

# THE DEPARTMENT OF LABOR'S LIST OF GOODS PRODUCED BY CHILD LABOR OR FORCED LABOR

Report Required by the Trafficking Victims Protection Reauthorization Acts of 2005 and 2008

The United States Department of Labor  
Bureau of International Labor Affairs  
Office of Child Labor, Forced Labor, and Human Trafficking

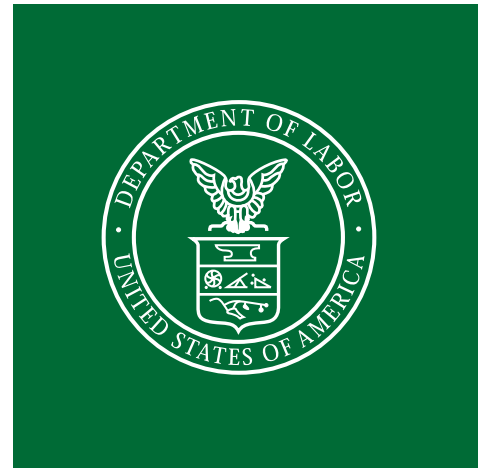
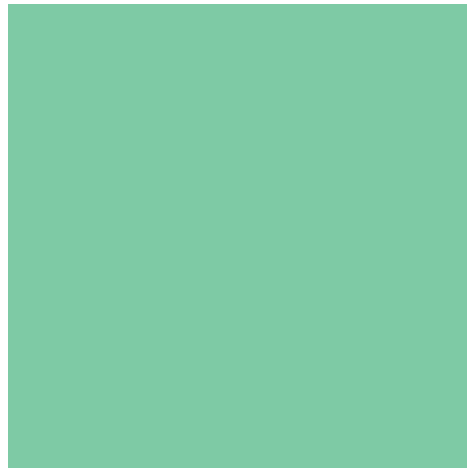


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The United States Department of Labor  
Bureau of International Labor Affairs  
Office of Child Labor, Forced Labor, and Human Trafficking





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

September 10, 2009

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 List of Goods Produced by Child Labor or Forced Labor*, is submitted in accordance with the Trafficking Victims Protection Reauthorization Acts (TVPRA) of 2005 and 2008. The report describes the range of actions undertaken by the Department of Labor (DOL) in response to the TVPRA mandates, and contains a list of 122 goods from 58 countries that DOL's Bureau of International Labor Affairs has reason to believe are produced by forced labor or child labor in violation of international standards. We hope this report will be useful to you.

Sincerely,



HILDA L. SOLIS  
Secretary of Labor

Enclosure

Cc: Hon. Harry Reid, Senate Majority Leader  
Hon. Mitch McConnell, Senate Minority Leader



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

September 10, 2009

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

Dear Madam Speaker:

The enclosed report, titled *The Department of Labor's List of Goods Produced by Child Labor or Forced Labor*, is submitted in accordance with the Trafficking Victims Protection Reauthorization Acts (TVPRA) of 2005 and 2008. The report describes the range of actions undertaken by the Department of Labor (DOL) in response to the TVPRA mandates, and contains a list of 122 goods from 58 countries that DOL's Bureau of International Labor Affairs has reason to believe are produced by forced labor or child labor in violation of international standards. We hope this report will be useful to you.

Sincerely,



HILDA L. SOLIS  
Secretary of Labor

Enclosure

Cc: Hon. John Boehner, House Minority Leader





## FOREWORD


As a nation and as members of the global community, we reject the proposition that it is acceptable to pursue economic gain through the forced labor of other human beings or the exploitation of children in the workplace. However, we are aware that these problems remain widespread in today's global economy. Indeed, we face these problems in our own country. The International Labor Organization estimates that over 12 million persons worldwide are working in some form of forced labor or bondage and that more than 200 million children are at work, many in hazardous forms of labor. The most vulnerable persons – including women, indigenous groups, and migrants – are the most likely to fall into these exploitive situations and the current global economic crisis has only exacerbated their vulnerability.

Most Americans and most consumers in the world market would not choose to purchase goods known to be produced by exploited children or forced laborers - at any price. Likewise, most American companies would prefer that their global suppliers respect workers' and children's fundamental rights and provide their employees with working conditions that meet acceptable local standards. However, to translate these values and preferences into day-to-day purchasing decisions, firms and consumers need reliable information about the labor conditions under which goods are produced. In 2005, Congress passed the Trafficking Victims Protection Reauthorization Act, directing the Secretary of Labor and the Department of Labor's Bureau of International Labor Affairs (ILAB) to compile "a list of goods that ILAB has reason to believe were produced using forced labor or child labor" in order to provide consumers and firms with this type of information.

This report presents that list of goods. The research on which the list is based builds on fifteen years of investigation, analysis and reporting on these and related issues by ILAB. Since 1993, ILAB has published over 20 reports on exploitive labor practices worldwide, including our annual *Department of Labor's Findings on the Worst Forms of Child Labor*.

ILAB's Office of Child Labor, Forced Labor, and Human Trafficking has also provided more than \$720 million in funding for projects to combat these practices in over 80 countries. By raising awareness of harmful labor practices and funding projects to prevent children and adults from engaging in the worst forms of labor exploitation, the Department has provided important tools that governments and other stakeholders can use to end these unacceptable practices.

It is my strong hope that consumers, firms, governments, labor unions and other stakeholders will use this information to translate their economic power into a force for good that ultimately will eliminate exploitive child labor and forced labor.



Hilda L. Solis  
U.S. Secretary of Labor  
September 10, 2009



## ACKNOWLEDGMENTS

This report was prepared under the direction of Sandra Polaski, 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 Leyla Strotkamp of OCFT. The underlying research, writing, editing, and administrative support were carried out by the following Bureau of International Labor Affairs (ILAB) staff: Ana Aslan, Kathryn Chinnock, Daniel Collier, Ina Katherine Cook, Katie Cook, Hoda El-Ghazaly, Ina Farka, Jessica Farmer, Rachel Feller, Sonia Firpi, Whitney Ford, Diantha Garms, Laura Gauer Bermudez, Alexa Gunter, Sharon Heller, Maureen Jaffe, Malaika Jeter, Scott Kohn, Chanda Leckie, Angela Lee, Kristin Lipke, Tina McCarter, Sarah Morgan, Michal Murphy, Eileen Muirragui, Lauren Nicholson, Eman Patel, Angela Peltzer, Maureen Pettis, Connie Piau, Jennifer Piorkowski, Ingris Ramos, Tanya Rasa, Charlotte Reed, Amy Ritualo, Natasha Sachs, Brandie Sasser, Samantha Schasberger, Doris Senko, Mihail Seroka, Sherry Smith, Michael Spangler, Ana Valdes, Pilar Velasquez, Cara Vileno, Jacob von Reyn, Patrick White, and Bruce Yoon.

OCFT would like to note the important contributions to the report made by Nicholas Levintow and Matthew Levin in the Office of the Solicitor and Stephanie Swirsky in the Office of the Assistant Secretary for Policy.

This report was published by the U.S. Department of Labor, ILAB. 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, DC 20210. Telephone: (202) 693-4843; Fax: (202) 693-4830; e-mail: [GlobalKids@dol.gov](mailto:GlobalKids@dol.gov). The reports are also available on the Internet at: <http://www.dol.gov/ilab/>. Comments on the report are also welcomed and may be submitted to the e-mail listed above.



## ABSTRACT

This publication presents the Department of Labor’s Bureau of International Labor Affairs’ implementation report and initial *List of Goods Produced by Child Labor or Forced Labor* (List) pursuant to the Trafficking Victims Protection Reauthorization Acts (TVPRA) of 2005 and 2008.<sup>1</sup> The TVPRA called on ILAB to carry out additional activities to monitor and combat child labor and forced labor in foreign countries. This report provides an update on ILAB’s activities, including monitoring, coordination and information-sharing with various public and private stakeholders on the issues of child labor and forced labor in the production of goods. One of the TVPRA mandates was to develop and publish a list of goods from countries that ILAB “has reason to believe are produced with child labor or forced labor in violation of international standards.” Pursuant to this mandate, ILAB conducted an in-depth review of available information on exploitive working conditions in the production of goods in 77 countries, based on an initial screening of sources that showed these countries to have a higher incidence of child labor and forced labor. In evaluating the information, multiple criteria (including the nature of information, source of information, date of information, extent of corroboration, and significant incidence) were used to determine whether a good should be placed on the List. ILAB ultimately identified 122 goods produced with forced labor, child labor, or both, in 58 countries. The countries on the List span every region of the world and are at different stages of development. More goods were found to be made with child labor than forced labor. By sector, agricultural crops comprise the largest category, followed by manufactured goods and mined or quarried goods. The most common goods listed are cotton, sugarcane, tobacco, coffee, rice, and cocoa in agriculture; bricks, garments, carpets, and footwear in manufacturing; and gold and coal in mined or quarried goods. The primary purposes of the List are to raise public awareness about the incidence of child labor and forced labor in the production of goods in the countries listed and to promote efforts to eliminate such practices.

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<sup>1</sup>Codified as sections 7101 and 7103 of the Trafficking Victims Protection Act (TVPA).

## LIST OF ACRONYMS

|                  |  |
|------------------|--|
| <b>ABC</b>       | American Broadcasting Company  |
| <b>AFL-CIO</b>   | American Federation of Labor and Congress of Industrial Organizations  |
| <b>AP</b>        | Associated Press   |
| <b>BBC</b>       | British Broadcasting Corporation   |
| <b>CEACR</b>     | International Labor Organization Committee of Experts on the Application of Conventions and Recommendations                    |
| <b>DOL</b>       | U.S. Department of Labor   |
| <b>ECPAT</b>     | End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes                                      |
| <b>ILO</b>       | International Labor Organization   |
| <b>ILO-IPEC</b>  | International Labor Organization, International Program on the Elimination of Child Labor                                      |
| <b>ILO-SAPFL</b> | International Labor Organization, Special Action Program to Combat Forced Labor  |
| <b>INDUS</b>     | Indo-US Child Labor Project<br>(joint project of the Government of India's Ministry of Labor and the U.S. Department of Labor) |
| <b>IOM</b>       | International Organization for Migration   |
| <b>IRIN</b>      | Integrated Regional Information Networks<br>(UN Office for the Coordination of Humanitarian Affairs)                           |
| <b>OECD</b>      | Organization for Economic Cooperation and Development  |
| <b>OSCE</b>      | Organization for Security and Cooperation in Europe  |
| <b>UCW</b>       | Understanding Children's Work  |
| <b>UN</b>        | United Nations   |
| <b>UNESCO</b>    | United Nations Educational, Scientific and Cultural Organization   |
| <b>UNHCHR</b>    | Office of the High Commissioner on Human Rights  |
| <b>UNICEF</b>    | United Nations Children's Fund   |
| <b>UNODC</b>     | United Nations Office on Drugs and Crime   |
| <b>USAID</b>     | United States Agency for International Development   |
| <b>WB</b>        | The World Bank   |
| <b>WTO</b>       | World Trade Organization   |

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PART I

# IMPLEMENTATION OF MANDATES UNDER TVPRA



## **PART I: IMPLEMENTATION OF MANDATES UNDER TVPRA**

This report responds to section 110(a) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008,<sup>2</sup> which states:

Not later than January 15, 2010, the Secretary of Labor shall -

- (1) submit to the appropriate congressional committees a final report that -
  - (A) describes the implementation of section 105(b) of the Trafficking Victims Protection Reauthorization Act of 2005; and
  - (B) includes an initial list of goods described in paragraph (2)(C) of such section; and
- (2) make the list of goods described in paragraph (1)(B) available to the public.

This report describes how the Department of Labor (DOL), in consultation with other U.S. Government partners, has implemented the provisions of section 105(b) of the Trafficking Victims Protection Reauthorization Act of 2005 (TVPRA).<sup>3</sup> The initial list of goods (List) described in section 105(b), paragraph (2)(C) of the TVPRA is included in Part II of this report.

### **1. REVIEW OF TVPRA MANDATES**

The TVPRA directed the Secretary of Labor, acting through the Bureau of International Labor Affairs (ILAB), to "carry out additional activities to monitor and combat forced labor and child labor in foreign countries." 22 U.S.C. 7103(b)(1). The law specified these activities as (22 U.S.C. 7103(b)(2)):

- (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.

At all stages of implementation of these mandates, ILAB has consulted with relevant U.S. Government agencies including the Department of State's Bureau of Democracy, Human Rights, and Labor (DRL), the Department of Homeland Security's Immigration and Customs Enforcement (ICE), the Office of the U.S. Trade Representative (USTR), and the members of

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<sup>2</sup>Codified as section 7101 of the Trafficking Victims Protection Act (TVPA). 22 U.S.C. 7101.

<sup>3</sup>Codified as section 7103(b) of the Trafficking Victims Protection Act (TVPA). 22 U.S.C. 7103(b).

the interagency Senior Policy Operating Group (SPOG) on trafficking in persons, chaired by the Department of State's Office to Monitor and Combat Trafficking in Persons (G/TIP).

## 2. ILAB IMPLEMENTATION OF TVPRA MANDATES

### 2.1 Monitoring the Use of Child Labor and Forced Labor

Since 1993, ILAB has monitored and published annual reports on the use of exploitive child labor around the world, which have been widely distributed in the United States and abroad. Since 2001, these reports have focused on child labor in countries with which the United States has negotiated free trade agreements and countries and territories that are beneficiaries of U.S. trade preference programs.

ILO Convention 182 on the Worst Forms of Child Labor provides a universal definition of the worst forms of child labor which includes “all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor” of children.<sup>4</sup> The convention was adopted in 1999 and ratified by the U.S. Government that same year. Congress incorporated this definition into the Trade and Development Act of 2000 (TDA), which makes country eligibility for preferential trade benefits contingent upon implementation of commitments to address the worst forms of child labor. Section 412(c) of the TDA requires the Secretary of Labor to report annually on trade beneficiary countries' implementation of these commitments. 19 U.S.C. 2464. ILAB's annual report, *The U.S. Department of Labor's Findings on the Worst Forms of Child Labor*, includes information on the use of child labor in over 140 countries around the world, including children in slavery, trafficking, debt bondage, and forced or compulsory labor situations. This report can be found at <http://www.dol.gov/ilab/media/reports/iclp/main.htm>.

Since 1995, Congress has appropriated more than \$720 million to ILAB's Office of Child Labor, Forced Labor, and Human Trafficking (OCFT) to administer international projects to withdraw and prevent children from entering the worst forms of child labor. OCFT has provided this funding to implement more than 200 such projects in over 80 countries. For example, the “*Sustainable Elimination of Child Bonded Labor in Nepal*” project, Phases I and II, implemented by ILO-IPEC, withdrew 644 and prevented 14,720 children from bonded labor in eight districts in the midwestern and western regions of Nepal in its first phase, and Phase II targets an additional 9,600 children for withdrawal from, and prevention of, the worst forms of child labor.

With the passage of the TVPRA in 2005, ILAB's mandate expanded to include monitoring of forced or compulsory labor by adults as well as children. ILAB has incorporated adult forced labor into its ongoing research and monitoring activities, and has funded over \$4.7 million in grants and contracts for research on child labor and forced labor. ILAB regularly exchanges

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<sup>4</sup>The United Nations definition of trafficking – contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime – defines “trafficking in persons” as, “the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.” (See <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>).

information on child labor and forced labor with other U.S. Government agencies through various working groups and events. To compile the list of goods produced by child or forced labor mandated by the TVPRA, ILAB published a request for information in the *Federal Register* on December 27, 2007<sup>5</sup> and held a public hearing on the issues on May 28, 2008, which was broadcast on C-SPAN.<sup>6</sup> All submissions received through the request for information, as well as the official record of the public hearing, are available on ILAB's Web site.<sup>7</sup>

The Department of State's Labor Officers and Labor Reporting Officers, stationed in U.S. embassies and consulates, play an important role in providing current information to ILAB on a range of labor issues. To assist these officers in monitoring child labor and forced labor, ILAB hosted two training workshops in spring 2008 (Bangkok, Thailand and Washington, DC) for Department of State officers responsible for labor reporting at 35 overseas posts.

## **2.2 Information Sharing with the Office to Monitor and Combat Trafficking in Persons (G/TIP)**

The Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA of 2003) established the Senior Policy Operating Group (SPOG) on trafficking in persons, chaired by G/TIP, to "coordinate activities of Federal departments and agencies regarding policies (including grants and grant policies) involving the international trafficking in persons."<sup>8</sup> DOL's Deputy Undersecretary for International Affairs is a member of the SPOG. Since its inception, ILAB has played an active role in the SPOG and its subcommittees. SPOG members are kept informed of all DOL anti-trafficking activities, including ILAB research and grant funding as well as the activities of all relevant DOL agencies, such as the Wage and Hour Division. In addition, ILAB comments through an interagency process on all USG trafficking-related grants and contracts to be awarded, and shares its own grants and contracts for comment.

## **2.3 Development of the List of Goods**

ILAB conducted an in-depth review of available information on the use of child labor and forced labor in the production of goods in 77 countries. The countries were selected based on an initial screening of sources, which showed a higher incidence of such practices in these countries. In evaluating the information, multiple criteria were used to determine whether a good should be placed on the list, including the nature of information, source of information, date of information, extent of corroboration, and whether the use of child or forced labor occurred to a significant extent.

The countries on the List span every region of the world and are at different stages of development. More goods were found to be made with child labor than forced labor. By sector, agricultural crops comprise the largest category, followed by manufactured goods and mined or

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<sup>5</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; Request for Information," 72 Fed. Reg. 73374 - (December 27, 2007); available from <http://edocket.access.gpo.gov/2007/E7-25036.htm>. -

<sup>6</sup> U.S. Department of Labor, Public Hearing to Assist in the Development of the List of Goods from Countries - Produced by Child Labor and Forced Labor, May 28, 2008. -

<sup>7</sup> <http://www.dol.gov/ILAB/programs/ocft/tvpra.htm>. -

<sup>8</sup> Codified as section 7103(f) of the Trafficking Victims Protection Act (TVPA). 22 U.S.C. 7103(f). -

quarried goods. The most common agricultural goods listed are cotton, sugarcane, tobacco, coffee, rice, and cocoa. In the manufacturing sector the most common goods listed are bricks, garments, carpets, and footwear; and in mined or quarried goods, gold and coal are the most common.

The complete list is available in Part II of this report. Further information on the development of the List, and processes for addition or removal of goods from the List, can be found in Part II of this report and in the December 27, 2007 *Federal Register* notice (Appendix B).

## **2.4 Creation of a Standard Set of Practices**

The primary purposes of the List are to raise public awareness about the incidence of child labor and forced labor in the production of goods in the countries listed and to promote efforts to eliminate such practices. A related mandate in the TVPRA directs ILAB to work with persons involved in the production of goods on the list to create a standard set of practices that will reduce the likelihood that they will produce goods using child and forced labor.

In 2008, ILAB funded a project with the National Academy of Sciences (NAS) to bring together experts in the fields of child labor, forced labor, program evaluation, and corporate social responsibility. These experts advised ILAB on a framework for identifying good practices used by firms, industries, governments, and public-private partnerships to reduce child labor and forced labor in the production of goods internationally. The framework was discussed at an experts' workshop in May 2009, which brought together representatives from firms and industries, NGOs, international organizations, labor unions, U.S. Government, and other interested groups. ILAB will use this framework as a foundation for development of standard practices in collaboration with a wide variety of stakeholders. Future ILAB activities will include additional research on good practices; a publication highlighting some of the best practices currently in use; stakeholder meetings to discuss and disseminate such practices; and technical assistance to companies to establish and implement these practices.

## **2.5 Consultation with U.S. Government Partners**

ILAB has established collaborative relationships with many U.S. Government agencies that have related mandates. In addition to the agencies already mentioned that were consulted in the development of this report, ILAB informs other relevant federal agencies and working groups of its efforts. ILAB also works with the Department of Homeland Security Immigration and Customs Enforcement's Forced Child Labor (FCL) program. The FCL program oversees enforcement of provisions of the Tariff Act of 1930 which prohibits the importation of products mined or produced by prison, forced, or indentured labor under penal sanctions, including that of children. ILAB provides copies of relevant research to FCL program officials.

ILAB also coordinates with the U.S. Department of Agriculture (USDA) to address the importation of agricultural goods produced with child labor and forced labor. The Food, Conservation, and Energy Act of 2008 ("Farm Bill"), Section 3205 (b) required USDA to establish a *Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products*, to be composed of 13 members, including DOL's Deputy Undersecretary for International Affairs. The mandate of this group is to develop "recommendations relating to a standard set of practices for independent, third-party monitoring and verification for the

production, processing, and distribution of agricultural products or commodities 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.” USDA will use these recommendations to formulate guidelines for a voluntary initiative to reduce the likelihood of importation of these goods.

Information-sharing, collaboration, and transparency across government agencies and with the public have been fundamental to ILAB’s implementation of its TVPRA mandates. This openness is important not only as a principle of good government, but also to strengthen our strategies and to ensure effective responses to the problems of international child labor and forced labor.

## PART II

# LIST OF GOODS PRODUCED BY CHILD LABOR OR FORCED LABOR



## PART II: LIST OF GOODS PRODUCED BY CHILD LABOR OR FORCED LABOR

In recent years, a mounting body of research and media reports has made us increasingly aware of the human cost of producing certain goods we consume. We are familiar with the stories and have seen the haunting images of children performing dangerous and exploitive work. We have also heard the stories of adults trapped in forced labor by unscrupulous labor contractors or because they cannot repay debts imposed by their employers. The ILO estimates that 218 million children work worldwide, 126 million of whom are in hazardous forms of work.<sup>9</sup> Additionally, an unknown number of children are trapped in hidden and illicit forms of labor, such as drug trafficking, prostitution and pornography, which are not captured in these statistics. The ILO also estimates there are 12.3 million persons – children and adults – trapped in forced labor around the world.<sup>10</sup>

Buyers in today’s globally-integrated marketplace face an array of choices when they shop. In addition to the usual price considerations, many consumers and buyers would like to weigh other factors before making purchasing decisions: Who produced this product? How, and under what conditions, was it produced? However, there is a huge gap in information available to consumers about the processes and labor practices that produce the goods in our markets.

The TVPRA of 2005 was enacted in part to begin to fill that gap.<sup>11</sup> This law requires the Department of Labor’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.” The TVPRA of 2008<sup>12</sup> established January 15, 2010, as the deadline for ILAB to publish an initial list, which is presented in this publication.

One of the principal purposes of the *List of Goods Produced by Child Labor or Forced Labor* (List) is to inform the public of the significant incidence of child labor and forced labor in the production of certain goods. It is ILAB’s intent that the List will serve as a useful tool for consumers, firms, governments, and others who do not want to support such practices through their purchases and serve as a springboard for other actions with the end goal being the abolition of these practices.

Readers will note that the List does not include goods produced in the United States. Coverage of domestically-produced goods was not part of the TVPRA mandate. However, DOL recognizes that both child labor and forced labor occur in the United States, and more information is provided in the Discussion section of this report, below.

The following section provides an overview of the research methodology used to develop the List. This is followed by an overview of our findings on child labor and forced labor in the production of goods. The initial List of goods and countries is presented in two forms, sorted

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9 ILO-IPEC, *The end of child labour: Within reach*, Geneva, 2006, 6. -

10 ILO-SAPFL, *A global alliance against forced labour*, Geneva, 2005, 10. -

11 Codified as section 7103 of the Trafficking Victims Protection Act (TVPA). 22 U.S.C. 7103. -

12 Codified as section 7101 of the Trafficking Victims Protection Act (TVPA). 22 U.S.C. 7101. -



first by country and then by good. At the end of the report is a bibliography detailing the sources that were used as a basis for our findings. Additional detail about how the List was developed is available in the procedural guidelines that DOL issued on December 27, 2007, available in Annex B and on the internet at <http://edocket.access.gpo.gov/2007/pdf/E7-25036.pdf>.

## 1. RESEARCH FOCUS

### 1.1 Population Covered

In researching child labor, ILAB focused on children under the age of 18 years. For forced labor, the research covered persons of all ages. The population of interest included persons in foreign countries only; by statute, populations within the U.S. borders were not part of the inquiry.

### 1.2 Nature of Employment

Where ILAB research indicated situations of exploitive working conditions, these situations were reviewed to determine whether they constituted “child labor” or “forced labor” under international labor standards. These definitions are reproduced in part here<sup>13</sup>:

**“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.

**“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.

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<sup>13</sup> The international standards used in developing the list are those promulgated by the International Labor Organization (ILO). The ILO has issued 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 Forced Labor Convention. ILAB’s complete definitions can be found in the procedural guidelines published in the Federal Register on December 27, 2007 and available at <http://www.dol.gov/ILAB/programs/ocft/tvpra.htm>.

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*. ILAB has a separate mandate under Executive Order 13126 to publish a list of goods produced with *forced or indentured child labor*.<sup>14</sup> The Executive Order 13126 list will be updated using research carried out pursuant to the TVPRA mandates and other sources of information.

The inclusion of a good on the List, whether produced by child labor, forced labor, or both, does not necessarily indicate that trafficking in persons was involved in its production. The majority of forced labor and child labor victims are not trafficked into their situations of exploitation.

### **1.3 Sector of Employment**

With the exception of pornography, the goods on the List are either agricultural goods, mined or quarried goods, or manufactured goods. ILAB's research did not cover work in the service sector, which was beyond the scope of the legal mandate.

### **1.4 Economic Activity**

Research focused on all economic activity in the production of goods, including formal and informal sector production and goods produced for personal and family consumption.<sup>15</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 included in the List; this is not intended to condone or legitimize these goods.

### **1.5 Stage of Production**

The placement of a good on the List depends on the stage of production at which child labor or forced labor was involved. For example, if 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 under non-violative conditions in the manufacture or processing of a final good, only the raw materials or component articles are 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 a final good, then both the raw materials or component articles and the final good are included on the List.

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<sup>14</sup> Further information on Executive Order 13126, "Prohibition of Acquisition of Products Produced by Forced or - Indentured Child Labor," as well as the Executive Order list, can be found at <http://www.dol.gov/ILAB/regs/eo13126/main.htm>. -

<sup>15</sup> This corresponds to the international definition of employment, as adopted by the Thirteenth International Conference of Labor Statisticians. See ILO-IPEC, *Global child labour trends 2000-2004*, 2006, 13. -

## 1.6 Consumption of Goods

Most child labor occurs in small-scale production of goods for local consumption,<sup>16</sup> rather than for international trade. Adequate 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 the fact that this was not part of the mandate of the TVPRA.

## 2. METHODOLOGY

In order to compile a List that is as credible 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. Public comments were integrated, as appropriate, into ILAB's final procedural guidelines. The scope of information under review included documentation on exploitive working conditions in the production of goods in 77 countries, which were selected based on an initial screening of sources which showed a higher incidence of child labor and forced labor in these countries (see appendix for the 77 countries).<sup>17</sup> ILAB continues to research additional countries for future updates to the List.

### 2.1 Sources and Collection of Data

ILAB relied on a wide variety of materials originating from its own research, other U.S. Government agencies, foreign governments, international organizations, NGOs, U.S. Government-funded technical assistance and field research projects, academic research, independent research, media, and others. The Department of State and U.S. embassies and consulates abroad provided important information by gathering data from contacts, conducting site visits, and reviewing local media sources. ILAB carried out comprehensive desk reviews to gather all publicly available information on labor conditions in the production of thousands of goods. ILAB sought additional information from the public through a call for submissions published in the *Federal Register* and a public hearing held at DOL on May 28, 2008.<sup>18</sup>

ILAB sought to use the most current sources available. In general, ILAB used sources that were a maximum of 7 years old at the time we carried out research (2008-2009), consistent with our published methodology. However, ILAB made an exception to this maximum source-age policy in the case of child labor surveys. Given the slow-changing nature of the child labor situation in a given country, child labor surveys are carried out infrequently. For this reason, ILAB used some survey data that was a maximum of 10 years old (1999).

To ensure a transparent process, ILAB did not rely on government classified information in developing the List.

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<sup>16</sup> U.S. Department of Labor, *By the Sweat and Toil of Children: The Use of Children in American Imports*, 1994, 2. -

<sup>17</sup> Time constraints limited ILAB's research to a select group of countries in 2008-2009. -

<sup>18</sup> Public submissions received, as well as a transcript of the public hearing, can be found at - <http://www.dol.gov/ILAB/programs/ocft/tvpra.htm>. -

## 2.2 Data Analysis

The TVPRA mandates a List of goods which ILAB has “reason to believe” are produced using forced or child labor in violation of international standards. ILAB operationalized this “reason to believe” standard by establishing five factors to be considered in evaluating information:

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 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 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 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 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.

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” were consistent worldwide.

For all goods found to have a significant incidence of child labor or forced labor, ILAB then considered evidence of government, industry, or third party initiatives to combat these problems. If the evidence demonstrated that the initiative had significantly reduced if not eliminated the incidence of child labor or forced labor from the production of the good, the good was not included on the List.

A bibliography listing the sources used to identify each good is found at the end of this report. To ensure transparency, ILAB is identifying all the sources it used in making its decisions.

### 3. RESULTS

ILAB’s analysis found 122 goods produced with forced labor, child labor, or both, in 58 countries. The research uncovered more goods made with child labor than with forced labor. We are reluctant to draw conclusions from this, as it could be the result of a greater availability of data on child labor, or the possibility that forced labor is better concealed by perpetrators.

When grouped by sector, agricultural crops comprise the largest category. There are 60 agricultural goods on the List, 38 manufactured goods, and 23 mined or quarried goods. Production of pornography was a separate category; compelling evidence was found of this egregious labor abuse in 6 countries, with the likelihood that it occurs in many more.

A number of goods were found to be produced with child labor or forced labor in numerous countries. Examples include cotton (15 countries), sugarcane (14 countries), tobacco (13 countries), coffee (12 countries), rice (8 countries), and cocoa (5 countries) in agriculture; bricks (15 countries), garments (6 countries), carpets (5 countries), and footwear (5 countries) in manufacturing; and gold (17 countries) and coal (6 countries) in mined or quarried goods.

The List is presented below in Tables 1 (sorted by country) and 2 (sorted by good).

**Table 1. List of Goods Produced by Child Labor or Forced Labor – Sorted by Country**

| COUNTRY     | GOOD                           | CHILD LABOR | FORCED LABOR |
|-------------|--------------------------------|-------------|--------------|
| Afghanistan | Bricks                         | X           |              |
| Afghanistan | Carpets                        | X           |              |
| Afghanistan | Flowers (poppies)              | 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           |              |
| Bangladesh  | Footwear                       | X           |              |
| Bangladesh  | Furniture (steel)              | X           |              |
| Bangladesh  | Glass                          | X           |              |

*Source: DOL analysis of collected data sources.*

**Table 1. List of Goods Produced by Child Labor or Forced Labor – Sorted by Country (continued)**

| COUNTRY      | GOOD                       | CHILD LABOR | FORCED LABOR |
|--------------|----------------------------|-------------|--------------|
| Bangladesh   | Leather                    | X           |              |
| Bangladesh   | Matches                    | X           |              |
| Bangladesh   | Salt                       | X           |              |
| Bangladesh   | Shrimp                     | X           |              |
| Bangladesh   | Soap                       | X           |              |
| Bangladesh   | Textiles                   | X           |              |
| Bangladesh   | Textiles (jute)            | X           |              |
| Belize       | Bananas                    | X           |              |
| Belize       | Citrus Fruits              | X           |              |
| Belize       | Sugarcane                  | X           |              |
| Benin        | Cotton                     | X           | X            |
| Benin        | Granite (crushed)          | X           |              |
| Bolivia      | Brazil Nuts/Chestnuts      | X           | X            |
| Bolivia      | Cattle                     |             | X            |
| Bolivia      | Corn                       |             | X            |
| Bolivia      | Gold                       | X           |              |
| Bolivia      | Peanuts                    |             | X            |
| Bolivia      | Silver                     | X           |              |
| Bolivia      | Sugarcane                  | X           | X            |
| Bolivia      | Tin                        | X           |              |
| Brazil       | Bricks                     | X           |              |
| Brazil       | Cattle                     | X           | X            |
| Brazil       | Ceramics                   | X           |              |
| Brazil       | Charcoal                   | X           | X            |
| Brazil       | Cotton                     | X           |              |
| Brazil       | Footwear                   | 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            |
| Burma        | Jade                       | X           | X            |

Source: DOL analysis of collected data sources.

**Table 1. List of Goods Produced by Child Labor or Forced Labor – Sorted by Country (continued)**

| COUNTRY                          | GOOD                     | CHILD LABOR | FORCED LABOR |
|----------------------------------|--------------------------|-------------|--------------|
| 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                         | Rubber                   | X           |              |
| Cambodia                         | Salt                     | X           |              |
| Cambodia                         | Shrimp                   | X           |              |
| Cameroon                         | Cocoa                    | 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           |              |
| Colombia                         | Coca (stimulant plant)   | X           | X            |
| Colombia                         | Coffee                   | X           |              |
| Colombia                         | Emeralds                 | X           |              |
| Colombia                         | Gold                     | X           |              |
| Colombia                         | Pornography              | X           |              |
| Colombia                         | Sugarcane                | X           |              |
| Côte d'Ivoire                    | Cocoa                    | X           | X            |
| Côte d'Ivoire                    | Coffee                   | X           | X            |
| Democratic Republic of the Congo | Cobalt                   | X           |              |
| Democratic Republic of the Congo | Coltan (metallic ore)    | X           |              |

Source: DOL analysis of collected data sources.

**Table 1. List of Goods Produced by Child Labor or Forced Labor – Sorted by Country (continued)**

| COUNTRY                          | GOOD                           | CHILD LABOR | FORCED LABOR |
|----------------------------------|--------------------------------|-------------|--------------|
| Democratic Republic of the Congo | Copper                         | X           |              |
| Democratic Republic of the Congo | Diamonds                       | X           |              |
| Democratic Republic of the Congo | Gold                           | 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           |              |
| Ghana                            | Cocoa                          | X           |              |
| 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                           | 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                            | Embroidered Textiles (zari)    | X           | X            |
| India                            | Fireworks                      | X           |              |
| India                            | Footwear                       | X           |              |
| India                            | Garments                       | X           | X            |
| India                            | Gems                           | X           |              |

Source: DOL analysis of collected data sources.



**Table 1. List of Goods Produced by Child Labor or Forced Labor – Sorted by Country (continued)**

| COUNTRY         | GOOD                      | CHILD LABOR | FORCED LABOR |
|-----------------|---------------------------|-------------|--------------|
| India           | Glass Bangles             | 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           |              |
| India           | Stones                    | X           | X            |
| Indonesia       | Footwear (sandals)        | X           |              |
| Indonesia       | Gold                      | 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           |              |
| Liberia         | Diamonds                  | X           |              |
| Liberia         | Rubber                    | X           |              |
| Malawi          | Tea                       | X           |              |
| Malawi          | Tobacco                   | X           | X            |
| Malaysia        | Garments                  |             | X            |
| Malaysia        | Oil (palm)                |             | X            |
| Mali            | Gold                      | X           |              |
| Mali            | Rice                      | X           | X            |
| Mexico          | Beans (green beans)       | X           |              |
| Mexico          | Chile Peppers             | X           |              |
| Mexico          | Coffee                    | X           |              |
| Mexico          | Cucumbers                 | X           |              |
| Mexico          | Eggplants                 | X           |              |

Source: DOL analysis of collected data sources.

**Table 1. List of Goods Produced by Child Labor or Forced Labor – Sorted by Country (continued)**

| COUNTRY     | GOOD                        | CHILD LABOR | FORCED LABOR |
|-------------|-----------------------------|-------------|--------------|
| 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           |              |
| Nepal       | Bricks                      | X           | X            |
| Nepal       | Carpets                     | X           | X            |
| Nepal       | Embroidered Textiles (zari) | 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       | Gold                        | X           |              |
| Niger       | Gypsum (mineral)            | X           |              |
| Niger       | Salt                        | X           |              |
| Niger       | Trona (mineral)             | X           |              |
| Nigeria     | Cocoa                       | X           | X            |
| 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            |
| Pakistan    | Bricks                      | X           | X            |
| Pakistan    | Carpets                     | X           | X            |
| Pakistan    | Coal                        | X           | X            |
| Pakistan    | Cotton                      |             | X            |

Source: DOL analysis of collected data sources.

**Table 1. List of Goods Produced by Child Labor or Forced Labor – Sorted by Country (continued)**

| COUNTRY      | GOOD                   | CHILD LABOR | FORCED LABOR |
|--------------|------------------------|-------------|--------------|
| Pakistan     | Glass Bangles          | X           |              |
| Pakistan     | Leather                | X           |              |
| Pakistan     | Sugarcane              |             | X            |
| Pakistan     | Surgical Instruments   | X           |              |
| Pakistan     | Wheat                  |             | X            |
| Panama       | Coffee                 | X           |              |
| Panama       | Sugarcane              | X           |              |
| Paraguay     | Cattle                 |             | X            |
| Paraguay     | Cotton                 | X           |              |
| Peru         | Brazil Nuts/Chestnuts  |             | X            |
| Peru         | Bricks                 | X           |              |
| Peru         | Coca (stimulant plant) | X           |              |
| Peru         | Fireworks              | X           |              |
| Peru         | Gold                   | X           | X            |
| Peru         | Timber                 |             | X            |
| Philippines  | Bananas                | X           |              |
| Philippines  | Coconuts               | X           |              |
| Philippines  | Corn                   | X           |              |
| Philippines  | Fashion Accessories    | 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            |
| Senegal      | Gold                   | X           |              |
| Sierra Leone | Diamonds               | X           | X            |
| Sierra Leone | Granite                | 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           |              |

Source: DOL analysis of collected data sources.

**Table 1. List of Goods Produced by Child Labor or Forced Labor – Sorted by Country (continued)**

| COUNTRY      | GOOD             | CHILD LABOR | FORCED LABOR |
|--------------|------------------|-------------|--------------|
| Tanzania     | Tobacco          | X           |              |
| Thailand     | Garments         | X           | X            |
| 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       | Rice             | X           |              |
| Uganda       | Sugarcane        | X           |              |
| Uganda       | Tea              | X           |              |
| Uganda       | Tobacco          | X           |              |
| Uganda       | Vanilla          | X           |              |
| Ukraine      | Coal             | X           |              |
| Ukraine      | Pornography      | X           |              |
| Uzbekistan   | Cotton           | X           | X            |

*Source: DOL analysis of collected data sources.*

**Table 2: List of Goods Produced by Child Labor or Forced Labor – Sorted by Good**

| GOOD                           | COUNTRY     | CHILD LABOR | FORCED LABOR |
|--------------------------------|-------------|-------------|--------------|
| Artificial Flowers             | China       |             | 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            |
| 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           |              |
| Bricks                         | Argentina   | X           |              |
| Bricks                         | Bangladesh  | 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                         | Peru        | X           |              |
| Bricks                         | Uganda      | X           |              |
| Bricks (clay)                  | Colombia    | X           |              |
| Broccoli                       | Guatemala   | X           |              |
| Carpets                        | Afghanistan | X           |              |
| Carpets                        | India       | X           | X            |
| Carpets                        | Iran        | X           |              |
| Carpets                        | Nepal       | X           | X            |
| Carpets                        | Pakistan    | X           | X            |
| Cashews                        | Guinea      | X           |              |
| Cattle                         | Bolivia     |             | X            |
| Cattle                         | Brazil      | X           | X            |
| Cattle                         | Paraguay    |             | X            |

Source: DOL analysis of collected data sources.

**Table 2: List of Goods Produced by Child Labor or Forced Labor – Sorted by Good (continued)**

| GOOD                   | COUNTRY                          | CHILD LABOR | FORCED LABOR |
|------------------------|----------------------------------|-------------|--------------|
| Cattle                 | Uganda                           | X           |              |
| Cement                 | North Korea                      |             | X            |
| Ceramics               | Brazil                           | X           |              |
| Charcoal               | Brazil                           | X           | X            |
| Charcoal               | Uganda                           | X           |              |
| Chile Peppers          | Mexico                           | X           |              |
| Christmas Decorations  | China                            |             | X            |
| Citrus Fruits          | Belize                           | X           |              |
| Citrus Fruits          | Turkey                           | X           |              |
| Cloves                 | Tanzania                         | X           |              |
| Coal                   | China                            |             | X            |
| Coal                   | Colombia                         | X           |              |
| Coal                   | Mongolia                         | X           |              |
| Coal                   | North Korea                      |             | X            |
| Coal                   | Pakistan                         | X           | X            |
| Coal                   | Ukraine                          | X           |              |
| Cobalt                 | Democratic Republic of the Congo | X           |              |
| Coca (stimulant plant) | Colombia                         | X           | X            |
| Coca (stimulant plant) | Peru                             | X           |              |
| Cocoa                  | Cameroon                         | X           |              |
| Cocoa                  | Côte d'Ivoire                    | X           | X            |
| Cocoa                  | Ghana                            | X           |              |
| Cocoa                  | Guinea                           | X           |              |
| Cocoa                  | Nigeria                          | X           | X            |
| Coconuts               | Philippines                      | X           |              |
| Coffee                 | Colombia                         | X           |              |
| Coffee                 | Côte d'Ivoire                    | X           | X            |
| Coffee                 | Dominican Republic               | X           |              |
| Coffee                 | Guatemala                        | X           |              |
| Coffee                 | Guinea                           | X           |              |
| Coffee                 | Honduras                         | X           |              |
| Coffee                 | Kenya                            | X           |              |
| Coffee                 | Mexico                           | X           |              |
| Coffee                 | Nicaragua                        | X           |              |
| Coffee                 | Panama                           | X           |              |
| Coffee                 | Tanzania                         | X           |              |
| Coffee                 | Uganda                           | X           |              |

*Source: DOL analysis of collected data sources.*

**Table 2: List of Goods Produced by Child Labor or Forced Labor – Sorted by Good (continued)**

| <b>GOOD</b>                 | <b>COUNTRY</b>                   | <b>CHILD LABOR</b> | <b>FORCED LABOR</b> |
|-----------------------------|----------------------------------|--------------------|---------------------|
| Coltan (metallic ore)       | Democratic Republic of the Congo | X                  |                     |
| Copper                      | Democratic Republic of the Congo | X                  |                     |
| Corn                        | Bolivia                          |                    | X                   |
| Corn                        | Guatemala                        | X                  |                     |
| Corn                        | Philippines                      | X                  |                     |
| Cotton                      | Burkina Faso                     | X                  | X                   |
| Cotton                      | Argentina                        | X                  |                     |
| Cotton                      | Azerbaijan                       | X                  |                     |
| Cotton                      | Benin                            | X                  | X                   |
| Cotton                      | Brazil                           | X                  |                     |
| Cotton                      | China                            | X                  | X                   |
| Cotton                      | Egypt                            | X                  |                     |
| Cotton                      | Kazakhstan                       | X                  | X                   |
| Cotton                      | Kyrgyz Republic                  | X                  |                     |
| Cotton                      | Pakistan                         |                    | X                   |
| Cotton                      | Paraguay                         | X                  |                     |
| Cotton                      | Tajikistan                       | X                  | X                   |
| Cotton                      | Turkey                           | X                  |                     |
| Cotton                      | Turkmenistan                     | X                  | X                   |
| Cotton                      | Uzbekistan                       | X                  | X                   |
| Cottonseed (hybrid)         | India                            | X                  | X                   |
| Cucumbers                   | Mexico                           | X                  |                     |
| Cumin                       | Turkey                           | X                  |                     |
| Diamonds                    | Democratic Republic of the Congo | X                  |                     |
| Diamonds                    | Liberia                          | X                  |                     |
| Diamonds                    | Sierra Leone                     | X                  | X                   |
| Dried Fish                  | Bangladesh                       | X                  |                     |
| Eggplants                   | Mexico                           | X                  |                     |
| Electronics                 | China                            | X                  | X                   |
| Embroidered Textiles (zari) | India                            | X                  | X                   |
| Embroidered Textiles (zari) | Nepal                            | X                  | X                   |
| Emeralds                    | Colombia                         | X                  |                     |
| Fashion Accessories         | Philippines                      | X                  |                     |
| Fireworks                   | China                            | X                  | X                   |
| Fireworks                   | Guatemala                        | X                  |                     |
| Fireworks                   | India                            | X                  |                     |
| Fireworks                   | Peru                             | X                  |                     |

*Source: DOL analysis of collected data sources.*

**Table 2: List of Goods Produced by Child Labor or Forced Labor – Sorted by Good (continued)**

| GOOD                | COUNTRY                          | CHILD LABOR | FORCED LABOR |
|---------------------|----------------------------------|-------------|--------------|
| 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            | China                            |             | X            |
| Garments            | India                            | X           | X            |
| Garments            | Jordan                           |             | X            |
| Garments            | Malaysia                         |             | X            |
| Garments            | Thailand                         | X           | X            |
| Gems                | India                            | X           |              |
| Glass               | Bangladesh                       | X           |              |
| Glass Bangles       | India                            | X           |              |
| Glass Bangles       | Pakistan                         | X           |              |
| Gold                | Bolivia                          | X           |              |
| Gold                | Burkina Faso                     | X           | X            |
| Gold                | Colombia                         | X           |              |
| Gold                | Democratic Republic of the Congo | X           |              |
| Gold                | Ecuador                          | 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                | Tanzania                         | X           |              |

*Source: DOL analysis of collected data sources.*



**Table 2: List of Goods Produced by Child Labor or Forced Labor – Sorted by Good (continued)**

| GOOD                      | COUNTRY      | CHILD LABOR | FORCED LABOR |
|---------------------------|--------------|-------------|--------------|
| 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           |              |
| Hogs                      | Philippines  | 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           |              |
| Manioc/Cassava            | Nigeria      | X           |              |
| Matches                   | Bangladesh   | X           |              |
| Matches                   | India        | X           |              |
| Melons                    | Honduras     | X           |              |
| Melons                    | Mexico       | X           |              |
| Miraa (stimulant plant)   | Kenya        | X           |              |
| Nails                     | China        |             | X            |
| Nile Perch (fish)         | Tanzania     | X           |              |
| Oil (palm)                | Malaysia     |             | 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               | Philippines  | X           |              |
| Pornography               | Russia       | X           | X            |
| Pornography               | Thailand     | X           |              |

Source: DOL analysis of collected data sources.

**Table 2: List of Goods Produced by Child Labor or Forced Labor – Sorted by Good (continued)**

| GOOD               | COUNTRY            | CHILD LABOR | FORCED LABOR |
|--------------------|--------------------|-------------|--------------|
| Pornography        | Ukraine            | 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           |              |
| Rice               | Mali               | X           | X            |
| Rice               | Philippines        | X           |              |
| Rice               | Uganda             | X           |              |
| Rubber             | Burma              | X           | X            |
| Rubber             | Cambodia           | X           |              |
| Rubber             | Liberia            | X           |              |
| Rubber             | Philippines        | X           |              |
| Rubies             | Burma              | X           | X            |
| Salt               | Bangladesh         | X           |              |
| Salt               | Cambodia           | X           |              |
| Salt               | Niger              | X           |              |
| Sand               | Nigeria            | X           |              |
| Sesame             | Burma              |             | 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             | Nepal              | X           | X            |
| Stones (limestone) | Egypt              | X           |              |
| Stones (pumice)    | Nicaragua          | X           |              |
| Strawberries       | Argentina          | X           |              |

*Source: DOL analysis of collected data sources.*

**Table 2: List of Goods Produced by Child Labor or Forced Labor – Sorted by Good (continued)**

| GOOD                 | COUNTRY            | CHILD LABOR | FORCED LABOR |
|----------------------|--------------------|-------------|--------------|
| 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            | Guatemala          | X           |              |
| Sugarcane            | Kenya              | X           |              |
| Sugarcane            | Mexico             | X           |              |
| Sugarcane            | Pakistan           |             | X            |
| Sugarcane            | Panama             | 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                  | Tanzania           | X           |              |
| Tea                  | Uganda             | X           |              |
| Teak                 | Burma              | X           | X            |
| Textiles             | Bangladesh         | X           |              |
| Textiles             | China              | X           |              |
| Textiles             | North Korea        |             | X            |
| Textiles (jute)      | Bangladesh         | X           |              |
| Tilapia (fish)       | Ghana              | X           | X            |
| Timber               | Brazil             |             | X            |
| Timber               | Peru               |             | X            |
| Tin                  | Bolivia            | X           |              |
| Tobacco              | Argentina          | X           |              |
| Tobacco              | Brazil             | X           |              |
| Tobacco              | Indonesia          | X           |              |
| Tobacco              | Kazakhstan         | X           | X            |
| Tobacco              | Kenya              | X           |              |
| Tobacco              | Kyrgyz Republic    | X           |              |
| Tobacco              | Lebanon            | X           |              |
| Tobacco              | Malawi             | X           | X            |

Source: DOL analysis of collected data sources.

**Table 2: List of Goods Produced by Child Labor or Forced Labor – Sorted by Good (continued)**

| GOOD                         | COUNTRY            | CHILD LABOR | FORCED LABOR |
|------------------------------|--------------------|-------------|--------------|
| Tobacco                      | Mexico             | X           |              |
| Tobacco                      | Nicaragua          | X           |              |
| Tobacco                      | Philippines        | X           |              |
| Tobacco                      | Tanzania           | X           |              |
| Tobacco                      | Uganda             | 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            |
| Yerba Mate (stimulant plant) | Argentina          | X           |              |

*Source: DOL analysis of collected data sources.*

## 4. LIMITATIONS

### 4.1 Data Availability

#### 4.1.1 Countries Not Appearing on Initial List

A country's absence from the above 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 that it is not collected by the government or others, or is intentionally suppressed by the government.

Many countries do not collect data on child labor or forced labor. Among the 77 countries researched in 2008-2009, 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, South Africa, Togo, Venezuela, and Vietnam.

The existence of child labor and forced labor often involves violations of laws and regulations, including serious criminal violations in some cases. Information may be intentionally suppressed, and the victims of these egregious labor practices may be too vulnerable or politically weak to assert their rights or even communicate their situations. In addition, child and forced laborers often work in isolated locations, such as rural areas, or clandestine settings, such as workshops hidden in large cities. Methodologies are needed to capture data on these types of situations.

#### 4.1.2 Countries with Data Gaps on Initial List

ILAB's initial List *does* include goods from some countries known to restrict data collection on these issues or to suppress information dissemination. Examples include Burma, China, Iran, Malaysia, North Korea, and Uzbekistan. If ILAB found information sources despite data availability constraints, and these sources were judged credible, timely, and descriptive, ILAB determined that there was "reason to believe" that child labor or forced labor was occurring.

#### 4.1.3 Countries with Disproportionate Representation on Initial 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 adopted a more open approach to acknowledgement of the problems, have better research and have allowed information on these issues to be disseminated. Such countries include Argentina, Bolivia, Brazil, Colombia, Ecuador, India, Kenya, Mexico, Philippines, Tanzania, Turkey, and Uganda. The number of goods on the List from any particular country should not be interpreted as a definitive indicator that these countries have the most extensive problems of child labor and forced labor.

### 4.2 Generalizability of Findings

The List is comprised of goods and countries that ILAB found to involve 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 does not indicate that all production of the good in that country involves forced labor or child labor, but rather that there is a significant incidence of forced labor and/or child labor in the production of the good. There may be firms in a given country that produce the good in compliance with the law and those that willfully employ child labor and forced labor. Labor conditions may differ widely in different regions of the country, among other variables. The identity of specific firms or individuals using child labor or forced labor was beyond the statutory mandate.

## 5. DISCUSSION

### 5.1 Global Context

The world economic crisis, coupled with the recent surge in global food and fuel prices, has increased the vulnerability of workers and children to exploitive labor practices. The World Bank estimates that increasing food prices could push as many as 100 million persons further into poverty in 2009.<sup>19</sup> The ILO, in its annual Global Employment Trends Report, projects that the number of persons working in "vulnerable employment" could significantly increase in 2009.<sup>20</sup> Since individuals who become entrapped in child labor and forced labor are typically the

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<sup>19</sup> "Food Price Crisis Imperils 100 Million in Poor Countries, Zoellick Says," available from - <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:21729143~pagePK:64257043~piPK:437376~theSitePK:4607,00.html>. -

<sup>20</sup> ILO, *Global Employment Trends: January 2009*, 7; available from [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_101461.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_101461.pdf). -

poorest and most vulnerable members of society, it is likely that as more families fall into economic hardship, the ranks of child and forced laborers will also increase before the crisis abates. Thus, since the TVPRA was signed into law, the need for information and action to combat forced labor and child labor has increased.

## 5.2 Emerging Patterns

The countries on the List span every region of the world, and include all stages of industrialization. The nature of child labor and forced labor varies from country to country, based on geography, economy, culture, migration patterns, and many other factors. The ILO has found that 69 percent of child labor worldwide is in agriculture,<sup>21</sup> and the List contains many examples of child labor in rural, agricultural economies. However, ILAB's research also found child labor in more developed economies, in the manufacture of goods such as Christmas decorations, fashion accessories, and soccer balls for the global marketplace.

With respect to forced labor, certain countries and regions have a higher incidence of “traditional” forms of forced labor, often linked to long-established social structures, religious beliefs, and patterns of discrimination against vulnerable groups. Such patterns are found in parts of South Asia, West Africa, and South America. Other, more “modern” forms of forced labor are linked to globalization and increased migration worldwide.<sup>22</sup> Increasingly, individuals migrating from one country to another - or even within a country - are entrapped by fraudulent recruitment and placement schemes that result in debt bondage, indentured servitude, and other forms of forced labor. Some victims are forcibly trafficked, while others initially accept employment voluntarily, only to find themselves in work situations from which they cannot escape without harsh penalties.

## 5.3 Exemplary Efforts

Elimination of exploitive child labor or forced labor from a sector or a country requires intensive, sustained commitment by governments, employers, workers, and civil society organizations. Some governments have provided leadership and models of good practice in this area. For instance, the Government of India has invested in the National Child Labor Project, which operates at the district level to withdraw children from hazardous work and provide them education, stipends, meals, and health checkups. India has also invested in the Skill Development Initiative Scheme, which gives priority to children withdrawn from child labor and parents of child laborers to enter vocational training programs to improve their employability in safe occupations.

In addition to providing support for projects, some governments have taken initial steps to develop targeted programs and policies by collecting data on the nature and extent of exploitive child labor in their countries. The Governments of Côte d'Ivoire and Ghana and the international cocoa industry have taken steps toward implementing agreements under the

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<sup>21</sup> ILO-IPEC, *The end of child labour: Within reach*, 8. -

<sup>22</sup> “Traditional” vs. “modern” terminology derives from ILO-SAPFL, *A global alliance against forced labour*.

Harkin-Engel Protocol,<sup>23</sup> by publishing child labor cocoa certification surveys and participating in verification activities in the cocoa sector.

The U.S. Department of Labor’s eighth annual *Findings on the Worst Forms of Child Labor*, prepared in accordance with the Trade and Development Act of 2000, provides detailed information on the efforts of 141 countries and territories to implement their international commitments to eliminate the worst forms of child labor, including forced child labor. While goods from some of these countries appear on the List, ILAB commends these countries’ willingness to acknowledge the existence of exploitive labor conditions and commit public resources to eliminate them.

### 5.3.1 Brazil’s Multi-Faceted Approach

The Government of Brazil has taken an exemplary, multi-faceted approach to the elimination of child and forced labor. It has improved its legislative framework, enforced these laws effectively, established targeted action plans to combat child labor, forced labor, and trafficking in persons, supported private institutions working to combat these problems, carried out public awareness campaigns, and provided direct assistance to victims. The government participates in bilateral and multilateral programs to combat these problems in Brazil and with its neighboring countries. The government makes current labor inspection data publicly available and published a special supplement on child labor as part of its 2006 Household Survey.

The Ministry of Labor’s “mobile inspection unit” carries out inspections and in 2008 freed 5,017 persons who were working under forced labor conditions. The government publishes a “Dirty List” (*Lista Suja*) of forced labor cases, including the names of companies and property owners who employ workers under forced labor conditions. Violators are kept on the Dirty List for two years, and removed only if they have discontinued use of forced labor and paid all wages due to workers.

Brazil has also achieved notable success in voluntary, private-sector efforts to tackle child labor in specific industries. Collective bargaining agreements between employers and unions often include clauses against child labor, and the government has joined employers and unions in industry-wide agreements. The Brazilian NGOs Ethos and the Abrinq Foundation award child labor-free labels to companies that have eliminated child labor from their production chains and contributed to other efforts to end child labor. Finally, the Brazilian Association of Supermarkets exerts pressure on producers to adhere to labor standards.

### 5.3.2 Efforts Against Forced Labor Around the World

Many other countries have initiated efforts, large and small, to tackle forced labor. For example, the Government of Zambia conducted research on labor recruitment practices and labor

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<sup>23</sup> The Harkin-Engel Protocol, signed by the cocoa industry in 2001, represents a voluntary commitment by the cocoa industry to address the issues of exploitive child labor in the cocoa sectors of Côte d’Ivoire and Ghana. The Protocol calls for a number of actions by the cocoa industry, including credible certification and verification systems to ensure that cocoa from Côte d’Ivoire and Ghana is not being grown or processed using the worst forms of child labor.

migration, and uncovered cases of forced labor and human trafficking. In response, the government developed new legislation and policies, established an inter-agency committee on human trafficking, trained police officers, and dedicated resources to victim support services.

In South Asia, the governments of Pakistan and Nepal have passed laws against bonded labor, resulting in the release of thousands of families from intergenerational debt bondage and involuntary servitude. Since 2001, the ILO has supported the efforts of the Pakistani government to increase the capacity of workers' organizations, employers' organizations, its own law enforcement officials, and other stakeholders to tackle forced labor. The government has also worked with the ILO to collect data on forced labor in agriculture and such industries as leather tanning and manufacturing of glass bangles, carpets, and bricks.

Some South American governments have been at the forefront of action against forced labor. Brazil and Peru have each approved national action plans against forced labor, while Bolivia has created a Transitional Plan for the Guaraní Communities that involves several national ministries and addresses forced labor in the Chaco region. In Argentina, there was rapid government response after a 2006 fire that killed six workers including four children involved in forced labor. The Government of Argentina and the City of Buenos Aires increased labor inspections, closed down clandestine workshops, and established a hotline and website to report forced and exploitive labor situations. In July 2009, the government's National Institute for Industrial Technology, together with the Government of Buenos Aires, and La Alameda, a civil society organization working to end forced and child labor, inaugurated an innovative Demonstration Textile Center that highlights collaboration among local government, national government, civil society organizations, and religious groups to provide employment alternatives to workers rescued from forced labor situations.

#### **5.4 Child Labor and Forced Labor in the United States**

While the TVPRA mandate covered foreign countries only, DOL acknowledges that both child labor and forced labor occur in the United States. DOL's Wage and Hour Division (WHD), which enforces the child labor provisions of the Fair Labor Standards Act, found 4,734 minors illegally employed in fiscal year (FY) 2008. In 41 percent of cases in which child labor violations were cited, WHD found children working under hazardous conditions, working in hazardous environments and/or using prohibited equipment such as using paper balers and dough mixers.<sup>24</sup>

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

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<sup>24</sup> The other child labor violations occurred when workers under the age of 16 worked too many hours, too late at night, or too early in the morning.



Orders.<sup>25</sup> In 2008, WHD assessed over \$4.2 million in civil penalties against employers for child labor law violations. In 2009, WHD cited five agricultural employers for employing minors under the legal age of employment in the blueberry fields of North Carolina. WHD is also reviewing both the agricultural and non-agricultural child labor regulations to ensure their relevance to contemporary workplaces.

Children are permitted to work in agriculture at a younger age and they are among the most vulnerable of the country's workers. The nature of agricultural employment, including its short seasonal duration, remote locations, and mobility of the work, pose particular enforcement challenges. Agricultural work can be difficult and dangerous with significant hazards for youth. The fatality rate for young workers in agriculture is almost six times the rate in other industries. Nearly 60 percent of the youth fatalities in agriculture in the U.S. from 1998 to 2002 were youths who worked on family farms. The deaths of young family farm workers accounted for nearly a quarter of all of the young worker deaths that occurred in all industries during the same period.

WHD investigators who conduct investigations in the agricultural industry are instructed to examine compliance with the provisions of all applicable statutes providing protections for agricultural workers, particularly wages, housing, and transportation, field worker safety and child labor provisions.

With regard to forced labor, President Obama has recently called attention to the thousands of persons trapped in various forms of enslavement across the country, calling for prosecution and international coordination. WHD investigators are trained to recognize potential situations in which workers may have been exploited, and to refer these situations to the appropriate law enforcement authorities. WHD specifically targets low-wage industries, such as restaurants, janitorial services, hotels and motels, and agriculture, where forced labor is most likely to be found.

## 6. CONCLUSION

The primary purposes of the TVPRA 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 promote efforts to eliminate such practices. The List is not intended to be punitive in nature.

Although transparency and dissemination of information can expose a government or industry to criticism, it can also pave the way for targeted efforts to combat the problems and for resources to be expended for that purpose. When problems are known and understood, they can be addressed. It is ILAB's hope that better information on exploitive labor practices will spur actions to eliminate child and forced labor and that goods and countries can be removed from the List over time. As new, relevant information is obtained through research, ILAB will update the List, adding or removing entries as appropriate. ILAB will also consider updates to the List based on public information submissions. Mechanisms for changes to the List are described in detail in the procedural guidelines.

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<sup>25</sup> The FLSA provides a minimum age of 18 years for nonagricultural occupations, and 16 years for agricultural occupations, involving work which the Secretary of Labor finds and declares to be particularly hazardous or detrimental to the health and well-being of persons under these ages.

Successfully combating child labor and forced labor requires addressing not only the illegal aspects of such practices but also providing better jobs and educational opportunities, ensuring social protections for vulnerable groups, and protecting worker rights in general. Governments, the private sector, and civil society groups such as NGOs and labor unions all have important roles to play. Government efforts can include national and provincial laws, law enforcement, plans of action, and efforts to work cooperatively with foreign governments and non-governmental groups. Private sector and civil society efforts can include codes of conduct, monitoring, labeling, information dissemination, and service provision, among other activities. ILAB encourages such efforts and has funded and collaborated on many such activities around the world. Additional action is required to ensure that the progress made thus far is not lost in the global economic downturn.

# APPENDICES



## APPENDIX A: 77 COUNTRIES RESEARCHED BY ILAB IN 2008-2009

1. Afghanistan
2. Argentina
3. Azerbaijan
4. Bangladesh
5. Barbados
6. Belarus
7. Belize
8. Benin
9. Bolivia
10. Brazil
11. Burkina Faso
12. Burma
13. Cambodia
14. Cameroon
15. Chile
16. China
17. Colombia
18. Côte d'Ivoire
19. Democratic Republic of the Congo
20. Dominican Republic
21. Ecuador
22. Egypt
23. Gabon
24. Georgia
25. Ghana
26. Guatemala
27. Guinea
28. Guyana
29. Haiti
30. Honduras
31. India
32. Indonesia
33. Iran
34. Iraq
35. Israel
36. Jordan
37. Kazakhstan
38. Kenya
39. Kuwait
40. Kyrgyz Republic
41. Laos
42. Lebanon
43. Liberia
44. Malawi
45. Malaysia
46. Mali
47. Mexico
48. Mongolia
49. Nepal
50. Nicaragua
51. Niger
52. Nigeria
53. North Korea
54. Pakistan
55. Panama
56. Paraguay
57. Peru
58. Philippines
59. Russia
60. Saudi Arabia
61. Senegal
62. Sierra Leone
63. South Africa
64. Sri Lanka
65. Tajikistan
66. Tanzania
67. Thailand
68. Togo
69. Turkey
70. Turkmenistan
71. United Arab Emirates
72. Uganda
73. Ukraine
74. Uruguay
75. Uzbekistan
76. Venezuela
77. Vietnam

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



*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

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