

**U.S. Department of Labor
Bureau of International Labor Affairs
Office of Child Labor, Forced Labor and Human Trafficking**

FREQUENTLY ASKED QUESTIONS:

***Trade and Development Act Report:
U.S. Department of Labor's 2011 Findings on the Worst Forms of Child Labor***

September 26, 2012

1. Why does the Department of Labor prepare this report?

The Trade and Development Act of 2000 (TDA) amended Section 504 of the Trade Act of 1974 (P.L. 106-200), which expanded country eligibility criteria for several preferential tariff programs to include the requirement that beneficiary countries implement their commitments to eliminate the worst forms of child labor. The report is prepared in accordance with Section 412(c) of the Trade and Development Act, which requires the Secretary of Labor to make findings on the efforts of certain U.S. trade beneficiary countries to implement their international commitments to eliminate the worst forms of child labor.

2. When did the Department of Labor begin issuing reports on the worst forms of child labor?

The Department published the first Findings on the Worst Forms of Child Labor Report in 2002, which included information on child labor efforts in 2001. This year's report will be the eleventh edition of the Department's Findings on the Worst Forms of Child Labor.

3. What are the worst forms of child labor?

The worst forms of child labor are defined in the Trade and Development Act and ILO Convention 182 as:

- (A) all forms of slavery or practices similar to slavery, such as the sale or trafficking of children, debt bondage and serfdom, or forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;
- (B) the use, procuring, or offering of a child for prostitution, for the production of pornography or for pornographic purposes;
- (C) the use, procuring, or offering of a child for illicit activities in particular for the production and trafficking of drugs; and
- (D) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children.

4. How is the report prepared?

Information was gathered for this report through desk research, U.S. embassy reporting and limited field work. Although limited, we also received information from some foreign governments. Desk research consisted of an extensive review of mostly online materials, which included both primary and secondary sources. The sources included academic and independent researchers, media outlets, non-governmental organizations (NGOs), international organizations, foreign governments and U.S. Government agencies. Information was also collected from U.S. Government-funded technical assistance and field research projects.

Examples of sources used in this report are the latest editions available of country laws relevant to child labor, national-level child labor surveys, NGO reports on the nature of child labor in various countries and United Nations reports, including direct requests and observations by the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO CEACR).

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

5. What is the reporting period for this report?

The reporting period for this year's report is January 2011 to December 2011. In addition, important developments during the first quarter of 2012 (January 1 to March 31) were included in the report when the information was available.

6. What changes were instituted with the 2011 TDA Report?

This year, ILAB introduces a new tool to assess government action to advance efforts in eliminating the worst forms of child labor. Each country profile now begins with a narrative assessment. This "Assessment" paragraph replaces the "Highlights" paragraph included in previous reports. The narrative includes any meaningful efforts—that is, key areas in which the government advanced in implementing its commitments to eliminate the worst forms of child labor. The narrative also includes areas in which gaps remain. Countries are assessed as having made significant, moderate, minimal, or no advancement in eliminating the worst forms of child labor. In a limited number of cases, assessments were not provided for certain countries because the population of children is either non-existent or extremely small (under 50) or there is no evidence of worst forms of child labor problem and the countries appear to have an adequate preventative legal framework.

7. What is the scope of the country assessments?

In the TDA Conference Committee Report, (2000), the Congress indicated that the following criteria should be considered when determining whether countries are meeting their international commitments to eliminate the worst forms of child labor. These criteria include whether the country has:

- Adequate laws and regulations proscribing the worst forms of child labor;
- Adequate laws and regulations for the implementation and enforcement of such measures;
- Formal institutional mechanisms to investigate and address complaints relating to allegations of the worst forms of child labor;
- A comprehensive policy for the elimination of the worst forms of child labor;
- Social programs to prevent the engagement and assist in the removal of children in the worst forms of child labor.

DOL operationalized these criteria through a series of questions, which are included in the Report's Appendix.

8. How does DOL assess country efforts to eliminate the worst forms of child labor?

The TDA Reports of 2009 and 2010 identified a set of suggested actions for countries to take in order to advance efforts to eliminate the worst forms of child labor. The implementation—or lack of implementation—of these suggested actions establishes a baseline from which to assess a country's advancement. These actions, in combination with other efforts undertaken by a country, were considered when assessing the level of a country's advancement during the current reporting period compared with previous years. The reporting period is January 2011 to December 2011. However, meaningful actions undertaken during the first quarter of 2012 (January – March) were also considered.

Once a country's efforts were identified, ILAB assessed (1) the significance of efforts—actions that could have a meaningful impact in eliminating the worst forms of child labor—undertaken during the reporting period, and (2) the extent to which these meaningful efforts addressed certain TDA criteria, outlined above, during the reporting period. In addition, ILAB reviewed whether a government was complicit in the use of forced child labor, including the forcible recruitment of children for armed conflict.

9. How can the report serve as a tool for U.S. policymakers, foreign governments, and the public?

DOL seeks to provide timely, relevant information and analysis on the worst forms of child labor that will inform and raise awareness among public and private stakeholders in the U.S. and in each country covered in the report. By providing analysis, an assessment of advancement and suggested actions to advance the elimination of the worst forms of child labor, the redesigned report provides Congress and Executive Branch agencies with useful information to consider when making labor and trade policy. For foreign governments, aid

organizations, and civil society groups, the report both recognizes positive efforts by countries and notes areas where action is needed, thus offering a basis for discussion, collaboration, and implementation of targeted efforts to address the most urgent child labor issues facing each country. Finally, where the report demonstrates a need for additional information on specific dimensions of child labor or actions to address it, the report may spur further research and reporting that will enable governments and other stakeholders to better evaluate the impact of their efforts and guide future actions.