

List of Goods Produced by Child Labor or Forced Labor

Required by the Trafficking Victims
Protection Reauthorization Act of 2005



BUREAU OF INTERNATIONAL LABOR AFFAIRS
UNITED STATES DEPARTMENT OF LABOR

December 1, 2014





In Memoriam

All photographs in this report are credited to U. Roberto (“Robin”) Romano, who passed away on November 1, 2013. Robin traveled the world to document the human face of child labor through photographs, films, and interviews.

From coffee and cocoa plantations in Africa to factories in Asia, he made it his life’s work to raise awareness about the exploitation of children and call for action to address this abuse.

SECRETARY OF LABOR
WASHINGTON, D.C.

DEC 01 2014

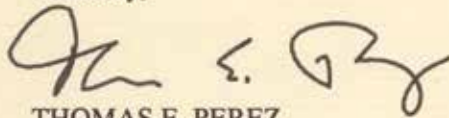
The Honorable Joseph R. Biden
The Vice President of the United States
Washington, DC 20500

Dear Mr. Vice President:

The enclosed report, titled The Department of Labor's (DOL) *List of Goods Produced by Child Labor or Forced Labor* (List), is produced in accordance with the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005. This is the sixth edition of the TVPRA report. With this update, the List now includes 136 goods from 74 countries that DOL's Bureau of International Labor Affairs has reason to believe are produced by child labor or forced labor in violation of international standards.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom E. Perez', is written over the typed name.

THOMAS E. PEREZ

Enclosure

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



SECRETARY OF LABOR

WASHINGTON, D.C.

DEC 01 2014

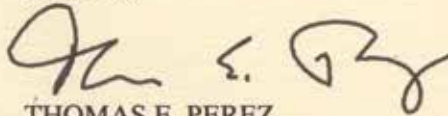
The Honorable John Boehner
Speaker of the House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

The enclosed report, titled The Department of Labor's (DOL) *List of Goods Produced by Child Labor or Forced Labor* (List), is produced in accordance with the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005. This is the sixth edition of the TVPRA report. With this update, the List now includes 136 goods from 74 countries that DOL's Bureau of International Labor Affairs has reason to believe are produced by child labor or forced labor in violation of international standards.

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

Sincerely,



THOMAS E. PEREZ

Enclosure

cc: The Honorable Nancy Pelosi, House Minority Leader



SECRETARY OF LABOR
WASHINGTON, D.C. 20210

DEC 01 2014

FOREWORD

This year, we celebrate the 50th anniversary of the Civil Rights Act, signed into law by President Lyndon Johnson on July 2, 1964. The Civil Rights Act enshrined into law the basic principle upon which our country was founded – that all people are created equal. For the Freedom Riders who set out for the Deep South to challenge the status quo of Jim Crow laws, the Filipino and Mexican farmworkers who organized the Delano Grape Strike, and so many other civil rights activists, the struggle was about more than simply ending discrimination. It was about economic justice and fighting for equal access to good jobs and decent wages. It was about unlocking doors to the American Dream. It was about advancing the cause of labor rights. It marked a recognition that at the core of the struggle for equal opportunity was the promise of economic opportunity.

While there has been remarkable progress over the past half century, that struggle still continues— not only here in the United States but abroad. As Secretary of Labor, I am committed to ensuring that the United States is at the forefront of efforts to ensure that workers around the world are treated fairly and able to share in the benefits of the global economy. For many people, including those in minority communities of color, living within caste systems, subject to ethnic strife, and part of indigenous populations, the road to meaningful opportunity remains blocked.

In President Obama's 2014 State of the Union address, he noted that "the best measure of opportunity is access to a good job." Sadly, all too often, that opportunity is threatened or denied for adults and children around the globe. A new law in Bolivia now permits children as young as 10 to work. In Nigeria, Boko Haram's opposition to female education led to the kidnapping of over 200 schoolgirls. And for 168 million child laborers around the world and 6 million children who suffer as forced laborers, "opportunity" has meant carrying heavy loads and wielding machetes on farms; scavenging in garbage dumps and being exposed to electronic waste; climbing into mine shafts in search of diamonds and gold; enduring physical, emotional, and verbal abuse as domestic servants; fighting as child combatants in armed conflict; and being coerced, deceived, and trapped in jobs by unscrupulous labor recruiters and sex traffickers.

But we are making important progress. In June, delegates to the 103rd International Labor Conference in Geneva, Switzerland acknowledged their shared commitment to protect workers and promote opportunity by voting overwhelmingly to adopt a new Protocol and Recommendation on Forced Labor. The Protocol supplements existing ILO Convention 29 on Forced Labor and reaffirms the need for measures of prevention, protection, and remedies, including compensation, for victims of forced labor. These standards will help further galvanize those working to eradicate forced labor around the world.

And in October, the Nobel Peace Prize was awarded to two courageous human rights champions, Kailash Satyarthi and Malala Yousafzai. Kailash Satyarthi's tireless campaign to end forced child labor, and Malala Yousafzai's fearless global advocacy for the rights of boys and girls to an

education, have brought hope to countless children suffering exploitation and facing an uncertain future. The attention they will continue to receive as recipients of the Peace Prize provides an unprecedented opportunity to highlight more broadly the global efforts to eradicate child labor and other forms of exploitation.


Through the U.S. Department of Labor's Bureau of International Labor Affairs, I am releasing the sixth edition of the Department's *List of Goods Produced by Child Labor or Forced Labor*, mandated by the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005. This year's edition includes two new goods, one new country, and 11 new items.

We dedicate this report to Senator Tom Harkin of Iowa, who is retiring at the end of this term. Throughout his 40 years in the U.S. House of Representatives and the U.S. Senate, Tom Harkin has been a fierce and tireless champion for equal opportunity for all Americans, fighting for access to a quality education, advancing the rights of individuals with disabilities, and so much more.

Senator Harkin also deserves our gratitude for leading efforts to protect workers' rights and eliminate the worst forms of child labor globally, from the carpet industries of South Asia to the cocoa farms of West Africa and the manufacturing sector in Latin America. In the words of Senator Harkin, the intent of these reports is "to bring countries to account, to shine a spotlight on their need to reform their national laws and to put in place social safety nets for those trapped in the worst forms of child labor. The aim is not punitive but rather to jumpstart individual and collective action."

Senator Harkin was inspired by young people like Iqbal Masih (1983-1995) and by those who brought attention to the cause like Robin Romano (1956-2013). Iqbal was a Pakistani child sold into slavery who became an outspoken advocate against child exploitation after his escape at age 10, only to be murdered two years later. His heroism gave rise to the Iqbal Masih Award, an annual honor presented by the Secretary of Labor to recognize exceptional efforts to reduce the worst forms of child labor. Last month, Senator Harkin received the 2014 Iqbal Masih Award. Robin, whose legacy includes all the photos in this year's report, made it his life's work to raise awareness about the exploitation of children through images of child laborers around the world. Robin long played a leadership role in the advocacy organization Media Voices for Children, the 2012 Iqbal Masih Award recipient.

In signing the Civil Rights Act into law half a century ago, President Johnson called it "a challenge to all of us to go to work in our communities and our States, in our homes and in our hearts, to eliminate the last vestiges of injustice in our beloved country." As we continue our nation's journey toward true equal justice for all, let us also recommit ourselves to realizing Tom Harkin's vision—to end abusive labor practices and ensure basic dignity and real opportunity for every man, woman, and child around the globe.



THOMAS E. PEREZ

Introduction

Who picked the cotton for the shirt on your back? Who cut the cane for the sugar in your coffee? Who fired the kiln to make the bricks in your fireplace?

The List contained in these pages originates from a simple conviction: none of the products we consume on a daily basis should be made by an adult who is forced to produce them or a child under conditions that violate international law.

This sixth edition of the U.S. Department of Labor's (DOL) *List of Goods Produced by Child Labor or Forced Labor*, mandated by the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005 (TVPRA List), shows we still have a long way to go toward reaching that goal. It tallies 136 goods produced by forced labor or child labor in violation of international standards, or both, in 74 countries across the world. However, it also illustrates that the combination of strong international labor standards and improved data collection and reporting put us all in a position to combat forced labor and child labor more effectively.

This edition of the TVPRA List comes at an historic moment in the global fight against forced labor. In June 2014, the International Labor Organization's (ILO) International Labor Conference adopted a Protocol and Recommendation to address gaps in the implementation of the ILO's Forced Labor Convention, 1930 (C. 29). These new instruments aim to advance prevention, protection and compensation measures to effectively achieve the elimination of forced labor.¹ They will be critical tools to guide and bolster the efforts of governments, businesses, and civil society as they seek to provide protection and remedies to the estimated 21 million people in forced labor around the world; to prevent more people from falling victim to this crime; and to target the criminals who earn an estimated \$150 billion per year in illegal profits through the use of forced labor.²

The ILO's fundamental conventions on child labor, the Minimum Age Convention, 1973 (C. 138) and the Worst Forms of Child Labor Convention, 1999 (C. 182), have played a key role in building an international, multi-sectoral movement against child labor, with common goals and complementary efforts. The cumulative effect of these efforts is clear in the ILO's most recent global estimates on working children which demonstrate a significant decline in child labor from 215 million in 2008 to 168 million in 2012. Among the 168 million child laborers in 2012, 85 million were engaged in hazardous work.³

The TVPRA of 2005 requires DOL's Bureau of International Labor Affairs (ILAB) to "develop and make available to the public a list of goods from countries that [ILAB] has reason to believe are produced by forced labor or child labor in violation of international standards." ILAB published its initial TVPRA List on September 10, 2009. The TVPRA of 2013 requires submission of the TVPRA List to Congress not later than December 1, 2014, and every two years thereafter.⁴ Consistent with its TVPRA of 2005 mandate,⁵ ILAB maintains the TVPRA List primarily to raise public awareness about forced labor and child labor around the world and to promote efforts to combat them; it is not intended to be punitive, but rather to serve as a catalyst for more strategic and focused coordination and collaboration among those working to address these problems.

Publication of the TVPRA List has resulted in new opportunities for ILAB to engage with foreign governments to combat forced labor and child labor. It can also serve to complement existing U.S. Government engagement. For example, the U.S. Government is already involved in productive high-level discussions with the Government of Malaysia to address forced labor- and child labor-related concerns. For companies, the TVPRA List has become an effective resource in carrying out risk assessment and due diligence on labor rights in their supply chains. For civil society groups, it has been a useful tool for advocating on behalf of working children and victims of forced labor.



TVPRA List

The 2014 update to the TVPRA List includes 136 goods, 74 countries and 353 line items. A line item is a combination of a good and country. This edition of the TVPRA List adds 2 new goods, alcoholic beverages and meat, and 1 new country, Yemen. Overall, this update adds 11 new line items to the TVPRA List. It also adds a “child labor” designation to one good that was already on the TVPRA List in the “forced labor” category: palm oil from Malaysia. Given the current state of research on child labor and forced labor, the TVPRA List – while as comprehensive as possible – includes only those goods for which ILAB is able to document that there is reason to believe that child or forced labor is used in their production. It is likely that many more goods are produced through these forms of labor abuse. Figure 1 shows various breakdowns of the TVPRA List by country and sector.



Additions in 2014

The chart below identifies the goods and countries added to the TVPRA list in 2014.

COUNTRY	GOOD	CATEGORY
Bangladesh	garments	child labor
Cambodia	alcoholic beverages	child labor
Cambodia	meat	child labor
Cambodia	textiles	child labor
Cambodia	timber	child labor
India	cotton	child labor
India	sugarcane	child labor
Kenya	fish	child labor
Madagascar	vanilla	child labor
Malaysia	electronics	forced labor
Malaysia	palm oil	child labor
Yemen	fish	child labor

LIST OF GOODS PRODUCED BY CHILD LABOR OR FORCED LABOR

By Country

KEY
FORCED LABOR

CHILD LABOR

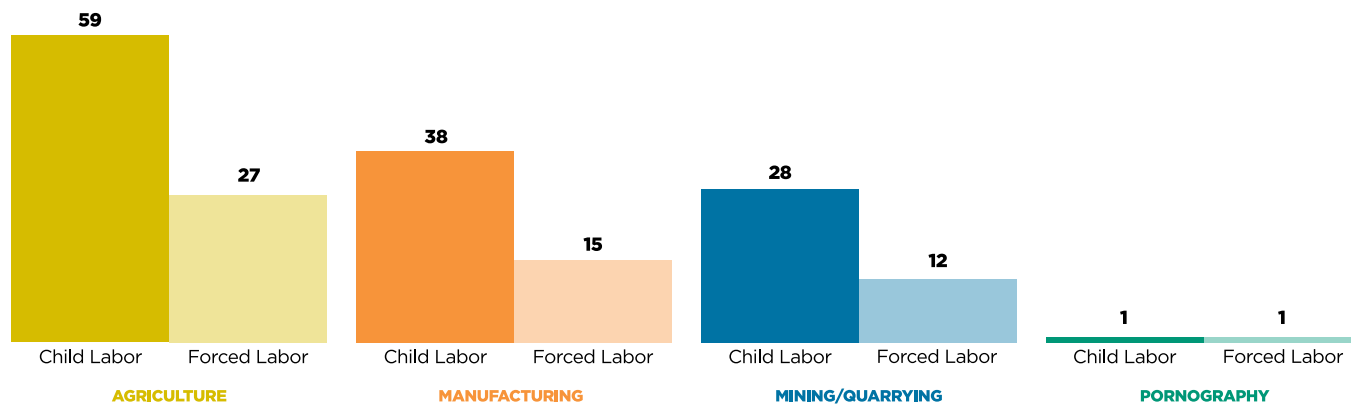
BOTH
* good added in 2014, *child labor*† good added in 2014, *forced labor*

Afghanistan	BRICKS • CARPETS • COAL • POPPIES
Angola	DIAMONDS
Argentina	BLUEBERRIES • BRICKS • COTTON • GARLIC • GARMENTS • GRAPES • OLIVES • STRAWBERRIES • TOBACCO • TOMATOES • YERBA MATE
Azerbaijan	COTTON
Bangladesh	BIDIS • BRICKS • DRIED FISH • FOOTWEAR • STEEL FURNITURE • GARMENTS* • GLASS • LEATHER • JUTE TEXTILES • MATCHES • POULTRY • SALT • SHRIMP • SOAP • TEXTILES
Belize	BANANAS • CITRUS FRUITS • SUGAR CANE
Benin	COTTON • CRUSHED GRANITE
Bolivia	BRAZIL NUTS/CHESTNUTS • BRICKS • CATTLE • CORN • GOLD • PEANUTS • SILVER • SUGARCANE • TIN • ZINC
Brazil	BEEF • BRICKS • CASHEWS • CATTLE • CERAMICS • CHARCOAL • COTTON • FOOTWEAR • GARMENTS • MANIOC/CASSAVA • PINEAPPLES • RICE • SISAL • SUGARCANE • TIMBER • TOBACCO
Burkina Faso	COTTON • GOLD
Burma	BAMBOO • BEANS • BRICKS • JADE • PALM THATCH • PHYSIC NUTS/CASTOR BEANS • RICE • RUBBER • RUBIES • SESAME • SHRIMP • SUGARCANE • SUNFLOWERS • TEAK
Cambodia	ALCOHOLIC BEVERAGES* • BRICKS • CASSAVA • FISH • MEAT* • RUBBER • SALT • SHRIMP • TEXTILES* • TIMBER* • TOBACCO
Cameroon	COCOA
Central African Rep.	DIAMONDS
Chad	CATTLE
China	ARTIFICIAL FLOWERS • BRICKS • CHRISTMAS DECORATIONS • COAL • COTTON • ELECTRONICS • FIREWORKS • FOOTWEAR • GARMENTS • NAILS • TEXTILES • TOYS
Colombia	CLAY BRICKS • COAL • COCA • COFFEE • EMERALDS • GOLD • PORNOGRAPHY • SUGARCANE
Cote d'Ivoire	COCOA • COFFEE
Congo, Dem. Rep.	CASSITERITE • COLTAN • COPPER • DIAMONDS • HETEROGENITE • GOLD • WOLFRAMITE
Dominican Republic	BAKED GOODS • COFFEE • RICE • SUGARCANE • TOMATOES
Ecuador	BANANAS • BRICKS • FLOWERS • GOLD
Egypt	COTTON • LIMESTONE
El Salvador	COFFEE • FIREWORKS • SHELLFISH • SUGARCANE
Ethiopia	CATTLE • GOLD • HAND-WOVEN TEXTILES
Ghana	COCOA • FISH • GOLD • TILAPIA
Guatemala	BROCCOLI • COFFEE • CORN • FIREWORKS • GRAVEL • SUGARCANE
Guinea	CASHEWS • COCOA • COFFEE • DIAMONDS • GOLD
Honduras	COFFEE • LOBSTERS • MELONS
India	BIDIS • BRASSWARE • BRICKS • CARPETS • COTTON* • EMBELLISHED TEXTILES • FIREWORKS • FOOTWEAR • GARMENTS • GEMS • GLASS BANGLES • HYBRID COTTONSEED • INCENSE • LEATHER GOODS/ACCESSORIES • LOCKS • MATCHES • RICE • SILK FABRIC • SILK • THREAD • SOCCER BALLS • STONES • SUGARCANE* • THREAD/YARN
Indonesia	FISH • GOLD • PALM OIL • RUBBER • SANDALS • TOBACCO
Iran	CARPETS
Jordan	GARMENTS
Kazakhstan	COTTON

Kenya	COFFEE • FISH* • MIRAA • RICE • SISAL • SUGARCANE • TEA • TOBACCO
Kyrgyz Republic	COTTON • TOBACCO
Lebanon	TOBACCO
Lesotho	CATTLE
Liberia	DIAMONDS • RUBBER
Madagascar	SAPPHIRES • STONES • VANILLA*
Malawi	TEA • TOBACCO
Malaysia	ELECTRONICS† • GARMENTS • PALM OIL*
Mali	COTTON • GOLD • RICE
Mauritania	CATTLE • GOATS
Mexico	CHILE PEPPERS • COFFEE • CUCUMBERS • EGGPLANTS • GREEN BEANS • MELONS • ONIONS • PORNOGRAPHY • SUGARCANE • TOBACCO • TOMATOES
Mongolia	COAL • FLUORSPAR • GOLD
Mozambique	TOBACCO
Namibia	CATTLE
Nepal	BRICKS • CARPETS • EMBELLISHED TEXTILES • STONES
Nicaragua	BANANAS • COFFEE • GOLD • GRAVEL • PUMICE STONE • SHELLFISH • TOBACCO
Niger	CATTLE • GOLD • GYPSUM • SALT • TRONA
Nigeria	COCOA • GRANITE • GRAVEL • MANIOC/CASSAVA • SAND
North Korea	BRICKS • CEMENT • COAL • GOLD • IRON • TEXTILES • TIMBER
Pakistan	BRICKS • CARPETS • COAL • COTTON • GLASS BANGLES • LEATHER • SUGARCANE • SURGICAL INSTRUMENTS • WHEAT
Panama	COFFEE • MELONS • SUGARCANE
Paraguay	BRICKS • CATTLE • COTTON • LIMESTONE • PORNOGRAPHY • SUGARCANE
Peru	BRAZIL NUTS/CHESTNUTS • BRICKS • COCA • FIREWORKS • FISH • GOLD • TIMBER
Philippines	BANANAS • COCONUTS • CORN • FASHION ACCESSORIES • FISH • GOLD • HOGS • PORNOGRAPHY • PYROTECHNICS • RICE • RUBBER • SUGARCANE • TOBACCO
Russia	PORNOGRAPHY
Rwanda	TEA
Senegal	GOLD
Sierra Leone	COCOA • COFFEE • DIAMONDS • GRANITE • PALM OIL
South Sudan	CATTLE
Suriname	GOLD
Tajikistan	COTTON
Tanzania	CLOVES • COFFEE • GOLD • NILE PERCH • SISAL • TANZANITE • TEA • TOBACCO
Thailand	FISH • GARMENTS • PORNOGRAPHY • SHRIMP • SUGARCANE
Turkey	CITRUS FRUITS • COTTON • CUMIN • FURNITURE • HAZELNUTS • PEANUTS • PULSES • SUGAR BEETS
Turkmenistan	COTTON
Uganda	BRICKS • CATTLE • CHARCOAL • COFFEE • FISH • RICE • SUGARCANE • TEA • TOBACCO • VANILLA
Ukraine	COAL • PORNOGRAPHY
Uzbekistan	COTTON
Vietnam	BRICKS • GARMENTS
Yemen	FISH*
Zambia	CATTLE • COTTON • GEMS • STONES • TOBACCO

Figure 1.
The List in Numbers

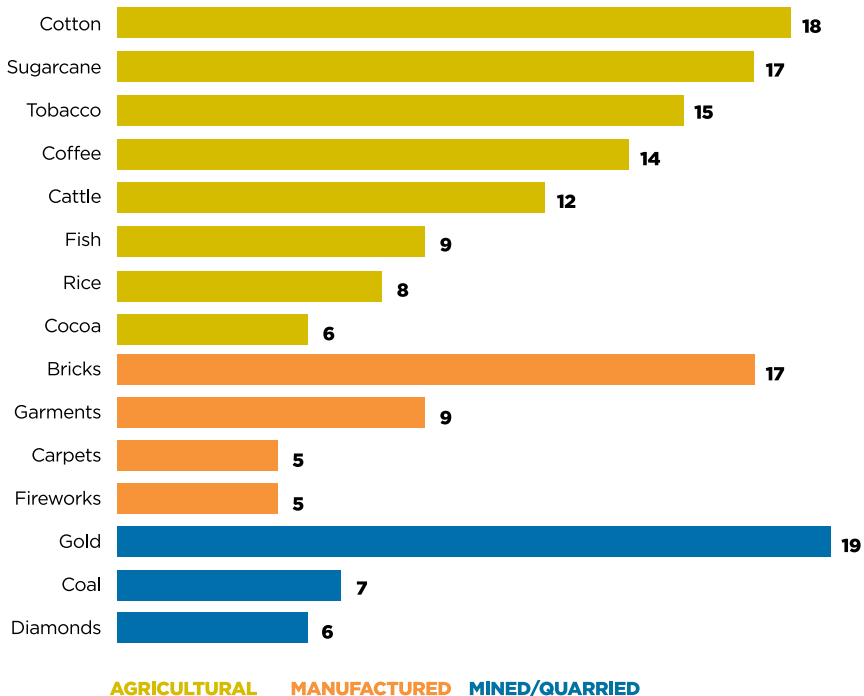
Number of Goods Produced Globally by Child Labor and Forced Labor by Production Sector



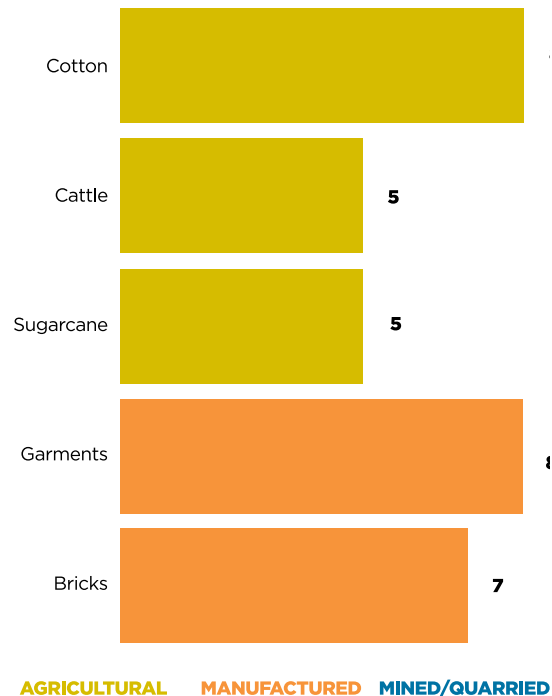
126 goods, plus pornography, are produced globally by **child labor**.

55 goods, plus pornography, are produced globally by **forced labor**.

Goods with Most Child Labor and Forced Labor Listings by Number of Countries and Sector



Goods with Most Forced Labor Listings by Number of Countries and Sector



List of Goods Produced by Child Labor or Forced Labor by Sector

bamboo • bananas • beans • blueberries • brazil nuts/chestnuts • broccoli • cashews • cattle • charcoal • chile peppers • citrus fruits • cloves • coca • cocoa • coconuts • coffee • corn • cotton • cucumbers • cumin • eggplants • fish • flowers • garlic • goats • grapes • green beans • hazelnuts • hogs • hybrid cottonseed • lobsters • manioc/cassava • melons • miraa • nile perch • olives • onions • palm oil • palm thatch • peanuts • physic nuts/castor beans • pineapples • poppies • poultry • pulses • rice • rubber • sesame • shellfish • shrimp • sisal • strawberries • sugar beets • sugarcane • sunflowers • tea • teak • tilapia • timber • tobacco • tomatoes • vanilla • wheat • yerba mate

64



Agriculture/Forestry/Fishing

42

alcoholic beverages • artificial flowers • baked goods • beef • bidis • brassware • bricks • carpets • cement • ceramics • christmas decorations • clay bricks • dried fish • electronics • embellished textiles • fashion accessories • fireworks • footwear • furniture • garments • glass • glass bangles • hand-woven textiles • incense • jute textiles • leather • leather goods/accessories • locks • matches • meat • nails • pyrotechnics • sandals • silk fabric • silk thread • soap • soccer balls • steel furniture • surgical instruments • textiles • thread/yarn • toys

Manufacturing



cassiterite • coal • coltan • copper • crushed granite • diamonds • emeralds • fluor spar • gems • gold • granite • gravel • gypsum • heterogenite • iron • jade • limestone • pumice stone • rubies • salt • sand • sapphires • silver • stones • tanzanite • tin • trona • wolframite • zinc

29



Mining/Quarrying

1

pornography

Other



Country-Level Efforts to Combat Child Labor and Forced Labor in the Production of Goods

Foreign governments, industry groups, individual companies, and other stakeholders frequently inquire about the process for removing a good from the TVPRA List. According to ILAB’s Procedural Guidelines,⁶ ILAB must have reason to believe that a problem of child or forced labor is significantly reduced if not eliminated from the production of the particular good in the country in question for it to be removed. ILAB researches potential removals on an ongoing basis.

In 2013, ILAB removed three goods from the TVPRA List: tobacco from Kazakhstan (forced labor and child labor), charcoal from Namibia (child labor), and diamonds from Zimbabwe (child labor). The Kazakhstan case is discussed below. The situation of each item removed from the TVPRA List was unique, but typically, some combination of government, private sector, and civil society action, in some cases coupled with macro-level changes in a particular industry, are critical in bringing about the changes needed to “significantly reduce or eliminate” the problem. Under international standards, the primary responsibility for eliminating child and forced labor falls to governments. In fulfilling this responsibility, governments must enact laws on child labor and forced labor consistent with international labor standards and effectively enforce those laws. They must also provide basic social services, such as education, as well as social protections for individuals and households. And they must enact policies that promote the development of decent work for adults and stable livelihoods for entire families, so that

parents do not choose work over education for their children. But companies and industry groups, as well as other civil society actors, also have key roles to play. Companies should implement social compliance systems to ensure they are not directly or indirectly causing or contributing to labor abuses in their supply chains. Where safe and accessible channels are available, workers can lodge complaints about labor abuses to be investigated by the government, companies, or monitors. Workers’ organizations can bargain collectively to improve working conditions and can participate directly in monitoring and remediation processes. Civil society groups can engage with both governments and companies in a variety of ways, from advocating for government policies, to implementing government-funded programs, to helping companies identify areas of child and forced labor risk and providing rehabilitative services to former child laborers and survivors of forced labor.

The following pages highlight a few examples of leadership and good practice across all sectors to combat child labor or forced labor in the production of several of the goods on the TVPRA List. The eradication of child labor or forced labor in a sector is a process that can take many years, even decades. While in most cases these efforts have not yet achieved “significant reduction or elimination,” and therefore the goods remain on the TVPRA List, these examples demonstrate what can be achieved through both individual and collective efforts. It is ILAB’s hope that the TVPRA List will continue to encourage such actions.



No to Nicotine

Effective Business Action to Eliminate Forced Labor and Child Labor in Tobacco Production in Kazakhstan

In 2009, ILAB placed tobacco from Kazakhstan on the TVPRA List based on sources dating from 2003-2008. These sources indicated that children—both Kazakh children and children of migrant families—worked in a variety of tobacco-related activities, including performing strenuous, labor-intensive tasks. The sources also indicated that adult migrant laborers faced passport confiscation, coercive recruitment, induced indebtedness, and other forced labor-related practices. That same year, Philip Morris Kazakhstan (PMK), the sole buyer of tobacco in Kazakhstan, began to implement its Agricultural Labor Practices program, developed in consultation with the non-governmental organization (NGO) Verité and the International Labor Organization. The program includes comprehensive monitoring of labor practices on all tobacco farms in Kazakhstan, including child labor and forced labor. Along with this monitoring, PMK and its local NGO partners educate agricultural workers and families about their rights, available grievance mechanisms, and alternatives to child labor; and the Government of Kazakhstan carries out enforcement actions in areas where child labor is suspected. Concurrent with these efforts, the size of the tobacco sector declined steeply. In 2011, ILAB began to receive reports that child and forced labor were no longer present in the country's relatively few remaining tobacco farms.

Following up on these reports, ILAB carried out research in 2012 and 2013 to understand current labor conditions in the sector, analyze efforts on the part of various stakeholders to combat child labor and forced

labor, and determine whether child labor and/or forced labor remained significant problems in the sector. ILAB carried out a qualitative assessment that included a desk review, field research to Kazakhstan for key informant interviews, and follow-up interviews with other key informants. In all, 6 documents were analyzed and 17 interviews were conducted.

Informants confirmed that the size of the industry had decreased from over 300 farms in 2010 to 74 farms in 2013. With the reduction in the number of farms and land used for tobacco production, the use of migrant labor had also declined. During the 2012 peak season, only 140 migrants worked on tobacco farms in Kazakhstan. Informants—including government officials and NGO representatives—confirmed that the PMK monitoring system is comprehensive and credible, and that NGO efforts are highly effective in educating agricultural workers about their rights, available grievance mechanisms, and educational opportunities as alternatives to child labor. Since its inception in 2009, the comprehensive monitoring system had not identified any cases of forced labor, and informants confirmed that previous forced labor-related practices had been abolished. A minority of ILAB's informants stated that child labor may still occur in rare cases, but fewer than 200 children (native Kazakh and migrant) currently live on tobacco farms, and the comprehensive monitoring system in place in the sector identified only one child working in 2012.

ILAB concluded that child labor in Kazakhstan's tobacco sector has been significantly reduced. In addition, there had been no evidence of forced labor in Kazakhstan's tobacco sector in recent years, and ILAB's research suggested the practice has been virtually eliminated. If a case of child labor or forced labor were found in the sector, there are mechanisms in place to address the situation in an appropriate manner. As a result, ILAB removed tobacco from Kazakhstan from the TVPRA List in 2013. •



Positive Buzz

Public-Private Partnerships to Eliminate Child Labor in Nicaragua's Coffee Fields

The Government of Nicaragua (GON), civil society organizations, and the private sector have worked together for several years to combat child labor in coffee production. The Ministries of Labor, Health, Education, and more recently, the Ministry of Welfare, have formed a partnership with civil society organizations and coffee producers called Educational Bridges (*Puentes Educativos*) to keep children from working in coffee fields during the harvest seasons. Through this partnership, coffee producers in the departments of Jinotega and Matagalpa built schools and provide ongoing funding for children's education and meals. The GON accredited these schools and provides support for teachers. The GON has also passed regulations that prohibit children from working in the harvest and supports the Coffee Harvest Plan, a policy that promotes a comprehensive approach to eliminating child labor in coffee production in Jinotega.

The partnership expanded in 2012 and 2013, with additional coffee producers pledging to eliminate child labor from their plantations and making commitments to provide decent salaries and working conditions for adult employees. For his leadership in this program, one of these coffee producers, Mr. Isidro León-York, was awarded DOL's 2013 Iqbal Masih Award for the Elimination of Child Labor. Mr. León-York, the first recipient of this award from the private sector, has eliminated child labor from his own coffee farm, which employs over 760 workers. He used a portion of his farm's profits to fund a school for the children of workers and has helped provide workers and their families with decent wages, food, and health care.⁷ Mr. León-York and other producers have fostered partnerships with coffee roasters, exporters, and international actors in the value chain to further advocate for a reduction in child labor and promote children's access to education across the Nicaraguan coffee sector. •



Taking Steps Forward

Child Labor in Cocoa Production in Cote d'Ivoire

In 2013, the Government of Côte d'Ivoire (GCI) made important strides in efforts to reduce child labor, particularly in the cocoa sector. Under the direction of the First Lady of Côte d'Ivoire, the GCI committed over \$10 million to implement the National Action Plan Against Trafficking, Exploitation and Child Labor (NAP). The GCI also continued to participate in three DOL-funded regional projects, totaling \$22.9 million, to reduce the worst forms of child labor in cocoa-growing regions of both Côte d'Ivoire and Ghana. The government has an approval and coordination process for proposed child labor projects in order to ensure the projects are strategically coordinated and meet the objectives outlined under the NAP. The process involves approval and coordination committees, consisting of government officials, international organizations, and civil society representatives.

The GCI also has established a child labor monitoring system (CLMS) in 19 cocoa-growing communities.

The CLMS uses regional, departmental, and community-based committees to monitor for child labor, identify children in or at risk of becoming involved in child labor, and connect them to appropriate services. The committees are comprised of governmental, non-governmental, and international organizations. The GCI plans to expand its CLMS to all cocoa-growing communities in the future. Information gathered through the CLMS will provide a more comprehensive picture of child labor in these communities. The GCI has also increased funding for child labor law enforcement, hired new inspectors and trained them on child labor issues, and tried cases of child trafficking.

Under the coordination of the government and in alignment with the NAP, the International Chocolate and Cocoa Industry (Industry) funds and implements projects to combat child labor in the cocoa sector. In particular, Industry has provided \$10 million in funding for projects in Côte d'Ivoire and Ghana as part of their commitment under the *Declaration of Joint Action to Support Implementation of the Harkin-Engel Protocol*, signed by the U.S. Secretary of Labor, the Governments of Côte d'Ivoire and Ghana, and Industry in 2010. Industry's funding matches the amount pledged by DOL under this Declaration. •



Quarries are No Place for Kids

Child Labor in Benin's Granite Industry

In 2013, the Government of Benin (GOB), supported by the DOL-funded Economic Community of West African States II (ECOWAS II) project, made progress in eliminating child labor in the granite sector.

Since the beginning of the ECOWAS II program in 2011, more than 1,700 children working in granite have received educational services, and over 1,100 households have received livelihoods support. The GOB, together with the project, implemented a pilot CLMS in several granite quarry communities within five zones. The CLMS operates through local child protection committees, enabling a community-based response to the worst forms of child labor. In addition, the GOB's Director General of Mines established two "children's spaces" in Parakou, a granite-mining area of the country. These spaces are designed to protect children less than 6 years who previously accompanied their mothers in the quarries from illness or injury in the workplace and increase their mothers' productivity. Furthermore, in their Annual Work Plan 2014, the Directorate General of Labor made an initial provision of \$34,000 to fund small activities related to the CLMS, demonstrating the GOB's commitment to ensuring the sustainability of the program's goals.

Private sector actors and civil society in Benin, both independently and together with the GOB, are also working to combat the phenomenon. The GOB and Beninese Workers Associations signed a bipartite declaration to increase efforts and collaboration to reduce child labor. The joint declaration encourages the GOB to strengthen the public procurement systems so that public funds are not used to buy goods and services made with child labor. In addition, the Ministry of Labor and the Ministry of Mines signed a commitment charter with artisanal mining associations to eliminate child labor in mines and quarries. The charter calls on artisanal miners to prohibit children under 18 years from working in mines and quarries, identify cases of child labor in mines and quarries, remove and rehabilitate children working in mines and quarries, and sensitize parents to the dangers children face while working in mines and quarries. •



Safe Waters

Public-Private Action in the Thai Shrimp and Seafood Processing Industry

When ILAB placed shrimp from Thailand on the TVPRA List in 2009, the Thai government and international buyers of Thai shrimp products put substantial pressure on the industry to improve its practices. The resulting Good Labor Practices program (GLP), developed by the ILO in cooperation with the Thai Ministry of Labor's Department of Labor Protection and Welfare (DLPW), the Department of Fisheries (DoF) and the Thai Frozen Foods Association (TFFA), supports the improvement of industry-wide labor standards through self-regulation with the goal of giving enterprises a competitive edge in export markets. More specifically, it promotes training and good practices for the prevention and elimination of forced and child labor and the general improvement of workplace conditions at all points in the shrimp and seafood processing supply chain.

The GLP *Guidelines for Primary Processing Workplaces in the Shrimp and Seafood Industry of Thailand* was developed by the key stakeholders and signed and launched by the Thai Minister of Labor in 2013. These Guidelines provide information for supply chain enterprises on developing human resource management, worker support and occupational safety and health (OSH) management systems that help them identify the flaws in policies and procedures that enable hazardous child labor, as defined under the Labor Protection Act, B.E. 2541, and forced labor to occur.

The TFFA and the ILO work together to use the *Guidelines* to raise awareness, consult, and train businesses in the industry. Awareness campaigns aim to dispel

misconceptions about child and forced labor and highlight employers' obligations, children's rights, and hazardous child labor, and provide concrete, practical resources for employers from each industry in the supply chain to recognize risks and take concrete steps to prevent them. Direct consultations with enterprises provide insight into companies' operations and how and where hazardous child labor occurs in the industry supply chain. The consultation process provides a non-threatening and constructive forum for dialogue. These consultations with stakeholders throughout the supply chain encourage employers to take ownership of eliminating forced and child labor through providing tools, such as OSH manuals and checklists, and to empower enterprises to conduct their own internal evaluations and create a platform for dialogue to discuss industry concerns, capacity and strategies. Training programs are designed to directly address key areas identified during consultations. Training is provided through industry associations, NGOs and workshops to both formal and informal enterprises to build understanding and awareness of GLP and internalize and effectively implement the GLP principles and standards. GLP training programs include community engagement and outreach in order to account for the living and working situations of the workers and their families. This area of work is coordinated with local government and NGOs active in the area and ensures that GLP training programs are informed by local context and workers priorities. Some of the specific worker priorities that have been incorporated into GLP trainings include the integration of complaints mechanisms, encouraging workplaces to provide daycare facilities, providing OSH training, and supporting flexible education for children of legal working age.

In today's global supply chains, ensuring compliance with labor standards is a complex undertaking, and a variety of actors have important roles to play. First and foremost, governments must pass strong laws and enforce them effectively. During 2013, the Thai DLPW Labor Inspectorate targeted workplace inspections to include enterprises at highest risk of violating laws on child labor, forced labor and migrant employment, including in the shrimp, fishing and seafood processing industries. It is critical that the Government of Thailand provide a sufficient number of inspectors, including interpreters to facilitate communication with migrant workers, to adequately enforce labor laws. It also must improve mechanisms for labor complaints, and apply penalties to violators of labor laws that adhere to the penalties prescribed by law and will deter future violations.

Nothing can substitute for the critical role of governments and workers' organizations in ensuring compliance with labor standards, but in places where these mechanisms are not fully developed, private sector compliance initiatives fill an important gap. The GLP provides shrimp and seafood processing companies the opportunity to demonstrate how improving labor practices and standards throughout the supply chain, combined with human resource and other social service initiatives, gives enterprises a competitive edge in export markets. The Thai Government is exploring opportunities to apply the GLP to other export industries in Thailand, such as sugar and garments. •

Stitching Together

Collaborative Efforts to Combat Forced Labor in Brazil's Garment Sector

In 2012, DOL placed garments from Brazil on the TVPRA List based on sources dating from 2006-2012. These sources indicated that adults - mostly immigrants from Bolivia, Peru and Paraguay, but also some Brazilian nationals - worked under forced labor conditions in a variety of labor-intensive, garment production-related activities. The sources also indicated that adult migrant laborers faced retention of identity documents, physical confinement, withholding of wages, degrading living conditions, forced overtime, threat of dismissal, and other practices that are indicators of forced labor. These forced labor practices in the production of garments were taking place in small workshops across the metropolitan region of São Paulo.

In September 2013, representatives from the *Associação Brasileira da Indústria Têxtil e de Confecção* (ABIT), the Brazil Industries Coalition (BIC), and the Brazilian Trade and Investment Promotion Agency (ApexBrasil) contacted DOL to discuss the possibility of removal of garments from the TVPRA List. To consider such removal, DOL has engaged with ABIT, BIC, and ApexBrasil to implement a Joint Action Plan. Through the Joint Action Plan, the participants sought to better understand the current prevalence and nature of forced labor in the garment sector; analyze efforts on the part of various government, industry, and civil society actors to combat forced labor in the sector; and determine whether forced labor remains a problem.

As part of this process, DOL received and analyzed various materials on Brazilian government efforts to combat forced labor, including a report with data on labor inspections in garment production provided by Brazil's Ministry of Labor and Employment (MTE). Key government efforts include:

- A robust legal framework on forced labor.
- MTE inspections for forced labor in the garment sector.
- The *Lista Suja* (Dirty List), a listing of employers found exploiting workers under slave-like conditions; listed companies are banned from acquiring credit from state-owned banks.
- The Second National Plan to Eradicate Slave Labor, which establishes the policy framework to address forced labor.
- The National Commission on the Eradication of Slave Labor (CONATRAE), which is responsible for implementing the Second National Plan to Eradicate Slave Labor, with participation of representatives from the executive, legislative, and judicial branches and representatives of civil society.
- The Parliamentary Investigation Commission on Slave Labor, which investigates slavery or slave-like labor in rural and urban activities throughout Brazil.
- Assistance to victims of forced labor such as unemployment benefits, social services, and permanent visa status for foreign victims of forced labor.

In addition to these government efforts, DOL also sought to better understand the efforts of industry and civil society groups. ABIT is a member of the National Pact for the Eradication of Slave Labor, a multi-stakeholder initiative that seeks to improve working conditions in sectors where forced labor has been found. Brazilian private sector organizations have established supply chain social compliance programs, including ABIT's *Selo Qual* program and the Brazilian Association of Textile Retail's *ABVTEX* program. ABIT, BIC, and other private sector groups also engage in various forms of consultation with communities affected by forced labor. Civil society efforts to combat forced labor in the sector are also robust. NGOs participate with government agencies on committees such as the CONATRAE, to discuss and help to develop policies and activities to address immigration, forced labor, and trafficking in persons. Some NGOs monitor the forced labor

inspections made by the government; some NGOs periodically visit sewing shops to conduct technical evaluations of occupational safety and health issues and disseminate information to employers and employees about safety, legal procedures regarding company regularization, employee registration, and other topics. Many NGOs offer legal advice to immigrants, especially in cases of labor problems.

While government, private sector, and civil society efforts in the sector had been robust, information was still needed on the current prevalence of forced labor in the sector. To this end, ApexBrasil funded a research study carried out by University of São Paulo between March and May 2014, which provided a historical and legal analysis of Brazil's garment sector, with a focus on the formal sector. This report was presented to DOL representatives in Washington, D.C. by the chief investigator on June 17, 2014. The study did not include any information about the prevalence of forced labor in the sector.

Simultaneously, DOL carried out a qualitative assessment that included a desk review of current academic research on the subject, monitored credible

media outlets in Brazil and Bolivia, and interviewed key informants from civil society and academic institutions. In all, DOL analyzed 21 documents and conducted five key informant interviews. These new sources indicate that that forced labor in garment production continues to persist in the metropolitan region of São Paulo and surrounding areas. New forced labor victims continue to be identified, some working in unregistered businesses and some working “under the table” in registered businesses. DOL's interviews confirmed that the government has increased the number of inspections in the formal sector, but not necessarily in the informal sector. DOL remains committed to continuing to engage in the Joint Action Plan process with ABIT, BIC, ApexBrasil, and other interested parties in order to continue to expand our shared understanding of forced labor in the garment sector. More data is needed on the extent of the problem in both registered and unregistered businesses. In addition, it is critical that the GOB continue its efforts to formalize garment workers, and step up efforts to identify forced laborers in all types of workplaces and enforce laws enacted to protect them. •

Research Methodology

Research Focus

The research methodology used to compile the TVPRA List is based on ILAB's Procedural Guidelines. For this edition, ILAB reviewed new information on goods from 150 countries and territories. See below for a link to the list of these countries and territories. ILAB continues to carry out research for future editions of the TVPRA List.

Population Covered

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

Nature of Employment

Where ILAB research indicated situations of exploitative working conditions, these situations were reviewed to determine whether they constituted “child labor” or “forced labor” under international labor standards. ILAB's complete definitions of child labor and forced labor can be found in its Procedural Guidelines.

“**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.⁸

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

“**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.⁹

Evidence of child labor and forced labor was considered separately to determine whether – for each good on the TVPRA 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*.

Sector of Employment

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

Type of Employment

Research covered all economic activity for adults and children in the production of goods, including formal and informal sector production and goods produced for personal and family consumption.¹⁰ 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.

The TVPRA List includes many goods for which ILAB has evidence of child labor or forced labor only in informal sector production. These include garments from Bangladesh, gold from Suriname, and tobacco from Tanzania.

Some illicit goods are also included in the TVPRA List; this is not intended to condone or legitimize the production or consumption of these goods.

Stage of Production

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

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

Market for Goods

Most economically active children are involved in the production of goods or services for local consumption,¹¹ rather than for international trade. Data is limited on the consumption patterns of goods made with forced labor. In conducting research, ILAB did not distinguish between goods produced for domestic consumption and for export, due to data limitations and because this was not part of the mandate of the TVPRA.

Data Sources and Analysis

Sources and Collection of Data

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

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

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

Data Analysis

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

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

2. *Date of information.* Whether the information about child labor or forced labor is no more than 7 years old at the time of receipt. More current information will generally be given priority, and information older than 7 years will generally not be considered.¹²
3. *Source of information.* Whether the information, either from primary or secondary sources, is from a source whose methodology, prior publications, degree of familiarity and experience with international labor standards and/or reputation for accuracy and objectivity warrants a determination that it is relevant and probative.
4. *Extent of corroboration.* The extent to which the information about the use of child labor or forced labor in the production of a good(s) is corroborated by other sources.
5. *Significant incidence of child labor or forced labor.* Whether the information about the use of child labor or forced labor in the production of a good(s) warrants a determination that the incidence of such practices is significant in the country in question. Information that relates only to a single company or facility or that indicates an isolated incident of child labor or forced labor will not ordinarily weigh in favor of a finding that a good is produced in violation of international standards. Information that demonstrates a significant incidence of child labor or forced labor in the production of a particular good, although not necessarily representing a practice in the industry as a whole, will ordinarily weigh in favor of a finding that a good is produced in violation of international standards.

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

When ILAB found reason to believe that child labor or forced labor was used in the production of a particular good, prior to adding that good to the TVPRA List ILAB also considered evidence of government,

industry or third party initiatives to combat the problem. This included evidence about ongoing initiatives brought to our attention through public submissions. If ILAB determined that the problem of child labor or forced labor persisted despite existing efforts to address the issue, the good was still added to the TVPRA List.

Limitations

Data Availability

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

Countries Not Appearing on the TVPRA List

A country's absence from the TVPRA List does not necessarily indicate that child labor and/or forced labor are not occurring in the production of goods in that country. Data can be unavailable for various reasons, including both research and policy considerations. Forced laborers often work in isolated locations, such as rural areas, or clandestine settings, such as workshops hidden in large cities. Research survey methodologies on such hard-to-reach populations, especially for individuals in forced labor, are still in developmental stages and continue to be piloted and refined in order to capture the appropriate constructs. While research on child labor is more advanced, and has gone beyond population estimates, data on the specific types of work in which children are involved beyond aggregated industry data is still not collected in a universal manner. For example, national child labor surveys often produce estimates of the number of children working in agriculture, but statistics are often not available on the specific agricultural goods children are producing. Policy decisions that affect the availability of data on child labor or forced labor include government failure to allocate sufficient financial resources or hesitancy to collect and make publicly available data on such sensitive issues. The existence of child labor and forced labor also often involves violations of laws and regulations, including serious criminal violations in some cases. Information may

be intentionally suppressed to protect powerful interests, in the face of which the victims of these egregious labor practices may be too vulnerable or politically weak to assert their rights or even communicate their situations. Among the 150 countries and territories researched for this edition of the TVPRA List, there were several for which ILAB could not find adequate information to determine that any goods should be placed on the TVPRA List because very little recent research has been done. This was the case, for example, in Algeria, Gabon, Guyana, Jamaica, Maldives, Morocco, South Africa, Swaziland, Togo, Tunisia, and Venezuela.

Countries with Data Gaps on the TVPRA List

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

Countries with Disproportionate Representation on the TVPRA List

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

Generalizability of Findings

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

Endnotes

¹ILO, *Protocol to the Forced Labour Convention, 1930*, Provisional Record, Geneva, 2014; available from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_246615.pdf, ILO, *Recommendation on Supplementary Measures for the Effective Suppression of Forced Labour*, Provisional Record, Geneva, 2014; available from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_246617.pdf.

²International Labour Office, *Profits and Poverty: The Economics of Forced Labour*, Geneva, 2014; available from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf.

³"Hazardous work" refers to work which, by the nature or circumstances in which it is carried out, it likely to harm the health, safety or morals of children. See International Labour Office and International Programme on the Elimination of Child Labour (IPEC), *Marking Progress Against Child Labour: Global Estimates and Trends 2000-2012*, ILO, Geneva, 2013; available from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_221513.pdf.

⁴*Violence Against Women Reauthorization Act of 2013, codified as 22 USC 7112(c)*, 113-4, (2013); available from <http://www.gpo.gov/fdsys/pkg/PLAW-113publ4/pdf/PLAW-113publ4.pdf>.

⁵*Codified as 22 USC 7112(c)*.

⁶U.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", Vol. 72, No. 247 (December 27, 2007), Fed. Reg. 73374 available from <https://webapps.dol.gov/FederalRegister/PdfDisplay.aspx?DocId=20376>.

⁷Congress established the Iqbal Masih Award for the Elimination of Child Labor in 2009 to recognize exceptional efforts by an individual, company, organization or national government to end the worst forms of child labor.

⁸*Procedural Guidelines*, 72 Fed. Reg. at 73378.

⁹*Procedural Guidelines*, 72 Fed. Reg. at 73378.

¹⁰ILO, *Resolution concerning statistics of the economically active population, employment, unemployment and underemployment*, ILO, Geneva, October 1982; available from http://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/normativeinstrument/wcms_087481.pdf. See also ILO, *18th International Conference of Labour Statisticians*, Geneva, November, 2007; available from: http://ilo.org/global/statistics-and-databases/meetings-and-events/international-conference-of-labour-statisticians/WCMS_092024/lang--en/index.htm.

¹¹Eric Edmonds, "Trade, Child Labor, and Schooling in Poor Countries", in *Trade Adjustment Costs in Developing Countries: Impacts, Determinants, and Policy Responses*, ed. G. Porto and B. Hoekman, Washington, DC: The World Bank Press, 2010; available from http://siteresources.worldbank.org/INTRANETTRADE/Resources/239054-1239120299171/5998577-1244842549684/6205205-1247069686974/Trade_Adjustment_Costs.pdf.

¹²Since 2011, ILAB has chosen to rely on sources that are no more than 5 years old. This policy is to ensure consistency with other ILAB reporting on international child labor.

Acknowledgements

This report was prepared under the direction of Carol Pier, Deputy Undersecretary for International Affairs; Eric Biel, Associate Deputy Undersecretary for International Affairs; Mark Mittelhauser, Associate Deputy Undersecretary for International Affairs; Marcia Eugenio, Director, OCFT; and Kevin Willcutts, Deputy Director, OCFT. Preparation of the report was coordinated by Rachel Phillips Rigby and Elizabeth Wolkomir, with key support from Leyla Strotkamp, Randall Hicks, Sarah Newsome, Austin Pedersen, and Charita Castro of OCFT. The underlying research, writing, editing and administrative support were carried out by the following ILAB staff: Christine Camillo, Christine Carlson-Ajilani, Angela Chen, Kathryn Chinnock, Marissa Cramer, Kwamena Atta Cudjoe, Lauren Damme, Lorena Dávalos, Rana Dotson, Tina Faulkner, Amy Firestone, Sonia Firpi, Mary Francis, Alexa Gunter, Sharon Heller, Margaret Hower, Maureen Jaffe, Brianna January, Malaika Jeter, Joyce YunSun Kang, Anna Lopera, Marie Ledan, Celeste Lemrow, Merima Lokvancic, Deborah Martierrez, Eileen Muirragui, Karina Noyes, Kristen Pancio, Kimberly Parekh, Angela Peltzer, Karrie Peterson, Ingris Ramos, Tanya Rasa, Brandie Sasser, Melissa Schaub, Doris Senko, Sherry Smith, Shelley Swendiman, Chanda Uluca, Jon Underdahl-Peirce, Regina van Houten, Pilar Velasquez, Cara Vileno, Pamela Wharton and Bruce Yoon.

ILAB would like to note the important contributions to the report made by Matthew Levin, Heather Filemyr, and William Stone in the Office of the Solicitor, Jay Berman in the Office of the Assistant Secretary for Policy, and Terri DeLeon in the Executive Secretariat.

Suggested Additional Resources

List of Countries Researched by ILAB in 2014

<http://www.dol.gov/ilab/reports/child-labor/list-of-goods>.

Procedural Guidelines for the Development and Maintenance of the List of Goods From Countries Produced by Child Labor or Forced Labor (*Procedural Guidelines*)

<http://webapps.dol.gov/FederalRegister/PdfDisplay.aspx?DocId=20376>.

Submissions

The Procedural Guidelines provide a process by which the public may submit comments regarding the addition or removal of an entry from the TVPRA List. ILAB has received over 100 such submissions, which are available on the Internet at: <http://www.dol.gov/ilab/submissions>.

Bibliography

A bibliography listing the sources used to place each good on the TVPRA List is found at: http://www.dol.gov/ilab/reports/pdf/2013TVPRA_Bibliography.pdf. To ensure transparency, ILAB identifies all the sources it used in making decisions.

Related Reports

U.S. Department of Labor's *Findings on the Worst Forms of Child Labor*
<http://www.dol.gov/ilab/reports/child-labor/findings/>

U.S. Department of Labor's *Reducing Child Labor and Forced Labor: A Toolkit for Responsible Businesses*
<http://www.dol.gov/ilab/child-forced-labor/>

Executive Order 13126 *List of Products Produced by Forced or Indentured Child Labor*
<http://www.dol.gov/ilab/reports/child-labor/list-of-products/>

U.S. Department of State's *Country Reports on Human Rights Practices*
<http://www.state.gov/j/drl/rls/hrrpt/>

U.S. Department of State's *Trafficking in Persons Report*
<http://www.state.gov/j/tip/rls/tiprpt/index.htm>

International Labor Organization, *Marking Progress Against Child Labour*
http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_221513.pdf

International Labor Organization, *Hard to See: Harder to Count: Survey Guidelines to Estimate Forced Labour of Adults and Children*
http://www.ilo.org/global/publications/books/WCMS_182084/lang--it/index.htm

International Labor Organization, *Profits and Poverty: The Economics of Forced Labour* http://www.ilo.org/global/topics/forced-labour/publications/WCMS_243391/lang--en/index.htm.

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

Procedural Guidelines for the Development and Maintenance of the List of Goods From Countries Produced by Child Labor or Forced Labor



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.

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



BUREAU OF INTERNATIONAL LABOR AFFAIRS
UNITED STATES DEPARTMENT OF LABOR



BUREAU OF INTERNATIONAL LABOR AFFAIRS
UNITED STATES DEPARTMENT OF LABOR



For more information or to contact us, please visit DOL's Web site at:
<http://www.dol.gov/ilab/reports/child-labor/list-of-goods>
or email us at: **ocft@dol.gov**