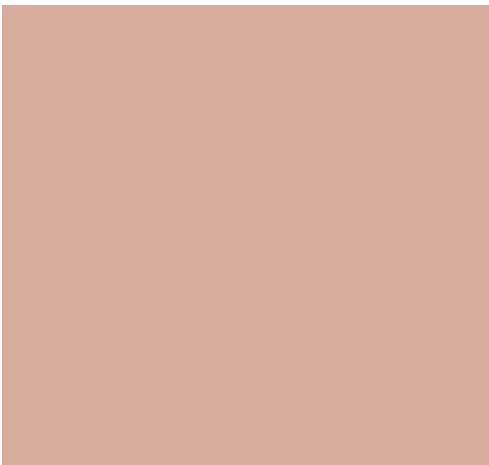
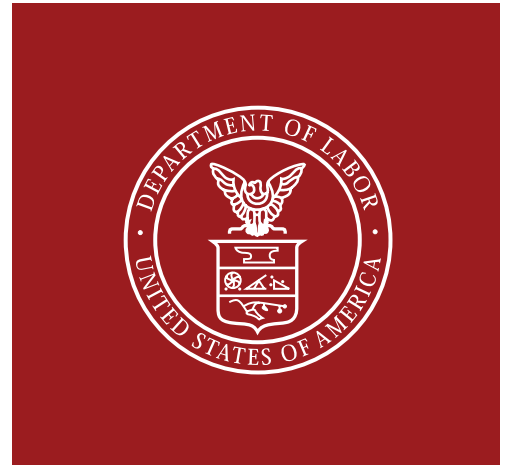


# U.S. Department of Labor's List of Goods Produced by Child Labor or Forced Labor



2012

REPORT REQUIRED  
BY THE TRAFFICKING  
VICTIMS PROTECTION  
REAUTHORIZATION  
ACT OF 2005

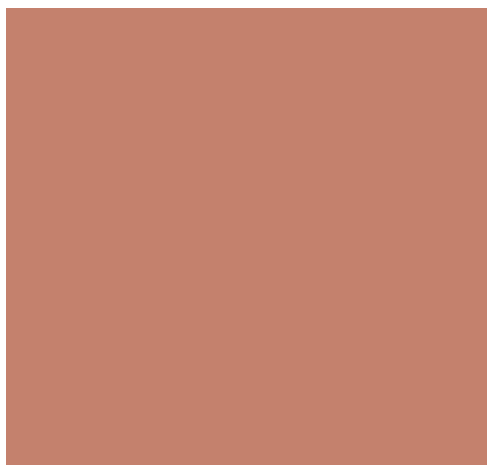


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THE INTERNATIONAL LABOR ORGANIZATION AND VERITÉ

U.S. DEPARTMENT OF LABOR'S BUREAU OF INTERNATIONAL LABOR AFFAIRS  
OFFICE OF CHILD LABOR, FORCED LABOR, AND HUMAN TRAFFICKING

2012

U.S. Department of Labor's  
**List of Goods Produced  
by Child Labor or  
Forced Labor**

REPORT REQUIRED BY THE TRAFFICKING VICTIMS PROTECTION  
REAUTHORIZATION ACT OF 2005





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

**SEP 26 2012**

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 (DOL) *List of Goods Produced by Child Labor or Forced Labor* (List), is produced in accordance with the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005. This is the fourth edition of the TVPRA report. With this update, the List now includes 134 goods from 74 countries that DOL's Bureau of International Labor Affairs has reason to believe are produced by child labor or forced labor in violation of international standards.

DOL will continue to update the List periodically. We hope this report is useful to you.

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, D.C.

**SEP 26 2012**

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

Dear Mr. Speaker:

The enclosed report, titled The Department of Labor's (DOL) *List of Goods Produced by Child Labor or Forced Labor* (List), is produced in accordance with the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005. This is the fourth edition of the TVPRA report. With this update, the List now includes 134 goods from 74 countries that DOL's Bureau of International Labor Affairs has reason to believe are produced by child labor or forced labor in violation of international standards.

DOL will continue to update the List periodically. We hope this report is useful to you.

Sincerely,



HILDA L. SOLIS  
Secretary of Labor

Enclosure

cc: The Honorable Nancy Pelosi, House Minority Leader





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

President Franklin Delano Roosevelt appointed Frances Perkins as the Secretary of Labor in 1933 and named her as the Chairwoman of the Committee on Economic Security in 1934. As the first woman to be appointed to a United States cabinet position, and as the lead on the President's most ambitious policy agenda, Frances Perkins was instrumental in passing two pieces of landmark legislation—the Social Security Act of 1935 and the Fair Labor Standards Act of 1938. These New Deal initiatives became the foundation of U.S. worker and social protections. Frances Perkins characterized them as an attitude—“an attitude that found voice in expressions like ‘the people are what matter to government,’ and ‘a government should aim to give all the people under its jurisdiction the best possible life.’”

As Secretary of Labor, I share this attitude. I share Frances Perkins' belief in a government that cares for its people and protects its workers, especially in times of economic hardship. This sentiment not only applies to men, women, and children within the United States, but to people in every country around the world.

Since 2010, I have been working alongside Labor and Employment Ministers from the G20, the group of the world's 20 largest economies, to address the human impact of the global economic crisis. During our first historic meeting in Washington, DC (2010), and in subsequent meetings in Paris, France (2011), and Guadalajara, Mexico (2012), we have made employment creation and adequate social protection systems our top priority. The calls for robust social protection are now also embodied in a landmark Recommendation Concerning National Floors of Social Protection that was adopted by the International Labor Conference at its 101st Session in June 2012.

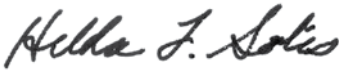
The work of the G20 and the International Labor Conference underscore that the dual goal of job creation and social protection is both good policy and the right thing to do. When jobs are scarce and money is tight and workers feel abandoned by their governments in these times of greatest need, they are most vulnerable to abuse and exploitation. Desperate families may turn to desperate measures to survive, and core labor standards—those fundamental human rights that are the underpinnings of worker dignity—are at risk. Children become more vulnerable to harmful child labor, and adults more vulnerable to forced labor.

The International Labor Organization (ILO) has produced new global estimates placing the number of people trapped in forced labor at 21 million, including 6 million children forced into labor or sexual exploitation. The ILO also estimates that 215 million children are working as child laborers, of which about 115 million participate in hazardous labor.

This year, through the U.S. Department of Labor's Bureau of International Labor Affairs (ILAB), I am releasing the 11th edition of the Department's Findings on the Worst Forms of Child Labor as mandated by the Trade and Development Act of 2000 (TDA), and the fourth edition of the List of Goods Produced by Child Labor or Forced Labor as mandated by the Trafficking Victims Protection

Reauthorization Act of 2005 (TVPRA). The 11th edition of the TDA Report introduces a new tool to assess and clearly indicate the status of the efforts of the 144 countries benefiting from U.S. trade preferences in eliminating the worst forms of child labor. The fourth edition of the TVPRA Report features the addition of new goods and countries to the list, which brings the total number of goods to 134 and countries to 74 in the report. These reports shine a spotlight on the great strides some countries have made in upholding their commitments to abolishing the worst forms of child labor and eliminating all forms of forced or compulsory labor. They also clearly indicate where much work remains to be done.

Over 70 years ago, Frances Perkins came to Washington, DC, to work for the “millions of forgotten.” It is my hope that these reports serve as a lucid reminder of what happens to the most vulnerable members of society, around the world, when social contracts between workers and their governments fall short. More importantly, it is also my hope that these reports become tools for those who want to join me in my efforts to ensure respect, around the world, for these fundamental workers’ rights.



HILDA L. SOLIS  
Secretary of Labor  
September 26, 2012

## Acknowledgements

This report was prepared under the direction of Sandra Polaski, former Deputy Undersecretary for International Affairs; Carol Pier, Acting Deputy Undersecretary for International Affairs; Eric Biel, Acting Associate Deputy Undersecretary for International Affairs; Marcia Eugenio, Director of the Office of Child Labor, Forced Labor and Human Trafficking (OCFT); and Kevin Willcutts, Deputy Director, OCFT. Preparation of the report was coordinated by Charita Castro, Rachel Phillips Rigby and Elizabeth Wolkomir of OCFT. The underlying research, writing, editing and administrative support were carried out by the following Bureau of International Labor Affairs (ILAB) staff: Wendy Blanpied, Kathryn Chinnock, Katie Cook, Kwamena Atta Cudjoe, Lauren Damme, Lorena Dávalos, Courtney Davis, Christopher Dearing, Chandra DeNap, Juliana DiBona, Nicole Epps, Sonia Firpi, Mary Francis, Diantha Garms, Alexa Gunter, Nikhil Gupta, Sharon Heller, Margaret Hower, Karina Jackson, Maureen Jaffe, Malaika Jeter, Marie Ledan, Merima Lokvancic, Deborah Maresko, Tina McCarter, Albery Melo, Eileen Muirragui, Sarah Newsome, Austin Pedersen, Kimberly Parekh, Genevieve Parente, Angela Peltzer, Karrie Peterson, Ingris Ramos, Tanya Rasa, Laura Recchie, Nina Rosenberg, Brandie Sasser, Samantha Schasberger, Doris Senko, Sherry Smith, Leyla Strotkamp, Chanda Uluca, Regina van Houten, Pilar Velasquez, Cara Vileno and Bruce Yoon.

ILAB would like to note the important contributions to the report made by Matthew Levin and Tandra Leonard in the Office of the Solicitor, Jay Berman in the Office of the Assistant Secretary for Policy and Erin FitzGerald and Stephanie Swirsky in the Executive Secretariat.

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







## Acronyms

CCI	Citizens Charcoal Institute
CPT	Pastoral Land Commission
DHS-ICE	United States Department of Homeland Security – Immigration and Customs Enforcement
DOJ	United States Department of Justice
DOL	United States Department of Labor
DOL-OIG	United States Department of Labor – Office of Inspector General
DOS	United States Department of State
DOS-G/TIP	United States Department of State – Global Office to Monitor and Combat Trafficking in Persons
FBI	United States Federal Bureau of Investigation
FEWG	Federal Enforcement Working Group
FLSA	Fair Labor Standards Act
GOC	Government of Cambodia
GOB	Government of Brazil
GOP	Government of Paraguay
GOP	Government of Philippines
HO	Hazardous Occupation Order
ILAB	Bureau of International Labor Affairs
ILO	International Labor Organization
NAGCAT	North American Guidelines for Children’s Agricultural Tasks
NIOSH	National Institute for Occupational Safety and Health
OCFT	Office of Child Labor, Forced Labor, and Human Trafficking
PETI	Program to Eradicate Child Labor
TDA	Trade and Development Act of 2000
TVPR	Trafficking Victims Protection Reauthorization Act
USDA	United States Department of Agriculture
WFCL	Worst Forms of Child Labor
WHD	United States Department of Labor - Wage and Hour Division







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## Part One: Introduction - Report Guide

### 1.1. U.S. DEPARTMENT OF LABOR'S MANDATE

The U.S. Department of Labor (DOL) has prepared this fourth edition of the *List of Goods Produced by Child Labor or Forced Labor* (List) in accordance with the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005.<sup>1</sup> The TVPRA requires DOL's Bureau of International Labor Affairs (ILAB) to "develop and make available to the public a list of goods from countries that [ILAB] has reason to believe are produced by forced labor or child labor in violation of international standards."<sup>2</sup> ILAB published its initial List on September 10, 2009, and has since updated the List annually. The TVPRA mandate refers to monitoring and combating "child labor and forced labor in foreign countries"; therefore, the List does not include goods produced in the United States. However, the Department recognizes that child labor and forced labor occur in the United States, and this is discussed in Section 4.3 below.

### 1.2. RESEARCH PURPOSE

The List's primary purposes are to raise public awareness about forced labor and child labor and to promote efforts to address them. The List is not intended to be punitive, but rather as a starting point for individual and collective action. Publication of the List has provided ILAB new opportunities to engage in technical cooperation with foreign governments to combat child labor and forced labor and has also been a valuable resource to many companies in carrying out risk assessment and due diligence on labor rights in their supply chains.

### 1.3. REPORT OVERVIEW

This edition of the List adds four new goods and three new countries to the List. The List now includes a total of 134 goods from 74 countries. Given the current state of research on child labor and forced labor, the List – while as comprehensive as possible – includes only those goods for which ILAB is able to document that there is reason to believe that child or forced labor is used in their production. It is likely that many more goods are produced through these forms of labor abuse.

This report is divided into four parts. In addition to DOL's mandate and the research purpose, Part 1 of this report

describes the research focus, including the population of interest, definitions of child labor and forced labor, the sectors and types of employment, the stages of production and the ultimate consumption of the goods (export or domestic). Part 2 outlines the research methodology, including the criteria used to analyze data sources and make determinations regarding additions to or removals from the List. This section also discusses the role that governments, the private sector and workers and civil society can play in eliminating child labor and forced labor in the production of goods. Part 3 presents the results of this year's research and includes a brief analysis of trends observed since ILAB began producing the List in 2009. Part 4 places the results of the research in a broader context and concludes with a discussion about important efforts that are ongoing or are needed to advance efforts to eliminate child and forced labor in the production of goods.

### 1.4. RESEARCH FOCUS

#### 1.4.1. Population Covered

In researching child labor, ILAB focused on children under the age of 18 years. For forced labor, the research covered workers of all ages. The population included persons in foreign countries only, as directed by statute. Populations within the United States were not included in this study.

#### 1.4.2. Nature of Employment

Where ILAB research indicated situations of exploitative working conditions, these situations were reviewed to determine whether they constituted "child labor" or "forced labor" under international labor standards. ILAB's complete definitions of child labor and forced labor can be found in its *Procedural Guidelines for the Development and Maintenance of the List of Goods From Countries Produced by Child Labor or Forced Labor* (Procedural Guidelines), published in the Federal Register on December 27, 2007.<sup>3</sup>

<sup>1</sup> Pub. L. 109-164, 119 Stat. 3559 (codified as amended in scattered sections of 18, 22 and 42 U.S.C.).

<sup>2</sup> Codified as 22 U.S.C. 7112(b)(2)(C).

<sup>3</sup> U.S. Department of Labor, "Notice of Procedural Guidelines for the Development and Maintenance of the List of Goods From Countries Produced by Child Labor or Forced Labor," 72, Fed. Reg. 73374 (December 27, 2007); available from <http://www.dol.gov/ILAB/programs/ocft/tvpra.htm>.



**“Child labor”** under international standards means all work performed by a person below the age of 15. It also includes all work performed by a person below the age of 18 in the following practices: (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.<sup>4</sup>

The definitions used in developing the List are based on standards adopted by the ILO. The ILO has adopted two conventions relating to child labor, C. 138 (1973), the Minimum Age Convention and C. 182 (1999), the Worst Forms of Child Labor Convention. The ILO has also adopted two conventions relating to forced labor, C. 29 (1930), the Forced Labor Convention, and C. 105 (1957), the Abolition of Force Labor Convention.

With respect to part (D) of the above definition, ILAB conducted extensive research in an attempt to determine whether activities performed by working children, in light of the specific tasks required and working conditions faced, constituted hazardous work based either on country-specific laws on hazardous work or on ILAB’s application of ILO Recommendation 190 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor. When determinations were made that specific cases constituted hazardous work, those forms of child labor were included in the List. However, for some sectors in which hazards associated with child work are both well-documented at the global level and generally endemic, when ILAB had evidence of children working in those sectors, it deemed that the work performed by children includes hazardous work, absent case-specific evidence of indicators of such work. For

example, while country-specific information on the dangers children face in agricultural work is not always available, research studies and other reports have documented the risks of occupational exposures, injuries and negative health consequences to children working in certain agricultural activities that are prevalent throughout the sector.<sup>5</sup>

**“Forced labor”** under international standards means all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily, and includes indentured labor. “Forced labor” includes work provided or obtained by force, fraud or coercion, including: (1) by threats of serious harm to, or physical restraint against any person; (2) by means of any scheme, plan or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or (3) by means of the abuse or threatened abuse of law or the legal process.<sup>6</sup>

Evidence of child labor and forced labor was considered separately to determine whether – for each good on the List – there should be a finding that child labor, forced labor or both were used in the production of the good in violation of international standards. Some goods are listed as produced with both child labor and forced labor, but this does not necessarily mean that the goods were produced with *forced child labor*.

### 1.4.3. Sector of Employment

The List comprises goods from the agricultural, manufacturing, mining and quarrying sectors, as well as pornography. ILAB’s research did not include the service sector, which was beyond the scope of the legislated mandate.

### 1.4.4. Type of Employment

Research covered all economic activity for adults and children in the production of goods, including formal and informal sector production and goods produced for personal and family

<sup>4</sup> Procedural Guidelines, 72 Fed. Reg. at 73378.

<sup>5</sup> ILO, *Children in Hazardous Work: What we know, What we need to do*, Geneva, June 2011; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=17035>.

<sup>6</sup> Procedural Guidelines, 72 Fed. Reg. at 73378.

consumption.<sup>7</sup> Examples of informal sector activity include day labor hired without contract; small-scale farming and fishing; artisanal mining and quarrying; and manufacturing work performed in home-based workshops. Some illicit goods are also included in the List; this is not intended to condone or legitimize the production or consumption of these goods.

### 1.4.5. Stage of Production

Goods are placed on the List at the stage of production at which ILAB determined that there was reason to believe that child labor or forced labor was involved. For example, if there was reason to believe that child labor or forced labor was used in the extraction, harvesting, assembly or production of raw materials or component articles and these materials or articles are subsequently used as inputs in the manufacture or processing of final goods under non-violative conditions, only the raw materials or component articles are included on the List and only for those countries where they were extracted, harvested, assembled or produced. If child labor or forced labor was used in both the production or extraction of raw materials or component articles and the manufacture or processing of final goods, the raw materials or component articles and the final goods are included on the List for those countries where the violative conditions were found.

In placing items on the List, ILAB names the most specific good possible given the available evidence. Therefore, ILAB may identify child labor or forced labor in the production of a general category of good from one country (e.g., stones from Nepal), while it may have evidence of labor exploitation in the production of a more precise good from another country (e.g., limestone from Egypt). However, ILAB does not place broad sectors on the List. For example, though there is evidence of child labor in agriculture in nearly every country in the world, ILAB would not include “agricultural goods” on the List. However, when there is credible evidence of child labor or forced labor in a particular agricultural good, that specific good would be included on the List.

### 1.4.6. Market for Goods

Most economically active children are involved in the production of goods or services for local consumption,<sup>8</sup> rather than for international trade. Data is limited on the consumption patterns of goods made with forced labor. In conducting research, ILAB did not distinguish between goods produced for domestic consumption and for export, due to data limitations and because this was not part of the mandate of the TVPRA.

<sup>7</sup> ILO, *Resolution concerning statistics of the economically active population, employment, unemployment and underemployment*, Geneva, October, 1982; available from [http://www.ilo.org/global/statistics-and-databases/standards-and-guidelines/resolutions-adopted-by-international-conferences-of-labour-statisticians/WCMS\\_087481/lang-en/index.htm](http://www.ilo.org/global/statistics-and-databases/standards-and-guidelines/resolutions-adopted-by-international-conferences-of-labour-statisticians/WCMS_087481/lang-en/index.htm). See also ILO, *18th International Conference of Labour Statisticians*, Geneva, November, 2007; available from [http://www.ilo.org/global/statistics-and-databases/meetings-and-events/international-conference-of-labour-statisticians/WCMS\\_092024/lang-en/index.htm](http://www.ilo.org/global/statistics-and-databases/meetings-and-events/international-conference-of-labour-statisticians/WCMS_092024/lang-en/index.htm).

<sup>8</sup> Eric Edmonds, “Trade, Child Labor, and Schooling in Poor Countries,” in *Trade Adjustment Costs in Developing Countries: Impacts, Determinants, and Policy Responses*, ed. G. Porto and B. Hoekman, Washington, DC: The World Bank Press, 2010.





## Part Two: Research Methodology

The research methodology used to compile the List is based on ILAB's Procedural Guidelines. This part of the report discusses in greater detail the application of the guidelines to data sources in order to make determinations regarding additions to the List. In addition, this part provides information on the process for removing goods from the List and highlights a case study of a removal of a good from the Department of Labor's *List of Products Produced by Forced or Indentured Child Labor*, mandated by Executive Order 13126 (EO 13126 List).<sup>9</sup>

For this edition, ILAB reviewed new information on goods from 152 countries and territories. Appendix A contains the complete list of these countries and territories. ILAB continues to carry out research for future editions of the List.<sup>10</sup>

### 2.1. ADDITION OF GOODS TO THE LIST

#### 2.1.1. Sources and Collection of Data

To ensure a transparent process, ILAB did not use any information in developing the List that is not available to the public, including government-classified information. ILAB utilized a wide variety of publicly-available primary and secondary sources to conduct the research. Primary sources include original quantitative and qualitative research studies and other data or evidence gathered first-hand, while secondary sources are those that cite, comment on or build upon primary sources. ILAB's primary sources included surveys carried out by foreign governments in conjunction with the ILO; site visits and data gathered by ILAB staff and other U.S. Government personnel; and quantitative and qualitative

studies carried out by a variety of governmental and non-governmental entities, including academic institutions. Where available, ILAB relied on statistically representative studies in which participants are chosen through random sampling. This type of research produces reliable estimates of the number of individuals in child labor or forced labor working in particular activities in a given sector or geographic area. Because these studies provide empirical, quantitative evidence about both the nature and prevalence of the problem, ILAB sometimes based a determination to add a good to the List on a single, representative survey when it was confident in the rigor of the methodology and execution.

ILAB's secondary sources included information reported by U.S. Government agencies, foreign governments and civil society organizations, including reporting from U.S. Government-funded technical assistance projects. The Department of State and U.S. embassies and consulates abroad provided important information by gathering data from local contacts, conducting site visits and reviewing local media sources. ILAB issued a notice in the *Federal Register* requesting information from the public on child labor and forced labor in the production of goods globally and reached out to the embassies of all countries researched (see Appendix A) requesting this information, as well. ILAB monitored reports from international institutions, non-governmental organizations, academic journals and media sources on an ongoing basis.

#### 2.1.2. Data Analysis

The TVPRA mandates DOL to publish a List of goods that ILAB has "reason to believe" are produced using forced or child labor in violation of international standards. ILAB implemented this "reason to believe" standard by establishing five factors to be considered in evaluating information. These five factors were included in ILAB's Procedural Guidelines.

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

**2. Date of information.** Whether the information about child labor or forced labor is no more than 7 years old at the time of receipt. More current information will generally be given

<sup>9</sup>. Separate from the TVPRA List, ILAB has a mandate under EO 13126 to publish a list of goods produced with forced or indentured child labor. The EO 13126 List is updated periodically using research carried out pursuant to the TVPRA mandates and other sources of information. Further information on EO 13126, "Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor," as well as the EO 13126 List, can be found at <http://www.dol.gov/ILAB/regs/eo13126/main.htm>.

<sup>10</sup>. In order to compile a List that was reliable and comprehensive as possible, ILAB developed a draft research methodology and published it in the *Federal Register* on October 1, 2007, with a request for public comment. 72 Fed. Reg. 55808. Public comments were integrated, as appropriate, into ILAB's Procedural Guidelines, published on December 27, 2007. 72 Fed. Reg. 73374. To prepare the initial List published in 2009, the scope of information under review included documentation on exploitative working conditions in the production of goods in 77 countries. These 77 countries were selected based on an initial screening of sources, which showed a higher incidence of child labor and forced labor in these countries. To prepare the 2010 update, ILAB researched an additional 39 countries, and reviewed new information on the original group of 77 countries. To prepare the 2011 update, ILAB researched an additional 46 countries, and reviewed new information on the countries researched in 2009 and 2010.



priority, and information older than 7 years will generally not be considered.<sup>11</sup>

*3. Source of information.* Whether the information, either from primary or secondary sources, is from a source whose methodology, prior publications, degree of familiarity and experience with international labor standards and/or reputation for accuracy and objectivity warrants a determination that it is relevant and probative.

*4. Extent of corroboration.* The extent to which the information about the use of child labor or forced labor in the production of a good(s) is corroborated by other sources.

*5. Significant incidence of child labor or forced labor.* Whether the information about the use of child labor or forced labor in the production of a good(s) warrants a determination that the incidence of such practices is significant in the country in question. Information that relates only to a single company or facility or that indicates an isolated incident of child labor or forced labor will not ordinarily weigh in favor of a finding that a good is produced in violation of international standards. Information that demonstrates a significant incidence of child labor or forced labor in the production of a particular good, although not necessarily representing a practice in the industry as a whole, will ordinarily weigh in favor of a finding that a good is produced in violation of international standards.

For each good that was reviewed, ILAB evaluated each data source against each of the five criteria. ILAB researchers applied the criteria consistently across goods and countries so that ultimate findings of “reason to believe” are consistent worldwide.

When ILAB found reason to believe that child labor or forced labor was used in the production of a particular good, prior to adding that good to the List ILAB also considered evidence of government, industry or third party initiatives to combat the problem. This included evidence about ongoing initiatives brought to our attention through public submissions. If ILAB determined that the problem of child labor or forced labor

persisted despite existing efforts to address the issue, the good was still added to the List.

A bibliography listing the sources used to place each good on the List is found on ILAB’s Web site at <http://www.dol.gov/ILAB/programs/ocft/tvpra.htm>. To ensure transparency, ILAB identifies all the sources it used in making decisions.

### 2.2. REMOVAL OF GOODS FROM THE LIST

Foreign governments, industry groups, individual companies and other stakeholders frequently inquire about the process for removing a good from the List. According to ILAB’s Procedural Guidelines, ILAB must have a reasonable basis to believe that a problem of child or forced labor is “significantly reduced if not eliminated” from the production of the particular good in the country in question for it to be removed. As discussed, the guidelines indicate that a forced or child labor problem at “a single company or facility” or in “an isolated incident” “will not weigh in favor of a finding that a good is produced in violation of international standards.” Similarly, when ILAB has a reasonable basis to believe that a child or forced labor problem with respect to a listed good has been eliminated or reduced to a single company or facility or to an isolated incident, the threshold for removal would be met.

The Procedural Guidelines also provide a process by which the public may submit comments relating to any good on the List. ILAB has received over 100 such comments, or submissions, available on the Internet at: <http://www.dol.gov/ilab/programs/ocft/tvprsubmissions.htm>. Many submissions have contended that a good should be removed from the List but have not provided sufficient evidence that the problem of child or forced labor has been significantly reduced or eliminated.

In the 2011-2012 research period, ILAB staff carried out research on seven goods currently on the TVPRA List to determine whether there was reason to believe that there had been a significant reduction or elimination of a problem of child labor and/or forced labor. These goods included cotton from Azerbaijan, salt from Cambodia, garments and embellished textiles from India, tobacco from Kazakhstan, sugarcane from Thailand and cotton from Tajikistan. Table 1 lists the goods considered for removal by country and the focus of research for removal.

<sup>11</sup> Since 2011, ILAB has chosen to rely on sources that are no more than 5 years old. This policy is to ensure consistency with other ILAB reporting on international child labor.

**Table 1. Goods Considered for Removal from the TVPRA List by Country**

Country	Good	Child Labor	Forced Labor
Azerbaijan	Cotton	X	
Cambodia	Salt	X	
India	Garments	X	X
India	Embellished textiles	X	X
Kazakhstan	Tobacco	X	X
Thailand	Sugarcane	X	
Tajikistan	Cotton	X	X <sup>12</sup>

Due to limited resources, ILAB was not able to research in-depth all the goods currently on the List that presented a possible case for removal from the List, but we continue to research potential removals on an ongoing basis. In identifying the particular cases on which to focus ILAB research, we prioritize those for which a credible argument for removal has been brought to our attention by foreign governments, industry groups or U.S. Government colleagues from other agencies, or other stakeholders.

ILAB’s research on the above seven goods included desk research, in-person and telephone interviews with key informants, and when possible, travel to the relevant countries to conduct in-person interviews and site visits. In some cases, research was carried out in coordination with U.S. Government colleagues from other agencies, grantees and/or contractors. In most cases, while our research identified ongoing efforts by a variety of actors to combat the problem, we do not yet have reason to believe that there has been a significant reduction or elimination in any of the goods researched for removal. In some cases, the research yielded new sources to further substantiate our original findings, and these new sources have been added to the TVPRA bibliography (available at <http://www.dol.gov/ILAB/programs/ocft/tvpra.htm>).

In the 2012 research cycle there were no goods that met ILAB’s standards for removal from the list. However, ILAB continues to research many important efforts being implemented to remediate the problems of child labor and forced labor in the production of goods, including the cases of Kazakhstan and Tajikistan described below.

<sup>12</sup> In Tajikistan ILAB researched the reduction or elimination of forced labor in cotton for children only.

### *On-Going Research on Tobacco in Kazakhstan*

ILAB recognizes the efforts that Philip Morris International and Philip Morris Kazakhstan (PMK) have made in working with the Government of Kazakhstan and international organizations such as Verité, Inc. and the ILO to eliminate the use of child labor and forced labor on tobacco farms. ILAB will continue to research the use of child labor and forced labor in the production of tobacco in Kazakhstan. ILAB is still in the process of independently verifying information from U.S. Embassy, Government of Kazakhstan, NGO, international organization and private sector sources that both child labor and forced labor may have been significantly reduced or eliminated in the production of tobacco in Kazakhstan. PMK, the sole international buyer of cotton from Kazakhstan, has developed a voluntary code of conduct, the Agricultural Labor Practices (ALP) Code, which includes child labor and forced labor as core principles, and conducts regular inspections to monitor farm-level compliance.<sup>13,14</sup> PMK’s approach to remediating any violations of the ALP is based on its initial training and consultation with Verité, and a focus on working with local partners to identify appropriate local solutions. PMK works with local NGOs, through a multi-stakeholder process, to resolve any violations of the ALP.

<sup>13</sup> Phillip Morris Kazakhstan official, Meeting with USDOL official, May 16, 2012. See also Phillip Morris Kazakhstan Chief Agronomist, Interview with USDOL official, May 17, 2012. See also Phillip Morris International, *Agricultural Labor Practices Code*, 2011.

<sup>14</sup> Phillip Morris Kazakhstan official. See also Phillip Morris International, *Agricultural Labor Practices Code*.

### *On-Going Research on Cotton in Tajikistan*

ILAB will also continue to research the use of forced child labor in the production of cotton in Tajikistan. ILAB is still in the process of independently verifying information from U.S. Embassy, Government of Tajikistan (GOT), international organization and local NGO sources that suggests the forced mobilization of children by education officials for the production of cotton has significantly reduced over the past two to three years. The Government of Tajikistan has advanced efforts to eliminate the forced mobilization of children for the production of cotton. In April 2009, Tajik President Emomali Rahmon gave a speech to the National Parliament stating, “the Ministries of Agriculture and Education, as well as the executive bodies of the state authority in *oblasts* (administrative divisions), cities, and districts are mandated to categorically refrain from involving schoolchildren and students in field work, especially in the cotton harvest.”<sup>15</sup>

In response to the 2009 Presidential decree and with the authorization of the Inter-Ministerial Commission to Combat Trafficking in Persons (IMCCTIP), the International Organization for Migration (IOM) began implementing the *Assessment of the Exploitation of Children and Students in the Cotton Fields of Tajikistan* project, which sought to obtain data on the extent and nature of forced deployment of children in the cotton harvest.<sup>16</sup> The 2010 study found that forced mobilization of children to harvest cotton had declined markedly, but still persisted in some areas, largely due to lack of awareness about the laws.<sup>17</sup> IOM conducted a follow-up study in a 2011 assessment that covered the same 25 districts assessed the previous year, *An Assessment of the Exploitation of Children and Students During the 2011 Cotton Harvest in Tajikistan*.<sup>18</sup> The study found that child participation in the fall 2011 harvest was still widespread in the majority of

districts monitored. The study also found that while there was no longer a government policy of forced mobilization of children for the production of cotton, local authorities and school administrators continued to “compulsorily involve students in the annual cotton harvest.”<sup>19</sup> ILAB recognizes the important efforts undertaken by the Government of Tajikistan, and will continue to monitor the situation to ensure that the government policy to prohibit forced child labor in cotton production is enforced at the local level throughout the country.

The way to significantly reduce or eliminate child labor or forced labor varies from good to good and from country to country. Solutions must be designed to fit each context and must account for a variety of factors such as the legal, regulatory and enforcement regimes in place; the number of producers of a particular good in the country; the structure of supply chains; geography; infrastructure; and levels of community activism. Solutions rarely result from unilateral action and, instead, often must be cross-sectoral and collaborative, leveraging the unique strengths, resources and positions of multiple stakeholders.

#### *2.2.1. Government Role*

Under international standards, the primary responsibility for eliminating child and forced labor falls to governments. In fulfilling this responsibility, governments must enact laws on child labor and forced labor consistent with international standards and effectively enforce those laws. They must also provide basic social services, such as education, as well as social protections for individuals and households. And they must enact policies that promote the development of decent work for adults and stable livelihoods for entire families, so that parents do not choose work over education for their children.

To help ensure effective application of labor laws and regulations governing child labor and forced labor, governments must devote sufficient resources to and build the capacity of the institutions charged with such enforcement

<sup>15</sup> Yoomie Huynh, *An Assessment of the Exploitation of Children and Students During the 2011 Cotton Harvest in Tajikistan*, International Organization for Migration, Geneva, March, 2012; available from <http://www.iom.tj/index.php/research/148-an-assessment-of-the-exploitation-of-children-and-students-during-the-2011-cotton-harvest-in-tajikistan-march-2012>. See also Hodzhamahmad Umarov, *Monitoring of Child Labour Use in the Cotton Fields in Tajikistan*, International Organization for Migration, Geneva, March, 2011; available from <http://www.iom.tj/index.php/research/133-monitoring-of-child-labour-use-in-the-cotton-fields-may-2011>.

<sup>16</sup> IOM Tajikistan, *Shelters for Victims of Human Trafficking*, [previously online] [cited July 19, 2011]; available from [http://www.iom.tj/projects\\_trafficking\\_cotton.htm](http://www.iom.tj/projects_trafficking_cotton.htm). Funding for the monitoring project came from the Bureau for International Narcotics and Law Enforcement Affairs (INL) of the U.S. Department of State.

<sup>17</sup> Umarov, *IOM Report 2011*.

<sup>18</sup> Huynh, *IOM Report 2012*.

<sup>19</sup> Ibid.



and promote coordination and information sharing among the agencies working on child labor and forced labor issues in the country. In particular, governments should undertake efforts to strengthen labor inspection systems, including the following:

- Establish labor inspection systems that monitor, investigate, and as appropriate, fine or sanction incidences of child labor and forced labor;
- Employ a sufficient number of inspectors to enforce the country's labor laws and regulations on child labor and forced labor and provide sufficient training to inspectors, including specialized training on child labor and forced labor;
- Create and implement an effective mechanism for filing and responding expeditiously to complaints about child labor and forced labor;
- Develop and implement a labor inspection strategy that targets areas where child labor and forced labor are most likely to occur; and
- Publish information on specific inspection results and fines or sanctions imposed for violation of child labor and forced labor laws and regulations.

In the area of social protection, since their first summit in April 2010, the Labor and Employment Ministers of the G-20, the 20 largest economies in the world, have continued to meet annually to develop policy recommendations to reduce unemployment and protect vulnerable households. These include public work strategies targeted to poor, rural or low-skilled households, and the extension of social protection systems to cover all of the poor and vulnerable. Such programs aim to reduce the economic insecurity of poor households and allow them to increase current consumption and productive investments. They can also reduce the likelihood of economic choices that often perpetuate poverty, such as sending children to work rather than to school, and distress migration, which can lead to forced labor. These calls for action are now embodied in a landmark *Recommendation on National Floors of Social Protection* that was adopted by the International Labor Conference at its 101<sup>st</sup> Session in June 2012.

### 2.2.2. Private Sector Role

Companies and industry groups should implement social compliance systems to ensure they are not directly or indirectly causing or contributing to labor abuses in their supply chains. Since the publication of the initial List in 2009, ILAB has engaged with a variety of private sector partners to promote the appropriate use of such systems. Social compliance systems should include, at a minimum, the following core elements:

- A set of standards, enshrined in a Code of Conduct or other company policy, including specific child labor and forced labor standards that meet or exceed those set by the ILO.
- Assessment of risks and potential impacts on child labor and forced labor in the company's supply chains through appropriate due diligence processes.
- Communication and training on the Code of Conduct standards and their implementation throughout the supply chain, including with the company's employees, managers, and supervisors; suppliers and sub-suppliers in the supply chain; workers and workers' organizations, including unions; community members and civil society groups.
- Monitoring or auditing to detect violations of the company's Code of Conduct at supply chain production sites, prioritizing those identified to be most at risk.
- Remediation of violations found, including providing appropriate assistance to individual victims and correcting management systems to prevent problems from recurring.
- Public reporting of auditing results and remediation programs, to ensure transparency and accountability.
- Independent and transparent third-party monitoring and verification of program implementation.
- Internal process reviews to promote continuous improvement.

In general, to be most effective voluntary social compliance initiatives must be transparent, provide for worker participation and avoid undermining public systems of labor inspection.

The TVPRA of 2005 mandates that ILAB work with businesses "to create a standard set of practices that will reduce the likelihood" that producers will produce goods using child labor or forced labor.<sup>20</sup> Throughout 2012, ILAB worked to develop

<sup>20</sup> 22 U.S.C. 7112(b)(2)(D).

an online “toolkit” to serve as a resource for businesses seeking to establish strong social compliance systems based on the above elements. Development of the toolkit involved extensive consultation with a broad range of stakeholders across sectors. ILAB expects to release the toolkit in late 2012 or early 2013.

ILAB’s Deputy Undersecretary is also a member of the interagency “Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products” (Group), mandated by the Food, Conservation and Energy Act (Farm Bill) of 2008. In April 2011, the U.S. Department of Agriculture (USDA) published a set of Guidelines based on the recommendations of this Group, intended to reduce the likelihood that agricultural products or commodities imported into the United States are produced with the use of forced labor or child labor.<sup>21</sup> Throughout 2011 and 2012, the Group engaged with a broad range of stakeholders to promote application and implementation of the USDA Guidelines. In June 2012, ILAB published a Solicitation for Grant Applications calling for project proposals to pilot-test the USDA Guidelines. Projects are required to involve a partnership between a civil society organization and an agricultural business. ILAB made up to \$5 million available for this project and plans to award these funds before the end of 2012.

### *2.2.3. Role of Workers and Civil Society*

Workers and workers’ organizations, other civil society groups, individual consumers and investors also play key roles in eradicating child labor or forced labor from an industry. Workers and workers’ organizations have a tremendous stake in eliminating child labor and forced labor, since these exploitative and illegal labor practices can drive down wage rates for adult workers as well as harming their children. Where safe and accessible channels are available, workers can lodge complaints about labor abuses to be investigated by the government, companies, or monitors. Workers’ organizations can bargain collectively to improve working conditions and can participate directly in monitoring and remediation processes.

Civil society groups can engage with companies in a variety of ways, from helping companies identify areas of child and forced labor risk, to providing direct remediation services, to carrying out independent third-party review of company programs. Finally, consumers and investors, through their choices, can influence companies to implement or to improve their social compliance systems.

Box 1 provides a case study of government, private sector and civil society collaboration to achieve significant reduction of forced child labor in the production of a good.

<sup>21</sup> U.S. Department of Agriculture, “Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products,” 76 Fed. Reg. 20305 (April 12, 2011); available from <http://www.dol.gov/ilab/programs/ocft/pdf/FRN-re-Consultative-Group-41211.pdf>

### Box 1. Case Study: Removal of Brazilian Charcoal from the EO 13126 List

Since the initial TVPRA List was published, ILAB has not received adequate evidence to remove any good from the List. However, in May 2011, ILAB removed one good, charcoal from Brazil, from the EO 13126 List, which lists goods that ILAB has a “reasonable basis to believe might have been mined, produced or manufactured by forced or indentured child labor.” The standard for removal of a product from the EO 13126 List is the same as that of the TVPRA List: significant reduction or elimination of the problem.

The Government of Brazil (GOB) has taken an exemplary approach to the elimination of child and forced labor, including forced child labor, through both broad policy measures and targeted actions in specific industries, including charcoal production. It is currently implementing its Second National Plans to Combat Child Labor and Forced Labor. The GOB has strong child labor and forced labor laws in place. For example, it prohibits hazardous work for children under age 18, including work in charcoal production, and penalizes forced labor with fines and imprisonment of four to twelve years. The GOB generally enforces child labor and forced labor laws effectively. It carries out child labor inspections in all 26 states, monitors child labor through its Information System on Child Labor Hotspots and regularly trains labor inspections on child labor. Between 2003 and 2011, it conducted 26,907 labor inspections and rescued 70,782 children from child labor, including children working in charcoal production.

In addition, the GOB enforces forced labor laws through means such as the Ministry of Labor’s “mobile inspection unit,” which carries out inspections for forced labor, including forced child labor, in remote areas of the country. The unit is composed of teams of labor inspectors, Labor Ministry attorneys and members of the National Police. Currently, more than 100 labor inspectors are part of this unit. To resolve cases of forced labor, the unit can initiate formal charges and levy fines on-site. Between 1995 and 2011, inspectors found and removed more than 39,000 people from forced labor, including victims of forced labor in charcoal production. In 2010, the Federal Police investigated 323 cases of forced labor, and 177 forced labor lawsuits were filed in Brazilian courts. In 2010, the GOB published a series of good practice guides on labor inspection, including one on forced labor inspection and one on child labor inspection.<sup>22</sup> The government makes all labor inspection data available to the public, including information on cases of child labor and forced labor in charcoal production.

The GOB publishes a “Dirty List” (*Lista Suja*) naming companies and property owners who employ workers under forced labor conditions; listed companies are banned from acquiring credit from state-owned banks. The Dirty List is updated every six months. One-hundred sixteen employers were added in July 2012, for a total of 398, 74 of which produce charcoal. Violators are kept on the list for two years and removed only if they have discontinued use of forced labor and paid all wages due to workers, including victims of forced labor in charcoal production.

In 2005, the GOB, along with civil society organizations and the ILO, established the National Pact to Combat Forced Labor. The Pact, composed of more than 220 actors, including the private sector and labor unions, seeks to improve working conditions in sectors where forced labor has been found, such as charcoal production.

The GOB allocates significant resources for direct assistance to victims of child labor and forced labor. Forced labor victims receive rehabilitative and, as appropriate, employment assistance. The GOB implements the National Program to Eliminate 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. It is currently operating in more than 3,500 municipalities, and more than 820,000 children have benefitted, including children found working in charcoal production. In 2010, the Brazilian Congress allocated approximately \$200 million to PETI.

<sup>22</sup> ILO, *The Good Practices of Labour Inspection in Brazil: The eradication of labour analogous to slavery*, Geneva, 2010; available from <http://www.oit.org.br/info/downloadfile.php?fileId=512>. See also ILO, *The Good Practices of Labour Inspection in Brazil: The prevention and eradication of child labour*, Geneva, 2010; available from <http://www.oit.org.br/info/downloadfile.php?fileId=517>.



### **Box 1 (continued). Case Study: Removal of Brazilian Charcoal from the EO 13126 List**

The GOB conducts an annual nationwide child labor survey to track progress in the elimination of child labor. As of 2009, according to the survey, the GOB had reduced the number of working children between 5 and 17 years of age from approximately 8.5 million in 1992 to 4.3 million.

In 2010, the GOB approached ILAB with inspection data showing that, from January 2007 to September 2010, 1,924 labor inspections in 23 states found no child under 18 working under forced labor conditions in charcoal production.

To corroborate the GOB data, ILAB gathered information from a number of stakeholders actively engaged in forced labor issues, including forced child labor, in the charcoal sector. These sources included the ILO, Repórter Brasil, the Pastoral Land Commission (CPT) and the Citizens' Charcoal Institute (CCI), an association of Brazilian steel companies concerned about labor conditions, including forced labor, in their supply chains. Both the CPT and CCI provided monitoring data supporting the GOB's claims, although the CPT data differs slightly from the government's data. The CPT, which receives complaints of forced labor cases, carries out independent forced labor monitoring and also refers cases to the mobile inspection unit, reported that from June 2008 to August 2010, it submitted five complaints of forced labor in charcoal to the Ministry of Labor that involved 76 victims, including 10 children. The ICC, which independently monitors labor conditions in charcoal enterprises in the states of Pará, Maranhão, Tocantins and Piau, carried out 2,793 inspections in 158 municipalities, registered 145,917 charcoal kilns and reached out to more than 52,000 charcoal workers. It found no evidence of forced child labor in these businesses.

The Departments of Labor, State and Homeland Security determined that this data was recent, credible and appropriately corroborated, and that there was a reasonable basis to believe that forced child labor in charcoal production in Brazil had been significantly reduced. Charcoal from Brazil was removed from the EO 13126 List in May 2011.

## Part Three: Results

The 2012 update adds four new goods and three new countries to the List. Overall, this update adds 26 new line items to the List: a line item is a combination of a good and country that has not appeared on the List before. With the 2012 update, the List includes 134 goods, 74 countries and 345 line items.

### 3.1 ADDITION OF GOODS TO THE LIST

The new goods added to the List in 2012 are baked goods, beef, fish and thread/yarn. The new countries added to the List in 2012 are South Sudan, Suriname and Vietnam. Table 2 shows the number of additions to the List by year.

**Table 2. Goods and Countries Added to TVPRA List, by Year**

	2009	2010	2011	2012	Total
Goods on List	122	6	2	4	134
Countries on List	58	12	1	3	74
Line Items on List	281	311	319	345	

With the 2012 update, the List includes 123 goods in the “child labor” category: 58 agricultural goods, 38 manufactured goods and 26 mined/quarried goods, as well as pornography. The relatively large number of agricultural goods produced by child labor is consistent with the ILO estimate that 60 percent of child labor worldwide is in agriculture.<sup>23</sup>

With the 2012 update, the List includes 56 goods in the “forced labor” category: 26 agricultural goods, 18 manufactured goods and 11 mined/quarried goods, as well as pornography. Agricultural goods with notable concentrations of forced labor include cotton (eight countries), cattle (five countries) and sugarcane (five countries). Among manufactured goods, the highest concentrations of forced labor were found in the production of garments (eight countries) and bricks (seven countries).

Certain countries and regions have relatively high numbers of goods made with forced labor. For example, Burma and China have a high number of goods made by forced labor, with 14 and 11, respectively. South Asian countries – the region with over 55 percent of the world’s forced laborers, according

to the ILO – also had high numbers of goods in the forced labor category.<sup>24</sup> This is consistent with ILO findings that forced labor is more prevalent where long-standing patterns of discrimination against ethnic minorities persist; in South Asia, this discrimination affects certain Indian castes, ethnic minorities in Nepal and religious minorities in Pakistan.<sup>25</sup> Traditional discrimination against indigenous groups in the Andean countries also contributes to the relatively high numbers of goods made by forced labor in that region. According to the ILO, indigenous peoples in Latin America are more vulnerable to forced labor due to their relatively isolated environments, away from protective safety nets, and to extreme economic disadvantage relative to the rest of the population.<sup>26</sup>

A notable addition to this edition of the List is fish from seven countries. Fish from Cambodia, Indonesia, Peru, the Philippines and Uganda has been added for the use of child labor. Children in fishing may be exposed to a variety of hazards, including disease, drowning and extreme weather conditions. Their work often involves carrying heavy loads and using sharp tools.<sup>27</sup> Fish from Thailand has been added for the use of forced labor, and fish from Ghana has been added for the use of both child labor and forced labor.

The 2012 update adds a “child labor” designation to one good that was already on the List in the “forced labor” category: corn from Bolivia. It also adds a “forced labor” designation to three goods that were already on the List in the “child labor” category: dried fish from Bangladesh, gold from the Democratic Republic of the Congo and wolframite (tungsten ore) from the Democratic Republic of the Congo.

This update also changes the name of one listed good from “embroidered textiles (*Zari*)” to “embellished textiles.” ILAB has evidence of labor abuses in a variety of different forms of textile embellishment, beyond the production of *Zari*, which is a specific type of embroidery found in South Asia. In addition, ILAB has added precision to the names of four other listed goods from the Democratic Republic of Congo: “cassiterite”

<sup>23</sup> ILO, *Accelerating Action Against Child Labour*, Geneva, 2010, 10; available from [http://www.ilo.org/global/meetings-and-events/events/hague-conference/WCMS\\_126752/lang-en/index.htm](http://www.ilo.org/global/meetings-and-events/events/hague-conference/WCMS_126752/lang-en/index.htm).

<sup>24</sup> ILO, *ILO Global Estimate of Forced Labour: Results and Methodology*, Geneva, June 1, 2012; available from [http://www.ilo.org/global/about-the-ilo/press-and-media-centre/news/WCMS\\_182109/lang-en/index.htm](http://www.ilo.org/global/about-the-ilo/press-and-media-centre/news/WCMS_182109/lang-en/index.htm).

<sup>25</sup> ILO, *A Global Alliance Against Forced Labour*, Geneva, 2005; available from <http://www.ilo.org/public/english/standards/relm/ilc/ilc93/pdf/rep-i-b.pdf>.

<sup>26</sup> *Ibid.*

<sup>27</sup> ILO, *Children in Hazardous Work*, 25-27.

has been changed to “cassiterite (tin ore),” “coltan (metallic ore)” has been changed to “coltan (tantalum ore),” “wolframite” has been changed to “wolframite (tungsten ore,)” and “cobalt” has been changed to “Heterogenite (cobalt ore).”

### **3.2 TRENDS IN CHILD LABOR AND FORCED LABOR IN THE PRODUCTION OF GOODS**

Since the first publication of the List in 2009, ILAB’s research has continued to uncover more goods made with child labor than with forced labor. This finding is consistent with ILO estimates of the relative prevalence of child labor and forced labor.<sup>28</sup>

Across the four years of research, the countries on the List span every region of the world and all stages of industrialization. Because of the concentration of child and forced laborers in agriculture, these labor abuses are most closely, though not exclusively, associated with developing countries. But ILAB’s research also found child and forced labor in more developed economies, primarily in the manufacturing of goods such as carpets, fashion accessories, footwear and garments for the global marketplace.

As ILAB has continued to develop the List, certain goods have been found to have child labor or forced labor in country after country. Goods associated with a notably high concentration of child and/or forced labor include cotton (17 countries), sugarcane (16 countries), coffee (14 countries), cattle (12 countries), rice (eight countries), fish (seven countries) and cocoa (six countries) in the agricultural sector; bricks (18 countries), garments (eight countries), carpets (five countries) and footwear (five countries) in the manufacturing sector; and gold (19 countries), diamonds (seven countries) and coal (seven countries) in the mining/quarrying sector.

Production of pornographic materials (pornography) is treated as a separate category. Compelling evidence that child labor or forced labor was used in its production has been found in seven countries, though these practices likely occur in many more.

<sup>28</sup> ILO, *Accelerating Action Against Child Labour*. See also ILO, *ILO Global Estimate of Forced Labour: Results and Methodology*.



## Part Three: Results

The List is presented below in Table 3 (sorted by country) and Table 4 (sorted by good). Goods added to the List in 2012 are highlighted.

**Table 3. List of Goods Produced by Child Labor or Forced Labor – Sorted by Country**

Country	Good	Child Labor	Forced Labor
Afghanistan	Bricks	X	X
Afghanistan	Carpets	X	
Afghanistan	Coal	X	
Afghanistan	Flowers (poppies)	X	
Angola	Diamonds	X	X
Argentina	Blueberries	X	
Argentina	Bricks	X	
Argentina	Cotton	X	
Argentina	Garlic	X	
Argentina	Garments	X	X
Argentina	Grapes	X	
Argentina	Olives	X	
Argentina	Strawberries	X	
Argentina	Tobacco	X	
Argentina	Tomatoes	X	
Argentina	Yerba Mate (stimulant plant)	X	
Azerbaijan	Cotton	X	
Bangladesh	Bidis (hand-rolled cigarettes)	X	
Bangladesh	Bricks	X	
Bangladesh	Dried Fish	X	X
Bangladesh	Footwear	X	
Bangladesh	Furniture (steel)	X	
Bangladesh	Glass	X	
Bangladesh	Leather	X	
Bangladesh	Matches	X	
Bangladesh	Poultry	X	
Bangladesh	Salt	X	
Bangladesh	Shrimp	X	
Bangladesh	Soap	X	
Bangladesh	Textiles	X	
Bangladesh	Textiles (jute)	X	
Belize	Bananas	X	

**Table 3 (continued). List of Goods Produced by Child Labor or Forced Labor – Sorted by Country**

Country	Good	Child Labor	Forced Labor
Belize	Citrus Fruits	X	
Belize	Sugarcane	X	
Benin	Cotton	X	X
Benin	Granite (crushed)	X	
Bolivia	Brazil Nuts/Chestnuts	X	X
Bolivia	Bricks	X	
Bolivia	Cattle		X
Bolivia	Corn	X	X
Bolivia	Gold	X	
Bolivia	Peanuts		X
Bolivia	Silver	X	
Bolivia	Sugarcane	X	X
Bolivia	Tin	X	
Bolivia	Zinc	X	
Brazil	Beef	X	
Brazil	Bricks	X	
Brazil	Cashews	X	
Brazil	Cattle	X	X
Brazil	Ceramics	X	
Brazil	Charcoal	X	X
Brazil	Cotton	X	
Brazil	Footwear	X	
Brazil	Garments		X
Brazil	Manioc/Cassava	X	
Brazil	Pineapples	X	
Brazil	Rice	X	
Brazil	Sisal	X	
Brazil	Sugarcane		X
Brazil	Timber		X
Brazil	Tobacco	X	
Burkina Faso	Cotton	X	X
Burkina Faso	Gold	X	X
Burma	Bamboo	X	X
Burma	Beans (green, soy, yellow)	X	X
Burma	Bricks	X	X

**Table 3 (continued). List of Goods Produced by Child Labor or Forced Labor – Sorted by Country**

Country	Good	Child Labor	Forced Labor
Burma	Jade	X	X
Burma	Palm Thatch		X
Burma	Physic Nuts/Castor Beans		X
Burma	Rice	X	X
Burma	Rubber	X	X
Burma	Rubies	X	X
Burma	Sesame		X
Burma	Shrimp		X
Burma	Sugarcane	X	X
Burma	Sunflowers		X
Burma	Teak	X	X
Cambodia	Bricks	X	
Cambodia	Cassava	X	
Cambodia	Fish	X	
Cambodia	Rubber	X	
Cambodia	Salt	X	
Cambodia	Shrimp	X	
Cambodia	Tobacco	X	
Cameroon	Cocoa	X	
Central African Republic	Diamonds	X	
Chad	Cattle	X	
China	Artificial Flowers		X
China	Bricks	X	X
China	Christmas Decorations		X
China	Coal		X
China	Cotton	X	X
China	Electronics	X	X
China	Fireworks	X	X
China	Footwear		X
China	Garments		X
China	Nails		X
China	Textiles	X	
China	Toys	X	X
Colombia	Bricks (clay)	X	
Colombia	Coal	X	



**Table 3 (continued). List of Goods Produced by Child Labor or Forced Labor – Sorted by Country**

Country	Good	Child Labor	Forced Labor
Colombia	Coca (stimulant plant)	X	X
Colombia	Coffee	X	
Colombia	Emeralds	X	
Colombia	Gold	X	
Colombia	Pornography	X	
Colombia	Sugarcane	X	
Cote d'Ivoire	Cocoa	X	X
Cote d'Ivoire	Coffee	X	X
Democratic Republic of the Congo	Cassiterite (tin ore)	X	X
Democratic Republic of the Congo	Coltan (tantalum ore)	X	X
Democratic Republic of the Congo	Copper	X	
Democratic Republic of the Congo	Diamonds	X	
Democratic Republic of the Congo	Heterogenite (cobalt ore)	X	
Democratic Republic of the Congo	Gold	X	X
Democratic Republic of the Congo	Wolframite (tungsten ore)	X	X
Dominican Republic	Baked Goods	X	
Dominican Republic	Coffee	X	
Dominican Republic	Rice	X	
Dominican Republic	Sugarcane	X	X
Dominican Republic	Tomatoes	X	
Ecuador	Bananas	X	
Ecuador	Bricks	X	
Ecuador	Flowers	X	
Ecuador	Gold	X	
Egypt	Cotton	X	
Egypt	Stones (limestone)	X	
El Salvador	Coffee	X	
El Salvador	Fireworks	X	
El Salvador	Shellfish	X	
El Salvador	Sugarcane	X	
Ethiopia	Cattle	X	
Ethiopia	Gold	X	
Ethiopia	Textiles (hand-woven)	X	X
Ghana	Cocoa	X	
Ghana	Fish	X	X

**Table 3 (continued). List of Goods Produced by Child Labor or Forced Labor – Sorted by Country**

Country	Good	Child Labor	Forced Labor
Ghana	Gold	X	
Ghana	Tilapia (fish)	X	X
Guatemala	Broccoli	X	
Guatemala	Coffee	X	
Guatemala	Corn	X	
Guatemala	Fireworks	X	
Guatemala	Gravel (crushed stones)	X	
Guatemala	Sugarcane	X	
Guinea	Cashews	X	
Guinea	Cocoa	X	
Guinea	Coffee	X	
Guinea	Diamonds	X	
Guinea	Gold	X	
Honduras	Coffee	X	
Honduras	Lobsters	X	
Honduras	Melons	X	
India	Bidis (hand-rolled cigarettes)	X	
India	Brassware	X	
India	Bricks	X	X
India	Carpets	X	X
India	Cottonseed (hybrid)	X	X
India	Embellished Textiles	X	X
India	Fireworks	X	
India	Footwear	X	
India	Garments	X	X
India	Gems	X	
India	Glass Bangles	X	
India	Incense ( <i>agarbatti</i> )	X	
India	Leather Goods/Accessories	X	
India	Locks	X	
India	Matches	X	
India	Rice	X	X
India	Silk Fabric	X	
India	Silk Thread	X	
India	Soccer Balls	X	

**Table 3 (continued). List of Goods Produced by Child Labor or Forced Labor – Sorted by Country**

Country	Good	Child Labor	Forced Labor
India	Stones	X	X
India	Thread/Yarn	X	
Indonesia	Fish	X	
Indonesia	Footwear (sandals)	X	
Indonesia	Gold	X	
Indonesia	Oil (palm)	X	
Indonesia	Rubber	X	
Indonesia	Tobacco	X	
Iran	Carpets	X	
Jordan	Garments		X
Kazakhstan	Cotton	X	X
Kazakhstan	Tobacco	X	X
Kenya	Coffee	X	
Kenya	Miraa (stimulant plant)	X	
Kenya	Rice	X	
Kenya	Sisal	X	
Kenya	Sugarcane	X	
Kenya	Tea	X	
Kenya	Tobacco	X	
Kyrgyz Republic	Cotton	X	
Kyrgyz Republic	Tobacco	X	
Lebanon	Tobacco	X	
Lesotho	Cattle	X	
Liberia	Diamonds	X	
Liberia	Rubber	X	
Madagascar	Sapphires	X	
Madagascar	Stones	X	
Malawi	Tea	X	
Malawi	Tobacco	X	X
Malaysia	Garments		X
Malaysia	Oil (palm)		X
Mali	Cotton	X	
Mali	Gold	X	
Mali	Rice	X	X
Mauritania	Cattle	X	

## Part Three: Results

**Table 3 (continued). List of Goods Produced by Child Labor or Forced Labor – Sorted by Country**

Country	Good	Child Labor	Forced Labor
Mauritania	Goats	X	
Mexico	Beans (green beans)	X	
Mexico	Chile Peppers	X	
Mexico	Coffee	X	
Mexico	Cucumbers	X	
Mexico	Eggplants	X	
Mexico	Melons	X	
Mexico	Onions	X	
Mexico	Pornography	X	
Mexico	Sugarcane	X	
Mexico	Tobacco	X	
Mexico	Tomatoes	X	
Mongolia	Coal	X	
Mongolia	Fluorspar (mineral)	X	
Mongolia	Gold	X	
Mozambique	Tobacco	X	
Namibia	Cattle	X	
Namibia	Charcoal	X	
Nepal	Bricks	X	X
Nepal	Carpets	X	X
Nepal	Embellished Textiles	X	X
Nepal	Stones	X	X
Nicaragua	Bananas	X	
Nicaragua	Coffee	X	
Nicaragua	Gold	X	
Nicaragua	Gravel (crushed stones)	X	
Nicaragua	Shellfish	X	
Nicaragua	Stones (pumice)	X	
Nicaragua	Tobacco	X	
Niger	Cattle		X
Niger	Gold	X	
Niger	Gypsum (mineral)	X	
Niger	Salt	X	
Niger	Trona (mineral)	X	
Nigeria	Cocoa	X	X



**Table 3 (continued). List of Goods Produced by Child Labor or Forced Labor – Sorted by Country**

Country	Good	Child Labor	Forced Labor
Nigeria	Granite	X	X
Nigeria	Gravel (crushed stones)	X	X
Nigeria	Manioc/Cassava	X	
Nigeria	Sand	X	
North Korea	Bricks		X
North Korea	Cement		X
North Korea	Coal		X
North Korea	Gold		X
North Korea	Iron		X
North Korea	Textiles		X
North Korea	Timber		X
Pakistan	Bricks	X	X
Pakistan	Carpets	X	X
Pakistan	Coal	X	X
Pakistan	Cotton		X
Pakistan	Glass Bangles	X	
Pakistan	Leather	X	
Pakistan	Sugarcane		X
Pakistan	Surgical Instruments	X	
Pakistan	Wheat		X
Panama	Coffee	X	
Panama	Melons	X	
Panama	Sugarcane	X	
Paraguay	Bricks	X	
Paraguay	Cattle		X
Paraguay	Cotton	X	
Paraguay	Pornography	X	
Paraguay	Stones (limestone)	X	
Paraguay	Sugarcane	X	
Peru	Brazil Nuts/Chestnuts		X
Peru	Bricks	X	
Peru	Coca (stimulant plant)	X	
Peru	Fireworks	X	
Peru	Fish	X	
Peru	Gold	X	X

## Part Three: Results

**Table 3 (continued). List of Goods Produced by Child Labor or Forced Labor – Sorted by Country**

Country	Good	Child Labor	Forced Labor
Peru	Timber		X
Philippines	Bananas	X	
Philippines	Coconuts	X	
Philippines	Corn	X	
Philippines	Fashion Accessories	X	
Philippines	Fish	X	
Philippines	Gold	X	
Philippines	Hogs	X	
Philippines	Pornography	X	
Philippines	Pyrotechnics	X	
Philippines	Rice	X	
Philippines	Rubber	X	
Philippines	Sugarcane	X	
Philippines	Tobacco	X	
Russia	Pornography	X	X
Rwanda	Tea	X	
Senegal	Gold	X	
Sierra Leone	Cocoa	X	
Sierra Leone	Coffee	X	
Sierra Leone	Diamonds	X	X
Sierra Leone	Granite	X	
Sierra Leone	Oil (Palm)	X	
South Sudan	Cattle	X	X
Suriname	Gold	X	
Tajikistan	Cotton	X	X
Tanzania	Cloves	X	
Tanzania	Coffee	X	
Tanzania	Gold	X	
Tanzania	Nile Perch (fish)	X	
Tanzania	Sisal	X	
Tanzania	Tanzanite (gems)	X	
Tanzania	Tea	X	
Tanzania	Tobacco	X	
Thailand	Fish		X
Thailand	Garments	X	X

**Table 3 (continued). List of Goods Produced by Child Labor or Forced Labor – Sorted by Country**

Country	Good	Child Labor	Forced Labor
Thailand	Pornography	X	
Thailand	Shrimp	X	X
Thailand	Sugarcane	X	
Turkey	Citrus Fruits	X	
Turkey	Cotton	X	
Turkey	Cumin	X	
Turkey	Furniture	X	
Turkey	Hazelnuts	X	
Turkey	Peanuts	X	
Turkey	Pulses (legumes)	X	
Turkey	Sugar Beets	X	
Turkmenistan	Cotton	X	X
Uganda	Bricks	X	
Uganda	Cattle	X	
Uganda	Charcoal	X	
Uganda	Coffee	X	
Uganda	Fish	X	
Uganda	Rice	X	
Uganda	Sugarcane	X	
Uganda	Tea	X	
Uganda	Tobacco	X	
Uganda	Vanilla	X	
Ukraine	Coal	X	
Ukraine	Pornography	X	
Uzbekistan	Cotton	X	X
Vietnam	Bricks	X	
Vietnam	Garments	X	X
Zambia	Cattle	X	
Zambia	Cotton	X	
Zambia	Gems	X	
Zambia	Stones	X	
Zambia	Tobacco	X	
Zimbabwe	Diamonds	X	

Source: DOL analysis of collected data sources.

**Table 4. List of Goods Produced by Child Labor or Forced Labor – Sorted by Good**

Good	Country	Child Labor	Forced Labor
Artificial Flowers	China		X
Baked Goods	Dominican Republic	X	
Bamboo	Burma	X	X
Bananas	Belize	X	
Bananas	Ecuador	X	
Bananas	Nicaragua	X	
Bananas	Philippines	X	
Beans (green beans)	Mexico	X	
Beans (green, soy, yellow)	Burma	X	X
Beef	Brazil	X	
Bidis (hand-rolled cigarettes)	Bangladesh	X	
Bidis (hand-rolled cigarettes)	India	X	
Blueberries	Argentina	X	
Brassware	India	X	
Brazil Nuts/Chestnuts	Bolivia	X	X
Brazil Nuts/Chestnuts	Peru		X
Bricks	Afghanistan	X	X
Bricks	Argentina	X	
Bricks	Bangladesh	X	
Bricks	Bolivia	X	
Bricks	Brazil	X	
Bricks	Burma	X	X
Bricks	Cambodia	X	
Bricks	China	X	X
Bricks	Ecuador	X	
Bricks	India	X	X
Bricks	Nepal	X	X
Bricks	North Korea		X
Bricks	Pakistan	X	X
Bricks	Paraguay	X	
Bricks	Peru	X	
Bricks	Uganda	X	
Bricks	Vietnam	X	
Bricks (clay)	Colombia	X	
Broccoli	Guatemala	X	



**Table 4 (continued). List of Goods Produced by Child Labor or Forced Labor – Sorted by Good**

Good	Country	Child Labor	Forced Labor
Carpets	Afghanistan	X	
Carpets	India	X	X
Carpets	Iran	X	
Carpets	Nepal	X	X
Carpets	Pakistan	X	X
Cashews	Brazil	X	
Cashews	Guinea	X	
Cassiterite (tin ore)	Democratic Republic of the Congo	X	X
Cattle	Bolivia		X
Cattle	Brazil	X	X
Cattle	Chad	X	
Cattle	Ethiopia	X	
Cattle	Lesotho	X	
Cattle	Mauritania	X	
Cattle	Namibia	X	
Cattle	Niger		X
Cattle	Paraguay		X
Cattle	South Sudan	X	X
Cattle	Uganda	X	
Cattle	Zambia	X	
Cement	North Korea		X
Ceramics	Brazil	X	
Charcoal	Brazil	X	X
Charcoal	Namibia	X	
Charcoal	Uganda	X	
Chile Peppers	Mexico	X	
Christmas Decorations	China		X
Citrus Fruits	Belize	X	
Citrus Fruits	Turkey	X	
Cloves	Tanzania	X	
Coal	Afghanistan	X	
Coal	China		X
Coal	Colombia	X	
Coal	Mongolia	X	
Coal	North Korea		X

**Table 4 (continued). List of Goods Produced by Child Labor or Forced Labor – Sorted by Good**

Good	Country	Child Labor	Forced Labor
Coal	Pakistan	X	X
Coal	Ukraine	X	
Coca (stimulant plant)	Colombia	X	X
Coca (stimulant plant)	Peru	X	
Cocoa	Cameroon	X	
Cocoa	Cote d'Ivoire	X	X
Cocoa	Ghana	X	
Cocoa	Guinea	X	
Cocoa	Nigeria	X	X
Cocoa	Sierra Leone	X	
Coconuts	Philippines	X	
Coffee	Colombia	X	
Coffee	Cote d'Ivoire	X	X
Coffee	Dominican Republic	X	
Coffee	Guatemala	X	
Coffee	Guinea	X	
Coffee	Honduras	X	
Coffee	El Salvador	X	
Coffee	Kenya	X	
Coffee	Mexico	X	
Coffee	Nicaragua	X	
Coffee	Panama	X	
Coffee	Sierra Leone	X	
Coffee	Tanzania	X	
Coffee	Uganda	X	
Coltan (tantalum ore)	Democratic Republic of the Congo	X	X
Copper	Democratic Republic of the Congo	X	
Corn	Bolivia	X	X
Corn	Guatemala	X	
Corn	Philippines	X	
Cotton	Argentina	X	
Cotton	Azerbaijan	X	
Cotton	Benin	X	X
Cotton	Brazil	X	
Cotton	Burkina Faso	X	X

**Table 4 (continued). List of Goods Produced by Child Labor or Forced Labor – Sorted by Good**

Good	Country	Child Labor	Forced Labor
Cotton	China	X	X
Cotton	Egypt	X	
Cotton	Kazakhstan	X	X
Cotton	Kyrgyz Republic	X	
Cotton	Mali	X	
Cotton	Pakistan		X
Cotton	Paraguay	X	
Cotton	Tajikistan	X	X
Cotton	Turkey	X	
Cotton	Turkmenistan	X	X
Cotton	Uzbekistan	X	X
Cotton	Zambia	X	
Cottonseed (hybrid)	India	X	X
Cucumbers	Mexico	X	
Cumin	Turkey	X	
Diamonds	Angola	X	X
Diamonds	Central African Republic	X	
Diamonds	Democratic Republic of the Congo	X	
Diamonds	Guinea	X	
Diamonds	Liberia	X	
Diamonds	Sierra Leone	X	X
Diamonds	Zimbabwe	X	
Dried Fish	Bangladesh	X	X
Eggplants	Mexico	X	
Electronics	China	X	X
Embellished Textiles	India	X	X
Embellished Textiles	Nepal	X	X
Emeralds	Colombia	X	
Fashion Accessories	Philippines	X	
Fish	Cambodia	X	
Fish	Ghana	X	X
Fish	Indonesia	X	
Fish	Peru	X	
Fish	Philippines	X	
Fish	Thailand		X

## Part Three: Results

**Table 4 (continued). List of Goods Produced by Child Labor or Forced Labor – Sorted by Good**

Good	Country	Child Labor	Forced Labor
Fish	Uganda	X	
Fireworks	China	X	X
Fireworks	Guatemala	X	
Fireworks	El Salvador	X	
Fireworks	India	X	
Fireworks	Peru	X	
Flowers	Ecuador	X	
Flowers (poppies)	Afghanistan	X	
Fluorspar (mineral)	Mongolia	X	
Footwear	Bangladesh	X	
Footwear	Brazil	X	
Footwear	China		X
Footwear	India	X	
Footwear (sandals)	Indonesia	X	
Furniture	Turkey	X	
Furniture (steel)	Bangladesh	X	
Garlic	Argentina	X	
Garments	Argentina	X	X
Garments	Brazil		X
Garments	China		X
Garments	India	X	X
Garments	Jordan		X
Garments	Malaysia		X
Garments	Thailand	X	X
Garments	Vietnam	X	X
Gems	India	X	
Gems	Zambia	X	
Glass	Bangladesh	X	
Glass Bangles	India	X	
Glass Bangles	Pakistan	X	
Goats	Mauritania	X	
Gold	Bolivia	X	
Gold	Burkina Faso	X	X
Gold	Colombia	X	
Gold	Democratic Republic of the Congo	X	X



**Table 4 (continued). List of Goods Produced by Child Labor or Forced Labor – Sorted by Good**

Good	Country	Child Labor	Forced Labor
Gold	Ecuador	X	
Gold	Ethiopia	X	
Gold	Ghana	X	
Gold	Guinea	X	
Gold	Indonesia	X	
Gold	Mali	X	
Gold	Mongolia	X	
Gold	Nicaragua	X	
Gold	Niger	X	
Gold	North Korea		X
Gold	Peru	X	X
Gold	Philippines	X	
Gold	Senegal	X	
Gold	Suriname	X	
Gold	Tanzania	X	
Granite	Nigeria	X	X
Granite	Sierra Leone	X	
Granite (crushed)	Benin	X	
Grapes	Argentina	X	
Gravel (crushed stones)	Guatemala	X	
Gravel (crushed stones)	Nicaragua	X	
Gravel (crushed stones)	Nigeria	X	X
Gypsum (mineral)	Niger	X	
Hazelnuts	Turkey	X	
Heterogenite (cobalt ore)	Democratic Republic of the Congo	X	
Hogs	Philippines	X	
Incense ( <i>agarbatti</i> )	India	X	
Iron	North Korea		X
Jade	Burma	X	X
Leather	Bangladesh	X	
Leather	Pakistan	X	
Leather Goods/Accessories	India	X	
Lobsters	Honduras	X	
Locks	India	X	
Manioc/Cassava	Brazil	X	

**Table 4 (continued). List of Goods Produced by Child Labor or Forced Labor – Sorted by Good**

Good	Country	Child Labor	Forced Labor
Manioc/Cassava	Cambodia	X	
Manioc/Cassava	Nigeria	X	
Matches	Bangladesh	X	
Matches	India	X	
Melons	Honduras	X	
Melons	Mexico	X	
Melons	Panama	X	
Miraa (stimulant plant)	Kenya	X	
Nails	China		X
Nile Perch (fish)	Tanzania	X	
Oil (palm)	Indonesia	X	
Oil (palm)	Malaysia		X
Oil (palm)	Sierra Leone	X	
Olives	Argentina	X	
Onions	Mexico	X	
Palm Thatch	Burma		X
Peanuts	Bolivia		X
Peanuts	Turkey	X	
Physic Nuts/Castor Beans	Burma		X
Pineapples	Brazil	X	
Pornography	Colombia	X	
Pornography	Mexico	X	
Pornography	Paraguay	X	
Pornography	Philippines	X	
Pornography	Russia	X	X
Pornography	Thailand	X	
Pornography	Ukraine	X	
Poultry	Bangladesh	X	
Pulses (legumes)	Turkey	X	
Pyrotechnics	Philippines	X	
Rice	Brazil	X	
Rice	Burma	X	X
Rice	Dominican Republic	X	
Rice	India	X	X
Rice	Kenya	X	

**Table 4 (continued). List of Goods Produced by Child Labor or Forced Labor – Sorted by Good**

Good	Country	Child Labor	Forced Labor
Rice	Mali	X	X
Rice	Philippines	X	
Rice	Uganda	X	
Rubber	Burma	X	X
Rubber	Cambodia	X	
Rubber	Indonesia	X	
Rubber	Liberia	X	
Rubber	Philippines	X	
Rubies	Burma	X	X
Salt	Bangladesh	X	
Salt	Cambodia	X	
Salt	Niger	X	
Sand	Nigeria	X	
Sapphires	Madagascar	X	
Sesame	Burma		X
Shellfish	El Salvador	X	
Shellfish	Nicaragua	X	
Shrimp	Bangladesh	X	
Shrimp	Burma		X
Shrimp	Cambodia	X	
Shrimp	Thailand	X	X
Silk Fabric	India	X	
Silk Thread	India	X	
Silver	Bolivia	X	
Sisal	Brazil	X	
Sisal	Kenya	X	
Sisal	Tanzania	X	
Soap	Bangladesh	X	
Soccer Balls	India	X	
Stones	India	X	X
Stones	Madagascar	X	
Stones	Nepal	X	X
Stones	Zambia	X	
Stones (limestone)	Egypt	X	
Stones (limestone)	Paraguay	X	

## Part Three: Results

**Table 4 (continued). List of Goods Produced by Child Labor or Forced Labor – Sorted by Good**

Good	Country	Child Labor	Forced Labor
Stones (pumice)	Nicaragua	X	
Strawberries	Argentina	X	
Sugar Beets	Turkey	X	
Sugarcane	Belize	X	
Sugarcane	Bolivia	X	X
Sugarcane	Brazil		X
Sugarcane	Burma	X	X
Sugarcane	Colombia	X	
Sugarcane	Dominican Republic	X	X
Sugarcane	El Salvador	X	
Sugarcane	Guatemala	X	
Sugarcane	Kenya	X	
Sugarcane	Mexico	X	
Sugarcane	Pakistan		X
Sugarcane	Panama	X	
Sugarcane	Paraguay	X	
Sugarcane	Philippines	X	
Sugarcane	Thailand	X	
Sugarcane	Uganda	X	
Sunflowers	Burma		X
Surgical Instruments	Pakistan	X	
Tanzanite (gems)	Tanzania	X	
Tea	Kenya	X	
Tea	Malawi	X	
Tea	Rwanda	X	
Tea	Tanzania	X	
Tea	Uganda	X	
Teak	Burma	X	X
Textiles	Bangladesh	X	
Textiles	China	X	
Textiles	North Korea		X
Textiles (hand-woven)	Ethiopia	X	X
Textiles (jute)	Bangladesh	X	
Thread/Yarn	India	X	
Tilapia (fish)	Ghana	X	X



**Table 4 (continued). List of Goods Produced by Child Labor or Forced Labor – Sorted by Good**

Good	Country	Child Labor	Forced Labor
Timber	Brazil		X
Timber	North Korea		X
Timber	Peru		X
Tin	Bolivia	X	
Tobacco	Argentina	X	
Tobacco	Brazil	X	
Tobacco	Cambodia	X	
Tobacco	Indonesia	X	
Tobacco	Kazakhstan	X	X
Tobacco	Kenya	X	
Tobacco	Kyrgyz Republic	X	
Tobacco	Lebanon	X	
Tobacco	Malawi	X	X
Tobacco	Mexico	X	
Tobacco	Mozambique	X	
Tobacco	Nicaragua	X	
Tobacco	Philippines	X	
Tobacco	Tanzania	X	
Tobacco	Uganda	X	
Tobacco	Zambia	X	
Tomatoes	Argentina	X	
Tomatoes	Dominican Republic	X	
Tomatoes	Mexico	X	
Toys	China	X	X
Trona (mineral)	Niger	X	
Vanilla	Uganda	X	
Wheat	Pakistan		X
Wolframite (tungsten ore)	Democratic Republic of the Congo	X	X
Yerba Mate (stimulant plant)	Argentina	X	
Zinc	Bolivia	X	

Source: DOL analysis of collected data sources.

### 3.3 LIMITATIONS

#### 3.3.1. Data Availability

A wide range of challenges contributes to the continued scarcity of information on international child labor and forced labor.

##### 3.3.1.1. Countries Not Appearing on List

A country's absence from the List does not necessarily indicate that child labor and/or forced labor are not occurring in the production of goods in that country. Data can be unavailable for various reasons, including both research and policy considerations.

Forced laborers often work in isolated locations, such as rural areas, or clandestine settings, such as workshops hidden in large cities. Research survey methodologies on such hard-to-reach populations, especially for individuals in forced labor, are still in developmental stages and continue to be piloted and refined in order to capture the appropriate constructs. While research on child labor is more advanced, and has gone beyond population estimates, data on the specific types of work in which children are involved beyond aggregated industry data is still not collected in a universal manner. For example, national child labor surveys often produce estimates of the number of children working in agriculture, but statistics are often not available on the specific agricultural goods children are producing.

Policy decisions that affect the availability of data on child labor or forced labor include government failure to allocate sufficient financial resources or hesitancy to collect and make publicly available data on such sensitive issues. The existence of child labor and forced labor also often involves violations of laws and regulations, including serious criminal violations in some cases. Information may be intentionally suppressed to protect powerful interests, in the face of which the victims of these egregious labor practices may be too vulnerable or politically weak to assert their rights or even communicate their situations.

Among the 152 countries and territories researched for this edition of the List, there were several for which ILAB could not find adequate information to determine that any goods should be placed on the List because very little recent research has been done. This was the case, for example, in Belarus, Gabon, Guyana, Jamaica, Morocco, South Africa, Togo, Tunisia and many others.

##### 3.3.1.2. Countries with Data Gaps on List

ILAB's List includes goods from some countries known to restrict data collection on forced labor and child labor or to suppress information dissemination. Examples include Burma, China, Iran, North Korea, and Uzbekistan. If ILAB found information sources despite data availability constraints indicating significant incidence of forced labor or child labor in the production of a particular good and these sources were judged credible and timely, ILAB determined that there was "reason to believe" that child labor or forced labor was occurring with respect to that good.

##### 3.3.1.3. Countries with Disproportionate Representation on List

Some countries with relatively large numbers of goods on the List may not have the most serious problems of child labor or forced labor. Often, these are countries that have more openly acknowledged the problems, have better research and have allowed information on these issues to be disseminated. Such countries include Argentina, Bolivia, Brazil, Colombia, Ecuador, El Salvador, India, Kenya, Mexico, Philippines, Tanzania, Turkey, Uganda and Zambia. The number of goods on the List from any particular country should not be interpreted as a direct indicator that these countries have the most extensive problems of child labor or forced labor.

#### 3.3.2. Generalizability of Findings

The List is comprised of goods and countries that ILAB found to have a significant incidence of child labor and/or forced labor. However, it is important to understand that a listing of any particular good and country can not be generalized to *all* production of that good in the country. In a given country there may be firms that produce the good in compliance with the law and international standards, and others that employ child labor and forced labor. The List does not name specific companies using child labor or forced labor. It would be immensely difficult for ILAB to attempt to track the identity of every company producing a good using child labor or forced labor. In addition, it is ILAB's experience that child labor and forced labor frequently occur in small local enterprises, for which company names, if they are available, have little relevance. ILAB is also aware that it is often a simple matter to change or conceal the name of a company. Consequently, ILAB has concluded that seeking to track and name individual companies would be of limited value to the primary purpose of the List, which is to promote ameliorative efforts at the country level.







## Part Four: Discussion

The 2012 edition of the List is published at a time when the international community continues to experience financial stresses from the global economic recession. New ILO estimates released in June 2012 indicate that at least 21 million individuals, including 6 million children, were in forced labor, including commercial sexual exploitation and debt bondage, at any point in time during the 10-year period of 2002 to 2011.<sup>29</sup> The most recent global estimates on working children from the ILO's 2010 report, *Accelerating Action Against Child Labour*, demonstrate only a slight decline in child labor between 2004 and 2008, dropping from 222 million in 2004 to 215 million children in 2008. Among the 215 million child laborers in 2008, 115 million were engaged in hazardous work.<sup>30</sup>

Since the first publication of the TVPRA List in 2009, ILAB has viewed it, first and foremost, as an invaluable public awareness tool that can help narrowly target efforts to eliminate forced labor and child labor on those countries and/or industries where the needs are greatest. The List is not intended to be punitive, but rather to serve as a catalyst for more strategic and focused coordination and collaboration among those working to address the problems of forced and child labor. The remainder of this report discusses the role that ILAB plays in engaging as an active partner in the fight against these labor abuses and highlights many important initiatives that ILAB has funded to assist governments and key stakeholders in combating child labor and forced labor.

In addition, though the List does not cover the United States, as previously discussed, ILAB recognizes that child labor and forced labor also exist in the United States, despite the efforts of the government and many other stakeholders to combat these rights violations. This part of the report shares the experience of the United States in enforcing laws on forced and child labor to help ensure that children and adults do not suffer these abuses in the workplace.

### 4.1 THE ROLE OF ILAB'S OFFICE OF CHILD LABOR, FORCED LABOR, AND HUMAN TRAFFICKING

#### 4.1.1. OCFT Research on Child Labor and Forced Labor

ILAB's Office of Child Labor, Forced Labor and Human Trafficking (OCFT) was founded in 1993 with a mission to support the President's and the Secretary of Labor's labor and foreign policy objectives on these important workers' rights abuses, meet relevant congressional mandates, perform public outreach on these labor violations, and increase knowledge and information available to the public on child labor, forced labor, and human trafficking. Since that time, OCFT has researched and published over 35 major reports on international child labor and forced labor issues. These range from country-specific reports on child labor laws and regulations to thematic reports on topics such as children in armed conflict and the impact of consumer labeling on child labor. In addition, OCFT has funded extramural research on child labor and forced labor through academic and independent research organizations. The findings of these reports have, in part, guided OCFT in designing technical assistance projects and formulating policy responses on child labor and forced labor internationally. The ability to translate research into action has been a defining feature of OCFT's strategic engagement on these issues.

##### 4.1.1.1. Internal Research on Child Labor and Forced Labor

This 2012 edition of the List is released concurrently with two other OCFT reports. The first is an initial determination proposing to revise the List of Products Produced by Forced or Indentured Child Labor, mandated by Executive Order 13126 of 1999 (EO 13126 List). DOL maintains and revises the EO 13126 List in cooperation and coordination with the Departments of State and Homeland Security. The EO 13126 List was first published in 2001 and was revised in 2010 and 2011. The current EO 13126 List includes 31 goods from 23 countries and is available at <http://www.dol.gov/ILAB/regs/eo13126/main.htm>.

<sup>29</sup> ILO, *ILO Global Estimate of Forced Labour: Results and Methodology*. The ILO's 2012 forced labor estimate is not comparable to its 2005 forced labor estimate because it is based on a revised methodology, including taking into account the varying times in which individuals experience forced labor rather than assuming all individuals experience the same duration in forced labor.

<sup>30</sup> ILO, *Accelerating Action Against Child Labour*, xiii, 5.

The second is the Department of Labor's eleventh annual *Findings on the Worst Forms of Child Labor*, prepared in accordance with the Trade and Development Act of 2000 (TDA). The TDA report provides detailed information on the efforts of 144 countries and territories to implement their international commitments to eliminate the worst forms of child labor (WFCL), including forced child labor. The TDA report describes these countries' legal, policy and programmatic frameworks to address the worst forms of child labor, identifies gaps in these areas, and provides concrete suggested actions for governments to fill those gaps. While goods from some of these countries appear on the List, the TDA report highlights and analyzes the actions that countries have taken to eliminate the problem and the specific challenges that remain. In 2012, for the first time, the TDA report also includes an assessment of how each country is advancing toward reducing the worst forms of child labor. The report is available at <http://www.dol.gov/ilab/media/reports/iclp/main.htm>.

### ***4.1.1.2. Extramural Research on Child Labor and Forced Labor***

In order to address the data gaps mentioned in the limitations section of this report, OCFT has contributed to the development of research by partnering with many members of the international community, including academic researchers, civil society, national governments, international organizations such as the ILO and UNICEF, and multilateral development banks such as the World Bank. This research has assisted in closing information gaps and gaining a more nuanced understanding of the nature, scope and underlying causes of child labor and forced labor.

One of OCFT's key partners has been the ILO's International Program on the Elimination of Child Labor (IPEC), through its Statistical Information and Monitoring Program on Child Labor (SIMPOC). With OCFT funding, the ILO has developed new survey methodologies, qualitative and quantitative studies, a statistical resolution on measurement of child labor, and global estimates of working children.

The ILO has been at the forefront of collecting statistics on hard-to-research populations and using such statistics on behalf of workers' rights. Since 1995, the ILO has published four global estimates on working children.<sup>31</sup> In 2005, the ILO

launched its minimum estimate on forced labor. In June 2012, the ILO unveiled the 21 million forced labor estimate, which includes 6 million children in forced child labor. These figures were made possible by national governments that received technical assistance from the ILO to conduct child labor and forced labor surveys and allowed their data to be used as inputs to these global estimates.

Below are examples of recently released extramural research that OCFT has funded on child labor and forced labor.

### ***Research on Child Labor***

While data collection on child labor is more advanced than forced labor, there continue to be gaps in research. Nationally representative studies on specific sectors or industries with detailed information on children's work activities remain limited in number. To address this gap, ILAB funds sector-specific studies on child labor. For example, in 2007, ILAB awarded a cooperative agreement to Macro International (now ICF International) to estimate the number of children working in the South Asian carpet industry. The research, which covered India, Nepal and Pakistan, sought to document the prevalence and working conditions of children in the industry. In addition, the work explored the major drivers of demand for child labor in carpet production and examined the impact of a program designed to reduce and prevent child labor in the sector. Results from these studies were released this year and indicate that at least 57,000 children aged 5-17 years are working in the carpet industry in all three countries.

### ***Research on Forced Labor***

Since the passage of the TVPRA of 2005, ILAB has funded research initiatives to better gather data on forced labor, including forced child labor. With the Governments of Ireland and the United Kingdom, ILAB co-funded the ILO's development of *Hard to See, Harder to Count: Survey guidelines to estimate forced labour of adults and children*. These survey guidelines are a valuable tool for researchers aiming to collect qualitative or quantitative data on forced labor. The publication provides guidance on operational definitions of international standards on forced labor; discusses survey design and data

<sup>31</sup> Ibid., xiii, 5.



analysis; and includes ethical considerations for undertaking research on vulnerable populations.<sup>32</sup> The ILO used these survey guidelines to work with national governments in 10 countries, including in Bangladesh, Bolivia, Cote d'Ivoire, Niger and Mali, to collect primary data on forced labor. The primary data gathered from these in-country studies were used to refine a new ILO global estimate of forced labor.<sup>33</sup>

This year, ILAB also released results from a multi-country study on indicators of forced labor in the production of goods, which was developed under a grant to Verité, Inc. The study presents results from Verité's research examining specific industries in seven countries. Three country reports discuss labor conditions in aquaculture, including the shrimp industry in Bangladesh and fishing in Indonesia and the Philippines. Additional country reports detail Verité's research on the production of sugarcane in the Dominican Republic, coffee in Guatemala, rubber in Liberia and Brazil nuts, cattle, corn and peanuts in Bolivia. The study did not seek to determine the existence or scale of forced labor in each country and industry. Rather, the work identifies the presence of indicators of forced labor and illuminates factors that increase workers' vulnerability, including elements of worker recruitment and certain terms and conditions of employment.

### 4.1.2. OCFT Technical Assistance on Child Labor and Forced Labor

Since 1995, OCFT has received funding from the Congress to provide technical and financial support to civil society groups and international organizations that are committed to combating exploitative child labor and gathering data on the issue. OCFT has used these funds to support 258 projects in 91 countries. OCFT's projects serve such diverse populations as children from traditional bonded-labor families in Nepal,<sup>34</sup> children in commercial sexual exploitation in Central America

and children working in hazardous conditions in mines in Ghana. Since 1995, OCFT-funded projects have withdrawn or prevented over 1.5 million children from exploitative labor.

ILAB projects also play a major role in building government capacity in countries at the national, district and community levels. OCFT projects help develop community-based child labor monitoring systems. They train government labor inspectors and law enforcement officials to effectively enforce laws and regulations against child labor and forced labor, build country capacity to collect data on the issue, and assist in the establishment of robust laws, regulations, and policies on forced labor and child labor. For example, in 2011 OCFT provided \$15 million to the International Labor Organization for the *Global Action Program on Child Labor Issues*, which is working in over 40 countries to support over two hundred activities tailored to address specific legal, policy, enforcement, and data gaps identified through OCFT's research and reporting.

Since 2010, OCFT-funded projects have had an increased focus on promoting sustainable livelihoods for the households of child laborers to meet basic needs and overcome dependence on children's income. Current and future strategies may include skills training, micro-lending, micro-savings, employment generation, youth employment initiatives and alternative or additional family income generation activities. Projects also aim to increase access to national social protection programs for vulnerable children and their families. In addition, in recent years OCFT has expanded its support for child labor monitoring and enforcement efforts in the supply chains of key national sectors, such as Philippine sugar, West African cocoa and Thai shrimp and seafood.

## 4.2 COUNTRY-LEVEL EFFORTS TO ELIMINATE CHILD LABOR AND FORCED LABOR

OCFT works with a variety of stakeholders to remediate child labor and forced labor at the country level. Elimination of child labor and forced labor from an industry in a country requires intensive, sustained commitment by governments, civil society organizations, companies and industry groups. In some cases, consumers and investors play an important role. Since the publication of the initial List, ILAB has received information submissions from many foreign governments, industry groups and other stakeholders eager to share their efforts and good practices. A list of all submissions ILAB has received related to

<sup>32</sup> ILO, *Hard to See, Harder to Count: Survey guidelines to estimate forced labour of adults and children*, December 7, 2011; available from [http://www.ilo.org/global/publications/books/WCMS\\_182084/lang--it/index.htm](http://www.ilo.org/global/publications/books/WCMS_182084/lang--it/index.htm).

<sup>33</sup> ILO, *ILO Global Estimate of Forced Labour: Results and Methodology*. The ILO's 2012 forced labor estimate is not comparable to its 2005 forced labor estimate because it is based on a revised methodology, including taking into account the varying times in which individuals experience forced labor rather than assuming all individuals experience the same duration in forced labor.

<sup>34</sup> Bonded labor, or debt bondage, is a situation in which a person provides his or her own work or service, or that of another person, to repay a debt, and the value of that work or service is applied toward the liquidation of the debt in a manner that is either unreasonable or undefined. Family debt bondage can occur when debts are passed on from one generation to another.

the List are available on the ILAB web site at: <http://www.dol.gov/ilab/programs/ocft/typrsubmissions.htm>.

The following country-level efforts are examples of OCFT-funded projects that demonstrate leadership and good practice in this area. It is ILAB's hope that the List will continue to encourage such actions.

### 4.2.1. *Tripartite Efforts to Eliminate Child Labor in the Philippines' Sugarcane Fields*

The Government of the Philippines (GOP) and several Filipino sugar producers' and millers' associations participate in an OCFT-funded project targeting children working in sugarcane production in Bukidnon province, the Philippines. The project, implemented by the ILO's International Program on the Elimination of Child Labor (IPEC), aims to create a model approach that can be replicated in other sugarcane-growing areas. Activities of the project include:

- Sugar farmers signed a voluntary code of conduct and are developing a child labor policy through tripartite consultations.
- Government agencies, sugar industry representatives, and multinational company Coca-Cola signed an agreement of intent to collaborate to reduce child labor through education and livelihood programs for vulnerable families.
- IPEC, in coordination with the sugar industry, developed a university program in Mindanao for sugar farm management designed to train new farmers on techniques and new technology to increase productivity and eliminate the demand for child labor. Children of sugar farm workers will be prioritized for selection into the program.
- IPEC, the sugar industry, workers' organizations and the GOP designed a pilot multi-pronged child labor monitoring approach to triangulate Department of Labor and Employment inspections for underage workers and hazardous conditions. Sugar millers and farmers' associations will design a self-monitoring system to identify child laborers and to refer them to appropriate services. Workers' organizations will train members to monitor the age of workers and working conditions of minors, also referring individual cases to local agencies to provide services.

In 2011, OCFT also funded a new project to eliminate child labor in sugar-producing areas in 11 provinces of the Philippines, which will be implemented through 2015. National and local government agencies as well as many sugar stakeholders, including farmers, millers, regional and national associations and foundations, are collaborating to implement the program.

### 4.2.2. *Cambodia's Multi-Faceted Approach to Eliminate Child Labor in Fishing*

The 2012 update adds fish from Cambodia to the List for the use of child labor. A large majority of the 6 million people involved in fishing-related activities in Cambodia work on a subsistence level to provide food for themselves and their families, often drawing on the labor of all family members. Recognizing the important role that fishing plays in the lives of Cambodians, the Cambodian Ministry of Agriculture, Forestry and Fisheries (MAFF) Fisheries Administration (FiA) has begun working closely with the OCFT-funded *Cooperation to Address the Worst Forms of Child Labor in Agriculture: Support to the International Agricultural Partnership* to eliminate child labor in the sector and to improve rural livelihoods, enhance food security, and ensure sustainable development and equitable use of the fisheries resource base.

The FiA, in close collaboration with the ILO, the United Nations Food and Agriculture Organization (FAO) and other *International Agricultural Partnership* members, has begun to empower local communities so that farmers can participate directly, actively and equitably in fishery plans, programs and management. More specifically, the Government of Cambodia (GOC) is making efforts to increase natural fish stocks; conserve endangered species; expand public fishing grounds; promote aquaculture to respond to the increasing needs for fish; and work with other relevant line ministries, departments and agencies to promote livelihood diversification in support of effective fisheries management and to eliminate the need for child labor.

In December 2011, the ILO and the FAO held a workshop for key FiA officials on child labor in fisheries. In February 2012, the FiA, with technical and financial support from the ILO and FAO, organized a national consultation for key stakeholders including from central and provincial levels of the FiA, the Ministry of Labour and Vocational Training, community fisheries, local authorities, local agencies and NGOs. The resulting sector-specific *National Plan of Action on Eliminating*

*Child Labour in Fisheries & Aquaculture Sector of Cambodia*, which was officially endorsed by the MAFF, presents a strategy to combat child labor in fisheries that is in line with the framework of the existing *National Plan of Action on the Worst Forms of Child Labor* and with Cambodia's *Strategic Planning Framework (SPF) for Fisheries: 2010-2019*. In addition, the GOC has included child labor elimination targets in fishing communities as part of its 10-year fisheries framework planning instrument and has also included child labor concerns into the *Cambodia Code of Conduct for Responsible Fisheries*.

### 4.2.3. Addressing Child Labor in Paraguay's Brick Industry

The 2012 update adds bricks from Paraguay to the TVPRA list for the use of child labor. While children are engaged in hazardous activities in brick production in Paraguay, the Government of Paraguay (GOP), the private sector, and civil society continue to be proactive in seeking to combat the problem, including through the OCFT-funded project that targets children working in brick factories in Tobatí through the provision of educational opportunities.

The 4-year, \$6.75 million regional project, implemented by the ILO's International Program on the Elimination of Child Labor (IPEC), promotes collaboration and sharing of good practices 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. In Paraguay, the project aims to create a model approach to eliminate child labor in the Tobatí district where 70% of all workers in brick factories are under age 18.

The Government currently funds the Embrace Program (*Programa Abrazo*) that assists 5,200 children below age 14 who are engaged in exploitative work by providing their families with cash transfers conditioned on children's school attendance and withdrawal from work. The Embrace Program has been expanded to include pilot programs targeting families with children working in brick production in Tobatí and garbage dumps in Encarnación. It also includes a pilot program for working adolescents that provides technical training to develop skills for decent and safe employment.

In order to coordinate efforts in brick kiln production, the project works with CODENI (Municipal Council for

Children's Rights) and formed a network for the protection of children and adolescents working in brick kilns. The network consists of representatives from the public and private sectors and civil society organizations, including employer and employee associations and cooperatives, and officials from the municipal government, schools, children's court, prosecutor's office, and police. In order to shed light on the extent of child labor in brick production, the project conducted a mapping study of brick production, and complemented efforts on data collection from the Secretariat for Children and Adolescents who conducted two rapid assessments on child labor in brick kilns and lime quarries. These studies have been used to inform program design and raise awareness on the use of child labor in brick production. The project has also involved adolescents to develop and present a guide depicting the risks posed to children and adolescents in brick-making activities, which is used as an awareness raising tool, especially among parents.

The project has also promoted the following important activities to address child labor in brick production:

- On November 18, 2011, the Secretariat for Children and Adolescents and the municipal government in Tobatí signed an agreement outlining their respective commitments for implementation of the Embrace Program in Tobatí, which included a commitment by the municipal government of 20 percent of the program's budget in 2012.
- With support from the Ministry of Education and school officials in Tobatí, the project is providing educational services to 250 children who were involved in or at risk of dangerous work in brick production. The services include tutoring, recreational activities, and workshops on hygiene and personal development.
- The Employer's Association of Industrial Ceramics in Tobatí (*Asociacion de Empleadores de Ceramistas Industriales de Tobatí*) has signed an agreement not to use child labor in the production of bricks.
- The Ministry of Justice and Labor (MJT) conducts regular labor inspections in each of the country's 30 departments, including in brick factories in Tobatí.

The Government plans to replicate current efforts that have been piloted in brick production and further expand the Embrace Program into additional areas where children work, with the ultimate goal of reaching all working children in Paraguay.

### 4.3 THE U.S. EXPERIENCE

#### 4.3.1 *Child Labor in the United States*

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

DOL is the sole federal agency that monitors child labor and enforces child labor laws. The most sweeping federal law that restricts the employment of child workers is the Fair Labor Standards Act (FLSA), enforced by DOL's Wage and Hour Division (WHD). In addition, the Occupational Safety and Health Act and related regulations, enforced by DOL's Occupational Safety and Health Administration (OSHA), apply to all employees regardless of age. WHD and OSHA have an active referral process in place for cases involving children under age 18, and the enforcement staffs of the respective agencies have worked collaboratively on a number of investigations.

The FLSA sets a minimum age of 14 for most employment in non-hazardous, non-agricultural industries, but it limits the times of day and the number of hours that 14 and 15-year-olds may work and the tasks that they may perform. The FLSA establishes an 18-year minimum age for non-agricultural occupations that the Secretary of Labor declares to be particularly hazardous or detrimental to children's health or well-being. There are currently 17 Hazardous Occupation Orders (HOs), which include a partial or total ban on work for minors in the occupations or industries they cover. Despite these restrictions and limitations, in 2010, there were 18 fatal occupational injuries among youth ages 16-17, and 16 fatal occupational injuries among children below age 16 in the United States.<sup>35</sup>

WHD is committed to ensuring that the FLSA is strictly enforced. Every investigation carried out by WHD investigators includes monitoring for violations of the FLSA's child labor provisions. Complaints from the public about child

labor, although not numerous, are given the highest priority within the agency. In Fiscal Year 2011, WHD concluded over 700 cases where child labor violations were cited, more than half of which involved violations of the referenced HOs. In this same fiscal year, WHD assessed over \$2 million in civil money penalties for violations of FLSA child labor laws, \$78,557 of which were in the agriculture industry.

Children are permitted under the FLSA to work at a younger age in agriculture than in other sectors. For example, the FLSA allows child farm workers ages 16 and 17 and all children working on farms owned or operated by their parents, regardless of their age, to perform farm work. Agricultural work that does not violate U.S. law or international standards may nonetheless require extraordinary care. WHD uses many tools to protect youth working in agriculture, including outreach and education to farmers, farm labor contractors, workers, parents, teachers, federal agencies, and others who provide services to farm workers.

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

The National Institute for Occupational Safety and Health (NIOSH) produces *Are You a Teen Worker?* (available at <http://www.cdc.gov/niosh/docs/2012-130/pdfs/2012-130.pdf>) to educate young workers about their rights and other resources on young worker safety and health for a variety of audiences. (See <http://www.cdc.gov/niosh/topics/youth/>.) For example, NIOSH, in partnership with the National Children's Center for Rural and Agricultural Health and Safety, developed the North American Guidelines for Children's Agricultural Tasks (NAGCAT). The NAGCAT provides information on children's physical, mental, and psychosocial abilities in relation to the requirements of specific types of farm work and has been effective in reducing child agricultural injuries.<sup>36</sup> In addition, the Department of Education's Migrant Education Program works to ensure that migrant children who move from one state to another are not penalized by disparities among states in curriculum, graduation requirements, state academic

<sup>35</sup> U.S. Department of Labor - Bureau of Labor Statistics, *Fatal occupational injuries by event or exposure and age, All United States, 2010*, Washington, D.C., April 25, 2012; available from <http://www.bls.gov/iif/oshcfoi1.htm#2010>.

<sup>36</sup> NIOSH, "Guidelines for Children's Agricultural Tasks and Demonstrate Effectiveness," [cdc.gov](http://www.cdc.gov), [online], 2011 [cited May 15, 2012]; available from <http://www.cdc.gov/niosh/docs/2011-129/>.



content or student academic achievement standards. The program provides services to migrant children such as remedial and compensatory instruction, bilingual and multicultural instruction, vocational instruction, career education services, counseling, testing, health services and preschool care.<sup>37</sup>

### 4.3.2 Forced Labor in the United States

The full extent of the forced labor problem in the United States is unknown. Nonetheless, forced labor is a criminal offense in the United States, and in 2011, the Department of Justice and the U.S. Attorneys' offices initiated 41 forced labor and adult sex trafficking prosecutions, charged 117 defendants, and secured 65 convictions. These included *United States v. Askarkhodjaev*, in which the lead defendant was sentenced to 12 years in prison for organizing a multi-national, organized criminal enterprise that exploited guest workers from multiple countries for forced labor in various industries in 14 states, and *United States v. Botsvynnyuk*, in which two defendants were convicted for their roles in a scheme to hold Ukrainian victims in forced labor in the cleaning services industry.<sup>38</sup> The U.S. government also reports annually on its activities to combat human trafficking, including trafficking for the purposes of forced labor, in a publication compiled by the Department of Justice, with detailed information on funding and suggestions for improved performance. This report is available at [www.justice.gov/ag/publications.htm](http://www.justice.gov/ag/publications.htm).

WHD's investigations under the FLSA and other wage- and hour-related laws specifically target industries that employ vulnerable workers, such as restaurants, janitorial services, hotels and motels, and agriculture, where forced labor is most likely to be found. WHD investigators are trained to recognize potential forced labor and trafficking situations and to refer them to the appropriate law enforcement authorities. WHD also participates in more than 35 local-level anti-trafficking task forces and in a Federal Enforcement Working Group (FEWG) with the Department of Justice (DOJ), the Federal Bureau of Investigation (FBI), the Department of Homeland Security – Immigration and Customs Enforcement (DHS-ICE) and the Department of Labor's Office of Inspector

General (DOL-OIG). The FEWG has established a Pilot Federal Anti-Trafficking Coordination Team (ACTeam) Program to help ensure that federal enforcement agencies develop and implement a coordinated, comprehensive strategy to proactively identify and assist human trafficking victims; develop victim-centered, multi-disciplinary human trafficking investigations; and produce high-impact human trafficking prosecutions resulting in the conviction of traffickers, the dismantling of trafficking organizations and the forfeiture of proceeds and instrumentalities of trafficking offenses. WHD plays a key role in the Pilot ACTeam's efforts, calculating restitution for victims, providing translation services where necessary during the course of anti-trafficking investigations, and helping to identify potential cases in the course of regular wage and hour-related investigations.

In April 2011, WHD announced new protocols and has since begun certifying U nonimmigrant Visa (U Visa) applications for those immigrants who are victims of crimes, such as trafficking, and are willing to cooperate with law enforcement in the investigation and prosecution of those crimes. The U Visa certification process has been delegated to WHD's Regional Administrators located in five cities around the country, and the Division has hired new U Visa Coordinators in each region to assist with the certification process.

## 4.4 CONCLUSION

As noted throughout this report, the primary purposes of the List are to raise public awareness about the existence of child labor and forced labor in the production of goods in the countries listed and to spawn efforts to eradicate these practices. To be successful, such efforts must include the collection of accurate data, enactment of comprehensive legal frameworks consistent with international standards, vigorous enforcement of child labor and forced labor laws, improved identification of victims, adoption and implementation of protective policy measures, strengthening of social protection systems and robust preventative actions. The success of these efforts turns on the commitment and dedication of governments, the private sector, workers and civil society stakeholders, consumers, and others. ILAB hopes that this List serves as a call to action.

<sup>37</sup> US Department of Education, *Migrant Education -- Basic State Formula Grants*, [November 16, 2009] [cited May 15, 2012]; available from <http://www2.ed.gov/programs/mep/index.html>.

<sup>38</sup> U.S. Department of Justice - Civil Rights Division, *Criminal Section Selected Case Summaries*, [online] [cited July 3, 2012]; available from <http://www.justice.gov/crt/about/crm/selcases.php#humantrafficking>.







**APPENDIX A:**  
COUNTRIES RESEARCHED  
IN 2011-2012

**APPENDIX B:**  
DECEMBER 27, 2007 FEDERAL  
REGISTER NOTICE

**APPENDIX C:**  
SUGGESTED ADDITIONAL  
RESOURCES

## Appendix A: Countries & Territories Researched in 2011-2012

### INDEPENDENT COUNTRIES

Afghanistan  
Albania  
Algeria  
Angola  
Argentina  
Armenia  
Azerbaijan  
Bahrain  
Bangladesh  
Barbados  
Belize  
Benin  
Bhutan  
Bolivia  
Bosnia and Herzegovina  
Botswana  
Brazil  
Burkina Faso  
Burma  
Burundi  
Cambodia  
Cameroon  
Cape Verde  
Central African Republic  
Chad  
Chile  
China  
Colombia  
Comoros  
Congo (Brazzaville)  
Congo (Kinshasa)  
Costa Rica  
Cote d'Ivoire  
Croatia  
Djibouti  
Dominica  
Dominican Republic  
Ecuador  
Egypt  
El Salvador  
Equatorial Guinea  
Eritrea  
Ethiopia

Fiji  
Gabon  
Gambia, The  
Georgia  
Ghana  
Grenada  
Guatemala  
Guinea  
Guinea-Bissau  
Guyana  
Haiti  
Honduras  
India  
Indonesia  
Iraq  
Jamaica  
Jordan  
Kazakhstan  
Kenya  
Kiribati  
Kosovo  
Kyrgyzstan  
Laos  
Lebanon  
Lesotho  
Liberia  
Macedonia  
Madagascar  
Malawi  
Malaysia  
Maldives  
Mali  
Mauritania  
Mauritius  
Mexico  
Moldova  
Mongolia  
Montenegro  
Morocco  
Mozambique  
Namibia  
Nepal  
Nicaragua  
Niger  
Nigeria  
North Korea

Oman  
Pakistan  
Panama  
Papua New Guinea  
Paraguay  
Peru  
Philippines  
Russia  
Rwanda  
St. Kitts and Nevis  
St. Lucia  
St. Vincent and  
the Grenadines  
Samoa  
Sao Tome and Principe  
Senegal  
Serbia  
Seychelles  
Sierra Leone  
Solomon Islands  
Somalia  
South Africa  
Sri Lanka  
Suriname  
Swaziland  
Tajikistan  
Tanzania  
Thailand  
Timor-Leste  
Togo  
Tonga  
Trinidad and Tobago  
Tunisia  
Turkey  
Tuvalu  
Uganda  
Ukraine  
Uruguay  
Uzbekistan  
Vanuatu  
Venezuela  
Vietnam  
Republic of Yemen  
Zambia  
Zimbabwe

### TERRITORIES

Anguilla  
British Indian Ocean Territory  
Christmas Island  
Cocos (Keeling) Islands  
Cook Islands  
Falkland Islands  
(Islas Malvinas)  
Gibraltar  
Heard Island and  
McDonald Islands  
Montserrat  
Niue  
Norfolk Island  
Pitcairn Island  
Saint Helena  
Tokelau  
Turks and Caicos Islands  
Virgin Islands, British  
Wallis and Futuna  
West Bank and Gaza Strip  
Western Sahara



*Type of Review:* Extension of a currently approved collection of information.

*Agency:* Office of the Solicitor.  
*Title:* Equal Access to Justice Act.  
*OMB Number:* 1225-0013.

*Affected Public:* Individuals or household; Business or other for-profit; Not-for-profit institutions; Federal Government; State, Local or Tribal Government.

*Number of Respondents:* Varies by year; usually less than 10.

*Frequency:* On occasion.

*Total Responses:* See Number of Respondents.

*Average Time per Response:* 5 hours.

*Estimated Total Burden Hours:* 50 hours.

*Total annualized capital/startup costs:* \$0.

*Total Annualized costs (operation and maintenance):* \$0.

Comments submitted in response to this notice will be summarized and may be included in the request for OMB approval of the final information collection request. The comments will become a matter of public record.

Signed this 19th day of December, 2007.

**William W. Thompson, II,**

*Associate Solicitor for Management and Administrative Legal Services.*

[FR Doc. E7-25120 Filed 12-26-07; 8:45 am]

**BILLING CODE 4510-23-P**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Notice of Procedural Guidelines for the Development and Maintenance of the List of Goods From Countries Produced by Child Labor or Forced Labor; Request for Information

**AGENCY:** Bureau of International Labor Affairs, Department of Labor.

**ACTION:** Notice of procedural guidelines for the development and maintenance of a list of goods from countries produced by child labor or forced labor in violation of international standards; Request for information.

**SUMMARY:** This notice sets forth final procedural guidelines (“Guidelines”) for the development and maintenance of a list of goods from countries that the Bureau of International Labor Affairs (“ILAB”) has reason to believe are produced by child labor or forced labor in violation of international standards (“List”). The Guidelines establish the process for public submission of information, and the evaluation and reporting process to be used by the U.S. Department of Labor’s (“DOL”) Office of

Child Labor, Forced Labor, and Human Trafficking (“Office”) in maintaining and updating the List. DOL is required to develop and make available to the public the List pursuant to the Trafficking Victims Protection Reauthorization Act of 2005. This notice also requests information on the use of child labor and/or forced labor in the production of goods internationally, as well as information on government, industry, or third-party actions and initiatives to address these problems. This information will be used by DOL as appropriate in developing the initial List.

**DATES:** This document is effective immediately upon publication of this notice. Information submitted in response to this notice must be received by the Office no later than March 26, 2008. Information received after that date may not be taken into consideration in developing DOL’s initial List, but such information will be considered by the Office as the List is maintained and updated in the future.

**TO SUBMIT INFORMATION, OR FOR FURTHER INFORMATION, CONTACT:** Director, Office of Child Labor, Forced Labor, and Human Trafficking, Bureau of International Labor Affairs, U.S. Department of Labor at (202) 693-4843 (this is not a toll-free number). Information may be submitted by the following methods:

- *Facsimile (fax):* ILAB/Office of Child Labor, Forced Labor, and Human Trafficking at 202-693-4830.
- *Mail, Express Delivery, Hand Delivery, and Messenger Service:* Charita Castro or Rachel Rigby at U.S. Department of Labor, ILAB/Office of Child Labor, Forced Labor, and Human Trafficking, 200 Constitution Ave., NW., Room S-5317, Washington, DC 20210.
- *E-mail:* [ilab-tvpra@dol.gov](mailto:ilab-tvpra@dol.gov).

**SUPPLEMENTARY INFORMATION:** Section 105(b)(1) of the Trafficking Victims Protection Reauthorization Act of 2005 (“TVPRA of 2005”), Public Law 109-164 (2006), directed the Secretary of Labor, acting through the Bureau of International Labor Affairs, to “carry out additional activities to monitor and combat forced labor and child labor in foreign countries.” Section 105(b)(2) of the TVPRA, 22 U.S.C. 7112(b)(2), listed these activities as:

- (A) Monitor the use of forced labor and child labor in violation of international standards;
- (B) Provide information regarding trafficking in persons for the purpose of forced labor to the Office to Monitor and Combat Trafficking of the Department of State for inclusion in [the] trafficking in persons report required by section

110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b));

(C) Develop and make available to the public a list of goods from countries that the Bureau of International Labor Affairs has reason to believe are produced by forced labor or child labor in violation of international standards;

(D) Work with persons who are involved in the production of goods on the list described in subparagraph (C) to create a standard set of practices that will reduce the likelihood that such persons will produce goods using the labor described in such subparagraph; and

(E) Consult with other departments and agencies of the United States Government to reduce forced and child labor internationally and ensure that products made by forced labor and child labor in violation of international standards are not imported into the United States.

The Office carries out the DOL mandates in the TVPRA. These Guidelines provide the framework for ILAB’s implementation of the TVPRA mandate, and establish procedures for the submission and review of information and the process for developing and maintaining the List. In addition to the Office’s efforts under the TVPRA, the Office conducts and publishes research on child labor and forced labor worldwide. The Office consults such sources as DOL’s *Findings on the Worst Forms of Child Labor*; the Department of State’s annual *Country Reports on Human Rights Practices and Trafficking in Persons Reports*; reports by governmental, non-governmental, and international organizations; and reports by academic and research institutions and other sources.

In addition to reviewing information submitted by the public in response to this Notice, the Office will also conduct a public hearing to gather information to assist in the development of the List. The Office will evaluate all information received according to the processes outlined in these Guidelines. Goods that meet the criteria outlined in these Guidelines will be placed on an initial List, published in the **Federal Register** and on the DOL Web site. DOL intends to maintain and update the List over time, through its own research, interagency consultations, and additional public submissions of information. Procedures for the ongoing maintenance of the List, and key terms used in these Guidelines, are described in detail below.

**Public Comments**

On October 1, 2007, ILAB published a **Federal Register** notice of proposed procedural guidelines, requesting public comments on the proposed guidelines (72 FR 55808 (Oct. 1, 2007)). The notice provided a 30-day period for submitting written comments, which closed on Oct. 31, 2007. Written comments were received from nine parties. Several of the comments strongly supported the Department's efforts to combat child labor and forced labor. All of the comments were given careful consideration and where appropriate, changes were made to the Guidelines. The comments and any revisions to the proposed Guidelines are explained in detail below.

*A. Comments Concerning the Office's Evaluation of Information*

Several commenters questioned the Department's decision to consider information up to seven years old. One commenter asserted that even one-year-old information should be considered too dated to be relevant. The Department appreciates the importance of using up-to-date information. It is also the Office's experience that the use of child labor and forced labor in a country or in the production of a particular good typically persists for several years, particularly when no meaningful action is taken to combat it. Information about such activities is often actively concealed. Information that is several years old therefore can provide useful context for more current information. The Office will consider the date of all available information, and, as stated in the proposed Guidelines, "more current information will generally be given priority."

One commenter questioned how the Office would treat information on government efforts to combat the use of child labor and forced labor, stating that where a government undertakes voluntary efforts to regulate the production of goods and/or prosecutes incidents of child labor or forced labor, such government initiatives should not result in designating a particular good on the List. In response, the Office affirms the important role of government law enforcement, as well as other government, private sector, and third-party voluntary actions and initiatives to combat child labor and forced labor such as company and industry codes of conduct. However, the Office notes that some voluntary actions, as with some enforcement actions, are more effective than others. For example, some prosecutions may result in minimal or suspended

sentences for the responsible parties, and some voluntary actions by government, industry, or third parties, may be ineffective in combating the violative labor practices at issue. Accordingly, in determining whether to include a good and country on the List, the Office will consider particularly relevant and probative any available evidence of government, industry, and third-party actions and initiatives that are effective in significantly reducing if not eliminating child labor and forced labor.

Two commenters questioned why the Office would not consider confidential information in a submission, with one commenter stating that a submitter should have the option of providing information containing confidential information to the Office while also providing a redacted version for public release. In response, the Office has clarified its handling of submissions containing confidential, personal, or classified information. In the interest of maintaining a transparent process, the Office will not accept classified information in developing the List. The Office may request that any such information brought to its attention be declassified. The Office will accept submissions containing confidential or personal information, but pursuant to applicable laws and regulations may redact such submissions before making them publicly available.

*B. Comments Concerning the List of Goods and Countries*

Several commenters questioned why the List includes raw materials and/or components directly produced using child labor and forced labor, but not final goods made in part (indirectly produced) with such materials or components. Another commenter suggested that any final good produced indirectly with child labor or forced labor at any point in its production chain should be placed on the List, and that the List should specify where in the production chain the child labor or forced labor occurred. While the Office appreciates the importance of tracking raw materials or components produced in violation of international child labor or forced labor standards through the production chain, the difficulty of accurately conducting such tracking places it beyond the scope of these Guidelines. Ideally, the Office would have access to public information that would permit the comprehensive tracking of raw materials and component parts in the global supply chain, but the Office is unaware of any such publicly available information. Moreover, the Office is aware that many

goods used as raw materials or components in the production of other goods may be sourced from multiple locations within a country or even from several different countries.

Consequently, it would likely be extremely difficult to develop reliable information on the final destination or use of every good produced with child labor or forced labor. Inasmuch as the primary purpose of the List is to promote efforts at the country level to combat child labor and forced labor, that purpose is best served by identifying goods directly produced with child labor and forced labor. The Office observes that nothing in these Guidelines would prevent a member of the public from tracking the final destination or use of any good on the List.

Several commenters requested that the List name individual companies using child labor or forced labor, with two commenters suggesting that this practice would protect entities that do not use child labor or forced labor in their supply chains, or that might otherwise unknowingly trade in such goods. One commenter suggested that, in addition to listing goods and countries, the Office name industries using such goods. Another commenter suggested that the Office distinguish among individual factories within a country on the List, to ensure that goods not produced with child labor or forced labor are not subject to the same treatment as goods that are so produced. Another commenter suggested that the Department hold individual violators publicly accountable.

The TVPRA mandated a List of goods and countries, not company or industry names. It would be immensely difficult for the Office to attempt to track the identity of every company and industry using a good produced with child labor or forced labor. In addition, it is the Office's experience that child labor and forced labor frequently occur in small local enterprises, for which company names, if they are available, have little relevance. The Office is also aware that it is often a simple matter to change or conceal the name of a company. Consequently, the Office has concluded that seeking to track and name individual companies would be of limited value to the primary purpose of the List, which is to promote ameliorative efforts at the country level. Moreover, holding individual violators accountable would exceed the mandate of the TVPRA of 2005. However, the TVPRA of 2005 requires that the Department work with persons who are involved in the production of goods on the List to create a standard set of



practices to reduce the likelihood that such persons will produce goods using such labor. The Department intends to work with such persons once the initial List is developed.

*C. Comments Concerning the Development and Maintenance of the List*

One commenter suggested that the List be updated at regular intervals, and at least annually. Another commenter noted that the proposed Guidelines do not set a limit on how long a good may remain on the List, or a time period within which DOL must review the designation of a particular good. The Office anticipates that the addition, maintenance, or removal of an item on the List will be driven largely by the availability of accurate information. The Office will conduct its own research on goods produced with child labor and forced labor, and anticipates that additional information used to develop and maintain the List will be provided by the public. Consequently, the Office considers it a more efficient use of resources to re-examine goods on the List as pertinent information becomes available, rather than adhering to a fixed review schedule.

One commenter suggested that the Office provide a fixed time period within which it will decide whether to accept a submission of information. The Office has revised section B.3 of the Guidelines to remove the possibility that a submission of information will not be accepted. All submissions of information (with the exception of those containing classified information) will be accepted and evaluated for their relevance and probative value.

One commenter suggested that the Guidelines provide that the Office make a final determination whether to place a good on the List within a specific timeframe, such as within 120 days of receiving the submission. Although the Office intends to expedite its evaluation of any information submitted in response to this notice, it cannot guarantee that the Office's evaluation of a particular submission will be completed within a set timeframe. Some submissions may require further investigation by the Office, and other submissions may result in responsive submissions by other parties. Setting a fixed deadline may result in the inclusion or exclusion of a good on the List without the most comprehensive review possible.

One commenter suggested that before an entry is removed from the List, the Office should publish a notice in the **Federal Register** announcing its intention to consider removal of the

entry and giving interested parties an opportunity to comment. The Office does not intend to provide advance notice before an item is added to or removed from the List; however, if information is submitted that tends to support a change to the List, that information will be publicly available on the Office's Web site and will provide notice to the public that the status of a particular good is under review. Moreover, the Office retains the discretion to request additional information from time to time concerning a particular good; such a request will also provide notice to the public that the status of a good is under active consideration.

One commenter suggested that the Office ensure that any information indicating a possible violation of U.S. law is referred to an appropriate law enforcement agency. The Department has well-established procedures for the referral of information indicating a possible violation of U.S. laws to appropriate law enforcement agencies, and these procedures will be followed throughout the development and maintenance of the List.

*D. Comments Concerning Definitions and Terms*

Two commenters were concerned about the definitions of child labor and forced labor in the proposed Guidelines, questioning why they did not expressly reference International Labor Organization (ILO) conventions addressing child labor and forced labor. The commenters questioned why there were apparent differences between the definitions of terms in the proposed Guidelines and the corresponding definitions in the relevant ILO conventions. The Office has carefully considered these comments. Consequently, the definitions used in the final Guidelines have been revised to clarify that the Office will apply international standards.

Four commenters questioned the use of the terms "significant incidence" and "isolated incident" in the proposed Guidelines. One commenter raised an apparent inconsistency between the terms "significant," "prevalent," and "pattern of practice," in the proposed Guidelines' description of the amount of evidence that would weigh in favor of a finding that a particular good is produced in violation of international standards. Another commenter stated that the terms "significant" and "prevalent" provide inadequate guidance, because they do not address the percentage of workplaces in a country producing a particular good in violation of international standards, or

whether a good produced in one location represents a large or small share of a country's total exports of the good. One commenter recommended that the terms "significant" and "prevalent" be replaced with "recurring." Another commenter recommended that a more precise guideline be developed with respect to how much child labor or forced labor warrants the placement of a good on the List. One final commenter on this issue suggested that a good be removed from the List only if the use of child labor or forced labor is "insignificant," stating that that term is more precise than the terms used in the proposed Guidelines.

It is neither possible nor useful to precisely quantify the amount or percentage of child labor or forced labor that will be considered "significant," since what is considered "significant" will vary with a number of other factors. For that reason, the Guidelines provide that a "significant incidence" of child labor or forced labor occurring in the production of a particular good is only one among several factors that would be weighed before a good is added to, or removed from, the List. Other factors include whether the situation described meets the definitions of child labor or forced labor; the probative value of the evidence submitted; the date and source(s) of the information; and the extent to which the information is corroborated. The Guidelines also make clear that the Office will consider any available evidence of government, industry, and third-party actions and initiatives that are effective in significantly reducing if not eliminating child labor and forced labor. However, in response to these comments, the Office has decided to clarify the nature of the information sought by deleting the use of the term "prevalent." The Office will also change the phrase, "pattern of practice," to "pattern or practice." The suggested terms "recurring" or "insignificant" provide no additional precision.

Two commenters requested that the goods on the List be identified as specifically as possible, to avoid confusion with similar goods that have not been produced using child labor or forced labor in violation of international standards. Some commenters suggested that the List use product codes developed for the Harmonized Tariff Schedule (HTS), reasoning that the use of such codes would both provide more specificity and improve interagency consultation. The Office intends to identify all goods on the List as specifically as possible, depending on available information. However, parties submitting information on a particular

good may not have the necessary expertise to properly utilize the product codes developed for the HTS.

Another commenter suggested that the Office specifically include agricultural commodities in the definition of “goods.” The Office considers that the term “goods” includes agricultural products and the definition of “produced” in the Guidelines expressly covers goods that are harvested or farmed.

### Final Procedural Guidelines

#### A. Sources of Information and Factors Considered in the Development and Maintenance of the List

The Office will make use of all relevant information, whether gathered through research, public submissions of information, a public hearing, interagency consultations, or other means, in developing the List. In the interest of maintaining a transparent process, the Office will not accept classified information in developing the List. The Office may request that any such information brought to its attention be declassified. If submissions contain confidential or personal information, the Office may redact such information in accordance with applicable laws and regulations before making the submission available to the public.

In evaluating information, the Office will consider and weigh several factors, including:

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

2. *Date of information.* Whether the information about child labor or forced labor in the production of the good(s) is no more than 7 years old at the time of receipt. More current information will generally be given priority, and information older than 7 years will generally not be considered.

3. *Source of information.* Whether the information, either from primary or secondary sources, is from a source whose methodology, prior publications, degree of familiarity and experience with international labor standards, and/or reputation for accuracy and objectivity, warrants a determination that it is relevant and probative.

4. *Extent of corroboration.* The extent to which the information about the use of child labor or forced labor in the production of a good(s) is corroborated by other sources.

5. *Significant incidence of child labor or forced labor.* Whether the

information about the use of child labor or forced labor in the production of a good(s) warrants a determination that the incidence of such practices is significant in the country in question. Information that relates only to a single company or facility; or that indicates an isolated incident of child labor or forced labor, will ordinarily not weigh in favor of a finding that a good is produced in violation of international standards. Information that demonstrates a significant incidence of child labor or forced labor in the production of a particular good(s), although not necessarily representing a pattern or practice in the industry as a whole, will ordinarily weigh in favor of a finding that a good is produced in violation of international standards.

In determining which goods and countries are to be placed on the List, the Office will, as appropriate, take into consideration the stages in the chain of a good’s production. Whether a good is placed on the List may depend on which stage of production used child labor or forced labor. For example, if child labor or forced labor was only used in the extraction, harvesting, assembly, or production of raw materials or component articles, and these materials or articles are subsequently used under non-violative conditions in the manufacture or processing of a final good, only the raw materials/component articles and the country/ies where they were extracted, harvested, assembled, or produced, as appropriate, may be placed on the List. If child labor or forced labor was used in both the production or extraction of raw materials/component articles and the manufacture or processing of a final good, then both the raw materials/component articles and the final good, and the country/ies in which such labor was used, may be placed on the List. This is to ensure a direct correspondence between the goods and countries which appear on the List, and the use of child labor or forced labor.

Information on government, industry, or third-party actions and initiatives to combat child labor or forced labor will be taken into consideration, although they are not necessarily sufficient in and of themselves to prevent a good and country from being listed. In evaluating such information, the Office will consider particularly relevant and probative any evidence of government, industry, and third-party actions and initiatives that are effective in significantly reducing if not eliminating child labor and forced labor.

Goods and countries (“entries”) that meet the criteria outlined in these procedural Guidelines will be placed on

an initial List, to be published in the **Federal Register** and on the DOL Web site. This initial List will continue to be updated as additional information becomes available. Before publication of the initial List or subsequent versions of the List, the Office will inform the relevant foreign governments of their presence on the List and request their responses. The Office will review these responses and make a determination as to their relevance. The List, along with a listing of the sources used to identify the goods and countries on it, will be published in the **Federal Register** and on the DOL Web site. The List will represent DOL’s conclusions based on all relevant information available at the time of publication.

For each entry, the List will indicate whether the good is made using child labor, forced labor, or both. As the List continues to be maintained and updated, the List will also indicate the date when each entry was included. The List will not include any company or individual names. DOL’s postings on its website of source material used in identifying goods and countries on the List will be redacted to remove company or individual names, and other confidential material, pursuant to applicable laws and regulations.

#### B. Procedures for the Maintenance of the List

1. Following publication of the initial List, the Office will periodically review and update the List, as appropriate. The Office conducts ongoing research and monitoring of child labor and forced labor, and if relevant information is obtained through such research, the Office may add an entry to, or remove an entry from the List using the process described in section A of the Guidelines. The Office may also update the List on the basis of public information submissions, as detailed below.

2. Any party may at any time file an information submission with the Office regarding the addition or removal of an entry from the List. Submitters should take note of the criteria and instructions in the “Information Requested on Child Labor and Forced Labor” section of this notice, as well as the criteria listed in Section A of the Guidelines.

3. The Office will review any submission of information to determine whether it provides relevant and probative information.

4. The Office may consider a submission less reliable if it determines that: the submission does not clearly indicate the source(s) of the information presented; the submission does not identify the party filing the submission

or is not signed and dated; the submission does not provide relevant or probative information; or, the information is not within the scope of the TVPRA and/or does not address child labor or forced labor as defined herein. All submissions received will be made available to the public on the DOL Web site, consistent with applicable laws or regulations.

5. In evaluating a submission, the Office will conduct further examination of available information relating to the good and country, as necessary, to assist the Office in making a determination concerning the addition or removal of the good from the List. The Office will undertake consultations with relevant U.S. government agencies and foreign governments, and may hold a public hearing for the purpose of receiving relevant information from interested persons.

6. In order for an entry to be removed from the List, any person filing information regarding the entry must provide information that demonstrates that there is no significant incidence of child labor or forced labor in the production of the particular good in the country in question. In evaluating information on government, industry, or third-party actions and initiatives to combat child labor or forced labor, the Office will consider particularly relevant and probative any available evidence of government, industry, and third-party actions that are effective in significantly reducing if not eliminating child labor and forced labor.

7. Where the Office has made a determination concerning the addition, maintenance, or removal of the entry from the List, and where otherwise appropriate, the Office will publish an updated List in the **Federal Register** and on the DOL Web site.

### C. Key Terms Used in the Guidelines

**“Child Labor”**—“Child labor” under international standards means all work performed by a person below the age of 15. It also includes all work performed by a person below the age of 18 in the following practices: (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. The work referred to in subparagraph (D) is determined by the laws, regulations, or competent authority of the country involved, after consultation with the organizations of employers and workers concerned, and taking into consideration relevant international standards. This definition will not apply to work specifically authorized by national laws, including work done by children in schools for general, vocational or technical education or in other training institutions, where such work is carried out in accordance with international standards under conditions prescribed by the competent authority, and does not prejudice children’s attendance in school or their capacity to benefit from the instruction received.

**“Countries”**—“Countries” means any foreign country or territory, including any overseas dependent territory or possession of a foreign country, or the Trust Territory of the Pacific Islands.

**“Forced Labor”**—“Forced labor” under international standards means all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily, and includes indentured labor. “Forced labor” includes work provided or obtained by force, fraud, or coercion, including: (1) By threats of serious harm to, or physical restraint against any person; (2) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or (3) by means of the abuse or threatened abuse of law or the legal process. For purposes of this definition, forced labor does not include work specifically authorized by national laws where such work is carried out in accordance with conditions prescribed by the competent authority, including: any work or service required by compulsory military service laws for work of a purely military character; work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country; work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations; work or service required in cases of emergency, such as in the event of war or of a calamity or threatened

calamity, fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population; and minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives have the right to be consulted in regard to the need for such services.

**“Goods”**—“Goods” means goods, wares, articles, materials, items, supplies, and merchandise.

**“Indentured Labor”**—“Indentured labor” means all labor undertaken pursuant to a contract entered into by an employee the enforcement of which can be accompanied by process or penalties.

**“International Standards”**—“International standards” means generally accepted international standards relating to forced labor and child labor, such as international conventions and treaties. These Guidelines employ definitions of “child labor” and “forced labor” derived from international standards.

**“Produced”**—“Produced” means mined, extracted, harvested, farmed, produced, created, and manufactured.

### Information Requested on Child Labor and Forced Labor

DOL requests current information about the nature and extent of child labor and forced labor in the production of goods internationally, as well as information on government, industry, or third-party actions and initiatives to address these problems. Information submitted may include studies, reports, statistics, news articles, electronic media, or other sources. Submitters should take into consideration the “Sources of Information and Factors Considered in the Development and Maintenance of the List” (Section A of the Procedural Guidelines), as well as the definitions of child labor and forced labor contained in section C of the Guidelines.

Information tending to establish the presence or absence of a significant incidence of child labor or forced labor in the production of a particular good in a country will be considered the most relevant and probative. Governments that have ratified International Labor Organization (“ILO”) Convention 138 (Minimum Age), Convention 182 (Worst Forms of Child Labor), Convention 29



(Forced Labor) and/or Convention 105 (Abolition of Forced Labor) may wish to submit relevant copies of their responses to any Observations or Direct Requests by the ILO's Committee of Experts on the Application of Conventions and Recommendations.

Where applicable, information submissions should indicate their source or sources, and copies of the source material should be provided. If primary sources are utilized, such as research studies, interviews, direct observations, or other sources of quantitative or qualitative data, details on the research or data-gathering methodology should be provided.

Information should be submitted to the addresses and within the time period set forth above. Submissions made via fax, mail, express delivery, hand delivery, or messenger service should clearly identify the person filing the submission and should be signed and dated. Submissions made via mail, express delivery, hand delivery, or messenger service should include an original and three copies of all materials and attachments. If possible, submitters should also provide copies of such materials and attachments on a computer disc. Note that security-related screening may result in significant delays in receiving comments and other written materials by regular mail.

Classified information will not be accepted. The Office may request that classified information brought to its attention be declassified. Submissions containing confidential or personal information may be redacted by the Office before being made available to the public, in accordance with applicable laws and regulations. All submissions will be made available to the public on the DOL Web site, as appropriate. The Office will not respond directly to submissions or return any submissions to the submitter, but the Office may communicate with the submitter regarding any matters relating to the submission.

**Announcement of Public Hearing**

DOL intends to hold a public hearing in 2008 to gather further information to assist in the development of the List. DOL expects to issue a **Federal Register** Notice announcing the hearing at least 30 days prior to the hearing date. The scope of the hearing will focus on the collection of information on child labor and forced labor in the production of goods internationally, and information on government, industry, or third-party actions and initiatives to combat child labor and forced labor. Information tending to demonstrate the presence or

absence of a significant incidence of child labor or forced labor in the production of a particular good in a country will be considered the most relevant and probative.

Signed at Washington, DC, this 20th day of December, 2007.

**Charlotte M. Ponticelli,**

*Deputy Undersecretary for International Affairs.*

[FR Doc. E7-25036 Filed 12-26-07; 8:45 am]

**BILLING CODE 4510-28-P**

**DEPARTMENT OF LABOR**

**Bureau of Labor Statistics**

**Proposed Collection; Comment Request**

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c) (2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the "Current Population Survey (CPS)." A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

**DATES:** Written comments must be submitted to the office listed in the Addresses section below on or before February 25, 2008.

**ADDRESSES:** Send comments to Amy A. Hobby, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue, NE., Washington, DC 20212, 202-691-7628. (This is not a toll-free number.)

**FOR FURTHER INFORMATION CONTACT:** Amy A. Hobby, BLS Clearance Officer, 202-691-7628. (See **ADDRESSES** section.)

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The CPS has been the principal source of the official Government

statistics on employment and unemployment for over 60 years. The labor force information gathered through the survey is of paramount importance in keeping track of the economic health of the Nation. The survey is the only source of monthly data on total employment and unemployment, with the Employment Situation report containing data from this survey being a Primary Federal Economic Indicator (PFEI). Moreover, the survey also yields data on the basic status and characteristics of persons not in the labor force. The CPS data are used monthly, in conjunction with data from other sources, to analyze the extent to which, and with what success, the various components of the American population are participating in the economic life of the Nation.

The labor force data gathered through the CPS are provided to users in the greatest detail possible, in conjunction with the demographic information obtained in the survey. In brief, the labor force data can be broken down by sex, age, race and ethnic origin, marital status, family composition, educational level, and other characteristics. Beginning in 2009, a breakdown by disability status will also be possible. Through such breakdowns, one can focus on the employment situation of specific population groups as well as on general trends in employment and unemployment. Information of this type can be obtained only through demographically oriented surveys such as the CPS.

The basic CPS data also are used as an important platform on which to base the data derived from the various supplemental questions that are administered in conjunction with the survey. By coupling the basic data from the monthly survey with the special data from the supplements, one can get valuable insights on the behavior of American workers and on the social and economic health of their families.

There is wide interest in the monthly CPS data among Government policymakers, legislators, economists, the media, and the general public. While the data from the CPS are used in conjunction with data from other surveys in assessing the economic health of the Nation, they are unique in various ways. Specifically, they are the basis for much of the monthly Employment Situation report, a PFEI. They provide a monthly, nationally representative measure of total employment, including farm work, self-employment and unpaid family work; other surveys are generally restricted to the nonagricultural wage and salary sector, or provide less timely

## Appendix C: Suggested Additional Resources

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Bureau of International Labor Affairs: <http://www.dol.gov/ILAB/>

Bureau of International Labor Affairs, Office of Child Labor, Forced Labor, and Human Trafficking:  
<http://www.dol.gov/ilab/programs/ocft/>

Bureau of International Labor Affairs – Trafficking Victims Protection Reauthorization Act Web Page: <http://www.dol.gov/ILAB/programs/ocft/tvpra.htm>

Bureau of International Labor Affairs – Executive Order 13126 Web Page: <http://www.dol.gov/ILAB/regs/eo13126/main.htm>

Bureau of International Labor Affairs – Trade and Development Act Report: <http://www.dol.gov/ilab/programs/ocft/tda.htm>

U.S. Department of State, Bureau of Democracy, Human Rights and Labor: <http://www.state.gov/j/drl/>

U.S. Department of State, Office to Monitor and Combat Trafficking in Persons: <http://www.state.gov/j/tip/>







