

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

FREQUENTLY ASKED QUESTIONS:

Child Labor and Forced Labor Reports

September 26, 2012

1. What three reports is DOL's Office of Child Labor, Forced Labor and Human Trafficking releasing today?

The Department of Labor's *Findings on the Worst Forms of Child Labor* was mandated by the Trade and Development Act of 2000 (TDA). DOL has published this TDA Report annually since 2002. The Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* was required by the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005. DOL published its first TVPRA List in 2009, and has issued updates in 2010, 2011 and 2012. The Department's *List of Products Produced by Forced or Indentured Child Labor* was mandated by Executive Order (EO) 13126 (1999). The September 26, 2012 Initial Determination is a proposed revision to the EO List published on April 3, 2012.

2. What information does each report cover?

The TDA Report covers children in the worst forms of child labor, and contains narrative profiles of 144 countries and territories. Each profile includes information on the prevalence and sectoral distribution of the worst forms of child labor in the country or territory; national laws and regulations against the worst forms of child labor; institutional mechanisms for coordination and enforcement; government policies on the worst forms of child labor; and social programs to eliminate or prevent the worst forms of child labor. This year, each profile begins with a narrative assessment stating whether countries have made significant, moderate, minimal, or no advancement in eliminating the worst forms of child labor.

The TVPRA List covers adults and children and focuses on goods made with child labor or forced labor in violation of international standards. The TVPRA List includes 134 goods from 74 countries.

The EO List covers only children in forced child labor, and is intended to ensure that U.S. federal agencies do not procure goods made with forced or indentured child labor. The proposed EO List includes 35 products made with forced or indentured child labor from 26 countries.

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

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

4. What criteria did DOL use to determine country assessments for TDA beneficiary countries?

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

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

The TDA Conference Committee Report also asks that a sixth criterion be considered, which is whether the country is making continual progress toward eliminating the worst forms of child labor. The country assessment tool is intended to inform the sixth criterion rather than reflect a determination of “whether a country has implemented its commitments to eliminate the worst forms of child labor.” That determination is reserved for the President.

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

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

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

2011 to December 2011. However, meaningful actions undertaken during the first quarter of 2012 (January – March) were also considered.

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

6. What criteria are used to evaluate information and place goods on the TVPRA List?

In order to compile a credible List that is as 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. Public comments were integrated, as appropriate, into ILAB's final procedural guidelines, which were published in the *Federal Register* on December 27, 2007. See 72 Fed. Reg. 73374 or <http://edocket.access.gpo.gov/2007/pdf/E7-25036.pdf>. The procedural guidelines list the following five principal criteria:

- Nature of the information;
- Date of the information;
- Source of the information;
- Extent of corroboration from various sources; and
- Whether the information indicates a significant incidence of child labor, forced labor, or forced child labor in the production of the good.

These criteria are used in evaluating all information relevant to goods produced by child labor and forced labor in violation of international standards, to formulate the List.

7. Why are there differences between the goods on the Lists and information in the TDA Report?

If the Lists include child labor in the production of a good or product, this good or product is also included in the TDA Report for that country. The Lists were developed pursuant to their respective procedural guidelines, while TDA reporting is intended to provide a comprehensive picture of child labor in a country; its context; and laws, regulations and programs to address the issue.

8. What is the difference between the TVPRA List of Goods and the EO 13126 List of Products?

The EO List is intended to ensure that U.S. federal agencies do not procure goods made with forced or indentured child labor. Thus the EO List differs from the TVPRA List, which is intended to promote efforts to monitor and combat forced labor and child labor in the production of goods in foreign countries. The EO on U.S. federal procurement applies only to the goods on the EO List, not to those on the TVPRA List. In addition, the EO List covers

forced or indentured child labor, while the TVPRA List focuses on a broader population, including adults in forced labor and children in exploitative labor that is not necessarily forced or indentured.

9. Why do the TVPRA and EO Lists include goods produced in the informal or “artisan” sector of production?

In compliance with the scope of the mandates of the Lists, ILAB’s research focused on all economic activity in the production of goods. Economic activity includes all formal and informal sector production of goods, including goods produced just for personal and family consumption. Examples of informal sector activity include casual day-labor hired without contract; small-scale farming and fishing; artisanal mining and quarrying; and manufacturing work performed in home-based workshops. The production of illicit goods is included in these informal economic activities but the appearance of such goods on the Lists is not intended to condone or legitimize these goods or forms of work.

10. Why do the TVPRA and EO Lists include goods that are not exported to the United States?

The TVPRA mandate directs ILAB to monitor and combat child labor and forced labor “in foreign countries” and to develop a List of “goods from countries.” It does not restrict the List to goods that are exported to the United States. In most cases, ILAB does not have information about whether the goods on the List are consumed domestically or exported.

11. Why do the goods on the TVPRA and EO Lists vary in their level of specificity - e.g. “Fish” from Thailand vs. “Tilapia” from Ghana?

The TVPRA procedural guidelines define a ‘good’ as “goods, wares, articles, materials, items, supplies, and merchandise.” ILAB determines the type of good included on the List based on the level of specificity in the sources used to corroborate the use of child labor or forced labor in the production of a good. ILAB welcomes additional information from interested parties that provides greater detail on the goods listed.

12. Which report(s) contain information about adults?

Only the TVPRA List includes information pertaining to adults; it includes goods made with adult forced labor. The TDA and EO mandates focus exclusively on children.

13. Which report(s) include information on the service sector, such as domestic work?

Only the TDA Report covers work in the service sector; the two Lists focus exclusively on the production of goods.

14. Does DOL acknowledge the progress that is being made to address these problems?

FAQs: Child Labor and Forced Labor Reports

All three reports take into account existing efforts to combat child labor and forced labor. The TDA Report has an explicit focus on government laws, institutional mechanisms, policies and social programs; it contains detailed descriptions of the efforts of many governments to combat the worst forms of child labor. DOL has published procedural guidelines governing the development of its Lists (TVPRA and EO), which address the extent to which government, industry, and third-party efforts may be taken into account in making decisions to place goods on the Lists.

15. What consultation process does ILAB engage in with countries and industries that appear on the Lists?

Foreign countries, industry groups and civil society have several opportunities to engage with ILAB in relation to all ILAB reports on international child labor and forced labor. Each year, ILAB releases a *Federal Register* notice requesting information from any party on child labor and forced labor internationally. Responses to this request are typically received from governments, industries and civil society, and are used in developing all reports, as appropriate. ILAB also sends letters to the embassies of the 144 countries and territories covered in the TDA Report, requesting their views on the TDA country profile and any goods that appear on the lists from the country in question. In addition, pursuant to the procedural guidelines governing the TVPRA and EO Lists, ILAB welcomes submissions from governments, industry groups and the public at any time, evaluates and responds individually to each submission. ILAB also meets throughout the year with any government, industry or civil society group requesting a meeting on issues related to the reports.

16. What is the Department of Labor doing to combat the worst forms of child labor in the United States?

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.

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.

More information can be found on the Web site of the Wage and Hour Division: <http://www.dol.gov/whd/>.

17. How can I obtain more information about these three reports?

FAQs: Child Labor and Forced Labor Reports

More information can be found on the Web site of the Office of Child Labor, Forced Labor and Human Trafficking: <http://www.dol.gov/ilab/programs/ocft/>.

18. How can I provide feedback on these three reports?

The Office of Child Labor, Forced Labor and Human Trafficking welcomes feedback on all three reports, and you can send an email to ocft@dol.gov.