Age	12
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Program Advisory Committee on Child Labor (PACC) is charged with developing a national policy to address the worst forms of child labor, with the Ministry of Enterprise and Employment as its Secretariat. It is unclear whether PACC convened or carried out activities during the reporting period.⁴⁷⁴⁷ At the local levels, community-based child labor committees are responsible for coordinating and monitoring activities to combat child labor.⁴⁷⁴⁸

In July 2009, the Prime Minister established the Inter-Agency Task Force for the Prevention of People Trafficking and People Smuggling to coordinate the implementation of the recent trafficking legislation. The Task Force includes representatives from multiple government and law enforcement agencies including UNICEF, UNDP, and NGOs, and began developing a national plan of action and various operating procedures.⁴⁷⁴⁹ The Task Force meets regularly and will submit quarterly reports to the Prime Minister's office.⁴⁷⁵⁰

The Ministry of Enterprise and Employment, the Department of Social Welfare under the Deputy Prime Minister's Office, and the police services are the federal agencies designated to enforce child labor laws.⁴⁷⁵¹ It is unknown how many labor inspectors are responsible for the enforcement of labor laws, including those related to child labor, or if they receive training. However, child labor issues are included on the routine labor inspection questionnaire.⁴⁷⁵² While complaints regarding child labor can be made to the abovementioned entities, reports indicate that records regarding child labor complaints do not exist.⁴⁷⁵³ In addition, at the time of reporting, the Government did not conduct investigations into child labor violations.⁴⁷⁵⁴

Within the Royal Swaziland Police Service, the Domestic Violence, Child Protection, and Sexual Offenses Unit is responsible for, among other things, the enforcement of criminal laws relating to the worst forms of child labor, including trafficking. Since anti-trafficking legislation did not exist until late 2009, no trafficking prosecutions or convictions were recorded and the Government did not provide training to law enforcement officials on this issue during the reporting period.⁴⁷⁵⁵ The Government also established a Sexual Offenses Unit to combat sexual violence against children and women and provide services to victims.⁴⁷⁵⁶

Government Policies on the Worst Forms of Child Labor

The 2008 National Strategy and Action Plan towards the Elimination of Child Labor in Swaziland serves as the primary policy framework for the prevention and elimination of child labor. This plan aims to eradicate

the worst forms of child labor by 2015 and includes specific roles for the Ministry of Education and the Ministry of Enterprise and Employment to ensure its implementation in national institutions.⁴⁷⁵⁷ However, the Government has not made it a policy to collect data on the worst forms of child labor.

In 2010, in response to a lawsuit by the Ex-Miners' Association, the Government launched a program to provide free primary education to all children, thereby reducing barriers to education for children vulnerable to the worst forms of child labor. This program will initially register students in the first and second grades, with higher grades included in the future.⁴⁷⁵⁸ The Government also integrated child labor concerns into its National Plan of Action for Orphans and Vulnerable Children (2006-2010), which provides children in this population with counseling and psycho-social support; access to shelter; and protection from exploitation, including trafficking; and supports their enrollment in school.⁴⁷⁵⁹

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

In Swaziland, the lion's share of past child-centered activities focused on assisting orphans and vulnerable children affected by HIV/AIDS.⁴⁷⁶⁰ Social programs designed to eliminate child labor have been limited and primarily financed through two USDOL-supported regional child labor projects in Southern Africa, which ended in 2008: the RECLISA and TECL I projects.⁴⁷⁶¹ The \$5 million TECL I project assisted in the development of a national action plan on child labor, and the \$9 million RECLISA project withdrew and prevented 2,030 children from the worst forms of child labor. When the RECLISA project ended, the Government assumed responsibility for the education and support of the project's beneficiaries.⁴⁷⁶²

Current efforts to eliminate the worst forms of child labor focus on anti-trafficking initiatives. The Government launched its Red Light 2010 Campaign to combat the trafficking and sexual exploitation of children leading up to and during the FIFA 2010 World Cup.⁴⁷⁶³ In addition, the Swaziland Action Group Against Abuse (SWAGAA) in partnership with World Hope South Africa began the first of a series of workshops throughout Swaziland to educate people on

human trafficking and preventative measures.⁴⁷⁶⁴ Despite the initiatives described here, the Government is not currently involved in social programs to eliminate the worst forms of child labor in sectors where the majority of children work, such as in

agriculture, herding, and domestic service. In addition, as the Government has not partnered with international organizations, it may miss opportunities to develop and execute externally funded projects to eliminate the worst forms of child labor.⁴⁷⁶⁵

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Employment Act to prohibit the worst forms of child labor, include a list of hazardous occupations, and extend its protections to children working in non-industrial undertakings.
- Raise the compulsory education age to 15.
- Enact the Sexual Offenses and Domestic Violence bill to further protect children from commercial sexual exploitation and prostitution.
- Enact legislation to prohibit the use, procuring, or offering of a child for illicit activities.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Strengthen measures to investigate, prosecute, and convict individuals involved in the worst forms of child labor, which includes:
 - Developing a system to record child labor complaints.
 - Providing law enforcement officers, judges, and prosecutors with training on child labor laws and the newly enacted Trafficking and People Smuggling Prohibition Act.

IN THE AREA OF POLICIES:

- Continue to phase in positive efforts to provide free primary education in 2010 as a way to reduce educational attainment barriers to vulnerable populations, including child laborers.
- Collect data on the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to combat the worst forms of child labor, which includes:
 - Developing appropriate social protection programs for the elimination of child labor in agriculture, herding, and domestic service.
 - Partnering with international organizations to further strengthen child labor legislation and the execution of projects for the prevention and elimination of exploitive child labor.

⁴⁷²² Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴⁷²³ Yasmin Jessie Turton and Richard Kamidza, *Draft Final Evaluation Report: Supporting the time-bound programme for the elimination of the worst forms of child labour in South Africa and laying the basis for concerted action in Botswana, Lesotho, Namibia and Swaziland TECL I*, June-July, 2008, 4; available from [hard copy on file]. See also Bjorn Nordtveit, *Independent Final Evaluation of RECLISA: Swaziland Country Report*, June 10, 2008, 2; available from [hard copy on file].

⁴⁷²⁴ U.S. Embassy- Mbabane, *reporting*, January 20, 2009, para e. See also Solidarity Center, *Justice for All: The Struggle for Worker rights in Swaziland*, Washington, DC, September, 2006; available from <http://www.solidaritycenter.org/files/SwazilandFinal.pdf>. 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; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=4287>.

⁴⁷²⁵ U.S. Embassy- Mbabane, *reporting*, January 20, 2009, para e-f. See also U.S. Embassy- Mbabane, *reporting*, February 23, 2010, section 3a. See also U.S. Embassy- Mbabane, *reporting*, February 3, 2010, section 2a. See also U.S. Department of State, "Swaziland," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135979.htm>. See also International Trade Union Confederation (ITUC), *Internationally Recognized Core Labour Standards in Botswana, Lesotho, Namibia, South Africa and Swaziland*, Geneva, November 4-6, 2009, 20; available from http://www.ituc-csi.org/IMG/pdf/20091103101840-Microsoft_Word_-_SACU-final_.pdf.

⁴⁷²⁶ U.S. Department of State, "Country Reports- 2009: Swaziland," section 7d. See also U.S. Embassy- Mbabane, *reporting*, February 3, 2010, section 2a.

⁴⁷²⁷ ILO-IPEC, *TECL Implementation Plan - Swaziland*, 5-7. See also U.S. Department of State, "Country Reports- 2009: Swaziland," section 7d.

⁴⁷²⁸ U.S. Embassy- Mbabane, *reporting*, February 3, 2010, section 2.5. See also ILO-IPEC, *TECL Implementation Plan - Swaziland*, 5-7. See also U.S. Department of State, "Country Reports- 2009: Swaziland," section 7d.

⁴⁷²⁹ ILO-IPEC, *TECL Implementation Plan - Swaziland*, 7.

⁴⁷³⁰ Ibid. See also Government of Swaziland, *Monitoring the Declaration of Commitment on HIV/AIDS (UNGASS): Swaziland Country Report*, January, 2008; available from http://data.unaids.org/pub/Report/2008/swaziland_2008_country_progress_report_en.pdf. See also Miriam and Keregero Keregero, *TECL Paper No. 45: Commercial sexual exploitation of children in Swaziland*, Rapid Assessment, Geneva, 2006, 4, 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 International Trade Union Confederation (ITUC), *Internationally Recognized Core Labour Standards*.

⁴⁷³¹ ILO-IPEC, *TECL Implementation Plan - Swaziland*, 6-7. See also Government of Swaziland, *Monitoring the Declaration of Commitment on HIV/AIDS (UNGASS)*. See also Miriam and Keregero Keregero, *Commercial sexual exploitation*, 6-9. See also International Trade Union Confederation (ITUC), *Internationally Recognized Core Labour Standards*, 19. See also Integrated Regional Information Networks, "Swaziland: Growing number of children working", IRINnews.org, [online], November 10, 2006 [cited December 28, 2009]; available from <http://newsite.irinnews.org/Report.aspx?ReportID=61535>.

⁴⁷³² U.S. Department of State, "Swaziland," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.unhcr.org/refworld/category,COI,,SWZ,4c1883c323,0.html>. See also International Trade Union Confederation (ITUC), *Internationally Recognized Core Labour Standards*, 22. See also U.S. Embassy- Mbabane, *reporting*, February 23, 2010, section 3b.

⁴⁷³³ ILO-IPEC, *TECL Implementation Plan - Swaziland*, 7. See also U.S. Embassy- Mbabane, *reporting*, February 23, 2010, section 3b. See also Integrated Regional Information Networks, "Swaziland: Hard times raise levels of abuse", IRINnews.org, [online], August 1, 2007 [cited December 28, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportID=73530>. See also U.S. Department of State, "Trafficking in Persons Report- 2010 Swaziland."

⁴⁷³⁴ U.S. Department of State, "Trafficking in Persons Report- 2010 Swaziland." See also International Trade Union Confederation (ITUC), *Internationally Recognized Core Labour Standards*, 22. See also U.S. Embassy- Mbabane, *reporting*, February 23, 2010, section 3b.

⁴⁷³⁵ U.S. Department of State, "Country Reports- 2009: Swaziland," section 6d. See also Government of Swaziland, *King and Parliament of Swaziland: The Employment Act*,

(1980), Part I: Preliminary, article 97(1); 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). See also International Trade Union Confederation (ITUC), *Internationally Recognized Core Labour Standards*, 19.

⁴⁷³⁶ U.S. Embassy- Mbabane, *reporting, February 3, 2010*, para 1.3.

⁴⁷³⁷ Government of Swaziland, *Employment Act* article 97-99.

⁴⁷³⁸ U.S. Embassy- Mbabane, *reporting, January 20, 2009*. See also Government of Swaziland, *Employment Act*

⁴⁷³⁹ UNESCO, *Education for All Global Monitoring Report: 2009: Overcoming inequality: why governance matters*, Oxford University Press, Paris, 2008; available from <http://unesdoc.unesco.org/images/0017/001776/177683e.pdf>. See also Government of Swaziland, *Employment Act*

⁴⁷⁴⁰ International Trade Union Confederation (ITUC), *Internationally Recognized Core Labour Standards*, 19. See also Africa News, “Swaziland: Help Sex Workers - Senator”, allafrica.com, [online], November 12, 2009 [cited November 13, 2009]; available from <http://allafrica.com/stories/200911130001.html>. See also U.S. Department of State, “Trafficking in Persons Report- 2010 Swaziland.” See also U.S. Department of State, “Country Reports- 2009: Swaziland,” section 6. See also Jacqui Gallinetti, *Harmonisation of laws relating to children: Swaziland*, The African Child Policy Forum, Addis Ababa, 2005, 14-15; available from <http://www.africanchildinfo.net/documents/Swaziland%20final%20Sarah.doc>.

⁴⁷⁴¹ U.S. Department of State, “Country Reports- 2009: Swaziland,” section 6. See also Government of Swaziland, “Swaziland,” in *Legislation of Interpol member states on sexual offences against children*, 2009; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaSwaziland.pdf>.

⁴⁷⁴² International Trade Union Confederation (ITUC), *Internationally Recognized Core Labour Standards*, 19.

⁴⁷⁴³ Government of Swaziland, *The People Trafficking and People Smuggling (Prohibition) Act*, Act No. 7 (November 10, 2009), article 3, 12-13; available from [hard copy on file]. See also U.S. Department of State, “Trafficking in Persons Report- 2010 Swaziland.”

⁴⁷⁴⁴ U.S. Department of State, “Trafficking in Persons Report- 2010 Swaziland.” See also Government of Swaziland, *The People Trafficking and People Smuggling Act*, article 12-18.

⁴⁷⁴⁵ International Trade Union Confederation (ITUC), *Internationally Recognized Core Labour Standards*, 22. See also Government of Swaziland, *An Act to provide for the Constitution of the Kingdom of Swaziland*, 2005, article 17; available from <http://www.southernafricalawcenter.org/salc/library/Librarydetail.aspx?id=341449205>.

⁴⁷⁴⁶ Coalition to Stop the Use of Child Soldiers, “Swaziland” *In Child Soldiers Global Report 2008*, London, 2008; available from http://www.child-soldiers.org/library/global-reports?root_id=159&directory_id=216.

⁴⁷⁴⁷ U.S. Embassy- Mbabane, *reporting, January 20, 2009*, para b. See also U.S. Embassy- Mbabane, *reporting, February 3, 2010*, para 2e.1. See also Nordtveit, *Independent Final Evaluation of RECLISA: Swaziland Country Report*, 4.

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⁴⁷⁴⁹ UNDP, *Human Trafficking - Red Light 2010*, [online] September 1, 2009 [cited January 15, 2010]; available from http://www.undp.org.sz/index.php?option=com_content&view=article&id=142:human-trafficking-red-light-2010&catid=116:gender&Itemid=121. See also U.S. Department of State, “Trafficking in Persons Report- 2010 Swaziland.”

⁴⁷⁵⁰ UNDP, *Red Light 2010*. See also Lunga Masuku, “PM sets ball rolling on combating human trafficking and smuggling”, swazilive.com, [online], March 06, 2010 [cited July 22, 2010]; available from http://www.swazilive.com/Swaziland_News/Swaziland_News_Stories.asp?News_id=1466. See also U.S. Department of State, “Trafficking in Persons Report- 2010 Swaziland.”

⁴⁷⁵¹ U.S. Embassy- Mbabane, *reporting, February 3, 2010*, para 2c.

⁴⁷⁵² *Ibid.*

⁴⁷⁵³ *Ibid.*, para 2c.1-2.

⁴⁷⁵⁴ U.S. Department of State, “Swaziland,” in *Country Reports on Human Rights Practices- 2009* Washington, DC, February 25, 2009, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119027.htm>. See also U.S. Embassy- Mbabane, *reporting, February 3, 2010*, para 2c.

⁴⁷⁵⁵ UNODC, *Global Report on Trafficking in Persons*, February, 2009; available from http://www.ungift.org/docs/ungift/pdf/humantrafficking/Global_Report_on_TIP.pdf. See also U.S. Embassy- Mbabane, *reporting, February 3, 2010*, para 2d.6, 2d.12. See also U.S. Embassy- Mbabane, *reporting, February 23, 2010*, section 5e.

⁴⁷⁵⁶ Government of Swaziland, *Children’s Unit*, [online] [cited January 15, 2010]; available from <http://www.gov.sz/home.asp?pid=140>. See also UNICEF, *Swaziland Fulfills a Promise to Children: Kingdom Launches First Sexual Offences Unit*, [online] [cited November 12, 2009]; available from <http://www.unicef.org/swaziland/media.html>.

⁴⁷⁵⁷ American Institutes for Research, *RECLISA Final Technical Progress Report*, 13, 72, 74. See also Yasmin Jessie Turton and Richard Kamidza, *TECL I Draft Final Evaluation Report*, 22. See also U.S. Embassy- Mbabane, *reporting, February 3, 2010*, para 2a. See also UN in South Africa, “Swaziland commits to national action against child

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⁴⁷⁵⁹ Government of Swaziland, *National Plan of Action for Orphans and Vulnerable Children: 2006-2010*, 7, 14; available from http://www.unicef.org/swaziland/sz_publications_2006npaforovc.pdf.

⁴⁷⁶⁰ Integrated Regional Information Networks, “Swaziland: Child rights advocates highlight plight of under-fives”, IRINnews.org, [online], April 20, 2005 [cited July 26, 2010]; available from <http://www.irinnews.org/report.aspx?reportid=53980>. See also Integrated Regional Information Networks, “Swaziland: Innovative project cares for AIDS orphans”, IRINnews.org, [online], May 25, 2004 [cited July 26, 2010]; available from <http://www.irinnews.org/report.aspx?reportid=50016>.

⁴⁷⁶¹ USDOL, *Supporting the Timebound Program to Eliminate the Worst Forms of Child Labor in South Africa, and Laying the Basis for Concerned Action Against the Worst Forms of Child Labor in Botswana, Lesotho, Namibia, and Swaziland*, Technical Cooperation Project Summary, Washington, DC, 2008; available from [hard copy on file]. See also American Institutes for Research, *RECLISA Final Technical Progress Report*.

⁴⁷⁶² U.S. Embassy- Mbabane, *reporting, February 3, 2010*, para 2f.1. See also American Institutes for Research, *RECLISA Final Technical Progress Report*, 91. See also USDOL, *Supporting the Timebound Program to Eliminate the Worst Forms of Child Labor in South Africa, and Laying the Basis for Concerned Action Against the Worst Forms of Child Labor in Botswana, Lesotho, Namibia, and Swaziland*.

⁴⁷⁶³ UNDP, *Red Light 2010*. See also U.S. Embassy- Mbabane, *reporting, February 23, 2010*, section 4a.

⁴⁷⁶⁴ U.S. Embassy- Mbabane, *reporting, February 23, 2010*, section 7a.

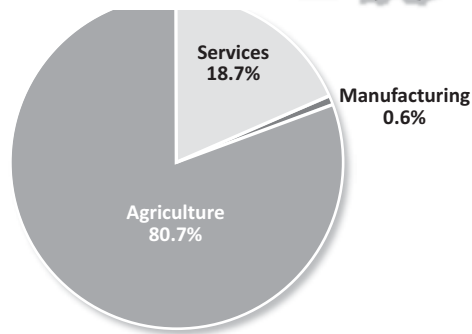
⁴⁷⁶⁵ ILO-IPEC, *Action against Child Labour: IPEC Highlights 2008*, Geneva, February, 2009, 34; available from [hard copy on file].

Tanzania

The Government of the United Republic of Tanzania has strengthened its legal and policy framework to combat the worst forms of child labor, including by instituting the Zanzibar National Action Plan for the Elimination of Child Labor and adopting the Anti-Trafficking Law. However, enforcement remains weak and funding to sustain current efforts has not been made available. Unsafe and unhealthy child labor in agriculture and mining continues to exist, and children are still trafficked and involved in prostitution.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	27.9%
Attending School	5-14 yrs.	75.4%
Combining Work and School	7-14 yrs	24.2%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁴⁷⁶⁶

The United Republic of Tanzania (“Tanzania”) includes Mainland Tanzania and the semi-autonomous archipelago of Zanzibar. Children in Tanzania are found in the worst forms of child labor, particularly in agriculture and fishing. On Mainland Tanzania, children work in the cultivation of coffee, sisal, tea, timber, cloves, and tobacco, where they work with dangerous tools, are exposed to pesticides and chemical fertilizers, and carry heavy loads.⁴⁷⁶⁷ Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of sugarcane and seaweed farming.⁴⁷⁶⁸ Children in Mainland and Zanzibar are engaged in fishing, including fishing Nile Perch, where they are exposed to risks of injury such as being entangled in nets and using sharp tools to clean fish. Children in fishing camps are also susceptible to sexual exploitation.⁴⁷⁶⁹

Children in Tanzania work in artisanal mines and stone quarries, including in the production of tanzanite, where they crush stones with dangerous tools, carry heavy loads, and some engage in sex work.⁴⁷⁷⁰ In urban areas, children are exposed to dangers working in bars and scavenging for scrap metal and other items to sell.⁴⁷⁷¹ In Zanzibar, children work in the tourism industry, as guides and street vendors, sometimes for long hours. Girls, including those employed as cleaners in tourist hotels, have been exploited in prostitution.⁴⁷⁷²

Trafficking for forced labor and commercial sexual exploitation is a problem in Tanzania. Girls employed as domestic servants, sometimes by force, work long hours, and may be sexually harassed. Girls who flee abusive households may be exploited as prostitutes.⁴⁷⁷³ Poor rural children in particular are trafficked internally for forced labor and commercial sexual exploitation.⁴⁷⁷⁴ Orphans are particularly vulnerable to trafficking.⁴⁷⁷⁵ Some children are reportedly trafficked to South Africa, Saudi Arabia, and Europe for domestic service and prostitution, and some Tanzanian girls are coerced into prostitution in tourist areas.⁴⁷⁷⁶

Laws and Regulations on the Worst Forms of Child Labor

The Constitution stipulates which laws in Tanzania apply to the entire United Republic; labor laws are not among them. Mainland Tanzania and Zanzibar therefore have separate legal regimes governing child labor.⁴⁷⁷⁷ Mainland Tanzania is subject to the Employment and Labor Relations Act No 6. 2004, which prohibits the employment of children under age 14, except in the case of light work, and prohibits children under age 18 years from working in hazardous environments. The law also establishes criminal penalties for anyone using illegal child labor or forced labor.⁴⁷⁷⁸ The Government maintains a list of the worst forms of child labor, which was updated during the reporting period but has yet to be finalized and officially published.⁴⁷⁷⁹

The Sexual Offences and Provisions Act 1998 includes penalties for procuring a child less than age 18 for sexual abuse, for indecent exhibition, or for sexual intercourse.⁴⁷⁸⁰ The Penal Code also punishes those knowingly living off the earnings of prostitution.⁴⁷⁸¹

The Child Act, passed in 2009, harmonizes all Mainland laws pertaining to children.⁴⁷⁸² The law prohibits the employment of children in exploitive labor in the formal and informal sectors, and prohibits forced child labor, children in hazardous work, and the sexual exploitation of children.⁴⁷⁸³ The Act includes a list of hazardous activities from which children in Mainland Tanzania are prohibited.






While Mainland Tanzania has a strong legal framework, the Employment and Labor Relations Act does not apply to individual members of the Tanzanian Peoples Defense Forces, the Police Force, the Prisons Service, and the National Service.⁴⁷⁸⁴

Zanzibar is governed by the Zanzibar Employment Act No 11, which prohibits child labor, including the worst forms of child labor. However, the law does not include a list of hazards or specify hazardous work within sectors in which the use of children is forbidden.⁴⁷⁸⁵ The Penal Code of Zanzibar reportedly includes provisions relating to the worst forms of child labor and the Zanzibar Guidelines Against Child Labor defines both child labor and hazardous work.⁴⁷⁸⁶ However, the content of these guidelines was not

located through research and the comprehensiveness of such definitions cannot be evaluated in this report.

In addition to the Mainland and Zanzibar legal frameworks on child labor, some districts have incorporated restrictions against child labor into their individual by-laws, focusing on child labor specific to economic activities in their district.⁴⁷⁸⁷

During the reporting period, the Anti-Trafficking in Persons Act 2008 came into effect and is applicable to both Mainland Tanzania and Zanzibar.⁴⁷⁸⁸ The law covers all aspects of trafficking in persons and considers trafficking of children to be “severe trafficking,” a criminal offense with heavier penalties.⁴⁷⁸⁹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Prime Minister’s Office Regional Administration and Local Government (PMORALG) is the chair of the National Intersectoral Committee on Child Labor. With representation from various government ministries and non-governmental organizations, it coordinates action to bring attention to child labor issues⁴⁷⁹⁰ and strengthen local structures to eliminate child labor.⁴⁷⁹¹ District-level entities also report on

the prevalence of working children and current village and district-level child labor interventions to the PMORALG; however regional governments are not involved.

In Mainland Tanzania, the Ministry of Labor, Employment, and Youth Development is responsible for the enforcement of child labor laws.⁴⁷⁹² There are a total of 90 labor officers in Tanzania.⁴⁷⁹³ Their training includes a child labor component.⁴⁷⁹⁴ As the lead agency on child labor issues, this Ministry works closely with the Ministries of Community Development, Gender, and Children; Home Affairs; Education; Agriculture; and Health and Social Welfare and the PMORALG.⁴⁷⁹⁵ The Ministry of Labor maintains a separate Child Labor Unit; however there were only three staff members in the Child Labor Unit and limited funding available.⁴⁷⁹⁶ Each region also has one or more labor officers responsible for enforcing labor laws, including those for child labor. There are no labor officers at the district level.⁴⁷⁹⁷

Labor inspectors coordinate with social welfare officers to provide services to children withdrawn from the worst forms of child labor.⁴⁷⁹⁸ The Labor and Economic Social Council, under the Department of Labor within the Ministry of Labor, Employment and Youth Development also assists.⁴⁷⁹⁹ Community development officers and social welfare officers, responsible for monitoring child labor at the district and village levels, report to the PMORALG.⁴⁸⁰⁰

Zanzibar has its own Ministry of Labor, which is responsible for enforcing the archipelago's child labor laws.⁴⁸⁰¹ In Zanzibar, the Ministry of Labor, Youth Development, Women, and Children; the Commission for Mediation and Arbitration; and the labor court are responsible for enforcing labor laws.⁴⁸⁰² The Labor Commission, under the Ministry of Labor, is responsible for matters related to labor inspections.⁴⁸⁰³

Throughout Tanzania, at the district and community level, child labor committees identify and monitor children engaged in exploitive child labor.⁴⁸⁰⁴ Child labor cases are usually resolved by district courts, with children engaged in exploitive labor referred to social welfare officers for services and support.

While district courts have jurisdiction over child labor cases, the Commission for Mediation and Arbitration (CMA), responsible for other types of labor violations, can also mediate and arbitrate child labor law violations that have been reported to them⁴⁸⁰⁵ or send them to district courts.⁴⁸⁰⁶ The distance and cost of traveling to district courts may deter rural inhabitants from taking complaints to them.⁴⁸⁰⁷ At the ward level, ward tribunals can also mediate labor disputes.

The police investigate cases of child labor reported to police stations and in some cases, refer them to labor officers or solicit the assistance of social welfare officers.⁴⁸⁰⁸ There were no child labor cases, violations, or prosecutions in 2009.⁴⁸⁰⁹

The Interpol Office of Transnational Crimes within the police force includes the position of an officer responsible for trafficking. An independent trafficking desk was also established.⁴⁸¹⁰ Trafficking cases, including child trafficking, can be reported through Interpol and NGO hotlines. Government officials, social workers, prosecutors, police, and immigration officers received training on trafficking and trafficking victims' assistance.⁴⁸¹¹ The government assisted NGOs in identifying 250 trafficking victims; however, there were no prosecutions during the reporting period (though one person was fined \$220 under the Penal Code).⁴⁸¹²

Government Policies on the Worst Forms of Child Labor

The National Action Plan for the Elimination of Child Labor was released in June 2009.⁴⁸¹³ The plan highlights key stakeholders and ministries responsible for child labor interventions, and proposes strategies including poverty alleviation, capacity building for enforcement and protection mechanisms, and monitoring and evaluation to combat the worst forms of child labor.⁴⁸¹⁴ Zanzibar also has a National Action Plan for the Elimination of Child Labor (NAP) (2009), which gives authority to the Zanzibar Child Labor Steering Committee, composed of key officials from various implementing agencies responsible for child labor, to provide policy guidance for the NAP. The Steering Committee also exchanges information with the National Intersectoral Coordinating Committee

in Mainland Tanzania.⁴⁸¹⁵ District labor officers are responsible for overseeing the implementation of the NAPs in individual districts, in partnership with education officers, social welfare officers, and women and child welfare officers.⁴⁸¹⁶

In addition to child labor specific policies, the National Strategy for Growth and Reduction of Poverty 2005-2010 includes child labor and child trafficking and considers child laborers among the most vulnerable populations.⁴⁸¹⁷ The policy commits the government to reducing the percentage of children engaged in child labor to less than 10 percent by 2010; links former child laborers to educational alternatives; and aims to increase primary school enrollment, attendance, and completion for child laborers and other vulnerable children.⁴⁸¹⁸ The Government of Tanzania has not yet passed the draft NSGRP II.⁴⁸¹⁹ The Zanzibar Strategy for Growth and Poverty Reduction includes a sub-indicator for child labor as well as the implementation of the National Guidelines on Child Labor as a key activity.⁴⁸²⁰ These poverty reduction plans contribute to the Government of Tanzania's National Development Vision of 2025.⁴⁸²¹

Tanzania's new anti-trafficking law includes provisions to establish an Anti-Trafficking Committee responsible for promoting, defining and coordinating policy to prevent trafficking.⁴⁸²²

A number of other government policies target child labor, including: the National Costed Plan of Action for Most Vulnerable Children 2007-2010, targeting child laborers among its most vulnerable children; the National Employment Policy (2007), requiring the Government and partners to provide child labor guidelines and programs; the United Republic of Tanzania Child Development Policy, prohibiting the worst forms of child labor; the Zanzibar Child Protection Policy, supporting the Government's commitment to the Convention on the Rights of the Child; and the National Social Protection Framework, identifying child labor as a coping mechanism for families with economic risks and proposing strategies to improve sustainable livelihoods.⁴⁸²³

The Government has focused on training as a means to address child labor and developed a number of policies and created institutions to support this effort, including: the Zanzibar Vocational Education and Training Policy (2005), providing government

and private job training and preparation to youth; a Ministry of Education-managed alternative education program assisting adults and children who have dropped out of school; the Mainland Tanzania Complimentary Basic Education and Training (COBET) program, which targets child laborers and provides child labor components in its curricula; and the Vocational Education and Training Authority (VETA), which provides skills and entrepreneurship training to rural populations and incorporates child labor targets.⁴⁸²⁴

Children involved in or at risk of becoming involved in child labor are identified by Most Vulnerable Children Committees, which operate at the ward and village levels.⁴⁸²⁵ The Ministry of Labor, however, has established child labor committees in 16 districts where it has scaled up its activities in coordination with USDOL-funded projects.⁴⁸²⁶ Districts are guided by the District Framework for Interventions on Child Labor in Tanzania, which outlines a strategic approach in district-based action against child labor.⁴⁸²⁷ Districts must integrate child labor into individual district development plans and budgets, and many do this through the promotion of enrolment and retention in basic education and the targeting of vulnerable households in poverty reduction initiatives.⁴⁸²⁸ Some district child labor committees have their own budgets for child labor activities.⁴⁸²⁹

The Government has also prioritized data collection, both through the Integrated Labor Force Survey, 2006 and the Zanzibar Labor Force Survey, which identify child laborers, specify economic activities in which children participate, and include hazards facing these children.⁴⁸³⁰ Data collected from these surveys were used to develop policies specific to child labor. In collaboration with Understanding Children's Work (UCW), the Government is conducting a preliminary analysis of the situation of children and youth.⁴⁸³¹

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

Following its adoption of ILO Convention 182 on September 12, 2001, the Government of Tanzania has worked with ILO-IPEC on two USDOL-funded projects to support the convention's implementation. The first ended in 2006 and withdrew or prevented 35,000 children from engaging in the worst forms of child labor. The second continued efforts to

eliminate the worst forms of child labor in commercial agriculture, domestic service, mining, fishing, and prostitution in mainland Tanzania. It ended in December 2009 and withdrew or prevented 22,000 children from exploitive child labor in Mainland Tanzania and in Zanzibar.⁴⁸³² Another USDOL-funded project, which ended in 2006, piloted a child labor monitoring system to coordinate national child labor elimination efforts at the local government level; however, the monitoring system has not been implemented in every region in Tanzania.⁴⁸³³

This project also established radio-based curriculum and awareness raising activities, which the Ministry of Education and Vocational Training continues to operate in learning centers.⁴⁸³⁴ Another USDOL-funded project ended in November 2010 and aims to withdraw 5,145 children and prevent 5,270 children in agriculture from the worst forms of child labor through government monitoring and class inspection, payment to COBET teachers in selected districts, and in-kind contributions, including office space.⁴⁸³⁵ Child labor has also been prioritized in Tanzania's Decent Work Country Program assisted by the ILO.⁴⁸³⁶ USDOL is currently funding a \$1.71 million project, Strengthening Labor Law Compliance, which supports the labor inspection component of the ILO's child labor projects.⁴⁸³⁷

The Government has promoted nationwide enrolment in basic education, which involves community mobilization coupled with increased budgetary allocation and abolition of school fees to ensure that enrolment covers children from poor, vulnerable families.⁴⁸³⁸

The National Empowerment Fund supports poverty reduction efforts at the region/district level, channeled through financial institutions in the rural areas. The Tanzania Social Action Fund provides funding grants and a conditional cash transfer program to vulnerable populations, including children.⁴⁸³⁹ The question of whether the Government's basic education program and National Empowerment Fund have an impact on the worst forms of child labor does not appear to have been addressed.

The Government plans to establish an anti-trafficking fund to trace families of victims of human trafficking, including young girls lured to foreign countries that end up in commercial sexual exploitation.⁴⁸⁴⁰ The Government of Tanzania currently contributes the majority of funds to the East African Regional Training Academy for immigration officials, which provides instruction in anti-trafficking.⁴⁸⁴¹

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

IN THE AREA OF LAWS AND REGULATIONS:

- Update the Employment and Labor Relations Act to include members of the Tanzanian Peoples Defense Forces, the Police Force, the Prisons Service, and the National Service, which are currently not bound by any provisions in the law, including those on child labor.
- Establish a list of hazardous work and prohibited hazardous activities for children in Zanzibar.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase funding for labor officers and ensure that labor inspectors receive training and resources to conduct child labor focused inspections.
- Increase the number of child labor cases tried through the justice system through district courts or resolved through the Commission for Mediation and Arbitration (CMA). Provide legal aid, transportation, or other assistance to help poor families to access district courts.

IN THE AREA OF POLICIES:

- Realize the commitments proposed in the draft National Strategy for Growth and Reduction of Poverty 2005-2010 by passing a new plan with similar child labor objectives.

IN THE AREA OF PROGRAMS:

- Expand the pilot child labor monitoring system to all districts in Tanzania. Ensure that all labor inspectors have access to this data, and share with police to strengthen enforcement.
- Assess the impact that the Government's basic education program and National Empowerment Fund have on addressing the worst forms of child labor.

⁴⁷⁶⁶ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data on working children and school attendance are from 2005-2006. Data on children combining work and school are from 2001. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴⁷⁶⁷ Government of Tanzania, *Review on Enforcement of Child Labour Legislation in Ten Selected Districts in Tanzania*, prepared by Employment and Youth Development Ministry of Labour, 2009, 7. See also 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. See also

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Thailand

The Government of Thailand launched its National Policy and Plan to Eliminate the Worst Forms of Child Labor and has undertaken wide-ranging activities to implement its Anti-Trafficking law. However, hazardous child labor continues to exist in agriculture and seafood processing, particularly for migrant children. Resource constraints and some legal gaps remain as impediments to government efforts.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	13.0%
Attending School	5-14 yrs.	96.3%
Combining Work and School	7-14 yrs	14.4%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Thailand are exploited in the worst forms of child labor,⁴⁸⁴² primarily in agriculture. Children work producing crops such as sugarcane. In addition, although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of rice, cassava, corn, rubber, and oranges, and harvesting seeds.⁴⁸⁴³ These children risk working long hours, excessive sun exposure, and using dangerous tools.

Children also work at gas stations, entertainment venues, markets, and restaurants. They are exposed to excessive work hours, night work, and high levels of noise, dust, and smoke.⁴⁸⁴⁴

Children work in fishing, where they may spend long periods at sea, work long hours, carry heavy loads, and face the risk of physical abuse. Children process fish and seafood, including shrimp, and they are exposed to long and late hours; foul smelling, dangerous, dirty, and damp working conditions; and a lack of safety equipment.⁴⁸⁴⁵

Children, primarily girls, work in domestic service where they face long hours of work, the inability to

leave the employer's home, as well as physical and sexual abuse by their employers.⁴⁸⁴⁶ Children also work in construction and manufacturing. In garment manufacturing, children are mostly found in factories along the Burmese border where they are faced with excessive work hours and exposure to dangerous machinery and chemicals.⁴⁸⁴⁷

Street children are present in urban centers where they engage in vending and begging. Such children work long hours, are subject to physical and sexual abuse, and are at risk of being forced into the commercial sex industry.⁴⁸⁴⁸

Ethnic minority, stateless, and migrant children are most at risk for engaging in the worst forms of child labor, especially in the informal sector.⁴⁸⁴⁹

Children in Thailand are exploited in prostitution and pornography.⁴⁸⁵⁰ The Office of the National Commission of Women's Affairs estimated that there are between 22,500 and 40,000 Thai nationals under age 18 engaged in prostitution, representing 15 to 20 percent of the total prostitute population in Thailand.⁴⁸⁵¹ Estimates are not available for non-Thai national children being exploited in prostitution.

Thailand remains a source, transit, and destination country for children who have been trafficked for labor or commercial sexual exploitation, including sex tourism.⁴⁸⁵² Girls are trafficked from Burma, Cambodia, China, Laos, and Vietnam to Thailand for commercial sexual exploitation.⁴⁸⁵³ Migrants and members of northern Thailand’s ethnic hill tribes are particularly vulnerable to trafficking.⁴⁸⁵⁴

Children migrate alone or with their families and they may subsequently be subjected to forced labor in agriculture, construction, garment factories, commercial fisheries (including shrimp), deep-sea fishing, and domestic service in private households.⁴⁸⁵⁵

There are also reports of children being used by separatist groups in southern Thailand to carry out armed attacks.⁴⁸⁵⁶






Laws and Regulations on the Worst Forms of Child Labor

The Labor Protection Act (LPA) sets the minimum age for employment at 15, the minimum age for hazardous employment at 18, and outlines penalties for violations, including up to one year in prison.⁴⁸⁵⁷ The LPA outlines certain prohibited activities for children, such as work involving hazardous chemicals, the operation of heavy equipment, work underground, or work in places where alcohol is sold.⁴⁸⁵⁸ The Child Protection Act prohibits the employment of children in a way that might cause them physical or mental harm or hinder their development, prohibits the use of children for begging, committing crimes, or any type of exploitation, and imposes stricter fines than the LPA.⁴⁸⁵⁹ However, a more specific list of hazardous occupations and exploitive activities for children has not been published.

The LPA excludes from coverage certain sectors where children work, such as agriculture, sea fishing, and domestic work.⁴⁸⁶⁰ To partially address this gap with regard to agriculture, a separate Ministerial regulation was issued to provide some LPA protections to child workers. Such protections include a minimum age of 15 for employment, except that children older than age 12 who are on school vacation and have received parental permission may undertake work that is not hazardous in nature.⁴⁸⁶¹ Despite the protections for children under age 15, there is no evidence that the

regulation also provides LPA protections to children age 16 to 17 regarding the number of hours worked, the permissible times for work, prohibition on overtime, or hazardous activities. Currently, there are no protections for children working as domestic servants.⁴⁸⁶² Although the Government of Thailand generally has a solid legislative framework to protect children, the protections for children working in agriculture, fishing and domestic work are weak.

The Constitution and the Child Protection Act prohibit forced labor.⁴⁸⁶³ The minimum voluntary age for military recruitment is 18, while the age for compulsory recruitment is 20.⁴⁸⁶⁴ The Prevention and Suppression of Prostitution Act, B.E. 2539 and the Anti-Trafficking in Persons Act prohibit all forms of prostitution and trafficking of children for the purpose of sexual exploitation or forced labor.⁴⁸⁶⁵

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

During the reporting period, the Government passed a Cabinet Resolution allowing migrant children to register and stay in Thailand with their registered parents.⁴⁸⁶⁶ The Government passed a similar resolution in 2004 to allow children to register with their parents. However, since that time, children accompanied their parents without registration documentation and were at greater risk of being exploited in the worst forms of child labor because

their illegal status made it unlikely that they would seek other legal protections.⁴⁸⁶⁷ The Government also improved the regulatory framework for implementing the Anti-Trafficking in Persons Act, through a series of regulations that included improvements to victim protection and assistance.⁴⁸⁶⁸

Institutional Mechanisms for Coordination and Enforcement

During the reporting period, the Government approved the National Committee to Eliminate the Worst Forms of Child Labor, and province-based women- and child-labor protection centers to coordinate implementation of initiatives to combat child labor.⁴⁸⁶⁹ The committee is chaired by the Ministry of Labor (MOL), with representatives from over 15 additional government bodies and from employer associations, worker associations, and other civil society groups.⁴⁸⁷⁰

The Anti-Trafficking in Persons Committee, chaired by the Prime Minister, and its subcommittee, the Coordinating and Monitoring of Anti-Trafficking in Persons Committee, chaired by the Deputy Prime Minister, are Thailand's main trafficking coordinating mechanisms. These committees have multiple subcommittees dedicated to specific topics, such as data collection and implementing the national anti-trafficking policy.⁴⁸⁷¹ The various committees meet regularly.⁴⁸⁷²

The Department of Labor Protection and Welfare (DLPW) in the MOL conducts labor inspections, including for child labor.⁴⁸⁷³ For the period October 2009 to September 2010, the DLPW allocated approximately \$3.1 million for labor inspections.⁴⁸⁷⁴

Each labor inspector inspects for all labor law violations and receives annual training related to child labor.⁴⁸⁷⁵ In 2009, the MOL employed 678 labor inspectors to cover 389,561 workplaces, an insufficient amount to adequately monitor the number of workplaces as recognized by the Government. The DLPW recently began prioritizing inspections of small factories, as well as workplaces with concentrations of migrant laborers and laborers age 15 to 17 due to higher numbers of reports of hazardous labor among

these populations.⁴⁸⁷⁶ Labor inspectors do not speak migrant or ethnic minority languages, which may impede their ability to protect the most vulnerable children.⁴⁸⁷⁷

In 2009, the DLPW labor inspections identified 3,648 children working in 405 workplaces, although the vast majority of these children were not found working in violation of the LPA.⁴⁸⁷⁸ These cases were resolved without court proceedings. In addition to the 405 DLPW-initiated inspections, the DLPW responded to and reportedly resolved 226 complaints of child labor for children age 15 to 17.⁴⁸⁷⁹ According to the Government, a violation or case is “resolved” when it has been successfully processed in accordance with the appropriate regulation or law.⁴⁸⁸⁰ Although the MOL collects information on the number of child labor investigations, it does not routinely collect data on penalties, fines, convictions or assistance to victims for child labor investigations.⁴⁸⁸¹

In an effort to supplement existing inspections by the DLPW and to expand efforts to identify cases of hazardous child labor, the Government has tasked other government agencies and collaborated with non-governmental agencies to monitor and inspect for child labor. Additionally, the DLPW established Child Labor Protection Networks to help monitor workplaces, refer cases of illegal child labor to DLPW inspectors, and to raise awareness on labor rights and duties.⁴⁸⁸² The various inspection entities are expected to develop a monthly inspection plans and to coordinate to avoid redundancy of inspections.⁴⁸⁸³

The principal enforcement agency for other worst forms of child labor is the Anti-Human Trafficking Division (AHTD) of the Royal Thai Police. The AHTD, formerly the Children, Juveniles and Women Division, is a specialized division tasked with enforcing laws related to human trafficking.⁴⁸⁸⁴ The Government organized a number of trainings for enforcement agents during the reporting period on the operational guidelines for implementing the anti-trafficking act.⁴⁸⁸⁵

The AHTD investigated 134 trafficking cases between June 2008 and November 2009, but it is unknown how many cases involved children because inspection data are not disaggregated by age or gender. In addition, the

Office of the Attorney General initiated 17 trafficking prosecutions in fiscal year 2009, out of 19 cases it received.⁴⁸⁸⁶ During the reporting period, the Anti-trafficking in Persons Committee initiated planning for a comprehensive trafficking database though it has not yet been finalized or implemented.⁴⁸⁸⁷

Government Policies on the Worst Forms of Child Labor

The National Policy and Plan (NPP) to Eliminate the Worst Forms of Child Labor (2009-2014) is Thailand's comprehensive policy framework to address the Worst Forms of Child Labor. It is designed to protect both Thai and non-Thai children. It was launched on July 24, 2009 in a one-day national workshop and in subsequent provincial workshops.⁴⁸⁸⁸ The strategy includes targets and measures to guide implementation and monitor results, including on removing and preventing children from the worst forms of child labor, developing and effectively enforcing relevant legislation, and strengthening capacity, amongst others.⁴⁸⁸⁹ In order to operationalize the women and child labor protection centers and implement the NPP, MOL requested approximately \$709,000 for fiscal year 2011, but was allocated less than \$100,000.⁴⁸⁹⁰

It is government policy to provide free education for all children, regardless of their legal status. This policy may be particularly critical to assisting ethnic minority, stateless, and migrant children who are the most vulnerable to exploitive labor.⁴⁸⁹¹ However, the question of whether this policy has an impact on the worst forms of child labor does not appear to have been addressed.

During the reporting period, the Government extended the entitlement of free education from 12 to 15 years.⁴⁸⁹² However, despite these positive steps, there are concerns about the effectiveness and implementation of the policies. Factors such as burdensome student documentation/registration requirements, class instruction limited only to Thai language, and lack of appropriate guidance and follow up for teachers limit the effective provision of education for migrant and ethnic minority children.⁴⁸⁹³

Thailand has a National Policy on Prevention and Resolution of Domestic and Cross-Border Trafficking in Children and Women 2005-2010.⁴⁸⁹⁴ Additionally,

a series of agreements dating from 2003 and 2004 between law enforcement, domestic agencies, and local NGOs provide further guidelines for the treatment of trafficked persons and has led to increased domestic coordination on such efforts.⁴⁸⁹⁵ The Government has bilateral agreements with Laos, Cambodia, and Vietnam to combat trafficking through regular meetings with partner governments. Implementation of each agreement is overseen by individual country subcommittees of the Coordinating and Monitoring Anti-trafficking in Persons Performance Committee. During the reporting period, the Government signed a new such agreement with Burma.⁴⁸⁹⁶

The Government plans to carry out a national survey to better understand the specifics of the child labor problem, but has not yet implemented the study.⁴⁸⁹⁷

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

In the mid-1990's, Thailand's efforts to combat the worst forms of child labor began with a focus on child prostitution and trafficking. From 2001 to 2008, Thailand participated in a regional trafficking project that helped build the knowledge base and lay the foundation for current anti-trafficking efforts.⁴⁸⁹⁸ Since then, the Government has expanded its focus and now participates in a \$3.5 million, USDOL-funded project to eliminate child labor in agriculture, fishing, seafood processing, services, and domestic work. There is a special emphasis on migrant and trafficked children. This project played a critical role in designing the NPP and aims to rescue 5,000 from the worst forms of child labor in these sectors.⁴⁸⁹⁹

During 2009, the Government also dispatched mobile units to government agencies and local communities to provide public education programs on the worst forms of child labor, including training on relevant laws and penalties.⁴⁹⁰⁰ In collaboration with the Thai Frozen Food Association, the Government conducted a number of seminars and trainings for shrimp and seafood processing factories to raise awareness on child labor issues.⁴⁹⁰¹ The Department of Public Welfare and the Department of Skill Development provided vocational training to improve children's skills and to prevent them from entering work prematurely and from engaging in illegal activities.⁴⁹⁰²

The Government operates two hotlines to receive complaints about labor violations, including trafficking and other forms of child labor.⁴⁹⁰³ Operators receive complaints in Thai or English, languages not spoken by many migrants who may be in need of assistance. Once a complaint is received, it is registered and forwarded on to the appropriate agency or office for follow up.⁴⁹⁰⁴ The Government also operates 109 “one-stop” crisis centers to assist women and child victims of violence and exploitation.⁴⁹⁰⁵

The Ministry of Social Development and Human Security Bureau of Anti-Trafficking in Women and Children provides services to trafficking victims, including shelter with separate facilities for males and females and a special facility for males under age 18.⁴⁹⁰⁶

Along with Burma, Cambodia, China, Laos, and Vietnam, Thailand is a signatory to the Coordinated Mekong Ministerial Initiative against Trafficking. The members have a Sub-Regional Plan of Action for 2008-2010 and monitor achievement annually against established targets and indicators of progress.⁴⁹⁰⁷

While the Government has undertaken selected programs to assist children engaged in or at risk of the worst forms of child labor, social programs and services to children engaged in exploitive labor in agriculture, fish/seafood processing, and domestic service, especially migrant children, are not sufficient to address the extent of the problem and the lack of legal protections for children working in these sectors.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend legislation to extend protections to all children working in the worst forms of child labor in agriculture, fishing, and domestic service.
- Draft a more specific list of hazardous occupations and activities for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure that there are a sufficient number of labor inspectors to adequately monitor workplaces and that the inspectors speak migrant or ethnic minority languages in areas where these groups constitute large portions of the labor force.
- Collect data on child labor penalties, fines, convictions, and assistance to victims as a result of child labor investigations.
- Use the planned anti-trafficking database to disaggregate data on trafficking victims—including in trafficking investigations and prosecutions—by age and gender.

IN THE AREA OF POLICIES:

- Consider budgetary priorities with a view to fully funding the Ministry of Labor’s request for the National Policy and Plan to Eliminate the Worst Forms of Child Labor.
- Undertake the planned national child labor survey.
- Eliminate factors that limit the ability for migrant children to access education.

IN THE AREA OF PROGRAMS:

- Strengthen efforts to assist migrant and ethnic minority children engaged in or at risk of the worst forms of child labor, including by hiring hotline operators that speak ethnic minority and migrant languages.
- Initiate social programs to serve all children working in at or risk of the worst forms of child labor in agriculture, fishing, seafood processing, and domestic service.

⁴⁸⁴² Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2005-2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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⁴⁸⁴⁴ 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, 32, 33, 35, 54. 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.

⁴⁸⁴⁵ Surapone Ptanawanit and Saksri Boribanbanpotkate, *Assessing the Worst Forms of Child Labour in Selected Provinces of Thailand*. See also ILO, *The Mekong Challenge: Underpaid, Overworked and Overlooked - The Realities of Young Migrant Workers in Thailand*, Bangkok, 2006, xxi. See also Solidarity Center, *The True Cost of Shrimp*, 2008, 18. See also ILO-IPEC, *Support for National Action, Project Document (September 30, 2006)*, 11. See also U.S. Embassy- Bangkok, *reporting*, March 4, 2010.

⁴⁸⁴⁶ ILO, *Underpaid, Overworked and Overlooked*, xxi-xxiii. See also ILO-IPEC, *Support for National Action, Project Document (September 30, 2006)*. See also U.S. Department of State, "Thailand," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 10, 2010; available from <http://www.state.gov/g/drl/rls/hrrprt/2009/eap/136010.htm>.

⁴⁸⁴⁷ Surapone Ptanawanit and Saksri Boribanbanpotkate, *Assessing the Worst Forms of Child Labour in Selected Provinces of Thailand*, 13, 29, 31. See also U.S. Embassy- Bangkok, *reporting*, February 21, 2008. See also

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⁴⁸⁴⁸ Surapone Ptanawanit and Saksri 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. 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/thailand/UNAIP-Report.pdf>. See also U.S. Department of State, "Country Reports- 2009: Thailand," section 6, 7d.

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⁴⁸⁵⁰ UN Human Rights Council, *Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography*, prepared by Juan Miguel Petit, pursuant to Implementation of General Assembly Resolution 60/251 of 15 March 2006 Entitled "Human Rights Council", March 15, 2007, 53-55; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/119/21/PDF/G0711921.pdf?OpenElement>. 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.

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⁴⁸⁵² U.S. Department of State, "Thailand (Tier 2 watchlist)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>. See also ECPAT International, *Global Monitoring Report on CSEC*, 11-12. See also UN Human Rights Council, *Report of the Special Rapporteur*, 53.

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- ⁴⁸⁶⁰ Government of Thailand, *Labour Protection Act*, chapter 1, section 22.
- ⁴⁸⁶¹ *Ibid.*, section 22. See also ILO NATLEX National Labor Law Database, *Ministerial Regulation No. 9 issued under the Labour Protection Act*, accessed February 12, 2010; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_isn=53169. See also 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. See also ILO, *Minister Opens Discussions on Extending Protection to Millions of Informal Economy Workers*, [online] June 30, 2005 [cited February 12, 2010]; available from http://www.ilo.org/asia/info/public/pr/lang--en/WCMS_BK_PR_135_EN/index.htm.
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- ⁴⁸⁶⁵ Government of Thailand, *Prevention and Suppression of Prostitution Act*, B.E. 2539, (1996). See also Government of Thailand, *Anti-Trafficking in Persons Act*, (June 2008), chapter 6, sections 52-53.
- ⁴⁸⁶⁶ U.S. Embassy- Bangkok, *reporting*, March 4, 2010.
- ⁴⁸⁶⁷ *Ibid.*
- ⁴⁸⁶⁸ *Ibid.*
- ⁴⁸⁶⁹ *Ibid.* See also ILO-IPEC, *Support for National Action to Combat Child Labor and its Worst Forms in Thailand*, Technical Progress Report, March 5, 2010.
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⁴⁸⁸⁴ U.S. Embassy- Bangkok, *reporting, March 4, 2010*. See also Government of Thailand, *Thailand's Efforts in the Prevention and the Elimination of Child Labour in 2009*.

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⁴⁸⁸⁸ ILO-IPEC, *Support for National Action to Combat Child Labor and its Worst Forms in Thailand*, Technical Progress Report, August 31, 2009, 5. See also U.S. Embassy- Bangkok, *reporting, March 4, 2010*.

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⁴⁹⁰⁰ Government of Thailand, *Thailand's Efforts in the Prevention and the Elimination of Child Labour (February 23, 2010)*, 8-9.

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⁴⁹⁰⁵ Government of Thailand, *Thailand's Efforts in the Prevention and the Elimination of Child Labour (February 23, 2010)*, 9. See also U.S. Embassy- Bangkok, *reporting, March 4, 2010*.

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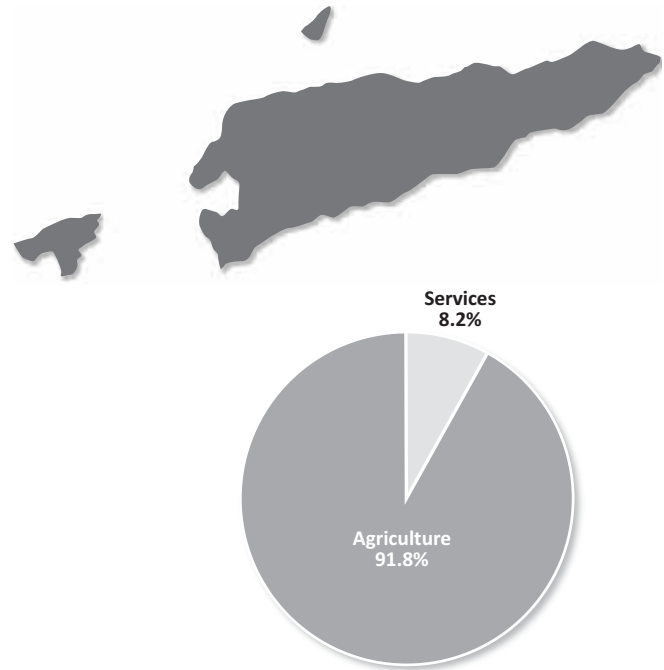
Timor-Leste

The Government of Timor-Leste ratified ILO Convention 182 and established a Child Labor Commission.

Children continue to perform exploitive work in agriculture, primarily cultivating and processing coffee. There is little evidence of inspection or enforcement activity against the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	85.2%
Attending School	10-14 yrs.	86.3%
Combining Work and School	7-14 yrs.	5.4%



Prevalence and Distribution of the Worst Forms of Child Labor

Children in Timor-Leste are exploited in the worst forms of child labor,⁴⁹⁰⁸ many of them in agriculture.⁴⁹⁰⁹ Within agriculture, children primarily work cultivating and processing coffee.⁴⁹¹⁰ Children working in agriculture may be exposed to hazards while using potentially dangerous machinery and tools, carrying of heavy loads, and applying harmful pesticides. Additionally, children work in fishing where they may be at risk of drowning and exposure to the elements.⁴⁹¹¹

Children are found working in the streets where they participate in a variety of activities such as selling fruit, vegetables, fuel, newspapers, mobile phone cards, and DVDs.⁴⁹¹² Children working as street vendors may be exposed to severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements. Children are also engaged in domestic work, primarily working for their immediate and extended families and adoptive families. However, a small percentage works for third parties where they may be exposed to long hours of work and to physical and sexual exploitation.⁴⁹¹³ Children also work in construction.⁴⁹¹⁴

In a few cases, particularly in rural areas, families are forced to have their children work as indentured servants in order to settle outstanding debts.⁴⁹¹⁵

Finally, there is limited evidence documenting trafficking of children for sexual purposes, particularly prostitution.⁴⁹¹⁶ In these cases, children are often lured to Dili from rural areas.⁴⁹¹⁷


Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 15, although children working in family-owned businesses or vocational schools are exempt.⁴⁹¹⁸ It is illegal for any children between the ages of 15 and 18 to perform work that jeopardizes their health, safety, or morals. Sections 2 and 11 of the Labor Code specify the ages and scope of work which is permissible for minors.⁴⁹¹⁹ However, the absence of a compulsory education age may place children at risk of involvement in the worst forms of child labor.

The law forbids compulsory labor at any age.⁴⁹²⁰ Trafficking in persons is prohibited, and the law provides for specific penalties for those who traffic minors.⁴⁹²¹

The minimum age for compulsory and voluntary recruitment into military service is 18.⁴⁹²²

During the reporting period in June 2009, Timor-Leste ratified ILO Convention 182.⁴⁹²³

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	None
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

In Timor-Leste, the Ministry of Labor and Community Reinsertion, and specifically the National Division of Social Services within this Ministry, is responsible for national coordination on worst forms of child labor issues.⁴⁹²⁴

The government's anti-trafficking efforts are coordinated by an inter-agency Trafficking Working Group which is chaired by the Ministry of Foreign Affairs and includes the Ministries of Justice, Labor, Social Solidarity, the Victims Protection Unit of the National Police, and the Office for the Promotion of Gender Equality.⁴⁹²⁵

The Secretary of State for Vocational Training and Employment, the National Police of Timor-Leste, and the Ministry for Social Solidarity are the agencies responsible for enforcing child labor laws.⁴⁹²⁶ There are eight labor inspectors; none specifically dedicated to child labor.⁴⁹²⁷ There is no mechanism for filing complaints about child labor violations.⁴⁹²⁸ During the reporting period, there were no child labor prosecutions or convictions in the country.⁴⁹²⁹

The Ministry of Defense and Security oversees the Immigration Police, Border Police, and the National Police Force, all of which work to enforce laws against trafficking. During the reporting period, IOM confirmed seven cases of trafficking, although it is unclear whether these cases were adults or children.⁴⁹³⁰

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address child labor.⁴⁹³¹ During the reporting period, the Government established a Child Labor Commission with support from the ILO and the Government of Brazil that aims to design and develop policies on child labor.⁴⁹³²

Social Programs to Eliminate the Worst Forms of Child Labor

The Government has participated in international and local NGO programs to assist street children.⁴⁹³³ However, the Government's limited programs have not been sufficient to address the scope and magnitude of child labor in the country, in particular in agriculture where child labor is most prevalent.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Review exemptions in labor legislation to ensure adequate protections for all children involved in family owned businesses and vocational education.
- Establish a compulsory age for schooling that is equivalent to or greater than the minimum age for work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Create a mechanism to file child labor complaints.
- Ensure that resources and staffing support inspection and enforcement activities, and track such activity

IN THE AREA OF POLICIES:

- Support the newly created Child Labor Commission as it develops plans to combat the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Assess the effectiveness of programs to assist street children and consider establishing programs to combat other worst forms of child labor, particularly in agriculture.

⁴⁹⁰⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2001. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴⁹⁰⁹ ILO, *Rapid Assessment on Child Labor in Timor Leste*, Jakarta, December 2007, 10. See also U.S. Embassy- Dili, *reporting*, February 4, 2010. See also U.S. Embassy- Dili, *reporting*, February 12, 2008, para 19.

⁴⁹¹⁰ U.S. Embassy- Dili, *reporting*, February 12, 2008.

⁴⁹¹¹ *Ibid.*, para 2. See also ILO, *Rapid Assessment on Child Labor in Timor Leste*, 10.

⁴⁹¹² U.S. Embassy- Dili, *reporting*, February 12, 2008, para 16.

⁴⁹¹³ ILO, *Rapid Assessment on Child Labor in Timor Leste*.

⁴⁹¹⁴ U.S. Embassy- Dili, *reporting*, February 12, 2008. See also ILO, *Rapid Assessment on Child Labor in Timor Leste*.

⁴⁹¹⁵ U.S. Department of State, "Timor-Leste," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136011.htm>.

⁴⁹¹⁶ U.S. Department of State, "Timor-Leste (Tier 2)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/123139.htm>. See also ILO, *Rapid Assessment on Child Labor in Timor Leste*. See also U.S. Department of State, "Timor-Leste," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136011.htm>.

⁴⁹¹⁷ U.S. Department of State, "Trafficking in Persons Report- 2009: Timor-Leste."

⁴⁹¹⁸ U.S. Department of State, "Country Reports- 2009: Timor-Leste." See also Government of East Timor, *Labour Code*, (May 1, 2002), section 11.

⁴⁹¹⁹ Government of East Timor, *Labour Code*. See also ILO, *Rapid Assessment on Child Labor in Timor Leste*, 23.

⁴⁹²⁰ Government of East Timor, *Constitution of the Democratic Republic of East Timor*, (2002), section 50. See also Government of East Timor, *Labour Code*.

⁴⁹²¹ Government of East Timor, *Immigration and Asylum Act*, No. 9, (2003), article 81. See also U.S. Department of State, "Timor-Leste (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>.

⁴⁹²² Coalition to Stop the Use of Child Soldiers, “Timor-Leste,” in *Child Soldiers Global Report 2008*, London, 2008. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by State Parties*, February 14, 2008.

⁴⁹²³ U.S. Embassy- Dili, *reporting, February 4, 2010*. See also ILO, *Ratifications by Country*, accessed September 20, 2010; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

⁴⁹²⁴ ILO, *Rapid Assessment on Child Labor in Timor Leste*, 23.

⁴⁹²⁵ U.S. Embassy- Dili, *reporting, February 13, 2009*.

⁴⁹²⁶ U.S. Embassy- Dili, *reporting, February 4, 2010*, para 2C.

⁴⁹²⁷ Ibid. See also ILO, *Rapid Assessment on Child Labor in Timor Leste*.

⁴⁹²⁸ U.S. Embassy- Dili, *reporting, February 4, 2010*, para 2C.

⁴⁹²⁹ Ibid.

⁴⁹³⁰ U.S. Embassy- Dili, *reporting, February 13, 2009*.

⁴⁹³¹ U.S. Embassy- Dili, *reporting, February 4, 2010*, para 2E.

⁴⁹³² Ibid., para 2H and 2F. See also ILO-IPEC official, E-mail communication to USDOL official, July 17, 2010.

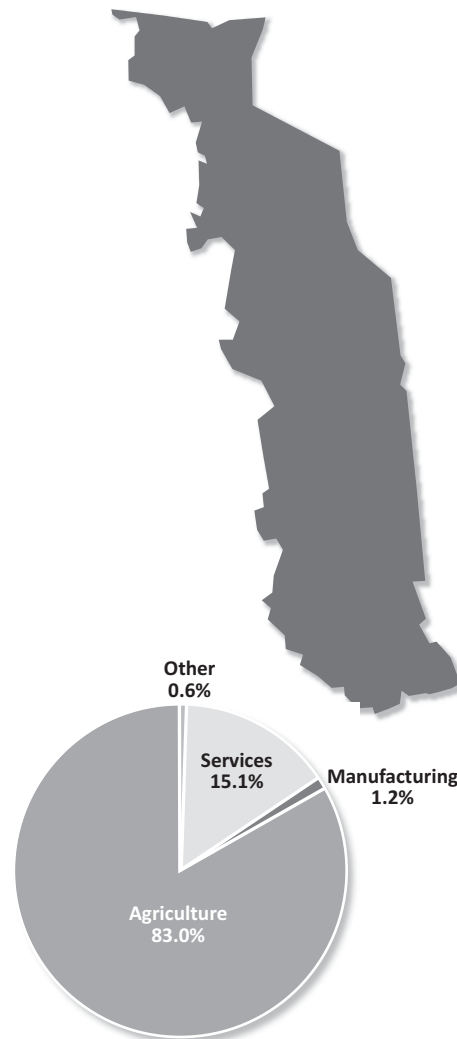
⁴⁹³³ ILO, *Rapid Assessment on Child Labor in Timor Leste*, 55.

Togo

The Government of Togo has established regional child labor committees and mainstreamed child labor concerns into its Education for All Program, Poverty Reduction Strategy Paper, and United Nations Development System Framework. Despite such efforts, Togo does not have a current National Action Plan on Child Labor and has not committed the necessary resources to enforce its child labor laws. It did not conduct any formal investigations of child labor during the reporting period, although many children continue to work in the worst forms of child labor, particularly in hazardous agriculture and domestic service.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	32.7%
Attending School	5-14 yrs.	72.4%
Combining Work and School	7-14 yrs	27.2%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Togo,⁴⁹³⁴ including in agriculture and domestic service. Roughly half of all working children raise livestock and are engaged in agriculture, harvesting goods such as cotton, cocoa, and coffee.⁴⁹³⁵ Children working in agriculture may perform physically arduous tasks and risk occupational injury and disease from exposure to dangerous tools, insecticides, and herbicides.⁴⁹³⁶ Approximately one-third of working children are employed as domestic servants. The majority are girls age 5 to 14. Child domestics may work long hours and be subjected to physical and sexual exploitation by their employer.⁴⁹³⁷ Children earn money performing a variety of other activities which could pose risks to their health and well-being. Such work includes capturing crabs, often times at

night. Children also work in the streets as porters and small-scale traders. Street work exposes children to a variety of risks, which may include inclement weather, vehicular accidents, and exploitation by criminals.⁴⁹³⁸

Children in Togo work in rock quarries, transporting heavy loads of stones, and extracting sand used for construction.⁴⁹³⁹ Children do electrical work and repair cars, sometimes without protective gear.⁴⁹⁴⁰ Children are also involved in prostitution, and in the sex tourism industry in Lome.⁴⁹⁴¹

Children in Togo are also found in other activities constituting the worst forms of child labor, such as forced begging. The practice of sending Muslim boys to Koranic teachers to study the Koran, which may include a vocational or apprenticeship component, is a tradition in certain communities in Togo, and is especially common in Togo's Savanes region.⁴⁹⁴² While

some of these boys receive lessons, others are forced by their teachers to perform manual labor, including agricultural work that may pose health and safety risks.⁴⁹⁴³

Children in Togo are trafficked for forced labor in domestic service and commercial sexual exploitation.⁴⁹⁴⁴ In the Maritime, West, Central, and Kara regions, girls are frequently trafficked for domestic service, market work, portering, and commercial sexual exploitation.⁴⁹⁴⁵ The customary practice of “amegbonovi” or “confiage,” which involves sending a child to a relative or friend for school, may place children at risk of exploitation by internal trafficking of children.⁴⁹⁴⁶ Children are also 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.⁴⁹⁴⁷ Some Togolese boys are trafficked to Côte d’Ivoire for forced labor in fishing and construction.⁴⁹⁴⁸ Children are also trafficked to Benin, Burkina Faso, Ghana, Niger, Gabon, the Republic of Congo, and Europe.⁴⁹⁴⁹





Laws and Regulations on the Worst Forms of Child Labor

The Labor Code of 2006 sets the minimum age for employment at 15.⁴⁹⁵⁰ Law 1464 sets the minimum age for certain industrial and technical employment, including most hazardous work, at 18.⁴⁹⁵¹

The Labor Code and Law 1464 also prohibit excessive work hours and night work for children, as well as forced and obligatory labor, and the worst forms of child labor as defined in ILO Convention 182.⁴⁹⁵² However, these laws do not establish penalties for employing children in hazardous child labor or work at night.⁴⁹⁵³ The Labor Code does not define forced and obligatory labor, and does not impose penalties sufficient to deter it. Violators can receive three to six months’ imprisonment, a fine, or both.⁴⁹⁵⁴

An additional law, the Child Code of 2007 further defines the worst forms of child labor, stiffens penalties for noncompliance with the minimum age law, and prohibits the commercial sexual exploitation of children, including child pornography, child sex tourism, and the use of children in illicit activities.⁴⁹⁵⁵ The Law for the Repression of Child Trafficking and the Child Code prohibit the trafficking of children

for the purposes of commercial sexual exploitation, forced labor, and slavery, and establish penalties for violations.⁴⁹⁵⁶

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

Institutional Mechanisms for Coordination and Enforcement

In 2001 the Government created the National Steering Committee for the Prohibition and Elimination of the Worst Forms of Child Labor to coordinate and supervise national efforts to combat the worst forms of child labor. The Child Labor Unit of the Ministry of Labor (MOL) acts as its secretariat.⁴⁹⁵⁷ The National Steering Committee’s responsibilities include promoting child labor legislation, mobilizing resources, and collecting data. However its actions to date have been limited to evaluating and approving NGO action programs to eliminate child labor. Members of the National Steering Committee attribute this shortcoming to their lack of financial resources.⁴⁹⁵⁸ Its secretariat, the Child Labor Unit, is supposed to be staffed by a labor inspector, a sociologist, a jurist, an occupational physician, and a statistician; however this unit has only one staff member and is not allocated a budget.⁴⁹⁵⁹

In 2009, the MOL established child labor committees in each of the five regions of Togo to coordinate child

labor efforts and raise awareness. These committees include representatives from several ministries, the National Council of Employers, the National Committee for Children, unions, and NGOs.⁴⁹⁶⁰ Reportedly the regional child labor committees do not coordinate their efforts or share information with the National Steering Committee.⁴⁹⁶¹

The National Committee for the Reception and Social Reinsertion of Trafficked Children (CNARSEVT) is the focal point for trafficking information and statistics. The MOL Child Labor Unit is responsible for assisting CNARSEVT.⁴⁹⁶² Reports indicate that CNARSEVT has not been able to effectively track trafficking cases, is ill-equipped, lacking ink to print documents and access to the Internet to easily share them, and is not provided with timely and accurate statistics from Togolese ministries. Despite these obstacles, this Committee assisted local officials in the repatriation of 52 trafficked children during the reporting period.⁴⁹⁶³

The MOL with its 26 labor inspectors is also responsible for inspecting work conditions throughout Togo.⁴⁹⁶⁴ At the local level, parent and student associations and village development committees also monitor the child labor situation.⁴⁹⁶⁵ The Ministry of Social Action and National Solidarity (MASSN) is in charge of enforcing laws related to the worst forms of child labor and maintains two social workers on-call 24 hours a day to assist trafficking victims.⁴⁹⁶⁶ In 2009, the MASSN held a workshop on how to identify victims of trafficking and provided training in Kara and Lome to lawyers, paralegals, magistrates, police, and notaries on the Child Code.⁴⁹⁶⁷

The police “Brigade de Protection des Mineurs,” (Child Protection Unit) and immigration officials work with the MASSN to investigate criminal violations relating to the worst forms of child labor.⁴⁹⁶⁸ The Child Protection Unit, which consists of five police, two social service agents, a nurse, eight prison guards, and one psychologist, manages child trafficking cases and with the assistance of the Ministry of Justice, refers trafficking victims to appropriate services.⁴⁹⁶⁹ In some cases, the Child Protection Unit lacks resources to conduct investigations, and must respond to calls in taxis and personal cars at their own expense.⁴⁹⁷⁰

During the reporting period, the Government did not conduct any formal child labor investigations. Although 13 traffickers were arrested and 10 were in prison awaiting sentences, it is unclear whether these cases involved the trafficking of children.⁴⁹⁷¹ In Togo, there is no reporting system for trial court convictions in the interior of the country.⁴⁹⁷² Furthermore, knowledge of the different laws protecting children among law enforcement personnel varies from region to region. The Maritime and Savanes regions’ staff do not have copies of many child labor laws to guide law enforcement personnel.⁴⁹⁷³

Government Policies on the Worst Forms of Child Labor

The Government is currently drafting the National Action Plan on Child Labor, so the existing National Strategy on Eliminating Child Labor through Education, Training, and Apprenticeship (2006) is the primary government policy instrument to prevent and eliminate child labor in Togo.⁴⁹⁷⁴ This strategy addresses root causes of child labor such as poverty, weak education institutions, and the lack of access to education due to high school fees and associated costs.⁴⁹⁷⁵ Implemented by ILO-IPEC, this strategy supports universal basic education and education reform, and strengthens the capacity of parents and teachers to combat exploitive child labor through awareness raising. The strategy includes specific interventions to assist working children and promotes education, but does not target sectors in which children are engaged in the worst forms of child labor nor include programs to withdraw children from exploitive labor.⁴⁹⁷⁶

Togo also has a National Plan of Action on Child Trafficking, which calls for legal and health services, including feeding and psychosocial support for child trafficking victims, and awareness raising activities for local communities and border officials. The plan prioritizes the education of children and improving of livelihoods for families; and calls for the establishment of structures to monitor the trafficking of children.⁴⁹⁷⁷

During the reporting period, the Government adopted the Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa under

ECOWAS. This agreement explicitly targets, among others, victims of exploitive labor and hazardous child labor and also includes provisions to combat the trafficking of children for begging purposes.⁴⁹⁷⁸ The agreement builds on the framework developed under 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.⁴⁹⁷⁹

Child labor concerns are mainstreamed into Togo's Education for All Program, Poverty Reduction Strategy Paper, and United Nations Development System Framework (2008-2012).⁴⁹⁸⁰

The establishment of child labor policies and the inclusion of child labor as a priority in development goals are important accomplishments; however, the policies mentioned do not have concrete action plans with precise timeframes and estimated costs, limiting their ability to combat the worst forms of child labor.⁴⁹⁸¹

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

The Government of Togo has participated in the implementation of programs to eliminate child labor through a longstanding partnership with ILO-IPEC primarily to combat the trafficking of children.⁴⁹⁸² From October 1999 to December 2007, the Government's efforts to eliminate child labor have largely been implemented by internationally-sponsored initiatives including the DOL-funded Combating Child Trafficking in Togo through Education (COMBAT) and Combating Trafficking in Children for Labor Exploitation in West and Central Africa (LUTRENA) projects in support of the National Plan of Action on Child Trafficking. The COMBAT and LUTRENA projects withdrew and prevented a combined total of more than 17,000 children from trafficking into exploitive child labor and other worst forms of child labor.⁴⁹⁸³

The current 4-year, USDOL-funded \$5 million CECLET project, launched in 2007 supports the

Government's past efforts by aiming to withdraw 4,000 children and prevent 6,000 children from exploitive child labor in urban informal sectors, domestic service, hazardous rural agriculture, trafficking, and commercial sexual exploitation.⁴⁹⁸⁴ Similar initiatives to combat the worst forms of child labor include the 4-year, \$5.3 million regional project funded by the Government of France which provides educational services, including vocational training, as an alternative to early work and the worst forms of child labor.⁴⁹⁸⁵ The Government is also involved in a 2-year, \$ 2.8 million regional program to combat trafficking in children for labor exploitation in West Africa funded by the Government of Denmark. Togo also participated in the World Day against Child Labor and assisted IPEC in its campaign to raise awareness.⁴⁹⁸⁶

The Government was also involved in several initiatives to combat the trafficking of children. For instance, the Government, in cooperation with Terres des Hommes, contributed to an ongoing project to prevent child trafficking, and rehabilitate and reintegrate victims.⁴⁹⁸⁷ The MASSN established a toll-free hotline staffed by government personnel to report cases of violence against children, including trafficking. The number "ALLO 111" received over 1300 calls in 2009 and is jointly funded by Togo Telecom, private cell phone companies, UNICEF, and NGOs.⁴⁹⁸⁸ Furthermore, in December 2009, the Government announced the creation of a fund to provide medical, psychological, and legal services for the indigent, including victims of trafficking.⁴⁹⁸⁹

In 2009, Togo also signed bilateral and multilateral agreements to prevent trafficking in persons through better border monitoring with the governments of Ghana, Benin, and Nigeria. These agreements also include repatriation for victims and extradition of traffickers to their country of nationality.⁴⁹⁹⁰

However, Togo's social programs to combat trafficking and the worst forms of child labor do not match the scope of the problem and rely largely on NGOs and international organizations for implementation; as a result, many of these interventions may not be sustainable.⁴⁹⁹¹

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

IN THE AREA OF LAWS AND REGULATIONS:

- Establish penalties for violations of the laws governing hazardous child labor and children working at night.
- Clearly define forced and obligatory labor.
- Include sufficient penalties for violations of forced labor provisions.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Promote coordination and information-sharing between the regional child labor committees and the National Steering Committee.
- Develop case tracking procedures information-sharing guidelines for ministries involved in the National Committee for Receiving and Socially Rehabilitating Victims of Child Trafficking.
- Provide the Child Labor Unit, National Steering Committee, and the National Committee for Receiving and Socially Rehabilitating Victims of Child Trafficking with sufficient financial and human resources to implement their mandate and carry out daily tasks.
- Strengthen measures to investigate, prosecute, and convict individuals involved in the worst forms of child labor, including by:
 - Providing regular training for personnel charged with the enforcement of child labor laws.
 - Providing child labor enforcement agencies with adequate resources to conduct investigations.
 - Creating a system for reporting court convictions from trials in the interior of the country.
 - Ensuring that all law enforcement personnel have access to child labor law reference materials and are aware of the different laws protecting children.

IN THE AREA OF POLICIES:

- Ratify and implement the National Action Plan on Child Labor.
- Strengthen the National Strategy on Eliminating Child Labor through Education, Training and Apprenticeship, and National Plan of Action on Child Trafficking, including by:
 - Addressing the unique situation of children working in the worst forms of child labor.
 - Developing timeframes and budgets for each intervention.

IN THE AREA OF PROGRAMS:

- Ensure that the Government's social protection programs to combat the worst forms of child labor are sufficient to promote the long-term sustainability of project initiatives.

⁴⁹³⁴ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴⁹³⁵ ILO-IPEC, *Combating Exploitative Child Labour in Togo through Education*, Project Document, Geneva, September 2008, 9. See also General Directorate of Statistics and National Accounting, *Report on the Census of the Potential Beneficiaries of the Project: Fight against Child Labour through Education in Togo*, Lome, March, 2009, annex II. See also U.S. Embassy- Lome official, E-mail communication to USDOL official, March 23, 2010. See also U.S. Embassy- Lome, *reporting*, February 6, 2009, para 15.

⁴⁹³⁶ ILO-IPEC, *Combating Exploitative Child Labour through Education*, Project Document (September 2008), 9. See also General Directorate of Statistics and National Accounting, *Report on the Census of the Potential Beneficiaries of the Project*, annex II. See also U.S. Embassy- Lome official, E-mail communication, March 23, 2010.

⁴⁹³⁷ 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 October 23, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportID=82159>. See also General Directorate of Statistics and National Accounting, *Report on the Census of the Potential Beneficiaries of the Project*, annex II. See also Direction Generale de la Statistique et de la Comptabilite Nationale, *Rapport de l'Enquete de Base sur le Travail des Enfants au Togo*, July, 2010, 50-51.

⁴⁹³⁸ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Togo (ratification: 2000)*, [online] 2009 [cited October 27, 2009]; available from [http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1426&chapter=16&query=C182%40ref%2B%23YE](http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1426&chapter=16&query=C182%40ref%2B%23YEAR%3D2009&highlight=&querytype=bool&context=0)

See also ILO-IPEC, *Combating Exploitative Child Labour through Education*, Project Document (September 2008), 9. See also Government of Togo, *La Politique Nationale de Protection de l'Enfant*, December 2008, 22. See also FAO, Sida, and Norwegian Ministry of Foreign Affairs, *Fisheries and HIV/AIDS in Africa: Investing in sustainable solutions*, Workshop on child labour in fisheries and aquaculture, April 14-16, 2010; available from http://www.fao-ilo.org/fileadmin/user_upload/fao_ilo/pdf/WorkshopFisheries2010/WFPresentations/KHolvoetChildLabour_HIVAIDS.pdf.

⁴⁹³⁹ U.S. Embassy- Lome, *reporting*, February 1, 2010, section 16. See also U.S. Embassy- Lome official, E-mail communication, March 23, 2010.

⁴⁹⁴⁰ ILO Committee of Experts, *Individual Direct Request C182: Togo (2009)*. See also ILO-IPEC, *Combating Exploitative Child Labour through Education*, Project Document (September 2008), 10.

⁴⁹⁴¹ Nicholas Martin-Achard and Hadrien Bonnaud, *UNICEF-supported centre helps rehabilitate child sex workers in togo*, [online] 2008 [cited November 16, 2009]; available from www.unicef.org/protection/togo_46986.html?q=printme. See also ECPAT, *Togo: Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children*, 2007, 11-13; available from http://www.ecpat.net/A4A_2005/PDF/AF/Global_Monitoring_Report-TOGO.pdf. See also Direction Generale de la Statistique et de la Comptabilite Nationale, *Rapport de l'Enquete de Base sur le Travail des Enfants au Togo*, 87.

⁴⁹⁴² Peter Easton, "Education and Koranic Literacy in West Africa," no. 11 (August, 1999), 1, 3; available from <http://www.worldbank.org/afr/ik/iknt11.pdf>. See also Government of Togo, *La Politique Nationale de Protection de l'Enfant*, 22.

⁴⁹⁴³ IOM, *Traditional Practices being Abused to Exploit Children in West Africa, Warns IOM*, [online] [cited August 30, 2010]; available from <http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007>.

⁴⁹⁴⁴ U.S. Department of State, "Togo (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>. See also U.S. Embassy- Lome, *reporting*, February 18, 2010, section 3b.

⁴⁹⁴⁵ UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, Geneva, September 2006, 12, 30; available from www.unodc.org/documents/human-trafficking/ht_research_report_nigeria.pdf. See also U.S. Department of State, "Trafficking in Persons Report-2010: Togo." See also Alice Behrendt and Serigne Mor Mbaye, *L'impact psychosocial de la traite sur les enfants dans la région des Plateaux et la région Centrale au Togo*, 2008, 53; available from www.crin.org/docs/study_report_Togo.pdf. See also U.S. Department of State, "Togo," in *Country Reports on Human Rights Practices- 2009*,

Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>.

⁴⁹⁴⁶ Integrated Regional Information Networks, “Togo: How to improve a ‘worst form of labour’”. See also U.S. Embassy- Lome, *reporting, February 18, 2010*, para 3e. See also ILO-IPEC, *Combating Exploitative Child Labour through Education, Project Document (September 2008)*, 11-12.

⁴⁹⁴⁷ Behrendt and Mbaye, *L’impact psychosocial de la traite*, 52-54. See also Integrated Regional Information Networks, «Togo: Law of silence trumps anti-trafficking rule», IRINnews.org, [online], January 9, 2009 [cited March 22, 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 October 23, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=82314>. See also U.S. Department of State, «Trafficking in Persons Report- 2010: Togo.»

⁴⁹⁴⁸ U.S. Department of State, “Cote d’Ivoire (Tier 2 Watch List),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009, 114; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/>.

⁴⁹⁴⁹ U.S. Embassy- Lome, *reporting, February 18, 2010*, section 3b. See also Integrated Regional Information Networks, “Congo: Tackling child trafficking”, IRINnews.org, [online], July 16, 2008 [cited January 27, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=79284>. See also UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, 12, 30. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Togo.” See also Behrendt and Mbaye, *L’impact psychosocial de la traite*, 53. See also Direction Generale de la Statistique et de la Comptabilite Nationale, *Rapport de l’Enquete de Base sur le Travail des Enfants au Togo*, 92.

⁴⁹⁵⁰ Government of Togo, *Code du travail*, (December 5, 2006), title V, chapter IV, article 150, 151; available from www.droit-afrique.com/images/textes/Togo/Togo%20-%20Code%20du%20travail.pdf.

⁴⁹⁵¹ 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 decembre 2006 portant code du travail*, (November 12, 2007), article 6, tableau des travaux dangereux; available from <http://www.republicoftogo.com/>.

⁴⁹⁵² Government of Togo, *Code du Travail 2006*, article 4, 145, 151, 154. See also Government of Togo, *Déterminant les travaux interdits aux enfants*, article 2-5, 6-12.

⁴⁹⁵³ Government of Togo, *Code du Travail 2006*, article 151, 295. See also Government of Togo, *Déterminant les travaux interdits aux enfants*, article 3.

⁴⁹⁵⁴ U.S. Department of State, “Trafficking in Persons Report- 2010: Togo.” See also Government of Togo, *Code du Travail 2006*, article 4.

⁴⁹⁵⁵ Government of Togo, *Loi n. 2007-017 portant code de l’enfant*, (July 6, 2007), chapter II, article 387-389, 392, 394, chapter III, article 405; available from <http://www.hsph.harvard.edu/population/fgm/togo.child.07.pdf>.

⁴⁹⁵⁶ Ibid., chapter IV, article 411-420. See also U.S. Department of State, “Country Reports- 2009: Togo,” section 6.

⁴⁹⁵⁷ ILO-IPEC, *Combating Exploitative Child Labour through Education, Project Document (September 2008)*, 15. See also Stephane Jeannet, *USDOL-managed External Midterm Evaluation of the Combating Exploitive Child Labor in Togo through Education Project (CECLET)*, Geneva, June 15, 2010, 31, 35-37. See also Kokou Agbodan, *Etude sur l’analyse des dispositifs regionaux, prefectoraux et communautaires de collecte et de gestion de donnees sur le travail des enfants au Togo*, ILO-IPEC, Lome, January, 2010, 21.

⁴⁹⁵⁸ Jeannet, *USDOL-managed External Midterm Evaluation of the Combating Exploitive Child Labor in Togo through Education Project (CECLET)*, 31, 36-37. See also Agbodan, *Etude sur l’analyse des dispositifs regionaux, prefectoraux et communautaires de collecte et de gestion de donnees sur le travail des enfants au Togo*, 21.

⁴⁹⁵⁹ Jeannet, *USDOL-managed External Midterm Evaluation of the Combating Exploitive Child Labor in Togo through Education Project (CECLET)*, 37.

⁴⁹⁶⁰ U.S. Embassy- Lome, *reporting, February 1, 2010*, section 13. See also ILO-IPEC, *Combating Exploitative Child Labour through Education, Project Document (September 2008)*, 15. See also Jeannet, *USDOL-managed External Midterm Evaluation of the Combating Exploitive Child Labor in Togo through Education Project (CECLET)*, 31, 35-37. See also Agbodan, *Etude sur l’analyse des dispositifs regionaux, prefectoraux et communautaires de collecte et de gestion de donnees sur le travail des enfants au Togo*, 21.

⁴⁹⁶¹ Jeannet, *USDOL-managed External Midterm Evaluation of the Combating Exploitive Child Labor in Togo through Education Project (CECLET)*, 35.

⁴⁹⁶² ILO Committee of Experts, *Individual Direct Request C182: Togo (2009)*. See also U.S. Embassy- Lome, *reporting, February 18, 2010*, section 3a. See also ILO-IPEC, *Combating Exploitative Child Labour through Education, Project Document (September 2008)*, 15. See also U.S. Embassy- Lome official, E-mail communication to USDOL official, November 18, 2010.

⁴⁹⁶³ U.S. Embassy- Lome, *reporting, February 18, 2010*, section 3a. See also Child Rights Information Network, “Togo: Anti-trafficking law alters routes, not flow”, crin.

org, [online], January 13, 2009 [cited December 28, 2009]; available from <http://www.crin.org/resources/infoDetail.asp?ID=19349&flag=news>.

⁴⁹⁶⁴ U.S. Embassy- Lome, *reporting, February 1, 2010*, section 8.

⁴⁹⁶⁵ Agbodan, *Etude sur l'analyse des dispositifs regionaux, prefectoraux et communautaires de collecte et de gestion de donnees sur le travail des enfants au Togo*, 19-20.

⁴⁹⁶⁶ U.S. Embassy- Lome, *reporting, February 1, 2010*, section 4. See also U.S. Department of State, "Togo," in *Trafficking in Persons Report- 2009*, Washington, DC, June, 2009, 283; available from <http://www.state.gov/documents/organization/123357.pdf>. See also U.S. Embassy- Lome official, E-mail communication, November 18, 2010.

⁴⁹⁶⁷ U.S. Embassy- Lome, *reporting, February 18, 2010*, 27f.

⁴⁹⁶⁸ U.S. Embassy- Lome, *reporting, February 1, 2010*, section 8. See also U.S. Embassy- Lome, *reporting, February 6, 2009*, section 8.

⁴⁹⁶⁹ UNODC, *Global Report on Trafficking in Persons*, February, 2009; available from http://www.ungift.org/docs/ungift/pdf/humantrafficking/Global_Report_on_TIP.pdf. See also Government of Togo, *La Politique Nationale de Protection de l'Enfant*, 27. See also U.S. Embassy- Lome, *reporting, February 18, 2010*, 26b-c.

⁴⁹⁷⁰ U.S. Embassy- Lome, *reporting, February 6, 2009*, section 7.

⁴⁹⁷¹ U.S. Embassy- Lome, *reporting, February 1, 2010*, section 9. See also U.S. Embassy- Lome, *reporting, February 18, 2010*, section 5e. See also U.S. Department of State, "Country Reports- 2009: Togo," section 7.

⁴⁹⁷² U.S. Department of State, "Trafficking in Persons Report- 2010: Togo."

⁴⁹⁷³ Agbodan, *Etude sur l'analyse des dispositifs regionaux, prefectoraux et communautaires de collecte et de gestion de donnees sur le travail des enfants au Togo*, 25-26.

⁴⁹⁷⁴ ILO-IPEC, *Strategie nationale pour l'elimination du travail des enfants a travers l'education, la formation professionnelle et l'apprentissage*, October 2006. See also ILO-IPEC, *Combating Exploitative Child Labour through Education, Project Document (September 2008)*, 17. See also Jeannet, *USDOL-managed External Midterm Evaluation of the Combating Exploitive Child Labor in Togo through Education Project (CECLET)*, 8, 41. See also ILO-IPEC, *Combating Exploitative Child Labour in Togo through Education*, Status Report, July 30, 2010, 4.

⁴⁹⁷⁵ ILO-IPEC, *Strategie nationale pour l'elimination du travail des enfants a travers l'education, la formation professionnelle et l'apprentissage*, 3-5.

⁴⁹⁷⁶ ILO-IPEC, *Combating Exploitative Child Labour through Education, Project Document (September 2008)*, 17. See also ILO-IPEC, *Strategie nationale pour l'elimination du travail des enfants a travers l'education, la formation professionnelle et l'apprentissage*, 17-27.

⁴⁹⁷⁷ Government of Togo, "Plan National d'Action de Lutte Contre La Traitedes Enfants a des Fins d'Exploitation de Leur Travail," (October 04,2001); available from [hard copy on file]. See also ILO-IPEC, *Combating the trafficking of children for labour exploitation in West & Central Africa: Phase I & II*, Geneva, July 2001, 8.

⁴⁹⁷⁸ ECOWAS Commission, *Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa*, April, 2009; available from [hard copy on file]. See also ECOWAS, *Regulation C/REG.7/05/09 Relating to the Adoption of the Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa*, C/REG.7/05/09, 62 (May 26, 2009); available from [hard copy on file].

⁴⁹⁷⁹ ECOWAS Commission, *Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa*. See also ECOWAS, *Regulation C/REG.7/05/09*.

⁴⁹⁸⁰ IMF, *Togo: Interim Poverty Reduction Strategy Paper*, April 2008; available from <http://www.imf.org/external/pubs/ft/scr/2008/cr08144.pdf>. See also UN, *Plan Cadre des Nations Unies Pour l'Aide au Developpement Au Togo (UNDAF) 2008-2012*, Lome, April, 06 2007, 39; available from <http://www.undg.org/docs/7861/UNDAF-TOGO%202008-2012%2006%20avril%20%2007.pdf>. See also World Bank, *Education for All: Fast Track Initiative Catalytic Fund: Togo*, June, 2009; available from http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2010/01/12/000262044_20100114094733/Rendered/PDF/PID0Concept0Stage0Togo0EFA1FTI.pdf.

⁴⁹⁸¹ ILO-IPEC, *Combating Exploitative Child Labour through Education, Project Document (September 2008)*, 17. See also ILO-IPEC, *Strategie nationale pour l'elimination du travail des enfants a travers l'education, la formation professionnelle et l'apprentissage*, 17-27. See also Government of Togo, *Plan National d'Action de Lutte Contre La Traite des Enfants a des Fins d'Exploitation de Leur Travail*, 8.

⁴⁹⁸² ILO-IPEC, *Combating the trafficking of children for labour exploitation: Phase I & II (July 2001)*, 8.

⁴⁹⁸³ USDOL, *Combating Trafficking in Children for Labor Exploitation in West and Central Africa, Phases 1 & 2 (LUTRENA)*, Technical Cooperation Project Summary, 2007. See also USDOL, *Combating Child Trafficking in Togo through Education (COMBAT)*, Technical Cooperation Project Summary, 2006.

⁴⁹⁸⁴ ILO-IPEC, *Combating Exploitative Child Labour through Education, Project Document (September 2008)*, i, 34-35.

⁴⁹⁸⁵ ILO-IPEC, *La Formation Professionnelle et l'Apprentissage: Une alternative au travail precoce et aux pires formes de travail des enfants en afrique francophone*, January, 2009; available from www.ilo.org/ipeinfo/product/viewProduct.do?productId=9330. See also ILO-IPEC official, E-mail communication to USDOL official, September 1, 2010. See also ILO-IPEC official, E-mail communication to USDOL official, July 17, 2010.

⁴⁹⁸⁶ ILO-IPEC, *Action against child labor: IPEC Highlights 2008*, Geneva, 2009; available from [http://www.ilo.org/public/libdoc/ilo/P/09322/09322\(2008\)highlights.pdf](http://www.ilo.org/public/libdoc/ilo/P/09322/09322(2008)highlights.pdf). See also ILO-IPEC, *Combating Exploitative Child Labour in Togo through Education*, Technical Progress Report, Geneva, September 2, 2009. See also ILO-IPEC official, E-mail communication, September 1, 2010. See also ILO-IPEC official, E-mail communication, July 17, 2010.

⁴⁹⁸⁷ Terre des Hommes, *INFO Togo: Combating Child Trafficking and Exploitation: Special Medical Treatment*, [online] [cited December 31, 2009]; available from [http://www.tdh.ch/website/doc_dnld.nsf/bf25ab0f47ba5dd785256499006b15a4/94345df3990ab24cc1257608004adde0/\\$FILE/tdh_info_togo_2009_en.pdf](http://www.tdh.ch/website/doc_dnld.nsf/bf25ab0f47ba5dd785256499006b15a4/94345df3990ab24cc1257608004adde0/$FILE/tdh_info_togo_2009_en.pdf).

⁴⁹⁸⁸ U.S. Department of State, "Trafficking in Persons Report- 2009: Togo," 284. See also U.S. Embassy- Lome, *reporting*, January 23, 2009. See also U.S. Embassy- Lome, *reporting, February 18, 2010*, section 6f.

⁴⁹⁸⁹ U.S. Embassy- Lome, *reporting, February 18, 2010*, section 6c.

⁴⁹⁹⁰ *Ibid.*, section 4d.

⁴⁹⁹¹ U.S. Department of State, "Trafficking in Persons Report- 2010: Togo."

Tonga

The Government of Tonga increased the compulsory school age to 18. There are anecdotal reports of children engaged in farming and fishing. There are gaps in the legal framework to protect children against labor exploitation as the Government has not yet set a minimum age for employment. The lack of evidence of worst forms of child labor may be an indicator of a small or hidden problem.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor






There is little available information about the extent and nature of the worst forms of child labor in Tonga.⁴⁹⁹² However, there are anecdotal reports that children engage in farming and fishing.⁴⁹⁹³ Children engaged in agriculture may be exposed to chemicals, injured by dangerous machinery or tools, and suffer physical harm from repetitive motions and carrying excessively heavy loads, while children involved in fishing are at risk of injuries and drowning.

There have also been reports of foreign fishing crews soliciting girls for sexual exploitation.⁴⁹⁹⁴

Laws and Regulations on the Worst Forms of Child Labor

There is no legislation that specifies a minimum age for work or hazardous forms of work.⁴⁹⁹⁵

The Constitution of Tonga prohibits forced or compulsory work, including slavery.⁴⁹⁹⁶ The Criminal Offenses Act prohibits the owning and/or operating of a brothel, pimping, and soliciting a prostitute in a public place. The Act also prohibits the abduction of girls under age 14, and the procurement or attempt at

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	None
	Minimum Age for Hazardous Work	None
	Compulsory Education Age	18
	Free Public Education	Yes

procurement of any girl under age 21 for prostitution either within or outside the country.⁴⁹⁹⁷ However, the Act does not prohibit the abduction of boys, nor procurement or the attempt to procure boys for prostitution. Without specifically addressing gender, Tonga's Transnational Crimes Act does prohibit the

trafficking and attempt at trafficking of both adults and minors across Tonga's borders.⁴⁹⁹⁸ The Tonga law also explicitly prohibits child pornography.⁴⁹⁹⁹

There is no military conscription in Tonga. The minimum age for voluntary service is age 18, but with parental approval. Children as young as age 16 can join the military in non-combat positions.⁵⁰⁰⁰

No other legal restrictions on the work that children may perform could be identified.

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Tonga has established a mechanism to coordinate government efforts to combat worst forms of child labor.⁵⁰⁰¹ Tonga does not have any labor inspectors; complaints regarding prohibited worst forms of child labor are handled by the Ministry of Labor or the Ministry of Police.⁵⁰⁰² No official statistics are available on the number of investigations into prohibited worst forms, but the head of the police force's domestic violence unit estimates that two or three investigations are conducted each year.⁵⁰⁰³ 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.⁵⁰⁰⁴

Government Policies on the Worst Forms of Child Labor

Research found no evidence that the worst forms of child labor are a direct focus of government policies.⁵⁰⁰⁵

Among its objectives, the Strategic Development Plan Eight (2006-2009), aimed to improve educational standards for children and youth.⁵⁰⁰⁶ This appears to be a long-standing objective. The Ministry of Education's 1996 Strategic Plan sought to increase the compulsory school age to 17 by 2010, and to establish universal access to quality education up to that age.⁵⁰⁰⁷ The Government has raised the compulsory school age to 18.⁵⁰⁰⁸

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

Research found no evidence that the Government of Tonga has established programs to combat the worst forms of child labor.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Establish a minimum age for employment and a higher minimum age for hazardous work.
- Define hazardous occupations and activities forbidden for children.
- Amend legislation to include boys as victims in prohibitions on abduction and procuring or attempting to procure a child for prostitution.
- Increase the minimum age for military service to 18.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish enforcement mechanism for prohibitions on forced and compulsory labor.
- Ensure enforcement capacity for any new child labor laws enacted.
- Maintain records of investigations into prohibited worst forms of child labor.

IN THE AREA OF POLICIES:

- Conduct a study to better identify the extent and nature of the worst forms of child labor in Tonga.
- In the area of social programs:
- Use the results of the study to consider whether the worst forms of child labor require a dedicated policy and program focus.

⁴⁹⁹² Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴⁹⁹³ U.S. Embassy- Suva, *reporting*, February 2, 2010. See also U.S. Department of State, “Tonga,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136012.htm>.

⁴⁹⁹⁴ U.S. Department of State, “Country Reports- 2009: Tonga,” section 6.

⁴⁹⁹⁵ U.S. Embassy- Suva, *reporting*, December 10, 2007, para 5A. See also U.S. Department of State, “Country Reports- 2009: Tonga,” section 7d.

⁴⁹⁹⁶ Government of Tonga, *Constitution of Tonga*, (1988), article 2; available from http://www.paclii.org/to/legis/consol_act/cot238/.

⁴⁹⁹⁷ Government of Tonga, *Criminal Offenses Act*, (1988), articles 80, 81, 125, 126, and 129; available from http://www.paclii.org/to/legis/consol_act/co136/.

⁴⁹⁹⁸ Government of Tonga, *Transnational Crimes Act*, (2006), articles 24-26.

⁴⁹⁹⁹ International Centre for Missing and Exploited Children, *Child Pornography: Model Legislation and Global Review*, 2008, 30; available from http://www.icmec.org/en_X1/English__5th_Edition_.pdf.

⁵⁰⁰⁰ Government of Tonga, *Tonga Defence Services Act 1992*, article 25; available from <http://legislation.to/Tonga/DATA/PRIN/1992-017/TongaDefenceServicesAct1992.pdf>. See also 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.

⁵⁰⁰¹ U.S. Embassy- Suva, *reporting*, December 10, 2007, section 5b.

⁵⁰⁰² U.S. Embassy- Suva official, E-mail communication to USDOL official, September 9, 2010.

⁵⁰⁰³ Ibid.

⁵⁰⁰⁴ U.S. Embassy- Suva, *reporting*, February 2, 2009, para 24B.

⁵⁰⁰⁵ U.S. Embassy- Suva, *reporting*, February 2, 2010.

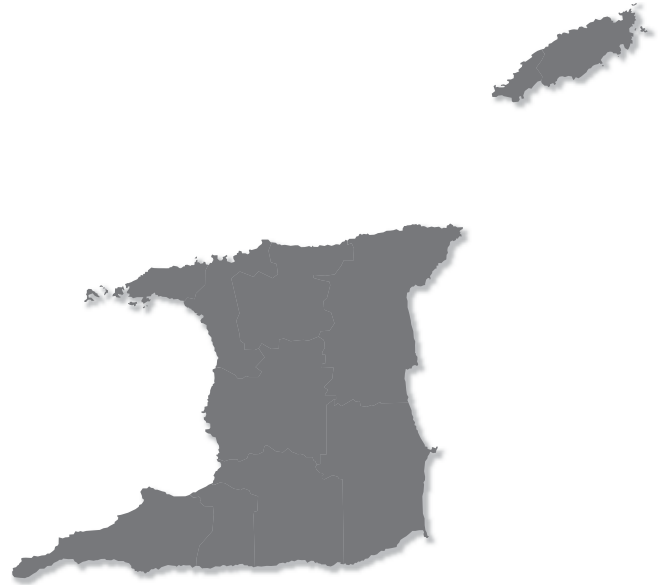
⁵⁰⁰⁶ Government of Tonga, *Strategic Development Plan Eight 2006-2009: Looking to the Future Building on the Past*, 2006, 5, 46, 100, 106, 108, and 109; available from <http://www.sprep.org/att/IRC/eCOPIES/Countries/Tonga/13.pdf>.

⁵⁰⁰⁷ UNESCO, “Tonga,” in *Education for All 2000 Assessment: Country Reports*, Geneva, 2000; available from http://www.unesco.org/education/wef/countryreports/tonga/rapport_3.html.

⁵⁰⁰⁸ U.S. Embassy- Suva official, E-mail communication, September 9, 2010. See also U.S. Embassy- Suva, *reporting*, December 10, 2007.

Trinidad and Tobago

The Government of Trinidad and Tobago has participated in some programs to assist child trafficking victims. Even though it appears that the worst forms of child labor are not a widespread problem in Trinidad and Tobago, some children engage in agricultural and domestic service work. There are significant gaps in legislation to protect children from the worst forms of child labor.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	3.5%
Attending School	5-14 yrs.	97.0%
Combining Work and School	7-14 yrs.	3.4%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁵⁰⁰⁹

Available information indicates that the worst forms of child labor are not a large problem in Trinidad and Tobago. However, some children are found in the worst forms of child labor, particularly in the small-scale agricultural sector, which commonly involves activities such as the use of potentially dangerous machines, tools, pesticides, and carrying heavy loads. Children also perform domestic service, which may involve long hours, and the risk of physical and sexual exploitation.⁵⁰¹⁰

Trinidad and Tobago is a destination, source, and transit country for trafficked children, including children forced into prostitution.⁵⁰¹¹

Laws and Regulations on the Worst Forms of Child Labor

Trinidad and Tobago's Miscellaneous Provisions (Minimum Age for Admission to Employment) Act, 2007 sets the minimum age for employment at private and public enterprises at 16.⁵⁰¹² It also prohibits children under age 18 from working between 10:00 p.m. and 5:00 a.m., except in family enterprises.⁵⁰¹³ Current law sets no minimum age for hazardous work.⁵⁰¹⁴

School is only compulsory through age 12, 4 years before children are legally permitted to work. Children who are not in school, and cannot work legally may be vulnerable to the worst forms of child labor.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	None
	Compulsory Education Age	12
	Free Public Education	Yes

The Constitution prohibits forced or compulsory labor of children.⁵⁰¹⁵ The Sexual Offences Act and the Children Act prohibit child prostitution and the commercial sexual exploitation of children.⁵⁰¹⁶ Traffickers can be prosecuted under laws that pertain to kidnapping, procurement of sex, prostitution, slavery, and indentured servitude. Trinidad and Tobago has no compulsory military service. The minimum age for recruitment to the armed forces is 18; however, children between the ages of 16 and 18 willing to join the armed forces may do so with written approval from a parent or guardian.⁵⁰¹⁷

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Trinidad and Tobago has established a coordinating mechanism to combat the worst forms of child labor, although the Children's Authority is responsible for ensuring the well-being of the children, including those engaged in child labor.⁵⁰¹⁸ The Ministry of Labor and Small and Micro-Enterprise (MLSME), the Ministry of the People and Social Development, the police, and the family courts are responsible for monitoring and enforcing child labor laws.⁵⁰¹⁹

The Labor Inspectorate Unit of the MLSME investigates child labor violations in the workplace. It enforces hazardous child labor laws through the Occupational Safety and Health Authority, and forced child labor laws together with the Ministry of the People and Social Development.⁵⁰²⁰ During the reporting period it employed 19 inspectors.⁵⁰²¹ The inspectors received training on forced child labor and on the prosecutorial process from the Cipriani Labor College and the International Organization for Migration. The Labor Inspectorate Unit conducted 1,236 labor-related inspections during the reporting period and found no cases of child labor.⁵⁰²²

The police services handle crimes, such as trafficking of children for commercial sexual exploitation and selling drugs.⁵⁰²³ No criminal cases were filed and no one was tried or convicted of trafficking offenses during the reporting period.⁵⁰²⁴

If cases of child labor are found, they are referred to family courts, which are responsible for hearing cases related to violations of child labor laws.⁵⁰²⁵

During the reporting period, the Government also established a multi-agency task force to enact legislation criminalizing human trafficking and to educate and train key stakeholders. For example, hotel workers have been trained to recognize victims and law enforcement officials have received training on identifying victims and providing them with legal and social services.⁵⁰²⁶

Government Policies on the Worst Forms of Child Labor

The Ministry of the People and Social Development continued implementing a 4-year (2006-2010) National Plan of Action for Children, which includes specific goals for combating commercial sexual exploitation of children and exploitative child labor.⁵⁰²⁷

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

Until 2008, Trinidad and Tobago participated in a regional project to combat the worst forms of child labor in the English and Dutch-speaking Caribbean.⁵⁰²⁸ During the reporting period, the Government contracted with an NGO to remove and rehabilitate child laborers from landfill sites.⁵⁰²⁹

The Public Sector Investment Program received funding for 2010 to create a comprehensive public awareness campaign focusing on child labor and using data from a survey of children.⁵⁰³⁰

The Government also worked with IOM to increase awareness of human trafficking, formulate legislation to criminalize it, and to develop a coalition with local NGOs to confront it.⁵⁰³¹ The Ministry of the People and Social Development, UNICEF, private enterprises, and the Trinidad and Tobago Coalition Against Domestic Violence, ran Childline Services, a program that can be accessed by young persons at risk of or victims of exploitation or trafficking.⁵⁰³²

Research found no evidence of social programs to combat child labor in the two sectors which it most commonly occurs: agriculture and domestic work.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Legally specify a minimum age for hazardous employment.
- Raise the age of compulsory education to 16, the established minimum age for work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.

IN THE AREA OF POLICIES:

- Collect data on the nature and incidence of the worst forms of child labor to guide policy and enforcement.

IN THE AREA OF PROGRAMS:

- Implement programs to address the worst forms of child labor, including in agriculture and domestic service.
- Expand programs to combat child trafficking.

⁵⁰⁰⁹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁵⁰¹⁰ U.S. Embassy- Port of Spain, *reporting*, February 17, 2010. See also U.S. Embassy- Port of Spain, *reporting*, April 9, 2010.

⁵⁰¹¹ U.S. Department of State, "Trinidad and Tobago," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>.

⁵⁰¹² 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); available from <http://www.ttparliament.org/legislations/a2007-03.pdf>.

⁵⁰¹³ U.S. Department of State, "Trinidad and Tobago," in *Country Reports on Human Rights Practices- 2009*, March 11, 2010; available from <http://www.state.gov/g/drl/rls/>

hrrpt/2009/wha/136128.htm. See also U.S. Embassy- Port of Spain, *reporting*, February 17, 2010.

⁵⁰¹⁴ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Trinidad and Tobago (ratification: 2003)*, [online] 2009 [cited March 4, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloen&document=23559&chapter=9&query=Trinidad+and+Tobago%40ref&highlight=&querytype=bool&context=0>. See also ILO, *National Legislation on Hazardous Work*, [online] 2009 [cited July 15, 2010]; available from <http://www.cinterfor.org.uy/public/spanish/region/ampro/cinterfor/temas/youth/legisl/oit/tabla/index.htm>.

⁵⁰¹⁵ Government of the Republic of Trinidad and Tobago, *The Constitution of the Republic of Trinidad and Tobago with Reforms through 2000*, (August 1, 1976); available from <http://pdba.georgetown.edu/Constitutions/Trinidad/trinidad76.html>.

⁵⁰¹⁶ Government of the Republic of Trinidad and Tobago, *Sexual Offences Act (with amendments)*, (November 11, 1986); available from http://rgd.legalaffairs.gov.tt/Laws2/Chs_10-13/11.28/11.28.htm. See also U.S. Embassy- Port of Spain, *reporting*, February 17, 2010.

⁵⁰¹⁷ Coalition to Stop the Use of Child Soldiers, "Trinidad and Tobago," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/trinidad-and-tobago>.

⁵⁰¹⁸ Government of the Republic of Trinidad and Tobago, *Act No. 14 of 2008: An Act to amend the Children's Authority Act, 2000*, (September 26, 2008); available from <http://www.ttparliament.org/legislations/a2008-14.pdf>.

⁵⁰¹⁹ U.S. Embassy- Port of Spain, *reporting*, February 17, 2010.

⁵⁰²⁰ U.S. Embassy- Port of Spain, *reporting*, February 17, 2010. See also U.S. Department of State, “Trinidad and Tobago,” 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/119175.htm>.

⁵⁰²¹ U.S. Embassy- Port of Spain, *reporting*, February 17, 2010. See also U.S. Department of State, “Country Reports-2009: Trinidad and Tobago.”

⁵⁰²² Ibid.

⁵⁰²³ U.S. Embassy- Port of Spain, *reporting*, February 17, 2010.

⁵⁰²⁴ Ibid.

⁵⁰²⁵ U.S. Embassy- Port of Spain, *reporting*, February 18, 2009.

⁵⁰²⁶ U.S. Embassy- Port of Spain, *reporting*, April 9, 2010. See also U.S. Embassy- Port of Spain, *reporting*, February 17, 2010.

⁵⁰²⁷ Trinidad and Tobago Ministry of Social Development, “Caribbean Sub-Regional Meeting to Assess the Implementation of the Programme of Action of the International Conference on Population and Development

(ICPD) - 15 Years after its Adoption” (St. John’s, Antigua and Barbuda, 2009); available from http://www.cepal.org/celade/noticias/paginas/6/37126/ICPD15_CR_TrinTob.pdf. See also U.S. Embassy- Port of Spain, *reporting*, February 17, 2010.

⁵⁰²⁸ ILO, *IPEC Action Against Child Labour 2008-2009: IPEC Progress and Future Priorities*, 2010; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=12813>.

⁵⁰²⁹ U.S. Embassy- Port of Spain, *reporting*, February 17, 2010.

⁵⁰³⁰ Ibid.

⁵⁰³¹ 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.

⁵⁰³² Broken Child, *ChildLine- Trinidad and Tobago*, [online] 2008 [cited July 6, 2010]; available from <http://www.brokenchild.org/forum/viewtopic.php?f=77&t=318>. See also Ministry of Social Development and UNICEF, *Greetings by the Honourable Anthony Roberts Minister of Social Development at the Official Launch of Childline-Trinidad and Tobago Services Hosted by UNICEF*, 2008.

Tunisia

The Government of Tunisia has established a legal framework to protect children from the worst forms of child labor. However, the Tunisian Government has not published a list of hazardous work for children and the use of children in domestic service remains a problem.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable








Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁵⁰³³

In Tunisia, children are exploited in the worst forms of child labor, many in domestic service. Some children, mostly girls, work as domestic servants, which puts them at risk of physical, psychological, and sexual abuse.⁵⁰³⁴ Anecdotal reports indicate that children may work in the agricultural sector, where they may be exposed to chemicals, injured by dangerous machinery or tools, and suffer physical harm from repetitive motions and carrying excessively heavy loads.⁵⁰³⁵ Children also work in mechanics shops and as street vendors of flowers, cigarettes, and other small items.⁵⁰³⁶ Street vending may expose children to dangers such as road accidents, air pollution, and extreme weather. There have been reports of girls trafficked internally for domestic servitude.⁵⁰³⁷

Laws and Regulations on the Worst Forms of Child Labor

Tunisia's Labor Code sets the minimum age for employment at 16 with some exceptions. The Labor Code and Child Protection Code bar children under the age of 18 from hazardous work. The Labor Code gives the Ministry of Social Affairs the authority to determine which jobs fall under this category.⁵⁰³⁸ The Ministry has not published a list of hazardous occupations as required under ILO Convention

182; therefore, it is unclear which types of work are excluded.

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

Law No. 89-23 prohibits forced labor.⁵⁰³⁹ The Child Protection Code outlaws children's participation in wars or armed conflicts and prostitution. The Child Protection Code sets the age for voluntary military service at 18,⁵⁰⁴⁰ and Act No. 51-1989 sets the

minimum age for compulsory recruitment at 20.⁵⁰⁴¹ The law does not specifically prohibit trafficking, although traffickers may be prosecuted under laws against forced labor, prostitution, participation in armed conflict, or displacement.⁵⁰⁴²

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Tunisia has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Social Affairs, Solidarity, and Tunisians Abroad is responsible for enforcing child labor laws, including laws on hazardous labor, through its labor inspectors.⁵⁰⁴³ No information was available on the number of inspectors, their funding or the number of inspections carried out.

The Tunisian General Union of Labor may also perform work inspections where the Union operates and can submit complaints to the Government. The Ministry of Women, Family, Children, and Senior Citizens' Affairs (MWFCSCA) is likewise empowered to conduct inspections.⁵⁰⁴⁴ Additionally, the Child Protection Code establishes a Child Protection Delegation within the MWFCSCA to enforce the Code in each of the 24 governorates of the country.⁵⁰⁴⁵ The delegates may receive and investigate complaints from or involving children. Since its creation in 2006, the Delegation has received over 10,000 complaints, though it is unclear how many of those complaints were filed in the reporting period.⁵⁰⁴⁶ Based on the volume of complaints received, the number of delegates is not sufficient to handle all the complaints. It is not clear from the available evidence how these agencies coordinate.

Research has found no evidence that the Government has established a lead agency for enforcing anti-trafficking laws. The Government did not provide training in identifying victims of trafficking to any

officials, including those responsible for enforcing laws under which traffickers may be punished.⁵⁰⁴⁷ As a result of this lack of training and effort, trafficking victims, including children, may remain unidentified.⁵⁰⁴⁸

Information on the prosecution of worst forms of child labor is limited; however some enforcement efforts have been reported. In April 2009, a Tunisian woman was convicted of engaging a girl age 7 in domestic servitude and physically abusing her; the woman was sentenced to 3 years in prison.⁵⁰⁴⁹

Government Policies on the Worst Forms of Child Labor

Tunisia issued a 2004-2015 plan to promote quality education and healthy development for boys and girls.⁵⁰⁵⁰ The question of whether this policy has an impact on the worst forms of child labor does not appear to have been addressed.⁵⁰⁵¹

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

In 2004, the World Bank approved a \$130 million loan to the Government for the second phase of an Education Quality Improvement Project designed to facilitate the Ministry of Education's efforts to promote primary and secondary education. This project aims to boost school enrollment and completion rates for children age 6 to 18 and was set to end in September 2010.⁵⁰⁵² Though this program does not target child labor, it may provide benefits to working children.

In 2008, the Government of Tunisia worked with UNICEF to draft a report on street children, which they indicated would be released in early 2009; however, the Government has not yet published the findings.⁵⁰⁵³

Research found no evidence of programs to address child labor, including as domestic servants.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Publish a list of hazardous occupations for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Make data publicly available on the number of inspectors as well as the number and results of inspections of child labor violations.
- Increase the number of Child Protection Delegates.
- Designate agencies to enforce anti-trafficking legislation, and provide training on the identification of child victims of trafficking.

IN THE AREA OF POLICIES:

- Assess the impact that the 2004-2015 plan may have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Implement programs to specifically address the worst forms of child labor, including domestic service.
- Release the 2008 report on street children in order to develop appropriately targeted social programs.

⁵⁰³³ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁵⁰³⁴ U.S. Embassy- Tunis, *reporting*, February 8, 2010, section 2A-1. See also U.S. Department of State, “Tunisia,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6, 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136081.htm>.

⁵⁰³⁵ U.S. Embassy- Tunis, *reporting*, February 8, 2010.

⁵⁰³⁶ Ibid. See also U.S. Embassy- Tunis, *reporting*, February 10, 2009, para 4.

⁵⁰³⁷ U.S. Department of State, “Country Reports- 2009: Tunisia,” section 6. See also U.S. Department of State, “Tunisia,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>.

⁵⁰³⁸ Government of Tunisia, *Code du travail*, 1996, Loi no. 66-27, (April 30, 1966), article 58; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/44414/65029/F96TUN01.htm>.

www.ilo.org/dyn/natlex/docs/WEBTEXT/44414/65029/F96TUN01.htm. See also Government of Tunisia, *Loi No. 95-92, 1995, Relative à la publication du Code de la protection de l’enfant*, (November 9, 1995), article 20; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/42904/64989/F95TUN01.htm>.

⁵⁰³⁹ Government of Tunisia, *Loi no. 89-23 du 27 février 1989 portant suppression de la peine des travaux forcés*, accessed January 27, 2010; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=TUN&p_classification=03&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY. See also U.S. Department of State, «Tunisia,» 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/2007/100607.htm>.

⁵⁰⁴⁰ Government of Tunisia, *Loi No. 95-92, 1995*, article 3,18, 20, 25.

⁵⁰⁴¹ 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.

⁵⁰⁴² U.S. Embassy- Tunis, *reporting*, February 18, 2010, section 5-A.

⁵⁰⁴³ Government of Tunisia, *Code du travail*, article 170, 171. See also U.S. Embassy- Tunis, *reporting*, February 18, 2010, section 2C-1.

⁵⁰⁴⁴ U.S. Embassy- Tunisia, *reporting, February 8, 2010*, section 2C-1.

⁵⁰⁴⁵ Government of Tunisia, *Loi No. 95-92, 1995*, article 28.

⁵⁰⁴⁶ Save the Children Sweden, *Child Rights Situation Analysis for MENA Region*, August 2008, 121; available from <http://sca.savethechildren.se/Documents/Resources/Child%20Rights%20Situation%20Analysis%20for%20Middle%20East%20and%20North%20Africa.pdf>.

⁵⁰⁴⁷ U.S. Embassy- Tunisia, *reporting, February 18, 2010*, section 5B, 7K.

⁵⁰⁴⁸ U.S. Department of State, “Trafficking in Persons Report- 2010: Tunisia.”

⁵⁰⁴⁹ U.S. Embassy- Tunisia, *reporting, February 18, 2010*, section 2A, 2C. See also U.S. Embassy- Tunisia official, E-mail communication to USDOL official, April 15, 2010.

⁵⁰⁵⁰ Management Systems International, *Combating Child Labor Through Education in Morocco (Project Adros):*

Technical Progress Report, Rabat, March 31, 2004, 8. See also UNICEF, *Investing in the Children of the Islamic World: Achievements*, 2004; available from <http://www.unicef.org/policyanalysis/files/Achievements.pdf>.

⁵⁰⁵¹ Management Systems International, *Project Adros: Technical Progress Report*, 8. See also UNICEF, *Investing in the Children*.

⁵⁰⁵² Screen Juma, “Tunisia: World Bank Supports Efforts to Improve Teaching, Learning in Schools”, WorldBank.org, [online], March 10, 2004 [cited July 29, 2010]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/TUNISIAEXTN/0,,contentMDK:20175801~menuPK:64282138~pagePK:41367~piPK:279616~theSitePK:310015,00.html>. See also World Bank Projects Database, *Education Quality Improvement Program (EQIP) Phase 2*, July 29, 2010; available from <http://www.worldbank.org>.

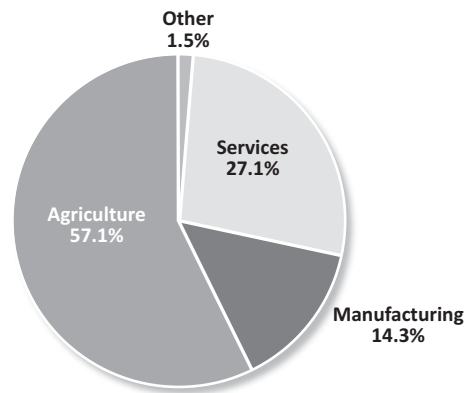
⁵⁰⁵³ U.S. Embassy- Tunisia, *reporting, February 10, 2009*.

Turkey

The Government of Turkey has committed to eliminating the worst forms of child labor by 2014, and has put in place a policy framework and labor inspection system; however, many children continue to be engaged in the worst forms of child labor, particularly in agriculture and the informal sector, due to gaps in legislation and the current government's program focus on human trafficking.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	6-14 yrs.	2.6%
Attending School	6-14 yrs.	92.4%
Combining Work and School	7-14 yrs.	1.5%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

In Turkey, children are engaged in the worst forms of child labor⁵⁰⁵⁴, most often in the agriculture and forestry sectors, producing cotton and cut logs. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of livestock, onions, tea, processed mussels, dried sliced tomatoes, bricks, leather goods/accessories and footwear.⁵⁰⁵⁵ They often work long hours and are involved in activities such as using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides.⁵⁰⁵⁶

According to Government reports, children are also exploited in street work.⁵⁰⁵⁷ As of December 2009, 8,298 children were found to be working on the streets.⁵⁰⁵⁸ There were reports of parents forcing their children to shine shoes, sell tissues and food, and beg.⁵⁰⁵⁹ Children working on the streets may be exposed to severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Children also work in small-scale carpentry and manufacturing and boys are often employed in auto repair shops.⁵⁰⁶⁰

Trafficking is also a problem. The country is a destination and, to a lesser extent, transit country for women and children trafficked primarily for commercial sexual exploitation.⁵⁰⁶¹






Laws and Regulations on the Worst Forms of Child Labor

The Labor Act establishes the minimum age for work at 15 and prohibits children under 16 from working more than 8 hours per day.⁵⁰⁶² Children under 16 are prohibited from employment in arduous or dangerous work.⁵⁰⁶³ 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.⁵⁰⁶⁴ Decree number 25425 on the fundamentals and principles of the employment of children and young workers (April 2004) lays out the list of hazardous labor prohibited to people under the age of 18.⁵⁰⁶⁵ Available information does not reveal the specific occupations included on either the list of prohibited hazardous labor or the list of arduous and dangerous work allowed for children over age 16.

A number of sectors are not covered by the labor laws, including agricultural enterprises employing

50 or fewer workers, small shops employing up to three persons, and domestic service. Article 4 of the Labor Act of Turkey specifically exempts activities and employment relationships in those sectors from the provisions of the Labor Act.⁵⁰⁶⁶ Many children are known to work in these sectors, especially small agricultural enterprises. This leaves children vulnerable to hazardous labor conditions without legal protection.

In addition to barring children from hazardous work, Turkey prohibits forced or compulsory labor.⁵⁰⁶⁷ Article 227 of the New Turkish Penal Code prohibits prostitution under the age of 21 years and the sexual exploitation of children in the production of pornography.⁵⁰⁶⁸ Article 80 of the Turkish Penal Code outlaws trafficking for sexual exploitation and forced labor for both adults and children.⁵⁰⁶⁹ The voluntary military recruitment age in Turkey is 18 with compulsory recruitment at 19.⁵⁰⁷⁰

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

Institutional Mechanisms for Coordination and Enforcement

The Disadvantaged Groups Department (DGD) of the Ministry of Labor and Social Security (MOLSS) is the primary agency coordinating and collaborating across the Government on child labor issues.⁵⁰⁷¹ It coordinates efforts of the Ministry of Education, the

Social Services and Child Protection Institution, the Ministry of the Interior, the Ministry of Justice, and non-governmental organizations (NGOs).⁵⁰⁷² The DGD acts as the secretariat of the National Guidance Committee, which monitors child labor and the activities of the Government to combat the problem. Representatives from the Government, labor unions, and NGOs participate in the committee.⁵⁰⁷³

Within the Ministry of Foreign Affairs, an ambassadorial-level official serves as coordinator of the Government’s Task Force on Human Trafficking. This task force also includes officials from six ministries, as well as representatives from NGOs, the IOM, and each municipality.⁵⁰⁷⁴

MOLSS conducts labor enforcement in workplaces that are covered by the labor law, including medium- and large-scale industrial and service sector enterprises.⁵⁰⁷⁵ MOLSS inspectors are responsible for enforcing the child labor laws and are instructed to prioritize complaints alleging child labor.⁵⁰⁷⁶ There are 627 labor inspectors and 70 deputy inspectors operating in Turkey with 285 inspectors assigned to cases of occupational health and safety including cases of hazardous child labor.⁵⁰⁷⁷ As of January 2009, all inspectors had been trained in child labor issues, including how to identify underage children in the workplace.⁵⁰⁷⁸

In the first 6 months of 2009, there were 8,508 occupational health and safety inspections revealing 2,764 cases of child labor.⁵⁰⁷⁹ Inspections focusing on specific sectors were also conducted in 2009 including inspections of construction sites and underground mines; however, the reports of these inspections have not yet been released.⁵⁰⁸⁰

The Commission on Child Laborers Working on the Streets investigates instances of child street labor and proposes intervention programs.⁵⁰⁸¹

Complaints about hazardous child labor can be made by phone to a hotline operated by the Social Services Institution or to the Web site of the Prime Minister’s Office Communications Center.⁵⁰⁸² According to the Prime Minister’s Social Services and Child Protection Institution, as a result of calls to this hotline, 740 parents were given notifications that they had committed a crime for making their children work in the streets. Of those, 151 were punished.⁵⁰⁸³

The Turkish National Police (TNP) employs 3,500 officers tasked with addressing children's issues.⁵⁰⁸⁴ 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 exploitation.⁵⁰⁸⁵ The TNP also investigates cases of human trafficking and reports capturing 246 and arresting 178 suspected traffickers in 2009.⁵⁰⁸⁶ The Ministry of Justice reports convicting 23 suspects for human trafficking violations in 2009. It is unclear whether these convictions were for child or adult trafficking.⁵⁰⁸⁷

The Ministry of Justice, TNP, and MOLSS provide anti-human trafficking training for employees.⁵⁰⁸⁸ Turkish National Police officers received training in six cities with judges and prosecutors participating in training focused on victim identification and interviewing.⁵⁰⁸⁹

Government Policies on the Worst Forms of Child Labor

The Government of Turkey developed a National Timebound Policy and Program Framework in 2004 which aims to eliminate the worst forms of child labor by 2014. The policy prioritizes reducing poverty, improving the quality and accessibility of education, and increasing social awareness and sensitivity to the problem.⁵⁰⁹⁰ It also sets the roles of each participating agency and highlights the need to coordinate across services. It identifies the worst forms of child labor in Turkey including street work, the informal urban economy, seasonal commercial agricultural labor, domestic labor, and rural labor.⁵⁰⁹¹ The policy articulates objectives, indicators, outputs, target groups, activities, and responsibilities for the elimination of the worst forms of child labor. However, no new programs directly carrying out the country's timebound program have been implemented since 2006.⁵⁰⁹²

The Ninth Development Program, the National Program to Harmonize with the EU Acquis for membership, the 2007 Erdogan Government Program, and the Rural Development Program all briefly mention child labor.⁵⁰⁹³ The Government did not prioritize elimination of the worst forms of child labor in these development plans.⁵⁰⁹⁴

In March 2009, Turkey signed the Council of Europe Convention on Action against Trafficking in Human Beings.⁵⁰⁹⁵ The Prime Minister's Office approved the Second National Action Plan against Trafficking

in Persons in June 2009, which will complement an ongoing EU project aimed at ensuring the sustainability of the fight against trafficking.⁵⁰⁹⁶ As a part of this plan, the Ministry of Foreign Affairs is spearheading a multi-agency effort to create a comprehensive plan for addressing trafficking in persons, which would include identifying an agency or NGO responsible for each aspect of trafficking.⁵⁰⁹⁷ The plan will propose legislation that, if approved, would empower the Ministry of Finance to allocate money to these individual ministries or NGOs for their work on trafficking.⁵⁰⁹⁸

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

The Government of Turkey has participated in donor-funded projects to combat child labor in street work, the informal urban economy, and seasonal agriculture. A USDOL-funded project that ended in 2007 worked to build government and civil society's capacity to combat child labor through education and withdrew 5,661 and prevented 7,448 children from the worst forms of child labor through education and vocational training.⁵⁰⁹⁹

In a budget speech before parliament in 2009, the Minister of Labor noted that the MOLSS had plans to initiate new programs to target the worst forms of child labor from 2009-2013.⁵¹⁰⁰ However, research did not reveal any ongoing or new programs directly addressing the reduction of exploitive child labor during the reporting period.⁵¹⁰¹

In an effort to reduce poverty, the Government created a cash transfer program under the direction of the Social Assistance Solidarity Directorate and through the Social Assistance Solidarity Foundations. One of the conditions for families to participate in the program is for children between ages 6 and 15 to attend primary education.⁵¹⁰² While this program is not directly aimed at withdrawing children from worst forms of child labor, it may influence parents to take children out of work to attend school. Available information does not include the funding or scope of this cash transfer program.

To assist victims of human trafficking, the Ministry of Justice provides free legal services to foreign victims who choose to remain in Turkey to testify against traffickers.⁵¹⁰³ 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.⁵¹⁰⁴ The Ministry of Foreign Affairs also supports shelters for trafficking victims in Ankara and Istanbul; however, the \$20,000 provided during the reporting period was insufficient and the shelters continue to rely on external donor funding.⁵¹⁰⁵ In November 2009 the IOM and a local NGO set up a third anti-trafficking shelter in Antalya with the facility donated by the municipality.⁵¹⁰⁶

The Government instituted a trafficking awareness campaign in 2009.⁵¹⁰⁷ This campaign was internationally televised in collaboration with Russia and Moldova, which targeted both victims and traffickers. The Government also partnered with the IOM and other NGOs to raise awareness of the issue.⁵¹⁰⁸

The Government does not currently implement programs to assist children in hazardous labor in agriculture or street work.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the Labor Act to ensure that child labor provisions apply to small-scale agriculture and small businesses.
- Amend the Labor Act to protect child domestic workers.

IN THE AREA OF POLICIES:

- Renew the Timebound Policy and Program for the Elimination of the Worst Forms of Child Labor.
- Mainstream exploitive child labor policies into poverty reduction strategies and action plans and provide resources for these activities.
- Provide adequate funding for anti-trafficking policy implementation and victim assistance programs.

IN THE AREA OF PROGRAMS:

- Renew effective expired social programs in support of the country's Timebound Program.
- Implement programs specifically addressing the most prevalent worst forms of child labor such as hazardous work in agriculture and street work.
- Provide adequate funding to shelters for human trafficking victims.

⁵⁰⁵⁴ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 1999. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁵⁰⁵⁵ U.S. Embassy- Ankara, *reporting*, March 30, 2010. See Also IMPAQ International, *Combating Exploitative Child Labor through Education in Turkey*, Project Document, Columbia, MD, May 17, 2005.

⁵⁰⁵⁶ IMPAQ International, *Combating Exploitative Child Labor through Education in Turkey*, 7-8. ⁵ Ibid.

⁵⁰⁵⁷ U.S. Embassy- Ankara, *reporting*, March 30, 2010, 2.

⁵⁰⁵⁸ U.S. Embassy- Ankara, *reporting*, March 30, 2010.

⁵⁰⁵⁹ U.S. Department of State, "Turkey," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136062.htm>. See also U.S. Department of State, "Turkey," in *Country Reports on Human Rights Practices- 2008*, February 25, 2009, section 6c; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119109.htm>.

⁵⁰⁶⁰ U.S. Department of State, "Country Reports- 2009: Turkey," section 6d. See also U.S. Embassy- Ankara, *reporting*, March 30, 2010.

⁵⁰⁶¹ U.S. Department of State, "Turkey (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142979.pdf>. See also U.S. Department of State, "Turkey (Tier 2)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123365.pdf>.

⁵⁰⁶² U.S. Department of State, "Country Reports- 2009: Turkey," section 6d. See also U.S. Department of State, "Country Reports- 2008: Turkey," section 6d.

⁵⁰⁶³ Government of Turkey, *Labor Act of Turkey, Law No. 4857*, (May 22, 2003), article 85; available from <http://www.ilo.org/public/english/region/eurpro/ankara/legislation/law4857.htm>.

⁵⁰⁶⁴ U.S. Embassy- Ankara, *reporting*, December 14, 2007.

⁵⁰⁶⁵ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Turkey (ratification: 2001)*, [online] 2009 [cited November 30, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23560&chapter=9&query=Turkey%40ref&highlight=&querytype=bool&context=0>.

⁵⁰⁶⁶ U.S. Department of State, "Country Reports- 2008: Turkey," section 6d. See also Government of Turkey, *Labor Act*, article 4.

⁵⁰⁶⁷ U.S. Department of State, "Country Reports- 2009: Turkey." See also U.S. Department of State, "Country Reports- 2008: Turkey," section 6c.

⁵⁰⁶⁸ 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>.

⁵⁰⁶⁹ U.S. Department of State, "Trafficking in Persons Report- 2010: Turkey." See also U.S. Department of State, "Trafficking in Persons Report- 2009: Turkey." See also U.S. Embassy- Ankara, *reporting*, April 7, 2010, 2 and 4.

⁵⁰⁷⁰ Coalition to Stop the Use of Child Soldiers, "Turkey," in *Child Soldiers Global Report 2008*, London, 2008, 342; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁵⁰⁷¹ U.S. Embassy- Ankara official, E-mail communication to USDOL official, October 23, 2010.

⁵⁰⁷² U.S. Embassy- Ankara, *reporting*, March 30, 2010.

⁵⁰⁷³ Ministry of Labor and Social Security, *Views of the Government of Turkey Regarding 2008 Child Labor Review in the Production of Certain GSP-Eligible Hand-Loomed or Hand-Hooked Carpets*, February 14, 2008.

⁵⁰⁷⁴ U.S. Department of State, "Country Reports- 2009: Turkey," section 6.

⁵⁰⁷⁵ Ibid., section 6d.

⁵⁰⁷⁶ U.S. Embassy- Ankara, *reporting*, January 23, 2009.

⁵⁰⁷⁷ U.S. Embassy- Ankara, *reporting*, March 30, 2010.

⁵⁰⁷⁸ U.S. Embassy- Ankara, *reporting*, January 23, 2009.

⁵⁰⁷⁹ U.S. Embassy- Ankara, *reporting*, March 30, 2010.

⁵⁰⁸⁰ Ibid.

⁵⁰⁸¹ 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.

⁵⁰⁸² U.S. Embassy- Ankara, *reporting*, March 30, 2010.

⁵⁰⁸³ Ibid.

⁵⁰⁸⁴ U.S. Embassy- Ankara, *reporting*, January 23, 2009.

⁵⁰⁸⁵ Ibid.

⁵⁰⁸⁶ U.S. Embassy- Ankara, *reporting*, April 7, 2010, 5.

⁵⁰⁸⁷ Ibid., 5-6.

⁵⁰⁸⁸ Ibid., 4 and 6.

⁵⁰⁸⁹ U.S. Department of State, “Country Reports- 2009: Turkey.”

⁵⁰⁹⁰ U.S. Embassy- Ankara, *reporting*, March 30, 2010. See also ILO-IPEC Turkey, *2.1 Time bound National Policy and Programme (BP)*, [online] [cited June 16, 2010]; available from <http://ilo-mirror.library.cornell.edu/public/english/region/eurpro/ankara/programme/ipec/tbp.htm>.

⁵⁰⁹¹ 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.

⁵⁰⁹² U.S. Embassy- Ankara, *reporting*, March 30, 2010.

⁵⁰⁹³ Ibid.

⁵⁰⁹⁴ Ibid., 4.

⁵⁰⁹⁵ U.S. Embassy- Ankara, *reporting*, March 26, 2009.

⁵⁰⁹⁶ U.S. Embassy- Ankara, *reporting*, December 16, 2009.

⁵⁰⁹⁷ U.S. Embassy- Ankara, *reporting*, March 26, 2009. See also U.S. Embassy- Ankara, *reporting*, January 23, 2009.

⁵⁰⁹⁸ Ibid.

⁵⁰⁹⁹ U.S. Department of Labor, *Combating the Worst Forms of Child Labor in Turkey - Supporting the Timebound National Policy and Program for the Elimination of the Worst Forms of Child Labor in Turkey*, Technical Cooperation Project Summary, Washington, DC.

⁵¹⁰⁰ U.S. Embassy- Ankara, *reporting*, January 23, 2009.

⁵¹⁰¹ U.S. Embassy- Ankara, *reporting*, March 30, 2010.

⁵¹⁰² Ibid., 5.

⁵¹⁰³ U.S. Department of State, “Country Reports- 2009: Turkey.” See also U.S. Department of State, “Country Reports- 2008: Turkey,” section 5.

⁵¹⁰⁴ Ibid.

⁵¹⁰⁵ U.S. Department of State, “Trafficking in Persons Report- 2010: Turkey.” See also U.S. Department of State, “Trafficking in Persons Report- 2009: Turkey.”

⁵¹⁰⁶ U.S. Embassy- Ankara, *reporting*, March 16, 2010.

⁵¹⁰⁷ U.S. Embassy- Ankara, *reporting*, April 7, 2010.

⁵¹⁰⁸ Ibid.

Tuvalu

The Government of Tuvalu initiated efforts to ratify ILO Convention 182 on the elimination of the worst forms of child labor. However, significant gaps exist in its legislative framework, in particular insufficient restrictions on hazardous work for children. Children in Tuvalu likely work in fishing and agriculture.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁵¹⁰⁹

Children in Tuvalu are likely exploited in the worst forms of child labor in agriculture and fishing, although no available sources describe these practices in detail.⁵¹¹⁰ Children's work in agriculture commonly involves use of potentially dangerous machinery and tools, carrying heavy loads, and the application of harmful pesticides. Sharp fishing equipment poses a danger to child fishermen, who also risk drowning.

Members of the international community have raised concerns that children in Tuvalu may be exploited in commercial sexual activities and prostitution in particular, although the Government denies that this is a significant problem.⁵¹¹¹ The economic transition underway, moving Tuvalu from a subsistence-based to a monetized-based economy, may lead some children to engage in commercial sexual activities in order to gain access to currency, as has occurred in other nations in the Pacific region.⁵¹¹²

Tuvaluan children who live on outer islands, are members of large families, are disabled, or do not have access to land, are some of the most disadvantaged members of society; their low socioeconomic status elevates this population's vulnerability to the worst forms of child labor.⁵¹¹³

Laws and Regulations on the Worst Forms of Child Labor






The Employment Ordinance sets the minimum age for paid employment at 14, and prohibits children below age 15 from performing hazardous labor.⁵¹¹⁴ The Employment Ordinance allows employers to hire a child to work in agricultural production, aboard a ship, or during the night starting at age 16 with certain restrictions.⁵¹¹⁵ There are no protections for other types of work for children age 16 to 17. Other sections of the law define the terms of apprenticeships for workers below age 18 and place restrictions on recruiting children to work.⁵¹¹⁶

Children in Tuvalu are legally permitted to work in unhealthy environments, where they risk exposure to dangerous substances, temperatures, or noise levels, and are allowed to operate dangerous machinery, equipment; and tools. The law allows a child as young as age 14 to enter a 5-year apprenticeship without providing for adequate legal protections: no restrictions are placed on the type of work that a child apprentice may perform, and these trainees may lawfully live away from their families, increasing the child's vulnerability to exploitation.⁵¹¹⁷

The Employment Ordinance also empowers the Labor Minister to exclude any industry from child labor laws by notice, although there is no information as to whether the country's Labor Minister has exercised this authority.⁵¹¹⁸

The punishment for flouting child labor laws may not be sufficient to deter employers. Violators need only pay a \$50 fine.⁵¹¹⁹

The Penal Code prohibits employers and others from enslaving a child, forcing a child to work, or otherwise constraining a child’s movement.⁵¹²⁰ The Code establishes punishments for child prostitution and trafficking minors for sexual purposes—punishing clients, facilitators, and beneficiaries of the trade as well as the young person’s consenting guardian(s).⁵¹²¹ Tuvalu does not have the legal ability to prosecute a person who prostitutes a boy over age 15 or provide for his safe removal, whereas the Government has protective statutes in place when the victim is female.⁵¹²²

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	15
	Compulsory Education Age	15
	Free Public Education	Yes

Tuvaluan sentences for all sexual offenses designate maximum but not minimum sentences, which could lead to light sentences that are not commensurate with the gravity of the crime.⁵¹²³

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Tuvalu has established a coordinating mechanism to combat the worst forms of child labor.

The enforcement of child labor issues principally rests with the Department of Labor, which is part of the Ministry of Foreign Affairs and External Trade, Environment, and Labor.⁵¹²⁴ There is no recent information on the number of employees currently working in the department. However, ILO reporting indicates that the Labor Office, like many other parts of the Tuvalu administration, has limited institutional capacity, preventing it from carrying out its duties in an efficient and transparent manner.⁵¹²⁵ The Ministry of Foreign Affairs and External Trade, Environment, and Labor are not involved in any initiatives to enforce child labor regulations. In addition there has never been a prosecution for child labor in Tuvalu.⁵¹²⁶

An additional challenge faced by the Labor Office is a lack of information and data concerning child labor and child labor in its worst forms hindering the ability to target and measure enforcement efforts.⁵¹²⁷

Assisted by immigration officers, Tuvalu Police Force is the primary agency responsible for enforcing efforts to combat child trafficking.⁵¹²⁸ When the court has reasonable cause to suspect that a female child is being subjected to commercial sexual exploitation, it may issue the Tuvalu Police Force a warrant to search the premises and arrest the accused individual(s). No similar search provision is evident for boys in similar circumstances.⁵¹²⁹ When a case of commercial sexual exploitation of a minor goes to trial, the court may appoint a guardian for the girl victim, but, males lack this protection.⁵¹³⁰

The judicial system lacks reliable information on the prevalence of child prostitution.⁵¹³¹

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address child labor.⁵¹³²

The Government does not collect data on the worst forms of child labor. However, through its 2009 national budget, the Government requested that the National Statistics Office provide up to date information on the country’s labor force, and a UN agency is lending financial assistance to launch Tuvalu’s first labor force survey.⁵¹³³ It is unclear whether a child labor module will be included in the survey.⁵¹³⁴

During the reporting period, the Tuvaluan Government worked with the ILO on a 2-year Decent Work Country Program (DWCP).⁵¹³⁵ Among its many goals, the DWCP hopes to strengthen the country's labor laws, support the ratification of ILO Convention 182, and improve labor market monitoring systems.⁵¹³⁶ The Government of Tuvalu has also requested assistance from the ILO to align its labor laws with current international labor standards, including the CRC.⁵¹³⁷

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

The Government of Tuvalu, supported by its longstanding partnerships with international organizations and foreign aid agencies, has implemented numerous programs that alleviate some of the underlying causes of child labor.⁵¹³⁸ Through the

national education policy, Education for Life, in place since 1988, the Government has made strides towards providing free and universal primary education.⁵¹³⁹ The Tuvalu Department of Education has prioritized increasing access to education for children from vulnerable populations, specifically targeting students from low socioeconomic backgrounds, urban areas, isolated communities, as well as girls, children with disabilities, and school dropouts who are at the greatest risk of being subjected to the worst forms of child labor.⁵¹⁴⁰ The above programs may provide benefits to working children.

Despite the above programs, research found no evidence of any programs specifically to address child labor.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Expand the type of labor and worksites considered hazardous for children and raise the minimum age for hazardous work to 18.
- Eliminate the discretion to exclude industries from child labor laws.
- Create punishments for the commercial sexual exploitation of children and unlawful employment of children commensurate with the nature of the crime.
- Eliminate gender discrimination in laws relating to the prosecution of commercial sexual exploitation perpetrators and safe removal of child victims.
- Provide more structure and protection for underage apprentices in regards to types of work and nature of worksite.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Institute measures to increase the transparency and effectiveness of Tuvalu government agencies in combating the worst forms of child labor.
- Compiling national statistics on child labor enforcement, including cases reported, investigated, prosecuted, and closed.
- Increase punishments for employing or facilitating the commercial exploitation of children or violating national child labor laws to reflect the gravity of the crimes.

IN THE AREA OF POLICIES:

- Adopt policies to address the worst forms of child labor.
- Conduct regular surveys on the nature and prevalence of the worst forms of child labor in Tuvalu.

IN THE AREA OF PROGRAMS:

- Implement programs to address the worst forms of child labor.

⁵¹⁰⁹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁵¹¹⁰ U.S. Embassy- Suva, *reporting*, December 9, 2007, section 6e. See also Economic Planning and Industries Tuvalu Ministry of Finance, *Household Income and Expenditure Survey (HIES) 2004/2005*, September 2006, 53-54; available from http://www.ilo.org/dyn/lfsurvey/lfsurvey.list?p_lang=en&p_country=TV. See also ILO and Government of Tuvalu, *Decent Work Country Programme: Tuvalu*, 2009, 5-6; available from http://www.ilo.org/asia/whatwedo/publications/lang--en/docName--WCMS_120556/index.htm. See also Office of the High Commissioner for Human Rights, *Compilation Prepared by the Office of the High Commissioner for Human Rights, in Accordance with Paragraph 15(b) of the Annex to Human Rights Council Resolution 5/1* United Nations, October 6, 2008, 4; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/163/27/PDF/G0816327.pdf?OpenElement>. See also United Nations Development System - Fiji and Samoa, *United Nations Development Assistance Framework for the Pacific Subregion (2008-2012)*, May 2007, 4; available from http://www.undp.org/ws/Portals/12/pdf/RC/UNDAF_document.pdf.

⁵¹¹¹ Committee on the Elimination of Discrimination against Women, *Concluding Observations of the Committee on the Elimination of Discrimination against Women: Tuvalu*, United Nations, 2009, 8; available from http://ap.ohchr.org/documents/dpage_e.aspx?c=191&su=189. See also UN Committee on the Elimination of Discrimination against Women, “Consideration of Reports Submitted by States Parties Under Article 18 of the Convention (*continued*) - Combined Initial and Second Periodic Reports of Tuvalu” (paper presented at the 896th Meeting, New York, 29 July 2009), 4; available from <http://www2.ohchr.org/english/bodies/cedaw/docs/SR/CEDAW-C-SR-897.pdf>.

⁵¹¹² Government of Tuvalu and the UN Development Programme, *Tuvalu Millennium Development Goals Report 2006*, Funafuti, Tuvalu, 2006, 4; available from http://planipolis.iiep.unesco.org/format_list1_en.php?Chp2=Tuvalu. See also UNESCAP and ECPAT International UNICEF, *Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A Regional Report*, UNICEF Pacific, 2006, 11 and 23-24; available from http://www.unicef.org/pacificislands/partners_10989.html.

⁵¹¹³ UN Office of the United Nations Resident Coordinator, *United Nations Development Assistance Framework - Tuvalu (2003-2007)*, Suva, Fiji, May 2002, 8-9; available from <http://www.undg.org/index.cfm?P=234&f=T>. See also Government of Tuvalu and the UN Development Programme Fiji Multi-Country Office, *Country Programme Action Plan (CPAP) 2008-2012 between The Government of Tuvalu and the United Nations Development Programme Fiji Multi-Country Office*, 2007, 2; available from http://www.undp.org/asia/country_programme/CPAP/KIRIBATI_CPAP_2008-2012.pdf.

⁵¹¹⁴ Government of Tuvalu, *Employment Ordinance*, (April 22, 1966), articles 74-75, and 84-85; available from http://www.pacii.org/tv/legis/consol_act/eo202/.

⁵¹¹⁵ *Ibid.*, articles 77, 79, 83-87.

⁵¹¹⁶ *Ibid.*, articles 43-44, 60, and 91-101.

⁵¹¹⁷ *Ibid.*, articles 91-98.

⁵¹¹⁸ *Ibid.*, article 83.

⁵¹¹⁹ *Ibid.*, article 90.

⁵¹²⁰ Government of Tuvalu, *The Constitution of Tuvalu*, (1 October 1986), articles 17-18 and 26; available from <http://tuvalu-legislation.tv/cms/index.php/legislation/current/all-by-category.html>. See also Government of Tuvalu, *Penal Code*, (October 18, 1965), articles 132, 136, 140, 143, 145-146, and 241-249; available from http://www.tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/1965/1965-0007/PenalCode_1.pdf. See also Government of Tuvalu, *Employment Ordinance*, article 43.

⁵¹²¹ Government of Tuvalu, *Penal Code*, articles 131-149, 160.

⁵¹²² *Ibid.*, articles 140-149.

⁵¹²³ Committee on the Elimination of Discrimination against Women, *Concluding Observations of the CEDAW*, 8. See also Government of Tuvalu, *Penal Code*, articles 128-149, 157-158, and 160.

⁵¹²⁴ ILO and the Government of Tuvalu, *Decent Work Country Programme: Tuvalu*, 11.

⁵¹²⁵ *Ibid.*, 6, 11. See also Office of the High Commissioner for Human Rights, *Compilation Prepared by the Office of the High Commissioner for Human Rights*, 6. See also UN Office of the United Nations Resident Coordinator, *United Nations Development Assistance Framework*, 4, 6. See also United Nations Development System - Fiji and Samoa, *UNDAF for the Pacific Subregion (2008-2012)*, 12.

⁵¹²⁶ U.S. Embassy- Suva, *reporting*, February 3, 2010, section 1.

⁵¹²⁷ ILO and Government of Tuvalu, *Decent Work Country Programme: Tuvalu*, 6.

⁵¹²⁸ U.S. Embassy- Suva, *reporting*, January 8, 2009, para 24. See also Tuvalu Ministry of Finance, *Household Income and Expenditure Survey* 18-19 and Table 5A.

⁵¹²⁹ Government of Tuvalu, *Penal Code*, articles 143 and 147.

⁵¹³⁰ *Ibid.*, article 144.

⁵¹³¹ Committee on the Elimination of Discrimination against Women, *Concluding Observations of the CEDAW*, 8. See also Government of Tuvalu and the Committee on the Elimination of Discrimination against Women, *Responses to the list of issues and questions with regard to the consideration of the combined initial and second periodic report*, United Nations, August 13, 2009, 10; available from <http://tb.ohchr.org/default.aspx?country=tv>.

⁵¹³² U.S. Embassy- Suva, *reporting*, February 3, 2010, section 1. See also U.S. Embassy- Suva, *reporting*, December 9, 2007, 6d.

⁵¹³³ ILO and Government of Tuvalu, *Decent Work Country Programme: Tuvalu*, 5-6 and 16-17.

⁵¹³⁴ *Ibid.*

⁵¹³⁵ *Ibid.*, 4.

⁵¹³⁶ *Ibid.*, 10-17.

⁵¹³⁷ *Ibid.*, 10. See also Committee on the Elimination of Discrimination against Women, *Concluding Observations of the CEDAW*, 2-3.

⁵¹³⁸ U.S. Embassy- Suva, *reporting*, February 3, 2010, section 1.

⁵¹³⁹ Government of Tuvalu and the UN Development Programme, *Tuvalu MDG Report 2006*, 12-13.

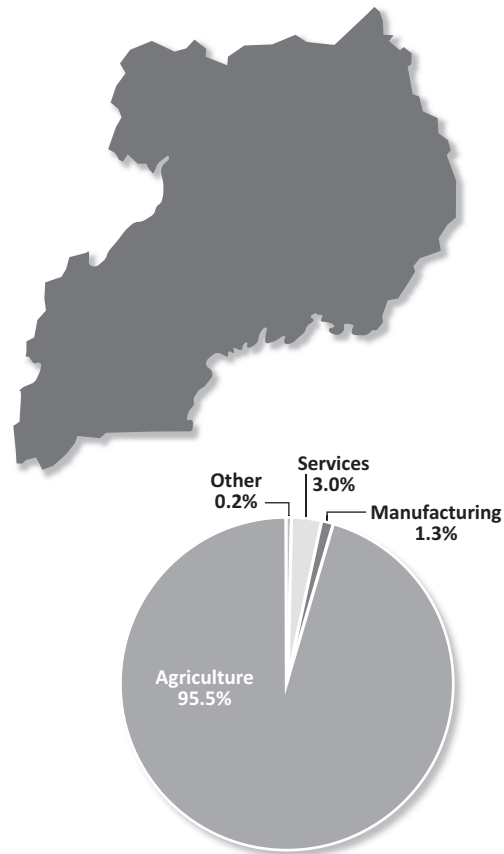
⁵¹⁴⁰ Tuvalu Department of Education, *Strategic Plan, 2006-2010*, 2006, 4; available from http://planipolis.iiep.unesco.org/format_liste1_en.php?Chp2=Tuvalu.

Uganda

The Government of Uganda continues to implement policy initiatives and some programs for the prevention and elimination of the worst forms of child labor, including for children affected by war. However, significant gaps remain in the Government's law enforcement efforts. In addition, there continue to be reports of forced child labor in the agriculture, fishing, and domestic labor sectors.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	31.1%
Attending School	5-14 yrs.	84.2%
Combining Work and School	7-14 yrs.	35.3%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁵¹⁴¹

Approximately 31.1 percent of children age 5 to 14 were estimated to be working in Uganda. That same year, 84.2 percent of children age 5 to 14 were attending school. While attendance appears to be high, the reality is that many children combine school and work. Approximately 35.3 percent of children age 5 to 14 were estimated to be both working and studying.⁵¹⁴²

Children in Uganda are exploited in the worst forms of child labor, many of them in crop farming and commercial agriculture, including in the production of tea, sugarcane, tobacco, rice, vanilla, and coffee.⁵¹⁴³ Children also cut and burn trees to produce charcoal.⁵¹⁴⁴ Children work in fishing and caring for livestock.⁵¹⁴⁵ Children who work in these agriculture-related sectors do so under dangerous conditions, including working long hours and carrying heavy loads.⁵¹⁴⁶ In addition, according to the 2005-2006 Understanding Children's Work Study in Uganda, 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.⁵¹⁴⁷

Other worst forms of child labor exist in the urban informal sector, where children work long hours selling small items on the streets. Children working on the streets are exposed to a variety of risks, which may include severe weather, accidents caused by proximity to automobiles, and vulnerability to criminal elements. Children also risk exposure to dangerous activities and exploitation while working in bars, restaurants, and in brick making and laying.⁵¹⁴⁸ Children in Uganda are also exploited in the worst forms of child labor in cross-border trading with the Democratic Republic of Congo, Sudan, Rwanda, and Kenya by undertaking activities in the transportation and loading of goods.⁵¹⁴⁹

Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of salt, stone, and pornography.⁵¹⁵⁰ Children in Uganda also work as domestic servants. Child domestic labor commonly involves long hours of work and dangerous activities, while often exposing children to physical and sexual exploitation by their

employer.⁵¹⁵¹ Some children as young as age 10 are victims of commercial sexual exploitation.⁵¹⁵²






Uganda is a source and destination country for the trafficking of children. Children are trafficked internally for sexual exploitation, and forced labor, and children, specifically Karamojong children, are sold at cattle markets.⁵¹⁵³ Children are trafficked for forced labor in fishing, agriculture, and domestic labor.⁵¹⁵⁴ Ugandan children are also trafficked to European and East African countries for commercial sexual exploitation and forced labor.⁵¹⁵⁵ In addition, there are reports that Ugandan children are trafficked to Pakistan, Egypt, Turkey, the United Arab Emirates, Saudi Arabia, and Iraq for labor exploitation.⁵¹⁵⁶ Children from the Democratic Republic of the Congo, Rwanda, Kenya, Tanzania, and Burundi are trafficked to Uganda for commercial sexual exploitation and agricultural work. Children are also trafficked from India to Uganda for commercial sexual exploitation.⁵¹⁵⁷

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).⁵¹⁵⁸ However, it is unclear whether the LRA has released all of the Ugandan children within their ranks and whether they have completely ceased using children in a combat capacity, given that up to 40,000 previously abducted children are reportedly still missing, and there are reports of ongoing abductions by the LRA in the Democratic Republic of the Congo, and southern Sudan.⁵¹⁵⁹

Laws and Regulations on the Worst Forms of Child Labor

The Government of Uganda has several laws to protect children from the worst forms of child labor. According to the Employment Act, the minimum age for admission to work in Uganda is 14.⁵¹⁶⁰ The law states that no child under age 18 years may be employed in hazardous work or between 7 p.m. and 7 a.m.⁵¹⁶¹ The Government of Uganda has drafted, but not adopted, a hazardous child labor list. In addition, the gap between the minimum age for compulsory education and work may contribute to the involvement of children in the worst forms of child labor, as they are not required to be in school and are below the minimum age for work.

The Government of Uganda has other laws to protect children from the worst forms of child labor. According to the Constitution, the law prohibits slavery and forced labor.⁵¹⁶² While trafficking in persons is not a specific violation under Ugandan law, related offenses such as abduction and detention of a person for sexual intent, trading in slaves, and "defilement" (defined as having sex with a girl under age 18), can receive the death penalty.⁵¹⁶³ Prostitution is illegal in Uganda, as is the procurement and pimping of a prostitute. However laws regarding the procurement and pimping of a prostitute are only applicable to female victims, as are laws regarding the defilement of a child.⁵¹⁶⁴ This leaves a gap in legislation, allowing male victims to remain unprotected. The minimum age for voluntary military service in Uganda is 18 and there is no conscription for the military.⁵¹⁶⁵

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Gender, Labor, and Social Development (MGLSD) is the lead agency for monitoring and combating child labor and trafficking through a variety of strategies, including policy reform and victim assistance.⁵¹⁶⁶

The MGLSD has two units responsible for children's issues: the Orphan and Vulnerable Children's Unit (OVCU) and the Child Labor Unit (CLU).⁵¹⁶⁷ The mandate of the OVCU is to provide a framework for and provide services to orphans, vulnerable children, and their families. The OVCU largely focuses on children affected by HIV/AIDS.⁵¹⁶⁸ The CLU serves as a resource for labor inspectors, and is responsible for working with organizations like the ILO to implement awareness raising and prevention campaigns. The CLU is also charged with developing the National Child Labor Action Plan.⁵¹⁶⁹ The Government has a Child Labor Steering Committee, which includes representatives from the Ministries of Gender and Labor, Agriculture, Education and Sports, Local Governments, and other Stakeholders including national and international organizations. However, the committee lacks the resources to communicate and coordinate regularly with each other and their respective organizations.⁵¹⁷⁰ During the reporting period, the Government also created an inter-ministerial Anti-Sacrifice and Trafficking in Persons task force (ATSP), which is charged with drafting policy and implementing public information campaigns, as well as managing and investigating trafficking cases.⁵¹⁷¹

The MGLSD is also the lead agency in charge of enforcing child labor and trafficking laws in Uganda.⁵¹⁷² It has 60 child labor inspectors that investigate child labor issues.⁵¹⁷³ However, the MGLSD's child labor inspection and child trafficking protection efforts were hampered by lack of funding and staff.⁵¹⁷⁴ Although information on the number of inspections carried out in the reporting period are unavailable, most of the inspections took place at formal work places. Reportedly, a lack of resources and staff inhibits monitoring and inspection in rural worksites.⁵¹⁷⁵ The Government of Uganda provided training for district labor inspectors.⁵¹⁷⁶ However, there is no information on the scope or quality of the training. A complaint system for child labor has been established by the ILO, in coordination with the MGLSD. However, both the MGLSD and the Uganda Police Force are unable to provide statistics on the number of calls received regarding child labor and trafficking complaints, and there were no reported cases of child labor violations at the national level.⁵¹⁷⁷ Given the extent of the child labor problem in the country, this may be due to a lack of awareness about the issue or the mechanism for filing complaints.

The Ministry of Internal Affairs is the lead agency for enforcing anti-trafficking laws, with oversight of the Ugandan Police Force and the Criminal Investigation Division.⁵¹⁷⁸ Additionally, the Ministry of Justice and the Directorate for Public Prosecutions is charged with prosecuting trafficking cases.⁵¹⁷⁹ In addition, a lack of resources and court backlogs create obstacles to the convictions of traffickers. The Uganda Police Force has a Child and Family Protection Unit (CFPU) which has 200 officers who manage complaints regarding child protection issues.⁵¹⁸⁰ The CFPU reports managing over 31 child labor complaints during the reporting period.⁵¹⁸¹ However, its capacity to conduct enforcement efforts and to monitor is constrained by lack of resources.⁵¹⁸² In addition to the CFPU, the ATSP is also charged with investigating trafficking crimes at the national, regional, and local level. However, the ATSP lacks sufficient communications equipment and vehicles. This severe lack of resources hampers the ability of ATSP to perform its duties.⁵¹⁸³ A lack of systematic reporting of crimes from the police force creates difficulties for ATSP monitoring the incidence of trafficking in Uganda.⁵¹⁸⁴ In addition to the CPFU and the ATSP, the Uganda Human Rights Commission is responsible for reporting and investigating human rights abuses.⁵¹⁸⁵

Along with investigations, the CFPU, also provides trainings to local police regarding children's rights, and on measures to identify and prevent trafficking.⁵¹⁸⁶ Research indicates that specialized anti-trafficking training was provided to 150 new law enforcement officials during the reporting period.⁵¹⁸⁷ All incoming police officers are required to partake in a one-day trafficking response course provided by the CPFU.⁵¹⁸⁸ Additionally during the reporting period, a two-week anti-trafficking training was provided by the U.S. to 28 Ugandan Police Force and immigration officials.⁵¹⁸⁹

While, ATSP's mandate also covers the use of children in illicit activities and the use of children in commercial sexual exploitation, there are no special units in Uganda that specifically deal with these two issues.⁵¹⁹⁰

During the reporting period, there was some prosecution of trafficking crimes, including investigations, some arrests, a pending trial, and issuance of a fine. In other cases, however, there is no evidence of sanctions placed on the perpetrators of crimes.⁵¹⁹¹ The small number of prosecutions,

however, and the issuance of a fine for such a serious crime, suggest that insufficient resources and commitment are dedicated to the problem.⁵¹⁹²

Government Policies on the Worst Forms of Child Labor

The Government of Uganda has developed a National Action Plan for the Elimination of Child Labor, with support from ILO-IPEC.⁵¹⁹³ In addition, the Government of Uganda cooperates with the UN and its partners regarding implementation of another action plan, the signed January 2009 action plan, which follows the recommendations of the Security Council Working Group on Children and Armed Conflict. The action plan aims to raise awareness, release and reintegrate child recruits, and enforce laws on children associated with armed forces.⁵¹⁹⁴ According to the UN, the Government of Uganda's participation in the action plan to date has been "effective," by monitoring military recruitment processes and undertaking verification visits to the North, to ensure that children are not being recruited into armed forces.⁵¹⁹⁵

Child labor concerns have also been mainstreamed into the following national development agendas and key documents: Millennium Development Goals (2015), United Nations Development Assistance Framework (2006-2010), and National Education Development Plan (2004-2015).⁵¹⁹⁶ Research has not uncovered the extent or degree to which these plans have been implemented.

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

The Government of Uganda has participated in the implementation of programs to eliminate the Worst Forms of Child Labor.

The Government of Uganda participated in several USDOL-funded projects that have ended, including: two regional projects that totaled \$8,301,486, implemented by ILO-IPEC, and targeted children affected by HIV/AIDS; and a \$1,196,262 project implemented by ILO-IPEC that provided educational alternatives to vulnerable youth. Research indicates that initiatives started under these projects are being carried on by the Government of Uganda, including through ongoing USDOL-funded projects.

The Government of Uganda is participating in a USDOL-funded, 4-year, \$4.79 million Project of Support for the Preparatory Phase of the Uganda National Action Plan for the Elimination of Child Labor.⁵¹⁹⁷ This project, implemented by ILO-IPEC, aims to withdraw and prevent 8,138 children from exploitive child labor in agriculture, commercial sexual exploitation, fishing, domestic work, construction, mining, quarrying, and the urban informal sector.⁵¹⁹⁸

The Government participates in a 4-year, \$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).⁵¹⁹⁹ 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 and prevent 11,275 children from exploitive labor.⁵²⁰⁰

The Government of Uganda participated in the 4-year Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) project, which was funded by USDOL at \$14.5 million and World Vision at \$5.9 million. Implemented by World Vision, 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.⁵²⁰¹ Despite these important projects that have been implemented using external donor funding, Government supported efforts still fall short of reaching the large numbers of children in the worst forms of child labor in Uganda.

The Governments of Uganda, the Central African Republic, the Democratic Republic of the Congo, and southern Sudan continued to coordinate joint military operations to rescue abductees by the LRA, during the reporting period.⁵²⁰² During the year, the Government of Uganda took steps to protect and support child trafficking victims that had been demobilized from the LRA, including provision of services such as shelter and education. However, Government of Uganda efforts to provide services to other types of child trafficking are lacking.⁵²⁰³

At a regional and policy level, the Government of Uganda participates in the East African Police Chiefs Cooperation Organization (EAPCCO) to strengthen regional cooperation and capacities among East

African law enforcement authorities. The project is funded with \$38 million by the UNDOC, and funding partners.⁵²⁰⁴ Research indicates that the success of this project has yet to be determined.⁵²⁰⁵

Also during the reporting period, the Government of Uganda participated in an anti-trafficking project funded by the USDOS at \$500,000, which trained 178 law enforcement officers on identification, prevention, and protection of child trafficking victims.⁵²⁰⁶ The Government of Uganda continues awareness-raising activities on trafficking and commercial sexual exploitation through radio, billboards, and other programs.⁵²⁰⁷

The Government of Uganda supports programs that help Karamojong children, including removing them from the streets of Kampala and placing them in shelters.⁵²⁰⁸ The Government of Uganda continues

its support for NGO-run shelters that provide medical care, psychological, and other services to vulnerable children.⁵²⁰⁹ During the reporting period, the Government of Uganda established a hotline for trafficking victims.⁵²¹⁰ Also, with assistance support from NGOs, the Government provides support to returning children who had been abducted by armed forces; research indicates that these Government efforts have been somewhat successful.⁵²¹¹ However, given the magnitude of the concerns, these efforts are not sufficient to address the problem.

The Government has also partnered with the ILO to implement a campaign to stop modern-day slavery. The campaign uses posters, stickers, and pamphlets to distribute messages, and provides contact information for police reporting and NGO hotlines. However, no reported calls were received by the police during the reporting period.⁵²¹²

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

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt a law codifying the draft list of hazardous activities prohibited to children, and verify that penalties for violations are sufficiently severe.
- Formally adopt the anti-trafficking law, which should include sufficiently severe penalties for violations involving children.
- Adopt legislation that raises the age for compulsory education and commiserates with the minimum age for work.
- Adopt legislation that expands the definition of the crime of “defilement” to include boys as well as girls.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Take all necessary measures to effectively enforce child labor and trafficking laws, including by:
 - Providing sufficient funding to relevant Departments and Ministries.
 - Increasing the number of labor inspectors.
 - Increasing training for law enforcement officers, judges, and prosecutors.
- Provide the Child Labor Steering Committee with adequate funding and resources to ensure effective communication and coordination between relevant agencies.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to prevent children’s involvement in exploitive child labor, including by:
 - Working with donors to scale up efforts.
 - Drawing on successful models that have been implemented in existing child labor projects.
 - Implementing projects that target forced child labor and child trafficking (in addition to children affected by war), as well as social programs that address the root causes of trafficking and exploitation of children from the Karamoja region.
- Raise awareness on and enhance complaint hotline mechanisms to ensure that child labor and child trafficking cases are reported, investigated, and data is recorded.

⁵¹⁴¹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2005-2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁵¹⁴² UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank Surveys, *Child Economic Activity and School Attendance Rates*, March 25, 2008.

⁵¹⁴³ U.S. Department of State, "Uganda," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>.

⁵¹⁴⁴ Development Research and Training, *Final Report: Children's Holliday Work in Gulu and Lira Districts*, KURET (Kenya, Uganda, Rwanda, Ethiopia Together), May 2007, 23; available from <http://www.kuret.or.ug/Articles/reports/Final%20holiday%20activity%20report.pdf> [hard copy on file]. 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://chrisblattman.com/documents/policy/sway/SWAY.Phase1.FinalReport.pdf>. See also ILO-IPEC, *A Report on Child Labour in General Agriculture in Uganda*, Geneva, 2006, section 6.5.3.

⁵¹⁴⁵ ILO-IPEC, *Child Labour in General Agriculture*, IX. See also ILO-IPEC, *Child Labor Baseline Survey*, October 2009, xii; available from <http://www.ilo.org>.

⁵¹⁴⁶ ILO-IPEC, *Child Labour in General Agriculture*, IX, IV.

⁵¹⁴⁷ Uganda Bureau of Statistics, *Understanding Children's Work in Uganda: Country Report*, ILO-IPEC and UCW, August 2008, section 7; available from <http://ucw-project.org/pdf/publications/Uganda.pdf>.

⁵¹⁴⁸ 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/ipeinfo/product/viewProduct.do?productId=703>. See also U.S. Department of State, "Country Reports- 2009: Uganda," section 7d. See also Elizabeth Stites, Darlington Akabwai, Dyan Mazurana, and Priscillar Ateyo, *Angering Akujū: 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+Akujū--Survival+and+Suffering+in+Karamoja.pdf?version=1>. See also U.S. Embassy- Kampala, *reporting*, February 16, 2010, para 2a.

⁵¹⁴⁹ ILO-IPEC, *Child Labour and Cross Border Trade in Uganda*, Geneva, June 2004, v, viii, 3; available from <http://www.ilo.org/ipeinfo/product/viewProduct.do?productId=701>.

⁵¹⁵⁰ U.S. Department of State, "Country Reports- 2009: Uganda," section 7d. See also ILO-IPEC, *Child Labour Wages and Productivity: Results from Demand-Side Surveys*, SIMPOC, Geneva, May 2007, 8; available from <http://www.ilo.org/ipeinfo/product/viewProduct.do?productId=7065>. See also 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/ipeinfo/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.

⁵¹⁵¹ U.S. Department of State, "Country Reports- 2009: Uganda," section 7d. See also ILO-IPEC, *Child Labour Wages and Productivity Survey Report*, 7.

⁵¹⁵² ILO-IPEC, *Child Labour and Commercial Sex Exploitation* 46, 48. See also World Vision, *KURET Project, Baseline Study*, table 10.

⁵¹⁵³ Save the Children, *A Chronic Emergency: Child Protection Issues Among Communities in Karamoja Region*, Kampala, 2006, sections 8.11, 10.1. See also U.S. Department of State, "Uganda (Tier 2)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/index.htm>. See also U.S. Department of State, "Trafficking in Persons Report- 2009: Uganda."

⁵¹⁵⁴ U.S. Department of State, “Trafficking in Persons Report- 2009: Uganda.”

⁵¹⁵⁵ *Ibid.*

⁵¹⁵⁶ U.S. Department of State, “Country Reports- 2009: Uganda,” section 5.

⁵¹⁵⁷ U.S. Department of State, “Trafficking in Persons Report- 2009: Uganda.” See also U.S. Embassy- Kampala, *reporting*, February 25, 2010, para 25d.

⁵¹⁵⁸ U.S. Department of State, “Country Reports- 2009: Uganda,” section 5. See also UN Office of the Special Representative of the Secretary-General for Children in Armed Conflict, *Developments on Uganda*, March 26, 2009; available from <http://www.un.org/children/conflict/english/uganda.html>.

⁵¹⁵⁹ 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- 2009: Uganda,” section 5.

⁵¹⁶⁰ Government of Uganda, *The Employment Act, 2006*, (June 8, 2006), act 6, 32 (1-3); available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/74416/76582/F1768664138/UGA74416.pdf>.

⁵¹⁶¹ *Ibid.*, act 6, part I (2), 32 (1-5).

⁵¹⁶² Government of Uganda, *Constitution*, (1995), chapter 4, article 25; available from http://www.ulii.org/ug/legis/consol_act/cotrou19950364/.

⁵¹⁶³ Government of Uganda, *Penal Code*, (June 15, 1950), chapter XIV, articles 126, 129, 134, chapter XXIV article 250; available from http://www.ulii.org/ug/legis/consol_act/pca195087/.

⁵¹⁶⁴ *Ibid.*, articles 31-40.

⁵¹⁶⁵ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/home>.

⁵¹⁸⁶ U.S. Department of State, “Country Reports- 2009: Uganda,” section 5. See also U.S. Embassy- Kampala, *reporting*, February 16, 2010.

⁵¹⁶⁷ U.S. Embassy- Kampala, *reporting*, February 16, 2010.

⁵¹⁶⁸ Ministry of Gender, Labour, and Social Development, *National Orphans and Other Vulnerable Children Policy*, Kampala, May 2004, 7; available from http://www.worlded.org/docs/Publications/hiv/ovc_policy.pdf.

⁵¹⁶⁹ U.S. Embassy- Kampala, *reporting*, February 16, 2010.

⁵¹⁷⁰ *Ibid.*

⁵¹⁷¹ U.S. Embassy- Kampala, *reporting*, February 25, 2010. See also U.S. Department of State, “Country Reports- 2009: Uganda.”

⁵¹⁷² U.S. Department of State, “Country Reports- 2009: Uganda,” section 5. See also U.S. Embassy- Kampala, *reporting*, February 16, 2010.

⁵¹⁷³ U.S. Department of State, “Country Reports- 2009: Uganda.”

⁵¹⁷⁴ *Ibid.*, section 7d. See also U.S. Department of State, “Trafficking in Persons Report- 2009: Uganda.” See also U.S. Embassy- Kampala, *reporting*, February 16, 2010, para 2c.

⁵¹⁷⁵ U.S. Embassy- Kampala, *reporting*, February 16, 2010, para 2c.

⁵¹⁷⁶ U.S. Department of State, “Country Reports- 2009: Uganda,” section 7d.

⁵¹⁷⁷ U.S. Embassy- Kampala, *reporting*, February 16, 2010.

⁵¹⁷⁸ U.S. Embassy- Kampala, *reporting*, February 25, 2010.

⁵¹⁷⁹ *Ibid.*

⁵¹⁸⁰ U.S. Embassy- Kampala, *reporting*, February 16, 2010, para 2c.

⁵¹⁸¹ U.S. Embassy- Kampala official, E-mail communication to USDOL official, August 13, 2010.

⁵¹⁸² U.S. Embassy- Kampala, *reporting*, February 25, 2010, para 26f.

⁵¹⁸³ *Ibid.* See also U.S. Department of State, “Country Reports- 2009: Uganda.”

⁵¹⁸⁴ U.S. Embassy- Kampala, *reporting*, February 25, 2010.

⁵¹⁸⁵ U.S. Department of State, “Country Reports- 2009: Uganda,” section 5.

⁵¹⁸⁶ U.S. Embassy- Kampala, *reporting*, February 25, 2010.

⁵¹⁸⁷ *Ibid.*

⁵¹⁸⁸ *Ibid.*, para 27f.

⁵¹⁸⁹ *Ibid.*

⁵¹⁹⁰ U.S. Embassy- Kampala, *reporting*, February 16, 2010, para 2d. See also U.S. Embassy- Kampala official, E-mail communication, August 13, 2010.

⁵¹⁹¹ U.S. Embassy- Kampala, *reporting*, February 25, 2010.

⁵¹⁹² *Ibid.*

⁵¹⁹³ ILO-IPEC, *Project of Support for the Preparatory Phase of the Uganda National Action Plan for the Elimination of Child Labour*, Project Document, Geneva, September 26, 2008, i. See also ILO-IPEC, *Project of Support for the Preparatory Phase of the Uganda National Action Plan for the Elimination of Child Labour*, Technical Progress Report, Geneva, September 2009.

⁵¹⁹⁴ UN Security Council, *Report of the Secretary-General for Children in Armed Conflict in Uganda*, September 15, 2009, 3; available from <http://daccess-dds-ny.un.org/doc/UNODC/GEN/N09/506/74/PDF/N0950674.pdf?OpenElement>.

⁵¹⁹⁵ UN Security Council, *Additional Report of the Secretary-General*, 3-4.

⁵¹⁹⁶ UN, *Development Assistance Framework, 2006-2010: Uganda*, Kampala, 2005; available from http://www.undg.org/archive_docs/5913-Uganda_UNDAF_2006-2010_.pdf. See also Millennium Development Goals Monitor, *Progress by Goal: Uganda*, [online] n.d. 2007 [cited April 11, 2010]; available from http://www.mdgmonitor.org/country_progress.cfm?c=CIV&cd=384. See also Ministry of Education and Sports, *Education Sector Strategic Plan, 2004-2015: Uganda*, Kampala, June 2004; available from http://planipolis.iiep.unesco.org/upload/Uganda/Uganda_ESSP_2004_2015.pdf.

⁵¹⁹⁷ ILO-IPEC, *Support for Prep Phase of the National Action Plan, Project Document-2008*, i.

⁵¹⁹⁸ *Ibid.*, 30-31, 46-48.

⁵¹⁹⁹ International Rescue Committee, *Livelihoods, Education, & Protection to End Child labor in Uganda (LEAP)*, Project Document, New York, January 7, 2009, 1.

⁵²⁰⁰ *Ibid.*, 3, 37-41.

⁵²⁰¹ 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)*, Final Report, Washington, DC, June 2009, 4, 59.

⁵²²⁰ U.S. Embassy- Kampala, *reporting, February 25, 2010*, para 27g.

⁵²⁰³ U.S. Department of State, “Trafficking in Persons Report- 2009: Uganda.”

⁵²⁰⁴ UNODC, *Promoting the Rule of Law and Human Security in Eastern Africa: Regional Programme 2009-12*, December, 2009, 3; available from http://www.unodc.org/documents/easternafrika/regional-ministerial-meeting/Eastern_Africa_Regional_Programme_Final_Draft.pdf.

⁵²⁰⁵ U.S. Embassy- Kampala official, E-mail communication, August 13, 2010.

⁵²⁰⁶ U.S. Embassy- Kampala, *reporting, February 16, 2010*, para 2c and 2d.

⁵²⁰⁷ U.S. Department of State, “Country Reports- 2009: Uganda,” section 7d.

⁵²⁰⁸ *Ibid.*, section 5.

⁵²⁰⁹ U.S. Embassy- Kampala, *reporting, February 25, 2010*, para 25b.

⁵²¹⁰ U.S. Department of State, “Trafficking in Persons Report- 2009: Uganda.”

⁵²¹¹ U.S. Department of State, “Country Reports- 2009: Uganda,” section 5. See also U.S. Embassy- Kampala official, E-mail communication, August 13, 2010.

⁵²¹² U.S. Embassy- Kampala, *reporting, February 16, 2010*.

Ukraine

The Government of Ukraine has implemented a policy framework to eliminate some of the worst forms of child labor, including child trafficking and commercial sexual exploitation. However, hazardous child labor persists in agriculture, and children are subjected to forced prostitution and pornography. Furthermore, social programs do not address the most prevalent worst forms of child labor.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	15.1%
Attending School	5-14 yrs.	95.8%
Combining Work and School	7-14 yrs.	2.8%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Ukraine are exploited in the worst forms of child labor,⁵²¹³ many of them in agriculture.⁵²¹⁴ Such work may involve harmful activities, such as using potentially dangerous machinery and tools, carrying of heavy loads, and applying toxic pesticides. Children also engage in street work,⁵²¹⁵ where they may be exposed to severe weather, criminal elements, and accidents caused by proximity to vehicles.

Children work in informal surface coalmines, mining and sorting the coal, and carrying and loading the coal onto trucks.⁵²¹⁶ These informal mines lack safety measures and children are at risk of injury.⁵²¹⁷

Children in Ukraine are also found in commercial sexual exploitation including prostitution, pornography, and sex tourism.⁵²¹⁸ According to Ukrainian and international law enforcement authorities, a large amount of child pornography on the Internet comes from Ukraine.⁵²¹⁹

Trafficking of children also occurs, with children trafficked for sexual and labor exploitation both within Ukraine and internationally.⁵²²⁰ Trafficked children

are often forced to work as beggars or prostitutes.⁵²²¹ Homeless, orphan, and poor children are at a high risk of trafficking and are targeted by recruiters for child pornography.⁵²²²

Laws and Regulations on the Worst Forms of Child Labor

The Labour Code sets the minimum age for employment at 16, but children who have reached the age of 15 can perform “light” work with the permission of a parent, but the law does not clearly define the term.⁵²²³ The Constitution, the Labour Code, and the Workers’ Protection Act prohibit children under age 18 from working in hazardous conditions.⁵²²⁴ The Ministry of Health published a list of prohibited hazardous work in 1994.⁵²²⁵






However, children who have reached the age of 14 can work in the occupations and processes cited as hazardous if they do so as a part of vocational technical training, work no more than 4 hours per day, and observe strict sanitary and health norms.⁵²²⁶

Article 150 of the Criminal Code outlaws the exploitation of children.⁵²²⁷ Articles 304 and 309 of the *Code* criminalize engaging children in criminal

activities, including the production, purchase, storage, or transportation of drugs.⁵²²⁸ Article 302 outlaws using children in prostitution.⁵²²⁹

Forced labor is prohibited in the Constitution.⁵²³⁰ Article 149 of the Criminal Code prohibits trafficking in persons, both for sexual service and labor. This article is applicable to both internal and international trafficking.⁵²³¹ The Code increases penalties for trafficking if the victim is a minor.⁵²³²

The compulsory military recruitment age is 18.⁵²³³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	17
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Steering Committee (NSC) to combat child labor is chaired by the Ministry of Labor and Social Policy (MOLSP) and comprises seven ministries along with representatives from workers' and employers' organizations, NGOs, and youth government associations.⁵²³⁴ The NSC is responsible for overseeing interagency task forces on childhood protection, demographic development, and child trafficking.⁵²³⁵

The Ministry of Family, Youth, and Sport is responsible for coordinating efforts to combat human trafficking

at the national level.⁵²³⁶ At the *oblast* (provincial) level, *Oblast* Coordination Councils led by the Departments of Family, Youth, and Sports coordinate efforts against trafficking.⁵²³⁷

There are six agencies responsible for enforcing hazardous child labor laws, including the MOLSP, the Ministry of the Interior's Criminal Police for Juvenile Affairs (CPJA), the Ministry of Family, Youth, and Sport, the Prosecutor General's Office, and the Security Service of Ukraine.⁵²³⁸ The Child Labor Division, under the State Labor Inspectorate in the MOLSP, is the lead agency responsible for enforcement of child labor laws.⁵²³⁹ The Ministry of Family, Youth, and Sport, along with the Police Department for Juvenile Affairs, works to identify children involved in the worst forms of child labor in the informal sector.⁵²⁴⁰

The Government employs 860 labor inspectors.⁵²⁴¹ In 2009, it trained 27 regional labor inspectorates, police officers, and social service providers, on topics including child labor.⁵²⁴² During the reporting period, over 20,000 labor inspections were conducted, revealing 347 cases of child labor,⁵²⁴³ and 682 victims of child labor received assistance.⁵²⁴⁴

Criminal Police for Juvenile Affairs (CPJA) is charged with enforcing laws against child trafficking and commercial sexual exploitation of children. The Counter-Trafficking Department of the Ministry of Interior also works to enforce anti-trafficking laws.⁵²⁴⁵ The CPJA employs 600 officers. The CPJA trained its officers on identifying trafficked children, documenting trafficking in persons, and handling referrals.⁵²⁴⁶ Two hotlines accept reports of child trafficking.⁵²⁴⁷ In October, the Government opened an additional hotline to take reports of sexual exploitation of minors on the Internet.⁵²⁴⁸ In 2009, there were 279 reported cases of human trafficking with 42 child victims identified.⁵²⁴⁹ However, most convicted traffickers do not receive jail time.⁵²⁵⁰

In October 2009, the Cabinet of Ministers provided the Ministry of the Interior an additional \$117,500 for enforcement of laws against child trafficking and commercial sexual exploitation, and violence against children.⁵²⁵¹ Still, the Counter-Trafficking Department reports that funding is insufficient to cover transportation, fuel, and translation costs, while the CPJA reports an insufficient training budget.⁵²⁵²

Government Policies on the Worst Forms of Child Labor

In 2006, the Government of Ukraine approved a document entitled Concept of National Programme/ National Action Plan on UN Convention of the Rights of a Child for 2006-2016, which included provisions for assistance to vulnerable children, life skills training, and better legislation for child rights protection.⁵²⁵³

In March 2009, the Government of Ukraine enacted the corresponding National Action Plan (NAP) to Implement the UN Convention on the Rights of the Child. The plan outlines action steps for putting laws into practice which protect children's rights.⁵²⁵⁴ Chapters 4.6 and 4.7 of the NAP address child labor and exploitation, and call for the development of a child labor monitoring system. The NAP allocated approximately \$8,000 for this monitoring system as well as earmarking special funds to combat trafficking, sexual exploitation, and violence against children.⁵²⁵⁵

The Government has also enacted the National Plan on Combating Human Trafficking 2007-2010.⁵²⁵⁶ It involves training government officials in trafficking and child labor issues and developing programs for rehabilitating child trafficking victims.⁵²⁵⁷ The Plan calls for approximately \$292,000 to be allocated for these activities over the four years of the project, and as of January 1, 2010, approximately \$82,000 had been spent.⁵²⁵⁸ An assessment in 2008 revealed that programs to combat trafficking had been adopted at the *oblast* level; coordinating councils had been put in place to monitor human trafficking and were meeting regularly; and centers were in operation which provided social and psychological assistance to human trafficking victims.⁵²⁵⁹

The Government's State Program to Combat Child Homelessness and Neglect (2006-2010) identifies child homelessness as a factor contributing to the worst forms of child labor and aims to identify and support at-risk families.⁵²⁶⁰

Research found no evidence of policy on other worst forms of child labor relevant to Ukraine, particularly children engaged in exploitative work in agriculture.

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

The Government of Ukraine has participated in donor-funded projects to combat child labor in commercial sexual exploitation, rural forced labor, and street labor. A USDOL-funded project that ended in 2006 rescued 3,126 children from hazardous labor through educational initiatives and provided 1,530 parents of ex-working children employment and social services counseling.⁵²⁶¹ The program also raised awareness of child labor through an extensive media campaign, which included training 30 journalists who gained expertise on child labor and who continued to report on the issue.⁵²⁶²

During the reporting period, the Government of Ukraine participated in a \$3.5 million, USDOL-funded regional project that worked to reduce and eliminate trafficking and other worst forms of child labor in six European countries.⁵²⁶³ The project rescued 267 children from commercial sexual exploitation and 1,178 children from other worst forms of child labor through educational and vocational training services.⁵²⁶⁴ Additionally, because of the project, a nationwide child labor monitoring system was mainstreamed into the National Action Plan to Implement the UN Convention on the Rights of the Child.⁵²⁶⁵

The Government also cooperated with NGOs to prevent trafficking in persons and assist victims of trafficking. The Government provided newspaper and television advertising space for anti-trafficking awareness campaigns, as well as offices, transportation, and equipment for anti-trafficking training sessions.⁵²⁶⁶ In an effort to prevent human trafficking, the Ministry of Foreign Affairs operated five centers to provide information to citizens regarding their rights while traveling in foreign countries.⁵²⁶⁷

While the Government has taken steps to implement anti-human trafficking programs, research found no evidence that it has carried out programs to assist children involved in exploitative child labor in agriculture, mining, or street work.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the law to prohibit children under age 18 from working in hazardous occupations or conditions.
- Amend the *Labor Code* to clearly define the term “light work” as it applies to children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Adopt policies to address all worst forms of child labor.
- Strictly enforce anti-human trafficking laws to ensure violators serve appropriate jail sentences.
- Increase funding to counter-trafficking efforts to provide for necessary transportation, translation, and training costs.

IN THE AREA OF POLICIES:

- Adopt policies to address all worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Develop and implement programs to address the worst forms of child labor in agriculture, street work, and mining.
- Raise awareness of commercial sexual exploitation of children in pornography and provide programs which address victims’ needs.

⁵²¹³ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data on working children and school attendance are from 2005. Data on children combining working and schooling are from 1999. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children’s work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section of this report.

⁵²¹⁴ ILO-IPEC, *Combating Worst Forms of Child Labour; Including Trafficking in Children in Ukraine 2001-2009*, Kyiv, 2009, article 43; available from <http://www.ilo.org/public/english/region/eurpro/budapest/download/fund/ipeck-ukraine.pdf>. See also U.S. Department of State, “Ukraine,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from www.state.gov/g/drl/rls/hrrpt/2009/eur/136063.htm.

⁵²¹⁵ ILO-IPEC, *Combating Worst Forms of Child Labour, 2*. See also U.S. Embassy- Kyiv, *reporting*, February 1, 2010, section 2A.

⁵²¹⁶ British Broadcasting Corporation, “European Press Review”, news.bbc.co.uk, [online], February 5, 2003 [cited November 12, 2010]; available from <http://news.bbc.co.uk/2/hi/europe/2727549.stm>. See also ILO, *World Day Against Child Labour 2005: “Kopankas” in Ukraine: Sending children to the “family mine”*, 2005; available from http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Feature_stories/lang--en/WCMS_075562/index.htm. See also ILO-IPEC, *Combating Worst Forms of Child Labour, 2*. See also U.S. Embassy- Kyiv, *reporting*, May 08, 2008.

⁵²¹⁷ ILO, *World Day Against Child Labour 2005*.

⁵²¹⁸ U.S. Department of State, “Country Reports- 2009: Ukraine,” section 7d. See also ILO-IPEC, *Combating Worst Forms of Child Labour, 2*. See also U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2A. See also U.S. Embassy- Kyiv, *reporting*, March 3, 2010, 95.

⁵²¹⁹ U.S. Department of State, “Country Reports- 2009: Ukraine,” section 6.

⁵²²⁰ *Ibid.* See also U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2D. See also U.S. Embassy- Kyiv, *reporting, March 3, 2010*, 9, 10.

⁵²²¹ U.S. Department of State, “Ukraine,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from www.state.gov/g/tip/rls/tiprpt/2010/142761.htm.

⁵²²² U.S. Embassy- Kyiv, *reporting, March 3, 2010*, 15.

⁵²²³ ILO-IPEC, *Ukraine Child Labour Data Country*

- Brief, Geneva; available from www.ilo.org/ipeinfo/product/download.do?type=document&id=7806. See ILO Committee of Experts, *Direct Request, Minimum Age Convention, 1973 (No. 138) Ukraine (ratification 1979) Submitted: 2008*, [online] 2008 [cited September 27, 2010]; available from www.ilo.org/ilolex/english/newcountryframeE.htm.
- ⁵²²⁴ ILO-IPEC, *Ukraine Child Labour Data Country Brief*.
- ⁵²²⁵ Ibid.
- ⁵²²⁶ ILO Committee of Experts, *Direct Request C138: Ukraine 2008*.
- ⁵²²⁷ 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>.
- ⁵²²⁸ Ibid., articles 304 and 309.
- ⁵²²⁹ Ibid., article 302.
- ⁵²³⁰ Government of Ukraine, *Constitution of Ukraine*, Fifth Session of the Verkhovna Rada of Ukraine (June 28, 1996), article 43; available from <http://www.rada.kiev.ua/const/conengl.htm>.
- ⁵²³¹ Government of Ukraine, *Criminal Code*, article 149. See also U.S. Embassy- Kyiv, *reporting, March 3, 2010*, 46.
- ⁵²³² Government of Ukraine, *Criminal Code*, article 149.
- ⁵²³³ Coalition to Stop the Use of Child Soldiers, “Ukraine,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.
- ⁵²³⁴ ILO-IPEC, *Combating Worst Forms of Child Labour*, 4. See also ILO-IPEC, *National Programme for the Prevention and Elimination of Worst Forms of Child Labour in Ukraine*, Final Technical Progress Report, Geneva, December 8, 2006, 4-5.
- ⁵²³⁵ U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2E.
- ⁵²³⁶ U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para 30.
- ⁵²³⁷ Ibid., para 23.
- ⁵²³⁸ U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2C.
- ⁵²³⁹ U.S. Department of State, “Country Reports- 2009: Ukraine,” section 7d.
- ⁵²⁴⁰ Ibid.
- ⁵²⁴¹ U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2D.
- ⁵²⁴² Ibid., 2C.
- ⁵²⁴³ Ibid.
- ⁵²⁴⁴ Ibid.
- ⁵²⁴⁵ Ibid., 2D.
- ⁵²⁴⁶ U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para 140.
- ⁵²⁴⁷ U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2D.
- ⁵²⁴⁸ Ibid., 2C.
- ⁵²⁴⁹ Ibid., 2D.
- ⁵²⁵⁰ U.S. Department of State, “Trafficking in Persons Report- 2010: Ukraine.”
- ⁵²⁵¹ U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2D.
- ⁵²⁵² Ibid.
- ⁵²⁵³ ILO-IPEC, *National Programme for the Prevention and Elimination of Worst Forms of Child Labour in Ukraine, Final Technical Progress Report*, 6.
- ⁵²⁵⁴ U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2B.
- ⁵²⁵⁵ Ibid., 2B, 2E.
- ⁵²⁵⁶ ILO-IPEC, *Combating Worst Forms of Child Labour*, 6.
- ⁵²⁵⁷ ILO-IPEC, *Trafficking and other Worst Forms of Child Labour in Central and Eastern Europe (Phase II)*, Technical Progress Report, Geneva, September 2007, 6.
- ⁵²⁵⁸ U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para 20.
- ⁵²⁵⁹ Ibid., para 37.
- ⁵²⁶⁰ ILO-IPEC, *Combating Worst Forms of Child Labour*, 6.
- ⁵²⁶¹ ILO-IPEC, *National Programme for the Prevention and Elimination of Worst Forms of Child Labour in Ukraine, Final Technical Progress Report*, 26.
- ⁵²⁶² Ibid., 11.
- ⁵²⁶³ U.S. Department of Labor, *Combating Trafficking and Other Worst Forms of Child Labor in Central and Eastern Europe (Phase II)*, Technical Cooperation Project Summary, 2009.
- ⁵²⁶⁴ ILO-IPEC, *Trafficking and other Worst Forms of Child Labor in Central and Eastern Europe (Phase II)*, Final Technical Progress Report, Geneva, January 2010, 136-140.
- ⁵²⁶⁵ Ibid., 31.
- ⁵²⁶⁶ U.S. Department of State, “Country Reports- 2009: Ukraine,” section 6.
- ⁵²⁶⁷ Ibid.

Uruguay

The Government of Uruguay has enacted laws and designed policies aimed at combating the worst forms of child labor, including protection for domestic workers. However, children continue to work in worst forms of child labor in agriculture and domestic service. Staffing of the labor inspectorate remains low and there is little information on enforcement efforts, while a policy on combating hazardous child labor has yet to be adopted.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in Uruguay are exploited in the worst forms of child labor,⁵²⁶⁸ including in agriculture where they may be exposed to dangerous machinery, tools, and harmful pesticides.⁵²⁶⁹ Children are also engaged in activities such as domestic service, which can leave children vulnerable to physical and sexual exploitation; and street vending, which leaves children exposed to a variety of dangers including harsh weather and criminal elements. Additionally, street children are reportedly involved in sorting garbage and begging.

Uruguay is a source and transit country for trafficking in persons. There are isolated reports of minors being trafficked within Uruguay, to the border and to tourist areas, for the purposes of sexual exploitation and forced labor.⁵²⁷⁰

Laws and Regulations on the Worst Forms of Child Labor





The Code for Children and Adolescents sets the minimum age for employment at 15. Adolescents between age 15 and 18 require the permission of the Government to work.⁵²⁷¹ Permission is predicated upon passing a physical exam that must be renewed

yearly.⁵²⁷² The Government only grants permission to work to minors who have either finished nine years of compulsory education or who are enrolled in school. Work permits are not granted for hazardous, fatiguing, or night work.⁵²⁷³ In 2006 a new law went into effect regulating the work of domestic workers, who were often being effectively exempted from the wage and hour regulations that protected other workers in Uruguay.⁵²⁷⁴

Uruguay's penal code prohibits forced or compulsory labor.⁵²⁷⁵ The law also forbids both child pornography and prostitution.⁵²⁷⁶ The Migration Act, adopted in 2008, prohibits the trafficking of persons in or out of the country for the purposes of forced labor or sexual exploitation.⁵²⁷⁷ The law also lists trafficking of children or endangering the health of the victim as aggravating circumstances. It is illegal to enlist anyone under the age of 18 into the armed forces, even in time of war.⁵²⁷⁸

In 2009, Decree 321, regulating agricultural work, was passed.⁵²⁷⁹ It includes a mandate for the Government to publish an annual list of the 50 most dangerous forms of labor for children and adolescents in agriculture. This list has been periodically published in the past, but is now meant to be published annually.⁵²⁸⁰ The types of hazardous jobs classified 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.⁵²⁸¹

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

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor and Social Security (MLSS) chairs a Committee for the Eradication of Child Labor (CETI) which monitors national child labor issues. The committee is composed of Government agencies, industry and labor groups, and NGOs.⁵²⁸² The Uruguayan Institute for Children and Adolescents (INAU) is the agency with primary responsibility for enforcing child labor laws.⁵²⁸³ When the MLSS receives complaints concerning children working in hazardous situations, it refers the child labor component of cases to the INAU.

The INAU has only five inspectors and one office worker.⁵²⁸⁴ This lack of INAU inspectors has been noted by the ILO Committee of Experts.⁵²⁸⁵ In an Individual Direct Request concerning Convention No. 182 the Committee notes the Government having

reported shortages in human resources and subsequent plans to assign ten more inspector positions to the INAU. There were no statistics on INAU inspection activities provided to the ILO in response to the request.⁵²⁸⁶

The Ministry of the Interior (MOI) investigates both child trafficking and the sexual and commercial exploitation of children.⁵²⁸⁷ Children who are identified as victims of the worst forms of child labor as part of an MOI investigation can be placed under the protection or custody of the INAU. In 2009, there were five children from three cases placed in INAU custody. Generally, 2 years is the length of time it takes to resolve a case involving the commercial or sexual exploitation of children.⁵²⁸⁸

In 2009, a Specialized Court for Organized Crime was created. The two judges and two public prosecutors who operate this court have the responsibility to carry out investigations regarding all manner of organized crime, including the use of children in narcotics operations, the trafficking of children and the use of children for commercial and sexual exploitation.⁵²⁸⁹ The exact number of cases is not known.

Government Policies on the Worst Forms of Child Labor

The interdepartmental National Committee for the Eradication of Commercial and Non-Commercial Sexual Exploitation of Children and Adolescents (NCESEC), in conjunction with the INAU, has a national plan of action against the commercial sexual exploitation of children.⁵²⁹⁰ The goals of this plan are to: strengthen victims’ rights; improve protection measures for victims and witnesses; keep children in school; reintegrate those children who had previously left school; and develop alternative income strategies for families.⁵²⁹¹ Further information on its impact could not be obtained.

The Government provided non-monetary support to anti-child labor campaigns by allowing several agencies to dedicate time to meet and develop national plans and strategies on child labor and trafficking.⁵²⁹² The INAU and CETI are reported to be drawing up a Plan of Action to address the issue of children working in hazardous conditions.⁵²⁹³

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

The Government participates in a program funded by the International Development Bank that provides long-term support for the implementation of a National Strategy for Children and Adolescents.⁵²⁹⁴ This program includes initiatives to combat the worst forms of child labor, and increases investment in social programs aimed at keeping children in school and improving their performance.

In 2010, the Government is running a publicly funded campaign to distribute flyers and stickers in tourist destinations around the country. The aim is to raise awareness of the presence of exploitative child labor and to discourage participation by children in illegal activities.⁵²⁹⁵ In celebration of the June 12 World Day Against Child Labor, the Government conducted an education campaign aimed at informing children about the dangers present in some forms of employment and of their labor rights. Some children continue to lack awareness about the worst forms of child labor and their labor rights.

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

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Follow through on plans to increase the number of INAU inspectors.
- Increase the capacity of the Special Courts of Organized Crime to deal with crimes specifically related to cases of the commercial and sexual exploitation of children.
- Collect, analyze, and make publicly available statistics on inspections and child labor violations, in order to better target enforcement efforts.

IN THE AREA OF POLICIES:

- Identify, track, and publish implementation statistics on the NCESEC's national plan of action against commercial and sexual exploitation.
- Finalize, adopt, and set implementation priorities for the plan of action to address hazardous child labor.

IN THE AREA OF PROGRAMS:

- Expand existing educational campaigns to inform children of the dangers present in some forms of employment and of their labor rights.

⁵²⁶⁸ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

⁵²⁶⁹ U.S. Department of State, "Uruguay," 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/119176.htm>.

⁵²⁷⁰ Ibid.

⁵²⁷¹ Government of Uruguay, *Código de la niñez y la adolescencia*, (August 2, 2004), article 162; available from www.parlamento.gub.uy/leyes/ AccesoTextoLey.asp?Ley=17823&Anchor=.

⁵²⁷² Ibid., article 167, 168.

⁵²⁷³ Ibid., article 163, 172.

⁵²⁷⁴ Government of Uruguay, *Ley 18.065*, (November 27, 2006); available from <http://www.parlamento.gub.uy/leyes/ AccesoTextoLey.asp?Ley=18065&Anchor=>. See also "Las trabajadoras domésticas tienen derechos," *La Republica*, May 11, 2008; available from <http://www.larepublica.com.uy/mujeres/313191-las-trabajadoras-domesticas-tienen-derechos>.

- ⁵²⁷⁵ Government of Uruguay, *Código penal de la República oriental del Uruguay*, (1986), article 280; available from http://www.unifr.ch/derechopenal/legislacion/uy/cp_uruguay.htm.
- ⁵²⁷⁶ Government of Uruguay, *Poder Legislativo, República Oriental del Uruguay: Violencia Sexual Comercial o No Comercial Cometida Contra Niños, Adolescentes o Incapaces, Ley No. 17.815*, (August 18, 2004); available from <http://www.parlamento.gub.uy/Leyes/Ley17815.htm>.
- ⁵²⁷⁷ Government of Uruguay, *Ley No 18.250*, (January 17, 2008), article 77, 78, 81.
- ⁵²⁷⁸ 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.
- ⁵²⁷⁹ U.S. Embassy- Montevideo, *reporting*, February 9, 2010.
- ⁵²⁸⁰ *Ibid.*
- ⁵²⁸¹ U.S. Embassy- Montevideo, *reporting*, December 6, 2008.
- ⁵²⁸² U.S. Embassy- Montevideo, *reporting*, February 9, 2010.
- ⁵²⁸³ *Ibid.*
- ⁵²⁸⁴ ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Uruguay (ratification: 2001)*, [2010 [cited August 25, 2010]. See also U.S. Embassy- Montevideo, *reporting*, February 9, 2010.
- ⁵²⁸⁵ ILO Committee of Experts, *Direct Request, C138: Uruguay*.
- ⁵²⁸⁶ *Ibid.*].
- ⁵²⁸⁷ U.S. Embassy- Montevideo, *reporting*, February 9, 2010.
- ⁵²⁸⁸ *Ibid.*
- ⁵²⁸⁹ *Ibid.*
- ⁵²⁹⁰ *Ibid.*
- ⁵²⁹¹ *Ibid.*
- ⁵²⁹² *Ibid.*
- ⁵²⁹³ ILO Committee of Experts, *Direct Request, C138: Uruguay*.
- ⁵²⁹⁴ IDB, *Uruguay: Comprehensive Program for At-risk Children, Adolescents and Families*, UR-134, 2002; available from <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=423035>.
- ⁵²⁹⁵ *Ibid.*

Uzbekistan

The Government of Uzbekistan has strengthened legislation to address the worst forms of child labor and issued decrees to further protect children. However, large numbers of children are forced by local authorities to harvest cotton each fall, rather than attending school. By establishing high cotton production quotas, the Government is complicit in this use of forced child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	4.3%
Attending School	5-14 yrs.	84.1%
Combining Work and School	7-14 yrs.	5.0%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁵²⁹⁶

Children in Uzbekistan are exploited in the worst forms of child labor. Thousands are forced to work in the annual cotton harvest, in part because the Government maintains a quota system for cotton production and requires that local administrators and farms meet quotas or face penalties such as firings, fines, and government takeover of farmland. To meet these quotas, local officials often close schools for up to 6 weeks or more and force children to pick cotton.⁵²⁹⁷

Some reports indicate that fewer children below secondary school age were involved in the 2009 harvest than in past harvests.⁵²⁹⁸ However, children as young as age 11 continued to be compelled to harvest cotton in the regions of Syrdarya, Gulistan, Tashkent, Khoresm, Jizzakh, Bukhara, and Surhandarya.⁵²⁹⁹ While harvesting cotton, children sometimes lack sufficient food, clean drinking water, and adequate housing.⁵³⁰⁰ In addition, many are exposed to pesticides and long periods of sustained, repetitive movements that can cause injuries. Earlier in the season, some children also work long hours planting cotton.⁵³⁰¹

Some children from Uzbekistan migrate with their families to Kazakhstan, where wages are higher, during the autumn harvest season to work in the cotton fields.⁵³⁰²



In 2006, the Government reported that the number of street children in Uzbekistan was increasing.⁵³⁰³ Children working on the streets may be exposed to severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

There are reports that girls are trafficked abroad and internally for the purpose of commercial sexual exploitation.⁵³⁰⁴ Boys are reportedly trafficked to Kazakhstan and Russia for forced labor, primarily to work in the construction and agriculture sectors.⁵³⁰⁵

Laws and Regulations on the Worst Forms of Child Labor

The labor code of Uzbekistan establishes the minimum age for work at 16. During the reporting period, the Government amended the Labor Code and the law On the Guarantees of the Rights of the Child to raise the minimum age for light work from 14 to 15.⁵³⁰⁶ The Government also ratified ILO Convention No. 138 on the Minimum Age for Admission to Employment, during this reporting period.⁵³⁰⁷

In August 2009, the Decree on Adoption of the List of Occupations with Unfavorable Working Conditions to which it is forbidden to Employ Persons Under Eighteen Years of Age from the Ministries of Labor and Social Protection (MOL) and Health (MOH)

revised the list of hazardous activities forbidden for children under age 18, which specifically prohibits the manual harvesting of cotton.⁵³⁰⁸ The February 2010 MOL and MOH Decree On Approval of Provision on Requirements on Prohibition of Use of Minors' Labor, bars employers from using child labor in specific sectors of work, but does not include picking cotton.⁵³⁰⁹ Prohibited work activities in the 2010 Decree include work underground, underwater, at dangerous heights, or with dangerous equipment.

The February 2010 Decree grants authority to parents and labor inspectors to cancel the employment contracts of workers under age 18 if the work involved could endanger the child's health or well-being.⁵³¹⁰ Likewise, in December 2009, the President signed amendments to Uzbekistan's Code on Administrative Responsibility, which raised the penalties for the use of child labor by citizens and public officials.⁵³¹¹

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

The Constitution of the Republic of Uzbekistan and the Labor Code prohibit forced labor, and the Criminal Code states that the forceful deprivation of liberty is punishable by a fine or by imprisonment.⁵³¹² The Criminal Code penalizes commercial sexual exploitation of children, including child prostitution and pornography.⁵³¹³ The 2008 Law on Trafficking and the Criminal Code prohibit human trafficking.⁵³¹⁴

Institutional Mechanisms for Coordination and Enforcement

The Government's ICCTP is charged with overseeing efforts to combat trafficking. The Commission is chaired by the Prosecutor General, with representatives from other government entities such as the Ministries of Manpower and Migration, Interior, Foreign Affairs, and the National Security Service and the State Customs Committee.⁵³¹⁵ Although the Government of Uzbekistan has established the ICCTP, research found no evidence of a coordinating mechanism to combat other worst forms of child labor.

MOL is responsible for carrying out labor inspections, including for compliance with child labor laws.⁵³¹⁶ MOL executes this responsibility through state legal inspectorates and occupational safety and health inspectorates established in each region of the country. As of 2005, the most recent data available, the MOL employed 850 labor inspectors across the country.⁵³¹⁷ MOL inspectors can refer findings of hazardous or forced child labor to the Prosecutor General's Office for criminal prosecution.⁵³¹⁸ Reportedly, inspections are not carried out in the agricultural sector.⁵³¹⁹

Uzbek officials reported that 150 local hokims (administrators) were reprimanded for allowing child labor in the 2008 cotton harvest, and that a few of the hokims were replaced. Information is not available about child labor investigations or any enforcement actions taken to penalize the use of forced child labor in the cotton harvest of 2009.⁵³²⁰

The Prosecutor General's Office and the criminal investigators of the Ministry of the Interior are responsible for investigating and prosecuting criminal violations of the child labor laws.⁵³²¹ The MOI criminal investigations department investigates crimes against children, including commercial sexual exploitation.⁵³²² MOI also has a special juvenile victims department within its crime prevention section. The agency's Office for Combating Trafficking is charged with investigating trafficking-in-persons crimes, which may then be prosecuted by the Prosecutor General's office.⁵³²³ The Government runs hotlines around the country for people to report incidents of child labor and human trafficking.⁵³²⁴

During the reporting period, the Government hired additional trafficking investigators, conducted trafficking investigations, and prosecuted cases, although disaggregated statistics on child versus adult trafficking or forced labor are unavailable.⁵³²⁵

Government Policies on the Worst Forms of Child Labor

The Government's central policy on the worst forms of child labor is the National Action Plan (NAP), adopted in 2008. The NAP includes a comprehensive set of activities to be undertaken through 2009 and beyond, including legislative reform, increased enforcement, awareness raising, and the implementation of specific projects to assist working and at risk children. The NAP specifically calls for an end to the use of forced child labor.⁵³²⁶ However, the ILO Committee of Experts has stated that the NAP may be insufficient to combat the deeply entrenched forced mobilization of children for the cotton harvest. The Government has refused to allow ILO to undertake an assessment of the problem of forced child labor during the cotton harvest.⁵³²⁷

In January 2009, the Government developed an annual work plan to implement the NAP. It calls for monitoring, raising awareness of national and international legislation on child labor; conducting training programs for labor inspectors, local administrators, teachers, farmers, and other relevant parties; and developing community-based prevention programs.⁵³²⁸

During the start of the fall 2009 cotton harvest, the Ministry of Education sent letters to school directors urging them to certify they would not require student participation in the cotton harvest.⁵³²⁹ However, a

significant number of children were forcibly mobilized to participate in the fall harvest rather than attend school.⁵³³⁰

The Government has other child-focused policies including the National Plan of Action on the Well-Being of Children (2007-2011) and the National Program on Improving Quality and Efficiency of Education.⁵³³¹ The question of whether this policy has an impact on the worst forms of child labor does not appear to have been addressed.

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

UNICEF is working on the issue of child labor in Uzbekistan as part of its larger child protection country strategy (2010-2015), which includes ensuring that all children are attending school during the cotton harvest season by 2015.⁵³³² As part of this program, UNICEF is engaging the Government of Uzbekistan in efforts to eliminate the worst forms of child labor through improved monitoring, implementation, and reporting on the National Plan of Action.⁵³³³

During the reporting period, as part of its implementation of the National Plan of Action on Trafficking, the Government opened its first government-run shelter for trafficking victims. It also conducted a number of awareness raising campaigns aimed at preventing human trafficking.⁵³³⁴

Despite the above initiatives, the Government of Uzbekistan does not implement sufficient programs to combat the worst forms of child labor commensurate with the scope of the problem in agriculture, street work, and trafficking.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Eliminate quotas for the cotton harvest.
- Legislate that all schools remain open and that student attendance be mandatory during the cotton harvest.
- Amend the Decree On Approval of Provision on Requirements on Prohibition of Use of Minors' Labor to include a prohibition on cotton picking.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat all worst forms of child labor.
- Strictly enforce legislation that prohibits children's forced involvement in the cotton harvest.
- Penalize responsible parties for forcing children to participate in the cotton harvest.
- Make information publicly available on investigations, charges, prosecutions, and punishments for parties responsible for exploitive or forced child labor.
- Invite ILO or other third parties to monitor cotton harvests.
- Disaggregate official trafficking in persons statistics between child trafficking, adult trafficking, and child and adult forced labor.

IN THE AREA OF PROGRAMS:

- Expand programs to address the worst forms of child labor, with a particular focus on agriculture, street work, and trafficking.

⁵²⁹⁶ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and children combining working and schooling are from 2006. Data on school attendance are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁵²⁹⁷ U.S. Department of State, "Uzbekistan," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7c and 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm>. See also U.S. Embassy- Tashkent, *reporting*, February 2, 2010, para 6. See also International Labor Rights Forum, "Pick all the cotton: Update on Uzbekistan's use of forced child labor

in 2009 harvest," (December 2009), 1-2; available from <http://www.laborrights.org/sites/default/files/publications-and-resources/UzbekCottonFall09Update.pdf>. See also U.S. Embassy- Tashkent, *reporting*, February 25, 2010, para 25B. See also British Broadcasting Corporation, "Activist 'beaten' after BBC story", news.bbc.co.uk, [online], November 11, 2009 [cited February 22, 2010]; available from <http://news.bbc.co.uk/2/hi/asia-pacific/8355585.stm>.

⁵²⁹⁸ U.S. Department of State, "Country Reports- 2009: Uzbekistan," section 7d. See also U.S. Embassy- Tashkent, *reporting*, February 2, 2010, para 39.

⁵²⁹⁹ U.S. Department of State, "Country Reports- 2009: Uzbekistan," section 7d. See also U.S. Embassy- Tashkent, *reporting*, February 2, 2010, para 39. See also U.S. Embassy- Tashkent, *reporting*, February 25, 2010, para 25B. See also British Broadcasting Corporation, "Activist 'beaten' after BBC story".

⁵³⁰⁰ British Broadcasting Corporation, "Activist 'beaten' after BBC story". See also International Labor Rights Forum, "Pick all the cotton," 1. See also U.S. Embassy- Tashkent, *reporting*, February 25, 2010, para 25C. See also International Crisis Group, *The Curse of Cotton: Central Asia's Destructive Monoculture*, February 28, 2005, 18; available from <http://www.crisisgroup.org/en/regions/>

asia/central-asia/093-the-curse-of-cotton-central-asias-destructive-monoculture.aspx.

⁵³⁰¹ U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 6.

⁵³⁰² U.S. Embassy- Tashkent, *reporting, January 16, 2009*, para 37. See also U.S. Embassy- Astana, *reporting, December 3, 2007*, para 2. See also Joanna Lillis, “Kazakhstan: Cotton Harvest Fails to Provide Rich Pickings”, EURASIANET.ORG, [online], November 13, 2008 [cited August 27, 2010]; available from <http://www.eurasianet.org/departments/insightb/articles/eav111408.shtml>.

⁵³⁰³ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding observations: Uzbekistan, CRC/C/UZB/CO/2*, Geneva, June 2, 2006, para 62; available from [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.UZB.CO.2.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.UZB.CO.2.En?Opendocument).

⁵³⁰⁴ U.S. Department of State, “Country Reports- 2009: Uzbekistan,” section 5. See also U.S. Department of State, “Uzbekistan (Tier 2 Watch List),” in *Trafficking in Persons Report*, Washington, DC, June 4, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/123139.htm>.

⁵³⁰⁵ U.S. Department of State, “Country Reports- 2009: Uzbekistan,” section 5. See also U.S. Embassy- Tashkent, *reporting, February 25, 2010*.

⁵³⁰⁶ U.S. Department of State, “Country Reports- 2009: Uzbekistan,” section 7d.

⁵³⁰⁷ ILO ILOLEX Database of International Labour Standards, *C138 Minimum Age Convention, 1973*, August 27, 2010; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

⁵³⁰⁸ U.S. Embassy- Tashkent, *reporting, January 16, 2009*, para 6. See also U.S. Department of State, “Country Reports- 2009: Uzbekistan,” section 7d. See also U.S. Embassy- Tashkent, *reporting, February 2, 2010*. See also Government of Uzbekistan, *Decree on adoption of the list of occupations with unfavorable working conditions to which it is forbidden to employ persons under eighteen years of age*, (August 8, 2009).

⁵³⁰⁹ Government of Uzbekistan, *Decree on Approval of Provision on Requirements on Prohibition of Use of Minors’ Labor*, (February 1, 2010).

⁵³¹⁰ U.S. Embassy- Tashkent, *reporting, February 25, 2010*, para 27A. See also Government of Uzbekistan, *Decree on Approval of Provision on Requirements on Prohibition of Use of Minors’ Labor*.

⁵³¹¹ U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 8. See also U.S. Department of State, “Country Reports- 2009: Uzbekistan,” section 7d.

⁵³¹² 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, February 25, 2010*, para 27A5. See also ILO Committee of Experts, *CEACR: Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Uzbekistan (ratification: 2008) Published: 2010*, [online] 2010 [cited May 19, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=821&chapter=3&query=Uzbekistan%40ref%2B%20Observation%40ref%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0>. See also ILO Committee of Experts, *CEACR: Individual Observation concerning Abolition of Forced Labour Convention, 1957 (No. 105) Uzbekistan (ratification: 1997) Published: 2010*, [online] 2010 [cited May 19, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=433&chapter=3&query=Uzbekistan%40ref%2B%20Observation%40ref%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0>.

⁵³¹³ Government of Uzbekistan, *Criminal Code of the Republic of Uzbekistan*, (September 22, 1994), article 130-131, 135; available from <http://www.unhcr.org/refworld/publisher,NATLEGBOD,,UZB,3ae6b59216,0.html>.

⁵³¹⁴ U.S. Department of State, “Country Reports- 2009: Uzbekistan,” section 6. See also U.S. Embassy- Tashkent, *reporting, February 25, 2010*, para 27A3. See also Government of Uzbekistan, *Criminal Code of Uzbekistan*, article 135.

⁵³¹⁵ U.S. Embassy- Tashkent, *reporting, February 25, 2010*, para 26B, 26D.

⁵³¹⁶ U.S. Department of State, “Country Reports- 2009: Uzbekistan,” section 7d. See also ILO Committee of Experts, *CEACR: Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Uzbekistan (ratification: 2008) Submitted: 2010*, [online] 2010 [cited May 14, 2010]. See also ILO Committee of Experts, *Individual Observation concerning Abolition of Forced Labour Convention, 1957 (No. 105) Uzbekistan*.

⁵³¹⁷ U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 16.

⁵³¹⁸ *Ibid.*, para 13.

⁵³¹⁹ *Ibid.*

⁵³²⁰ *Ibid.*, para 11, 17, 24 and 35.

⁵³²¹ *Ibid.*, para 12, 13, 20, 32.

⁵³²² *Ibid.*, para 32.

⁵³²³ U.S. Embassy- Tashkent, *reporting, February 25, 2010*, para 26B.

⁵³²⁴ U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 14, 28.

⁵³²⁵ U.S. Embassy- Tashkent, *reporting, February 25, 2010*, para 27 C-E. See also U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 29.

⁵³²⁶ U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 33.

⁵³²⁷ International Labor Rights Foundation, *Three GSP petitions filed by ILRF continue in 2008 annual review*, Press Release, July 1, 2009; available from <http://www.laborrights.org/creating-a-sweatfree-world/changing-global-trade-rules/news/11948>. See also International Labor Rights Forum, "Pick all the cotton," 3-4.

⁵³²⁸ U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 42.

⁵³²⁹ *Ibid.*, para 34.

⁵³³⁰ UNICEF, Country Document, 2009.

⁵³³¹ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Uzbekistan*. See also U.S. Embassy- Tashkent, *reporting*, December 15, 2009.

⁵³³² U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 18. See also UNICEF, *Draft Country Programme Document: Uzbekistan*, April 13, 2009, para 20.(f); available from [http://www.unicef.org/about/execboard/files/09-PL14-Uzbekistan-ODS-English\(1\).pdf](http://www.unicef.org/about/execboard/files/09-PL14-Uzbekistan-ODS-English(1).pdf).

⁵³³³ UNICEF, *Draft Country Programme Document: Uzbekistan*, para 31.

⁵³³⁴ U.S. Embassy- Tashkent, *reporting, February 25, 2010*, para 28B and 29A-D.

Vanuatu

During the reporting period, the Government of Vanuatu participated in a project to increase the number and quality of its labor inspections. However, children continue to work in agriculture and are the victims of commercial sexual exploitation. Gaps in the country's legal framework contribute to this problem.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁵³³⁵

Children in Vanuatu are exploited in the worst forms of child labor, many of them in agriculture.⁵³³⁶ Children's work in agriculture may involve the use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides. Children also work in fishing where they are exposed to environmental dangers as well as the risk of drowning and dangerous tools.

Some children are sexually exploited in exchange for cash, transport, food, or other material goods.⁵³³⁷ A lack of alternatives for raising cash to pay their school fees pushes some children in the country into prostitution.⁵³³⁸

Young girls in Vanuatu are most vulnerable to sexual exploitation for commercial purposes. Younger children, who are recruited by pimps and experienced older sex workers, are believed to be in the greatest demand.⁵³³⁹ Child prostitution is on the rise in the country's urban centers and tourist sector, such as Port Vila, where bars, nightclubs, "guest houses," and hotels are used to facilitate interactions between clients and sexual service providers, including children under the age of 18. UNICEF has found that some of Vanuatu's security guards, taxi drivers, hotel workers, and family members of children under age 18 serve as go-

betweens, making their livings from the islands' child sex business.⁵³⁴⁰ Commercial sexual exploitation of children has also been found to occur in rural areas.⁵³⁴¹




Some evidence shows that trafficking in children occurs in Vanuatu, but the nature and the extent of the problem is unknown.⁵³⁴²

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act establishes the minimum age for employment at 15. It permits children under age 12 to legally perform light agricultural work on farms owned and managed by a family member; however, the Act does not define the term "light work."⁵³⁴³ The Act does restrict children under age 15 from performing work during the night or aboard ships.⁵³⁴⁴ However, the Government of Vanuatu has not established a list of hazardous activities or occupations, nor has its established a minimum age for hazardous work.⁵³⁴⁵

The Penal Code prohibits the use, procurement, or sale of a child below age 18 for prostitution.⁵³⁴⁶ It also prohibits the use of a child for pornographic purposes, though it does not outlaw the sale, distribution, or procurement of child pornography.⁵³⁴⁷ Together, the Employment Act and the Penal Code prohibit slavery, forced or compulsory labor, and trafficking.⁵³⁴⁸

There is no compulsory age for education, nor does the government have a legal obligation to provide free schooling.⁵³⁴⁹ The lack of standards in these two areas may increase the risk of children's involvement in the worst forms of child labor.⁵³⁵⁰

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	None
	Compulsory Education Age	None
	Free Public Education	No

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Vanuatu has established a coordinating mechanism to combat the worst forms of child labor specifically.

The National Children's Committee is charged with coordinating Government efforts to improve children's well-being, including eliminating the commercial sexual exploitation of children. The Committee also monitors child protection issues and is working to create a comprehensive and integrated agenda for children's rights.⁵³⁵¹

The Labor Department is the primary federal agency responsible for enforcing Vanuatu's child labor laws. The agency currently employs approximately four labor inspectors, who are responsible for a range of issues related to the monitoring and enforcement of the Labor Code.⁵³⁵² This is an insufficient number given the scope of child labor.

In an agreement with ILO signed during the reporting period, the Government set a goal to double the 2008 number of labor inspection reports by 2012. ILO has agreed to provide the Government with targeted skills trainings and will offer other unspecified forms of technical assistance to the Labor Department, the country's Trade Union Council, and Chamber of Commerce.⁵³⁵³

Government Policies on the Worst Forms of Child Labor

During the reporting period, the Labor Department formulated the Decent Work Country Program (DWCP) for Vanuatu with the support of the ILO and the country's Trade Union Council and Chamber of Commerce.⁵³⁵⁴ The DWCP for Vanuatu specifies the eradication of child labor as a priority, and establishes the number and quality of labor inspection reports filed as measurement toward that goal.⁵³⁵⁵ Through the DWCP, the Labor Department has requested financial assistance from the ILO to prepare new regulations on child labor and to translate the revised Employment Relations Bill into local languages.⁵³⁵⁶

In March 2009, the Minister of Finance announced Government plans to eliminate primary school fees by January of the following year.⁵³⁵⁷ The fee waiver is not expected to cover students' ancillary expenses, like uniforms, books, and transportation.⁵³⁵⁸ Research did not uncover evidence to determine whether this has been implemented.

The Government participates in UNICEF's Pacific Policy, Advocacy, Planning, and Evaluation Program (PAPE). This regional program supports the development of evidenced-based social and economic policies promoting the rights of children. It also provides technical assistance for data collection on children's issues, which may include child labor.⁵³⁵⁹ There is no evidence that the Government currently collects data on the worst forms of child labor.

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

Research found no evidence of any programs to address the worst forms of child labor.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Establish a minimum age for hazardous work.
- Specifically define the term “light work” in the law and establish a list of hazardous occupations and activities for children.
- Establish a compulsory age for education.
- Prohibit the sale, distribution, or procurement of child pornography.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a mechanism to coordinate efforts to combat the worst forms of child labor.
- Increase the number of labor inspectors available to enforce child labor laws and regulations.

IN THE AREA OF POLICIES:

- Implement free primary school education for all children.
- Collect data at regular intervals on the nature and prevalence of the worst forms of child labor in the country.

IN THE AREA OF PROGRAMS:

- Implement programs to address the worst forms of child labor.

⁵³³⁵ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁵³³⁶ Government of Vanuatu and the European Commission, *The Country Strategy & National Indicative Programme: Vanuatu*, 2008, 12; available from http://www.delvut.ec.europa.eu/en/eu_and_country/CSP2008.pdf. See also Oxfam New Zealand, *Back to School in Vanuatu*, [online] [cited July 12, 2010]; available from <http://www.oxfam.org.nz/index.asp?s1=what%20we%20do&s2=where+we+work&s3=pacific&s4=vanuatu&s5=back%20to%20school%20in%20Vanuatu>.

⁵³³⁷ Michael Samson, Stephen Kidd, Frank Ellis, Nicholas Freeland, and Bernard Wyler, *Social Protection in the Pacific: A Review of its Adequacy and Role in Addressing Poverty*, Australian Agency for International Development, Australian Government, Canberra, February 2010, 28; available from http://www.unicef.org/pacificislands/AusAID_SP_Study.pdf. See also Social Development

Division, *Pacific Perspectives on the Commercial Sexual Exploitation and Sexual Abuse of Children and Youth*, United Nations ESCAP, 2009, 53, 96-97, 109; available from <http://www.unescap.org/publications/detail.asp?id=1320>. See also UNICEF, UNESCAP, and ECPAT International, *Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A Regional Report*, UNICEF Pacific, 2006, 23-25; available from http://www.unicef.org/pacificislands/partners_10989.html. See also U.S. Department of State, “Vanuatu,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136014.htm>.

⁵³³⁸ UNICEF, UNESCAP, and ECPAT International, *CSEC and Child Sexual Abuse in the Pacific*, 24. See also ILO, *Country Baselines under the ILO Declaration Annual Review (2000-2010): The Effective Abolition of Child Labour (CL), Vanuatu*, 2010, 155; available from http://www.ilo.org/declaration/follow-up/annualreview/countrybaselines/lang--en/docName--WCMS_091263/index.htm.

⁵³³⁹ UNICEF, UNESCAP, and ECPAT International, *CSEC and Child Sexual Abuse in the Pacific*, 10, 22. See also UN Economic and Social Commission for Asia and the Pacific, *Pacific Perspectives on the Commercial Sexual Exploitation and Sexual Abuse of Children and Youth*, April 2009; available from <http://www.unescap.org/ESID/GAD/>

Publication/Pacific_Perspectives_Report.pdf. See also UN Committee on the Elimination of Discrimination Against Women, *Concluding Comments of the Committee on the Elimination of the Discrimination Against Women: Vanuatu*, June 11, 2007, 4, 7; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N07/375/66/PDF/N0737566.pdf?OpenElement>. See also Anafia Norton, Penelope Taylor, Patrick Vakaoti, Marie Wernham, and Freida M'Cormack, *Protect Me with Love and Care: A Baseline Report for Creating a Future Free from Violence, Abuse and Exploitation of Girls and Boys in Fiji*, UNICEF Pacific, Suva, 2009, 6; available from http://www.unicef.org/pacificislands/partners_10989.html. See also UN Economic and Social Commission for Asia and the Pacific, *Pacific Perspectives*, 95-97.

⁵³⁴⁰ Social Development Division, *Pacific Perspectives on CSEC and CSA*, 30, 58-59, 77. See also UNICEF, UNESCAP, and ECPAT International, *CSEC and Child Sexual Abuse in the Pacific*, 2, 16, 18-19, 26. See also UN Economic and Social Commission for Asia and the Pacific, *Regional Stakeholders' Consultation and Planning Workshop on the Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A Pacific Regional Report*, 2008, 12; available from <http://www.unescap.org/publications/detail.asp?id=1323>.

⁵³⁴¹ UNICEF, UNESCAP, and ECPAT International, *CSEC and Child Sexual Abuse in the Pacific*, 27.

⁵³⁴² UN Economic and Social Commission for Asia and the Pacific, *Regional Stakeholders' Consultation and Planning Workshop*, 12.

⁵³⁴³ Government of Vanuatu, *Employment Act*, (May 30, 1983), article 38; available from http://www.paclii.org/vu/legis/consol_act/e128/.

⁵³⁴⁴ *Ibid.*, article 40.

⁵³⁴⁵ *Ibid.*, articles 40-42. See also Norton, Taylor, Vakaoti, Wernham, and M'Cormack, *Protect Me with Love and Care*, 54.

⁵³⁴⁶ Government of Vanuatu, *Penal Code*, (August 7, 1981), articles 101, 101a-c; available from http://www.paclii.org/vu/legis/consol_act/pc66/.

⁵³⁴⁷ *Ibid.*, article 101D.

⁵³⁴⁸ Government of Vanuatu, *Employment Act*, article 7. See also Government of Vanuatu, *Penal Code*, articles 102, 105.

⁵³⁴⁹ ILO, *Country Baselines under the ILO Declaration Annual Review* 156.

⁵³⁵⁰ Government of Vanuatu, *Education Act*, (February 25, 2002), articles 7, 35; available from http://www.paclii.org/vu/legis/consol_act/ea104/. See also ILO, *Country Baselines under the ILO Declaration Annual Review* 156. See also Penny Schoeffel Meleisea and Ellie Meleisea, *The Elimination of All Forms of Discrimination and Violence Against the Girl Child: Situation Paper for the Pacific*

Islands Region, UNICEF Pacific and UNIFEM Pacific, 2007, 14; available from <http://pacific.unifem.org/index.php?cat=2>.

⁵³⁵¹ UNICEF, UNESCAP, and ECPAT International, *CSEC and Child Sexual Abuse in the Pacific*, 32-33. See also UN Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women Combined initial, second and third periodic reports of States parties - Vanuatu*, CEDAW/C/VUT/1-3, 2005, 65; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/625/04/PDF/N0562504.pdf?OpenElement>.

⁵³⁵² Government of Vanuatu, *Responses to the List of Issues and Questions with Regard to the Consideration of the Combined Initial, Second, and Third Periodic Reports*, [online] 2007, 16; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/c6a272aa78e118e5c12572a4003277dc?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/c6a272aa78e118e5c12572a4003277dc?Opendocument). See also ILO, *Decent Work Country Programme: Vanuatu*, July 2009, 7, 11; available from http://www.ilo.org/asia/whatwedo/publications/lang--en/docName--WCMS_120557/index.htm. See also U.S. Department of State, "Country Reports- 2009: Vanuatu," section 7e.

⁵³⁵³ ILO, *Decent Work Country Programme*, 1, 20-21.

⁵³⁵⁴ *Ibid.*, 11 and 20.

⁵³⁵⁵ *Ibid.*, 20. See also Government of Vanuatu, *Responses to the List of Issues and Questions*, 16.

⁵³⁵⁶ ILO, *Decent Work Country Programme*, 17.

⁵³⁵⁷ Nicolas Berlanga Martinez, *Vanuatu Press Review*, Delegation of the European Commission to Vanuatu, February 12-March 12 2009, 8; available from <http://www.delvut.ec.europa.eu/en/pa1/pressreviewmarch1.pdf>.

⁵³⁵⁸ *Ibid.*

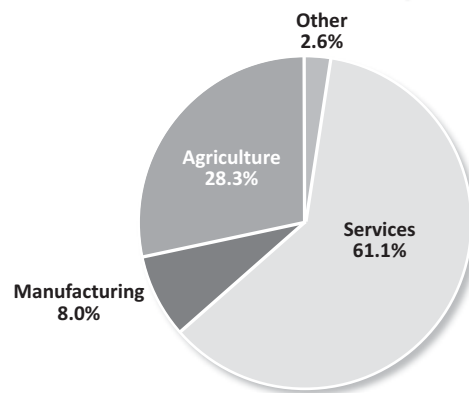
⁵³⁵⁹ UNICEF, *Policy, Advocacy, Planning and Evaluation (PAPE)*, [online] 2010 [cited August 24, 2010]; available from http://www.unicef.org/pacificislands/9596_11759.html. See also UNICEF Pacific, *A Situation Analysis and Review of UNICEF Pacific's Policy, Advocacy, Planning and Evaluation Programme (PAPE)*, May 2010, 1; available from http://www.unicef.org/pacificislands/9596_13564.html.

Venezuela

The Government of Venezuela has established a legal framework to protect children from the worst forms of child labor. However, children continue to engage in exploitative work in agriculture, domestic service, and on the streets. Government policies and programs aim to alleviate poverty and provide access to education, however they do not specifically target the children engaged in the worst forms of child labor in agriculture and domestic service.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	5.4%
Attending School	5-14 yrs.	94.9%
Combining Work and School	7-14 yrs	4.0%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Venezuela are exploited in the worst forms of child labor in agriculture and a variety of service sector occupations.⁵³⁶⁰ Children working in agriculture may face hazards, such as dangerous machines and tools, transporting heavy loads, and applying harmful pesticides.

Girls perform domestic service, which may involve long hours of work and may expose them to physical or sexual exploitation.⁵³⁶¹ There are large numbers of street children in Venezuela, who may be exposed to a variety of hazards, including severe weather conditions, accidents caused by proximity to vehicles, and vulnerability to criminal acts.⁵³⁶²

Children are trafficked for the purpose of prostitution.⁵³⁶³ Child prostitution occurs in urban areas, such as Caracas and Maracaibo and in resort destinations, such as Margarita Island.⁵³⁶⁴ Although evidence is limited, there is reason to believe

that the worst forms of child labor are used in the production of pornography.⁵³⁶⁵






Laws and Regulations on the Worst Forms of Child Labor

The Organic Labor Law (LOT) and the Organic Law for the Protection of Children and Adolescents (LOPNNA) set the minimum age for work at 14. LOT permits children between the ages of 14 and 16 to work only with the consent of their legal guardian.⁵³⁶⁶ LOT prohibits minors from working in mining, welding, and other dangerous activities that threaten their lives or health, but it does not provide a comprehensive list of hazardous activities.

The National Constitution and LOPNNA prohibit forced labor, debt bondage, slavery, and trafficking in persons, including children.⁵³⁶⁷ LOPNNA forbids all forms of sexual exploitation and states that the Government must offer assistance free of charge to children who have been victims.⁵³⁶⁸ The Special Law Against Computer Crimes prohibits electronic

pornography involving children.⁵³⁶⁹ The law also forbids inducing solicitation for prostitution, corruption of minors, and international trafficking, and it establishes penalties depending on the severity of the crime.⁵³⁷⁰ LOPNNA also prohibits selling or offering tobacco, alcohol, arms, fireworks, and drugs to minors.⁵³⁷¹

The age for compulsory and voluntary recruitment to the armed forces is 18.⁵³⁷²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	No
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Superior System (NSS) for the Integral Protection of Children and Adolescents is charged with protecting children’s rights, including addressing child labor issues. The NSS is made up of several government ministries and councils and representatives from civil society.⁵³⁷³ However, research has not identified specific activities or programs carried out by NSS for the Integral Protection of Children and Adolescents.

The Ministry of Popular Power for Labor and Social Security (MPPLSS) enforces labor laws, including child labor laws.⁵³⁷⁴ The Ministry of Popular Power for Interior and Justice (MPPIJ) enforces laws such

as those against child trafficking through associated directorates⁵³⁷⁵ For instance, the Crime and Prevention Directorate and the Scientific, Penal, and Criminal Investigation Directorate are responsible for investigating trafficking cases.⁵³⁷⁶ There were a small number of trafficking cases filed and resolved during the reporting period; it is unknown, however, how many of them involved children.⁵³⁷⁷

Government Policies on the Worst Forms of Child Labor

The Simón Bolívar Development Plan (2007-2013) addresses issues related to poverty, social exclusion, and lack of access to education. One of its objectives is to eradicate extreme poverty by improving the health care and education systems.⁵³⁷⁸

The Government of Venezuela and UNICEF launched a Plan of Action (2009 – 2013), which aims to help children and adolescents by focusing on education, social inclusion, and violence prevention.⁵³⁷⁹

The question of whether these policies have an impact on the worst forms of child labor does not appear to have been addressed.

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

During the reporting period, the Government of Venezuela conducted awareness-raising campaigns to combat the commercial sexual exploitation of children, forced child labor, and child sex tourism. It aired public service announcements, distributed pamphlets and posters, and operated a 24-hour hotline for victims of trafficking.⁵³⁸⁰

The Government continued to participate in the MERCOSUR initiative Niño Sur (Southern Child) and the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism in South America. Niño Sur raises awareness of commercial sexual exploitation, improves countries legal frameworks, and exchanges best practices for protecting and assisting victims of commercial sexual exploitation.⁵³⁸¹ The Joint Group conducts prevention and awareness-raising campaigns to combat the commercial exploitation of children in Latin America.⁵³⁸² The Government of Venezuela also

continued to participate in a project funded by the Government of Spain to eliminate child labor in Latin America.⁵³⁸³

The Government continued carrying out the Program to Dignify Working Children and Adolescents (PRODINAT). This program seeks to improve working conditions for child laborers by setting up businesses where children work in healthy and safe environments.⁵³⁸⁴ The Government also operates a network of social programs called “Social Missions” to improve the social and economic well-being of vulnerable groups, including children.⁵³⁸⁵ The *Negra Hipólita* Mission provides social services targeting

street children, pregnant minors, disabled people, and very poor adults.⁵³⁸⁶ The Neighborhood Children Mission works exclusively with people under 18 to eradicate exploitation, harassment, and physical and psychological abuse.⁵³⁸⁷ The Robinson I and II Missions provide education and vocational training to children and adults.⁵³⁸⁸

Research found no evidence that the Government of Venezuela is carrying out programs to assist children involved in the worst forms of child labor in agriculture and domestic service. Moreover, studies of children engaged in the worst forms of child labor are not readily available.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Develop a comprehensive list of hazardous occupations and activities prohibited to children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish an information system to share the work and progress of the initiatives carried out by the National Superior System for the Integral Protection of Children and Adolescents.
- Make information available on inspections and enforcement of child labor laws

IN THE AREA OF POLICIES:

- Assess the impact that existing social policies may have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Amend PRODINAT so that it can offer assistance to children involved in hazardous agriculture, prostitution and pornography.
- Design additional programs that target children engaged in the worst forms of child labor in agriculture and domestic service.
- Conduct additional studies on the worst forms of child labor, particularly in agriculture, domestic service, and commercial sexual exploitation, and make the results publicly available.

⁵³⁶⁰ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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Yemen

The Government of Yemen implements a small number of rehabilitation and reintegration programs for victims of the worst forms of child labor. However, children continue to work in hazardous conditions in agriculture and face the risk of child trafficking. Children are also forced into labor and are recruited as soldiers. Government efforts to combat child labor are hindered by contradictory labor laws, and a lack of funding for enforcement.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	15.4%
Attending School	5-14 yrs.	58.5%
Combining Work and School	7-14 yrs	4.7%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

In Yemen, children are engaged in the worst forms of child labor,⁵³⁸⁹ many of them in agriculture. According to Yemen's Ministry of Social Affairs and Labor (MOSAL), children working in agriculture work with dangerous agricultural equipment, carry heavy loads, and are exposed to pesticides.⁵³⁹⁰ Children work in the production and guarding of *qat*, a mild narcotic plant legal in Yemen. In this work, they are exposed to pesticides and carry weapons which are used to protect the *qat* crops.⁵³⁹¹

Children also perform dangerous work in stone cutting and quarries, welding and glass shops, construction, auto shops, fishing, garbage collection, domestic service, restaurant motels, and in the streets.⁵³⁹² Children working in stone cutting and quarries and welding and glass shops are subject to exploitation by gangs and exposure to habits such as smoking and chewing *qat*.⁵³⁹³ In construction work, children are exposed to chemical toxins and paint.⁵³⁹⁴ Children working in auto shops face physical injuries, including burns and respiratory problems from inhaling fumes.⁵³⁹⁵ Children engaged in fishing are

at risk of drowning.⁵³⁹⁶ Children working in garbage collection may be exposed to toxic or other injurious substances. Child domestics work long hours and their isolation in homes makes them susceptible to sexual harassment and physical abuse. Children working in restaurants and motels are particularly vulnerable as they sometimes work at night and are subject to sexual harassment by patrons.⁵³⁹⁷ Working in the streets renders children particularly vulnerable to mental and physical harassment and abuse.⁵³⁹⁸

Yemeni children are trafficked domestically for commercial sexual exploitation and forced labor.⁵³⁹⁹ Children are internally trafficked to Aden and Sana'a for forced labor, domestic service, begging, street vending, and to work as unskilled laborers.⁵⁴⁰⁰ Girls are trafficked for commercial sexual exploitation.⁵⁴⁰¹ Somali girls are trafficked to Yemen for commercial sex work.⁵⁴⁰² Yemeni children are also trafficked to Saudi Arabia where they are engaged in forced labor and forced prostitution.⁵⁴⁰³ According to MOSAL, the number of children trafficked to Saudi Arabia decreased from 900 in 2008 to 602 in 2009.⁵⁴⁰⁴ Research does not indicate whether these figures represent number of incidents reported, number of children rescued, or number of cases investigated.

Criminals use Yemeni children to carry out illegal activities. Children work as smugglers of drugs and alcohol and may suffer abuse and hunger.⁵⁴⁰⁵

Yemeni children are engaged in prostitution. Children from the Horn of Africa, Ethiopia, and Somalia also are forced into commercial sexual exploitation in Yemen.⁵⁴⁰⁶

Yemeni children are being recruited as soldiers; as many as 600 children are killed or wounded annually by their direct involvement in conflict.⁵⁴⁰⁷ There are reports that both government-supported and opposition militias use child soldiers.⁵⁴⁰⁸






Laws and Regulations on the Worst Forms of Child Labor

The 2004 Ministerial Decree No. 56 sets the minimum working age at 15, but section 133 of the 2002 Child Rights Law establishes the minimum working age at 14.⁵⁴⁰⁹ According to the Government, Decree No. 56 does not repeal inconsistent sections in prior legislation; therefore, the actual legal minimum age for employment is uncertain.⁵⁴¹⁰

The Labor Code prohibits hazardous work for children under age 15, but exempts all persons working in agriculture, domestic service, and children working with their families provided conditions are “suitable,” a term which is not defined by the Labor Code.⁵⁴¹¹ By contrast, Decree No. 56 prohibits hazardous work for those under age 18 without exception.⁵⁴¹² The Decree also states that children between ages 13 and 15 years may engage in light work, which is not specifically defined. The Decree does not specify the minimum working age for apprentices.⁵⁴¹³ The Decree also does not contain sanctions for hazardous work violations.⁵⁴¹⁴

The Child Rights Law protects children under age 18 from economic exploitation and Ministerial Decree No. 56 states that worst forms of child labor must be eliminated (including prostitution, pornography, forced labor, child soldiers, illicit activities, and trafficking) and defines the penalties for inciting children into illegal activity, child prostitution, and child trafficking.⁵⁴¹⁵ The Child Rights Act prohibits the incitement of a child into prostitution, and Ministerial Decree No. 56 stipulates prison sentences for those who force children into prostitution or sell children. Ministerial Decree No. 56 also prohibits inciting

children to engage in drug trafficking.⁵⁴¹⁶ Republican Decree No. 12/1994 prohibits using children in begging. The law also prohibits forced or compulsory labor for all persons including children.⁵⁴¹⁷ Yemen does not have compulsory military recruitment and the voluntary recruitment age is 18.⁵⁴¹⁸

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14/15
	Minimum Age for Hazardous Work	15/18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Steering Committee to Combat Child Labor is responsible for coordinating all child labor issues. This committee consists of representatives from the Ministry of Social Affairs and Labor, the Higher Council for Motherhood and Childhood (HCMC), the Chamber of Commerce, ILO-IPEC, and local NGOs.⁵⁴¹⁹ In October 2009, the Child Labor Steering Committee met for the first time in two years.⁵⁴²⁰ In addition, the Higher Council for Motherhood and Childhood addresses child protection, including child labor.⁵⁴²¹ The Council holds regular meetings and conducts trainings.⁵⁴²² In addition, the Children’s Parliament of Yemen continues to advocate against exploitive child labor and child trafficking.⁵⁴²³

MOSAL’s Child Labor Unit (CLU) is responsible for enforcing child labor laws. The CLU has 20 child labor inspectors throughout the country.⁵⁴²⁴ In 2008, the Government of Yemen reported that the CLU visited

5,041 working children, placing 341 of those children in school and transitioning 541 of those children to light work.⁵⁴²⁵ There is no available information on the steps that the CLU took to ensure the safety of the other child laborers. Child labor inspectors have received training in the relevant ILO conventions, the Yemeni laws on child labor, monitoring techniques, and the problems faced by child laborers.⁵⁴²⁶ In 2009, the CLU eliminated travel funds for its child labor inspectors, preventing them from performing site visits.⁵⁴²⁷ The Government admits that a lack of resources hampers child labor law enforcement.⁵⁴²⁸

The HCMC works with MOLSA and the Ministries of Human Rights, Justice, and Legal Affairs to combat child trafficking.⁵⁴²⁹ Government-affiliated press reported that from January through June 2009, security forces captured 26 child traffickers in Hajja attempting to traffic 180 children to Saudi Arabia. The rescued children were sent to Haradh Child Protection Center.⁵⁴³⁰ In December 2009, five Yemeni children who had been trafficked to Saudi Arabia for forced begging were repatriated.⁵⁴³¹ Police stationed at border crossings were trained in how to deal with trafficked children.⁵⁴³²

Government Policies on the Worst Forms of Child Labor

The 2005 National Policy and Program Framework (NPPF) for the Eradication of Child Labor and Elimination of its Worst Forms was developed by the MOSAL in cooperation with ILO-IPEC and the HCMC.⁵⁴³³ The NPPF aims to harmonize domestic legislation with international standards regarding child labor, strengthen national capacity, and increase awareness.⁵⁴³⁴ The NPPF has been delayed due to a lack of effective coordination, including information sharing and documentation, amongst various ministry agencies and other stakeholders. NPPF stakeholders have not conducted any meetings or allocated any funds since 2005.⁵⁴³⁵

The Government developed the National Action Plan (NAP) to Combat Child Smuggling in 2007, which aims to prevent child trafficking.⁵⁴³⁶ The policy includes provisions on law reform, awareness raising, and training activities.⁵⁴³⁷ As part of the NAP, UNICEF trained imams on the risks and dangers of

child trafficking so that they can disseminate this information during their religious Friday services. MOSAL trained taxi and small bus drivers in target cities on child trafficking.⁵⁴³⁸ In addition, MOSAL, UNICEF and IOM established rehabilitation centers for trafficked children in Haradh and Sana'a.⁵⁴³⁹ The Government provided medical and psychological services for child trafficking victims and arranged for free medical care for trafficked children and child laborers at a hospital in Sana'a.⁵⁴⁴⁰ In early 2010, Yemen and Saudi Arabia officials held talks on coordinating mutual cooperation in combating child labor.⁵⁴⁴¹

The Government has also incorporated child labor into its other national policies, including its Third Five-Year Plan (TFYP) and the National Action Plan for Children. The TFYP incorporates child labor into its provisions on childhood and youth strategy, labor force unemployment, education, illiteracy, and vocational training.⁵⁴⁴² The National Action Plan for Children has four components: inclusive education, school health and nutrition, increasing the number of female teachers and addressing girls' education, and protecting disadvantaged children. The plan has identified responsible agencies to address each component.⁵⁴⁴³ By incorporating disadvantaged children into the National Action Plan, the Government of Yemen has targeted those most at risk for worst forms of child labor.

The Government of Yemen does not have policies in place specifically on the elimination of child soldiers, despite reports indicating children participation in many government-related and non-state militia groups.

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

Since 2000, the Government of Yemen has participated in the implementation of programs to eliminate child labor through partnerships with international and domestic organizations and foreign aid agencies. The Government participated in a \$1.4 million national program funded by USDOL which withdrew 2,604 and prevented 1,330 children from working in urban and rural areas through the provision of education and vocational training opportunities.⁵⁴⁴⁴ The Government also participated in a \$3 million USDOL-funded project in Lebanon and Yemen to withdraw and prevent 1,596 children from hazardous work.⁵⁴⁴⁵

The Government is currently participating in a USDOL-funded \$3.5 million project to combat child labor through education in Yemen (2008-2011). The project targets 7,100 children working in hazardous agriculture and fisheries, trafficking, and commercial sexual exploitation for educational and vocational training services.⁵⁴⁴⁶ The Government has allocated \$78,800 for activities related to combating child labor as part of this project.⁵⁴⁴⁷

The Government provides support to victims of the worst forms of child labor through protection and

rehabilitation centers for child victims of smuggling, follow-up services for former child workers, and safe childhood centers for street children.⁵⁴⁴⁸ There are two centers for victims of smuggling that offer psychological support and health care as well as shelter for up to 1 month.⁵⁴⁴⁹ In 2009, 427 children accessed services from these centers.⁵⁴⁵⁰ Safe childhood centers have been established in Sana'a City, Aden, and Ta'izz. These centers provide street children with rehabilitation services and assistance them in reuniting with their families.⁵⁴⁵¹

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend Ministerial Decree No. 56, Labor Code No. 5, and Law No. 45 on the Rights of the Child (Child Rights Law) to address inconsistencies in the minimum age for work and hazardous work and to adequately define hazardous work.
- Amend Ministerial Decree No. 56 to define light work and establish minimum age for apprenticeships.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure that there is sufficient funding for inspections to be carried out throughout the country and that inspections are targeted in the sectors where the worst forms of child labor are prevalent.

IN THE AREA OF POLICIES:

- Implement the National Policy and Program Framework for the Eradication of Child Labor and Elimination of its Worst Forms by conducting stakeholder meetings and allocating funds.
- Discontinue the use of children in armed conflict and institute criminal penalties for violations of the law.

IN THE AREA OF PROGRAMS:

- Expand child labor programs to target the most prevalent worst forms of child labor including hazardous agriculture, domestic service, and child soldiering.

⁵³⁸⁹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 1999. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For

more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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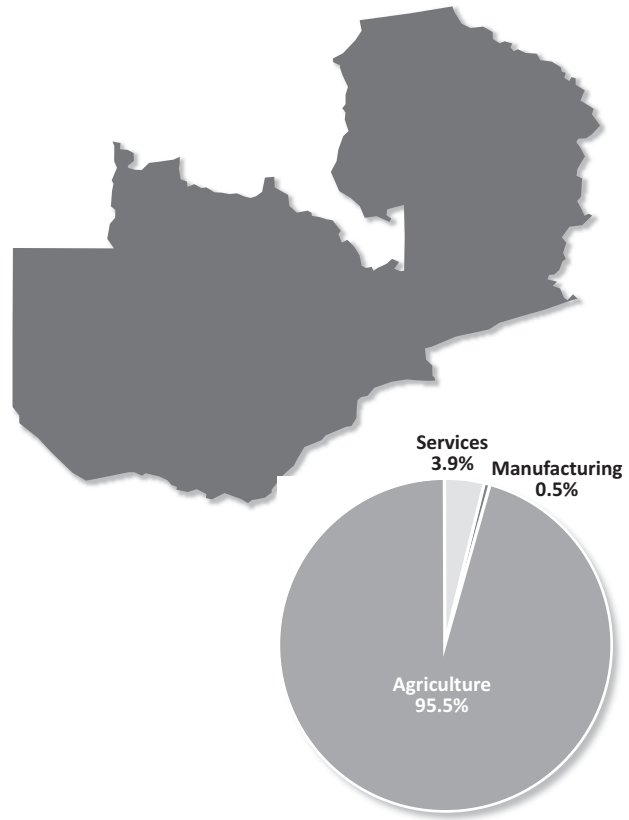
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- ⁵⁴⁴¹ Yemen Observer staff, “Yemen, Saudi Arabia Discuss Combating Child Labor,” *Yemen Observer*, January 19, 2010; available from <http://www.yobserver.com/local-news/10017990.html>.
- ⁵⁴⁴² ILO-IPEC, *Supporting the National Policy and Programme Framework (NPPF) for the Elimination of the Worst Forms of Child Labour (WFCL) in Lebanon and Yemen*, Final Technical Progress Report, Geneva, August 15, 2008, 4.
- ⁵⁴⁴³ *Ibid.*
- ⁵⁴⁴⁴ U.S. Department of Labor, *National Program on the Elimination of Child Labor in Yemen*, Technical Cooperation Project Summary, 2005.
- ⁵⁴⁴⁵ U.S. Department of Labor, *Supporting the National Policy and Program Framework for the Elimination of the Worst Forms of Child Labor in Lebanon and Yemen*, Technical Cooperation Project Summary, 2008.
- ⁵⁴⁴⁶ U.S. Department of Labor, *Alternatives to Combat Child Labor through Education and Sustainable Services-Plus*, Technical Cooperation Project Summary, 2008.
- ⁵⁴⁴⁷ UN Committee on the Rights of the Child, *Written Replies of Gov’t of Yemen to CRC/C/OPSC*, para 4.
- ⁵⁴⁴⁸ *Ibid.*, 15-21.
- ⁵⁴⁴⁹ *Ibid.*, 15.
- ⁵⁴⁵⁰ *Ibid.*
- ⁵⁴⁵¹ *Ibid.*, 21.

Zambia

The Government of the Republic of Zambia published a national anti-trafficking plan in 2009; however, it has not adopted the draft hazardous child labor list or prioritized the prevention and elimination of the worst forms of child labor in major development policies. Children continue to work in dangerous labor, in agriculture, herding, mining, and on the streets. Education is not mandatory, leaving children under 15, who cannot work legally, vulnerable to the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	33.4%
Attending School	5-14 yrs.	63.8%
Combining Work and School	7-14 yrs	35.5%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Zambia are exploited in the worst forms of child labor,⁵⁴⁵² primarily in agriculture.⁵⁴⁵³ Children help produce tobacco and cotton, and they are often exposed to dangerous pesticides and fertilizers, bites from snakes and other animals, and injuries from carrying heavy loads and using dangerous tools and machinery.⁵⁴⁵⁴ Boys are contracted out by their parents to work as herders, in some cases for years. They are exposed to waste, diseases, and attacks from animals.⁵⁴⁵⁵ Children perform other dangerous work, including construction and forestry. They are injured carrying firewood and water, are denied food, and are subject to loud noise, excessive hours, smoke inhalation, and burns.⁵⁴⁵⁶ Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of maize, coffee, tea, fish, and charcoal.⁵⁴⁵⁷

Children working as domestic servants or as servers in bars also work long hours and carry heavy loads.⁵⁴⁵⁸

Children in Zambia work in mining, primarily in small artisanal and traditional mines, where they extract emeralds, amethyst, aquamarines, tourmalines, and garnets; mine and process lead, zinc, and copper ore; crush stones; and scavenge mine dump sites for residual gems.⁵⁴⁵⁹ These children work long hours, are exposed to extreme heat and dangerous chemicals, and suffer injuries including cuts and broken bones from flying rocks and tools, impaired vision from wounds and night work, and silicosis and other respiratory problems from contact with dust.⁵⁴⁶⁰

Other worst forms of child labor exist in Zambia. Children engage in prostitution at transit hubs, along highways, and elsewhere.⁵⁴⁶¹ In urban areas, many orphans and vulnerable children work and beg in the streets.⁵⁴⁶² Street children may be exposed to health and safety risks such as severe weather, vehicular accidents, and exploitation by criminal elements.

Child trafficking continues to be a problem in Zambia. Children in agriculture, herding, and domestic service often fall victim to internal trafficking, sometimes in exchange for money, goods, and gifts

to family members.⁵⁴⁶³ Children from rural areas are trafficked into forced labor and domestic servitude in urban areas, where they may be beaten, starved, and physically and psychologically abused.⁵⁴⁶⁴ In urban areas, girls engaged in domestic service may initially expect to attend school in exchange for their work but are often prevented from going to school and denied pay.⁵⁴⁶⁵ Some Zambian children are also trafficked to Malawi for commercial sexual exploitation or to Angola for forced labor.⁵⁴⁶⁶

Laws and Regulations on the Worst Forms of Child Labor

The Constitution and the Employment Act set the minimum age for employment at 15.⁵⁴⁶⁷ The Apprenticeship Act regulates the employment of minors as apprentices but does not include a minimum age for apprenticeships or specify the types of work that apprentices can perform. The Employment of Children and Young Persons Act bars children under 18 from engaging in hazardous labor.⁵⁴⁶⁸ While the Government has drafted a hazardous labor list, this list has yet to be adopted. Furthermore, the Government has yet to mandate a compulsory education age, making children under 15 particularly vulnerable to the worst forms of child labor.

The Employment of Young Persons and Children Act specifically prohibits the worst forms of child labor, including child prostitution; slavery; forced military recruitment of children; and work harmful to the safety, health, or morals of children and young people.⁵⁴⁶⁹ The Juveniles Act of 1956 specifically prohibits the use or procurement of children under the age of 16 for the purposes of begging.⁵⁴⁷⁰ The Constitution, the Penal Code, and the Anti-Human Trafficking Act of 2008 prohibit forced labor and the trafficking of children, while the Constitution and Penal Code both prohibit slavery.⁵⁴⁷¹ The Penal Code also prohibits pornography, prostitution, and the sexual harassment of a child in the workplace.⁵⁴⁷² However, the penalties for child prostitution violations in the Employment of Young Persons and Children Act are different from those in the Penal Code.⁵⁴⁷³

In addition, some of the Penal Code’s prohibitions against the sexual exploitation of children do not apply to children above age 16.⁵⁴⁷⁴

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor and Social Security (MLSS) serves as chair of the National Steering Committee on Child Labor, which monitors and develops policies on the worst forms of child labor. The MLSS Child Labor Unit (CLU) provides technical expertise and coordinates all worst forms of child labor activities and programs to eliminate child labor in Zambia, including the activities of 16 district child labor committees throughout the country. These committees create awareness on the worst forms of child labor and monitor the implementation of child labor programs at the district and village levels.⁵⁴⁷⁵ The MLSS works closely with the Ministry of Youth, Sport, and Child Development (Directorate of Child Affairs); the Zambia Police Service Victims’ Support Unit (VSU); the Joint Child Protection Unit; the Ministry of Justice; the Ministry of Community Development and Social Services (MCDSS); the Child Protection Unit and District Street Children Committee; and the Drug Enforcement Commission.⁵⁴⁷⁶

MLSS labor inspectors inspect workplaces including individual households and agricultural fields and investigate child labor complaints. Violators of child labor laws receive counseling or are fined.⁵⁴⁷⁷ District

level MLSS officers are also responsible for mediating labor disputes between employers and workers.⁵⁴⁷⁸ No information is available on the number of child labor cases investigated, or violations penalized in 2009.

The Government's Ministry of Home Affairs leads an Inter-Ministerial Committee on Human Trafficking, which coordinates and shares information on trafficking issues among government agencies.⁵⁴⁷⁹ Members include Zambia's police, immigration authorities, the Ministry of Justice, the Ministry of Labor and Social Security, and the Ministry of Education.⁵⁴⁸⁰ The Committee also established a Secretariat which is responsible for monitoring, and developing strategies to implement the National Plan of Action Against Human Trafficking. The Secretariat also cooperates with international organizations to design training plans for government officials.⁵⁴⁸¹

The Child Protection Unit leads enforcement of labor-related trafficking laws, while the Zambian Police Service's Victims' Support Unit handles all other forms of trafficking.⁵⁴⁸² The Ministry of Community Development and Social Services provides assistance to child trafficking victims and keeps rescued victims under protective custody.⁵⁴⁸³ Child trafficking complaints are made through a central number at each ministry.⁵⁴⁸⁴ In 2009, 26 cases of trafficking involving children under 18 were reported to IOM.⁵⁴⁸⁵ Training on the investigation of child trafficking cases and ILO conventions was provided to Victims' Support Unit staff, police, local court justices, prosecutors, magistrates, labor officers, and immigration authorities.⁵⁴⁸⁶

Government Policies on the Worst Forms of Child Labor

The Government of Zambia's Fifth National Development Plan (2006-2011) and Decent Work Country Program (2007-2011) include the eradication of the worst forms of child labor as a goal.⁵⁴⁸⁷ The Government of Zambia's National Employment and Labor Market Policy proposes interventions for the elimination of the worst forms of child labor in agriculture through health and education services aimed at preparing young people for decent and productive work.⁵⁴⁸⁸ The Child Labor Policy summarizes legislation related to children and provides guidelines for child protection. Zambia has not yet

adopted a draft statutory instrument codifying the worst forms of child labor.⁵⁴⁸⁹ The Government also published a National Plan of Action for the Timebound Elimination of the Worst Forms of Child Labor and supporting provincial action plans for each province in Zambia.⁵⁴⁹⁰ The Government contributed to the drafting of the ILO-IPEC-coordinated National Plans of Action to Combat Child Domestic Labor and to Eliminate Child Labor in Mining.⁵⁴⁹¹

The Government's Technical Education and Vocational Training Authority developed a strategic plan including protections for working children.⁵⁴⁹² The Government published a national Anti-Trafficking Plan of Action in 2009.⁵⁴⁹³

A number of policies in Zambia that could benefit working children do not currently focus on the worst forms of child labor. These include the Poverty Reduction Strategy Paper (2007), the National Youth Policy (2006), the National Strategy on Children, Youth, and Sports Development (2006), the National Employment and Labor Market Policy (2005), and the UN Development Assistance Framework (2011-16).⁵⁴⁹⁴

Between 2008 and 2010, the government collected data on child labor.⁵⁴⁹⁵ The Government produced two interagency reports presenting research findings conducted in collaboration with the international UCW Program. The Government conducted a Labor Force Survey; however, Zambia's Central Statistics office has yet to release the survey data.⁵⁴⁹⁶ The results of this survey will assist the Government in measuring the impact of its efforts to eradicate the worst forms of child labor.

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

The Government of Zambia has participated in several donor-funded projects, including projects targeting children exploited in agriculture and children affected by the HIV/AIDS epidemic, who were at-risk or engaged in the worst forms of child labor. These projects include a \$3.9 million USDOL-funded project to support a national Timebound Program, which withdrew and prevented 11,445 children from exploitive work through the provision of education and vocational training.⁵⁴⁹⁷ Another project withdrew 1,885 and prevented 1,483 children in Zambia from

worst forms of child labor and developed tools and training materials to mainstream HIV/AIDS issues into child labor policies and programs.

The Zambian Government currently participates in the 4-year, \$23.8 million European Commission-funded TACKLE Project to combat child labor through education in 11 countries, including Zambia.⁵⁴⁹⁸ Many activities started under the USDOL-funded child labor programs have been continued through this project. Zambia's MCDSS assists 10,000 families through a social cash transfer program which provides funds on the condition that they send their children to school rather than work.⁵⁴⁹⁹ Despite its current size, the scale of the social cash transfer program is not sufficient to reach all Zambian children engaged in or vulnerable to the worst forms of child labor.

During the reporting period, the Ministry of Education and teachers from institutions of higher education finalized a yearlong curriculum to teach children about the worst forms of child labor.⁵⁵⁰⁰ The Government also trained teachers on child labor and awarded grants

to NGOs for small-scale infrastructure improvement, school materials, recreation equipment, and supplementary feeding programs for street children.⁵⁵⁰¹ The Ministry of Sport, Youth, and Development supports recreation centers and the government also operates two camps for street children, which reunite some children with their families and provide others with support from the Ministry of Science, Technology, and Vocational Training to continue their education.⁵⁵⁰²

The Government of Zambia has programs to combat child trafficking and provides counseling and protection to trafficking victims.⁵⁵⁰³ It refers victims of trafficking to NGO shelters, but it has not yet made progress in constructing its own shelters.⁵⁵⁰⁴ With the One UN Joint Program and United States support, the Government of Zambia mobilizes local leaders on anti-trafficking efforts, conducts public awareness campaigns, and provides technical assistance to reduce the incidence of human trafficking and to build their capacity to identify and respond to trafficking cases in the country.⁵⁵⁰⁵

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend legislation to ensure that education is compulsory for all children.
- Adopt the list of hazardous occupations forbidden for children and extend this to apprentices.
- Harmonize legislation to ensure that penalties for child prostitution are consistent.
- Amend the Penal Code to protect children above the age of 16 from sexual exploitation.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Publish statistics on child labor enforcement.

IN THE AREA OF POLICIES:

- Implement the National Plan of Action for the Timebound Elimination of the Worst Forms of Child Labor that provides a comprehensive strategy to combat all worst forms of child labor by 2016.
- Publish the results of the 2008 Labor Force Survey.
- Incorporate goals and strategies for the prevention and elimination of the worst forms of child labor into major development policies.

IN THE AREA OF PROGRAMS:

- Expand the scope of programs to address the worst forms of child labor.

⁵⁴⁵² Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁵⁴⁵³ ILO-IPEC, *Support to the Development and Implementation of Timebound Measures Against the WFCL in Zambia*, Project Document, ZAM/06/P50/USA, Geneva, September 14, 2006, 9. See also Betniko Kayaya, "Zambia: Tackling Child Labor in Zambia", AllAfrica.com, [online], January 3, 2008 [cited May 26, 2010]; available from <http://allafrica.com/stories/printable/200806030382.html>. See also ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Zambia (ratification: 2001) Published: 2010*, [online] 2010 [cited May 25, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=822&chapter=3&query=Zambia%40ref%2B%2B%20Observation%40ref%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0>. See also U.S. Department of State, "Zambia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135983.htm>.

⁵⁴⁵⁴ UCW, *Understanding children's work in Zambia*, May 2009, 26, 31, 34, 77. See also Plan International, *Gender Based Violence: A situation in Chadiza, Chibombo, Mansa and Mazabuka*, technical progress report, Lusaka, December 2005, 24. See also ILO-IPEC, *Rapid assessment report on HIV/AIDS and child labour [stated in six selected districts of Zambia: Lusaka, Luanshya, Livingstone, Kapiri Mposhi, Katete and Chipata]*, International Programme on the Elimination of Child Labour, Lusaka, July 17, 2007, vi, x. See also ILO-IPEC, *Support to Time Bound Measures in Zambia*, 9. See also Carron Fox and Zambia, *Investigating forced labour and trafficking: Do they exist in Zambia?* (Geneva, Switzerland: International Labour Office, Special Action Programme to Combat Forced Labour, 2008), 39.

⁵⁴⁵⁵ 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]*, vi, x. Plan International, *Gender Based Violence: A situation in Chadiza, Chibombo, Mansa and Mazabuka*, 3, 19, 23.

⁵⁴⁵⁶ UCW, *Understanding children's work in Zambia*, 26, 67, 73. See also Plan International, *Gender Based Violence: A situation in Chadiza, Chibombo, Mansa and Mazabuka*, 3. See also ILO-IPEC, *Zambia: Child Labour Data Country Brief*, Geneva, January 4, 2008, 4; available from www.ilo.org/ipeinfo/product/download.do?type=document&id=7808. See also ILO-IPEC, *Support to Time Bound Measures in Zambia*, 9. See also Kayaya, "Zambia: Tackling Child Labor in Zambia". See also Chrispin Radoka Matenga, *Final Report: Rapid Assessment of Child Labour in Non Traditional Mining Sector in Zambia*, 2008; available from hardcopy.

⁵⁴⁵⁷ S.M.C. Hüsken, "First Roundtable Meeting on Fisheries, HIV/AIDS and Social Development. Mongu, Western Province, Zambia. Meeting report. Regional Programme Fisheries and HIV/AIDS in Africa: Investing in Sustainable Solutions," *The WorldFish Center. Project Report 1973* (2009), 18. See also Plan International, *Gender Based Violence: A situation in Chadiza, Chibombo, Mansa and Mazabuka*, 19, 25. See also ILO-IPEC, *Support to Time Bound Measures in Zambia*, 9. See also U.S. Embassy-Lusaka, *reporting*, February 8, 2010, para 3 (1d). See also UCW, *Understanding children's work in Zambia*, 26, 67, 73.

⁵⁴⁵⁸ UCW, *Understanding children's work in Zambia*, 26, 67, 73. See also Plan International, *Gender Based Violence: A situation in Chadiza, Chibombo, Mansa and Mazabuka*, 3, 19. See also ILO-IPEC, *IPEC Action*, 4. See also ILO-IPEC, *Support to Time Bound Measures in Zambia*, 9. See also Kayaya, "Zambia: Tackling Child Labor in Zambia". See also Matenga, *Final Report: Rapid Assessment of Child Labour in Non Traditional Mining Sector in Zambia*.

⁵⁴⁵⁹ Matenga, *Final Report: Rapid Assessment of Child Labour in Non Traditional Mining Sector in Zambia*, 10, 12, 44-47.

⁵⁴⁶⁰ ILO-IPEC, *Support to Time Bound Measures in Zambia*, 9. See also Kayaya, "Zambia: Tackling Child Labor in Zambia". See also Integrated Regional Information Networks, "Zambia: Children forced to a life of stone crushing", IRINnews.org, [online], April 24, 2006 [cited June 7, 2010]; available from <http://www.irinnews.org/Report.aspx?ReportId=58821>. See also Michael Wines, "Africa Adds to Miserable Ranks of Child Workers", *nytimes.com*, [online], August 24, 2006 [cited May 24, 2010]; available from http://www.nytimes.com/2006/08/24/world/africa/24zambia.html?_r=1. See also Matenga, *Final Report: Rapid Assessment of Child Labour in Non Traditional Mining Sector in Zambia*, 50, 51. See also Sifuniso Nyumbu and Birgitte Poulsen, "The Global Crisis and Rising Child Labor in Zambia's Mining Communities: Are We Facing a Downward Decent Work Spiral?," *ILO Global Job Crisis Observatory*, August 10, 2009, 2, 3.

⁵⁴⁶¹ UCW, *Understanding children's work in Zambia*, 29-30. See also Integrated Regional Information Networks, "Zambia: The repercussions of suspending aid", IRINnews.

org, [online], September 25, 2009 [cited June 14, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportID=86299>. See also U.S. Department of State, “Country Reports- 2009: Zambia,” section 6.

⁵⁴⁶² Integrated Regional Information Networks, “Zambia: Government fails to break the street kid addiction”, IRINnews.org, [online], June 12, 2008 [cited January 23, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportId=78702>. See also U.S. Department of State, “Country Reports- 2009: Zambia,” section 6.

⁵⁴⁶³ Carron Fox, *Investigating forced labour and trafficking: Do they exist in Zambia?*, International Labor Organization, 2008, 15, 19. See also U.S. Department of State, “Zambia (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 16, 2010; available from <http://www.state.gov/documents/organization/142984.pdf>. See also ILO, *Forced labour and human trafficking: A toolkit for trade unions in Zambia*, Geneva, 2008, 38; available from Hardcopy.

⁵⁴⁶⁴ U.S. Department of State, “Trafficking in Persons Report- 2010: Zambia.” See Carron Fox, *Investigating forced labour and trafficking: Do they exist in Zambia?*, 38.

⁵⁴⁶⁵ Carron Fox, *Investigating forced labour and trafficking: Do they exist in Zambia?*

⁵⁴⁶⁶ *Ibid.*, 57. See also ILO, *Forced labour and human trafficking: A toolkit for trade unions in Zambia*, 10. See also ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Zambia (ratification: 2001) Published: 2010*, article 3, part V.

⁵⁴⁶⁷ 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 Act (Chapter 268 of the Laws of Zambia)*, III 12 1; available from <http://www.parliament.gov.zm/downloads/VOLUME 15.pdf>.

⁵⁴⁶⁸ Government of Zambia, *Employment of Young Persons and Children Act (Amendment), 2004*, part I, section III; available from <http://www.parliament.gov.zm/downloads/VOLUME%2015.pdf>.

⁵⁴⁶⁹ *Ibid.*, part I, article 2a. See also Government of Zambia, *Constitution of Zambia, 1991*, article 14.

⁵⁴⁷⁰ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Zambia (ratification: 2001) Published: 2010* [online] 2010 [cited May 25, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1712&chapter=16&query=Zambia%40ref%2BRequest%40ref%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0>.

⁵⁴⁷¹ Government of Zambia, *Constitution of Zambia, 1991*, articles 14 and 24. See also Government of Zambia, *Anti-*

Human Trafficking Act, Lusaka, 2008. See also ILO-IPEC, *Support to Time Bound Measures in Zambia*, 5. See also Government of Zambia, *Act No. 15 of 2005 Act to amend the penal code*, (October 7, 2005), sect 143.

⁵⁴⁷² Government of Zambia, *Act No. 15 of 2005 Act to amend the penal code*, 137 a, 140.

⁵⁴⁷³ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Zambia (ratification: 2001) Published: 2010*, article 7, para 1.

⁵⁴⁷⁴ Government of Zambia, *Act No. 15 of 2005 Act to amend the penal code*, articles 131a and 138. See also UCW, *Understanding children's work in Zambia*, 29.

⁵⁴⁷⁵ ILO-IPEC, *Support to Time Bound Measures in Zambia*, 5, 7, 23, 52. See also ILO, *Labour Inspection Structure and Organization*, February 22, 2010, July 1, 2009; available from http://ilo.org/labadmin/info/lang--en/WCMS_1112936/index.htm. See also U.S. Embassy- Lusaka, *reporting, February 8, 2010*. See also U.S. Embassy- Lusaka, *reporting*, January 16, 2009, section 5.

⁵⁴⁷⁶ U.S. Embassy- Lusaka, *reporting*, February 11, 2010. See also ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Zambia (ratification: 1976) Published: 2010* [online] 2010 [cited May 25, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=647&chapter=3&query=Zambia%40ref%2BObservation%40ref%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0>.

⁵⁴⁷⁷ U.S. Embassy- Lusaka, *reporting, February 8, 2010*.

⁵⁴⁷⁸ ILO-IPEC, *Support to Time Bound Measures in Zambia*, 13. See also ILO, *Forced labour and human trafficking: A toolkit for trade unions in Zambia*, 40. See also ILO, *Labour Inspection Structure and Organization*. See also U.S. Embassy- Lusaka, *reporting, February 8, 2010*.

⁵⁴⁷⁹ U.S. Department of State, “Country Reports- 2009: Zambia,” section 5. See also ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Zambia (ratification: 2001) Published: 2010*. See also Carron Fox, *Investigating forced labour and trafficking: Do they exist in Zambia?*, 64.

⁵⁴⁸⁰ U.S. Department of State, “Country Reports- 2009: Zambia,” section 6.

⁵⁴⁸¹ ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Zambia (ratification: 2001) Published: 2010*. See also U.S. Embassy- Lusaka, *reporting, February 8, 2010*. See also ILO-IPEC, *Support to the Development and Implementation of Timebound Measures Against the WFCL in Zambia*, Final Technical Progress Report, ZAM/06/P50/ USA, Geneva, April 30, 2010.

⁵⁴⁸² U.S. Embassy- Lusaka, *reporting, February 11, 2010*, 8.

- ⁵⁴⁸³ Ibid., 24.
- ⁵⁴⁸⁴ U.S. Embassy- Lusaka, *reporting, February 8, 2010*, para 3.
- ⁵⁴⁸⁵ Ibid.
- ⁵⁴⁸⁶ U.S. Embassy- Lusaka, *reporting*, January 16, 2009, section 4f.
- ⁵⁴⁸⁷ Government of Zambia, *Fifth National Development Plan*, Lusaka, December 2006, 212, 228, 229-232; available from <http://www.imf.org/external/pubs/ft/scr/2007/cr07276.pdf>. See also U.S. Embassy- Lusaka, *reporting, January 16, 2009*, section 11. See also ILO-IPEC, *Support to the Development and Implementation of Timebound Measures Against the WFCL in Zambia*, Technical Progress Report, ZAM/06/P50/USA, Geneva, March 2008, 2. See also ILO, *Zambia Decent Work Country Programme DWCP 2007-2011*, Geneva, December 2007.
- ⁵⁴⁸⁸ UCW, *Understanding children's work in Zambia*, 57.
- ⁵⁴⁸⁹ ILO-IPEC, *Support to Time Bound Measures in Zambia Final Technical Progress Report 2010*. See also ILO-IPEC, *Support to Time Bound Measures in Zambia Final Technical Progress Report 2010*, 11.
- ⁵⁴⁹⁰ ILO-IPEC, *Support to Time Bound Measures in Zambia Final Technical Progress Report 2010*, 5. See also UCW, *Understanding children's work in Zambia*, 57. See also U.S. Embassy- Lusaka official, E-mail communication to USDOL official, November 2, 2010.
- ⁵⁴⁹¹ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Zambia (ratification: 2001) Published: 2010*. See also Nyumbu and Poulsen, "The Global Crisis and Rising Child Labor in Zambia's Mining Communities: Are We Facing a Downward Decent Work Spiral?," 4. See also ILO-IPEC, *Support to Time Bound Measures in Zambia Final Technical Progress Report 2010*, 10, 6.
- ⁵⁴⁹² ILO-IPEC, *Identification and Documentation of Good Practices in Zambia: Timebound measures against the worst forms of child labour*, Geneva, January 2010, 8.
- ⁵⁴⁹³ U.S. Embassy- Lusaka, *reporting, February 11, 2010*, section 7. See also U.S. Embassy- Lusaka, *reporting, February 8, 2010*.
- ⁵⁴⁹⁴ ILO, *Zambia Decent Work Country Programme DWCP 2007-2011*. See also U.S. Embassy- Lusaka, *reporting, February 8, 2010*. See also UCW, *Understanding children's work in Zambia*, 57. See also ILO-IPEC, *Support to Time Bound Measures in Zambia Final Technical Progress Report 2010*, 8.
- ⁵⁴⁹⁵ USDOL official, Email communication to USDOL official, February 22, 2010.
- ⁵⁴⁹⁶ U.S. Embassy- Lusaka, *reporting, February 8, 2010*. See also ILO-IPEC, *Support to Time Bound Measures in Zambia Final Technical Progress Report 2010*, 11.
- ⁵⁴⁹⁷ ILO-IPEC, *Support to Time Bound Measures in Zambia*, cover page, 5, 46.
- ⁵⁴⁹⁸ ILO-IPEC, *Support to Time Bound Measures in Zambia Final Technical Progress Report 2010*, 5. See also ILO, *Tackle child labour through education: moving children from work to school in 11 countries*, Geneva, 2009; available from <http://www.ilo.org/ipecinfo/product/download.do?type=document&id=8511>.
- ⁵⁴⁹⁹ ILO-IPEC, *Identification and Documentation of Good Practices in Zambia: Timebound measures against the worst forms of child labour*, xiii. See also U.S. Embassy- Lusaka, *reporting, February 8, 2010*.
- ⁵⁵⁰⁰ ILO-IPEC, *Support to Time Bound Measures in Zambia Final Technical Progress Report 2010*.
- ⁵⁵⁰¹ Mei Zegers, *Independent Evaluation of Combating Child Labor through Education in Zambia, Phase 2*, online, December, 2007, 12. See also Jesus Cares Ministries, *Post USDOL Support Report (Lusaka, Eastern, North Western and Copperbelt Provinces)*, Jesus Cares Ministries, Lusaka, May 2008.
- ⁵⁵⁰² U.S. Department of State, "Country Reports- 2009: Zambia." See also U.S. Embassy- Lusaka, *reporting, February 8, 2010*, section 2f.
- ⁵⁵⁰³ U.S. Embassy- Lusaka, *reporting, February 11, 2010*. See also Carron Fox, *Investigating forced labour and trafficking: Do they exist in Zambia?* See also U.S. Embassy- Lusaka, *reporting, February 8, 2010*.
- ⁵⁵⁰⁴ U.S. Embassy- Lusaka official, E-mail communication, November 2, 2010.
- ⁵⁵⁰⁵ U.S. Department of State, "Trafficking in Persons Report- 2010: Zambia." See also IOM, *Zambia's Efforts to Counter Human Trafficking Boosted by European Support*, [online] 2009 [cited May 7, 2010]; available from <http://www.iom.int/jahia/Jahia/media/press-briefing-notes/pbnAF/cache/offonce?entryId=26345>. See also ILO, *Support to the Government of Zambia for the Implementation of Policy and the National Plan of Action against Human Trafficking*, Geneva, n.d.; available from http://www.ilo.org/sapfl/Projects/lang--en/WCMS_116614/index.htm.

Zimbabwe

The Government has engaged with international organizations and NGOs in some efforts to combat the worst forms of child labor. However, children are found in a variety of worst forms, including dangerous work in agriculture and mining, forced labor and commercial sexual exploitation. The Government has not dedicated sufficient resources for labor inspections and research found no evidence of child labor or child trafficking enforcement activities.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Zimbabwe are exploited in the worst forms of child labor.⁵⁵⁰⁶ In agriculture, they face occupational health and safety risks in the production of tea, cotton, and tobacco.⁵⁵⁰⁷ For example, they may use potentially dangerous machinery and tools, carry heavy loads, and apply toxic pesticides.⁵⁵⁰⁸

Children are exploited in diamond, gold, chrome, and tin mining including in the extraction of material from underground passages and quarries.⁵⁵⁰⁹ Children in mining work long hours in unhealthy and dangerous conditions. Child labor has been found in the military-controlled Marange diamond fields of Eastern Zimbabwe.⁵⁵¹⁰

Other children work as domestic servants and may be exposed to long hours of work and physical or sexual exploitation.

An estimated 1.3 million Zimbabwean children are orphaned.⁵⁵¹¹ Of these, around 100,000 survive on their own in child-headed households, often working

as street vendors.⁵⁵¹² Children engaged in work on the street may be vulnerable to a variety of dangers, such as severe weather, accidents caused by proximity to vehicles, and vulnerability to criminals. While there is no evidence that such practices occurred during the reporting period, some orphans have been rounded up by police and taken to farms where they are forced to work as unpaid laborers.⁵⁵¹³

Children are trafficked within Zimbabwe to border towns and to the neighboring countries of Botswana, Mozambique, and South Africa where they suffer forced labor in agriculture and domestic service, and commercial sexual exploitation.⁵⁵¹⁴ Specific reports concern girls as young as age 12 who are trafficked along the Zambezi River to the Mozambican port of Beira and to Central Mozambique,⁵⁵¹⁵ and children from Zimbabwe who are sexually exploited by taxi and truck drivers in exchange for transportation to and across unofficial border crossings to South Africa.⁵⁵¹⁶

Reports suggest that between 3,000 and 15,000 unaccompanied children from Zimbabwe move into and out of South Africa every month.⁵⁵¹⁷ These children go in search of work harvesting crops on

plantations and small farms or work; or for work in urban areas as street vendors, domestics, hairdressers, and/or day-laborers loading and unloading materials.⁵⁵¹⁸

Laws and Regulations on the Worst Forms of Child Labor






The Labor Relations Act sets the minimum age for employment at 15.⁵⁵¹⁹ However, a child age 13 or 14 may work as an apprentice or perform work as part of training at a school or technical or vocational institution.⁵⁵²⁰ The Act prohibits employers from hiring a person under age 18 to perform hazardous work.⁵⁵²¹ Hazardous work is defined in the Children's Protection and Adoption Amendment Act of 2001 as any work that jeopardizes or interferes with education of a child; involves contact with hazardous substances, electronically-powered hand tools, cutting tools or grinding blades; involves underground mining; exposes a child to extreme heat, cold, or noise; or requires a child to work a night shift.⁵⁵²² It is not known if these provisions are applied in such a manner as to cover all types of work-related hazards to which children are exposed.

Zimbabwean law does not establish an age or period of study that is compulsory for all children. This creates an increased risk that children may fall into the worst forms of child labor as they are not required to be in school but are not legally permitted to work either.

Zimbabwe's Constitution prohibits forced labor, including forced child labor.⁵⁵²³

Provisions of the Sexual Offences Act, the Children's Act, and the Censorship and Entertainment Control Act prohibit sexual offenses against children, such as child pornography, prostitution, and other forms of child sexual abuse.⁵⁵²⁴ For example, they prohibit procuring an individual for prostitution either inside the country and acquiring a person to leave the country with the intention of engaging them in prostitution.⁵⁵²⁵ They also prohibit sexual relations with children under 16.⁵⁵²⁶ Prohibitions on sex trafficking are also made, but no more comprehensive prohibitions on trafficking could be identified.

The National Service Act of 1979 prohibits persons under age 18 from compulsory and voluntary military service.⁵⁵²⁷

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	No

Institutional Mechanisms for Coordination and Enforcement

The Government has a steering committee chaired by the Ministry of Public Service, Labor, and Social Welfare (MPSLW) to lead efforts to address the worst forms of child labor. The committee includes several government ministries, civil society groups such as workers' and employers' organizations, and international organizations.⁵⁵²⁸

The MPSLW is responsible for enforcing child labor laws.⁵⁵²⁹ However, the MPSLW has only two labor inspectors for all of Zimbabwe,⁵⁵³⁰ and they are responsible for labor violations other than child labor. Labor inspectors are hamstrung by lack of resources, including office facilities, transportation, fuel, and other necessities required to carry out inspection.⁵⁵³¹ During the reporting period, 2009, the MPSLW participated in an ILO-sponsored workshop to provide basic training to its labor inspectors.⁵⁵³²

No specific information regarding child labor inspection activity could be obtained.⁵⁵³³

The Ministry of Justice and Legal Affairs (MoJ) oversees all courts, including labor courts. The Zimbabwe Republic Police (ZRP) is responsible for enforcement against those worst forms of child labor that are criminal. The MOJ and ZRP share responsibility for enforcement of criminal laws relating to child labor with the MPSSLW.⁵⁵³⁴

During the reporting period, government officials participated in anti-trafficking awareness campaigns implemented by the International Office for Migration (IOM).⁵⁵³⁵

Information was not identified to indicate whether actions were taken by the MOJ and the ZRP to enforce criminal statutes on the worst forms of child labor or prosecute violators.⁵⁵³⁶

The Government of Zimbabwe has an inter-ministerial taskforce on trafficking in persons.⁵⁵³⁷ In 2009, however, there were no investigators, social workers or police officers dedicated to investigating child trafficking,⁵⁵³⁸ and the government did not prosecute any traffickers.⁵⁵³⁹

Government Policies on the Worst Forms of Child Labor

Pursuant to a Memorandum of Understanding with a number of international organizations, the Government, via the MPSSLW, established a steering committee to address child labor issues and the protection of working children.⁵⁵⁴⁰ A national policy articulated a guide for the subsequent implementation of action programs.⁵⁵⁴¹ The specific design of such programs was to have been informed by the findings and recommendations from a child labor study completed in 2008. The study findings have been shared with the ILO and other partners, but have not yet been made public.⁵⁵⁴²

Zimbabwe's UN Development Assistance Framework (ZUNDAF) 2007-2011 specifically addresses child labor in its poverty reduction, education, and other social policy objectives.⁵⁵⁴³ For example, as an indicator for measuring the education system's ability to retain students at all levels, statistics were to be kept on the number of districts holding monthly meetings to discuss child labor issues.

There is no entitlement to free education, and often prohibitively expensive school fees limit educational access.⁵⁵⁴⁴ In agricultural areas where plantations exist, some instances of abuse have been reported whereby a child who wishes to attend school must work to earn credits towards school fees.⁵⁵⁴⁵ Such "earn-and-learn schemes," where credits earned are based on a child's ability to meet a production quota, are typically voluntary.⁵⁵⁴⁶ In cases where the system is abused, children who fail to meet production quotas may be prohibited from attending school.⁵⁵⁴⁷

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

The Government has participated in international donor-funded and NGO-operated initiatives and programs to combat child labor. In 2007, the MPSSLW formalized agreements with 21 NGOs to provide programs to ensure that orphans and vulnerable children had access to education, food, health-care services and protection from abuse and exploitation.⁵⁵⁴⁸ In 2008, the Government and Save the Children-Norway donated land to the IOM, where it built a Child Care Center for orphaned children and victims of child trafficking along the border with South Africa.⁵⁵⁴⁹ The Government itself offers little other direct help to victims of trafficking and routinely refers them to NGOs and international organizations for assistance.⁵⁵⁵⁰ Information on Government funding contributions to such efforts in 2009 could not be obtained.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Create and adopt a more specific list of hazardous occupations and activities for children.
- Establish a minimum age or specified length of study for compulsory education.
- Prohibit all forms of trafficking in persons.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Conduct, analyze, and disseminate information on the level and type of inspection activities to combat child labor, in order to target and possibly increase resources for more and better such activity.
- Dedicate additional personnel and resources to combat child trafficking and implement enforcement efforts.

IN THE AREA OF POLICIES:

- Create an entitlement to free education.
- Redouble the efforts of the steering committee on child labor by analyzing and disseminating results of the 2008 child labor study, and providing appropriate resources to complete and implement a national action plan based on the study findings.

IN THE AREA OF PROGRAMS:

- Contribute resources to sustain effective donor-funded efforts to combat the worst forms of child labor and address gaps in service delivery to vulnerable children through government initiated and managed programs.

⁵⁵⁰⁶ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁵⁵⁰⁷ U.S. Department of State, “Zimbabwe,” in *Country Reports on Human Rights Practices - 2008*, Washington, DC, February 25, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2008>.

⁵⁵⁰⁸ Caiphas Chimhete, “Deperate Farmers Resort to Child Labour,” *Zim Standard* (Harare), February 6, 2006; available from http://www.zimbabwesituation.com/feb6_2006.html#Z16.

⁵⁵⁰⁹ U.S. Embassy- Harare, *reporting*, February 23, 2010. See also Human Rights Watch, *Blood Diamonds - Ask Before You Buy*, February 4, 2010; available from <http://hrw.org/en/africa/zimbabwe>.

⁵⁵¹⁰ Human Rights Watch, *Diamonds in The Rough - Human Rights Abuses in the Marange Diamond Fields of Zimbabwe*, June 26, 2009; available from [http://www.hrw.org/reports/2009/06/26/diamonds in the rough](http://www.hrw.org/reports/2009/06/26/diamonds%20in%20the%20rough).

⁵⁵¹¹ UNICEF, *Humanitarian Action Report 2010 - Eastern and Southern Africa Feature Story for Zimbabwe*, New York, 2010; available from http://www.unicef.org/har2010/index_zimbabwe_feature.html.

⁵⁵¹² Ibid.

⁵⁵¹³ U.S. Department of State, “Country Reports- 2008: Zimbabwe.”

⁵⁵¹⁴ U.S. Department of State, “Country Reports on Human Rights Practices - 2009,” Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/13584.htm>.

⁵⁵¹⁵ Save the Children UK, *Visitors from Zimbabwe: A Preliminary Study Outlining the Risks and Vulnerabilities Facing Zimbabwean Children who have Crossed Illegally into Mozambique*, May 24, 2006, 7-8; available from <http://www.reliefweb.int/library/documents/2006/sc-zim-24may.pdf> 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>.

⁵⁵¹⁶ 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>.

⁵⁵¹⁷ Integrated Regional Information Networks, “Southern Africa: Children That Slip Across Borders”, IRINnews.org, [online], February 26, 2010 [cited March 25, 2010]; available from <http://www.irinnews.org/Report.aspx?ReportId=88249>.

⁵⁵¹⁸ 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 [hard copy on file]. See also 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>.

⁵⁵¹⁹ Government of Zimbabwe, *Statute Law of Zimbabwe: Labour Act 2002, Chapter 28:01 17/2002*, (2002); available from http://www.parlzim.gov.zw/cms/Acts/Title28_MANPO...

⁵⁵²⁰ U.S. Department of State, “Country Reports- 2008: Zimbabwe.”

⁵⁵²¹ Government of Zimbabwe, *Labour Relations (Employment of Children and Young Persons) Regulations*, 72/1997, (1997).

⁵⁵²² 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.

⁵⁵²³ Government of Zimbabwe, *Constitution of Zimbabwe*, (April 20, 2000); available from http://www.nca.org.zw/Downloads/zim_constitution.pdf [hard copy on file].

⁵⁵²⁴ Government of Zimbabwe, “Zimbabwe,” in *Legislation of Interpol Member States on Sexual Offences against Children*, 2010; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/Default.asp>.

⁵⁵²⁵ Government of Zimbabwe, *Sexual Offences Act*, 8/2001, (2001). See also U.S. Department of State, “Country Reports- 2008: Zimbabwe.”

⁵⁵²⁶ U.S. Department of State, “Country Reports- 2008: Zimbabwe.” See also U.S. Embassy- Harare, *reporting*, December 5, 2007.

⁵⁵²⁷ Coalition to Stop the Use of Child Soldiers, “Zimbabwe,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/library/global-reports>

⁵⁵²⁸ USDOS official, E-mail communication to USDOL official, November 19, 2010.

⁵⁵²⁹ U.S. Embassy- Harare, *reporting*, February 23, 2010.

⁵⁵³⁰ USDOS official, E-mail communication, November 19, 2010.

⁵⁵³¹ U.S. Embassy- Harare official, USDOL official, November 19, 2010.

⁵⁵³² U.S. Embassy- Harare, *reporting*, February 23, 2010.

⁵⁵³³ Ibid.

⁵⁵³⁴ Ibid.

⁵⁵³⁵ U.S. Department of State, “Country Reports- 2008: Zimbabwe.”

⁵⁵³⁶ U.S. Department of State, “Country Reports- 2009: Zimbabwe.”

⁵⁵³⁷ U.S. Embassy- Harare, *reporting*, March 3, 2009.

⁵⁵³⁸ U.S. Embassy- Harare, *reporting*, February 23, 2010.

⁵⁵³⁹ U.S. Department of State, “Zimbabwe (Tier 3),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>.

⁵⁵⁴⁰ U.S. Embassy- Harare, *reporting*, December 5, 2007.

⁵⁵⁴¹ U.S. Embassy- Harare, *reporting*, February 23, 2010.

⁵⁵⁴² Ibid. See also U.S. Embassy- Harare official, E-mail communication, November 19, 2010.

⁵⁵⁴³ U.S. Embassy- Harare, *reporting*, February 23, 2010.

⁵⁵⁴⁴ USDOS official, E-mail communication, November 19, 2010.

⁵⁵⁴⁵ Nadia Strakova and Pavel Vondra, *Stop Child Labour: Africa Tour 2008, Final Integrated Report*, Hivos/Stop Child Labour, The Hague, 2008; available from <http://www.stopchildlabour.eu/africatour2008/img/africatour2008-finalreport.pdf>.

⁵⁵⁴⁶ USDOS official, E-mail communication, November 19, 2010.

⁵⁵⁴⁷ Nadia Strakova and Pavel Vondra, *Stop Child Labour: Africa Tour 2008, Final Intergrated Report*.

⁵⁵⁴⁸ U.S. Department of State, “Country Reports- 2008: Zimbabwe.”

⁵⁵⁴⁹ Ibid. See also U.S. Embassy- Harare, *reporting*, March 3, 2009.

⁵⁵⁵⁰ U.S. Embassy- Harare, *reporting*, March 3, 2009.

Territories and Non-Independent Countries

There is limited information regarding the prevalence and distribution of the worst forms of child labor in non-independent countries and territories eligible for GSP, AGOA, and CBTPA benefits.⁵⁵⁵¹ Statistics on child work and school attendance are not available from the sources used in this report. In some cases, there is no evidence to suggest that worst forms of child labor exist in certain non-independent countries and territories. In these cases, when laws appear to meet the guidelines called for in ILO Convention 182 and embodied in the TDA, no recommendations for action have been included.

These non-independent countries and territories generally are not eligible to become members of the ILO, so the organization's Minimum Age Convention (No. 138) and the Worst Forms of Child Labor Convention (No. 182) do not apply to the majority of them.⁵⁵⁵² Territories are generally subject to the laws of the sovereign country.

⁵⁵⁵¹ U.S. Government, *Harmonized Tariff Schedule of the United States (Rev. 1)*, 11-12 and 187-189; available from <http://www.usitc.gov/publications/docs/tata/hts/bychapter/1001gn.pdf>.

⁵⁵⁵² Most of the areas covered in the summary report are considered non-metropolitan territories, and are therefore ineligible to become members of ILO. While ILO still does not have an official definition for "non-metropolitan territory," in earlier versions of the ILO Constitution, "colonies, protectorates, and possessions which are not fully self-governing" was used in place of this term. An ILO member can submit a declaration to ILO requesting that these conventions apply to their non-metropolitan areas. International Labour Organization, *Constitution of the International Labour Organization*, (October 20, 1948); available from <http://www.ilo.org/ilolex/english/constq.htm>. See also ILO official, E-mail communication to USDOL official, January 31, 2002. Please see the chart regarding ratifications of international conventions and selected non-independent country and territory laws at the end of this discussion.

Anguilla

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in Anguilla are exploited in the worst forms of child labor, specifically in commercial sexual exploitation. Sometimes children, both boys and girls, perform sex acts in exchange for money and gifts.⁵⁵⁵³ These transactions often occur with the knowledge, consent, and sometimes initiation of the child's parent.⁵⁵⁵⁴

Laws and Regulations on the Worst Forms of Child Labor

The Education Act prohibits children of compulsory school age (5 to 17) from employment during the school year and children less than age 14 from employment at all times.⁵⁵⁵⁵ The Employment of Children (Restriction) Act limits children less than age 12 from working in family-owned agricultural undertakings and domestic work at home. Under the Restriction Act, children under 14 may not work during the school day, and there are limitations on work times and the total number of hours they may work.⁵⁵⁵⁶ In addition, they are prohibited from work that may be physically hazardous or that requires heavy lifting.⁵⁵⁵⁷ It is unclear whether or not the Education Act supersedes the Employment of Children (Restriction) Act. The Employment of Women, Young Persons, and Children Act prohibits all children under 17 from working in industrial undertakings or at night.⁵⁵⁵⁸ The Governor of the Territory has the authority to expand restrictions on child labor.⁵⁵⁵⁹

The Constitution prohibits slavery and forced labor.⁵⁵⁶⁰ The Criminal Code prohibits the prostitution and abduction of children.⁵⁵⁶¹ Defense in Anguilla is the responsibility of the United Kingdom and the minimum age for military recruitment is 16.⁵⁵⁶²

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government has established mechanisms for monitoring issues related to the worst forms of child labor. The Employment of Children (Restriction) Act designates the labor commissioner as responsible for enforcing child labor laws. The Act authorizes the labor commissioner to

investigate work sites where children are believed to be employed and prosecute, conduct, or defend any information, complaint, or other proceeding arising under the Act.⁵⁵⁶³ Information was not found on the agencies responsible for enforcing laws against the worst forms of child labor, particularly commercial sexual exploitation, or on any enforcement actions taken during the reporting period.

Government Policies on the Worst Forms of Child Labor

The Government has not instituted formalized standards to guide operations or responses to child protection issues across the Government.⁵⁵⁶⁴ With

support from the British Government, it has formed a Child Protection Steering Committee. Since its formation, the Steering Committee has drafted Child Protection Protocols for Anguilla on recognizing and referring child abuse cases; consulted with leaders from agencies working with children; and sought feedback and consultation from practitioners in the field of child protection.⁵⁵⁶⁵

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

Research found no evidence of specific programs in Anguilla to eliminate or prevent child sexual exploitation.

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

IN THE AREA OF LAWS AND REGULATIONS

- Clarify whether the Education Act supersedes the Employment of Children (Restriction) Act.

IN THE AREA OF COORDINATION AND ENFORCEMENT

- Establish mechanisms for monitoring issues related to the worst forms of child labor.
- Identify agencies responsible for enforcing laws against the worst forms of child labor, particularly commercial sexual exploitation.
- Collect, analyze, and disseminate information regarding the enforcement of relevant laws to protect children from commercial sexual exploitation.

IN THE AREAS OF POLICIES AND PROGRAMS

- Collect, analyze, and disseminate information regarding the prevalence and nature of the commercial sexual exploitation of children.
- Develop and implement a policy framework and social programs to prevent and eliminate the commercial sexual exploitation of children, including victim assistance.

⁵⁵⁵³ Adele D. Jones and Ena Trotman Jemmott, *Child Sexual Abuse in the Eastern Caribbean: The Report of a Study Carried Out Across the Eastern Caribbean During the Period October 2008 to June 2009*, UNICEF Office for Barbados and the Eastern Caribbean, University of Huddersfield, and Action for Children, 2009, 115-116, 121-122, 126; available from http://www.unicef.org/infobycountry/files/Child_Sexual_Abuse_in_the_Eastern_Caribbean_Final_9_Nov.pdf.

⁵⁵⁵⁴ *Ibid.*, 115-116 and 124.

⁵⁵⁵⁵ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Third and Fourth Periodic Reports of States Parties Due in 2007 - United Kingdom of Great Britain and Northern Ireland*, 2007, 166; available

from http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC_C_GBR_4.doc.

⁵⁵⁵⁶ Government of Anguilla, *Employment of Children (Restriction) Act*, articles 1-2.

⁵⁵⁵⁷ *Ibid.*

⁵⁵⁵⁸ UN Committee on the Rights of the Child, *Third and Fourth Periodic Reports of States Parties Due in 2007: United Kingdom*, 166.

⁵⁵⁵⁹ Government of Anguilla, *Employment of Children (Restriction) Act*, article 2.

⁵⁵⁶⁰ Government of Anguilla, *The Anguilla Constitution Order 1982*, (1 April 1982), sections 4 and 5; available from <http://www.gov.ai/images/Anguilla%20Const.pdf>.

⁵⁵⁶¹ UN Committee on the Rights of the Child, *Third and Fourth Periodic Reports of States Parties Due in 2007: United Kingdom*, 171.

⁵⁵⁶² Coalition to Stop the Use of Child Soldiers, “United Kingdom,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/united-kingdom>. See also Central Intelligence Agency, “Anguilla,” in *The CIA World Factbook*, Washington, DC, 2009; available from <https://www.cia.gov/library/publications/the-world-factbook/index.html>.

⁵⁵⁶³ Government of Anguilla, *Employment of Children (Restriction) Act*, articles 3-5.

⁵⁵⁶⁴ Government of the United Kingdom and Northern Ireland, *Implementation of the Convention on the Rights of the Child- Overseas Territories and the Isle of Man; Response to the list of issues raised in connection with the consideration of the third and fourth periodic report of the United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/4)*, UN Committee on the Rights of the Child, 2008, 4; available from <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.GBR.Q.4.Add.2.doc>. See also UN Committee on the Rights of the Child, *Third and Fourth Periodic Reports of States Parties Due in 2007: United Kingdom*, 165.

⁵⁵⁶⁵ Anguilla Correspondent, “Child Protection Protocols Come Under the Microscope,” *Anguilla Express*, March 3, 2010; available from <http://www.anguillaexpress.com/?p=1855>.

British Indian Ocean Territory/Chagos Archipelago

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in the British Indian Ocean Territory are exploited in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

The Commissioner of the British Indian Ocean Territory may make laws for the Territory but generally, the laws of the United Kingdom are applicable.⁵⁵⁶⁶ According to the British Child and Young Person’s Act 1933, a child can start working part-time at 14 and full-time at the end of the school year in which the child will be age 16.

Trafficking is prohibited by the Asylum and Immigration Act 2004.⁵⁵⁶⁷ The Sexual Offenses Act of 2003 protects children from prostitution, pornography, and trafficking for sexual purposes.⁵⁵⁶⁸ The Coroners and Justice Act of 2009 prohibits slavery and forced and compulsory labor.⁵⁵⁶⁹

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor in British Indian Ocean Territory.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

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

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

⁵⁵⁶⁶ Central Intelligence Agency, “British Indian Ocean Territory,” in *The CIA World Factbook*, Washington, DC, 2009; available from <https://www.cia.gov/library/publications/the-world-factbook/index.html>.

⁵⁵⁶⁷ Government of the United Kingdom of Great Britain and Northern Ireland, *Asylum and Immigration (Treatment of Claimants, etc.) Act 2004*, (July 22, 2004), article 4; available from http://www.opsi.gov.uk/acts/acts2004/ukpga_20040019_en_1#pb1-11g4.

⁵⁵⁶⁸ Government of the United Kingdom of Great Britain and Northern Ireland, *Sexual Offenses Act 2003*, (November 20, 2003), articles 5-15, 45-60, and 72; available from http://www.opsi.gov.uk/acts/acts2003/ukpga_20030042_en_1#Legislation-Preamble.

⁵⁵⁶⁹ Government of the United Kingdom of Great Britain and Northern Ireland, *Coroners and Justice Act 2009*, (November 12, 2009), article 71; available from <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=coroners+and+justice&Year=2009&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=3637639&ActiveTextDocId=3637640&filesize=1425>.

British Virgin Islands

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in the British Virgin Islands are exploited in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for employment under the Labor Code of 2010 is 16 and children less than age 18 are prohibited from hazardous work.⁵⁵⁷⁰ Children between the ages of 16 and 18 must have sufficient training and supervision when operating heavy machinery and all children below 18 are prohibited from night work.⁵⁵⁷¹ The Code also provides for the removal and rehabilitation of children subjected to the worst forms of child labor and makes the offense punishable with a fine, holding both the employer and the child's parent or guardian liable.⁵⁵⁷²

The Constitution prohibits slavery and forced labor.⁵⁵⁷³ Under the Criminal Code (Amendment) Act, 2007, trafficking in minors and enslaving or bonding children are illegal. The Code also prohibits the production, publication, or possession of child pornography.⁵⁵⁷⁴

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor. The Commissioner of Labor may appoint inspectors to enforce the provisions of the Labor Code.⁵⁵⁷⁵ Information about enforcement of the worst forms of child labor provisions in the Criminal Code was not obtained.⁵⁵⁷⁶

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor in the British Virgin Islands.

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

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

⁵⁵⁷⁰ Government of the British Virgin Islands, *Labour Code*, articles 3, 128, and 130; available from http://www.bvigazette.org/extrajfile/G00307_Labour%20Code%20Act,%202010.pdf. ⁵⁵⁷¹ *Ibid.*, articles 2, 128, 130, and 146.

⁵⁵⁷¹ *Ibid.*, articles 2, 128, 130, and 146.

⁵⁵⁷² *Ibid.*, articles 129-130.

⁵⁵⁷³ Government of the British Virgin Islands, *The Virgin Islands Constitution Order 2007*, (June 15, 2007), articles 14; available from <http://www.bvi.gov.vg/products.asp?iProd=129&iCat=15&hierarchy=0>.

⁵⁵⁷⁴ Government of the British Virgin Islands, *Criminal Code (Amendment) Act, 2007*, (February 8, 2007), articles 201A, 248A; available from [http://www.bvigazette.org/extrajfile/G00029_Criminal%20Code%20\(Amendment\)%20Act,%202007.pdf](http://www.bvigazette.org/extrajfile/G00029_Criminal%20Code%20(Amendment)%20Act,%202007.pdf). See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: United Kingdom of Great Britain and Northern Ireland*, CRC/C/GBR/4, Geneva, February 25, 2008, 188; available from http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC_C_GBR_4.doc. See also Government of the British Virgin Islands, *Labour Code*, articles 2, 130.

⁵⁵⁷⁵ Government of the British Virgin Islands, *Labour Code*, articles 8-14.

⁵⁵⁷⁶ *Ibid.*

Christmas Islands and Cocos (Keeling) Islands

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in the Christmas Islands and Cocos (Keeling) are exploited in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

The Christmas and Cocos (Keeling) Islands are subject to the child labor laws of the state of Western Australia.⁵⁵⁷⁷ The Western Australia Children and Community Services Act 2004 prohibits the employment of children under age 15 in a business, trade, or for-profit occupation with some exceptions. Child prostitution and possession, production, and distribution of child pornography are prohibited.⁵⁵⁷⁸

Slavery is illegal under the Slavery and Sexual Servitude Act of 1999.⁵⁵⁷⁹ The Criminal Code prohibits trafficking in persons and debt bondage.⁵⁵⁸⁰ The trafficking provisions of the Criminal Code criminalize forced labor if the offender facilitated or organized the other person's entry/exit to or from the territories.⁵⁵⁸¹ Defense of the Christmas and Cocos (Keeling) Islands is the responsibility of Australia, which has a voluntary recruitment age of 17.⁵⁵⁸²

Institutional Mechanisms for Coordination and Enforcement

The Western Australia Division of the Department of Consumer and Employment Protection (DOCEP) investigates and enforces laws dealing with the employment of children.⁵⁵⁸³

The Western Australia Department for Child Protection is responsible for investigating the commercial sexual exploitation of children such as pornography, sometimes with cooperation from the Western Australia Police and the Labor Relations Division of the DOCEP.⁵⁵⁸⁴ The Western Australia state police force has primary responsibility for

investigating and prosecuting allegations of slavery or sexual servitude.⁵⁵⁸⁵

The Federal Department of Immigration and Multicultural Affairs and the Australian Federal Police have jurisdiction in trafficking matters.⁵⁵⁸⁶ The Australian Federal Police established the Transnational Sexual Exploitation and Trafficking (TSET) Team in October 2003 to investigate slavery, sexual servitude, and child sex tourism.⁵⁵⁸⁷ The Australian Federal Police's Child Protections Operations Team (CPOT) monitors child sex tourism offenses and child pornography on the Internet.⁵⁵⁸⁸

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

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

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

⁵⁵⁷⁷ U.S. Embassy- Canberra, *reporting*, February 9, 2010.

⁵⁵⁷⁸ Government of Western Australia, *Prostitution Act 2000*, (July 29, 2000), articles 16-18; available from http://www.austlii.edu.au/au/legis/wa/consol_act/pa2000205/. See also Government of Western Australia, *Children and Community Services Act 2004*, (October 20, 2004), article 192; available from http://www.austlii.edu.au/au/legis/wa/consol_act/cacsa2004318/. See also Government of Australia, *Initial Report under the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, December 2008, 3-4; available from http://www.ag.gov.au/www/agd/agd.nsf/Page/Humanrightsandanti-discrimination_ReportsundertheConventionontheRightsoftheChild.

⁵⁵⁷⁹ *Criminal Code Amendment (Slavery and Sexual Servitude Act)*, (September 21, 1999), articles 270.1-270.2; available from [http://www.comlaw.gov.au/comlaw/Legislation/Act1.nsf/0/0FAA0D6C550AA4F8CA2574350017B3BF/\\$file/10499.pdf](http://www.comlaw.gov.au/comlaw/Legislation/Act1.nsf/0/0FAA0D6C550AA4F8CA2574350017B3BF/$file/10499.pdf).

⁵⁵⁸⁰ *The Criminal Code Act 1995*, division 271; available from http://www.austlii.edu.au/au/legis/cth/consol_act/cca1995115/schl.html.

⁵⁵⁸¹ Ibid., articles 73.2(3) and page 520.

⁵⁵⁸² Central Intelligence Agency, “Christmas Island,” in *The CIA World Factbook*, Washington, DC, 2009; available from <https://www.cia.gov/library/publications/the-world-factbook/geos/kt.html>. See also Central Intelligence Agency, “Cocos (Keeling) Islands,” in *The CIA World Factbook*, Washington, DC, 2009; available from <https://www.cia.gov/library/publications/the-world-factbook/geos/ck.html>. See also Coalition to Stop the Use of Child Soldiers, “Australia,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/preface>.

⁵⁵⁸³ ILO, *Country Baselines Under the ILO Declaration Annual Review (2000-2010): Australia*, 2010, 14; available from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_091263.pdf.

⁵⁵⁸⁴ Government of Australia, *Initial Report under the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, 20.

⁵⁵⁸⁵ USDOL Bureau of International Labor Affairs, *Australia Labor Rights Report*, June 8, 2004, 16; available from <http://www.dol.gov/ilab/media/reports/usfta/labor.pdf>.

⁵⁵⁸⁶ Ibid., 19.

⁵⁵⁸⁷ Government of Australia, *Initial Report under the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, 5-6.

⁵⁵⁸⁸ Ibid.

Cook Islands

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There are reports that some children in the Cook Islands are exploited in the worst forms of child labor, specifically in commercial sexual exploitation.⁵⁵⁸⁹

Laws and Regulations on the Worst Forms of Child Labor

The Cook Islands have some of their own laws and also follow some of the laws of New Zealand and the United Kingdom.⁵⁵⁹⁰ The New Zealand Industrial and Labor Ordinance 1964 prohibits children under the age of 16 from working in factories without permission from the Industrial Relations Officer. The law prohibits children

less than age 18 from any work that the Industrial Relations Officer deems dangerous. Children under age 18 may not work with factory machines without knowledge of the dangers, precautions to be taken, and sufficient training or supervision.⁵⁵⁹¹ Information on minimum age laws in other enterprises was not identified.

Forced and compulsory labor are criminal acts under the Cook Islands Prohibition of Forced and Compulsory Labor Ordinance and Amendment Acts.⁵⁵⁹² Trafficking in persons is illegal under the Cook Islands Crimes Amendment Act 2004, but it is not clear that internal trafficking is addressed in the Act.⁵⁵⁹³ There are no armed forces in the Cook Islands.⁵⁵⁹⁴

The Cook Islands Crimes Act of 1969 prohibits prostitution. Brothel-keeping, living on the earnings of the prostitution of another person, and procuring a girl to have sex with a man who is not her husband are illegal,⁵⁵⁹⁵ as are selling, distributing, or otherwise exhibiting indecent documents.⁵⁵⁹⁶ The prostitution of boys is not specifically addressed under the law.

Institutional Mechanisms for Coordination and Enforcement

The Labor and Consumer Affairs Division of the Government monitors the implementation of child labor laws in the Islands. There are several agencies that participate in protecting children from commercial sexual exploitation. The Ministry of Internal Affairs, which includes the Child and Family Services Division, is responsible for all matters relating to children and families.⁵⁵⁹⁷ The Chief Censor has some responsibility for issues of pornography.⁵⁵⁹⁸ The Ministries of Tourism, Culture, Health, Justice, Education, Foreign Affairs, and the Police also play roles in protecting children.⁵⁵⁹⁹ However, research did not reveal any information on the number of investigators, investigations, or the number of violations regarding the commercial sexual exploitation of children during the reporting period.

Government Policies on the Worst Forms of Child Labor

Government, civil society, and religious groups in the Cook Islands collaborated on the development of the National Plan of Action on Sexual Exploitation of Children: Protecting Our Future. Research did not find evidence of the completion, adoption, or implementation of the plan.⁵⁶⁰⁰

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

Research found no evidence of any programs to address the commercial sexual exploitation of children.

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

IN THE AREA OF LAWS AND REGULATIONS

- Ensure that laws against commercial sexual exploitation protect all children regardless of gender.
- Enforce relevant laws to protect children from commercial sexual exploitation.

IN THE AREAS OF POLICIES AND PROGRAMS

- Collect, analyze, and disseminate information regarding the prevalence and nature of commercial sexual exploitation of children.
- Develop and implement a policy framework and social programs to prevent and eliminate commercial sexual exploitation of children, including victim assistance.

⁵⁵⁸⁹ ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children - Cook Islands*, 2009, 11-14; available from http://www.ecpat.net/A4A_2005/PDF/EAP/Global_Monitoring_Report-COOKISLANDS.pdf.

⁵⁵⁹⁰ Pacific Islands Legal Information Institute, *PacLII Databases: Cooks Islands Laws*, [online] [cited September 28, 2010]; available from <http://www.pacii.org/databases.html#CK>.

⁵⁵⁹¹ Government of New Zealand, *Industrial and Labour Ordinance 1964*, (December 7, 1964), article 53; available from http://www.pacii.org/ck/legis/ck-nz_act/ialo1964270/.

⁵⁵⁹² *Prohibition of Forced or Compulsory Labour Ordinance 1960*; available from http://www.pacii.org/ck/legis/num_act/toc-P.html.

⁵⁵⁹³ Government of Cook Islands, *Crimes Amendment Act 2004*, (June 1, 2004), articles 109 H-I; available from www.pacii.org/ck/legis/num_act/caa2004162/. See also ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children - Cook Islands*, 26.

⁵⁵⁹⁴ Coalition to Stop the Use of Child Soldiers, "Pacific Islands," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/pacific-islands>.

⁵⁵⁹⁵ Government of Cook Islands, *Crimes Act 1969*, (January 27, 1970), articles 160-163; available from http://www.pacii.org/ck/legis/num_act/ca196982/. See also ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children - Cook Islands*, 24.

⁵⁵⁹⁶ Government of Cook Islands, *Crimes Act*, article 138.

⁵⁵⁹⁷ ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children - Cook Islands*, 17.

⁵⁵⁹⁸ Ibid.

⁵⁵⁹⁹ Ibid.

⁵⁶⁰⁰ Ibid., 14-15.

Falkland Islands (Islas Malvinas)

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in the Falkland Islands are exploited in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

The Falkland Islands Employment of Children Ordinance prohibits the employment of children less than 16. It also is illegal to employ children during school hours, if the work may harm their health, safety, or morals, or if the work involves lifting, carrying, or moving anything that may injure them.⁵⁶⁰¹ The Employment of Women, Young Persons, and Children Ordinance makes it illegal to employ children in work that exposes them to physical, psychological, or sexual abuse; is underground or underwater, at dangerous heights, or in confined spaces, or requires the use of dangerous machinery, equipment, or tools without training and supervision. Children under 18, including those who have completed compulsory schooling, may not work at night in any industry.⁵⁶⁰²

The Falkland Islands Constitution Order 2008 prohibits slavery and forced labor.⁵⁶⁰³

Under the United Kingdom's Sexual Offenses Act 2003, as applied to the Falkland Islands by the Sexual Offenses Ordinance 2005, children less than age 13 are not legally capable of consenting to any form of sexual activity and 16 is the age of consent for sexual activity. The Act also prohibits trafficking in persons for sexual exploitation.⁵⁶⁰⁴ Purchasing a child for sexual services and causing, controlling, arranging, or facilitating child prostitution or pornography are also illegal.⁵⁶⁰⁵

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor in the Falkland Islands.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

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

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

⁵⁶⁰¹ U.S. Embassy- London, *reporting*, January 16, 2009. See also Government of the United Kingdom and Northern Ireland, *Implementation of the Convention on the Rights of the Child- Overseas Territories*, 18.

⁵⁶⁰² U.S. Embassy- London, *reporting*, January 16, 2009.

⁵⁶⁰³ *South Atlantic Territories: The Falkland Islands Constitution Order 2008*, (November 5, 2008), article 4; available from <http://www.falklands.gov.fk/assembly/documents/The%20Falkland%20Islands%20Constitution%20Order%202008.pdf>.

⁵⁶⁰⁴ Government of the United Kingdom of Great Britain and Northern Ireland, *Sexual Offenses Act 2003*, articles 5-9, 57-59.

⁵⁶⁰⁵ *Ibid.*, articles 45,47, 48-50.

Gibraltar

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in Gibraltar are exploited in the worst forms of child labor.⁵⁶⁰⁶

Laws and Regulations on the Worst Forms of Child Labor

Gibraltar follows the child labor laws of the United Kingdom.⁵⁶⁰⁷ See the Laws and Regulations section of the British Indian Ocean Territory/Chagos Archipelago for a full description of these laws.

Slavery and forced labor are prohibited under the Gibraltar Constitution Order 2006.⁵⁶⁰⁸ Prostitution of girls and child pornography are illegal.⁵⁶⁰⁹ The

prostitution of boys is not specifically prohibited under the law.

The recruitment age for the Royal Gibraltar Regiment is 16.⁵⁶¹⁰ There is no evidence of comprehensive laws against trafficking in Gibraltar.

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor in Gibraltar.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

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

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

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

IN THE AREA OF LAWS AND REGULATIONS

- Ensure that laws against commercial sexual exploitation protect all children regardless of gender.

⁵⁶⁰⁶ U.S. Embassy- London, *reporting*, February 10, 2010.

⁵⁶⁰⁷ U.S. Embassy- London, *reporting*, January 16, 2009.

⁵⁶⁰⁸ Government of Gibraltar, *The Gibraltar Constitution Order 2006*, (December 14, 2006), article 4; available from http://www.gibraltarlaws.gov.gi/constitution/Gibraltar_Constitution_Order_2006.pdf.

⁵⁶⁰⁹ Government of Gibraltar, *Criminal Offences Act*, (September 1, 1960), articles 121-123, 127-128, 131-132; available from http://www.gibraltarlaws.gov.gi/full_index.php. See also Government of Gibraltar, *Crimes (Indecent Photographs with Children) Act 2009*, (October 29, 2009), articles 2-3; available from <http://www.gibraltarlaws.gov.gi/articles/2009-40o.pdf>.

⁵⁶¹⁰ Central Intelligence Agency, "Gibraltar," in *The CIA World Factbook*, Washington, DC, 2009; available from <https://www.cia.gov/library/publications/the-world-factbook/geos/gi.html>.

Montserrat

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is limited evidence that some children in Montserrat are exploited in commercial sexual exploitation in exchange for money and material goods.⁵⁶¹¹

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for employment under the Montserrat Employment Act is 14. Children under 15 are prohibited from industrial undertakings unless the work is not dangerous and only family members are employed.⁵⁶¹²

The Montserrat Penal Code prohibits the prostitution of girls.⁵⁶¹³ The prostitution of boys is not specifically prohibited under the law.

Pornography is also illegal.⁵⁶¹⁴ The Constitution of Montserrat prohibits slavery and forced labor.⁵⁶¹⁵

Although abduction and kidnapping are punishable under the Penal Code, there is no evidence of comprehensive legislation against trafficking in persons.⁵⁶¹⁶

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Montserrat has established coordination and enforcement mechanisms to address the commercial sexual exploitation of children.

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address the commercial sexual exploitation of children in Montserrat.

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

Research found no evidence of any programs to address the commercial sexual exploitation of children.

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

IN THE AREA OF LAWS AND REGULATIONS

- Ensure that laws against commercial sexual exploitation protect all children regardless of gender.

IN THE AREA OF COORDINATION AND ENFORCEMENT

- Enforce relevant laws to protect children from commercial sexual exploitation.

IN THE AREAS OF POLICIES AND PROGRAMS

- Collect, analyze, and disseminate information regarding the prevalence and nature of the commercial sexual exploitation of children.
- Develop and implement a policy framework and social programs to prevent and eliminate commercial sexual exploitation of children, including victim assistance.

⁵⁶¹¹ Adele D. Jones and Trotman Jemmott, *Child Sexual Abuse in the Eastern Caribbean*, UNICEF, Hastings, Christ Church, November 9, 2009, 198-199,204; available from http://www.unicef.org/infobycountry/files/Child_Sexual_Abuse_in_the_Eastern_Caribbean_Final_9_Nov.pdf.

⁵⁶³² Government of Montserrat, *Employment Act*, article 4; available from http://labour.gov.ms/publications/Employment_Act.pdf.

⁵⁶¹³ Government of Montserrat, *The Penal Code*, articles 116, 125, 129; available from http://agc.gov.ms/wp-content/uploads/2010/02/penal_code.pdf.

⁵⁶¹⁴ *Ibid.*, 291.

⁵⁶¹⁵ Government of Montserrat, *The Montserrat Constitution Order 1989*, (January 8, 1990), article 55; available from <http://www.legislation.gov.uk/uksi/1989/2401/contents/made>.

⁵⁶¹⁶ Montserrat, *Montserrat Penal Code*, articles 195-197.

Niue

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in Niue work in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

Information on minimum age laws was not identified. Trafficking in persons is a specific offense in Niue.⁵⁶¹⁷ There is no military in Niue as defense is the responsibility of New Zealand.⁵⁶¹⁸

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor in Niue.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

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

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

⁵⁶¹⁷ UNODC, “Pacific Islands,” in *Global Report on Trafficking in Persons*, Vienna, February 2009; available from <http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html>.

⁵⁶¹⁸ Central Intelligence Agency, “Niue,” in *The CIA World Factbook*, Washington, DC, 2009; available from <https://www.cia.gov/library/publications/the-world-factbook/geos/ne.html>.

Norfolk Island

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence of the worst forms of child labor on Norfolk Island.⁵⁶¹⁹

Laws and Regulations on the Worst Forms of Child Labor

There is no minimum age for employment on Norfolk Island but children under 15 are subject to limitations under the Employment Act 1988. Children under 15 may not work more than 20 hours a week, at night, or during school hours.⁵⁶²⁰ Parental consent and written agreement is required to employed persons under 18.⁵⁶²¹ Information is limited, but it does not appear that Norfolk Island has restrictions on hazardous child labor.

The Commonwealth Criminal Code Act 1995 of Australia applies to Norfolk Island and criminalizes slavery, including sexual slavery, trafficking in children, forced prostitution, child pornography, and the recruitment of children under age 15 for armed conflict. The Norfolk Island Criminal Code Act 2007 prohibits sexual servitude and child pornography.⁵⁶²²

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor on Norfolk Island. Employment inspectors and child welfare officers monitor the employment of young workers and take action accordingly.⁵⁶²³

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor on Norfolk Island.

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

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

⁵⁶¹⁹ U.S. Embassy- Canberra, *reporting*, February 9, 2010.

⁵⁶²⁰ Ibid.

⁵⁶²¹ Ibid.

⁵⁶²² Ibid.

⁵⁶²³ Ibid.

St. Helena, Ascension and Tristan da Cunha (formerly called Saint Helena)⁵⁶²⁴

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence of the worst forms of child labor in St. Helena or its dependencies, Ascension and Tristan da Cunha.

Laws and Regulations on the Worst Forms of Child Labor

There is very little information on the laws and regulations against the worst forms of child labor in St. Helena and its dependencies. The Constitution prohibits slavery and forced labor.⁵⁶²⁵

Institutional Mechanisms of Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor in St. Helena, Ascension and Tristan da Cunha. The Department for Employment and Social Security is responsible for employment issues.⁵⁶²⁶

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

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

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

⁵⁶²⁴ The St. Helena, Ascension and Tristan da Cunha Constitution Order 2009 granted a new Constitution to and change the name of the Territory as of September 1, 2009.

⁵⁶²⁵ Government of the United Kingdom of Great Britain and Northern Ireland, *The St. Helena, Ascension and Tristan da Cunha Constitution Order 2009*, (September 1, 2009), article 8; available from <http://www.legislation.gov.uk/ukxi/2009/1751/made/data.pdf>.

⁵⁶²⁶ UN Economic and Social Council, *Implementation of the International Covenant on Economic, Social and Cultural Rights - Fifth periodic reports submitted by States parties under articles 16 and 17 of the Covenant - Addendum - United Kingdom of Great Britain and Northern Ireland - Overseas Territories*, 14 February 2008, 131; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/404/99/PDF/G0840499.pdf?OpenElement>.

Tokelau

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence of the worst forms of child labor in Tokelau.

Laws and Regulations on the Worst Forms of Child Labor⁵⁶²⁷

The Tokelau Crimes, Procedures and Evidence Rules 2003 prohibit prostitution and possessing, selling, or exhibiting pornography.⁵⁶²⁸ New Zealand legislation does not apply to Tokelau unless expressly extended with Tokelauan consent. Evidence that worst forms of child labor laws from New Zealand have been extended to Tokelau was not obtained.

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor in Tokelau.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

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

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

⁵⁶²⁷ Certain British and New Zealand Acts of Parliament, Rules of the Tokelau General Fono, and British Common Law as at January 14, 1840 apply in Tokelau. New Zealand legislation does not apply to Tokelau unless it is expressly extended to the Territory. It is unclear whether the New Zealand Education Act of 1989, Health and Safety of Employment Act of 1992, and Industrial and Labour Relations Act 1964 apply to Tokelau. Government of New Zealand, *Implementation of the International Covenant on Economic, Social and Cultural Rights; Third Periodic Report Submitted by States Parties Under Articles 16 and 17 of the Covenant - New Zealand*, UN Committee on Economic, Social and Cultural Rights, 2008; available from <http://www2.ohchr.org/english/bodies/cescr/docs/AdvanceVersions/E.C.12.NZL.3AUV.pdf>.

⁵⁶²⁸ Government of Tokelau, *Tokelau Crimes, Procedures, and Evidence Rules 2003*, (2003), articles 25, 39; available from http://www.pacii.org/tk/legis/num_act/cpaer2003302/.

Turks and Caicos Islands⁵⁶²⁹

Prevalence and Distribution of the Worst Forms of Child Labor

There is no evidence of the worst forms of child labor in the Turks and Caicos Islands.

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for employment in the Turks and Caicos Islands is 16. Children under 16 may be employed with the written consent of their parent or guardian.⁵⁶³⁰ Slavery and forced labor are prohibited by the Constitution.⁵⁶³¹

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor in the Turks and Caicos Islands.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

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

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

⁵⁶²⁹ Turks and Caicos is typically internally self-ruled, but corruption charges levied against its political leadership caused the British Government to suspend the Government of Turks and Caicos Islands and its legislature in August 2009. A London-appointed governor will lead the Territory until otherwise determined. Government of the United Kingdom of Great Britain and Northern Ireland, *Core Document Forming Part of the Reports of States Parties - Overseas Dependent Territories and Crown Dependencies of the United Kingdom of Great Britain and Northern Ireland*, UN International Human Rights Instruments, 13 July 2001, 82; available from <http://www2.ohchr.org/english/bodies/cescr/docs/HRI.CORE.1.Add.62.Rev.1.pdf>. See also Associated Press, “Turks and Caicos: Britain Takes Over Government,” *New York Times*, 14 August 2009; available from <http://www.nytimes.com/2009/08/15/world/americas/15web-briefs-Turkscaicos.html>.

⁵⁶³⁰ *Turks and Caicos Islands Employment Ordinance 2004*, (October 26, 2004); available from <http://www.misickstanbrook.tc/articles/ordinances/Employment%20Ordinance/Employment%20Ordinance%202004.pdf>.

⁵⁶³¹ *The Turks and Caicos Constitution Order 2006*, (August 9, 2006); available from <http://www.misickstanbrook.tc/articles/ordinances/Constitution%20of%20the%20Turks%20and%20Caicos%20Islands.pdf>.

Wallis and Futuna

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children are exploited in the worst forms of child labor in the Wallis and Futuna Islands.⁵⁶³²

Laws and Regulations on the Worst Forms of Child Labor

The constitutional status of Wallis and Futuna is set by French law.⁵⁶³³ As such, the French Labor and Penal Codes detailed herein extend to its territory of Wallis and Futuna.

The French Labor Code prohibits employment for persons under age 16, with some exceptions for apprenticeships or other alternative education programs, light work during holidays from the age of 14, or work within the entertainment industry.⁵⁶³⁴ Minors under the age of 18 are prohibited from certain

dangerous jobs and are prohibited from working more than 7 hours a day or 35 hours a week.⁵⁶³⁵ The Ministry of the Interior of France states that the law on child labor is respected and enforced in Wallis and Futuna.⁵⁶³⁶

The French Penal Code prohibits trafficking in children and provides for appropriate penalties for offenders.⁵⁶³⁷ Procuring and prostituting a child is prohibited under France’s Penal Code; such offenses also carry appropriate penalties.⁵⁶³⁸

It is unlawful under the French Penal Code to take, record, or send an image of pornographic character of a minor with the intention of circulation. Such a crime carries appropriate penalties, as does the crime of distributing a pornographic image of a minor through import or export.⁵⁶³⁹

According to the French Code of Defense, persons below the age of 17 are prohibited from admittance into the French Armed Forces, although admittance to military schools is allowed at age 16.⁵⁶⁴⁰ Written consent from parents or guardians and proof of age must be provided from volunteers. National service is no longer a requirement in France.⁵⁶⁴¹

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a child labor problem, there appears to be no need for programs to address the worst forms of child labor.

Government Policies on the Worst Forms of Child Labor

Given the absence of a demonstrated child labor problem, the Government of France has not established a policy framework on the issue.

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

There is no evidence of programs to prevent child labor in Wallis and Futuna.

⁵⁶³² U.S. Embassy- Paris, *reporting*, January 7, 2009, para 3.

⁵⁶³³ Australian Government- Department of Foreign Affairs and Trade, *Wallis and Futuna country brief*, [online] 2010 [cited September 27, 2010]; available from http://www.dfat.gov.au/geo/wallis_futuna/wallisfutuna_brief.html.

⁵⁶³⁴ U.S. Embassy- Paris, *reporting*, January 7, 2009, para 2. See also Government of France, *Code du Travail*, (May 2008), article L4153-1, L6222-1; available from http://www.legifrance.gouv.fr/affichCode.do;jsessionid=5915BE44CD095CAE70B46222FFF096FF.tpdjo03v_3?cidTexte=LEGITEXT000006072050&dateTexte=20100928. See also U.S. Department of State, “France,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, March 11, 2010, section 7d. See also The Library of Congress, *Children’s Rights: France*, [2010 [cited September 28, 2010]; available from <http://www.loc.gov/law/help/child-rights/france.php>.

⁵⁶³⁵ Government of France, *Code du Travail*, article R234-6. See also The Library of Congress, *Children’s Rights: France*.

⁵⁶³⁶ U.S. Embassy- Paris, *reporting*, January 7, 2009, para 2.

⁵⁶³⁷ U.S. Department of State, “Country Reports- 2010: France,” section 6. See also The Library of Congress, *Children’s Rights: France*.

⁵⁶³⁸ The Library of Congress, *Children’s Rights: France*. See also U.S. Department of State, “Country Reports- 2010: France,” section 5.

⁵⁶³⁹ Government of France, *Code Penal*, (June 1998), article 227-23; available from http://www.legifrance.gouv.fr/affichCode.do;jsessionid=5915BE44CD095CAE70B46222FFF096FF.tpdjo03v_3?cidTexte=LEGITEXT000006070719&dateTexte=20100929.

⁵⁶⁴⁰ The Library of Congress, *Children’s Rights: France*. See also Government of France, *Code de la défense*, (March 2007), article L4132-1; available from http://www.legifrance.gouv.fr/affichCode.do;jsessionid=5915BE44CD095CAE70B46222FFF096FF.tpdjo03v_3?cidTexte=LEGITEXT000006071307&dateTexte=20100929.

⁵⁶⁴¹ Government of France, *Code du service national*, (October 1997), article L1; available from <http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006071335&dateTexte=20080505>.

West Bank and Gaza Strip (Occupied Territories Subject to the Jurisdiction of the Palestinian Authority)

The West Bank and Gaza have some laws in place to protect children from the worst forms of child labor. Significant gaps remain in the enforcement of laws against the worst forms of child labor and there is no policy framework to combat the problem.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Distribution of the Worst Forms of Child Labor

Children in the West Bank and Gaza Strip are exploited in the worst forms of child labor,⁵⁶⁴² many of them in dangerous work in agriculture and street vending. Such work exposes children to risks including dangerous machinery and tools, harmful pesticides, and carrying heavy loads.⁵⁶⁴³ Children also work as street vendors and porters. They are vulnerable to harassment and assault and may be required to carry heavy loads and spend long hours standing in traffic and the sun, often without food or water.⁵⁶⁴⁴ Some children work in auto body shops where they are exposed to unsafe tools and machinery.⁵⁶⁴⁵ Children also collect metals and other salvageable materials from garbage dumps, exposing them to potentially hazardous and unsanitary materials.⁵⁶⁴⁶ Some children work in mining, manufacturing, and construction.⁵⁶⁴⁷

Some Palestinian children cross into Israel and Israeli settlements in the West Bank to work.⁵⁶⁴⁸ Children traveling to and working in Israeli settlements may be subject to exploitation and harassment.⁵⁶⁴⁹

There are reports that children are recruited for use in armed conflict as human shields and informants. Some child informants are tortured in order that they cooperate.⁵⁶⁵⁰ Children thought to have collaborated with Israeli authorities may be subject to retaliation.⁵⁶⁵¹

Children also work inside underground tunnels that run between the Gaza Strip and Egypt, smuggling food and other goods, digging, and laying wire for electricity and pipelines to smuggle fuel.⁵⁶⁵² Some children may work up to 10 hours at a time in the tunnels with only a very short break.⁵⁶⁵³ Many children use stimulant drugs to lessen pain and increase stamina during long shifts in the tunnels. Some Palestinian children have died in the tunnels as a result of attacks and efforts to block the smuggling.⁵⁶⁵⁴

Laws and Regulations on the Worst Forms of Child Labor






Unified Labor Law No. 7 of 2000 and Palestinian Child Law No. 7 of 2004 are applicable to the West Bank and Gaza. These laws prohibit the employment of any person under age 15 and also require children between age 15 and 18 years to receive medical examinations every 6 months while working.⁵⁶⁵⁵ The Unified Labor Law provides exceptions to the restrictions for children who work for direct relatives and are under their supervision, as long as the work does not negatively impact the mental and physical development of the child or the child's education.⁵⁶⁵⁶

The Unified Labor Law prohibits children under age 18 from being employed in industries identified by the Minister of Labor as dangerous or unhealthy, as well as night shifts, overtime, piece work and employment away from their communities.⁵⁶⁵⁷

There are no specific laws prohibiting forced labor in the West Bank and Gaza.⁵⁶⁵⁸ Prostitution is illegal.⁵⁶⁵⁹

The Child Law prohibits the exploitation of children in any work that is against the law, hinders a child's education, or is harmful to his or her health, physical or moral safety.⁵⁶⁶⁰ The Law specifically prohibits the use of children in drug and alcohol related industries, the publication, circulation or possession of child pornography, and the use of children in armed conflicts.⁵⁶⁶¹

The West Bank and Gaza do not have a regular military force.⁵⁶⁶² Recruitment for government service, including security services, is voluntary beginning at age 18.⁵⁶⁶³

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	No
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government has established a coordinating mechanism to combat the worst forms of child labor in the West Bank and Gaza.

The Ministry of Labor is responsible for enforcing child labor laws. Its Inspection and Protection Administration enforces the Labor Law.⁵⁶⁶⁴ Ministry of Labor officials state 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.⁵⁶⁶⁵

Palestinian Authority law requires the Ministry of Labor to investigate suspected cases of children recruited for armed conflict and it mandates trial of those responsible in court.⁵⁶⁶⁶

The Ministry of Labor has 37 labor inspectors who investigate child labor violations, among other duties.⁵⁶⁶⁷ However, the Palestinian Authority is only able to conduct investigations in the West Bank because of Hamas's control of Gaza since 2007.⁵⁶⁶⁸

The Palestinian Authority convicted 10 people in child labor cases from 2003 through 2007. Palestinian Authority officials state that many individuals have been fined following investigations in the past few years.⁵⁶⁶⁹

Government Policies on the Worst Forms of Child Labor

Research found no evidence of a policy to combat child labor in the West Bank and Gaza. However, the National Plan of Action for Palestinian Children 2004-2010 includes a strategic goal to monitor all workplaces where children are employed.⁵⁶⁷⁰

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

In 2005, the Ministry of Labor, Ministry of Social Affairs, Ministry of Education, and the United Nations Relief and Works Agency initiated efforts to identify child laborers and assist them to leave work and attend school. The Secretariat for the National Plan of Action for Palestinian Children initiated a pilot program to remove children from child labor.⁵⁶⁷¹

There is one help line service available for children in the occupied Palestinian territories. The free Palestinian Child Protection Helpline 121 is part of Child Helpline International, a network of child help lines, and aims to provide free support and counseling to children and adolescents to protect them from abuse, neglect, violence, and exploitation.⁵⁶⁷² Save the Children Sweden provides funding for the hotline.⁵⁶⁷³

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in the West Bank and Gaza:

IN THE AREA OF LAWS AND REGULATIONS:

- Draft laws that specifically prohibit forced child labor.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Conduct child labor inspections in Gaza.

IN THE AREA OF POLICIES:

- Draft a comprehensive policy framework for the elimination of the worst forms of child labor.

⁵⁶⁴² Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁵⁶⁴³ Birzeit University Development Studies Programme and UNICEF- Occupied Palestinian Territories, *The Children of Palestine in the Labour Market*, Ramallah, October, 2004, 50; available from <http://www.miftah.org/Doc/Reports/2004/unicefrep.pdf>.

⁵⁶⁴⁴ Integrated Regional Information Networks, “Poverty driving Palestinian children onto the streets”, IRINnews.org, [online], June 12, 2007 [cited January 26, 2010]; available from <http://www.irinnews.org/report.aspx?ReportId=72677>. See also U.S. Embassy- Jerusalem, *reporting*, June 2, 2010. See also Birzeit University Development Studies Programme and UNICEF- Occupied Palestinian Territories, *The Children of Palestine in the Labour Market*, 50.

⁵⁶⁴⁵ UNICEF, *Growing poverty in Gaza pushing children to work*, Occasional Story, Gaza Strip, Occupied Palestinian Territory, July 22 2009; available from http://www.unicef.org/infobycountry/oPt_50318.html. See also Birzeit University Development Studies Programme and UNICEF- Occupied Palestinian Territories, *The Children of Palestine in the Labour Market*, 50.

⁵⁶⁴⁶ Birzeit University Development Studies Programme and UNICEF- Occupied Palestinian Territories, *The Children of Palestine in the Labour Market*. See also Integrated Regional Information Networks, “Palestinian children”.

⁵⁶⁴⁷ U.S. Embassy- Jerusalem, *reporting*, June 2, 2010. See also Integrated Regional Information Networks, “Palestinian children”.

⁵⁶⁴⁸ Integrated Regional Information Networks, “Palestinian children”. 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/unicefrep.pdf>. See also Education International, *Country Profile - Palestine*, June 12, 2007; available from http://www.ei-ie.org/barometer/en/profiles_detail.php?country=palestine. See also U.S. Embassy- Jerusalem, *reporting*, June 2, 2010. See also Simone Korkus, “Child labour in Jewish settlements”, Kav LaOved, [online], December 11 2008 [cited February 17, 2010]; available from http://www.kavlaoved.org.il/media-view_eng.asp?id=2049.

⁵⁶⁴⁹ Korkus, “Child labour in settlements”. See also U.S. Embassy- Jerusalem, *reporting*, June 2, 2010.

⁵⁶⁵⁰ 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: Israel*, CRC/C/OPAC/ISR/CO/1, Geneva, January 29, 2010; available from <http://www2.ohchr.org/english/bodies/crc/docs/CRC-C-OPAC-ISR-CO-1.pdf>. See also Defence for Children International with Coalition to Stop the Use of Child Soldiers, *Dealing with alleged child collaborators in the Occupied Palestinian Territories in the spirit of the Convention on the Rights of the Child*, Ramallah, April 20, 2005; available from www.child-soldiers.org/document/get?id=1019.

⁵⁶⁵¹ Defence for Children International with Coalition to Stop the Use of Child Soldiers, *Child collaborators in OPT*.

⁵⁶⁵² Iqbal Tamimi, “The children of Gaza,” (November 11, 2009); available from <http://www.aljazeera.com/news/print.php?newid=298503>. See also Patrick Moser, “OPT: Children risk their lives in Gaza’s blockade-busting tunnels”, [online], July 12, 2009 [cited February 2, 2010]; available from <http://www.google.com/hostednews/afp/article/ALeqM5hYZkIqgVIjw5s97PTUI0UDj1yNcQ>. See also UN Office for the Coordination of Humanitarian Affairs- Occupied Palestinian Territory, *Locked In: The Humanitarian Impact of Two Years of Blockade on the Gaza Strip*, August, 2009; available from www.ochaopt.org/documents/Ocha_opt_Gaza_impact_of_two_years_of_blockade_August_2009_english.pdf. See also U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁵⁶⁵³ U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁵⁶⁵⁴ Moser, “Children in tunnels”, Tamimi, “Children of Gaza.” See also National Society for Democracy and Law, “National Society for Democracy and Law precedence on children work in tunnels”, [nsdl.org.ps](http://www.nsd.org.ps), [online], November 15, 2009 [cited February 19, 2010]; available from <http://www.nsd.org.ps/english/mainnew1/new1.html>. See also U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁵⁶⁵⁵ Law Library of Congress, *West Bank and Gaza: Child Labor Laws*, 2010-003857, The Law Library of Congress, Washington, DC, May, 2010.

⁵⁶⁵⁶ U.S. Embassy- Jerusalem, *reporting, June 2, 2010*. See also Law Library of Congress, *West Bank and Gaza Laws*.

⁵⁶⁵⁷ Law Library of Congress, *West Bank and Gaza Laws*. See also U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁵⁶⁵⁸ Law Library of Congress, *West Bank and Gaza Laws*.

⁵⁶⁵⁹ U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁵⁶⁶⁰ 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.

⁵⁶⁶¹ Law Library of Congress, *West Bank and Gaza Laws*.

⁵⁶⁶² Ibid.

⁵⁶⁶³ 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>.

⁵⁶⁶⁴ Palestinian Economic Policy Institute, *Palestinian Labour Law No. 7 & Worker’s Rights*, Report for a conference, Ramallah, May, 2008; available from http://www.palst-jp.com/eg/pdf/inv/02/Palestinian_Labour_Law.pdf.

⁵⁶⁶⁵ U.S. Department of State, “Israel and the Occupied Territories,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136070.htm>. See also U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁵⁶⁶⁶ U.S. Embassy- Jerusalem, *reporting, December 7, 2007*.

⁵⁶⁶⁷ U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁵⁶⁶⁸ Ibid.

⁵⁶⁶⁹ U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁵⁶⁷⁰ Secretariat of the National Plan of Action for Palestinian Children, *Child Protection in the Occupied Palestinian Territory*.

⁵⁶⁷¹ Ibid.

⁵⁶⁷² SAWA’s *Child Helpline Service 121: Expanding outreach to vulnerable children in oPt*, [online] February 2010 [cited August 11, 2010]; available from <http://sca.savethechildren.se/Global/scs/MENA/Resources/SAWA%20Fact%20Sheet%20-%20%20Final.pdf>.

⁵⁶⁷³ Ibid.

Western Sahara

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Western Sahara may be exploited in the worst forms of child labor, particularly in agriculture.⁵⁶⁷⁴ Children working in agriculture may be exposed to chemicals, injured by dangerous machinery or tools, and suffer physical harm from repetitive motions and carrying excessively heavy loads.

Laws and Regulations on the Worst Forms of Child Labor

The Moroccan-controlled territory of Western Sahara is subject to Moroccan laws.⁵⁶⁷⁵ Part of the country is controlled by the Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro (Polisario Front), a Sahrawi national liberation movement, and information on the laws applicable in this area is unavailable.

In the Moroccan-controlled territory, the minimum age of employment is 15 as established by the Labor Code of 2004; the Labor Code also limits the number of hours that children under the age of 16 can work.⁵⁶⁷⁶ However, agricultural or seasonal activities may be exempt from these restrictions for children ages 15 to 16.⁵⁶⁷⁷ Also, the Labor Code prohibits hazardous activities for children under the age of 18, although children working on family farms are not protected by the provisions of the Labor Code.⁵⁶⁷⁸ During the reporting period, the Ministry of Employment and Professional Training began to update its list of occupations that qualify as “hazardous work” for children.⁵⁶⁷⁹ The Labor Code does not apply to all businesses, such as those with fewer than five employees.⁵⁶⁸⁰

Forced or compulsory child labor is prohibited under the Labor Code and Penal Code.⁵⁶⁸¹ Although Morocco does not have a specific trafficking-in-persons law, child trafficking can be prosecuted using articles from the Penal Code and Immigration Law.⁵⁶⁸²

The age for voluntary recruitment to the military is 18. There is no compulsory military service.⁵⁶⁸³

The commercial sexual exploitation of children, including pornography and prostitution, is prohibited under the Moroccan Penal Code. In addition, it is specifically prohibited under the Penal Code to incite, procure, or facilitate the prostitution of a minor.⁵⁶⁸⁴ Sex tourism is also criminalized under an amendment to the Penal Code.⁵⁶⁸⁵

Institutional Mechanisms for Coordination and Enforcement

The Government of Morocco administers its laws in Western Sahara through Moroccan institutions.⁵⁶⁸⁶

Government Policies on the Worst Forms of Child Labor

Research found no evidence that the Government of Morocco has established policies to combat the worst forms of child labor in Western Sahara.

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

Research found no evidence that the Government of Morocco has established programs to combat the worst forms of child labor in Western Sahara.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Code and provisions on hazardous labor to protect all children engaged in agriculture.
- Amend the Labor Code to apply to all employers, regardless of the number of employees

IN THE AREAS OF POLICIES AND PROGRAMS:

- Collect, analyze, and disseminate information to diagnose the extent and nature of children working in agriculture to guide the development of a policy and programs to address the problem.

Full reports are not included for Heard Island, the McDonald Islands, or the Pitcairn Islands. The Heard and McDonald Islands are uninhabited, and the population of the Pitcairn Islands is less than 50 people.⁵⁶⁸⁷

⁵⁶⁷⁴ U.S. Department of State, “Western Sahara,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/drl/rls/hrrpt/2009/nea/136076.htm>.

⁵⁶⁷⁵ *Ibid.*, paras 1, 44, and 45.

⁵⁶⁷⁶ Government of Morocco, *Le nouveau code de travail*, Dahir n. 1-03-194 du 14 rejec 1424 (11 septembre 2003) portant promulgation de la loi n. 65-99 relative au Code du travail, (May 6, 2004), articles 143 and 172; available from <http://www.maroc.ma/NR/rdonlyres/9A951844-BCA6-4468-9EFD-7460E229E00F/0/codedetravail.pdf>. See also U.S. Department of State, “Morocco,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/drl/rls/hrrpt/2009/nea/136075.htm>.

⁵⁶⁷⁷ Government of Morocco, *Le nouveau Code du travail*, articles 172 and 173.

⁵⁶⁷⁸ *Ibid.*, articles 4 and 179-181.

⁵⁶⁷⁹ U.S. Consulate- Casablanca, *reporting*, February 1, 2010, section 2B.1.

⁵⁶⁸⁰ Government of Morocco, *Le nouveau Code du travail*, article 4.

⁵⁶⁸¹ *Ibid.*, articles 10 and 12. See also Government of Morocco, *Code Pénal*, 1-59-413, (November 26, 1962), article 467; available from http://www.wipo.int/wipolex/en/text.jsp?file_id=190447. See also U.S. Department of State, “Morocco (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/143187.pdf>. See also

UN Committee on the Rights of the Child, *Initial Reports of States Parties Due in 2004: Morocco*, July 15, 2005, para 40; available from <http://www.unhcr.org/refworld/publisher,CRC,STATEPARTIESREP,MAR,43f305590,0.html>. See also ILO Committee of Experts, Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001), [online] 2010 [cited September 23, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=799&chapter=3&query=Morocco%40ref%2B%20Observation%40ref%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0>.

⁵⁶⁸² U.S. Department of State, “Trafficking in Persons Report- 2010: Morocco.” See also U.S. Consulate- Casablanca, reporting, February 22, 2010, 9. See also U.S. Department of State, “Country Reports- 2009: Morocco,” section 6. See also UN Committee on the Rights of the Child, *Initial Reports of States Parties Due in 2004: Morocco*, para 23. See also ILO Committee of Experts, Individual Observation C182: Morocco (2010).






⁵⁶⁸³ Coalition to Stop the Use of Child Soldiers, “Morocco and Western Sahara,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁵⁶⁸⁴ Government of Morocco, *Code Pénal*, articles 497-499 and 503. See also U.S. Consulate- Casablanca, reporting, February 22, 2010, 10. See also UN Committee on the Rights of the Child, *Initial Reports of States Parties Due in 2004: Morocco*, para 23-26.






⁵⁶⁸⁵ ILO Committee of Experts, Individual Observation C182: Morocco (2010).






⁵⁶⁸⁶ U.S. Department of State, “Country Reports- 2009: Western Sahara,” para 1.

⁵⁶⁸⁷ Central Intelligence Agency, “Pitcairn Islands,” in *The World CIA Factbook*, Washington, DC, 2009; available from <https://www.cia.gov/library/publications/the-world-factbook/geos/pc.html>.

		Anguilla	British Indian Ocean Territory	British Virgin Islands	Christmas Island and Cocos (Keeling) Islands	Cook Islands
	C138, Minimum Age	N/A	N/A	N/A	N/A	N/A
	C182, Worst Forms of Child Labor	N/A	N/A	N/A	N/A	N/A
	Convention on the Rights of the Child (CRC)	X	Unclear	X	N/A	X
	CRC Optional Protocol on Armed Conflict	Unclear*	Unclear	Unclear	N/A	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	Unclear	Unclear	Unclear	N/A	No
	Palermo Protocol on Trafficking in Persons	Unclear	Unclear	Unclear	N/A	No
	Minimum Age for Work	14	16	16	15	None
	Minimum Age for Hazardous Work	None	None	18	None	None
	Compulsory Education Age	17	16	16	17	15
	Free Public Education	Yes	Yes	Yes	Yes	Yes

* “Unclear” refers to cases in which research has not identified whether a non-independent country or territory is eligible for membership.

		Falkland Islands	Gibraltar	Montserrat	Niue	Norfolk Island
	C138, Minimum Age	N/A	N/A	N/A	N/A	N/A
	C182, Worst Forms of Child Labor	N/A	N/A	N/A	N/A	N/A
	Convention on the Rights of the Child (CRC)	X	Unclear	X	X	N/A
	CRC Optional Protocol on Armed Conflict	Unclear	Unclear	Unclear	No	N/A
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	Unclear	Unclear	Unclear	No	N/A
	Palermo Protocol on Trafficking in Persons	Unclear	Unclear	Unclear	No	N/A
	Minimum Age for Work	16	16	14	Unclear	None
	Minimum Age for Hazardous Work	Unclear	16	15	Unclear	None
	Compulsory Education Age	16	15	16	16	15
	Free Public Education	Yes	Yes	Yes	Yes	Yes
* “Unclear” refers to cases in which research has not identified whether a non-independent country or territory is eligible for membership.						

		St. Helena, Ascension, and Tristan da Cunha	Tokelau	Turks and Caicos	Wallis and Futuna	Western Sahara
	C138, Minimum Age	N/A	N/A	N/A	N/A	N/A
	C182, Worst Forms of Child Labor	N/A	N/A	N/A	N/A	N/A
	Convention on the Rights of the Child (CRC)	X	N/A	X	N/A	N/A
	CRC Optional Protocol on Armed Conflict	Unclear	N/A	Unclear	N/A	N/A
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	Unclear	N/A	Unclear	N/A	N/A
	Palermo Protocol on Trafficking in Persons	Unclear	N/A	Unclear	N/A	N/A
	Minimum Age for Work	Unclear	Unclear	16	16	15
	Minimum Age for Hazardous Work	Unclear	Unclear	None	18	18
	Compulsory Education Age	15/16 (Ascension only)	Unclear	16	16	15
	Free Public Education	Yes	Yes	Yes	Yes	Yes

* “Unclear” refers to cases in which research has not identified whether a non-independent country or territory is eligible for membership.



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