2009

U.S. DEPARTMENT OF LABOR'S BUREAU OF INTERNATIONAL LABOR AFFAIRS

U.S. Department of Labor's 2009 Findings on the Worst Forms of Child Labor

REPORT REQUIRED BY THE TRADE AND DEVELOPMENT ACT OF 2000

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U.S. DEPARTMENT OF LABOR'S BUREAU OF INTERNATIONAL LABOR AFFAIRS

U.S. Department of Labor's 2009 Findings on the Worst Forms of Child Labor

UN, UNICEF, AND ILO LOGOS USED WITH PERMISSION

REPORT REQUIRED BY THE TRADE AND DEVELOPMENT ACT OF 2000

SECRETARY OF LABOR
WASHINGTON

DEC 1 5 2010

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 2009 Findings on the Worst Forms of Child Labor,* is submitted in accordance with section 504 of the Trade Act of 1974 as amended (19 U.S.C. 2464). The report describes the efforts of 144 countries, non-independent countries, and territories to meet commitments to eliminate the worst forms of child labor. We hope this report is useful to the Congress.

Sincerely,

Hilda L. Solis

HILDA L. SOLIS
Secretary of Labor

Enclosure

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

SECRETARY OF LABOR
WASHINGTON

DEC 15 2010

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

Dear Madam Speaker:

The enclosed report, titled *The Department of Labor's 2009 Findings on the Worst Forms of Child Labor,* is submitted in accordance with section 504 of the Trade Act of 1974 as amended (19 U.S.C. 2464). The report describes the efforts of 144 countries, non-independent countries, and territories to meet commitments to eliminate the worst forms of child labor. We hope this report is useful to the Congress.

Sincerely,

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Enclosure

cc: The Honorable John Boehner, House Minority Leader

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SECRETARY OF LABOR
WASHINGTON

Over the past decade, the United States and more than 170 other countries have committed to work toward the prevention and elimination of the worst forms of child labor.

We consider this a matter of urgency.

The worst forms of child labor include slavery, forced or compulsory labor, debt bondage, trafficking, illicit activities, commercial sexual exploitation, and armed conflict as well as other hazardous activities that should not be carried out by children – regardless of their economic status, place of birth, gender, or background. Our countries have made this commitment by ratifying Convention 182 of the International Labor Organization (ILO), since the Convention's adoption in 1999.

But according to recent ILO estimates, 115 million children worldwide continue to toil in labor that is hazardous to their health. While this data represents a decline since the last estimate was released four years ago, progress has slowed compared to previous years and further risks being reversed as a result of the global economic crisis.

As one of the countries that ratified this Convention, the United States must look at how we are addressing this issue at home. During my tenure as Secretary of Labor, we have added more than 350 new field investigators, issued regulations increasing protection for young workers in dangerous non-agricultural jobs, and instituted a tougher penalty structure for those who employ workers illegally. We are also exploring regulatory changes to offer increased protection for children working in the agricultural sector.

The United States is working to end the worst forms of child labor beyond our borders by working with like-minded countries to find viable alternatives to the exploitation of children. Our assistance helps families to improve their livelihoods and places children into valuable educational programs, keeping them out of dangerous and degrading work environments.

Last summer, I traveled to El Salvador and Nicaragua to get a first-hand look at the work we are supporting there. I had the chance to meet children, who as a result of these opportunities, now dream of being the first in their families to go to college or to pursue the future of a promising career.

This work upholds the U.S. Government's commitments under Convention 182. The new initiatives that the Department of Labor funds abroad are now combining an emphasis on education for working children with interventions that help their parents work their way out of poverty. President Obama said it well: "progress in even the poorest countries can advance the prosperity and security of people far beyond their borders, including my fellow Americans."

The U.S. Government also works to promote the global fight against the worst forms of child labor through research and reporting to provide needed information about the scope, nature and location of the problem, as well as examples of ways to address it. This year we have redesigned this report, *Findings on the Worst Forms of Child Labor*. We provide a concrete description of the steps countries are taking to address the problem and we suggest actions that would make a real difference in the lives and opportunities of these children. We hope this will assist and motivate governments around the world to take effective next steps to eliminate this exploitation. In combination with other reporting, such as the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor,* we believe we can make an enormous difference in the lives of tens of millions of children for whom there is no time to lose.

Hilda L. Solis

HILDA L. SOLIS
Secretary of Labor
December 15, 2010

ACKNOWLEDGMENTS

This report was prepared under the direction of Sandra Polaski, Deputy Under Secretary for International Affairs; Marcia Eugenio, Director of the Office of Child Labor, Forced Labor, and Human Trafficking (OCFT); and Kevin Willcutts, Deputy Director, OCFT. Coordination of the report was by Charita Castro, Tina McCarter, Brandie Sasser, and Leyla Strotkamp. The writing, editing, and research were done by OCFT and other Bureau of International Labor Affairs (ILAB) staff: Wendy Blanpied, Bill Brumfield, Kathryn Chinnock, Katie Cook, Atta Cudjoe, Kusuma Cunningham, Chandra DeNap, Jessica Farmer, Mary Francis, Diantha Garms, Lucian Gatewood, Danielle Griswold, Susanna Groves, Sudha Haley, Thomas Heckroth, Misty Heggeness, Sharon Heller, Karina Jackson, Maureen Jaffe, Malaika Jeter, Grace Kaissal, Chanda Leckie, Marie Ledan, Jermaine Leonard, Kristin Lipke, John Mondejar, Eileen Muirragui, Sarah Newsome, Micaela Okamura, Kimberly Parekh, Angela Peltzer, Laura Recchie, Rachel Phillips-Rigby, Tanya Rasa, Amy Ritualo, Brandie Sasser, Samantha Schasberger, Michael Spangler, Leyla Strotkamp, Jose Toasa, Ana Valdes, Pilar Velasquez, Cara Vileno, Bogdan Vitas, Chris Watson, Patrick White, Liz Wolkomir, and Bruce Yoon.

Other personnel who made major contributions, including those from ILAB, the Office of the Assistant Secretary for Policy, and the Office of the Solicitor, include Carol Pier, Sonia Firpi, Alexa Gunter, Matthew Bernt, Jonathan Hammer, Katherine Kasameyer, Tambra Leonard, Matthew Levin, Nicholas Levintow, Sheila McConnell, Ingris Ramos, Kathy Schalch, Sherry Smith, Ken Swinnerton, Stephanie Swirsky, and Chris Camillo.

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

AGOA	African Growth and Opportunity Act
ASEAN	Association of Southeast Asian Nations
ATPA	Andean Trade Preference Act
ATPDEA	Andean Trade Promotion and Drug Eradication Act
CAFTA-DR	Central America-Dominican Republic Free Trade Agreement
CBTPA	Caribbean Basin Trade Partnership Act
CEACR	International Labor Organization Committee of Experts on the Application of Conventions and Recommendations
CRC	Convention on the Rights of the Child
EAPCCO	Eastern Africa Police Chiefs Cooperation Organization
ECOWAS	Economic Community of West African States
ECCAS	Economic Community of Central African States
ECPAT	End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes
EU	European Union
GSP	Generalized System of Preferences
OCFT	Office of Child Labor, Forced Labor and Human Trafficking
IDB	Inter-American Development Bank
ILO	International Labor Organization
ILO Convention 138	International Labor Organization, Convention No. 138: Minimum Age for Admission to Employment
ILO Convention 182	International Labor Organization, Convention No. 182: Worst Forms of Child Labor
ILO-IPEC	International Labor Organization, International Program on the Elimination of Child Labor
IMF	International Monetary Fund
IOM	International Organization for Migration
MERCOSUR	Common Market of the South (America); members include Argentina, Brazil, Paraguay, Uruguay, and Venezuela
MOU	Memorandum of Understanding
NGO	Non-Governmental Organization
OAS	Organization of American States
OSCE	Organization for Security and Cooperation in Europe
Palermo Protocol	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime
PRSP	Poverty Reduction Strategy Paper
SIMPOC	Statistical Information and Monitoring Program on Child Labor
UCW	Understanding Children's Work
UN	United Nations

UNDP	United Nations Development Program
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USDHS	U.S. Department of Homeland Security
USDOL	U.S. Department of Labor
USDOS	U.S. Department of State
USDOJ	U.S. Department of Justice
USHHS	U.S. Department of Health and Human Services
WFP	World Food Program
$	U.S. dollar

INTRODUCTION

Mandate

Findings on the Worst Forms of Child Labor is the ninth annual report prepared by the U.S. Department of Labor in accordance with the Trade and Development Act of 2000 (TDA).[1] The TDA expanded country eligibility criteria for several preferential tariff programs and mandates the Secretary of Labor to report on each "beneficiary country's implementation of its international commitments to eliminate the worst forms of child labor."[2] The expanded country eligibility criteria applies to the Generalized System of Preferences (GSP) program, enacted by the Trade Act of 1974, and now includes the implementation of commitments to eliminate the worst forms of child labor.[3] The TDA also applies this criterion to eligibility for trade benefits under the Africa Growth and Opportunity Act (AGOA), the U.S.-Caribbean Basin Trade Partnership Act (CBTPA), and the Andean Trade Preference Act/Andean Trade Promotion and Drug Eradication Act (ATPA/ATPDEA).[4]

The definition of the "worst forms of child labor" in the TDA is the same definition of the term contained in ILO Convention 182 (ILO C. 182). The TDA and ILO C. 182 define a "child" to be a person under the age of 18. The definition includes as "worst forms of child labor" all forms of slavery or practices similar to slavery, the sale or trafficking of children, debt bondage or serfdom; the forcible recruitment of children for use in armed conflict; the commercial sexual exploitation of children; the involvement of children in drug trafficking; and work that is likely to harm children's health, safety, or morals.[5]

1. *P.L. 106-200 (May 16, 2000)*; available from http://uscode.house.gov/download/pls/19C12.txt.
2. *19 USC* sections 2462(b), 2464.
3. Ibid., section 2462(b)(2)(H).
4. *Africa Growth and Opportunity Act, U.S. Code 19*, section 2466a. See also *U.S.-Caribbean Basin Trade Partnership Act, U.S. Code 19*, section 2703. See also *Andean Trade Preference Act/Andean Trade Promotion and Drug Eradication Act, U.S. Code 19*, section 3203.
5. ILOLEX Database of International Labour Standards, *C182 Worst Forms of Child Labour Convention, 1999*, accessed April 8, 2009; available from http://www.ilo.org/ilolex/english/convdisp2.htm.

Overview

This report contains profiles of 125 independent countries and a summary report on 19 non-independent countries and territories designated as GSP beneficiaries and/or beneficiaries of trade preferences under the AGOA, CBTPA, and ATPA/ATPDEA. In addition, the report includes information on former GSP recipients that have negotiated free trade agreements with the United States, in view of Senate Report 111-66.[6]

Information in the profiles focuses on the period March 2009 through February 2010. Due to the redesign of the 2009 report and revised release date, important developments that occurred from February through October 2010 are also included. Each country profile contains a table with child labor statistics; a highlights paragraph that notes major steps or remaining problems; five text sections that describe the problem and different aspects of government efforts to address it; a table of information on relevant laws and ratification of international instruments; and a set of suggested actions. Each of these sections is described in detail below (See Section Content and Data Analysis).

This 2009 report differs from previous versions in a number of ways. It provides a sharper focus on the worst forms of child labor, mainly in the first section of the text, which highlights the prevalence and distribution of the problem. In previous reports USDOL provided an overview of children's work in each country that may have included cases that did not clearly constitute the worst forms of child labor. This year, USDOL chose to focus exclusively on the worst forms of child labor.

Article 3(d) of ILO Convention 182 defines the worst forms of child labor to include "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". This "hazardous work" is determined by individual governments, in coordination with workers' and employers' organizations. See ILO Convention 184, Art. 4; ILO Recommendation 190, Arts. 3-4. In this report, where possible, USDOL has identified statutory and regulatory provisions defining hazardous work and the specific activities deemed improper for children to undertake. However, in many countries such provisions were frequently found to be very limited, ill-defined, or were not found at all. To allow for

6. *S. Rept. 111-66, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill, 2010*, (2009).

a reliable and complete report, USDOL acknowledges the national obligation to determine the scope of "hazardous work" under ILO Convention 182, but defines the worst forms of child labor under Article 3(d) in a broader sense.

The broader definition is used in light of the conclusion that to accept a definition of hazardous work to be only as that determined by each country would inaccurately portray the child labor situation in countries that have either not defined "hazardous work" or that have done so in a limited, incomplete or vague manner. Accordingly, USDOL has employed the ILO Recommendation 190 guidelines to adjudge the types of work deemed to be worst forms of child labor under Article 3(d) of ILO Convention 182. The guidelines indicate that the following types of work should generally be considered harmful to children: "(a) work which exposes children to physical, psychological or sexual abuse; (b) work underground, under water, at dangerous heights or in confined spaces; (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads; (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer." Therefore, where the "worst forms of child labor" is noted in this report, it includes work that USDOL has deemed to be work that is likely to harm the health, safety or morals of children under Article 3(d) of ILO Convention 182.

The sections that describe government efforts also differ from those in previous reports. These sections are organized to more closely track the types of efforts that the congressional TDA Conference Committee report indicated the President should consider when determining whether a country has met its obligations under the GSP program.[7] (See below for a more complete discussion). As mentioned above, the report now contains a new paragraph highlighting the key findings in the report. Perhaps the most significant change is the inclusion for the first time this year of a set of proposed actions for each government to consider that would address the findings.

Additionally, ILO Convention 182 does not explicitly exclude from coverage work performed by children on bona fide family farms.[8] The ILO has included such work when considering the scope of ILO C. 182. Accordingly, this report reflects the ILO's broad vision on this issue and does not distinguish based on the size or nature of the farms in its discussion of the worst forms of child labor in agriculture.

These changes to the 2009 report were made to enhance the report's usefulness as a tool for policymakers and children's advocates in the United States and abroad as they seek ways to eliminate the worst forms of child labor.

Methods

DATA COLLECTION AND SOURCES OF DATA

Information was gathered for this report through desk research and, to a limited extent, field work. The research was conducted between November 2009 and November 2010.

Desk research consisted of an extensive review of materials produced by a variety of sources such as USDOL, other U.S. Government agencies, foreign governments, international organizations, NGOs, U.S. Government-funded technical assistance and field research projects, academic research, independent research, media, and others. Examples of sources used include latest editions available of country laws relevant to child labor, ILO-IPEC SIMPOC and other national level child labor surveys, NGO reports on child labor in various countries, and ILO Committee of Experts direct requests and observations.

The Department of State and U.S. embassies and consulates abroad provided important information by gathering data from contacts, conducting site visits, and reviewing local media sources. A request for information from the public was published in the Federal Register, and a copy of the request was emailed and mailed to the Washington embassies of countries covered in the report.[9] Data was also collected through site visits to certain countries

7. *H. Rept. 106-606, Trade and Development Act of 2000*, (2000).

8. In negotiating ILO C. 182, ILO employer members stated that the language of Article 3(d) "should not require governments to intervene in situations in which children worked for their parents on bona fide family farms or holdings." The Worker Vice-Chairperson clarified that any such understanding should encompass only those farms "that did not interfere with children's schooling and which were truly within a protected family environment." International Labor Conference, 87 Session, Report of the Committee on Child Labor, ¶¶172-173 (statements by Employer and Worker Vice-Chairpersons).

9. A copy of the request was also sent to the Permanent Mission of the Kingdom of Bhutan to the United Nations in New York. Countries with no embassy in the U.S. were not sent copies of the request. See U.S. Department of Labor, "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor," *Federal Register* vol. 75, no. 36 (February 24, 2010); available from http://www.gpoaccess.gov/fr/index.html.

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covered in the report, which included additional collection of documents as well as key informant interviews.

It must be noted that the existence of child labor, particularly the worst forms of child labor, often involves violations of laws and regulations, including serious criminal violations in some egregious cases. Information on child labor may be intentionally suppressed. The victims of the worst forms of child labor may be too vulnerable or politically weak to claim their rights or even communicate their situations. These factors make information on the worst forms of child labor difficult to obtain. Therefore in order to compile a credible report that is as comprehensive as possible, USDOL used the following methodology to collect and assess information.

- *Nature of information*. Whether the information about child labor and government efforts to combat it gathered from research, public submissions, or other sources is relevant and probative, and meets the definitions of the worst forms of child labor and government efforts as used in this report. (See Glossary for definitions.) Specific evidence of government efforts was preferred over unsupported assertions about such efforts.
- *Date of information*. Whether the information about child labor is no more than 5 years old at the time of receipt by USDOL. More current information was given priority; USDOL used sources published during the reporting period to the extent possible. Information older than 5 years is generally not considered.

  However, in the case of child labor statistics, certain factors contribute to less frequent generation of new data.[10] Because government and other efforts to address exploitative child labor take time to have an impact on national level rates of child labor, children's involvement in such activities does not change dramatically from year to year. Child labor surveys are carried out infrequently in part because the child labor picture does not change frequently (although there have been recent increases in the number of surveys carried out). In order to present an overall picture of children's work in as many countries as possible, USDOL used data for some countries that were up to 10 years old (1999) at the time compilation of this report began. For more information on statistics used in the report, please see

10. This report uses statistics on children's work because statistics on the worst forms of child labor are difficult to collect and not widely available.

the Child Labor and Education Statistics: Sources and Definitions section.[11]

- *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.
- *Extent of corroboration.* The extent to which the information about the use of child labor is corroborated by other sources.

LIMITATIONS

A reliance on online research as a major data collection method for the report means that less information was available for review for countries where Web access and technology is limited. It also may mean that there is less information about countries with more closed government structures and less civil society participation. The lack of information may create an impression that a country has less serious problems with the worst forms of child labor than it has in reality. At the same time, the lack of information in some cases may create the impression that a government is doing less than it should, when it may be that information on such efforts was unavailable. Although countries with open and available information may sometimes appear to have larger problems relative to other countries, this may not be the case. In fact, countries that make information collection on child labor a priority are in a better position to eliminate the problem than those countries where such information is suppressed.

Most of USDOL's online research was conducted in English; however, some research was conducted in Spanish, French, and to a limited extent, Portuguese. Materials written in other languages were generally not reviewed.

Although information was requested from the public, including through requests to governments covered in the report, only 29 out of the 125 countries and 19 non-independent counters and territories submitted information

11. Another exception to this general 5 year age standard can be found in the last section of the report, in which some programs older than 5 years may be discussed. Please see the section below "Section 5: Social Programs to Prevent and Eliminate the worst forms of child labor" for a discussion of this topic.

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in response to this request. In addition, since in-country data collection was conducted only in a small subset of countries, lack of access to in-country sources of information has likely led to some oversights and omissions in reporting.

When USDOL was unable to find information about the major topics of discussion, including the content of important laws or enforcement efforts, this was noted.

SECTION CONTENT AND DATA ANALYSIS

Statistics table and "Highlights" paragraph

Each country profile begins with a statistical table. For approximately 40 country profiles, that table includes statistics on the percent of working children, school attendance rate, and the percent of children who combine school and work. For a smaller set of profiles, data on child work by sector is provided. For some profiles, none of these data are available from the sources used in this report. For more information on this table, see the section Statistical Sources and Definitions.

The country profile also highlights the most significant efforts to combat the worst forms of child labor the country undertook, major gaps in such efforts, and the most pressing problems facing the country with regard to worst forms of child labor. Where possible, this paragraph notes the most common worst forms of child labor in the country. In many cases, however, such information is not available. Given the serious nature of the issue, any case in which the Government itself is involved in the use of worst forms of child labor is also described in this paragraph.

Section 1: Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

The first section of each country profile provides, to the extent available, a comprehensive picture of the worst forms of child labor in a country, beginning with a discussion of the most common forms of labor. The discussion provides information about the nature and conditions of the work where such information was available.

Section 2: Laws and Regulations on the Worst Forms of Child Labor

The second section of each profile provides information on two criteria established in the TDA Conference Committee report: "1) whether the country has adequate laws and regulations proscribing the worst forms of child labor" and "2) whether the country has adequate laws and regulations for the implementation and enforcement of such measures…". This section describes a country's legal framework in regard to the worst forms of child labor. Laws relating to the worst forms of child labor generally are comprised of labor laws and regulations as well as criminal law.

USDOL analyzed the laws and regulations of each country to determine the extent to which the country's legal framework correspond to the standards called for in the TDA. In line with ILO's Committee of Experts on the Application of Conventions and Recommendations, USDOL considered any law that could be used to prohibit the worst forms of child labor to constitute accordance with international standards. In line with current legal practice around most of the world, USDOL considered whether laws were comprehensive in their prohibitions of all variations of the particular worst form as well as all steps in the process of exploitation (for example, in regard to commercial sexual exploitation of children, are prohibitions in place for offering as well as procuring a child for sex and whether prohibitions applied to both boys and girls up to the age of 18). Finally, in order to focus on the most urgent problems as called for in ILO C. 182, USDOL focused on whether legal protections were in place regarding the specific worst forms of child labor that actually exist in the country.

This section also includes a table with information on selected international conventions the country has ratified, as well as education and child labor laws and policies it has adopted. The conventions include ILO C. 138 and 182; the UN Convention on the Rights of the Child and its Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography; and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol). A checkmark usually indicates the country has ratified the instrument. In some cases, a checkmark represents a case of acceptance, accession or succession to the instrument, given that these actions have the same legal effect regarding the substantive obligations of the instruments as ratification.[12]

12. For more information on country ratification of these instruments, see the UN Treaty Collection, *Chapter IV : Human Rights*, available at http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en.

Operationalization of standards

USDOL operationalized international standards on legal protections against the worst forms of child labor as follows.

The section first assessed a country's minimum age for admission to work and the age through which education is compulsory. Although these provisions are found in ILO Convention 138 (ILO C. 138) as opposed to ILO C. 182, they provide a foundation for protections against the worst forms of child labor. ILO C. 138 establishes that countries should set a minimum age for work of 15, or 14 for countries with lesser-developed economies. Per ILO C. 138, the minimum age through which education is compulsory should be at least equal to the minimum age for employment. It is possible that a low (or no) compulsory school age may encourage children below the legal age of employment to work, since they are not required to attend school. Because such work is illegal, it may be more hidden from public view than other forms of work, increasing the possibility of exploitation through involvement in hazardous work or other worst forms of child labor.

The section also assesses whether the country's laws provide protections against each worst form of child labor as established in ILO C. 182 Article 3, (a) through (d), if it was occurring in the country. In regard to forced child labor, USDOL considered whether forced child labor, debt bondage and/or child slavery exist in the country, and then assessed whether the law prohibits all manifestations of the problem. In regard to child trafficking, USDOL determined whether children were trafficked internationally and/or domestically and for what purposes.[13] USDOL also determined whether the country was experiencing armed conflict, and then assessed relevant laws to protect children from this worst form of child labor. If there was no evidence of armed conflict in the country, USDOL assessed whether the minimum age for military recruitment was 18, and in cases in which armed conflict was found to exist, USDOL additionally assessed whether the law prohibits forced or voluntary recruitment of children for use in any armed conflict, both by the armed forces as well as other armed groups.

13. Since the focus of each profile is on worst forms of child labor in that particular country, information about the purposes of trafficking out of the country is not always included. Such information would be included in the receiving country's profile.

If child prostitution exists in the country, USDOL assessed whether the law prohibits recruitment, use, sale of and benefiting from the proceeds of child prostitution, while in regard to child pornography, whether laws prohibit the production, distribution/sale of, benefiting from, and possession of child pornography. In the case of use of a child by an adult in illicit activities, USDOL examined whether specific manifestations of such acts occur in the country—such as use of children for drug trafficking or in forced begging, and then assessed whether the law prohibits the use of a child in such activities.

In regard to hazardous activities, although the focus was on relevant hazardous labor that occurs in the country, given ILO C. 182's call for countries to establish comprehensive prohibitions absent hazardous work, USDOL generally assessed whether the countries' law prohibits all types of activities laid out in ILO R.190, paragraphs 3 and 4.

Section 3: Institutional Mechanisms for Coordination and Enforcement

The third section of each profile provides information on institutions charged with coordinating of efforts and enforcement of laws governing the worst forms of child labor in the country. The section addresses the third indicator for assessing a country's child labor efforts included in the TDA Conference Committee report: "3) whether the country has established formal institutional mechanisms to investigate and address complaints relating to allegations of the worst forms of child labor."

USDOL identified two distinct concepts for analysis. The first refers to whether the country has "formal institutional mechanisms." Although the Conference Committee report speaks only to whether such mechanisms are in place in regard to investigation and complaints of the worst forms of child labor, ILO C. 182 Article 5 states that "Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention." USDOL applied this concept to all provisions of the Convention, not just enforcement. However, since the term "monitor" is often associated with enforcement, USDOL uses the term "coordinate" for this function.

The second concept USDOL analyzed was whether or not the country has mechanisms to investigate and address complaints relating to allegations of the worst forms of child labor. Specifically, USDOL operationalized the concept of enforcement as follows.

Operationalization of standards

Because ILO C. 182 discusses enforcement to only a limited extent, other international standards and practice were also considered as general guidelines, including those from ILO Conventions 81 and 129 on Labour Inspection and Labour Inspection in Agriculture respectively. To the extent possible, USDOL assessed whether the country had:

- Established labor inspection systems
- Employed a sufficient number of inspectors to enforce a country's laws and regulations
- Provided sufficient funding and resources to enforce laws and regulations
- Provided training to inspectors
- Established processes for information sharing among enforcement authorities
- Created mechanism for filing complaints
- Targeted inspections to areas in which the worst forms of child labor were believed to occur and conducted inspections with sufficient frequency
- Prosecuted child labor violations
- Published information on inspections.

In most cases, USDOL did not have sufficient information to determine whether numbers of inspectors were sufficient in the country. If governments provided assessments about the sufficiency of the inspectorate, that information was included. USDOL considered the benchmarks developed by the ILO in regard to sufficient numbers of inspectors.[14] Given the lack of information, however, USDOL was cautious in its assessment of adequate numbers of inspectors, and only in cases in which the number of inspectors was extremely small relative to the population did USDOL make findings of insufficiency.

Although ILO Conventions focus on labor laws, the worst forms of child labor encompass activities such as child prostitution which are generally covered by criminal laws. Therefore the report also assessed the same criteria in regard to criminal law enforcement.

14. According to the ILO, benchmarks for sufficient numbers of labor inspectors in relation to workers are: 1/10,000 for industrialized market economies, 1/15,000 for industrializing economies, 1/20,000 for transition economies, and 1/40,000 for lesser developed countries. See http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_gb_297_esp_3_en.pdf.

Section 4: Government Policies on the Worst Forms of Child Labor

The fourth section of the profiles provides information on the TDA Conference Committee report criteria: "whether the country has a comprehensive policy for the elimination of the worst forms of child labor." This section describes a country's policies and plans to combat the worst forms of child labor.

In writing the report, USDOL used the framework provided in R. 190, Art X15(f), which illustrates measures that countries might take to combat worst forms of child labor, such as "encouraging the development of policies by undertakings to promote the aims of the Convention…". In ILO C. 182 and in comments from the ILO Committee of Experts, the terms programs and plans of action are often used interchangeably. Indeed, it is difficult to distinguish in some cases between a policy, a plan, and a program. For purposes of the TDA, a policy on worst forms of child labor is defined as a framework that lays out general principles that are intended to guide a government's actions on child labor. Although policies may call for the passage of new laws and the establishment of new programs, for purposes of the TDA, whether laws are adopted or programs are implemented is discussed in the Laws and Regulations on Child Labor section or Social Programs to Eliminate or Prevent the Worst Forms of Child Labor section.

Operationalization of standards

In this section of the profiles, USDOL assessed whether governments had:

- Established specific child labor policies, any related development policies that explicitly incorporate the issue of child labor, or any related development policies that do not explicitly target child labor but that could impact the problem. USDOL determined that, because so few governments distinguish between worst forms of child labor and child labor when establishing policies, any policy on child labor, whether targeted to worst forms of child labor or not, would be discussed.
- Established policies that included specific action plans, assigned responsibilities, established goals, and set timetables.
- Implemented such policies.

Section 5: Social Programs to Prevent and Eliminate the Worst Forms of Child Labor

This section responds to the Conference Committee report criteria that calls for a consideration of "whether social programs exist in the country to prevent the engagement of children in the worst forms of child labor, and assist in the removal of children engaged in the worst forms of child labor…". This section describes any such programs, including programs to combat child labor that the country has implemented since 2001. Given that this edition of the report includes findings and suggested actions for the first time, USDOL determined it was relevant to provide this context on the efforts countries had made since the TDA report was first published. The section then discusses programs implemented during the reporting period.

As in the section on policies, this section describes both programs focused on worst forms of child labor and on all forms of child labor, since countries often do not distinguish between the two in child labor programs. Also as in the policies discussion, this section discusses programs that focus on child labor explicitly, as well as programs that address poverty, education, and other related matters that could have a beneficial impact on child labor, whether or not that was the specific focus.

USDOL generally considered international organization-implemented efforts to be government efforts, because they can only be carried out with consent of the government, and many times, such efforts are considered as part of national budgets.

Operationalization of standards

In this section, USDOL based its assessment on Articles 6 and 7 of ILO C. 182, which call for countries to urgently eliminate worst forms of child labor. ILO R. 190 was also used as a guide in determining the kinds of efforts governments might make, such as giving special attention to girls, providing training to employers and workers, and raising awareness about the problem. With this in mind, USDOL assessed whether governments had:

- Participated in any programs to combat child labor, including programs aimed at directly preventing and withdrawing children from child labor;
- Implemented programs sufficient to combat the scope and magnitude of the child labor problem;
- Targeted at-risk populations; and
- Implemented programs successfully and sustainably.

Other Issues

The issues that impact children's involvement in the worst forms of child labor are many and often not fully understood. In writing the TDA report, USDOL decided to focus on aspects of governments' efforts that appear likely to have a direct impact on the problem. Therefore laws, coordination and enforcement efforts, policies and programs explicitly targeted at child labor make up the bulk of the discussion. The report notes programs to combat poverty and promote education that may contribute to the elimination of the worst forms of child labor, while noting the need for further research.

The report excludes policies and programs such as infrastructure projects and health programs, which in some cases have been shown to support children's school attendance.[15] The link to child labor is less direct than in the case of targeted child labor programs and it is difficult to assess the impact these interventions have on child labor.

The issue of access to education is discussed in a limited way. Each country profile notes whether, by law, countries have established free and compulsory primary education. Nonetheless, it should be kept in mind that barriers to access to education, such as legal and illegal school fees, transportation costs, and physical distances to schools may prevent families from sending their children to school and make the decision to have them work more attractive. Poor quality education may encourage families to value the practical skills, as well as income, that their children gain in the workplace over schooling.[16]

Another issue that impacts children's involvement in the worst forms of child labor is the problem of corruption related to enforcement of laws covering the worst forms of child labor. While some corruption is likely to exist in many countries, including the United States, specific, credible evidence regarding the problem is extremely limited. Global attention to the issue of human trafficking has made information on corruption among law enforcement and other officials working on this issue somewhat more available. Since an informed discussion of the problem was beyond the scope of this report, discussions of corruption have been excluded from the country profiles.

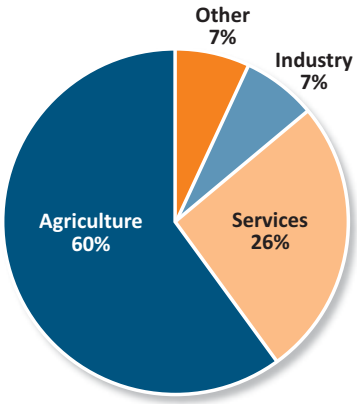
15. Edward Miguel and Michael Kremer, "Worms: Identifying Impacts on Education and Health in the Presence of Treatment Externalities," *Econometrica* 72, no. 1 (2004), 159-217. See also Abdul Latif Jameel Poverty Action Lab, *Primary School Deworming in Kenya* [online] n.d. [cited November 7, 2010]; available from http://www.povertyactionlab.org/evaluation/primary-school-deworming-kenya.
16. UNESCO, *Education for All - Global Monitoring Report: The Quality Imperative* 2005, 40-78; available from http://www.unesco.org/education/gmr_download/chapter2.pdf.

The Year in Review

ILO C. 182, one of the most widely ratified international labor conventions, came into force in 1999. During the ensuing years, countries have intensified their efforts to address the worst forms of child labor and progress has been made. Global estimates released in 2006 showed that the number of child laborers declined by 9.5 percent between 2000 and 2004. The number of children in hazardous work declined even faster than the number of children in child labor generally, at an impressive 24.7 percent.[17] This encouraged the ILO and its member states to set an ambitions goal. They adopted a global action plan to eliminate the worst forms of child labor by 2016. However, since then progress has slowed. This year, the ILO released a new global estimate, tracking the change between 2004 and 2008. It reveals that the number of child laborers worldwide fell by just 3.2 percent, only about a third as much as during the previous four years. In 2008, of the 215 million child laborers world wide, more than half (115 million) were doing hazardous work.[18] The 10.2 percent drop in the number of children in hazardous work that this represents was less than half as steep as it had been during the previous four years. There were other troubling trends. For example, hazardous work increased among children ages 15 to 17. And although the number of girls in child labor and hazardous work continued to steadily decline, the number of boys in child labor rose 7 percent, and the number of boys in hazardous work dipped less than 1 percent.

What types of work are children engaged in?

The majority of children's work continues to be in agriculture, followed by services, industry and other. Only one-fifth of child laborers are in paid employment status, with the majority serving as unpaid family workers.



17. International Labor Organization, *Accelerating action against child labor* (Geneva) 2010, 8-9.
18. Ibid.

School constructed with USDOL technical assistance funds in the Democratic Republic of the Congo. ILAB/Chanda Leckie

What is perhaps most sobering about this slowing progress is that these estimates cover the period immediately preceding the global economic crisis, so the picture has potentially worsened in the past two years. Children have likely been drawn into child labor, including its worst forms, as economies and family finances weakened. The current economic crisis has also constrained the ability of donor countries to help by burdening them with high unemployment and rising budget deficits.

Devastating natural disasters added to the factors pushing children into worst forms of child labor. The shocks from the powerful earthquake that struck Haiti in January 2010 continue to reverberate in the lives of hundreds of thousands of children who lost parents and access to even the most basic social services. In Pakistan, floods engulfed huge swaths of the country, forcing millions of families to abandon their homes and livelihoods. Such disasters unleash a cascade of hardship for vulnerable and marginalized populations and severely tax the ability of governments, NGOs, and international organizations to provide social programs needed to protect them.

Conflict is another persistent barrier to progress. In areas torn by war or civil unrest, children are less likely to be in school due to lack of infrastructure and security, and therefore more likely to be involved in some form of labor. In the worst cases, children are recruited or forced to participate in active combat. In some cases, rebel and insurgent groups beyond government control engage in child soldier recruitment and use, while in others government and government-supported forces engage in this practice. Rebel and insurgent groups have recruited and used children in conflict during the period covered by this report in Afghanistan, Central African Republic, Chad, Colombia, Cote d'Ivoire, the Democratic Republic of the Congo, Ethiopia, India, Iraq, Lebanon, Pakistan, Philippines, Somalia, Sri Lanka, Uganda, and Yemen. States deemed to have unlawfully recruited, in some cases forcibly, or used child soldiers in government armed forces or government-supported armed groups include Chad, the Democratic Republic of the Congo, Somalia, and Yemen.

Economic and security challenges may tempt some governments to delay addressing the worst forms of child labor. But as countries search for paths to stability and

prosperity, fighting this problem can be key. The worst forms of child labor perpetuate a cycle of poverty, often denying children the opportunity to attend school and learn the skills they need to become productive adults. Such exploitation risks children's health and wellbeing, often leaving them with both physical and mental impairments. Breaking this cycle can unlock not only this generation's potential to improve its own livelihoods and futures, but also those of its children. On the largest scale, it can nurture sustainable economic development and help to build a more balanced global economy by enabling developing and emerging economies to consume more goods and services. Protecting the tens of millions of children engaged in worst forms of child labor and providing them with an education is not just the morally right thing to do. It is in everyone's interest.

Despite the recent slowdown in progress, many nations have signaled their determination to move forward in this effort. In May 2010 over 400 representatives from government, employer, worker, civil society and international organizations from 80 countries participated in a global child labor conference in the Netherlands. Their goal was to take stock of progress made since the adoption of ILO C. 182, identify remaining challenges, and agree on measures to accelerate progress towards eliminating the worst forms of child labor by 2016.

The outcome of this conference was a Roadmap for Achieving the Elimination of the Worst Forms of Child Labor by 2016. This document calls on all actors involved to "substantially upscale and accelerate action." It asserts that the progress made during the previous decade "demonstrates that the fight against child labor can be won with sound policy choices and substantial national and international resource commitments."[19] The Roadmap states that governments have the primary responsibility for the elimination of the worst forms of child labor and for enforcing the right of all children to education, while workers' and employers' groups, civil society organizations, and international and regional organizations also have important roles to play. The Roadmap lays out policy priorities for countries, including adopting and enforcing legislation on child labor, especially its worst forms; developing and implementing national action plans; providing adequate resources to achieve policy goals; and supporting decent and productive work for adults and youth of working age.

19. *Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016*, Outcome Document, The Hague Global Child Labour Conference 2010.

On the 2010 World Day against Child Labor on June 12th, the ILO pushed for renewed urgency in fighting the worst forms of child labor, scaled-up global, national, and local-level efforts, and increased political and popular commitment to eliminating child labor.[20] Noting that the 2010 World Day coincided with the World Cup in soccer, the ILO called upon the world community to "Go for the Goal: End Child Labor."

That same month, member nations of the ILO also took concrete action to help accomplish this goal, specifically in regard to the plight of domestic workers. Many domestic workers are children, and many are subjected to the worst forms of child labor. These children may perform arduous work for long hours and they are particularly vulnerable to physical and sexual abuse given that their place of work is a private home in which they likely eat and sleep. For the first time, ILO member states agreed to work toward adopting a comprehensive new Convention, supported by a Recommendation, on "decent work for domestic workers."[21] Since many countries lack any legal protections for domestic servants of any age, a new Convention and Recommendation in this area will provide important guidance to prevent the exploitation of workers in this sector. For child domestic workers, who may find themselves particularly isolated and defenseless, setting this process in motion is especially important.

Finally, at the September 2010 United Nations Summit on the Millennium Development Goals, child labor concerns were explicitly linked, for the first time, to the Millennium Development Goals (MDGs). These goals sets ambitious global targets that governments around the world are striving to meet in area such as poverty elimination and providing universal primary education by the year 2015. In reference to the first goal, on eliminating extreme poverty and hunger, the Summit's Outcome Document called on countries to take "…appropriate steps to assist one another in the elimination of the worst forms of child labor, strengthening child protection systems and combating trafficking in children through, inter alia, enhanced international cooperation and assistance, including support for social and economic development, poverty eradication programs and universal education."[22]

20. http://www.ilo.org/ipec/Campaignandadvocacy/WDACL/WorldDay2010/lang--en/index.htm
21. International Labor Organization, International Labor Conference, Provisional Record, 99th Session, Geneva, 2010, "Report of the Committee on Domestic Workers," 133.
22. UN General Assembly, *Keeping the promise: united to achieve the Millenium Development Goals*, New York, September 17, 2010; available from http://www.un.org/en/mdg/summit2010/pdf/mdg%20outcome%20document.pdf.

2010 Department of Labor Trade and Development Act Report Highlights

In addition to the collective efforts highlighted above, many countries have taken measures to address the worst forms of child labor on their own. This section highlights trends that emerge from the country profiles that follow in this report. First, we note some of the good practices and innovations in the areas of law, enforcement, policy, and social programs. Then we discuss some of the most common gaps where more action is needed.

HIGHLIGHTS IN THE AREA OF LAWS

Establishing a clear, strong legal framework is a crucial foundation for countries' efforts to prevent and eliminate the worst forms of child labor. Numerous countries strengthened their laws and stiffened penalties for violating them during the reporting period.

In Rwanda, the Government raised the minimum age for performing hazardous work from 16 to 18 years to conform to international standards. Other governments toughened prohibitions for hazardous work in specific sectors. For example, the Government of South Africa published new regulations listing hazardous activities forbidden for children under 18. The Government of Burkina Faso issued a hazardous child labor list that barred children under 18 from working in 12 sectors. Uruguay passed a new decree regulating agricultural work and requiring the government to publish an annual list of the 50 most dangerous forms of labor in agriculture prohibited for children and adolescents.

In the Philippines, the Government passed new legislation that authorizes the Department of Labor and Employment (DOLE) to close businesses for violating child labor laws. DOLE regional directors may now shut down workplaces and firms immediately where the work may cause a child imminent physical or mental harm. Similarly, in Colombia, a new law permits authorities to seize hotels that are used for the commercial sexual exploitation of children.

New anti-trafficking legislation was adopted in Jordan, Saint Lucia, and Zimbabwe. Jordan's law prohibits human trafficking, including trafficking of children, for both forced labor and sexual exploitation. Saint Lucia's new provision defines sexual exploitation of children as a criminal offense.

Other countries bolstered compulsory education laws, which may help protect children from the worst forms of child labor. For example, Brazil amended its Constitution to increase the age for compulsory education from 14 to 17. Tonga raised its mandatory school age from 14 to 18. India's Right to Education Act, which promises free and compulsory elementary education for children between the ages of 6 and 14, came into force. Additional steps will be needed, however, to keep children in school and out of the worst forms of child labor. For instance, both Tonga and India lack a basic minimum age for employment, and the minimum age for hazardous work in India is 14, well below the international standard of 18.

HIGHLIGHTS IN THE AREA OF COORDINATION AND ENFORCEMENT

ILO C. 182 and R. 190 urge countries to establish mechanisms to monitor and coordinate efforts to combat the worst forms of child labor. A growing number of countries have established such coordinating mechanisms across government agencies. Often these inter-ministerial committees or task forces are chaired by Ministries of Labor and Employment. In Zambia, for example, the Ministry of Labor and Social Security chairs the National Steering Committee on Child Labor, which monitors and develops policies on child labor. In Tanzania, the Prime Ministers' Office of Regional Administration and Local Government chairs a National Intersectoral Committee on Child Labor that includes representatives from various government ministries and non-governmental organizations. In some countries, broader committees addressing child welfare and protection may include child labor in their portfolio. This is the case in Benin, for example, where the Ministry of Family and National Solidarity chairs a task force made up of five committees to protect children. Egypt has a General Committee for Child Protection, chaired by the Ministry of State for Family and Population, tasked with identifying and monitoring children at risk of exploitative labor. Many countries have set up similar coordinating committees to specifically address human trafficking, including the trafficking of children.

Laws can only prevent the worst forms of child labor if they are adequately enforced and this is often a challenge. Some countries established new institutions to help give their laws new "teeth." For example, in Panama, the Ministry of Labor established a new National Bureau against

Child Labor and for the Protection of the Adolescent Worker. This new office will have a presence throughout the country and will be responsible for enforcing child labor laws as well as providing training on these laws.

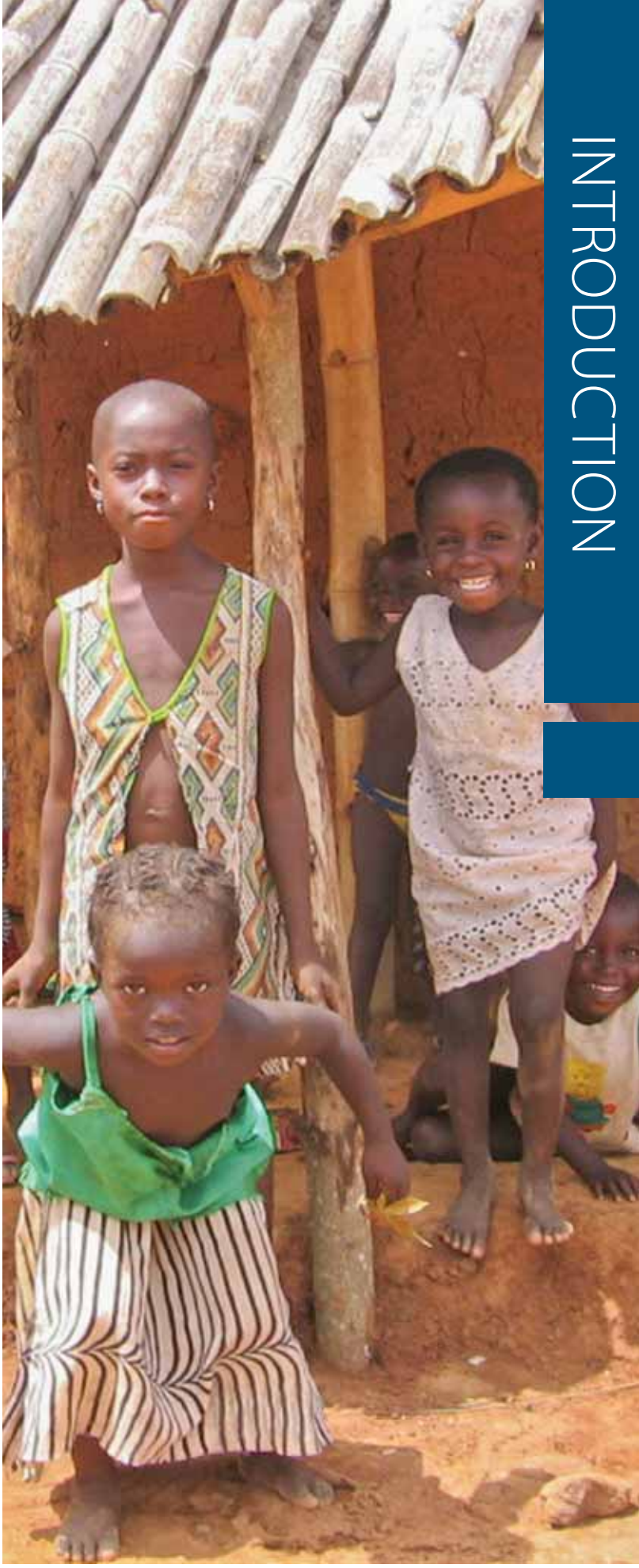
A number of countries fortified their ability to conduct inspections by hiring additional inspectors and providing staff with better guidance and training. In Indonesia, the Government hired an additional 231 labor inspectors, for a total of 2,200, tasked with withdrawing children from exploitative labor. In Bolivia, the Ministry of Labor developed a comprehensive guide and conducted trainings on child labor for all labor inspectors throughout the country. In Egypt, the Public Prosecutor's office provided training about forced child labor and trafficking to prosecutors working on children's cases and created a handbook on prosecuting such cases. In Sri Lanka, 240 labor, police, and probation officers were trained on child labor issues. Belize and Jordan trained inspectors on child labor as well.

In Thailand, the Government has begun to target inspections at workplaces where the worst forms of child labor are most likely to occur. The Department of Labor Protection and Welfare within the Ministry of Labor now prioritize inspections of small factories and workplaces with high concentrations of migrant and 15 to17 year-old laborers, where the risk of hazardous labor is high. The Thai Government also collaborated with the Thai Frozen Food Association to conduct seminars and trainings on child labor for shrimp and seafood processors.

ILO R. 190 also urges countries to compile detailed information and statistical data on the nature and extent of child labor and child labor violations to help them identify problems and set priorities. Several countries took action in this area. In Argentina, the Ministry of Labor has established a Child Labor Monitoring Office to collect statistics on the incidence of child labor in the country. Similarly, Chile's National Service for Children implemented a national monitoring system to track cases of the worst forms of child labor. In Egypt, the Ministry of Manpower and Migration established and pilot tested a new central database to monitor child labor. In Brazil, the Government continued work on a consolidated database to monitor enforcement of laws against child labor, including commercial sexual exploitation, trafficking, and forced labor.

HIGHLIGHTS IN THE AREA OF POLICY

Policies and plans to prevent and eliminate worst forms of child labor provide roadmaps for action. Policy documents that focus on the worst forms of child labor provide



the most clear-cut indication of a country's political will to address this problem. Many countries have taken the extremely important step of integrating child labor concerns in broader child protection, poverty alleviation, and develop policy frameworks. The causes of child labor are complex and closely linked to lack of education and poverty, so meaningful solutions will dovetail with strategies to combat these related problems. Broader development, education, and poverty alleviation policies may well contribute to the elimination of the worst forms of child labor, even without an explicit focus on the problem. Many countries already have such policy frameworks, and in the past year, some countries have strengthened these policies.

The Government of Bangladesh approved the country's National Child Labor Policy 2010, which serves as a guiding instrument for the formulation of future laws and policies on child labor in both the public and private sectors. The Government of Belize's National Child Labor Policy, introduced in October 2009, establishes a multi-sectoral approach to combat exploitative child labor through consultations between governmental agencies, NGOs, the ILO and other relevant organizations. In Comoros, the Government adopted a National Action Plan to Combat Child Labor covering 2010 through 2015, which takes a holistic approach to the issue. This Plan aims to harmonize labor laws, sensitize and mobilize the population, promote universal primary education, increase access to secondary and non-formal education, provide services to victims and vulnerable children, address family poverty, collect systematic information on the worst forms of child labor, and establish a coordinating mechanism. Thailand launched the National Policy and Plan (NPP) to Eliminate the Worst Forms of Child Labor (2009-2014) and established provincial "women and child labor protection centers" to implement the plan at the provincial level. Finally, the Government of Tanzania released its National Acton Plan for the Elimination of Child Labor in June 2009. The plan highlights key stakeholders and ministries responsible for child labor interventions and proposes strategies such as poverty alleviation, capacity building for enforcement and protection mechanisms, and monitoring and evaluation to combat the worst forms of child labor.

Several countries mainstreamed child labor issues into broader policy agendas, including development, human rights, and youth protection. Such mainstreaming efforts often raise the profile of child labor issues, resulting in better budgetary support and more broad-based remediation. For example, in Indonesia, the Government's National Mid-Term Development Plan (2010-2014) calls for addressing the worst forms of child labor in domestic work, transportation, construction, and mining sectors and provides specific targets and budgetary allocations. The country's National Development Planning Agency's Strategic Guidelines for 2009 also focused on removing children from worst forms of child labor. Kosovo's Strategy and Action Plan for Human Rights (2009-2011) highlighted the need to eliminate the worst forms of child labor under its component on children's rights. In Liberia, the government published its National Youth Policy Action Plan, which provides youth of legal working age with training in entrepreneurship skills and links to business mentoring programs and cooperatives.

Some countries adopted new policies prioritizing specific worst forms of child labor which may be of particular concern. For example, the Government of Mongolia adopted the State Policy on Herders, which clarifies the conditions and criteria for engaging children in herding so as to eliminate worst forms of child labor in that sector. In Sri Lanka, which emerged from a decades-long civil war in 2009, the Government developed a National Action Plan of the National Framework Proposal for Reintegration of Ex-combatants into Civilian Life in Sri Lanka. This policy includes rehabilitation services and access to educational opportunities for ex-child combatants.

HIGHLIGHTS IN THE AREA OF SOCIAL PROGRAMS

Many countries covered by this report reinforced social safety nets for families and children vulnerable to worst forms of child labor. Some programs explicitly target the worst forms of child labor, for instance, by transferring cash to families on the condition that children attend school, rather than working. Some combat child labor in specific sectors, some strive to provide working children with better, more accessible schools, and some focus on poverty elimination and the promotion of education, which implicitly address child labor.

In 2009, two evaluations of Brazil's child labor-focused cash transfer program, the Program to Eradicate Child Labor, showed very positive results. The program requires proof that children attend school. The same year, Ghana expanded its LEAP, an anti-poverty conditional cash transfer program which requires participating families keep their children out of child labor. Indonesia expanded a similar program to 13 provinces to reach over 500,000 impoverished households. In South Africa, small cash transfers known as Child Support Grants have been

associated with reduced poverty, improved health, and increased school attendance and performance. In Guatemala, more than 500,000 vulnerable families are benefiting from small cash transfers through the Mi Familia Progresa program, initiated in 2008, which conditions these transfers on children's school attendance and regular health checks.

Other countries have focused efforts on improving vulnerable children's access to education. In 2009, Chile's Ministry of Education operated educational reinsertion programs serving 1,100 children, including child laborers, in 13 regions. In Bolivia, the Government continued to implement a cash subsidy program, offering grants for primary school students conditional upon their attending school. The Government of Ghana funded a national school feeding program that provides lunches to encourage school attendance. Programs in Dominica subsidized the cost of textbooks for primary and secondary school students as well as providing free school lunches to primary school students in targeted areas. For the most vulnerable populations, such education subsidies and school feeding programs can be a significant incentive to send children to school and keep them out of work.

Many governments are addressing worst forms of child labor in specific sectors. These initiatives range in size and scope, from small programs to sector-wide efforts, sometimes involving international industry groups and donors. One high profile initiative targets the cocoa industry in Cote d'Ivoire and Ghana. Reports of exploitative and forced child labor that surfaced a decade ago spurred efforts and pledges to address the problem, including the Harkin-Engel protocol signed by the industry in 2001. The Governments of Cote d'Ivoire and Ghana, DOL, and the international cocoa industry launched a new Framework of Action in 2010, agreeing to coordinate and provide transparent tracking of efforts to accelerate the elimination of the worst forms of child labor in the production of cocoa in the context of the Harkin-Engel protocol.

The Government of Cote d'Ivoire also started a new project to combat child labor in cocoa production titled "Self Help Villages." It aims to monitor child labor, rehabilitate schools, and provide communities with other needed infrastructure. To date, the Government has begun activities in 10 villages in the cocoa growing region, and plans to expand the program to 21 more.

The Government of Nicaragua has collaborated with coffee producers and civil society organizations to eliminate child labor in the harvesting of coffee in the Department of Jinotega. The National Commission for the Progressive Eradication of Child Labor and Protection of the Young Worker is working with coffee producers to ensure that children whose parents migrate to harvest coffee have educational opportunities on coffee plantations. Since children usually accompany their parents for the harvest, providing schooling in these receiving areas can prevent children from becoming involved in dangerous work.

Kenya's Government continued to raise awareness of child prostitution and child sex tourism among hotel and tour operators and lobbied companies in the hospitality industry to adopt and implement a code of conduct against child sex tourism. In 2009, an additional 66 hotels signed this code.

The country reports that follow include numerous other examples of programs addressing the worst forms of child labor. Many countries are investing their own resources and many more participate in externally-funded programs supported by a host of donors, international organizations, and NGOs. These programs provide educational alternatives to victims and at risk children, raise awareness of how child labor harms children and stunts their development, build host governments' capacity to address child labor, and improve the livelihoods of vulnerable families. But clearly, much more remains to be done. And it is the host governments that bear the primary responsibility for preventing and eliminating the worst forms of child labor in their countries.

The U.S. Experience

USDOL is a major funder of international efforts to address the worst forms of child labor, in part because our own experience teaches us that preventing such exploitation of children requires ongoing effort and vigilance. Like children everywhere, children in the United States can learn valuable skills from work that is appropriate for their level of development. Yet they can also fall victim to exploitation in the worst forms of child labor.

Many working children in the U.S. work on farms. In 2006, an estimated 1.12 million children and adolescents under age 20 resided on farms, and approximately half of them performed farm work. An additional 307,000 children and adolescents were hired to work on U.S. farms.[23] While the United States is in full compliance

23. See *http://www.cdc.gov/niosh/topics/aginjury/*.

with international standards and U.S. law, some of these children perform agricultural work that may jeopardize their health and safety. In 2006, an estimated 5,800 children and adolescents were injured while performing farm work. Over the period 1995 -2002, an average of 113 youth under age 20 died annually from farm-related injuries, including fatal injuries involving machinery, tractors, and motor vehicles and drowning.[24]

Safeguarding agricultural workers' health and safety poses challenges, because workers are often mobile, the work may be seasonal, and often occurs in remote locations. USDOL's Wage and Hour Division (WHD) aims to protect youth working in agriculture through a variety of means, including investigations and outreach to farmers, farm labor contractors, workers, parents, teachers, federal agencies, and others who provide services to farmworkers. WHD is now focusing on strengthening regulatory protections for children working in agriculture.

Children work in other U.S. industries as well, some illegally, and an estimated 146,000 youth sustain work-related injuries and illnesses each year.[25] In May 2010, USDOL promulgated new regulations that expanded the list of hazardous occupations and processes prohibited for children under age 18. These new rules draw on technical recommendations from the National Institute for Occupational Safety and Health (NIOSH). They bar children from working at poultry slaughtering and packaging plants; riding on forklifts; working in forest fire fighting, forestry services, and timber tract management; operating power-driven hoists and work-assist vehicles; operating balers and compacters designed or used for non-paper products; and operating power-driven chain saws, wood chippers, reciprocating saws, and abrasive cutting discs.

WHD has stiffened penalties for employers that illegally employ child workers. Under the new penalty structure, employers who employ youth who are under the age for legal employment will face a minimum penalty of $6,000 per violation for employing 12 and 13 year olds; for workers illegally employed under age 12, the minimum rises to $8,000 per violation. WHD can assess up to $50,000 for a child labor violation that results in a youth's serious injury or death, and this penalty can be doubled for repeat or willful violations up to $100,000.

24. See *http://www.cdc.gov/niosh/topics/aginjury/*.
25. See *http://www.cdc.gov/niosh/topics/youth/*.

USDOL is committed to ensuring that U.S. child labor laws are strictly enforced. Every onsite investigation conducted by WHD has a child labor component. Child labor complaints, although not numerous, are given the highest priority within the agency. Each year, WHD regional and local offices undertake child labor compliance initiatives in a variety of industries, such as grocery stores, shopping malls, theaters, and restaurants, homing in on industries that traditional employ large numbers of young workers and are most likely to have problems with compliance.[26] Ending illegal child labor is a top USDOL priority, and WHD investigators use every tool available — from imposing civil money penalties to using the "hot goods" provision to prevent interstate commerce in goods produced by child labor — to end these violations.[27]

Children in the U.S. are also exploited in criminal worst forms of child labor, such as prostitution and trafficking. Enforcement efforts provide a sense of the problem. In fiscal 2009, the Community Relations Unit of the Federal Bureau of Investigation (FBI) rescued 13 minors who were trafficking victims.[28] In 2003, the FBI, the Department of Justice's Child Exploitation and Obscenity Unit, and the National Center for Missing and Exploited Children launched the Innocence Lost National Initiative, which addresses the commercial sexual exploitation of children in the U.S. As part of the Initiative, the FBI's Crimes Against Children Unit (CACU) conducts national sting operations. Such operations in February and October of 2009 rescued a total of 107 child victims and led to the arrest of 124 pimps.[29] During fiscal year 2009, USDHS's Immigration and Customs Enforcement (ICE) investigations resulted in 26 convictions of human trafficking.[30] During the same period, ICE made over 1,400 arrests as part of Operation Predator, which targets child pornographers, child sex tourists and facilitators, human smugglers and traffickers of minors, criminal aliens convicted of offenses against minors, and those deported for child exploitation offenses who have returned illegally.[31]

26. The FLSA provides a minimum age of 18 years for nonagricultural occupations, and 16 years for agricultural occupations, involving work which the Secretary of Labor finds and declares to be particularly hazardous or detrimental to the health and wellbeing of persons under these ages.
27. For information on the "hot goods" provision of the Fair Labor Standards Act, see USDOL, Enforcement Under the Fair Labor Standards Act, available at http://www.dol.gov/elaws/esa/flsa/screen74.asp
28. *U.S. Attorney General, Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons, Fiscal Year 2009*, Washington, DC, July 2010, 41; available from http://www.justice.gov/ag/annualreports/tr2009/agreporthumantrafficking2009.pdf.
29. Ibid., 42.
30. Ibid., 44.
31. Ibid., 45. See also U.S. Department of Homeland Security, *Fact Sheet: Operation Predator - Targeting child exploitation and sexual crimes,* [November 19, 2008]; available from http://www.ice.gov/news/library/factsheets/predator.htm.

During fiscal 2009, USHHS certified 51 children as victims of trafficking. When such children are found, various programs are available to help them. For example, USHHS manages programs that provide child victims of trafficking, among other populations, with shelter, including foster homes and residential treatment centers, as well as food, clothing, medical care, skills training, mental health services, and assistance adjusting their immigration status.[32]

Addressing Gaps to Eliminate the Worst Forms of Child Labor

Despite advances against the worst forms of child labor in various countries, much more remains to be done. Each Country Profile in this report includes suggested actions that governments can take to help reduce the worst forms of child labor. This section discusses the most common gaps in countries' efforts to address the problem, which fall into four general areas: laws and regulations, coordination and enforcement, policy, and programs.

GAPS IN THE AREA OF LAWS AND REGULATIONS

The most commonly cited gap is the lack of comprehensive legal protections from exploitation in the worst forms of child labor. Many countries' labor and criminal laws protect some children from the worst forms of child labor, but do not provide protection to all. Often children work in sectors that are exempted from child labor laws or from labor laws more generally. For example, the majority of the world's child laborers work in agriculture, yet in many countries this sector is not covered under child or general labor laws. In such cases, governments should consider amending the laws to extend protection to all sectors of the economy, as called for in ILO standards. Child domestic servants remain vulnerable as well, because they work in private homes which generally fall outside the jurisdiction of labor laws. In these cases, the legal framework needs to be amended to ensure that children are protected from exploitation.

Some countries still lack a basic minimum age for employment, and those governments should consider amending laws to establish such a minimum age as called for in ILO standards. More commonly, some countries fail to specify a minimum age for hazardous work altogether, which is a serious omission that needs to be addressed. Other countries' minimum age for hazardous work is below 18, which fails to meet the standard set in ILO C. 182.[33] Another common gap is the lack of a clear definition of what constitutes hazardous work. Without such a definition, legal prohibitions against employing children in hazardous work cannot be effectively enforced. ILO C. 182 calls on countries to determine "by national laws or regulations or by the competent authority" the types of work to be considered hazardous, after consultations with employer and worker organizations. This is an important step that remains to be taken in many countries.

Providing free, compulsory education is an important tool to prevent and eliminate worst forms of child labor, and several country profiles note the need to amend educational laws. Some countries permit children to stop attending school when they are very young, too young to begin working legally. This greatly increases their risk of entering worst forms of child labor. In such cases, countries are urged to raise their compulsory education age to match the minimum age for work. Many more countries that mandate school attendance fail to make it free. While providing free, compulsory education may be a significant financial investment, it provides an enormous benefit to children of poor families, many of whom do not attend school because its cost is prohibitive. Those who attend may engage in the worst forms of child labor in order to pay for school fees, uniforms, books, and supplies. Therefore, making education free and accessible to all children should be the goal for countries that have made serious commitments to eliminate worst forms of child labor.

Country reports also point to gaps in criminal laws against worst forms of child labor. For example, some countries prohibit the prostitution of girls but are silent on the prostitution of boys, an omission that should be addressed as boys are also victims. Some criminal laws prohibit the prostitution of children 16 and under, though under international standards children should be protected up to the age of 18. Some countries lack legal prohibitions against using children in armed conflict, and as noted above, in

32. U.S. Department of Health and Human Services, *The Campaign to Rescue and Restore Victims of Human Trafficking: About Human Trafficking,* [August 10, 2010]; available from http://www.acf.hhs.gov/trafficking/about/index.html#wwd. See also U.S. Attorney General, *Annual Report to Congress*, 18, 19.

33. Although ILO C. 138 provides for exceptions in which countries may establish 16 as the minimum age for some forms of hazardous work when appropriate measures are taken to protect the health and safety of young persons, USDOL used 18 as the standard for this report, in line with the basic provision of the Convention.

some of these countries children continue to be recruited and even forced to fight.

GAPS IN THE AREA OF COORDINATION AND ENFORCEMENT

As noted earlier, laws without enforcement have little impact. While some countries made progress in enforcing their child labor laws, this is an area where much work remains to be done. Many countries are seriously lacking in their capacity to effectively enforce their laws against worst forms of child labor. Many labor inspectorates are chronically understaffed and lack the resources, including vehicles, needed to conduct inspections on an adequate scale to identify and deter violations. Enforcement officials are often in need of training on applicable laws and how to identify cases of worst forms of child labor.

Even where inspections appear numerous, convictions and penalties may be rare. This raises the question of whether inspections are appropriately targeting workplaces (or brothels) where children are most frequently exploited.

Another frequently cited gap in enforcement is the lack of information. Many countries do not collect data or report on enforcement. Without such data, countries are not able to evaluate their progress in addressing worst forms of child labor. Some countries do collect such data, but fail to make it available to the public. Whatever the reasons for this lack of transparency, it denies citizens valuable information they may need to effect change.

Another frequently cited gap in the area of enforcement is the lack of a clear mechanism to coordinate efforts across the various entities responsible for implementing and enforcing laws. Without coordination it is difficult for countries to maximize the impact of their efforts.

GAPS IN THE AREA OF POLICY

Many countries have national policies in place to eradicate child labor and many include child labor as an explicit objective in related development or education policies. However failure to implement those policies is a common problem. Carrying out policies and action plans requires governments to allocate resources, assign responsibilities, and make a real and ongoing commitment to deal with the problem. Many countries implement anti-poverty and other development plans that may indirectly affect the worst forms of child labor. In these cases, it would be desirable to launch research that assesses the impact of these programs on child labor.

There is an increasing body of knowledge on child labor around the world, including the worst forms of child labor, and countries interested in conducting such research can draw upon the methodologies and models that have been tested and validated elsewhere.

GAPS IN THE AREA OF PROGRAMS

The most commonly cited gap in the country profiles in the area of programs to address worst forms of child labor is the need to expand the scope and coverage of existing programs. Many countries have implemented programs to prevent and eliminate the worst forms of child labor, often with donor assistance, but they typically are not of sufficient scale to satisfy existing needs and cover all sectors where children are exploited. Some countries programs may target trafficking, for example, while ignoring more pervasive child labor in agriculture.

Another frequently-cited gap is insufficient effort to raise public awareness on worst forms of child labor. Families and communities do not always understand the severe risks faced by children lured into domestic service or lucrative-sounding jobs in capital cities or wealthier countries, where many children may find themselves trafficked into prostitution, face physical abuse, or be forced into other forms of labor that profoundly harm them.

Finally, although larger-scale social and economic programs may well be an essential part of efforts to combat the worst forms of child labor, there is a need to better understand this relationship. Poverty is one of the main causes of child labor. Only by addressing these linked issues together can efforts to lift children and families out of this cycle truly succeed.

The majority of the profiles in this report provide one or more of the following pieces of data: percentage of children counted as working, number of children counted as working, percentage of children counted as working by industry, percentage of children attending school, and percentage of children who combine school and work. This section describes the sources and provides definitions for these data. This section also discusses some of the strengths and weaknesses of these data. While in a few cases more current sources of data may be available than those used here, the report uses the most reliable, standardized sources available to date to allow for cross-country comparisons. Because reliable child labor surveys are not available for many countries, USDOL uses statistics in some cases as old as 10 years as of the writing of this report (1999). In the event that data did not exist from the sources described below, no other reliable and publicly available source of data exists for a country, or data existed but had not been analyzed to allow for cross-country comparisons, the report concludes that the statistics are "unavailable."

WORKING CHILDREN

Many of the profiles in this report present data on the percentage of children counted as working in the country in question. The percentage of children counted as working is the share of all children within a given age group that reported working in market activities. The number of children counted as working is also presented when available. Data presented in the current report may differ from data that were presented in previous reports because more updated data have become available.

Data are from the UCW project[1] analysis of primarily four survey types: (1) ILO's SIMPOC surveys; (2) UNICEF's Multiple Indicator Cluster Surveys (MICS); (3) World Bank-sponsored surveys, including Living Standards Measurement Surveys (LSMS), Priority Surveys, and others; and (4) other types of survey instruments including Labor Force Surveys (LFS) and Demographic and Health Surveys (DHS). The first three survey programs are commonly recognized as being the primary sources for data on children's work and child labor and, therefore, generally received priority over all other available data sources.[2]

Every effort was made to include the most recent, reliable, and available data source among the four survey types. In countries where a SIMPOC, MICS, or World Bank-sponsored survey did not exist or the data were not available for analysis by the UCW project, other reliable and publicly available sources of micro-data were analyzed and presented in the report.

In general, when research reports refer to children's work they define work as "economic activity." Economic activity is defined by the ILO as "the production of economic goods and services as defined by the United Nations system of national accounts and balances during a specified time-reference period."[3] Economic activities can further be broken down into market and non-market activities. Market activities are those activities that lead to the production of goods and services that are primarily intended for sale or are sold on the market. Non-market activities are those activities that lead to the production of goods primarily for household final consumption. Non-market economic activities include, for example, bottling; dressmaking and tailoring; and the production of butter, cheese, or flour for the household's own consumption. Non-market activities are typically excluded from current child labor surveys altogether or are not measured in enough detail to enable their full inclusion in an estimate of economic activity. For these reasons, the statistics on working children presented in this report generally represent children involved in market activities.

However, according to UCW researchers, typical child labor surveys do not collect enough detailed information on children's activities to accurately measure economic activity.[4] This sentiment was echoed in December 2008 at the 18th ILO International Conference of Labor Statisticians. A resolution was adopted at the conference that provides new guidelines for governments on collecting child labor data. Specifically, the guidance indicates that countries may choose to use a broad framework to measure children's work and child labor that encompasses unpaid household services; or that countries may use a narrower definition of children's

1. As part of broader efforts toward sustainable solutions to child labor, the ILO, UNICEF, and World Bank initiated the inter-agency UCW project in December 2000. The project is guided by the Oslo Agenda for Action, which laid out the priorities for the international community in the fight against child labor. For further information, see the project Web site at: www.ucw-project.org.

2. A.R. Ritualo, C. Castro, and S. Gormly, "Measuring Child Labor: Implications for Policy and Program Design," *Comparative Labor Law and Policy* 24, no. 401 (2003).

3. ILO, *Current International Recommendations on Labour Statistics: 2000 Edition*, Geneva, 2000.

4. L. Guarcello, S. Lyon, F.C. Rosati, and C. Valdivia, *Towards statistical standards for children's non economic work: A discussion based on household survey data*, UCW project, Rome, 2005.

work that excludes such services, as long as the definition used is clearly specified.[5] This resolution will likely lead to the collection of more comparable data on children's involvement in non-market activities in the future.

In analyzing the data from the above-mentioned surveys, UCW attempted to apply a standard definition of children's work. Although UNICEF MICS and ILO SIMPOC reports, for example, each use a different definition of work (as of the writing of this report, MICS survey reports include household chores in their definition of work while SIMPOC reports do not), to the extent possible UCW applied a common definition of work to the micro-data described. To date, this has resulted in the individual analysis of more than 75 data sets.

While every attempt was made to present a standardized child work statistic, there are differences across surveys that have the potential to affect the comparability of statistics across countries. Some of these differences are explained in greater detail here but in general include differing age groups, questionnaire content and wording, purpose of the survey, sample design, non-sampling errors, and year of data collection.

In general, data are presented for children 5 to 14, but some of the profiles present a work statistic for children 6 to 14, 7 to 14, or 10 to 14 depending on the age categories used in the original survey. The wording of work-related questions may also impact results. For example, the question on work in these surveys usually refers to work in the past 7 days; however, some surveys may refer to work activities in the past 12 months and are therefore likely to capture a higher proportion of working children than surveys with 7 day timeframes. The purpose of the survey—whether the survey is designed specifically to measure children's work and child labor (SIMPOC surveys) or to measure the impact of poverty reduction programs (World Bank's LSMS)—may affect estimates of children's work. In addition, sample design may impact survey results. For example, children's work is often geographically clustered and SIMPOC surveys are designed to capture children's work in such geographic areas. As a result, estimates of working children based on SIMPOC data are typically higher when compared to estimates based on LSMS surveys, which do not use the same sample design.[6] The ILO and UCW continue to investigate the effects of these survey differences on estimates of children's work.

When such information is available, country profiles also include the industry in which children reportedly work. For some surveys, industry of work was not reported by the entire sample of working children. Therefore, the distribution of children working by industry (i.e., agriculture, service, and manufacturing) represents children with non-missing data for industry of work.

PERCENT OF CHILDREN ATTENDING SCHOOL

The percentage of children attending school is the share of all children within a specified age group that reported attending school. The UCW project data described above in the section "Working Children" are used to develop country-specific school attendance statistics. In general, the age group for which attendance statistics are calculated is for children 5 to 14 years. In some cases, however, different age categories are used, usually ranging from 6 to 14 years or 7 to 14 years.

PERCENT OF CHILDREN COMBINING SCHOOL AND WORK

The percentage of children who combine school and work is the share of all children within a specified age group that reporting both working and attending school. The UCW project data described above in the section "Working Children" are used to develop country-specific statistics on children combining school and work. The age group for which these statistics are calculated is for children 7 to 14 years.

5. ILO, *Report of the Conference: 18th International Conference of Labour Statisticians, Geneva, 24 November-5 December 2008*, 2009; available from http://www.ilo.org/wcmsp5/groups/public/---dgreports/---integration/---stat/documents/meetingdocument/wcms_101467.pdf.

6. ILO-IPEC, *Every Child Counts: New Global Estimates on Child Labour*, Geneva, April 2002, 38. See also A.R. Ritualo, C. Castro, and S. Gormly, "Measuring Child Labor: Implications for Policy and Program Design."

BASIC EDUCATION

Basic education comprises both formal schooling (primary and sometimes lower secondary) as well as a wide variety of non-formal and informal public and private educational activities offered to meet the defined basic learning needs of groups of people of all ages.

Source: UNESCO, Education for All: Year 2000 Assessment: Glossary [CD-ROM], Paris: 2001.

BONDED LABOR

Bonded labor or debt bondage is "the status or condition arising from a pledge by a debtor of his personal services or those of a person under his control as security for a debt if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined," as defined in the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956).

Bonded labor typically occurs when a person who needs a loan and has no security to offer pledges his/her labor, or that of someone under his/her control, as a security for a loan. In some cases, the interest on the loan may be so high that it cannot be paid. In others, it may be deemed that the bonded individual's work repays the interest on the loan but not the principal. Thus, the loan is inherited and perpetuated, and becomes an inter-generational debt.

Bonded labor is identified as one of the worst forms of child labor in ILO Convention 182.

Source: United Nations, Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, (September 7, 1956); available from http://www.ilo.org/public/english/comp/child/standards/supcons.htm. See also U.S. Department of Labor, *By the Sweat and Toil of Children, Vol. I: The Use of Child Labor in U.S. Manufactured and Mined Imports* (Washington, DC: USDOL, 1994), 18. See also ILO-IPEC. *Child Labour: A Textbook for University Students, Appendix 2: Glossary,* (Geneva: ILO, 2004), 287. See also ILO Convention No. 182, *Worst Forms of Child Labor,* (1999); available from http://www.ilo.org/ilolex/english/convdisp2.htm.

CHILD

A person less than 18 years of age.

Source: ILO Convention No. 182, *Worst Forms of Child Labour,* (1999); available from http://www.ilo.org/ilolex/english/convdisp2.htm.

CHILD DOMESTIC SERVANTS

Child domestic servants, also referred to as child domestic workers or domestics, are children who work in other people's households doing domestic chores, caring for children, and running errands, among other tasks. Child domestics sometimes have live-in arrangements, whereby they live in their employer's household and work full-time in exchange for room, board, care, and sometimes remuneration. Child domestic service is mainly done by young girls, who are often subjected to sexual, physical, and verbal abuse.

Source: UNICEF, "Child Domestic Work," *Innocenti Digest* 5 (1999), 2. See also ILO-IPEC, *Child Labour: A Textbook for University Students, Appendix 2: Glossary, 287,* (Geneva: ILO, 2004).

CHILD LABOR EDUCATION INITIATIVE

Since fiscal year 2001, the U.S. Congress has appropriated a total of $249 million to USDOL for a Child Labor Education Initiative program to support international efforts to eliminate child labor through programs that will improve access to education in international areas with a high rate of abusive child labor.

Source: U.S. Department of Labor, Bureau of International Labor Affairs, *International Technical Cooperation,* [online, accessed November 11, 2010]; available from http://www.dol.gov/ilab/programs/ocft/icltc.htm.

COMMERCIAL FARMS

Commercial farms are large-scale agricultural holdings that produce for largely commercial purposes. For the purposes of this report, the term "commercial farms" encompasses both farms and plantations, which are defined as agricultural holdings that produce commodities exclusively for export. Commercial farms generally pay workers by either the weight or the quantity of the product collected. To ensure that this minimal amount is met, or to maximize earnings, children may work alongside their parents, as part of a family unit. Children may also be hired as full-time wage-laborers, although they usually perform the same work as adult workers, but are paid half to one-third the amount paid to adults doing comparable work. Workdays can be extremely long, and safety and health risks include exposure to dangerous chemical fertilizers or pesticides, poisonous insects or reptiles, and unsafe hygienic conditions and drinking water.

ILO Convention 138 prohibits the use of child labor on "plantation and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers." The line between "commercial" agriculture and "production for local consumption," however, is frequently blurred.

Source: U.S. Department of Labor, *By the Sweat and Toil of Children, Vol. II: The Use of Child Labor in U.S. Agricultural Imports and Forced and Bonded Child Labor* (Washington, DC: 1995), 2-4, 10. See also ILO Convention No. 138, *Minimum Age for Admission to Employment*, (1973); available from http://www.ilo.org/ilolex/english/convdisp2.htm.

COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

Based on the 1996 Declaration and Agenda for Action of the First World Congress against the Commercial Sexual Exploitation of Children, commercial sexual exploitation of children (CSEC) is defined as "sexual abuse by the adult and remuneration in cash or kind to the child or third person or persons." The remuneration dynamic distinguishes CSEC from the sexual abuse of a child where commercial gain is absent, although sexual exploitation is also abuse. CSEC includes—

- Prostitution in the streets or indoors, in such places as brothels, discotheques, massage parlors, bars, hotels, and restaurants, among others;
- Child sex tourism;
- The production, promotion, and distribution of pornography involving children;
- The use of children in sex shows (public or private).

ILO Convention 182 prohibits the sale and trafficking of children and the use, procuring, or offering of a child for prostitution for the production of pornography or for pornographic performances.

Source: Declaration and Agenda for Action of the First World Congress against the Commercial Sexual Exploitation of Children, Stockholm, August 27-31, 1996, available from http://www.csecworldcongress.org/PDF/en/Stockholm/Outome_documents/Stockholm%20Declaration%201996_EN.pdf. UNICEF, *Child Protection Information Sheet: Commercial Sexual Exploitation* (May 2006), available from http://www.unicef.org/protection/files/Sexual_Exploitation.pdf. See also ECPAT International, *CSEC Definitions*, available from http://www.ecpat.net/eng/CSEC/definitions/csec.htm. See also ILO Convention No. 182, *Worst Forms of Child Labor*, (June 17, 1999); available from http://www.ilo.org/public/english/standards/ipec/ratification/convention/text.htm. Additional definitional aspects above provided by ILO-IPEC.

COMPULSORY EDUCATION

Compulsory education refers to the number of years or the age span during which children and youth are legally obliged to attend school.

Source: UNESCO, *Education for All: Year 2000 Assessment: Glossary* [CD-ROM], Paris: 2001.

CONVENTION ON THE RIGHTS OF THE CHILD

The Convention on the Rights of the Child spells out basic rights of children, such as the right to survival; to develop to the fullest; to protection from harmful influences, abuse, and exploitation; and to participate fully in family, cultural, and social life. The Convention protects children's rights by setting standards in health care, education and legal, civil, and social services. According to Article 32 of the Convention, children have the right "to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social development."

Source: UN Convention on the Rights of the Child; available from http://www2.ohchr.org/english/.

EDUCATION FOR ALL

In 1990, delegates from more than 155 countries convened in Jomtien, Thailand to create strategies for addressing the issues of education, literacy, and poverty reduction. Using the Universal Declaration of Human Rights as a basis for their work, participants established a set of goals to provide all children, especially girls, with the right to an education and to improve adult literacy around the world. The result was the World Declaration on Education for All (EFA). This declaration called for countries, by the end of the decade, to meet the basic learning needs of all children and adults, provide universal access to education for all, create equity in education for women and other underserved groups, focus on actual learning acquisition, broaden the types of educational opportunities available to people, and create better learning environments for students.

In April 2000, delegates gathered again for the World Education Forum in Dakar, Senegal. After reviewing

the data gathered, it was clear that much more progress would be needed to achieve EFA. These delegates, from 164 countries, adopted the Dakar Framework for Action and renewed and strengthened their commitment to the achievement of quality basic education for all by the year 2015. The World Education Forum adopted six major goals for education to be achieved within 15 years, including the attainment of Universal Primary Education and gender equality, improving literacy and educational quality, and increasing life-skills and early childhood education programs.

Source: UNESCO, *The World Conference on Education for All*, Jomtien, Thailand (March 5-9, 1990), [conference proceedings]; available from http://www.unesco.org/education/efa/ed_for_all/background/world_conference_jomtien.shtml. See also UNESCO, *World Education Forum*, Dakar, Senegal (April 2000), [conference proceedings]; available from http://www.unesco.org/education/efa/wef_2000/index.shtml. See also UNESCO, *Education for All: Meeting Our Collective Commitments*, Text adopted by the World Education Forum Dakar, Senegal, April 26-28, 2000, available from http://www.unesco.org/education/efa/ed_for_all/dakfram_eng.shtml.

FORCED LABOR

Forced labor is defined in ILO Convention 29 as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." In practice, it is the enslavement of workers through the threat or use of coercion, and it is primarily found among the most economically vulnerable members of society.

Forced or compulsory labor is identified as one of the worst forms of child labor in ILO Convention 182.

Source: ILO Convention 29, *Forced Labour*, (1930); available from http://www.ilo.org/public/english/dialogue/actrav/enviro/backgrnd/ilohrcon.htm. See also ILO Convention 182, *Worst Forms of Child Labour*, (1999); available from http://www.ilo.org/public/english/standards/ipec/ratification/convention/text.htm.

FORMAL EDUCATION

The system of formalized transmission of knowledge and values operating within a given society, usually provided through state-sponsored schools.

Source: ILO-IPEC, *Child Labour: A Textbook for University Students, Appendix 2: Glossary, 288*. (Geneva: ILO, 2004).

ILO CONVENTION 138: MINIMUM AGE FOR ADMISSION TO EMPLOYMENT

ILO Convention 138, adopted in 1973 and ratified by 151 nations, serves as the principal ILO standard on child labor. Under Article 2(3) of ILO Convention 138, Minimum Age for Admission to Employment, the minimum age of admission into employment or work in any occupation "shall not be less than the age of completion of compulsory schooling, and, in any case, shall not be less than fifteen." Countries whose economy and educational facilities are insufficiently developed may initially specify a minimum legal working age of 14 when ratifying the convention. Additionally, under Article 7(1), "National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is—(a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received." Countries that specify a minimum legal working age of 14 years may permit light work for persons 12 to 14 years.

Source: ILO Convention No. 138, *Minimum Age for Admission to Employment*, (1973); available from. http://www.ilo.org/ilolex/english/convdisp2.htm. Ratifications are current as of April 2009.

ILO CONVENTION 182: WORST FORMS OF CHILD LABOR

ILO Convention 182 was adopted in 1999 and has been ratified by 169 nations. It commits ratifying nations to take immediate action to secure the prohibition and elimination of the worst forms of child labor. Under Article 3 of the Convention, the worst forms of child labor comprise—

- All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;
- The use, procuring, or offering of a child for prostitution, for the production of pornography, or for pornographic purposes;
- The use, procuring, or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

- 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.

Among other actions, ILO Convention 182 requires ratifying nations to remove children from abusive child labor and provide them with rehabilitation, social reintegration, and access to free basic education and vocational training; consult with employer and worker organizations to create appropriate mechanisms to monitor implementation of the Convention; take into account the special vulnerability of girls; and provide assistance and/or cooperate with efforts of other members to implement the Convention.

Source: ILO Convention No. 182, *Worst Forms of Child Labour*, (1999); available from http://www.ilo.org/ilolex/english/convdisp2.htm. Ratifications are current as of April 2009.

ILO-IPEC: INTERNATIONAL PROGRAM ON THE ELIMINATION OF CHILD LABOR

In 1992, ILO created IPEC to work toward the progressive elimination of child labor by strengthening national capacities to address child labor problems, and by creating a worldwide movement to combat it. Although ILO-IPEC aims to address all forms of child labor, its focus is on the elimination of the worst forms of child labor.

Countries participating in ILO-IPEC usually sign a MOU outlining the development and implementation of ILO-IPEC activities and the efforts to be undertaken by governments to progressively eradicate child labor. ILO-IPEC National Program Steering Committees are then established with the participation of governments, industry and labor representatives, and experienced NGOs. ILO-IPEC provides technical assistance to governments, but most of the direct action programs for children are carried out by local NGOs and workers' and employers' organizations. ILO-IPEC activities include awareness raising about child labor problems; capacity building for government agencies and statistical organizations; advice and support for direct action projects to withdraw working children from the workplace; and assistance to governments in drawing up national policies and legislation.

Since fiscal year 1995, the U.S. Congress has appropriated $410 million to USDOL to support ILO-IPEC projects.

Source: ILO-IPEC, *What is IPEC: IPEC at a Glance*; available from: http://www.ilo.org/public/english/standards/ipec/about/implementation/ipec.htm. See also ILO, *IPEC Action Against Child Labour: Highlights 2006*, Geneva, February 2007, 10 and 29; available from http://www.ilo.org/iloroot/docstore/ipec/prod/eng/20070228_Implementationreport_en_Web.pdf. See also *IPEC's Strategy to Eliminate Child Labour*; available from http://www.ilo.org/public/english/standards/ipec/publ/download/factsheets/fs_ipecstrategy_0303.pdf. See also U.S. Department of Labor, Bureau of International Labor Affairs, *International Technical Cooperation*, [online]; available from http://www.dol.gov/ilab/programs/ocft/icltc.htm.

ILO RECOMMENDATION 190: WORST FORMS OF CHILD LABOR

ILO Recommendation 190 supplements the provisions of ILO Convention 182 and provides guidance to ratifying countries regarding its implementation. The Recommendation describes populations in need of specific attention regarding the worst forms of child labor, such as girls and children involved in hidden forms of work. It further provides guidelines to assist countries in determining the kinds of hazardous work that should be considered worst forms and thus prohibited to children. Finally, Recommendation 190 provides guidance regarding specific steps countries that have ratified Convention 182 should take in order to combat the worst forms of child labor, such as the collection and exchange of data on both the problem and best practices to address it; passage and enforcement of laws that penalize violations with criminal penalties; awareness raising about the problem; establishment of policies against the worst forms of child labor; and international cooperation through technical, legal, and other forms of assistance.

INFORMAL SECTOR

Definitions of the informal sector vary widely. In general, the informal sector refers to areas of economic activity that are largely unregulated and not subject to labor legislation. A more precise description of the informal sector by ILO suggests "these units typically operate at a low level of organization, with little or no division between labor and capital as factors of production and on a small scale." Furthermore, where labor relations exist, interactions are not based on contracts or formal arrangements; rather they are grounded on casual employment, kinship, and personal or social relations. Because employers in the informal sector are not accountable for complying with occupational safety measures, children who work in

"hazardous" or "ultra-hazardous" settings likely run the risk of injury without any social protections. For this reason, households may be reluctant to indicate work by children in the informal sector, which can increase the probability of underreporting. In addition, because businesses in the informal sector are not usually included in official statistics, children working in informal sector enterprises do not show up in labor force activity rates.

Source: ILO, *Informal Sector: Who are they?* [online] 2000; available from http://www.ilo.org/public/english/employment/skills/informal/who.htm. See also ILO, proceedings of the 15th International Conference of Labor Statisticians, (Geneva, Switzerland, January 19-28, 1993). See also U.S. Department of Labor, *By the Sweat and Toil of Children, Vol. I: The Use of Child Labor in U.S. Manufactured and Mined Imports* (Washington, DC: 1994), 2.

LIGHT WORK

This report uses the definition of light work as established in ILO Convention 138, Minimum Age for Admission to Employment. Under Article 7(1) of the convention, "National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is—(a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received." Countries that have specified a minimum legal working age of 14 years may permit the employment or work of persons 12 to 14 years of age on light work as defined in Article 7(1).

Source: ILO Convention No. 138, *Minimum Age for Employment*, (1973), Article 3; available from. http://www.ilo.org/ilolex/english/convdisp2.htm.

MINIMUM AGE OF WORK

The minimum age of work is the age at which a child can enter into work. ILO Convention 138 states that the minimum age for admission to employment should not be less than the age of completion of compulsory schooling and should not be less than 15 years (14 for developing countries).

Source: ILO-IPEC, *Child Labour: A Textbook for University Students, Appendix 2: Glossary*, 290. (Geneva: ILO, 2004).

NON-FORMAL EDUCATION

Any organized educational activity outside the established formal school system—whether operating separately or as an important feature of some broader activity—that is intended to serve identifiable learning objectives. Non-formal or transitional education programs can enable former child workers to "catch up" or be "mainstreamed" with their peers who began their schooling at the appropriate age. However, there should always be a strong link between such rehabilitation programs and the formal education system, since the latter will ensure opportunities for further education and employment.

Source: ILO-IPEC, Child Labour: A Textbook for University Students, Appendix 2: Glossary, 290. (Geneva: ILO, 2004).

OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

This optional protocol, adopted in 2000, addresses and commits ratifying countries to take action against the involvement of children in armed conflict, which is a worst form of child labor per ILO Convention 182, Article 3(a).

Source: Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; available from http://www2.ohchr.org/english/law/crc-conflict.htm.

OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION, AND CHILD PORNOGRAPHY

This optional protocol, adopted in 2000, addresses and commits ratifying countries to take action against the commercial sexual exploitation of children, which is a worst form of child labor per ILO Convention 182, Article 3(b).

Source: Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography; available from http://www2.ohchr.org/english/law/crc-sale.htm.

POVERTY REDUCTION STRATEGY PAPER

A Poverty Reduction Strategy Paper (PRSP) is a document written by the government of a developing country with the participation of civil society to serve as

the basis for concessional lending from the World Bank and IMF, as well as debt relief under the World Bank's Highly Indebted Poor Countries Initiative. A PRSP should measure poverty in the country, identify goals for reducing poverty, and create a spending and policy program for reaching those goals. A PRSP should also ensure that a country's macroeconomic, structural, and social policies are consistent with the objectives of poverty reduction and social development. A new PRSP must be written every three years in order to continue receiving assistance from International Financial Institutions such as the World Bank.

Source: World Bank, *Overview of Poverty Reduction Strategies*, [online]; available from http://www.worldbank.org/poverty/strategies/overview.htm.

PRIMARY EDUCATION

Primary education, sometimes called elementary education, refers to school usually beginning at 5 or 7 years of age and covering about six years of full-time schooling. In countries with compulsory education laws, primary education generally constitutes the first (and sometimes only) cycle of compulsory education.

Source: UNESCO, *Education for All: Year 2000 Assessment: Glossary* [CD-ROM], Paris: 2001.

PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (PALERMO PROTOCOL)

The Palermo Protocol, as the protocol supplementing the United Nations Convention against Transnational Organized Crime is commonly known, covers trafficking of children, also delineated as a worst form under ILO Convention 182, Article 3(a).

Source: UNODC, United Nations Convention Against Transnational Organized Crime and the Protocols Thereto, 2004, 41; available from http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf

RATIFICATION

Ratification is a serious undertaking by a State formally accepting the terms of an international agreement, thereby becoming legally bound to apply it. Other ways of becoming bound to an international agreement include acceptance, approval, accession, signature, or an exchange of notes.

In order to ratify an agreement, a country must, if necessary, adopt new laws and regulations or modify the existing legislation and practice to support the agreement, and formally deposit the instruments of ratification with the appropriate depositary. (In the case of ILO Conventions, ratifications must be registered with the Director-General of the ILO International Labor Office.)

For certain international agreements that require ratification, signing an agreement or enacting an agreement into domestic law by Congress, or a similar state organ, does not mean that the international agreement has been ratified. Signing an international agreement serves as a preliminary endorsement, albeit a formality, as signatories are not bound by the terms of the international agreement or in any way committed to proceed to the final step of ratification. However, a signatory is obliged to refrain from acts which would defeat the object and purpose of the international agreement, unless it makes its intention not to become a party to the international agreement clear. Similarly, appropriate state entities may signal approval of an international agreement, but that is only one of the requisite steps on the path toward official ratification. The final step requires that the instruments of ratification be submitted to the depositary.

In the case of ILO conventions, ILO procedures provide the option to ratify or not ratify a convention, but do not include the option to sign a convention as a preliminary endorsement. Generally, an ILO convention comes into force in a ratifying country 12 months after the government has deposited the requisite instrument of ratification. This grace period provides ILO members time to enact or modify legislation to comply with the convention before it comes into force.

Source: ILO, *How International Labour Standards are created*, [online]; available from http://www.ilo.org/global/What_we_do/InternationalLabourStandards/Introduction/creation/lang--en/index.htm. See also UNICEF, *The Process: From Signature to Ratification* [online]; available from http://www.unicef.org/crc/process.htm. See also ILO Convention No. 138, *Minimum Age for Admission to Employment*, Article 11; available from http://www.ilo.org/ilolex/english/convdisp2.htm. See also ILO Convention No. 182, *Worst Forms of Child Labor*, Article 9; available from http://www.ilo.org/ilolex/english/convdisp2.htm.

TIMEBOUND PROGRAM

ILO Convention 182 calls for timebound measures to eliminate the worst forms of child labor. Timebound Programs were spearheaded by ILO-IPEC and are carried out by governments with support from the UN organization. The programs aim to prevent and eliminate all incidences of the worst forms of child labor in a country within a defined period.

Source: ILO-IPEC, *Eliminating the Worst Forms of Child Labor: An Integrated and Time-Bound Approach: A Guide for Governments, Employers, Workers, Donors, and other Stakeholders*, Geneva, April 2001, 3. See also ILO, *IPEC Action Against Child Labour 2008: Highlights*, Geneva, February 2009; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=9471.

TRAFFICKING OF CHILDREN

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children provides a commonly accepted definition of human trafficking. It states: "(a) 'trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs…." It goes on to state: "(c) the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in subparagraph (a) of this Article…."

The trafficking of children is identified as a worst form of child labor in ILO Convention 182.

Source: UNODC, *United Nations Convention Against Transnational Organized Crime and the Protocols Thereto*, 2004, 41; available from http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf. See also ILO Convention No. 182, *Worst Forms of Child Labor* (1999); available from http://www.ilo.org/ilolex/english/convdisp2.htm.

WORST FORMS OF CHILD LABOR

See "ILO Convention 182: Worst Forms of Child Labor."

COUNTRY PROFILES

Afghanistan

The Afghan Government has strengthened its legal framework against child labor by enacting a revised Labor Code. However, gaps in the legal framework remain, law enforcement faces many challenges, and there is a lack of programs to address the needs of exploited children. Children continue to engage in exploitative work in agriculture and carpet weaving, and there is evidence that children are still recruited by non-state armed forces.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Afghanistan are exploited in the worst forms of child labor,[1] especially in agriculture.[2] Agricultural work commonly exposes children to harmful pesticides, dangerous machinery and tools, and carrying of heavy loads. There are reports of children being involved in cultivation of poppies for opium production.[3] Children also engage in exploitative work in carpet weaving, where they work in dim lighting for up to 12 hours per day.[4] Children work in brick factories and as blacksmiths and auto mechanics.[5] Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of coal and gems. In urban areas, some children belong to begging gangs or work as street vendors.[6] They are vulnerable to extreme weather, accidents caused by proximity to vehicles, and criminal elements. Children also work as domestic servants, where they may be forced to work long hours, perform dangerous activities, and may be exposed to physical and sexual exploitation.[7] There are also reports of harems of young boys used for sexual and social entertainment.[8] Both boys and girls are exploited as dancers and sex slaves as well as being trafficked internally for sexual exploitation.[9]

Afghanistan is a country of origin and transit for children trafficked to Iran, Pakistan, Saudi Arabia, Oman, Zambia, and Zimbabwe.[10] Children are trafficked within Afghanistan for forced labor as beggars and are held in debt bondage in the carpet and brick kiln industries.[11] There is evidence of children being recruited by non-state armed groups, including for use as suicide bombers. Additionally, the United Nations reports that children had been affiliated with the Afghan National Police (ANP) during the reporting period, and that the ANP was taking steps to eliminate this practice by improving its age verification procedures.[12]

Laws and Regulations on the Worst Forms of Child Labor

The revised Labor Code, in effect in July 2008, sets the minimum age for employment at 18, although children may be employed in light work at age 15.[13] It prohibits recruitment of children under 18 for work that is harmful to their health or causes physical damage

or disability.[14] However, the legal framework lacks a list of hazardous jobs as defined by the labor code.[15] Additionally, neither the labor law nor other laws provide protection against involvement in hazardous activities to children working in agriculture, small family enterprises, or domestic service.[16]

The Constitution prohibits forced labor.[17] The Government of Afghanistan's Countering Abduction and Human Trafficking law specifically prohibits trafficking in persons including for sexual exploitation and labor. The law covers domestic and international trafficking, recruitment, harboring, transportation, transfer, and receipt of children.[18] The law also covers child prostitution and pornography, but it applies only to girls, leaving boys unprotected.[19]

The legal age for military service is 18 and there is no compulsory recruitment.[20]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	18
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	Sec. level
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor, Social Affairs, Martyrs, and Disabled (MOLSAMD) is the lead agency responsible for coordinating overall government efforts and policy to address child labor.[21] There are also two inter-ministerial commissions; one chaired by the Ministry of Interior (MOI), which holds monthly meetings on forced child labor; and another commission created by presidential decree that focuses on child soldiers.[22]

MOLSAMD is primarily responsible for enforcing and detecting violations of labor laws. It employs only 20 inspectors to cover the country's 34 provinces.[23] Although the revised Labor Code is now in force, the Government acknowledges that most of its provisions have not been implemented due to capacity constraints and lack of awareness within the layers of government.[24] Additionally, the Labor Code references a Labor High Council, established by MOLSAMD, as the highest decision making body relating to labor issues leaving in question the exact role for judicial review of child labor cases.[25] These hurdles, compounded by the current security situation, result in limited enforcement of child labor laws.[26] Further, working children are concentrated in the informal sector and agriculture, which are not covered by the labor law.[27]

The MOI, which oversees the Afghan National Police, is responsible for enforcing laws relating to trafficking and sexual exploitation of children.[28] During the reporting period, the MOI identified 83 child victims of sex trafficking, but it is unclear whether any follow-up services were provided.[29]

Government Policies on the Worst Forms of Child Labor

The Government of Afghanistan does not have a specific policy on child labor.[30] However, MOLSAMD, in cooperation with the Ministries of Justice and Interior, is administering the National Strategy on the Protection of Children at Risk. This strategy includes a separate chapter on the worst forms of child labor, with a focus on street children.[31]

The Government's National Education Strategic Plan establishes goals of improving quality of and access to primary education, but does not discuss how to meet the particular needs of working children.[32] Additionally there is a lack of credible national or province level data on children engaged in the worst forms of child labor, making the development of policies and programs to address the problem difficult.[33]

Finally, fewer than 10 percent of children in Afghanistan have formal birth registrations, and this is especially acute in rural areas. This creates problems in monitoring and enforcing laws such as the minimum age for employment and military recruitment.[34]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

MOLSAMD has more than 30 programs designed to provide social services to children at risk, especially street children and children in orphanages, including one program that removed 1,200 street children from day labor.[35]

The Government participated in a USDOL-funded program aimed at children who were recruited and used as soldiers by warring factions. This project demobilized child soldiers.[36] Additionally, former child soldiers and other war-affected children were provided with reintegration support, including education in literacy and life skills, vocational skills training, and psychosocial and medical support.[37] The program ended in 2007 and no additional programs have been initiated despite a continuing need for assistance for children used as soldiers by non-state parties.

In January 2009, the Government began participating in a $24 million social protection program funded by the European Commission that aims to combat child labor. It reintegrates orphans with their families to reduce the risk of exploitation and provides access to education and vocational and literacy training.[38]

The Ministry of Women's Affairs' Initiative to Strengthen Policy and Advocacy through Communications and Institution Building launched a large anti-trafficking awareness campaign directed at women and girls during the reporting period.[39] Child victims of trafficking are generally placed with government social service agencies, orphanages, or NGO-run facilities.[40]

The Government of Afghanistan acknowledges the absence of well-designed and comprehensive programs to eliminate the worst forms of child labor.[41] In particular, children in the most common types of exploitative work, such as agriculture and carpet weaving, lack programs that meet their needs.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Afghanistan:

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the Labor Code to include a list of hazardous occupations for children.
- Revise the Labor Code to ensure that children working in agriculture, domestic service, and family enterprises are protected from the worst forms of child labor.
- Extend coverage of laws relating to prostitution and pornography to boys.
- In the area of enforcement:
- Allocate sufficient resources to conduct inspections in sectors and settings where exploitative child labor is common.
- Provide training on worst forms of child labor issues to government officials responsible for enforcement.
- Clarify the role of the Labor High Council and the courts in the judicial review of child labor cases.

IN THE AREA OF POLICIES:

- Develop a National Action Plan to combat the worst forms of child labor, including a focus on children working in agriculture, carpet weaving, domestic service, and street work.
- Ensure that the implementation of the National Education Strategic Plan includes attention to the needs of working children.
- Collect and make publicly available statistics on the incidence of the worst forms of child labor and enforcement efforts.
- Improve the birth registration system and conduct a campaign to provide birth certificates to all Afghan children.

IN THE AREA OF PROGRAMS:

- Promote the release of all children associated with armed groups.
- Expand the awareness-raising campaign from trafficking to all of the worst forms of child labor.
- Develop comprehensive and specific programs to eliminate the worst forms of child labor, particularly in agriculture, carpet weaving, and child soldiering.

[1] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[2] U.S. Embassy- Kabul, *reporting*, February 18, 2009, 2. See also U.S. Embassy- Kabul, *reporting*, March 15, 2010, para 4. See also Afghanistan Independent Human Rights Commission, *Situation of Child Labour in Afghanistan Research Report*, 2006, 11; available from http://www.aihrc.org.af/rep_child_labour_2006.pdf. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, July 28, 2009, 1.

[3] IOM, *Trafficking in Persons in Afghanistan: Field Survey Report*, Kabul, June 2008, 48; available from http://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/docs/afghanistan/iom_report_trafficking_afghanistan.pdf. See also ILO, *Combating Child Labour in Asia and the Pacific: Progress and Challenges*, Geneva, 2005, 54; available from http://www.ilo.org/public/english/region/asro/bangkok/14arm/download/combating.pdf. See also U.S. Embassy- Kabul, *reporting, February 18, 2009*, 2. See also Iskander Aliev and Mirzojalol Shohjamolov, "Tajik Law Opens Window for Young Afghan Drug Smugglers", Radio Free Europe/Radio Liberty, [online], April 4, 2010 [cited September 3, 2010]; available from http://www.rferl.org/content/Tajik_Law_Opens_Window_For_Young_Afghan_Drug_Smugglers/2002156.html.

[4] U.S. Embassy- Kabul, *reporting, February 18, 2009*, 2. See also Afghanistan Independent Human Rights Commission, *Situation of Child Labour in Afghanistan*, 12. See also Government of Afghanistan, *Information on elimination of worst forms of child labor in Afghanistan*, December 30, 2007. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 1.

[5] U.S. Department of State, "Afghanistan," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm. See also Integrated Regional Information Networks, "Afghanistan: Thousands of Child Labourers in Eastern Province Deprived of Education", IRINnews.org, [online], May 10, 2007 [cited March 17, 2008]; available from http://www.irinnews.org/Report.aspx?ReportID=72062. See also Government of Afghanistan, *Information on elimination of worst forms of child labor in Afghanistan*. See also U.S. Embassy- Kabul, *reporting*, January 23, 2009, 2. See also Afghanistan Independent Human Rights Commission, *Situation of Child Labour in Afghanistan*, 3 and 12. See also U.S. Embassy- Kabul, *reporting, March 15, 2010*, para 4. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 1.

[6] U.S. Embassy- Kabul, *reporting, January 23, 2009*, 2. See also U.S. Embassy- Kabul, *reporting, March 15, 2010*, para 4. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 1.

[7] U.S. Embassy- Kabul, *reporting, February 18, 2009*, 2. See also U.S. Embassy- Kabul, *reporting, March 15, 2010*, para 4. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 1.

[8] U.S. Department of State, "Afghanistan," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm. See also U.S. Embassy- Kabul, *reporting, March 15, 2010*. See also UN Special Representative of the Secretary-General for Children and Armed Conflict, *Visit of the Special Representative for Children & Armed Conflict in Afghanistan*, February 26, 2010, 9.

[9] U.S. Embassy- Kabul, *reporting, March 15, 2010*, section 2A. See also U.S. Embassy- Kabul, *reporting, February 18, 2009*, para 3. See also UN Special Representative of the Secretary-General for Children and Armed Conflict, *Visit of the Special Representative for Children & Armed Conflict in Afghanistan*, 9.

[10] U.S. Department of State, "Afghanistan (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm. See also U.S. Department of State, "Country Reports- 2009: Afghanistan." See also Government of Afghanistan, *Information on elimination of worst forms of child labor in Afghanistan*. See also IOM, *Trafficking in Persons: An Analysis of Afghanistan*, 2003. See also U.S. Embassy- Kabul, *reporting, February 18, 2009*, 23b. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 1.

[11] U.S. Department of State, "Country Reports- 2009: Afghanistan." See also U.S. Embassy- Kabul, *reporting, February 18, 2009*. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 1.

[12] UN Special Representative of the Secretary-General for Children and Armed Conflict, *Visit of the Special Representative for Children & Armed Conflict in Afghanistan*, 5. See also Coalition to Stop the Use of Child Soldiers, "Afghanistan," in *Child Soldiers Global Report 2008*, London, 2008, 41; available from http://www.childsoldiersglobalreport.org/. See also UN Security Council, *Report of the Secretary General on children and armed conflict in Afghanistan*, November 10, 2008, 1, 6-7.

[13] Government of Afghanistan, *Labour Code*, (January 2008), article 13. See also U.S. Embassy- Kabul, *reporting, January 23, 2009*. See also U.S. Embassy- Kabul, *reporting, March 15, 2010*, para 2E. See also U.S. Department of State, "Country Reports- 2009: Afghanistan." See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 2.

[14] Government of Afghanistan, *Labour Code*, article 11. See also U.S. Embassy- Kabul, *reporting, February 18, 2009*, para 4.

[15] Government of Afghanistan, *Labour Code*. See also Government of Afghanistan, *Constitution*, (January 4, 2004); available from http://www.oefre.unibe.ch/law/icl/af00000_.html.

[16] Afghanistan Independent Human Rights Commission, *Situation of Child Labour in Afghanistan*.

[17] Government of Afghanistan, *Constitution*, (January 4, 2004), article 49; available from http://www.oefre.unibe.ch/law/icl/af00000_.html. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 2.

[18] U.S. Embassy- Kabul, *reporting, February 18, 2009*, 25a-c.

[19] Ibid. See also U.S. Embassy- Kabul, *reporting, March 15, 2010*, para 7.

[20] U.S. Department of State, "Country Reports- 2009: Afghanistan." See also Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2008: Afghanistan."

[21] Government of Afghanistan, *Information on elimination of worst forms of child labor in Afghanistan*.

[22] U.S. Embassy- Kabul, *reporting, March 15, 2010*.

[23] Ibid.

[24] Ibid., para 6. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 3.

[25] Government of Afghanistan, *Labour Code*.

[26] U.S. Embassy- Kabul, *reporting, March 15, 2010*, para 7. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Afghanistan," 57. See also U.S. Embassy- Kabul, *reporting, February 18, 2009*, para 6.

[27] U.S. Embassy- Kabul, *reporting, January 23, 2009*, 6 and 8. See also U.S. Embassy- Kabul, *reporting, March 15, 2010*.

[28] U.S. Embassy- Kabul, *reporting, March 15, 2010*, para 8.

[29] U.S. Department of State, "Trafficking in Persons Report- 2010: Afghanistan," 57.

[30] Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 3.

[31] Government of Afghanistan, *Information on elimination of worst forms of child labor in Afghanistan*. See also U.S. Embassy- Kabul, *reporting, January 23, 2009*, 5. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 3.

[32] Amanda Sim, *Afghanistan Research and Evaluation Unit, Confronting Child Labor in Afghanistan*, May 2009.

[33] Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 3. See also U.S. Embassy- Kabul, *reporting, March 15, 2010*, para 5.

[34] U.S. Department of State, "Trafficking in Persons Report- 2010: Afghanistan," 57. See also U.S. Embassy- Kabul, *reporting, March 15, 2010*, para 7. See also U.S. Embassy- Kabul, *reporting, February 18, 2009*, para 6.

[35] U.S. Embassy- Kabul, *reporting, March 15, 2010*, para 2F.

[36] U.S. Department of Labor, *Demobilization of Child Soldiers and Socio-Economic Reintegration of War-affected Young People in Afghanistan*, ILAB Technical Cooperation Project Summary, Washington, DC, 2007.

[37] Ibid.

[38] U.S. Embassy- Kabul, *reporting, January 23, 2009*, 6.

[39] U.S. Department of State, "Trafficking in Persons Report- 2010: Afghanistan."

[40] U.S. Embassy- Kabul, *reporting, February 18, 2009*, 26b.

[41] Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 3.

Albania

The Government of Albania has made efforts to address the problem of child trafficking. However, the worst forms of child labor, including street work performed by children, remain significant issues. Enforcement efforts are too narrowly focused to address the variety of the worst forms of child labor found in the country.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	6 - 14 yrs.	19.0
Attending School	5 - 14 yrs.	91.0
Combining Work and School	7 - 14 yrs.	20.8

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Albania are exploited in the worst forms of child labor,[42] including in street work. Many street children work as street or shop vendors, vehicle washers, and shoe-shiners. Street children have also been found begging and drug running.[43] Children working on the streets are exposed to a variety of dangers, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Children work in textile factories and mines.[44] Children working in chromium mines in Bater, Bulqiza, Borje, and Klos are exposed to chemicals, carry heavy loads, work long hours, and experience injuries from working with tools while in the mines.[45]

Children work as farmers and shepherds.[46] Children working in agriculture are at risk of using potentially dangerous machinery and tools, carrying of heavy loads, and applying harmful pesticides.

Albania is a source country for trafficked children, including girls for commercial sexual exploitation.[47] Trafficking of children to Greece and Kosovo, and within Albania for begging and other work has been reported.[48] Ethnic Roma children are most at risk to be trafficked for forced begging.[49] Research did not reveal populations most at-risk for other forms of trafficking.

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code establishes the minimum age for work at 16.[50] Children age 16 and 17 may perform "easy jobs" provided the work is not harmful to their health and growth and may be employed only after completing a medical check that determines they are capable of working. In addition, the law stipulates that only adults 18 years of age and over may participate in "difficult or dangerous jobs" that pose danger to their health or personality.[51] The definition of "easy jobs," "difficult or dangerous jobs," and rules governing vocational training is established by the Council of Ministers.[52] The Labor Code specifically prohibits night work for persons below the age of 18, in a separate article than that which governs "easy jobs".[53] Laws and regulations appear to offer no more specific guidance on prohibited hazardous work for children age 16 and 17.

The Constitution of Albania prohibits forced labor by any person, except for military service; for service compelled by a state of emergency, war or natural disaster that threatens human life or health; or when specified by a judicial decision.[54]

The Criminal Code of Albania prohibits inducing or encouraging minors under fourteen to criminal activity, with sentences up to five years imprisonment.[55] The Criminal Code also prohibits prostitution.[56]

Penalties for soliciting, mediating or gaining from prostitution with a minor girl are harsher than those penalties for the same offense with an adult.[57] The Criminal Code also prohibits producing, delivering, advertising, importing, selling, and publishing pornographic material in minors' premises, and is punishable by fine or up to two years imprisonment.[58] The Criminal Code was amended in 2008 to include the exploitation of children for begging as a criminal offense.[59] However, there does not appear to be additional laws to protect street children.

Albanian law prohibits trafficking in persons for all purposes.[60]

The minimum age for voluntary military service is 18, and 19 for compulsory recruitment.[61]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

A National Steering Committee for the Program on the Elimination of Child Labor is chaired by the Minister of Labor, Social Affairs, and Equal Opportunities, and is composed of representatives from the ministries of Labor (MOL), Education, Justice, and Interior; the President's Office; Employers' and Workers' organizations; and NGOs.[62] Its mission is to give the government guidance on child labor issues.[63] The Child Labor Unit of the MOL serves as secretariat for the Steering Committee and as the national focal point for child labor issues.[64]

The Government of Albania has a Child Labor Monitoring System (CLMS). It is implemented with the assistance of local government committees.[65] Committees have been established in Tirana, Berat, Korca, Elbasan, and Shkodra.[66] They are composed of heads of municipalities, labor inspectors, social welfare officers, education officers, trade unions, employment officers, and community police.[67] Their goals are to identify child laborers and the risks to which they are exposed; to refer them to services for rehabilitation, provide them with short-term support to avoid re-entry, or both; and to track them subsequently to verify that they have been removed and that risk of re-entry has been eliminated.[68] As a result of these efforts 315 children from Elbasan and Shkoder were withdrawn from various forms of employment and returned to school.[69]

The MOL is responsible for the enforcement of laws relating to child labor.[70] There are approximately 150 labor inspectors that enforce all labor laws, including those on child labor.[71] The majority of inspections take place in shoe and textile factories.[72] According to data from the Government of Albania, 362 children were identified as a result of labor inspections.[73] These children were given a variety of services and assistance, including school supplies, technical training, and medical and psychological assistance.[74]

The Government of Albania does not have data on the number of child labor cases opened during the reporting period.[75] As child labor in Albania occurs in sectors other than textiles and footwear, the work of labor inspectors does not sufficiently cover child laborers.[76]

Various government officials are responsible for identifying cases of commercial sexual exploitation of children and other crimes such as using children as drug runners. Such officials include social administrators in municipalities or communes; Child Protection Units in some of the main municipalities such as Korca, Elbasan, Shkoder, Durres, Kukes, Gjirokaster, and Pogradec; police; and labor inspectors.[77] Police refer trafficking cases to the General Prosecutor's Office.[78]

The Ministry of Interior is responsible for enforcement of laws against trafficking in persons, and trained officials in anti-trafficking awareness and identification.[79] The intent of these trainings was to sensitize officials and improve their ability to identify potential trafficking victims.[80] Two cases involving trafficking of minors were opened in 2009.[81] The Ministry of Justice operates a trafficking-in-persons hotline and the Children's Human Rights Center of Albania operates a National Child helpline, but no cases were received during the reporting period.[82]

Government Policies on the Worst Forms of Child Labor

A number of policy frameworks on children's issues and development address the issue of child labor.

The National Strategy for Children (2005-2010) includes plans for awareness-raising on child labor, developing municipal and communal structures for protecting children at risk of child labor, and improving legislation concerning children and coordination between central and local governments, NGOs and international organizations to combat child trafficking.[83]

The National Strategy for Development of Social Services (2005-2010) provides for an increase in the social protection coverage for working children, and decentralization and diversification of social services.[84] However, the plan does not identify concrete actions and there is no evidence on implementation efforts to improve social protection schemes for working children.

The National Strategy for Social Inclusion (2007-2013) includes a section which addresses child labor and the Child Labor Monitoring System.[85] The CLMS is also listed as a priority within the National Strategy for Socio-Economic Development.[86]

In addition, the National Anti-Trafficking Strategy (2008-2012) includes a National Strategy on Child Trafficking and Protection of the Victims of Trafficking, which provides a comprehensive action framework on the issue.[87] Planned activities include awareness raising, capacity building, cooperation within law enforcement, legislative reform, victim protection, return and reintegration, and prevention of trafficking in children.[88]

The National Strategy for Employment and Vocational Training includes provisions for improving vocational training services and providing employment opportunities for young people, which may benefit older children at risk of the worst forms of child labor.[89]

The National Strategy on Youth and its National Action Plan includes the establishment of information units on youth employment in urban and rural areas; and the establishment of additional reintegration activities for ex-trafficked children, including vocational training courses, summer camps, street theaters, and engaging with peer educators in recreational activities with ex-trafficked children.[90]

The Government of Albania has had a bilateral agreement with Greece to combat human trafficking since 2006.[91]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government participated in the $3.5 million USDOL-funded regional project that ended in 2009 that worked to increase the outreach of institutions to eliminate the worst forms of child labor, to mainstream worst forms of child labor into national policies and legislation, and raise awareness.[92] The project reported figures of 276 and 426 children withdrawn and prevented respectively, from the worst forms of child labor in Albania through the provision of education and vocational training opportunities.[93]

The Government of Albania participated in a one year USD 0.918 million project for the prevention and elimination of the worst forms of child labor in Central and Eastern Europe funded by the Government of Germany [94]

The Government of Albania continued its technical cooperation with ILO through a Decent Work Country Program, which includes as a priority the elimination of the worst forms of child labor, including trafficking of children.[95]

The Government of Albania participated in a Youth Employment and Migration project, jointly implemented by the ILO, IOM, UNDP/United Nations Volunteer program, and UNICEF.[96] The project seeks to enhance decent work opportunities for young people and migration management through

better alignment of national youth, employment and migration strategies.[97]

The Government of Albania participated in the Transnational Action against Child Trafficking (TACT) project, which was funded in 2006 by USAID, Austrian Development, the Norwegian Ministry of Foreign Affairs, Hellenic Aid, UNICEF, and the Oak Foundation.[98] The TACT project was implemented by Terre des Hommes, and sought to curb child trafficking in Albania through direct interventions, capacity building, empowerment of at-risk communities, and advocacy.[99]

While Albania has several programs in place to address trafficking, there is less emphasis on programs to assist children involved in street work. Research found no evidence of programs to combat the WFCL that are wholly funded and implemented by the Governmet without international assistance.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Albania:

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt specific legal or regulatory definitions of dangerous and difficult jobs that are prohibited for children age 16 and 17.
- Enact additional laws to provide protections for street children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Broaden enforcement efforts to target all sectors where child labor is occurring.
- Increase efforts to identify and assist children involved in street work.
- Implement research to determine reasons for low number of trafficking complaints on the government's hotline, and if needed, a comprehensive information campaign to educate the public on the mechanisms available for reporting suspected cases of trafficking and the public services available to victims of trafficking.
- Focus coordination efforts to combat trafficking in persons by assisting enforcement agencies in identifying trafficking cases.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to prevent children's involvement in the worst forms of child labor in street work.

[42] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2005. Data on children combining working and schooling are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[43] U.S. Department of State, "Albania," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136016.htm. See also U.S. Embassy- Tirana, *reporting*, February 16, 2010.

[44] U.S. Department of State, "Country Reports- 2009: Albania."

[45] ILO-IPEC, *PROTECT CEE Fact Sheet - Albania*, 2005; available from http://www.ilo.org/ipecinfo/product/download.do?type=document&id=1899.

[46] U.S. Department of State, "Country Reports- 2009: Albania."

[47] Ibid.

[48] Ibid.

[49] U.S. Department of State, "Albania (Tier 2 List)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 2009,; available from http://www.state.gov/g/tip/rls/tiprpt/2009/123135.htm.

[50] Government of Albania, *Criminal Code of the Republic of Albania*; available from http://pbosnia.kentlaw.edu/resources/legal/albania/crim_code.htm.

[51] Ibid.

[52] Ibid.

[53] Ibid.

[54] Government of Albania, *Albanian Constitution*; available from http://www.president.al/english/pub/doc/Albanian%20Constitution.pdf.

[55] Albania, *Criminal Code*.

[56] Ibid, Government of Albania, "Albania," in *Legislation of Interpol Member States on Sexual Offences against Children*, 2008; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/CsaAlbania.pdf.

[57] Albania, *Criminal Code*.

[58] Government of Albania, "Sexual Offences against Children ".

[59] U.S. Department of State, "Country Reports- 2009: Albania."

[60] U.S. Department of State, "Albania (Tier 2 List)."

[61] Coalition to Stop the Use of Child Soldiers, "Albania," in *Child Soldiers Global Report*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

[62] U.S. Embassy- Tirana, *reporting. February 16, 2010.*

[63] Ibid.

[64] Ibid.

[65] Ibid.

[66] Ibid.

[67] Ibid.

[68] Ibid.

[69] U.S. Department of State, "Country Reports- 2009: Albania."

[70] U.S. Embassy- Tirana, *reporting. February 16, 2010.*

[71] Ibid.

[72] U.S. Department of State, "Country Reports- 2009: Albania."

[73] U.S. Embassy- Tirana, *reporting. February 16, 2010.*

[74] Ibid.

[75] Ibid.

[76] Ibid.

[77] Ibid.

[78] Ibid.

[79] Ibid.

[80] Ibid.

[81] Ibid.

[82] Ibid.

[83] Ibid.

[84] Ibid.

[85] Ibid.

[86] Ibid.

[87] Ibid.

[88] Ibid.

[89] Ibid.

[90] Ibid.

[91] Ibid.

[92] ILO-IPEC, *Trafficking and other Worst Forms of Child Labour in Central and Eastern Europe (Phase II). Final Technical Progress Report.*, Geneva, January 2010.

[93] Ibid.

[94] ILO-IPEC official, E-mail communication, July 17, 2010.

[95] ILO-IPEC, *TPR-PROTECT CEE*.

[96] United Nations Development Programme, *Youth Employment and Migration: Reaping the benefits and mitigating the risks (2008 - 2011),* [2010].

[97] Ibid.].

[98] Terre des Homes, *Terre des hommes Albania - TACT - Transnational Action against Child Trafficking,* [2010]; available from http://www.tact-project.com.

[99] Ibid.].

Algeria

The Government of Algeria recently adopted new legislation criminalizing all forms of trafficking, with increased penalties for offenders who traffic minors. The Government has yet to adopt a child protection law, drafted in 2007, that includes a hazardous work list. Algeria lacks adequate statistics on the prevalence and nature of the worst forms of child labor. However, children in Algeria are known to engage in hazardous work in agriculture and on the streets.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Although detailed information is lacking, children in Algeria are exploited in the worst forms of child labor,[100] primarily in agriculture. Children working in agriculture may engage in dangerous activities such as the operation of heavy machinery and tools, the transportation of heavy loads, and the application of harmful pesticides. Algerian children work in the construction sector and mechanic shops, where they face health and safety risks from heavy, motorized equipment and harmful materials. Children work on the streets as vendors and messengers, exposing them to a variety of dangers including severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.[101]

Children also work as domestic servants, some of whom may be victims of trafficking.[102] Child domestic labor commonly involves long hours and may expose children to physical and sexual exploitation by their employer.

Laws and Regulations on the Worst Forms of Child Labor

Algeria's Labor Code sets the minimum age for employment at 16, but permits apprenticeships at age 15 under the authorization of a legal guardian.[103] The Ministry of Labor and Social Welfare may also grant permission for children under age 16 to work in certain fixed-term temporary jobs.[104] Article 15 of Algeria's Labor Code prohibits minors from participating in dangerous, unhealthy, or harmful work, or in work that may jeopardize their morality.[105] However the Code fails to define a minor or establish hazardous occupations prohibited to minors.[106] In addition, the Code only covers contract-based employment, and thus would not apply to informal work arrangements more likely to involve children.[107]

In 2007, the Ministry of Justice announced that it had drafted a child protection law that would include strict clauses regarding the employment of children under age 16 and a hazardous work list; however, the parliament has not yet adopted the legislation.[108] The Algerian Constitution prohibits forced labor.[109] Algeria's Penal Code bars the use or recruitment of minors under age 19 for prostitution.[110]

In 2009, new anti-trafficking legislation came into force, criminalizing all forms of trafficking in persons and stipulating that the same punishments apply to trafficking for labor exploitation as for sexual exploitation.[111] The law amends the Criminal Code, lengthening the potential sentence by five years (to 15 years) when the victim is a known minor, with fines ranging from $7,000 to $22,100. Other aggravating factors (such as coercion) may trigger harsher penalties, irrespective of the victim's age.[112] The new legislation does not explicitly define the age of a minor. However, Government officials have stated that the legislation was drafted to conform to the definitions contained in the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, which defines a child as a person up to age 18.[113]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	No
	Compulsory Education Age	16
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Algeria has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Labor and Social Welfare leads the Government's efforts to investigate child labor cases and enforce minimum age laws.[114] The Ministry conducts some surprise inspections of public sector enterprises. Most inspectors concentrate on urban areas, although more hazardous child labor is found in rural areas.[115]

The Ministry of Interior's National and Border Police and the Ministry of Defense's *gendarmerie* police force have law enforcement responsibilities relating to trafficking.[116] The Ministry of Justice is charged with bringing trafficking cases through the criminal justice system; however, the Government has yet to prosecute any trafficking cases.[117]

The Government of Algeria has not made enforcement statistics available, or indicated that such statistics are collected.

Government Policies on the Worst Forms of Child Labor

The Algerian Government has not established a policy framework for the elimination of the worst forms of child labor. Algeria has adopted a National Action Program (2008-2015) on education that recognizes child labor as a potential barrier to education access and enumerates Algeria's legal protections for young workers.[118] According to Algeria's Ministry of Education, the Government of Algeria does not consider hazardous child labor currently to be a problem in the country.[119] The Government of Algeria lacks systematic data collection and analysis regarding the prevalence and nature of hazardous forms of child labor.[120]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Since 2004, the Ministry of Labor has worked with the Ministry of National Education to implement awareness-raising campaigns on child labor laws through broadcast media and in schools. Research has not identified other social programs supported by the Government to address the worst forms of child labor.[121]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Algeria:

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt the "child" protection law drafted by the Ministry of Justice to establish a list of hazardous occupations forbidden to all children, making sure to include a definition for child.
- Establish 18 as the minimum age for hazardous work in the Labor Code.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordination mechanism to combat the worst forms of child labor.
- Ensure that child labor laws are effectively enforced in all geographic areas and sectors.
- Make publicly available enforcement statistics regarding the worst forms of child labor.

IN THE AREA OF POLICIES:

- Develop policies that address all the worst forms of child labor.
- Systematically collect, analyze, and make available data on the prevalence and nature of hazardous child labor in Algeria.

IN THE AREA OF PROGRAMS:

- Include activities that specifically address the worst forms of child labor into agendas of relevant Ministries, such as the Ministry of Labor and Social Welfare, Ministry of National Education, and the Ministry of Vocational Training.
- Institute programs to address the worst forms of child labor in the informal sector, to ensure services are provided to children not covered by the protections of the Labor Code, particularly in agriculture and domestic service.

[100] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[101] Lotfi Mérad, "Selon une enquete de la FOREM: En Algérie, entre 250,000 et 300,000 enfants travaillent," *Le Soir d'Algérie*, June 13, 2006, 2f; available from http://www.lesoirdalgerie.com/articles/2006/06/13/article.php?sid=39659&cid=2. See also U.S. Embassy-Algiers, *reporting*, December 12, 2007, 2e. See also U.S. Department of State, "Algeria," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119112.htm. See also U.S. Embassy- Algiers, *reporting*, April 26, 2010, 1. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Algeria (ratification: 2001),* [online] 2008 [cited March 12, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21859&chapter=9&query=%28C182%29+%40ref+%2B+%28Algeria%29+%40ref&highlight=&querytype=bool&context=0.

[102] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention. Concluding observations: Algeria*, CRC/C/15/Add.269, Geneva, October 12, 2005, para 78; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/d2316598f6190c4fc12570200049bd8d/$FILE/G0544259.pdf. See also U.S. Department of State, "Algeria (Tier 3)," in *Trafficking in Persons Report- 2008*, June 4, 2008; available from http://www.state.gov/g/tip/rls/tiprpt/2008/. See also U.S. Embassy- Algiers, *reporting*, February 23, 2009, 23d.

[103] Government of Algeria, *Droit du travail*, article 15; available from http://lexalgeria.free.fr/travail.htm. See also Government of Algeria, *Loi no. 81-07 du 27 juin 1981*

relative a l'apprentissage, (1981); available from http://www.fnac-dz.org/juridique/Document3.pdf.

[104] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention. Second periodic reports of States parties due in 2000: Algeria*, March 3, 2005, para 94; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/fef289cbac5d9292c12570180052d60d/$FILE/G0540613.pdf.

[105] Government of Algeria, *Droit du travail*, article 15.

[106] ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Algeria (ratification: 2001),* [online] 2009 [cited August 3, 2009]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23505&chapter=9&query=%28C182%29+%40ref+%2B+%28Algeria%29+%40ref+%2B+%23YEAR%3E2008&highlight=&querytype=bool&context=0. See also UN Committee on the Rights of the Child, *Concluding observations: Algeria*.

[107] ILO Committee of Experts, *Individual Observation, Minimum Age Convention, 1973 (No. 138) Algeria (ratification: 1984),* [online] 2007 [cited March 12, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=9483&chapter=6&query=%28C138%29+%40ref+%2B+%28Algeria%29+%40ref&highlight=&querytype=bool&context=0.

[108] U.S. Embassy- Algiers, *reporting, April 26, 2010*, 2b.

[109] U.S. Department of State, "Algeria," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, 2009; available from http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136065.htm. See also U.S. Embassy- Algiers, *reporting, February 23, 2009*.

[110] U.S. Embassy- Algiers, *reporting*, April 9, 2009.

[111] U.S. Department of State, "Algeria (Tier 2 Watch List)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 2010; available from http://www.state.gov/documents/organization/142981.pdf. See also U.S. Embassy- Algiers, *reporting, February 23, 2009*, 25c.

[112] U.S. Embassy- Algiers, *reporting, February 23, 2009*, 25b.

[113] Ibid., 25a.

[114] U.S. Department of State, "Country Reports- 2008: Algeria," section 6d.

[115] U.S. Embassy- Algiers, *reporting, December 12, 2007*, 2b.

[116] U.S. Embassy- Algiers, *reporting, February 23, 2009*, 24b.

[117] U.S. Department of State, "Trafficking in Persons Report- 2010: Algeria."

[118] ILO Committee of Experts, *Individual Direct Request C182: Algeria (2009)*.

[119] Algeria Ministry of Education, *Rapport national. L'education pour l'inclusion: La voie de l'avenir,* pursuant to 48th Session of the International Conference of Education, CIE, November, 2008; available from http://www.ibe.unesco.org/National_Reports/ICE_2008/algeria_NR08_fr.pdf.

[120] U.S. Embassy- Algiers, *reporting, April 26, 2010*, 1.

[121] Algeria Ministry of Education, *Rapport national. L'education pour l'inclusion: La voie de l'avenir*. See also U.S. Embassy- Algiers, *reporting, April 26, 2010*, 2f.

Angola

The Government continues to participate in programs to combat the worst forms of child labor. However, a wide variety of the worst forms of child labor persists, and children engaged in street work and agriculture continues to be a problem. Significant gaps remain in the legal framework and law enforcement efforts, including unclear lines of statutory and delegated authority.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5 - 14 yrs.	25.7
Attending School	5 - 14 yrs.	65.4
Combining Work and School	7 - 14 yrs.	22.1

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Angola are exploited in the worst forms of child labor.[122] Many working children are engaged in the informal sector in street work, and in agriculture.[123] Children work in all provinces because of poverty and inadequate educational facilities.[124] The 27-year civil war, which ended in 2002, separated as many as 43,000 children from their families, many of whom then began to work in the informal sector.[125] Street children in Luanda engage in begging, prostitution, washing cars, and selling goods, such as food, electronics, and clothing.[126] These children face health and injury risks such as exposure to the sun and heat, poor air quality, heavy vehicular traffic, raw sewage, crime and gang activity.[127]

Children work in agriculture, animal herding, and fishing.[128] Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of bananas, and pineapples.[129] Children working in agriculture are known to apply chemicals, use machinery and dangerous tools, and carry heavy loads.

Some children in rural areas work in artisan diamond mining.[130] Limited evidence also reveals an incidence of children working in charcoal.[131] Children work in manual labor, working as mechanics or welders.[132] Children in Luanda also work as domestic servants.[133] Children working in domestic services are at risk of working long hours and being exposed to physical and sexual exploitation by their employers.

In border areas and ports, children unload and transport goods.[134] Children are forced to act as couriers in an illegal cross border trade between Angola and Namibia in order to avoid import fees.[135] Children are also used in the sale and transport of illegal drugs.[136]

Angola is a source and destination country for trafficked children.[137] Children are trafficked internally for work in agriculture, construction, domestic labor, and commercial sexual exploitation.[138] Angolan children are trafficked to the Democratic Republic of the Congo (DRC), Namibia, South Africa, and Europe, primarily Portugal, to perform a wide variety of work.[139] In 2009, Congolese officials broke up a group trafficking girls from the DRC to Angola which sold girls to the military for commercial sexual exploitation.[140] Children from the DRC were also trafficked to Angola to work in diamond mining camps in Lunda Norte and Lunda Sul.[141]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 14.[142] During the reporting period, the Government of Angola adopted a new Constitution that prohibits school-age children from working.[143] Angolan laws set the age through which education is compulsory at 11, while the minimum age for children to work is 14. This standard makes children ages 12 to 14 particularly vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum age for work. The Labor Code allows children between the ages of 14 and 16 to work with their guardian's consent. Such consent is not required, however, if the child is married or otherwise deemed an adult.[144]

The Labor Code states that work shall not inhibit the health, safety, or schooling of a child, and it prohibits those under age 18 from engaging in work deemed to be hazardous to their mental and physical health, including begging and carrying workloads. The Labor Code specifies that children under the age of 16 may not work at night or have back-to-back shifts.[145] However, those age 16 to 18 may work in a hazardous environment, if the work is deemed beneficial to their professional development by the Ministries of Labor and Health.[146] They may also work at night with a similar determination from the Ministry of Labor.[147] The Angolan Penal Code punishes those who employ minors in hazardous work.[148]

The Constitution of Angola prohibits forced labor and slavery.[149] The Penal Code states specifically that the sale of a child under the age of 14 is prohibited, and that minors may not be forced to beg.[150] The trafficking of minors for sexual purposes is also prohibited, but the law does not prohibit trafficking for other purposes.[151] Furthermore, the Constitution forbids the extradition of Angolan nationals, which may hamper regional efforts to prosecute Angolan nationals involved in international trafficking.[152]

The Penal Code prohibits pimping. The statutory minimum sentence of 6 months for pimping a minor is less than the 1-year minimum required when the victim is an adult.[153] Promoting, facilitating or permitting the use of children under the age of 16 in pornography is also prohibited. Children 16 and older are not protected under the law from exploitation in pornography.[154]

The minimum age for recruitment and enlistment in the armed forces is 16.[155] The use of a child for illicit purposes is not expressly prohibited in Angola.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Children's Council (INAC) is responsible for the coordination of government policies to combat all forms of violence against children, including trafficking and child labor.[156]

INAC receives child labor complaints, and the Ministry of Public Administration, Employment, and Social Security (MAPESS) is responsible for enforcing labor laws in Angola.[157] However, there is not a structure in place for labor inspections in all districts.[158] Labor inspectors do not have the power to impose authority, and there is not a dissuasive enforcement mechanism in place.[159] Joint inspections are also carried out by provincial governments, health inspectors, tax authorities, social insurance, services for migrants, and financial authorities.[160] Additionally, the Ministry of Family and Women's Affairs (MINFAMU), investigates child labor complaints. However, there are no measures to facilitate collaboration between the labor inspectors and other bodies conducting inspections.[161] The number of inspectors used and inspections performed by MAPESS during the

reporting period is not available. The budget provided for labor inspections is insufficient, lacking appropriate allocations for fuel, materials, and ongoing expenses such as rent and electricity.[162] Child labor cases are adjudicated by MINFAMU courts for children under the age of 16, and in provincial courts for those over age 16.[163] No child labor cases were prosecuted during the reporting period.[164]

The Ministry of the Interior, INAC, and the Government of Angola's Immigration Services are all responsible for enforcing criminal laws related to trafficking.[165] The Ministry of the Interior is in the process of developing a database on trafficking crimes. However, the database is not yet functioning.[166] The Government, in partnership with IOM, provided training to 251 police officers, 40 prosecutors, 359 law enforcement officers, 26 NGOs, and 51 stakeholders in anti-trafficking measures.[167] Although 33 trafficking victims were referred by authorities to care providers (largely civil society, religious, and international organizations), no investigations or prosecutions of trafficking-related crimes were conducted during the reporting period.[168]

Government Policies on the Worst Forms of Child Labor

The Government reportedly has a plan to protect children's rights. The basis of the plan is to coordinate a network of schools, health workers, religious institutions, NGOs, and community leaders to combat child labor through a focus on education.[169] A significant challenge for this plan comes from the fact that the Government does not permit children without birth certificates to enroll in school, despite the fact that schooling is free and compulsory until the sixth grade. More than 3 million children in Angola remain undocumented due to the inability of families to register their children during Angola's 27-year civil war, and because of prohibitive registration fees.[170] The Government of Angola recently adopted a national policy to provide free birth registration for children under the age of 5, but this does not address problems faced by currently undocumented school-age children.[171]

The Government has incorporated child labor and education issues into some of its broader development policies. The Angolan Poverty Reduction Strategy recognizes that a leading cause of poverty is a lack of access to basic services, such as education.[172] The strategy also recognizes child labor and a lack of educational opportunities as causes and symptoms of poverty, establishing goals the strategy aims to achieve.[173] Among other objectives, the United Nations Development Assistance Framework for Angola aims to promote a sustainable livelihoods agenda and access to education.[174]

Angola adopted the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women, and Children, in West and Central African Regions. By doing so, the Government agreed to investigate and prosecute trafficking offenders, to aid trafficking victims, and to coordinate with its 23 fellow signatory governments as they implement these commitments.[175]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Since 2001, the Government of Angola has participated in donor-funded projects to combat the worst forms of child labor, including a 1-year USDOL-funded project that conducted a baseline survey of the incidence of children in exploitive labor in Angola. Following the end of the armed civil conflict in Angola in 2002, UNICEF implemented a program to demobilize and rehabilitate former child soldiers in which the Ministry of Social Assistance and Reintegration collaborated with UNICEF.[176]

The Government operates a hotline to receive reports of child trafficking, and funds the provision of services to victims of abuse and trafficking in Luanda who are older than 16.[177] During the reporting period, the Government ran an anti-trafficking awareness-raising campaign to correspond with preparations for the African Cup of Nations soccer tournament.[178]

In partnership with UNICEF, the Government continued to operate 18 child protection networks that aided children age 9 to 16 who were victims of trafficking and other crimes. These children received rescue services; legal, social, and health services; and some were reunified with their families.[179] Social services (including legal, social, and health services) are lacking for victims under age 9.[180]

The Government of Angola continued to participate in a jointly funded USDOL ($3.48 million) and ChildFund ($1.25 million) project to eliminate the worst forms of child labor and provide educational opportunities for victims of the worst forms of child labor. The project targets 2,653 children for withdrawal and 4,347 children for prevention from exploitive child labor in agriculture, herding, and charcoal making.[181] Additionally, the Government of Angola participates in a 4-year $14.75 million project funded by the European Union to combat child labor through education in 11 countries.[182]

Donor funding has also supported several projects to provide access to education for vulnerable children. Among these projects is a teacher training program funded by UNICEF and Schools For Africa that has trained more than 20,000 teachers since 2002, and there is a project funded by UNICEF and the Nelson Mandela Foundation to build and reconstruct 1,500 schools.[183] The Government continues to work with UNICEF to identify and assist undocumented children, in order to help those children gain access to education and other services.[184]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Angola:

IN THE AREA OF LAWS AND REGULATIONS:

- Raise the age through which education is compulsory to 13.
- Eliminate the exceptions permitting young persons ages 16 to 18 to work in hazardous environments.
- Amend the Penal Code to prohibit the exploitation of children for illicit activities.
- Amend the Penal Code to strengthen penalties for those involved in:
  - the pimping of minors;
  - the use of children over age 16 for pornographic purposes; and
  - by raising the minimum age for military recruitment and enlistment to 18.
- Strengthen trafficking laws by prohibiting all trafficking of all children.
- Strengthen laws to prohibit the sale of all children.
- Amend the law to allow for the extradition of Angolan nationals charged with international trafficking.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Dedicate resources to labor inspectors working to monitor and enforce Angolan labor laws and regulations.
- Provide the appropriate authority for labor inspectors to have an impact on disciplined employers.
- Create measures for communication between all bodies performing investigations and inspections into labor law violations.
- Establish clear lines of authority to enforce each provision of the Labor and Penal Codes that address a worst form of child labor.
- Ensure the use of the existing trafficking database, or create an alternative system to monitor and investigate the worst forms of child labor, including trafficking.
- Investigate and prosecute trafficking cases when victims are identified.

IN THE AREA OF POLICIES:

- Permit unregistered children to have access to social services, including education.
- Use the results of the national survey on the worst forms of child labor to consider the targeting of existing social programs, and ones that may be possible when government revenues recover.

IN THE AREA OF PROGRAMS:

- Ensure that victims younger than age 9 have access to existing social services for trafficking victims.

[122] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2001. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[123] U.S. Embassy- Luanda, *reporting*, May 14, 2010, 8. See also U.S. Department of State, "Angola," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, para 1 and 2.1A; available from http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm.

[124] U.S. Department of State, "Country Reports- 2009: Angola." See also U.S. Embassy- Luanda official, E-mail communication to USDOL official, November 13, 2010.

[125] UNICEF, *Information by Country and Programme: Angola,* [online] 2009 [cited July 20, 2010]; available from http://www.unicef.org/infobycountry/angola_502.html?q=printme.

[126] Macro International, *Children Working in Luanda, Angola*, Washington, DC, 2008, 5, 33, 102-103. See also U.S. Department of State, "Country Reports- 2009: Angola."

[127] Macro International, *Children Working in Luanda*, 5, 104-105, 108. See also Christian Children's Fund and World Learning for International Development, *ONJOI: Education to Prevent Child Labor in Angola*, Technical Progress Report, September 28, 2007.

[128] Interactive Social Analysis, *Onjoi: Baseline Study on Child Labor and Education in Benguela*, Luanda, April 2008, 12, 14, 19.

[129] Ibid. See also U.S. Department of State, "Country Reports- 2009: Angola."

[130] U.S. Department of State, "Country Reports- 2009: Angola." See also U.S. Embassy- Luanda, *reporting, May 14, 2010*, 1.1A. See also Department of Labor, *Independent Final Evaluation of ONJOI - Education to Prevent Child Labor in Angola*, 2010. See also Rafael Marques, *Beyond 'Conflict Diamonds': A New Report on Human Rights and Angolan Diamonds*, Woodrow Wilson International Center for Scholars, March 24, 2005. See also Rafael Marques, *Diamonds of Humility and Misery*, March 24, 2006. See also Macro International, *Children Working in Luanda*.

[131] Interactive Social Analysis, *Onjoi Baseline Study*.

[132] Clare Ignatowski, Cristina Rodrigues, and Ramon Balestino, *Youth Assessment in Angola*, USAID, Washington, DC, March 31, 2006, 10; available from http://www.usaid.gov/ao/youthassessment.pdf. See also U.S. Department of State official, E-mail communication to USDOL official, July 24, 2008. See also U.S. Department of State, "Country Reports- 2009: Angola." See also Department of Labor, *Independent Final Evaluation of ONJOI*. See also U.S. Embassy- Luanda, *reporting, May 14, 2010*, 2A1. See also Macro International, *Children Working in Luanda*, 33.

[133] Macro International, *Children Working in Luanda*, 36 and 57. See also U.S. Embassy- Luanda, *reporting, May 14, 2010*, 2A1.

[134] U.S. Department of State, "Country Reports- 2009: Angola."

[135] U.S. Department of State, "Angola (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/documents/organization/142981.pdf. See also U.S. Embassy- Luanda, *reporting*, March 2, 2010, 3B. See also U.S. Embassy- Luanda, *reporting*, February 19, 2009. See also U.S. Department of State, "Country Reports- 2009: Angola."

[136] U.S. Embassy- Luanda, *reporting, February 19, 2009*, para 3B. See also U.S. Department of State, "Country Reports- 2009: Angola."

[137] U.S. Department of State, "Trafficking in Persons Report- 2010: Angola." See also U.S. Department of State, "Country Reports- 2009: Angola."

[138] U.S. Embassy- Luanda, *reporting, May 14, 2010*, para 3B. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Angola."

[139] U.S. Department of State, "Trafficking in Persons Report- 2010: Angola." See also U.S. Department of State, "Country Reports- 2009: Angola." See also U.S. Embassy- Luanda, *reporting, March 2, 2010*, 3B.

[140] U.S. Department of State, "Country Reports- 2009: Angola." See also U.S. Department of State, "Trafficking in Persons Report- 2010: Angola."

[141] U.S. Embassy- Luanda, *reporting, March 2, 2010*, 3B. See also U.S. Department of State, "Country Reports- 2009: Angola."

[142] Government of Angola, *Lei General do Trabalho de Angola*, (2006), article 11; available from http://www.governo.gov.ao/LegislacaoD.aspx?Codigo=376.

[143] Government of Angola, *Assembleia Nacional Commissao Constitucional*, (2010), articles 12 and 60; available from http://aceproject.org/ero-en/regions/africa/AO/constituicao-da-republica-de-angola-2010/.

[144] Government of Angola, *Lei General do Trabalho de Angola*, articles 11, 25 and 282. See also U.S. Embassy- Luanda, *reporting, May 14, 2010*, 2B1.

[145] Government of Angola, *Lei General do Trabalho de Angola*, article 287.

[146] Ibid., articles 157, 284 and 281.

[147] Ibid.

[148] Ibid., articles 281 and 285. See also Government of Angola, *Anteprojecto de Código Penal*, (2006), article 157; available from http://www.governo.gov.ao/LegislacaoD.aspx?Codigo=76.

[149] Government of Angola, *Assembleia Nacional Commissao Constitucional*, article 60. See also Government of Angola, *Anteprojecto de Código Penal*, 165.

[150] Government of Angola, *Anteprojecto de Código Penal*, article 157, 165. See also U.S. Department of State, "Country Reports- 2009: Angola."

[151] Government of Angola, *Assembleia Nacional Commissao Constitucional*, articles 12 and 60.

[152] U.S. Embassy- Luanda, *reporting, March 2, 2010*, 5H.

[153] Government of Angola, *Anteprojecto de Código Penal*, articles 176 and 182.

[154] Ibid., article 184.

[155] Ibid., article 371.

[156] U.S. Embassy- Luanda, *reporting, May 14, 2010*, 4B. See also U.S. Department of State, "Country Reports- 2009: Angola." See also U.S. Embassy- Luanda, *reporting, March 2, 2010*, 4B.

[157] U.S. Embassy- Luanda, *reporting, March 2, 2010*, 2C3. See also U.S. Department of State, "Country Reports- 2009: Angola."

[158] CEACR, *Individual Observation concerning Labour Inspection Convention, 1947 (No. 81) Angola (ratification: 1976)*, 2009; available from http://www.ilo.org/ilolex/english/newcountryframeE.htm.

[159] ILO Committee of Experts, *Individual Observation concerning Labour Inspection Convention, 1947 (No. 81) Angola (ratification: 1976),* [online] 2009 [cited 2010 October 20,]; available from http://www.ilo.org/ilolex/english/newcountryframeE.htm.

[160] Ibid. See also ILO Committee of Experts, *Individual Observation concerning Labour Inspection Convention, 1947 (No. 81) Angola (ratification: 1976),* [online] 2010 [cited 2010 October, 20]; available from http://www.ilo.org/ilolex/english/newcountryframeE.htm. See also U.S. Department of State, "Country Reports- 2009: Angola." See also U.S. Embassy- Luanda, *reporting, March 2, 2010*, 2C3.

[161] ILO Committee of Experts, *Individual Observation C81: Angola (2009)*. See also ILO Committee of Experts, *Individual Observation C81: Angola (2010)*. See also U.S. Department of State, "Country Reports- 2009: Angola." See also U.S. Embassy- Luanda, *reporting, March 2, 2010*, 2C3.

[162] ILO Committee of Experts, *Individual Observation C81: Angola (2009)*.

[163] U.S. Department of State, "Country Reports- 2009: Angola."

[164] U.S. Embassy- Luanda, *reporting, March 2, 2010*, 2B2.

[165] Ibid., 3A, 4B, and 6H. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Angola." See also U.S. Department of State, "Country Reports- 2009: Angola." See also U.S. Embassy- Luanda, *reporting, May 14, 2010*.

[166] U.S. Embassy- Luanda, *reporting, March 2, 2010*, 3A and 6H. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Angola."

[167] U.S. Department of State, "Trafficking in Persons Report- 2010: Angola."

[168] Ibid.

[169] U.S. Embassy- Luanda, *reporting, May 14, 2010*, para 2E1 and 2E2.

[170] U.S. Department of State, "Country Reports- 2009: Angola." See also UNICEF, *Real Lives: Passport to a Better Future in Angola,* [online] 2009 [cited July 21, 2010]; available from http://www.unicef.org/infobycountry/angola_6584.html?q=printme.

[171] UNICEF, *Information by Country and Programme: Angola*. See also Child Rights Information Network, *Angola-7th Session-2010*, 2010; available from http://www.crin.org/docs/Angola.pdf.

[172] Government of Angola, *Estratégia de Combate à Pobreza*, 2005, 26, 34, 35; available from http://planipolis.iiep.unesco.org/upload/Angola/Angola_ECP.pdf.

[173] Ibid., 33, 35, 65.

[174] United Nations, *United Nations Development Assistance Framework Angola*, 2005; available from http://www.unangola.org/pdf/UNDAF_English.pdf.

[175] Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006. See also ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006.

[176] U.S. Department of Labor, *Technical Cooperation Project Summary: Protecting Cildren from Exploitive Labor Through Education Solutions (PROSOL)*, 2010. See also

Coalition to Stop the Use of Child Soldiers, "Angola," in *Child Soldiers 1379 Report*, London, 2002; available from http://www.child-soldiers.org/cs/childsoldiers.nsf/0/c560bb92d962c64c80256c69004b0797?OpenDocumen.

[177] U.S. Embassy- Luanda, *reporting, March 2, 2010*, 6B. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Angola." See also U.S. Department of State, "Country Reports- 2009: Angola." See also U.S. Embassy- Luanda, *reporting, May 14, 2010*.

[178] U.S. Department of State, "Trafficking in Persons Report- 2010: Angola." See also U.S. Embassy- Luanda, *reporting, May 14, 2010*, 2D1. See also U.S. Embassy- Luanda, *reporting, March 2, 2010*, 4C and 7A.

[179] U.S. Department of State, "Trafficking in Persons Report- 2010: Angola." See also U.S. Embassy- Luanda, *reporting, March 2, 2010*, 6B.

[180] U.S. Department of State, "Country Reports- 2009: Angola." See also U.S. Department of State, "Trafficking in Persons Report- 2010: Angola."

[181] Christian Children's Fund and World Learning Inc., *Combating Exploitive Child Labor through Education in Angola (ONJOI)*, Project Document, Richmond, October 15, 2008, 22, 51.

[182] ILO-IPEC official, E-mail communication to USDOL official, July 17, 2010. See also ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*, Geneva, 2008; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=8511.

[183] Open Society Institute, *Angola: Slow Recovery,* [online] 2009 [cited July 21, 2010]; available from http://www.soros.org/initiatives/esp/articles_publications/articles/angola_20090518.

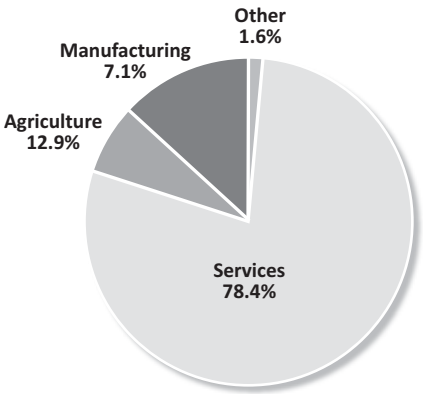
[184] U.S. Department of State, "Country Reports- 2009: Angola."

Argentina

Argentina has integrated the issue of child labor into national education, social and anti-poverty programs, and has mechanisms for monitoring the incidence of the worst forms of child labor. However, gaps in legislation on the worst forms of child labor remain and social programs could be expanded to combat child labor in the agricultural sector, commercial sexual exploitation, and urban informal work.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	11.0%
Attending School	5-14 yrs.	97.2%
Combining Work and School		Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in Argentina may be found working in the worst forms of child labor[185] in the agricultural and urban informal sectors, where, according to government sources, they may work long hours, perform arduous tasks, and be exposed to dangerous situations. Children of migrant workers and children of indigenous descent are particularly vulnerable.[186] Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of cables, fireworks, flowers, footwear, jojoba, lemons, matches, onions, pornography, potatoes, raspberries and sugarcane. In rural areas, some children work on farms producing tobacco, cotton, garlic, grapes, blueberries, olives, yerba mate, tomatoes, and strawberries, where they may handle pesticides without proper protection.[187] In urban areas, some children engage in domestic service, where they may be vulnerable to physical and sexual abuse. They also work as performers, shining shoes, washing cars, and collecting and sorting trash for recycling.[188] Some children work in mining and construction, where they are exposed to dangerous heavy machinery and toxic chemicals.[189]

Commercial sexual exploitation of children is also a problem. The Government of Argentina and other sources have found that child pornography and the recruitment of children for illicit activities, such as drug trafficking, are problems.[190] Incidents of child sex tourism have occurred particularly in Buenos Aires and the triborder area with Brazil and Paraguay. Paraguayan children have reportedly been trafficked to Argentina for the purpose of sexual exploitation.[191]

Bolivian children have also been reported to be involved in the forced production of garments in Argentina.[192]

Laws and Regulations on the Worst Forms of Child Labor

In June 2008, Argentina adopted Law 26.390, which raised the legal minimum age for employment from 14 to 16, effective May 2010.[193] The law specifically prohibits the employment of children under age 16 in domestic service, and bars children ages 16 to 18 from working between the hours of 8:00 p.m. and 6:00 a.m.[194] In manufacturing, however, work is authorized until 10:00 p.m., exposing children to risks involved in night work.[195] Argentina has not adopted a comprehensive list of hazardous work for children.[196]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	18
	Free Public Education	Yes

Argentine Law 26.364 prohibits forced or compulsory labor.[197] Argentine law sets the minimum age for volunteering for the Argentine Armed Forces at 18.[198] The Penal Code outlaws child prostitution, including facilitating, promoting, or benefitting economically from the crime. However, there is no provision that prohibits using the services of a child prostitute.[199] The Penal Code also prohibits the use of children in pornographic shows and the production, publication, and distribution of child pornography. However, it does not criminalize possession of child pornography for personal use.[200]

In April 2008, Argentina passed Law 26.364 prohibiting trafficking in persons both domestically and internationally for purposes of forced labor or sexual exploitation.[201]

Institutional Mechanisms for Coordination and Enforcement

The Government of Argentina has established both national and provincial mechanisms for monitoring child labor issues. National-level coordination is the responsibility of the National Commission for the Eradication of Child Labor (CONAETI) headed by the Ministry of Labor and is comprised of representatives from the Ministry of Foreign Affairs, the Ministry of Social Development, the Ministry of the Economy, the Ministry of Education, among others.[202] Provincial governments operate Provincial Commissions for the Prevention and Eradication of Child Labor (COPRETI). As of 2009, COPRETI had been established in all provinces and members had been trained on child labor issues.[203] In addition, the Office for Rescue and Caring of Victims of Trafficking, within the Ministry of Justice, Security and Human Rights, coordinates Government anti-trafficking efforts.

Provincial labor ministries and the national Ministry of Labor are responsible for enforcing child labor laws. They employ approximately 800 child labor inspectors. These inspectors received training during the reporting period on child labor and the new minimum age law. Child labor complaints can be registered through the CONAETI Web site.[204] Information was not available on the number of child labor inspections carried out, the sectors in which they were carried out, or sanctions imposed as a result.

Laws against the commercial sexual exploitation of children are enforced by the Special Unit for the Eradication of Sexual Exploitation of Children and Adolescents within the Ministry of Justice.[205] The Special Prosecutors' Office for Investigation of Kidnapping and Trafficking in Persons Crimes coordinates trafficking investigations nationally.[206] A 24-hour hotline is available to report child trafficking and the city of Buenos Aires operates a hotline to

report cases of forced labor and labor exploitation. In addition, the National Institute against Discrimination, Xenophobia and Racism maintains a hotline for people to report sexual or labor exploitation.[207]

During the reporting period, authorities conducted 254 raids on suspected brothels and sweatshops.[208] Ninety individuals were indicted, and the Government rescued 83 child trafficking victims who were referred to the Ministry of Social Development for assistance.[209] During the period, law enforcement officials, judges, and prosecutors participated in trainings on prevention, investigation, and victim assistance provided by Government institutions, NGOs, and international organizations.[210]

Government Policies on the Worst Forms of Child Labor

CONAETI is implementing Argentina's National Plan to Combat Child Labor, which calls for the national consolidation of data, research, coordination of child labor laws, awareness raising, inter-institutional collaboration, stronger inspection mechanisms, mainstreaming of child laborers into the formal education system, and a national program for the prevention and eradication of child labor in rural and urban settings.[211] To support the plan, the Ministry of Labor has established an *Observatorio de Trabajo Infantil y Adolescente* (Child Labor Monitoring Office), with offices in the provinces, to collect statistics about the incidence of child labor.[212]

Also in 2009, the Government of Argentina signed an agreement with MERCOSUR member countries to coordinate labor inspections, share good practices, and conduct trainings of labor inspectors on topics such as child labor, human trafficking, and forced labor.[213] In September 2008, the Government of Argentina, along with the General Workers' Confederation (CGT) and the Argentine Industry Association (UIA), signed a memorandum of understanding with the ILO to implement its "Decent Work" initiative, which includes efforts to prevent and eradicate child labor.[214]

In 2007, CONAETI signed an agreement with the *Red de Empresas Contra el Trabajo Infantil* (Network of Businesses against Child Labor), in which 71 businesses committed to efforts to prevent hiring children in their operations or those of their subcontractors. Businesses represented include agricultural and agrochemical companies; service industry companies; supermarket chains; pharmaceutical companies; and soft drink companies.[215] During the reporting period, the *Red de Empresas Contra el Trabajo Infantil* established daycare programs for migrant worker families in the production of tobacco.[216]

The Government of Argentina has integrated the issue of child labor into education, social and anti-poverty policies, and collaborated with private industry to create corporate social responsibility initiatives.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Argentina has carried out programs to combat child labor over the past decade, such as the *Luz de la Infancia* (Light of Childhood) program (2002 to 2004), which aimed to prevent and eradicate commercial sexual exploitation of children. The Government continued to implement programs to combat child labor through direct services, awareness raising, and capacity building during the reporting period. In 2009, the Government extended a program called *Jefes de Hogar* (Heads of Household), a cash transfer and employment training program, to workers in the informal economy.[217] This program targets vulnerable and unemployed populations with at least one child under the age of 18 by improving employability, reducing dependence on income from children's work and providing scholarships.[218] The Government provided scholarships to 13,684 children and incorporated 653 adults into the *Jefes de Hogar* program during the reporting period.[219] Also as part of the implementation of the National Plan for the Prevention and Eradication of Child Labor, the CONAETI implemented awareness-raising activities; identified and strengthened direct action programs to prevent and combat child labor; and conducted trainings for health professionals on child labor.[220]

During the reporting period, CONAETI trained members of the Network of Businesses against Child Labor and developed *Jardines de Cosecha* (Harvest Gardens), which provided seven daycare centers for children in tobacco-producing zones. In conjunction with several NGOs, the Government worked to address the commercial sexual exploitation of children (CSEC)

in the triborder area with Brazil and Paraguay by disseminating information and providing assistance to victims.[221] The Ministry of Education also operated a scholarship program to reintegrate child laborers into the school system.[222]

The Government of Argentina also participated in projects funded by international donors. For example, the IDB funded a project, implemented by the IOM, for the Prevention and Eradication of Child Labor in Migrant Families. It worked with families engaged in garbage scavenging, providing them with services and regularizing their immigration status.[223] The IDB is also funding a regional project to combat the trafficking and sexual exploitation of children in Argentina, Brazil, Paraguay, and Uruguay. The project aims to strengthen local organizations that work in prevention, detection, and victim assistance.[224]

The Government of Argentina and other associates and member governments of MERCOSUR are carrying out the *Niño Sur* ("Southern Child") initiative to protect the rights of children and adolescents in the region.[225] Argentina's Secretariat of Tourism is part of the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism, which conducts prevention and awareness-raising campaigns to combat the commercial exploitation of children in Latin America.[226]

The Government of Argentina has undertaken a variety of efforts to combat child labor. However, research indicates that social programs have not reached all children involved in the worst forms of child labor in the country, including in the agricultural sector, commercial sexual exploitation, and urban informal work.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Argentina:

IN THE AREA OF LAWS AND REGULATIONS:

- Prohibit night work for children under age 18 in all employment sectors.
- Revise the Penal Code to prohibit any involvement in child prostitution.
- Prohibit the possession of child pornography.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Make information publicly available on the number of child labor inspections carried out, the sectors in which they are carried out, and the sanctions imposed as a result.

IN THE AREA OF PROGRAMS:

- Create and expand programs that remove children exploited in the worst forms of child labor, particularly in agriculture, commercial sexual exploitation, and urban informal work.
- Implement strategies to prevent children of migrant workers and children of indigenous descent from engaging in the worst forms of child labor.

[185] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2004. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[186] The worst forms of child labor are defined by the ILO Convention 182 and ILO Recommendation 190. Committee on the Rights of the Child, *Consideration of Reports Submitted by State Parties under Article 44 of the Convention*, June 11, 2010; available from http://www.unhcr.org/refworld/docid/4c32dae02.html. See also CONAETI, *Trabajo infantil urbano,* [online] [cited May 7, 2010]; available from http://www.trabajo.gov.ar/conaeti/que_es/urbano.htm. See also CONAETI, *Trabajo infantil rural,* [online] [cited May 7, 2010]; available from http://www.trabajo.gov.ar/conaeti/que_es/rural.htm.

[187] CONAETI, *Trabajo infantil rural*. See also Ministry of Labor, Employment, and Social Security, *Por una niñez sin trabajo infantíl*, 2005, 49-50; available from http://www.pronino.com.ar/futuro_hoy/Archivos-de-programa/Materiales-de-trabajo/Materiales-de-trabajo/poruna_ninessintrabajo-infantil.pdf. See also ILO, *Infancia y Adolescencia: Trabajo y otras actividades económicas, Primera encuesta, Análisis de resultados en cuatro subregiones de la Argentina*, Buenos Aires, 2006, 53; available from http://white.oit.org.pe/ipec/documentos/simpoc_argentina.pdf. See also Pagina12, *El Drama de los Niños Ajeros,* [online] [cited May 7, 2010]; available from http://www.pagina12.com.ar/diario/sociedad/3-120138-2009-02-18.html.

[188] Ministry of Labor, Employment, and Security, *Por una niñez sin trabajo infantíl*, 51-53.

[189] Ibid., 50.

[190] Anti-Slavery International, *Contemporary Forms of Slavery in Argentina*, 2006, 6 and 8; available from http://www.child-trafficking.info/upload/Files/ais06_contsla_argentina081106.pdf. See also CONAETI, *Trabajo infantil urbano*. See also Ministry of Labor, Employment, and Security, *Por una niñez sin trabajo infantíl*, 55.

[191] U.S. Department of State, "Argentina (Tier 2 Watch List)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/g/tip/rls/tiprpt/2009/123135.htm. See also Ministry of Labor, Employment, and Security, *Por una niñez sin trabajo infantíl*, 55. See also ILO and IOM, *La trata de Personas en el Paraguay*, Buenos Aires, 2005, 49-54; available from http://oimconosur.org/archivos/descarga.php?id=../imagenes/archivos/75.pdf&name=La%20trata%20de%20personas%20en%20el%20Paraguay. See also Anti-Slavery International, *Contemporary Forms of Slavery in Argentina*, 8.

[192] Ignacio Arana Araya, "Prolifera la exportación de trabajo esclavo boliviano," *El Mercurio* (Santiago), August 27, 2006; available from http://www.sindicatomercosul.com.br/noticia02.asp?noticia=33144. See also José Maggi, *Allanaron un taller textil ilegal con inmigrantes extranjeros,* [online] [cited May 7, 2010]; available from http://www.pagina12.com.ar/diario/suplementos/rosario/9-12618-2008-03-06.html. See also Tanja Bastia, *Child Trafficking or Teenage Migration? Bolivian Migrants in Argentina*, IOM, Oxford, 2005, 65-66; available from http://www.childtrafficking.com/Docs/bastia_2005_teenage_migration_0108.pdf.

[193] Government of Argentina, *Prohibición del Trabajo Infantíl y Protección del Trabajo Adolescente*, 26.390, (June 4, 2008), articles 2 and 23; available from http://www.infoleg.gov.ar/infolegInternet/anexos/140000-144999/141792/norma.htm.

[194] Ibid., article 15.

[195] Ibid., article 9.

[196] ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Argentina (ratification: 2001),* [online] 2007 [cited May 7, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=20407&chapter=9&query=%28C182%29+%40ref+%2B+%28Argentina%29+%40ref&highlight=&querytype=bool&context=0.

[197] Government of Argentina, *Prevención y Sanción de la Trata de Personas y Asistencia a sus Víctimas*, 26.364, (April 29, 2008), article 4; available from http://www.migraciones.gov.ar/pagina4/espanol/pdf/normativas/ley_26364.pdf.

[198] Government of Argentina, *Ley del Servicio Militar Voluntario*, (1994), article 8; available from http://www.resdal.org.ar/Archivo/d000000a.htm.

[199] Government of Argentina, *Código Penal* Law 25.087, (May 7, 1999), articles 5-8; available from http://infoleg.mecon.gov.ar/infolegInternet/anexos/55000-59999/57556/norma.htm. See also ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Argentina (ratification: 2001),* [online] 2009 [cited May 7, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23471&chapter=9&query=%28C182%29+%40ref+%2B+%28Argentina%29+%40ref&highlight=&querytype=bool&context=0.

[200] Government of Argentina, *Modificación, Código Penal*, 26.388, (June 24, 2008), article 2; available from http://www.infoleg.gov.ar/infolegInternet/anexos/140000-144999/141790/norma.htm. See also ILO Committee of Experts, *Individual Direct Request C182: Argentina (2007)*.

[201] Government of Argentina, *Código Penal* Law 26.364, (April 29, 2008), article 11; available from http://infoleg.mecon.gov.ar/infolegInternet/anexos/140000-144999/140100/norma.htm.

[202] U.S. Embassy- Buenos Aires, *reporting*, March 11, 2010, para C1.

[203] Ibid.

[204] Ibid. See also Argentine Ministry of Labor official, E-mail communication to USDOL official, February 3, 2010.

[205] Government of Argentina, *Explotación Infantil,* [online] [cited July 12, 2010]; available from http://www.derhuman.jus.gov.ar/direcciones/asistencia/explotacion.htm.

[206] U.S. Embassy- Buenos Aires, *reporting, March 11, 2010*.

[207] Ibid. See also U.S. Embassy- Buenos Aires, *reporting*, March 15, 2010.

[208] U.S. Department of State, "Argentina (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm.

[209] U.S. Embassy- Buenos Aires, *reporting, March 11, 2010*. See also U.S. Department of State, "Trafficking in Persons Report- 2009: Argentina." See also U.S. Department of State, "Argentina (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from http://www.state.gov/documents/organization/105501.pdf. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Argentina." See also U.S. Embassy- Buenos Aires, *reporting, March 15, 2010*.

[210] U.S. Embassy- Buenos Aires, *reporting, March 15, 2010*.

[211] CONAETI, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil*, 2006; available from http://www.trabajo.gov.ar/conaeti/actividades/files/PlanNacCONAETI.pdf.

[212] Government of Argentina, *¿Qué es el Observatorio de Trabajo Infantil y Adolescente?,* [online] [cited July 13, 2010]; available from http://www.trabajo.gov.ar/left/estadisticas/otia/index.asp. See also Government of Argentina, *Avances en el sistema de información sobre el trabajo infantil en Argentina,* [online] April 30, 2010 [cited July 13, 2010]; available from http://www.trabajo.gov.ar/left/estadisticas/DocumentosSUBWEB/area1/documentos/pp%20observatorio.ppt#301,1,Avances en el sistema de información sobre trabajo infantil en Argentina. See also U.S. Embassy- Buenos Aires, *reporting, March 11, 2010*.

[213] MERCOSUR, *Plan Regional de Inspección del Trabajo del Mercosur*, Asunción, July 2, 2009.

[214] ILO, La Unión Industrial Argentina, Confederación General de Trabajo, and Ministerio de Trabajo, Employment, and Social Security, *Memorandum de Entendimiento para la Puesta en Marcha en la República Argentina del Programa de Trabajo Decente*, 2008; available from http://www.oit.org.ar/documentos/MoU%20y%20PTDP.pdf.

[215] Government of Argentina, *Al Convenio 59/07 entre el Ministerio de Trabajo, Empleo y Seguridad Social, la Commisión Nacional para la Erradicación del Trabajo Infantil (CONAETI) y Empresas y Entidades Comprometidas con la Prevención y Erradicación del Trabajo Infantil*, 2007; available from http://www.trabajo.gov.ar/downloads/conaeti/convenio_protocolo-adicional02.pdf. See also CONAETI, "Red de Empresas contra el Trabajo Infantil", 2007; available from http://www.trabajo.gov.ar/conaeti/institucional/infantil.html.

[216] U.S. Embassy- Buenos Aires, *reporting, March 11, 2010*.

[217] Ibid.

[218] Argentine Ministry of Labor official, E-mail communication to USDOL official, February 3, 2010. See also Ministry of Labor, *Beneficiarios,* [online] November 8, 2007 [cited May 11, 2010]; available from http://www.trabajo.gov.ar/jefes/beneficiarios/index.asp.

[219] U.S. Embassy- Buenos Aires, *reporting, March 11, 2010*. See also Argentine Ministry of Labor official, E-mail communication, February 3, 2010.

[220] Argentine Ministry of Labor official, E-mail communication, February 3, 2010.

[221] U.S. Department of State, "Argentina," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136098.htm.

[222] Government of Argentina, *Contra el trabajo infantil, por la inclusión educativa,* [online] [cited July 13, 2010]; available from http://www.me.gov.ar/monitor/nro14/breves.htm.

[223] IDB, *Prevention and Erradication of Child Labour in Migrant Families,* [online] 2009 [cited January 29, 2009]; available from http://www.iadb.org/projects/Project.cfm?project=AR-T1031&Language=English#.

[224] IDB, *La Trata y el Tráfico de Niños y Adolescentes para fines Explotación Sexual,* [online] 2009 [cited January 29, 2009]; available from http://www.iadb.org/projects/Project.cfm?language=Spanish&PROJECT=RG%2DT1266.

[225] Argentine Committee of Pursuit and Application of the International Convention on the Rights of Child, *La Iniciativa Nin@Sur, una Instancia Regional que se Afirma*, April 2008; available from http://www.casacidn.org.ar/news_abril/nota1.html.

[226] Ministry of Tourism, *Ecuador Asume Liderazgo en Suramérica para la Protección de Menores Jóvenes*, 2008; available from http://www.turismo.gov.ec/index.php?option=com_content&task=view&id=885&Itemid=43.

Armenia

The Government of Armenia has strengthened its legal framework to combat child trafficking by substantially increasing penalties for this crime. However significant gaps remain in the legal, enforcement, and policy frameworks as well as programs to address the worst forms of child labor. For instance, the Armenian State Labor Inspectorate does not conduct child labor inspections. Children continue to engage in the worst forms of child labor, particularly in agriculture and forced begging.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Armenia are exploited in the worst forms of child labor, including in agriculture.[227] Children are engaged in seasonal agricultural work and may be exposed to potentially dangerous machinery and tools, carrying heavy loads, and the application of harmful pesticides.[228] Rural children also work as shepherds for various livestock where they are vulnerable to infectious diseases from contact with animals.[229] In cities, children engage in construction, manual labor, portering, and gathering waste metal, which may result in chronic pains and injuries.[230]

Some children are exploited in prostitution and others are forced to beg.[231] There are also reports of children being trafficked to the United Arab Emirates for sexual exploitation.[232]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age of employment at 16, however, children between ages 14 and 16 may work for limited hours if they have an employment agreement with written consent from a parent or legal guardian.[233] The Code also bars children under 18 from engaging in especially heavy and especially harmful works.[234] A 2005 governmental decree defines the list of works that are heavy and harmful for children under 18.[235]

The Criminal Code prohibits using children in criminal activities such as prostitution and begging, as well as vagrancy and the production or dissemination of child pornography.[236] The Criminal Code also prohibits and outlines penalties for crimes related to forced labor, trafficking in persons (including harboring, transferring and kidnapping), and sexually exploiting minors.[237] If the victim of trafficking is a minor, the crime is treated as an aggravating circumstance, which carries stricter sentencing.[238] Armenia's Constitution also prohibits forced labor.[239] The Armenian Criminal Procedural Code provides for protection of victims and witnesses involved in criminal court proceedings, including in cases involving the trafficking of children.[240]

On December 12, 2009, President Serzh Sargsian signed into law, amendments to the Criminal Code that exempted trafficking victims from criminal prosecution for crimes committed as a direct result of being trafficked.[241] The same amendments, which took effect on January 2, 2010, increased the minimum penalty for convicted trafficking offenders, from 3 to 5 years imprisonment, and allowed for the confiscation of assets from convicted trafficking offenders.[242] The penalties for trafficking in children under age 18 are between 7 and 15 years imprisonment depending on the aggravating circumstances.[243]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Armenia has established a coordinating mechanism to combat the worst forms of child labor. However, in 2005, the Government of Armenia formed an inter-agency National Committee for Child Protection headed by the Minister of Labor and Social Affairs, to ensure protection of children's rights.[244]

One of the objectives of the committee is to assist in addressing the social problems of vulnerable children, including those susceptible to involvement in the worst forms of child labor.[245]

The Government of Armenia's Council to Combat Human Trafficking headed by the Deputy Prime Minister, works at the ministerial level to coordinate government efforts to combat human trafficking, including that of children.[246] On a lower level, an inter-agency group, chaired by the head of the International Organizations Department at the Foreign Ministry, assumes this coordination responsibility. The two organizations meet on a regular basis.[247]

The Armenian State Labor Inspectorate (SLI), a unit of the Ministry of Labor and Social Affairs (MOLSA), is responsible for enforcing labor laws, including all child labor laws.[248] On a regional level, Child Protective Units within the 10 regional governors' offices are charged with providing direction on child's rights issues, including the worst forms of child labor. However, according to UNICEF, these units are not sufficiently funded, do not collaborate effectively with other agencies, and have insufficient monitoring and data collection processes.[249] The SLI employs 140 to 150 labor inspectors to cover the entire country, which, according to the head of the legal oversight department of the SLI, is insufficient for making proactive investigations to identify exploitative child labor.[250]

While the SLI has a mandate to enforce child labor laws, the Government did not train inspectors in child labor issues.[251] SLI has not conducted any child labor inspections since it was established in 2005. The SLI does not have a system for registering complaints about instances of worst forms of child labor and SLI officials stated that no complaints of child exploitation had been received.[252] During the reporting period, the SLI managed to conduct approximately 15,000 labor inspections of 8,000 businesses, only a small fraction of the country's 124,000 registered businesses.[253]

The Anti-Trafficking Division under the Department of Criminal Investigation, has five investigators, and the Police Unit against Human Trafficking, Drug Trafficking and Organized Crime in the Investigatory Department, has 10 investigators to handle trafficking cases including child trafficking. According to a government official, the division had an insufficient amount of resources and inspectors during the reporting period.[254] No new criminal cases of trafficking in children were investigated in Armenia in 2009, but three cases were filed in the courts.[255] In 2009, two cases of forced child begging went to trial. In one of these cases, one offender was

sentenced to 7 years in prison. In the other case, the offender is in detention awaiting trial. In these two cases, seven children were removed from forced labor.[256] NGOs maintaining hotlines for reporting the sexual exploitation of children and child trafficking did not receive any calls regarding child trafficking complaints.[257]

Although the Government does not train police in enforcing laws against child sexual exploitation, the police investigated and removed five children from prostitution in four cases.[258] Two criminals were sentenced for three years, another's sentence was suspended, one is under investigation, and another is being tried.[259] Reportedly two of the cases were resolved in several months, although another case from 2008 is still ongoing.[260]

The Juvenile Police and the Child Support Center Foundation collaborate in enforcing laws against the use of children in illicit activities. The Government does not train law enforcement officials specifically about the use of children in illicit activities, such as begging.[261] The Juvenile Police has 280 investigators who mainly investigate crimes committed by children, but they also investigate adults who engage children in crime. The Government reported nine criminal investigations of possible violations mostly involving robbery.[262] The Child Support Center Foundation maintains a hotline for child protection and investigated two complaints of children coerced into robbery.[263]

Government Policies on the Worst Forms of Child Labor

In 2003, the Government of Armenia formally included a plan for the prevention of the worst forms of child labor and the trafficking of children for commercial sexual exploitation in its National Plan of Action for the Protection of the Rights of the Child 2004-2015. It also established the elimination of exploitive child labor and child trafficking as priorities for the next 5 years.[264] In addition, the Government has developed the Program on Securing the Right to Work of the Child, and Preventing and Eliminating Child Labor Exploitation and Economic Exploitation of the Child–2007-2009, which is part of the National Program of the Republic of Armenia for the Protection of Children's Rights.[265] However, the implementation of the child labor program was delayed. No evidence was found of government-supported research being conducted on the worst forms of child labor or on the economic exploitation of children.[266]

The Government has worked with UNICEF to develop a program for 2010-2015, aimed in part at identifying and responding to child exploitation as well as creating a comprehensive policy framework for protecting vulnerable children.[267] The program emphasizes the need to provide education to vulnerable children and increase school enrollment.[268]

On December 5, 2009, the Government signed a bilateral memorandum of understanding with the United Arab Emirates on combating trafficking in persons.[269]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the Armenian Government continued implementing its national victim referral mechanism for trafficking victims.[270] In 2010, the Government funded anti-trafficking activities including assistance in the operation of an NGO-run shelter for trafficking victims. Government funding also included social and psychological rehabilitation services for trafficking victims, youth awareness programs, and public awareness efforts, totaling an approximate budget of $133,300.[271] Anti-trafficking efforts have constituted the bulk of the government's social programs aimed at reducing the worst forms of child labor. There is a deficit of programs that directly target the worst forms of child labor, particularly in agriculture and urban informal work.[272]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Armenia:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Increase the funding, facilities, and training of Child Protective Units, as well as the State Labor Inspectorate to adequately record and investigate child labor violations.
- Provide additional training and resources to police and other law enforcement officials to investigate and prosecute violations related to trafficking in persons and commercial sexual exploitation, particularly involving children, and the engagement of children in illicit activities.

IN THE AREA OF POLICIES:

- Initiate studies to sufficiently assess the worst forms of child labor in Armenia.
- Take concrete actions to update the Programme on Securing the Right to Work of the Child, and Preventing and Eliminating Child Labor Exploitation and Economic Exploitation of the Child (2007-2009) and implement the updated plan.

IN THE AREA OF PROGRAMS:

- Create programs specifically addressing the needs of children in the worst forms of child labor, such as hazardous work in agriculture and in the urban informal sector.
- Continue to provide support for existing government initiatives to address forced begging and trafficking in persons.

[227] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[228] U.S. Department of State, "Armenia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136018.htm. See also UNICEF, *Child Labor in the Republic of Armenia*, Yerevan, 2008, 8; available from http://www.unicef.org/armenia/Child_Labour_ENG_FINAL.doc. See also Haiyan Hua, *School Wastage Study Focusing on Student Absenteeism in Armenia*, UNICEF, 2008; available from http://www.unicef.org/armenia/School_Wastage_Study.pdf.

[229] UNICEF, *Child Labour in the Republic of Armenia*, 8, 32, 37.

[230] Ibid., 8, 32. See also U.S. Department of State, "Country Reports- 2009: Armenia."

[231] U.S. Department of State, "Country Reports- 2009: Armenia," section 7c.

[232] Mira Antonyan, *Child Trafficking Phenomenon in Armenia: Study in the Scope of Awareness of Targeted Children and Public*, Armenian Association of Social Workers, February 16, 2010. See also U.S. Department of State, "Country Reports- 2009: Armenia," section 6.

[233] Republic of Armenia, *Labor Code of the Republic of Armenia*, (Adopted November 9, 2004, amended June 2, 2010). Republic of Armenia, *The Law of the Republic of Armenia on Child's Rights*, (Adopted May 29, 1996).

[234] Republic of Armenia, *Labor Code*.

[235] Government of Armenia, *Decree on approving the list of works that are considered as heavy and harmful for persons under 18 years, pregnant women, and women caring for children up to one year*, (December 29, 2005).

[236] Republic of Armenia, *Criminal Code*, (April 18, 2003, amended December 12, 2009).

[237] Ibid. See also U.S. Department of State, "Country Reports- 2009: Armenia."

[238] Republic of Armenia, *Criminal Code*.

[239] Republic of Armenia, *Constitution of the Republic of Armenia*, (Adopted July 5, 1995, amended November 25, 2005); available from http://www.concourt.am/english/constitutions/index.htm.

[240] Republic of Armenia, *Criminal Procedural Code*, (Adopted July 1, 1999).

[241] Republic of Armenia, *Criminal Code*. See also U.S. Department of State, "Armenia (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, 2010.

[242] Republic of Armenia, *Criminal Code*.

[243] Ibid.

[244] U.S. Embassy- Yerevan, *reporting*, February 5, 2010, 2C I.

[245] Government of Armenia, *Decree on creation of the National Committee on Protection of Children, and approving the charter and individual composition of the committee*, (October 10, 2005).

[246] U.S. Embassy- Yerevan, *reporting, February 5, 2010*.

[247] Ibid.

[248] ILO, *Armenia,* [online] 2009 [cited March 31, 2010]; available from http://www.ilo.org/labadmin/info/lang--en/WCMS_114933/index.htm. See also Republic of Armenia, *Law on the State Labor Inspectorate of the Republic of Armenia*, (2005).

[249] UNICEF, *Child Protection,* [online] 2007 [cited June 10, 2010]; available from http://www.unicef.org/armenia/protection.html. See also Josi Salem-Pickarts, *Evaluation of the Child Protection Programme in Armenia*, UNICEF, Yerevan, September 2007, 26; available from www.unicef.org/ceecis/Printing_Josi_Report_ENG.doc.

[250] U.S. Embassy- Yerevan, *reporting, February 5, 2010*.

[251] Ibid.

[252] Ibid.

[253] Ibid.

[254] Ibid., 6.

[255] U.S. Department of State, "Country Reports- 2009: Armenia," section 6. See also U.S. Embassy- Yerevan, *reporting, February 5, 2010*. See also Antonyan, *Child Trafficking Phenomenon in Armenia: Study in the Scope of Awareness of Targeted Children and Public*, 28.

[256] U.S. Embassy- Yerevan, *reporting, February 5, 2010*, 7.

[257] Ibid.

[258] Ibid.

[259] Ibid.

[260] Ibid.

[261] Ibid.

[262] Ibid.

[263] Ibid., 9.

[264] UNICEF, *National Plan of Action of the Republic of Armenia for the Protection of the Rights of the Child 2004-2015*, 2005, 26, 27; available from http://www.unicef.org/armenia/NPAeng.pdf.

[265] Government of Armenia, *Third and Forth Joint Periodic National Report of the Republic of Armenia on the Implementation of the United Nations Convention on the Rights of the Child*, February 4, 2010, 5; available from Information unavailable.

[266] UNICEF, *National Plan of Action*, 26, 27.

[267] UNICEF, *Summary Results Matrix: Government of Armenia - UNICEF Country Programme, 2010-2015*, January 4, 2009; available from http://www.unicef.org/about/execboard/files/Armenia_SRM.For_Submission.01.04.pdf.

[268] Ibid.

[269] U.S. Embassy- Yerevan, *reporting, February 5, 2010*. See also U.S. Embassy- Yerevan, *Armenia Registers Progress in Its Efforts to Combat Human Trafficking,* [online] 2009 [cited March 31, 2010]; available from http://armenia.usembassy.gov/tip2003.

[270] U.S. Department of State, "Trafficking in Persons Report- 2010: Armenia."

[271] U.S. Embassy- Yerevan, *reporting, February 5, 2010*.

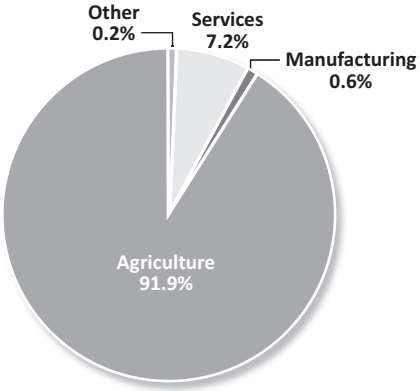
[272] Ibid., 5.

Azerbaijan

The Government of Azerbaijan has improved its legal and policy framework to address child trafficking. Trafficking continues, as does the risk of exploitive child labor in agriculture. The country's Poverty Reduction Strategy and Decent Work Country Program both have cited the need for a national action plan specifically for child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	4.5 %
Attending School	5-14 yrs.	94.3%
Combining Work and School		Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in Azerbaijan are exploited in the worst forms of child labor,[273] mostly in the agricultural sector.[274] Children work in the cotton sector, where they may be exposed to long-working hours, extreme temperatures, dangerous tools, and pesticides. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of tea and tobacco. Children working in these sectors carry heavy loads and are also at risk of injury and illnesses, animal attacks, and insect bites.[275] Reports suggest that as a result of declining agricultural production, particularly in the cotton sector, the prevalence of child labor in rural areas may have become less common. Further research in this area is needed.[276]

Children have also been reported to work in the construction industry.[277]

In urban centers street children work loading and unloading goods, street vending, washing cars, and begging.[278] Street children work long hours, and are exposed to violence, humiliation and abuse, extreme temperatures, drug use, and are vulnerable to prostitution and trafficking.[279]

Azerbaijan is a source country for children trafficked for forced labor and forced prostitution. Women and children are also trafficked internally for forced prostitution and forced labor including forced begging.[280]

Laws and Regulations on the Worst Forms of Child Labor

Article 249 of the Labor Code prohibits the employment of children under 15. At the age of 15, a child may enter into an employment contract with parental approval.[281]

The Labor Code prohibits children under the age of 18 from working in hazardous conditions. It identifies specific conditions and industries barred for children including work underground; carrying heavy loads; in mines; at night; in night clubs, bars, or casinos, or

in businesses carrying alcohol; or working with toxic substances.[282] Article 91 of the Labor Code prohibits children less than 16 from working more than 24 hours per week. Children 16 and 17 may not work more than 36 hours per week.[283]

In 2009, the parliament passed an amendment to the Family Code making it illegal to enter into an employment contract with children who are less than age 15. The law established minimum penalties of 25,000 Manat ($31,250) for violations.[284] The amendment also strengthened workplace health and safety regulations for children.[285]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

Article 35 of the Constitution prohibits forced labor in Azerbaijan but provides exceptions for the military, during states of emergency and under martial law.[286] Article 106 of the Criminal Code prohibits slavery and provides stricter minimum penalties for cases involving child slavery and human trafficking.[287]

Article 171 of the Criminal Code establishes penalties for involving a child in prostitution. Articles 243 and 244, respectively, prohibit the coercion of a person into prostitution and the maintenance of a brothel.[288] In 2005, Azerbaijan passed a law specifically prohibiting trafficking in persons. The law establishes organizational, prevention, and protection mechanisms, including measures specifically for children less than age 18.[289] In addition, Article 173 of the Criminal Code establishes penalties for the sale or purchase of a child.[290]

The age of conscription to the military is 18. However, children who are 17 may volunteer for active military service or enter a cadet military school with parental approval.[291]

Institutional Mechanisms for Coordination and Enforcement

Although the Ministry of Labor and Social Protection, Ministry of Internal Affairs and the State Committee on Families, Children and Women's Issues work separately in their individual areas of expertise, namely, enforcing workplace standards, prosecuting illicit activities and trafficking, and protecting children's rights,[292] research found no evidence of a mechanism for coordinating government-wide efforts to combat the worst forms of child labor. The UN Development Assistance Framework (UNDAF) has called for better coordination and strengthened monitoring of issues related to street children, and combating child labor and trafficking.[293]

The State Labor Inspectorate within the Ministry of Labor and Social Protection is responsible for enforcing the country's child labor laws.[294] In 2009, the Ministry employed 280 labor inspectors.[295] While no instances of the employment of workers under age 15 were found, 62 cases of violations of labor laws were identified involving the employment of children between the ages of 15 and 18.[296] Inspection activity may not be sufficient. A 2005 survey found that approximately 68 percent of working children 5 to 17 (or 106,000 children) are engaged in hazardous labor in contravention of current law.[297]

The 2005 Law on Trafficking in Persons establishes responsibility for the coordination of trafficking efforts with the National Coordinator in the Ministry of Internal Affairs within the auspices of the National Action Plan to Combat Trafficking.[298] During the reporting period, a dedicated staff person was assigned to focus on trafficking issues in each relevant agency.[299]

The Ministry of Internal Affairs is responsible for enforcing trafficking laws and investigating trafficking violations.[300] According to the Ministry of Internal Affairs, there were 80 trafficking investigations

and four cases of child trafficking in 2009.[301] The Government prosecuted 76 trafficking cases in 2009 and convicted 62 trafficking offenders as of February 2010.[302] There is no information on the prosecution and conviction of the child-specific trafficking cases.

In March 2008, Azerbaijan government officials, judges, prosecutors, law enforcement, and NGOs were trained on human trafficking issues including prosecution, protection, and prevention.[303] In May 2008, the OSCE, in cooperation with the Azerbaijan Ministry of Justice, ILO, and the International Centre for Migration Policy Development provided training to judges and prosecutors on trafficking issues.[304]

Government Policies on the Worst Forms of Child Labor

In February 2009, the Government adopted the second phase of the National Action Plan for Combating Human Trafficking (2009-2013). The plan aims to improve the effectiveness of the prosecution of human trafficking, improve the protection and rehabilitation services offered to victims and improve the coordination of activities.[305]

In addition, the Government has established a National Action Plan on the Protection of Human Rights. The plan addresses commitments made by the Government as signatory to the UN Convention on the Rights of the Child and includes efforts to combat trafficking.[306]

The UNDAF (2011-2015) includes efforts to improve the identification, referral, and legal support for victims of trafficking and capacity building for judiciary and law enforcement personnel; however, unlike the previous UNDAF, it does not address other worst forms of child labor.[307]

In the Poverty Reduction Strategy (PRS) adopted in September 2008, child labor issues are included in efforts focused on improving social protection services for the most vulnerable populations. The strategy calls for research to be conducted and a relevant national action plan on child labor to be prepared and implemented. The strategy also calls for the development of a national action plan on abandoned and street children.[308] In addition, the PRS includes education efforts to improve access to and the quality of education.[309]

The Decent Work Country Program (2006-2009) developed by the Government of Azerbaijan in cooperation with ILO also called for the development of a national action plan on child labor. The program included efforts to build the capacity of the Government and key stakeholders to implement interventions focused on the prevention of children in child labor and the provision of services aimed at the withdrawal and rehabilitation of children in child labor.[310]

However, the impact of these efforts on reducing the worst forms of child labor has not been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Programs to prevent the worst forms of child labor primarily address human trafficking. Following from the National Action Plan on Combating Human Trafficking, a number of programs have been undertaken by government authorities, sometimes in cooperation with international organizations. These programs investigate, prosecute, and prevent trafficking, including the conduct of public awareness campaigns in 58 cities and regions throughout the country. They also make provisions for protection and rehabilitation of trafficking victims, including shelters for victims of trafficking.[311]

The OSCE has called on the Government to improve victim identification particularly through strengthened coordination with NGOs; to increase their efforts to raise public awareness of the problem; and to provide relevant training to law enforcement, labor inspectors, and health workers.[312]

With the ILO, the Government has implemented other child labor programs. These programs included awareness-raising activities, training programs for relevant government officials and civil society, and interventions focused on prevention, withdrawal and rehabilitation of children at risk of or engaged in the worst forms of child labor.[313] Few such programs remain active.

Finally, the Government has implemented social protection and education programs, including a cash transfer program for very poor households. As of early 2008, the program had reached over 80,000 families.[314] The question of whether these programs have an impact on the worst forms of child labor does not appear to have been addressed.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Azerbaijan:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Develop monitoring mechanisms and target inspections to improve the identification of child labor violations in sectors in which children commonly work.
- Establish coordination and monitoring mechanisms to combat the worst forms of child labor.

IN THE AREA OF POLICIES:

- Develop, adopt, and implement a national action plan on all worst forms of child labor.
- Assess the impact that polices, such as the Poverty Reduction Strategy and the Decent Work Country Program, may have on addressing the worst forms of child labor.
- Implement the recommendations of the Poverty Reduction Strategy to conduct research and develop and implement a national plan of action to combat child labor.

IN THE AREA OF PROGRAMS:

- Consider targeting programs specifically to children in the worst forms of child labor and their families.
- Address OSCE and UNDAF recommendations concerning anti-trafficking activities.
- Assess the impact that social protection and education programs may have on addressing the worst forms of child labor.

[273] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children are from 2005. Data on school attendance are from 1999. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[274] ILO-IPEC, *Working children in Azerbaijan: The analysis of child labour and laboring children surveys - An ILO-IPEC Survey on Child Labor*, September 2005.

[275] National Confederation of Entrepreneurs' Organizations of Azerbaijan Republic, *Fact Finding Mission to the Tea and Tobacco Producing Regions of Azerbaijan Republic*, Baku, 2007 2007; available from https://www.ilo.org/public/english/dialogue/actemp/downloads/projects/azerbaijan_rapidass_study_tea_en.pdf. See also National Confederation of Entrepreneurs' Organizations of Azerbaijan Republic International Labour Organization, *Study on Child Labour on Cotton Plantations in 8 Regions of Azerbaijan*, Baku, 2005 2005; available from https://www.ilo.org/public/english/dialogue/actemp/downloads/projects/azerbaijan_rapidass_study_cotton_en.pdf. See also U.S. Embassy- Baku, *reporting*, March 28, 2010.

[276] U.S. Embassy- Baku official, E-mail communication to USDOL official, November 15, 2010.

[277] Mr. Alakbar Mammadov and Ms. Sadagat Gambarova, "Country Presentation on Combatting Child Labour - Azerbaijan" (paper presented at the Employers in the Fight Against Child Labor "Sharing Experiences and Lessons Learnt on Child Labour", Istanbul, September 27-28, 2007); available from http://www.tisk.org.tr/yayinlar_en.asp?dil=en&sbj=ic&id=2970. See also U.S. Embassy-Baku, *reporting, March 28, 2010*. See also Internal Displacement Monitoring Centre (IDMC), *Azerbaijan: IDPs still trapped in poverty and dependence,* [online] July 14, 2008 [cited September 16, 2010]; available from http://www.unhcr.org/refworld/docid/487b6dfb2.html.

[278] UNICEF, *UNICEF Azerbaijan Overview: Key Challenges for Children,* [online] [cited July 19, 2010]; available from http://www.unicef.org/azerbaijan/overview_2206.html. See also UNICEF, *The Child Protection System in Azerbaijan: Situation Analysis*, New York, 2005; available from http://ceecis.org/child_protection/PDF/Azesyst05.pdf. See also National Confederation of Entrepreneurs (Employers') Organizations of Azerbaijan Republic, *No Child Labour: Handbook for Employers*, Handbook; available from http://www.ilo.org/public/english/dialogue/actemp/downloads/projects/azerbaijan_handbook_en.pdf.

[279] UNICEF, *UNICEF Overview*. See also UNICEF, *Child Protection System*. See also National Confederation of Entrepreneurs (Employers') Organizations of Azerbaijan Republic, *Handbook for Employers*.

[280] U.S. Department of State, "Azerbaijan (Tier 2)," in *Trafficking in Persons Report- 2010* Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/.

[281] Embassy of the Republic of Azerbaijan, *Information of the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan*, submitted in response to U.S. Department of Labor request for information on "Child labor, forced labor, and forced or indentured child labor in the production of goods in foreign countries and efforts by certain countries to eliminate the worst forms of child labor", DC, April 21, 2009; available from http://www.dol.gov/ilab/programs/ocft/FR20100224/Azerbaijan/Azerbaijan.pdf.

[282] Ibid.

[283] Ibid.

[284] Radio Free Europe, *Child Labor Law Passes in Azerbaijan,* pursuant to RFERL, February 10, 2010 2009; available from http://www.rferl.org/content/Azerbaijani_Parliament_Passes_Child_Labor_Law/1896514.html. See also U.S. Embassy- Baku, *reporting, March 28, 2010*.

[285] Radio Free Europe, *Child Labor Law Passes in Azerbaijan*. See also U.S. Embassy- Baku, *reporting, March 28, 2010*.

[286] *Constitution of the Azerbaijan Republic*, (November 12, 1995); available from http://www.servat.unibe.ch/icl/aj00000_.html.

[287] *Criminal Code of the Azerbaijan Republic*, (September 1, 2000); available from http://www.unhcr.org/refworld/docid/4417f82d4.html

[288] Ibid.

[289] *Law of the Republic of Azerbaijan on Trafficking in Persons*, (August 5, 2005); available from http://www.unhcr.org/refworld/docid/4417f1214.html

[290] *Criminal Code*.

[291] Coalition to Stop the Use of Child Soldiers, "Azerbaijan," in *Child Soldiers Global Report- 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/content/azerbaijan. See also UN International Human Rights Instruments, *Core Document Forming Part of the Reports of States Parties: Azerbaijan*, HRI/CORE/AZE/2008, Geneva, June 3, 2009 2009.

[292] U.S. Embassy- Baku, *reporting*, March 28, 2010.

[293] UN Country Team in Azerbaijan, *United Nations Development Assistance Framework- Azerbaijan 2005-2009*, UNDAF, May 2004; available from http://planipolis.iiep.unesco.org/upload/Azerbaijan/Azerbaijan%20UNDAF%202005-2009.pdf.

[294] Embassy of the Republic of Azerbaijan, *Response to request for information*.

[295] U.S. Embassy- Baku, *reporting, March 28, 2010*.

[296] Embassy of the Republic of Azerbaijan, *Response to request for information*.

[297] ILO and State Statistical Committee of the Republic of Azerbaijan, *Working children in Azerbaijan: The analysis of child labour and laboring children surveys 2005*, September 2007; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=8152.

[298] *Trafficking Law*.

[299] U.S. Department of State, "Trafficking in Persons Report-2010: Azerbaijan."

[300] *Trafficking Law*.

[301] U.S. Embassy- Baku, *reporting, March 28, 2010*.

[302] U.S. Department of State, "Azerbaijan (Tier 2)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/g/tip/rls/tiprpt/2010/.

[303] U.S. Ambassador Anne E. Derse, "US Ambassador's Remarks at The Trafficking in Persons Training Event" (paper presented at the Trafficking in Persons Training Event sponsored by US Embassy, US Department of Justice, and the OSCE, March 27, 2008); available from http://azerbaijan.usembassy.gov/ambspeech57en.html.

[304] OSCE, *OSCE Office helps train Azerbaijani judges and prosecutors to fight human trafficking*, Press Release, May 12, 2008; available from http://www.osce.org/item/31054.html.

[305] UN Committee against Torture, *Consideration of reports submitted by the States parties under article 19 of the Convention*, CAT/C/SR.909, pursuant to Summary record of the first part (public) of the 909th meeting, 2010; available from http://daccess-dds-ny.un.org/doc/UNDOC/GEN/

G09/461/96/PDF/G0946196.pdf?OpenElement.

[306] Office of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, *The role of the Ombudsman in combating trafficking in human beings,* pursuant to The 2009 Human Dimension Implementation Meeting, September 28-October 9, 2009; available from http://www.osce.org/documents/odihr/2009/10/40100_en.pdf.

[307] UN Country Team in Azerbaijan, *United Nations Development Assistance Framework- Azerbaijan 2011-2015*, Baku, 2009; available from http://planipolis.iiep.unesco.org/upload/Azerbaijan/Azerbaijan_UNDAF_2011-2015.pdf. See also UN Country Team in Azerbaijan, *UNDAF Azerbaijan 2005-2009*.

[308] Government of Azerbaijan, *State Program on Poverty Reduction and Sustainable Development in the Republic of Azerbaijan for 2008-2015*, Baku, September 15, 2008; available from http://www.cled.az/pdf/others/Azerbaijan%20Poverty%20Program%20for%202008-2015.pdf.

[309] Ibid.

[310] ILO and Government of Azerbaijan, *Decent Work Country Programme in Co-operation with the ILO (2006-2009)*, 2006; available from http://www.ilo.org/public/english/region/eurpro/geneva/download/decentwork/azerbaijan.pdf.

[311] U.S. Department of State, "Trafficking in Persons Report-2010: Azerbaijan." See also OSCE, "Eva Biaudet: Rights of victims are paramount in fight against human trafficking," *OSCE Magazine*, December 2008 2008; available from http://www.osce.org/publications/sg/2008/11/35060_1213_en.pdf.

[312] OSCE, "OSCE: Rights of Victims." See also OSCE, *OSCE special representative urges Azerbaijani authorities to co-operate with NGOs to better identify victims of human trafficking*, Press Release, June 18, 2008; available from http://www.osce.org/item/31765.html.

[313] ILO, *Development of a comprehensive anti-trafficking response in Armenia, Azerbaijan and Georgia,* [online] [cited September 22, 2010]; available from www.ilo.org/sapfl/Projects/lang--en/WCMS_082035/index.htm. See also ILO and Government of Azerbaijan, *DWCP 2006-2009*.

[314] World Bank, *Project Information Document Appraisal Stage: Social Protection Development*, Project Information Document, 42616-AZ, DC, April 29, 2008; available from http://www-wds.worldbank.org/external/default/main?pagePK=64193027&piPK=64187937&theSitePK=523679&menuPK=64187510&searchMenuPK=64187283&siteName=WDS&entityID=000333037_20080508035604.

Bahrain

The Government of Bahrain has established a legal framework to protect children from many forms of hazardous child labor and child trafficking, but children continue to be trafficked into the country for domestic service and sexual exploitation. Domestic servants have minimal workplace protections under the Labor Law.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Bahrain are exploited in the worst forms of child labor, particularly as the result of child trafficking.[315] Girls are reportedly recruited as domestic servants and are trafficked into the country with falsified documents concealing the minor's age.[316] There have been reports of minors being trafficked to Bahrain for domestic service or sexual exploitation, particularly from South and Southeast Asia.[317] Child domestic labor may involve long hours of work and may expose children to mental and physical abuse by their employer.[318]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Law sets the minimum age for work at 14 and hazardous work at 16.[319] The Government is in the process of revising the Labor Law to increase the minimum age for hazardous work to 18.[320] Ministerial Order No. 6 outlines a list of 25 types of hazardous work universally proscribed.[321]

For all other work, minors between ages 14 and 16 seeking to provide financial assistance to their families must obtain authorization to work from the Ministry of Labor (MOL) and must file a medical examination prior to employment.[322] However, the Labor Law (article 2) explicitly exempts domestic workers, including child domestics, from all provisions in the law, and no other labor laws protect child domestics.[323]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	None
	Free Public Education	Yes

The 2008 Law to Combat Trafficking in Persons prohibits all forms of trafficking, including trafficking of children under age 18, for prostitution or any other forms of commercial sexual exploitation, forced labor,

and slavery.[324] The law provides harsher punishments for trafficking children who are under age 15.[325]

The minimum age for military service is 18.[326]

Institutional Mechanisms for Coordination and Enforcement

MOL inspectors enforce child labor laws.[327] Some inspectors from the Labor Market Regulatory Authority also perform inspections, particularly concerning foreigners' work permits and working situations.[328] There are 43 MOL labor inspectors who investigate for violations of labor law, including child labor.[329] Specific information on inspections, child labor violations, or penalties is not available. Although labor inspectors are empowered to investigate all places of work, reports indicate that workplaces outside of the industrial sector are less closely monitored.[330]

Labor inspectors are trained on child labor laws and regulations.[331] During the reporting period, MOL also coordinated a workshop on child labor for judges, lawyers, prosecutors, law enforcement officials, NGOs, and employers.[332]

The Ministry of Foreign Affairs heads a committee to set trafficking policy; the committee meets every other month.[333] The Ministry of Social Development leads a second committee to deal with trafficking victims.[334] This committee is charged with assessing the status of each victim and determining whether they should be allowed to remain in the country or whether they should be returned to their place of origin.[335]

The Ministry of the Interior's Criminal Investigation Directorate oversees a 10-person unit that works on human trafficking enforcement.[336] The Royal Police Academy trains recruits to identify trafficking victims and, in 2009, 29 law enforcement officers participated in a 3-day training workshop on human trafficking.[337] During the reporting period, the Government reported two prosecutions and one new investigation under the Law to Combat Trafficking in Persons.[338]

Government Policies on the Worst Forms of Child Labor

The Government has stated that child labor is not a significant problem and, therefore, it has not allocated resources to develop a national action plan to combat the worst forms of child labor or established a child labor task force.[339] While there is no evidence of child labor in most sectors, there have been several reports of children being trafficked into domestic service in Bahrain, and there is no policy or plan to address this issue.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government participates in a USDOS-funded program to build capacity and raise awareness of anti-trafficking efforts.[340] This project includes awareness-raising workshops for government ministries, development of a database of trafficking in persons, and publication of a workers' rights pamphlet.[341]

The Government funds an NGO-run shelter, Dar Al Aman, which provides services for a small number of trafficking victims, including children.[342] The shelter provides legal, medical, and psychological services to female victims of family violence and human trafficking. Bahrain does not have any shelters for male trafficking victims or runaway workers.[343] Existing programs do not appear to specifically address children trafficked for domestic service and commercial sexual exploitation.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Bahrain:

IN THE AREA OF LAWS AND REGULATIONS:

- Complete revisions to the Labor Law to increase the minimum age for hazardous work to 18.
- Amend the Labor Law to provide protections for children engaged in domestic service.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure monitoring for child labor in all workplaces, and track and publish data on inspections and violations.

IN THE AREA OF POLICIES:

- Develop a national plan of action to address child trafficking for domestic service.

IN THE AREA OF PROGRAMS:

- Revise current anti-trafficking programs to address the special needs of trafficked children, specifically for domestic service and commercial sexual exploitation.

[315] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[316] Sigma Huda, *Expert on Trafficking in Persons Ends Visit to Bahrain*, Press Release, November 1, 2006; available from www.unhchr.ch/huricane/huricane/nsf/view01/58FAF1D58BE8FAAFC1257219005C.

[317] Rasha Al Qahtani, "Police Break up Girl Trafficking Ring," *Gulf Daily News* (Manama), July 29, 2010; available from http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=283318. See also Geoffrey Bew, "Trafficking Horror Revealed," *Gulf Daily News* (Manama), January 28, 2006. See also Huda, *Expert on Trafficking in Persons Ends Visit to Bahrain, Press Release*. See also UN News Centre, "Bahrain: UN human trafficking expert gives mixed report after fact-finding visit", UN.org, [online], November 1, 2006 [cited July 29, 2010]; available from http://www.un.org/apps/news/story.asp?NewsID=20453&Cr=bahrain&Cr1.

[318] Huda, *Expert on Trafficking in Persons Ends Visit to Bahrain, Press Release*.

[319] Government of Bahrain, *Labour Law for the Private Sector, as amended*, No. 23, (June 16, 1976); available from http://www.mol.gov.bh/MOL/En/Legislations/ListArticles.aspx?ChnlNm=Chapter%20One&ChnlDspl=The+Labour+Law+for+the+Private+Sector&ChnlPrnt=Labour+Law&ChnlPDspl=Labour+Law. See also ILO Committee of Experts, *Individual Direct Request Concerning Worst Forms of Child Labour Convention, 1999 (No.182) Bahrain (ratification: 2001),* [online] 2008 [cited January 22, 2009]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21847&chapter=9&query=Bahrain%40ref&highlight=&querytype=bool&context=0.

[320] ILO Committee of Experts, *Individual Direct Request Concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Bahrain (ratification: 2001),* [online] 2009 [cited April 2, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23480&chapter=9&query=%28C182%29+%40ref+%2B+%28Bahrain%29+%40ref&highlight=&querytype=bool&context=0.

[321] Ibid.].

[322] U.S. Department of State, "Bahrain," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136066.htm. See also Government of Bahrain, *Labour Law for the Private Sector*.

[323] Government of Bahrain, *Labour Law for the Private Sector*. See also U.S. Embassy- Manama, *reporting*, March 3, 2010.

[324] ILO Committee of Experts, *Individual Direct Request C182: Bahrain (2009)*. See also U.S. Embassy- Manama, *reporting*, February 1, 2010. See also U.S. Department of

State, "Bahrain," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm. See also Government of Bahrain, *Fighting and Combating Trafficking in Persons Draft Law*, (2008).

[325] U.S. Department of State, "Country Reports- 2009: Bahrain."

[326] U.S. Embassy- Manama, *reporting, February 1, 2010*.

[327] U.S. Department of State, "Country Reports- 2009: Bahrain."

[328] U.S. Embassy- Manama, *reporting, February 1, 2010*.

[329] U.S. Department of State, "Country Reports- 2009: Bahrain." See also U.S. Embassy- Manama, *reporting, February 1, 2010*.

[330] U.S. Department of State, "Country Reports- 2009: Bahrain." See also ILO Committee of Experts, *Individual Direct Request C182: Bahrain (2008)*.

[331] ILO Committee of Experts, *Individual Direct Request C182: Bahrain (2009)*.

[332] U.S. Department of State, "Country Reports- 2009: Bahrain."

[333] U.S. Embassy- Manama, *reporting, February 1, 2010*.

[334] U.S. Department of State, "Country Reports- 2009: Bahrain," section 6.

[335] U.S. Embassy- Manama, *reporting, February 1, 2010*.

[336] U.S. Department of State, "Country Reports- 2009: Bahrain."

[337] U.S. Department of State, "Bahrain," in *Trafficking in Persons Report- 2010*, Washington, DC, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm.

[338] Ibid.

[339] ILO Committee of Experts, *Individual Direct Request C182: Bahrain (2008)*. See also U.S. Embassy- Manama, *reporting, February 1, 2010*.

[340] U.S. Department of State, *Trafficking in Persons Open Projects by Region and Country,* [online] May 14, 2010 [cited September 28, 2010]; available from http://www.state.gov/g/tip/rls/other/2010/143270.htm.

[341] Ibid.]. See also U.S. Embassy- Manama, *reporting, March 3, 2010*.

[342] U.S. Embassy- Manama, *reporting, March 3, 2010*. See also U.S. Embassy- Manama official, E-mail communication to USDOL official, November 14, 2010.

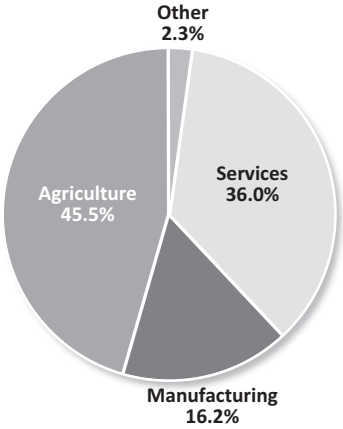
[343] U.S. Embassy- Manama, *reporting, February 1, 2010*.

Bangladesh

The Government of Bangladesh recently approved its National Child Labor Eradication Policy which aims to develop and harmonize programs and policies to combat the worst forms of child labor. However, children continue to perform hazardous work in agriculture and domestic service. Gaps also remain in child labor legislation, data collection, and enforcement.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	13.6%
Attending School	5-14 yrs.	76.9%
Combining Work and School	7-14 yrs.	10.1%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Bangladesh are exploited in the worst forms of child labor,[344] especially in agriculture.[345] Children working in agriculture may be exposed to risks such as dangerous machinery and tools, harmful pesticides, and carrying of heavy loads. According to the Bangladesh Bureau of Statistics children engage in hazardous work which includes welding, carpentry, rickshaw pulling, and automobile repair.[346] Children face dangers drying fish and milling spice. These activities can make them vulnerable to harmful chemicals, the possible loss of fingers in dangerous machines, and working long hours in the hot sun.[347] Children are also involved in the production of salt, soap matches, bricks, cigarettes, footwear, steel, furniture, glass, leather, poultry, ornaments, and metals, ornaments, and textiles.[348] The dangers children face producing these goods may include working in cramped conditions for long hours, exposure to hazardous chemicals, low lighting, and working with sharp objects. Children also process shrimp, which has reportedly led to arthritis, urinary tract infections, back injuries, repetitive strain, muscle inflammation, fungal infections, and diarrhea.[349] Other reports have indicated that large numbers of children work in dangerous conditions in the ship-breaking industry, dismantling large ships into smaller pieces.[350] They may lack the physical strength required to perform this arduous task and may be sickened by hazardous substances contained in the ships.[351] Although evidence is limited, there is reason to believe that the worst forms of child labor are also used in the production of jewelry, plastic, rice, and rubber.[352]

According to a survey by ILO, there are more than 421,000 children, mostly girls, working as domestic servants in private households in Bangladesh. Some child domestics work in exploitive conditions[353] and are vulnerable to abuse, including sexual abuse.[354] Children are also found working on the streets, vending, begging, portering and some are employed in hotels and restaurants.[355] Children working on the

streets are exposed to severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Bangladeshi children are also engaged in other worst forms of child labor. A 2009 Government of Bangladesh report estimates that as many as 20,000 children are exploited in the commercial sex industry; some are trafficked internally and to India and Pakistan for sexual exploitation.[356] Boys and girls, often those living on the streets, are exploited in illicit activities, including smuggling and trading arms and drugs.[357]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code establishes the minimum age for work at 14 and the minimum age for hazardous work at 18.[358] The Labor Code provides an exception for children age 12 to 13 to participate in light work and restricts the types of job they can do. It also limits the hours children ages 14 to 18 can work.[359] However, the Government's Labor Code is limited to the formal employment sector, which does not include agriculture or home-based work, and it does not define occupations or sectors which are hazardous in nature.[360] Additionally, the low minimum age for compulsory education makes children particularly vulnerable to the worst forms of child labor, as children are not required to be in school after age 10, but are not legally permitted to work either.

The Penal Code of 1860 prohibits compulsory labor and the Labor Code prohibits parents or guardians from pledging their children's work in exchange for a payment or benefit.[361] Those who violate the law are subject to penalties which include imprisonment.[362]

The Suppression of Violence against Women and Children's Act of 2000 criminalizes the trafficking of children and establishes strict penalties and fines for violators.[363] The Penal Code of 1860 criminalizes the prostitution of young girls under the age of 18, in contrast to the Children's Act of 1974, which only criminalizes the prostitution of girls under the age of 16.[364] The conflicting age thresholds may leave girls ages 16 to 17 vulnerable to exploitation and may cause problems for effective enforcement and prosecution. In addition, both laws fail to protect boys from child prostitution.

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	10
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Government of Bangladesh has established a Child Labor Unit in the Ministry of Labor and Employment (MOLE) to monitor, coordinate, and supervise child labor programs.[365]

An inter-ministerial anti-trafficking committee oversees national efforts to combat human trafficking. This committee, chaired by the Ministry of Home Affairs (MOHA), convenes monthly to monitor trafficking issues.[366]

The Office of the Chief Inspectorate of the Department of Factories and Establishments under MOLE is responsible for implementing and enforcing labor laws, including child labor provisions.[367] The ministry has approximately 150 inspectors.[368] The inspectors work from 31 offices across the country and each one conducts from 5 to 100 monthly inspections, depending on his/her rank.[369] An inspector with a lower rank is expected to conduct more inspections than an inspector of a higher rank.[370] In 2009, a total of 51,337 labor inspections were conducted in Bangladesh, an increase of over 10,000 from the previous year. However, the inspections resulted in only 770 labor violation cases filed.[371] A specific

number of cases are not available because the Government does not disaggregate data on labor violations.[372] Nonetheless, research indicates that the number of cases uncovered is very small relative to the magnitude of the child labor problem.[373]

MOHA is the principal agency designated to enforce the country's forced labor and anti-trafficking laws.[374] MOHA maintains an anti-trafficking police unit in each of Bangladesh's 64 districts and provides trafficking training to members of the National Police Academy and other public officials.[375] MOHA also maintains a special Anti Trafficking of Human Beings Unit comprised of 12 police officers charged with investigating all forms of trafficking.[376] From February 2009 to February 2010, MOHA conducted 26 trafficking investigations and rescued 30 child victims from trafficking situations.[377]

Government Policies on the Worst Forms of Child Labor

In March 2010, the Government of Bangladesh established a policy framework for the elimination of the worst forms of child labor through approval of the National Child Labor Eradication Policy 2010.[378] The policy serves as a guiding instrument for the formulation of future laws and policies regarding child labor. The policy also calls for the formation of a National Child Labor Welfare Council to monitor the child labor situation at a national level.[379]

The Third National Plan of Action for Children (2005-2010) commits the Government to carry out a variety of tasks to eliminate the worst forms of child labor, with a particular focus on child domestic workers, migrants, refugees, and other vulnerable groups. The commitments include introducing regulations, ensuring working children's access to education, and strengthening the labor inspectorate.[380] The Government's 2009 Poverty Reduction Strategy Paper (PRSP) includes a strategic goal to protect child laborers and eliminate the worst forms of child labor. The 3-year PRSP seeks to accomplish this through raising awareness of child labor, drafting minimum wage and other protective standards, creating a child-friendly code of conduct for employers, and improving educational opportunities for working children.[381] It is estimated that the PRSP will cost approximately $51 billion to implement although the Government has not yet appropriated funding to support its implementation.[382] While trafficking is mentioned as an ancillary item in a number of government policies including the PRSP and the Third National Plan of Action for Children, the Government lacks a National Plan of Action to combat trafficking.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

From 2000 to 2005, the Government participated in a USDOL-funded project that provided alternative learning and employment opportunities for families of exploited and at-risk children. Through the provision of education and vocational training services, the project withdrew and prevented children from hazardous work in construction; production of hand-rolled cigarettes and matches; leather tanning industries; and from child domestic work.[383] The project also supported research, which included a survey on hazardous child labor in Bangladesh.[384]

UNICEF is collaborating closely with the Government to implement the second phase of a project to set up education centers that provide non-formal education and livelihood skills to over 350,000 working children and adolescents.[385] The Government is also participating in a Netherlands-funded project that aims to prevent and eliminate the worst forms of child labor in the informal economy in Dhaka[386] and a USDOL-funded ILO-IPEC project to conduct data collection on child labor.[387]

The Government of Bangladesh, under MOLE, took steps to target children engaged in or at-risk of exploitive labor under its own auspices through a national program which concluded in June 2009.[388] This program was implemented by NGOs and targeted 21 sectors in which children work. The project enabled over 30,000 working children to leave hazardous occupations by providing them with additional skills.[389] The Ministry of Women also partners with UNICEF on a project to support the Third National Plan of Action for Children.[390] These projects are important but lack the resources and the scope needed to reach the large numbers of children engaged in or at risk of the worst forms of child labor.

To combat child trafficking, the Government is participating in a USAID-funded project that aims to build the capacity of the police to identify and prosecute traffickers, expand public awareness on trafficking, and provide services to trafficking victims.[391] Additionally, the Government supports six shelters for women and child trafficking victims and is participating in a Danish International Development Agency-funded child helpline service.[392]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Bangladesh:

IN THE AREA OF LAWS AND REGULATIONS:

- Develop and approve a list of hazardous work, including hazardous occupations prohibited for children.
- Raise the compulsory education age to 14, the established minimum age for work.
- Amend the labor law to provide clear enforcement authority to MOLE beyond the formal employment sector to include both agriculture and home-based enterprises.
- Amend and harmonize the Penal Code of 1860 and the Children's Act of 1974 to include protections for all children (including boys) under the age of 18.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure labor inspections adequately investigate child labor violations.
- Enhance data collection on the worst forms of child labor and make worst forms of child labor enforcement statistics publically available.

IN THE AREA OF POLICIES:

- Commit adequate funding to implement the 2010 National Child Labor Eradication Policy.
- Enact a National Plan of Action to combat trafficking-in-persons.

IN THE AREA OF PROGRAMS:

- Commit funding and expand the scope of social programs to adequately assist the large numbers of children engaged in or at risk of the worst forms of child labor in Bangladesh.

[344] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and children combining working and schooling are from 2006. Data on school attendance are from 2007. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Data Sources and Definitions" section.

[345] U.S. Embassy - Dhaka, *reporting*, February 23, 2010, 1. See also U.S. Department of State, "Bangladesh " in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136085.htm.

[346] Bangladesh Bureau of Statistics, *Baseline Survey for Determining Hazardous Child Labour Sectors in Bangladesh*, Dhaka, July 2006. See also U.S. Embassy - Dhaka, *reporting, February 23, 2010*, 2.

[347] Bangladesh Bureau of Statistics, *Baseline Survey for Determining Hazardous Child Labour*. See also U.S. Embassy - Dhaka, *reporting, February 23, 2010*, 2. See also Bloomberg Businessweek, *How China's Labor Conditions Stack Up Against Those of other Low-cost Nations,* [November 27, 2006 [cited September 21 2010];

available from http://www.businessweek.com/magazine/content/06_48/b4011009.htm. See also Habibur Rahman Bhuiyan Md. Nurual Huda Bhuyian, Matiur Rahim, Kabir Ahmed, K.M. Formuzul Haque, Md. Tariqul Hassan and Md. Nazrul Islam Bhuiyan,, *Screening of Organocholorine Insecticides (DDT and Heptachlor) in Dry Fish Available in Bangladesh*, July 29 2008, 115; available from http://www.banglajol.info/index.php/BJP/article/viewFile/997/1096.

[348] U.S. Department of State, "Country Reports- 2009: Bangladesh," section 7d. See also Bangladesh Bureau of Statistics, *Baseline Survey for Determining Hazardous Child Labour*, 20, 94, 95, 168. See also Solidarity Center, *The True Cost of Shrimp*, Washington, DC, January 2008, 29, 30; available from http://www.solidaritycenter.org/files/pubs_True_Cost_of_Shrimp.pdf. See also U.S. Embassy- Dhaka, *reporting*, February 5, 2009, question 2d.

[349] Solidarity Center, *The True Cost of Shrimp*, 29, 30. See also Siddarth Kara, *On the Trail of Child Labor in Bangladesh,* [online] 2010 [cited November 5, 2010]; available from http://www.cnn.com/2010/WORLD/asiapcf/08/03/kara.human.traffic.india/index.html.

[350] International Federation for Human Rights, *Childbreaking Yards*, Paris, 2008, 5, 17, 15; available from http://www.fidh.org/IMG/pdf/bgukreport.pdf. See also Sandy Tolan, *Babu's Story: A Child Worker in the Shipyards of Bangladesh,* [June 18, 2009 [cited April 29, 2010]. See also U.S. Department of State, "Country Reports- 2009: Bangladesh," section 5.

[351] International Federation for Human Rights, *Childbreaking Yards*, 5, 17, 15. See also Tolan, *Babu's Story*. See also U.S. Department of State, "Country Reports- 2009: Bangladesh," section 5.

[352] Bangladesh Bureau of Statistics, *Baseline Survey for Determining Hazardous Child Labour Sectors in Bangladesh*, Dhaka, July 2006, 20, 95.

[353] ILO Labour Office- Dhaka, *Baseline Survey on Child Domestic Labour (CDL) in Bangladesh*, December 2006, xiv, 4; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=4647. See also U.S. Department of State, "Bangladesh," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, sections 5, 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119132.htm. See also UNICEF, *Basic Education for Hard-to-Reach Urban Working Children,* [online] 2008 [cited May 5, 2010]; available from http://www.unicef.org/bangladesh/Education_for_Working_Children_%28BEHTRUWC%29.pdf.

[354] U.S. Department of State, "Country Reports- 2009: Bangladesh," section 5, 7d. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Bangladesh (ratification: 2001),* [online] 2005 [cited April 29, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=8259&chapter=6&query=%28Bangladesh%29+%40ref&highlight=&querytype=bool&context=0.

[355] U.S. Department of State, "Country Reports- 2009: Bangladesh," section 7d. See also Bangladesh Bureau of Statistics, *Baseline Survey for Determining Hazardous Child Labour*, 95. See also U.S. Embassy - Dhaka, *reporting, February 23, 2010*, 1.

[356] Bangladesh Bureau of Statistics, *Report on Commercial Sexual Exploitation of Children Pilot Survey 2008*, Dhaka, August 2009, preface. See also U.S. Department of State, "Country Reports- 2009: Bangladesh," section 7d. See also U.S. Department of State, "Bangladesh (Tier 2 Watch List)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/g/tip/rls/tiprpt/2009/index.htm.

[357] Bangladesh Bureau of Statistics, *Baseline Survey of Street Children in Bangladesh*, Dhaka, December 7, 2003, x; available from http://www.ilo.org/public/english/region/asro/newdelhi/ipec/download/resources/bangladesh/bgdpubl03eng5.pdf. See also Coalition to Stop the Use of Child Soldiers, "Bangladesh," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf. See also ECPAT International, *South Asia Regional Consultation on Prostitution of Boys*, press release, Dhaka, June 8-9, 2006.

[358] U.S. Embassy- Dhaka, *reporting, February 5, 2009*, 1.

[359] Ibid., 2.

[360] Government of Bangladesh, *Written Communication*, submitted in response to U.S. Department of Labor Federal Register Notice (February 24, 2010) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Dhaka, April 8, 2010, 3. See also Ministry of Labour and Employment, *National Child Labour Eradication Policy 2010*, Dhaka, March 2010.

[361] Government of Bangladesh, *Penal Code*, Act No. XLV, (1860); available from http://supremecourt.gov.bd/act_files/act_11.html. See also U.S. Embassy - Dhaka, *reporting*, May 2, 2009, 2.

[362] Government of Bangladesh, *Penal Code*. See also U.S. Embassy - Dhaka, *reporting, May 2, 2009*, 2.

[363] Government of Bangladesh, *Suppression of Violence against Women and Children Act*, Act. No. VIII, (2000), article 6. See also U.S. Embassy- Dhaka, *reporting, February 5, 2009*, 2.

[364] Government of Bangladesh, *Penal Code*, article 366a. See also Government of Bangladesh, *The Children Act*, Act No. XXXIX (1974), article 42; available from http://www.law.yale.edu/rcw/rcw/jurisdictions/assc/bangladesh/Bang_Child_Act_and_Rules.htm. See also U.S. Embassy - Dhaka, *reporting, May 2, 2009*, 2.

[365] UNICEF ILO, and UNESCO,, *Child Labour and Education in Bangladesh: Evidence and Policy Recommendations*, 2008; available from http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/publication/wcms_107508.pdf.

[366] U.S. Department of State, "Trafficking in Persons Report- 2009: Bangladesh."

[367] U.S. Embassy - Dhaka, *reporting, February 23, 2010*, 4.

[368] Ibid.

[369] Ibid., 5.

[370] Ibid.

[371] Ibid.

[372] Ibid.

[373] Ibid., 6.

[374] Ibid. See also U.S. Department of State, "Country Reports- 2009: Bangladesh," section 5.

[375] U.S. Department of State, "Country Reports- 2009: Bangladesh," section 5.

[376] U.S. Embassy - Dhaka, *reporting, February 23, 2010*, 4, 7.

[377] Ibid., 8.

[378] Ministry of Labour and Employment, *Child Labor Policy*. See also Government of Bangladesh, *Written Communication, submitted in response to U.S. Department of Labor Federal Register Notice*, 3.

[379] Ministry of Labour and Employment, *Child Labor Policy*, 3, 16.

[380] U.S. Embassy- Dhaka, *reporting*, February 5, 2009. See also U.S. Embassy - Dhaka, *reporting, February 23, 2010*, 9. See also Government of Bangladesh, *National Plan of Action for Children 2005 - 2010: Bangladesh*, Dhaka, 2005, 67-69, 72; available from http://mowca.gov.bd/pages/Child-Action-Plan.pdf.

[381] U.S. Embassy - Dhaka, *reporting, February 23, 2010*, 10.

[382] Ibid.

[383] U.S. Department of Labor, *"Preventing and Eliminating Worst Forms of Child Labor in Selected Formal and Informal Sectors in Bangladesh" Project Summary*, 2010.

[384] Ibid.

[385] UNICEF, *Basic Education for Hard-to-Reach Urban Working Children*. See also U.S. Embassy - Dhaka, *reporting, February 23, 2010*, 11.

[386] ILO-IPEC, "Urban Informal Economy (UIE) Project of Support to the National Time Bound Programme towards the Elimination of Worst Forms of Child Labor in Bangladesh Project Summary," (2010).

[387] ILO-IPEC official, E-mail communication to USDOL official, March 31, 2009.

[388] U.S. Embassy - Dhaka, *reporting, February 23, 2010*, 11.

[389] U.S. Embassy- Dhaka, *reporting, February 5, 2009*.

[390] U.S. Embassy - Dhaka, *reporting, February 23, 2010*, 9.

[391] Winrock International, *Actions for Combating Trafficking-in-Persons Project Summary*, 2008; available from http://actbd.org/doc/Leaflet%20ACT%20Bangladesh%20FINAL.pdf.

[392] U.S. Department of State, "Trafficking in Persons Report- 2009: Bangladesh." See also Child Helpline International, *Recommendations to the UN Committee on the Rights of the Child*, 2009; available from http://www.crin.org/docs/Bangladesh_CHI_NGO_Report.doc.

Barbados

The Government of Barbados has strengthened its legal framework by setting the minimum age for employment at 16. Although Barbados does not appear to have a significant child labor problem, children are found to be victims of commercial sexual exploitation and social programs targeting these children appear to be insufficient.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There have been some reports in Barbados that children are found in the worst forms of child labor,[393] namely as victims of commercial sexual exploitation.[394]

Laws and Regulations on the Worst Forms of Child Labor

The Employment (Miscellaneous Provisions) Act sets the minimum age for employment at 16 for certain sectors including mines, quarries, manufacturing, maintenance, construction, and demolition work.[395] Other sectors, particularly agriculture, are not listed among the sectors where the minimum age regulations apply.[396]

The Employment (Miscellaneous Provisions) Act also prohibits children under age 18 from engaging in any work likely to harm their safety, health, or morals. However, there is no reference to the types of work considered to be hazardous and likely to jeopardize the health, safety or morals of children.[397] No information was identified to indicate such types of work were listed in other laws or regulations.

The Constitution prohibits forced and compulsory labor.[398] Several other laws may be used protect children from trafficking and sexual exploitation.[399] The Offenses Against the Persons Act protects children under age 16 from being trafficked from Barbados to other places for employment.[400] The same Act penalizes slavery including importing and exporting a person as a slave; however, it is not clear that this provision actually covers trafficking.[401] The

ILO	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
UN	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
UN	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

Sexual Offences Act makes it a crime to take a person away or detain a person for sexual relations.[402] The Protection of Children Act provides protection against pornography and makes it a crime to take or allow others to take indecent photographs of a child under 18.[403]

In Barbados, volunteers for the Defense Force have to be at least age 18 to enlist, but may enlist earlier with parental consent.[404]

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor and Social Security established a National Committee on Child Labor in February 2004.[405] The Committee has been coordinating resources and gathering expertise to facilitate an integrated approach to abolish child labor in the country.[406]

Child labor sub-committees were also created to strengthen interagency co-operation in the harmonization of legislation, the development of a survey instrument, and to implement educational and mass media program on child labor.[407]

The Child Care Board and the Ministry of Labor (MOL) are responsible for monitoring and investigating child labor cases.[408] The MOL has 11 inspectors to enforce possible violations of the Employment Act, including cases of child labor.[409] During recent years, there were no cases of child labor violations reported.[410]

The Royal Barbados Police Force has the responsibility for taking the lead in investigating trafficking complaints.[411] During the reporting period, there were no investigations conducted or trafficking cases prosecuted.[412]

Government Policies on the Worst Forms of Child Labor

While the worst forms of child labor do not appear to be a significant problem in Barbados, the Government does not have a comprehensive policy framework to combat the worst forms of child labor, including commercial sexual exploitation of children.

The Government has recognized the need to conduct research and statistical analysis to obtain more detailed information on the worst forms of child labor.[413] Moreover, the Government acknowledged specifically that commercial sexual exploitation of children is a concern although the full extent of the problem is unknown.[414]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the Government worked with the International Office of Migration to conduct training programs to sensitize the police force on the issue of trafficking.[415] However, there is no evidence of programs to provide services to child victims.

In June 2008, the Government launched a child labor media campaign involving print, radio and television ads to sensitize the public about child labor and its worst forms.[416]

The Government of Barbados participated in a regional child labor program through the ILO sub regional Office for the Caribbean. From 2001 to 2002, the project, funded by the Government of Canada, initiated a rapid assessment study on the worst forms of child labor to facilitate the identification of vulnerable groups and to collect general information on child labor, particularly the worst forms.[417]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Barbados:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend minimum age provisions of the Employment (Miscellaneous Provisions) Act to include all sectors of economic activity, including agriculture.
- Develop and adopt a list of occupations and activities considered hazardous and likely to jeopardize the health, safety, or morals of young persons.
- Ensure that all children under age 18 are protected from trafficking.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Develop mechanisms to improve the number of investigation and prosecution of trafficking and commercial sexual exploitation offenders.

IN THE AREA OF POLICIES:

- Conduct a comprehensive study to update and assess the nature and extent of the worst forms of child labor nationwide, especially trafficking and the commercial sexual exploitation of children.
- Use the results of the study to develop a national plan of action to address the worst forms of child labor, particularly child trafficking and commercial sexual exploitation.

IN THE AREA OF PROGRAMS:

- Develop programs to provide services to victims of child trafficking and commercial sexual exploitation.

[393] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[394] U.S. Department of State, "Barbados," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010, 77; available from http://www.state.gov/documents/organization/142979.pdf. See also Government of Barbados Ministry of Labour, *FAQs About Child Labour* [Online] 2009 [cited November 1, 2010]; available from http://labour.caribyte.com/child-labour-faqs.

[395] Government of Barbados, *Employment (Miscellaneous Provisions) Act*, March 24, 1977 1977; available from http://www.caricomlaw.org/docs/Employment%20(Miscellaneous%20Provisions).pdf.

[396] Ibid.

[397] Ibid. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Barbados (ratification: 2000) Submitted 2009,* [on line] 2009 [cited March 9, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23486&chapter=9&query=Barbados%40ref&highlight=&querytype=bool&context=0.

[398] U.S. Department of State, "Barbados," in *2009 Human Rights Report: Barbados* Washington, DC March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136100.htm. See also U.S. Embassy- Bridgetown, *reporting*, February 8, 2010.

[399] U.S. Department of State, "Trafficking in Persons Report 2010: Barbados." See also

[400] Government of Barbados, *Offences Against the Persons*, (1994), section 53(3); available from http://www.caricomlaw.org/docs/Offences%20Against%20the%20Person.pdf.

[401] Ibid.

[402] Government of Barbados, *Offences Against the Person*, 1995, section 13, 17. See also Clive Pegus, *A Review of Child Labour Laws of Barbados - A Guide to Legislative Reform*, ILO, June 2005; available from http://www.unicef.org/lac/spbarbados/Legal/national/Barbados/Other/review-child-labour-laws-barbados_ILO_2005.pdf.

[403] Government of Barbados, *Protection of Children* 1991. See also Pegus, *A Review of Child Labour Laws of Barbados*, 34.

[404] Coalition to Stop the Use of Child Soldiers, "Barbados," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

[405] Ministry of Labour Government of Barbados, "Child Labour," available from http://labour.caribyte.com/child-labour. See also Pegus, *A Review of Child Labour Laws of Barbados*.

[406] Government of Barbados, "Child Labour." See also Pegus, *A Review of Child Labour Laws of Barbados*.

[407] Government of Barbados, "Child Labour."

[408] U.S. Embassy- Bridgetown, *reporting, February 8, 2010*. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Barbados (ratification: 2000) 2009*.

[409] U.S. Embassy- Bridgetown, *reporting, February 8, 2010*. See also ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No.138) Barbados (ratification: 2000) Submitted: 2009,* [online] 2009 [cited March 9, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23231&chapter=9&query=Barbados%40ref&highlight=&querytype=bool&context=0

[410] U.S. Embassy- Bridgetown, *reporting, February 8, 2010*.

[411] U.S. Department of State, "Trafficking in Persons Report 2010: Barbados." See also U.S. Embassy- Bridgetown, *reporting, February 8, 2010*.

[412] U.S. Department of State, "Trafficking in Persons Report 2010: Barbados." See also U.S. Embassy- Bridgetown, *reporting, February 8, 2010*.

[413] Government of Barbados, *Child Labour Media Campaign Launched this Morning,* [online] June 13, 2008 [cited March 9, 2010]; available from http://www.gov.bb/portal/page/portal/GISMEDIA%20CENTRENEWS%20MANAGEMENT/News%20Archive/Child%20Labour%20Media%20Campaign%20Launched%20this%20Morning. See also Government of Barbados, "Child Labour in Barbados - A Hidden Problem," available from http://labour.caribyte.com/news/7.

[414] Government of Barbados, *Child Labour Media Campaign Launched this Morning*. See also Government of Barbados Ministry of Labour, *FAQs About Child Labour*.

[415] U.S. Embassy- Bridgetown, *reporting, February 8, 2010*.

[416] Government of Barbados, *Child Labour Media Campaign Launched this Morning*.

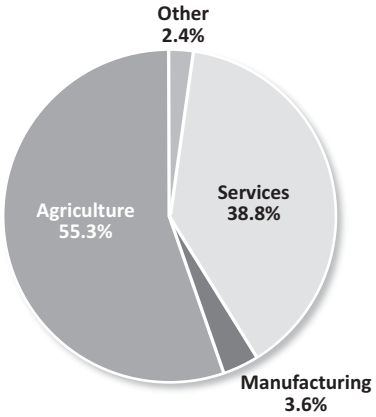
[417] ILO Committee of Experts, *Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Barbados (ratification: 2000) 2009*. See also ILO Subregional Office for the Caribbean, *Project Overview - ILO Subregional Office for the Caribbean Child Labour Project,* [Online] [cited October 18, 2010]; available from http://www.ilocarib.org.tt/projects/childlabour/project-overview.html.

Belize

The Government has implemented programs to address child trafficking and commercial sexual exploitation of children. However, children continue to be exploited in prostitution and many children work in risky situations in agriculture. Limited information on the Government's enforcement efforts can be reported.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	53.1%
Attending School	5-14 yrs.	93.2%
Combining Work and School	7-14 yrs.	6.2%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Belize are exploited in the worst forms of child labor, many of them in the production of agricultural goods.[418] Children working in agriculture may use potentially dangerous tools, carry heavy loads, or be involved in the application of harmful pesticides.[419] Children of migrant workers often help their parents during the harvest period to increase family income.[420] Children in rural areas are also reported to work in agriculture after school, on weekends, and during vacations.

Children in urban areas are found working on the streets shining shoes and vending foods, crafts, and other small items.[421] Children working on the streets may be exposed to severe weather, accidents caused by proximity to vehicles, and criminals. Children in Belize are also involved in commercial sexual exploitation and trafficking.[422] Poor families are known to push their school-aged daughters to provide sexual favors in exchange for money and gifts.[423] Children of both sexes are involved in prostitution, including sex tourism, an emerging problem in Belize.[424] There are reports of children from Guatemala, Honduras, and El Salvador that migrated to Belize voluntarily looking for work, but ended up in forced labor or prostitution.[425]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Act of Belize sets the minimum age for work at 14 but permits children age 12 to 13 to engage in non-industrial jobs and other light work. It also specifically prohibits the employment of children under age 15 in maritime jobs.[426] The Families and Children Act prohibits the employment of child under age 18 in harmful work but does not specifically list the types of work that qualify.

The Constitution prohibits forced labor.[427] Belizean law also prohibits the voluntary or compulsory recruitment of children under age 18 into military service.[428]

The Trafficking in Persons Prohibition Act of 2003 bans the trafficking of all persons, including children.[429] The Criminal Code prohibits sex with a female under age 14. The Criminal Code also prohibits the procurement or attempted procurement of a female under age 18 for the purpose of sex. However, the prohibition is significantly weakened by the fact it does not apply to "common prostitutes or persons of known immoral character."[430] This exception may be used as a mechanism to deny protection to some females, including girls under 18. In addition, the Criminal Code does not explicitly extend the same protections from prostitution to boys.[431]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Child Labor Committee (NCLC) advocates for legislation and policy action to more fully prohibit the worst form of child labor and achieve effective prosecution of such acts.[432] It is seeking reforms to give greater enforcement powers to labor officers and inspectors, standardize the definition of "child" in all legislation, and review the minimum age for work.[433]

The Ministry of Labor is responsible for enforcing child labor laws. The Ministry of Labor employs 14 labor inspectors countrywide. These inspectors enforce all labor laws and conduct workplace inspections in all sectors of the economy.[434] In 2009, the Ministry broadened the responsibilities of eight employment officers to include conducting workplace inspections.[435] The Ministry has also provided training to labor officers and inspectors on issues relating to the worst forms of child labor, including the commercial sexual exploitation of children.[436]

The Department of Human Services of the Ministry of Human Development and Social Transformation, the Belize Police Department, and the Immigration Department investigate and enforce child trafficking and commercial sexual exploitation laws.[437] The Police Department, through the Sexual Offences and the Family Violence units, also investigates reports of other child labor crimes. In 2009, it was reported that these units were constrained by insufficient human and financial resources. Police officers were reported to be overloaded, as they often managed broad caseloads, not exclusively comprised of child labor and exploitation cases.[438]

The Anti-Trafficking in Persons Committee also investigated worst forms of child labor complaints.[439] Reports indicate that in 2009 the Government conducted five anti-trafficking enforcement operations, but there is no information on whether children were involved.[440] No prosecutions and convictions by Belize authorities against trafficking offenders were reported in 2009.[441]

In 2009, the Ministry of Human Development registered 13 new cases of children at risk of becoming victims of sexual exploitation. The children received assistance such as education, counseling, and other services based on individual needs.[442]

Research uncovered no other information on violations or enforcement of laws prohibiting the worst forms of child labor.

Government Policies on the Worst Forms of Child Labor

The NCLC implements the Government's National Child Labor Policy. Introduced in October 2009, the policy provides guidance and direction regarding the elimination of all forms of child labor, especially the worst forms. It seeks a multi-sectoral approach to combat exploitive child labor through consultations between governmental agencies, NGOs, ILO, and other relevant organizations.[443]

The National Plan of Action for Children and Adolescents (2004-2015) aims to protect children from trafficking, commercial sexual exploitation, and other worst forms of child labor. The plan seeks amendment of the Labor Act to better address child labor issues, strengthen enforcement capacity of key ministries, and increase prevention and public awareness efforts.[444] Under auspices of the plan, the Government worked with the tourism industry to advance a code of conduct in an effort to eliminate child sex tourism. Public service announcements in multiple languages and posters have been distributed by the government in a campaign against trafficking.[445]

The National Commission on Families and Children (NCFC) has received government funds of approximately $100,000 annually for the implementation of the National Plan of Action.[446]

The Government of Belize also supports local NGO's that contribute to the objectives of the National Plan of Action. It has donated land, the use of building space, and budgetary assistance to organizations that provide programs and protection to victims of child trafficking, sexual exploitation, and other worst forms of child labor.[447] Despite government and NGO efforts, the country still faces constrained resources with which to implement the National Plan of Action.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In 2009, the Government of Belize maintained partnerships with local and international NGOs to promote awareness of commercial exploitation of children.[448] The Government has worked with NGOs in Belize City to educate children and parents about the dangers of sexual exploitation.

The Government participates in regional projects to combat the worst forms of child labor, including an ILO-IPEC project that aims to create and strengthen legislative prohibitions, national plans of action, and repatriation protocols to build the capacity of government and civil society organizations to combat commercial sexual exploitation of children and child trafficking.[449] Limited resources prevent the Government from reaching all children at risk of sexual exploitation and trafficking.[450]

Research has not identified any Government programs specifically designed to address the worst forms of child labor in agriculture and street work.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Belize:

IN THE AREA OF LAWS AND REGULATIONS:

- Create and adopt a definition of hazardous work and establish a list of hazardous occupations.
- Amend existing laws on prostitution to ensure protections to all boys and girls.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure that information regarding the worst forms of child labor, including the number of complaints, investigations, convictions, and penalties is publicly available.
- Provide additional resources to police and other law enforcement officers to effectively investigate and prosecute worst forms of child labor cases.

IN THE AREA OF POLICIES:

- Fully implement the Plan of Action for Children and Adolescents (2004-2015).

IN THE AREA OF PROGRAMS:

- Consider the adequacy of resources devoted to combating child trafficking and the commercial sexual exploitation of children.
- Develop and implement new programs aimed at eliminating the worst forms of child labor in agriculture and street work.

[418] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data are from 2001. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[419] U.S. Embassy- Belmopan, *reporting*, March 19, 2010.

[420] Ibid.

[421] U.S. Department of State, "Belize," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136101.htm.

[422] U.S. Department of State, "Belize (Tier 2 Watch List)," in *Trafficking in Persons Report - 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/.

[423] Ibid.

[424] U.S. Embassy- Belmopan, *reporting, March 19, 2010*.

[425] Ibid.

[426] Government of Belize, *Labour Act (Revised)*, (December 31, 2000); available from http://www.ilocarib.org.tt/projects/cariblex/belize_act5.shtml.

[427] Government of Belize, *Constitution of Belize, Revised Edition*, (December 31, 2000); available from http://www.belizelaw.org/lawadmin/index2.html.

[428] Government of Belize, *Defence Act, Ordinance of 1977*, (1977).

[429] U.S. Department of State, "Trafficking in Persons Report - 2010: Belize."

[430] Government of Belize, *Criminal Code*, (May 31, 2003); available from http://www.belizelaw.org/lawadmin/index2.html.

[431] Ibid.

[432] Ibid.

[433] U.S. Embassy- Belmopan, *reporting*, March 9, 2010.

[434] Ibid.

[435] Ibid.

[436] Ibid.

[437] U.S. Embassy- Belmopan, *reporting, March 19, 2010*.

[438] U.S. Embassy- Belmopan, *reporting, March 9, 2010*.

[439] Ibid.

[440] Ibid.

[441] U.S. Embassy- Belmopan, *reporting, March 19, 2010*.

[442] Ibid.

[443] U.S. Embassy- Belmopan, *reporting, March 9, 2010*.

[444] Government of Belize, *The National Plan of Action for Children and Adolescents in Belize 2004-2015*, Belize City, September 4, 2004; available from http://www.mohd.gov.bz/NPA.pdf.

[445] U.S. Department of State, "Belize (Tier 2 Watch List)," in *Trafficking in Persons- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/g/tip/rls/tiprpt/2009/.

[446] U.S. Embassy- Belmopan, *reporting, March 9, 2010*.

[447] U.S. Embassy- Belmopan, *reporting, March 19, 2010*.

[448] Ibid.

[449] ILO-IPEC, *"Stop the Exploitation" ("Alto a la explotación") Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Technical Progress Report, April 30, 2009, 1, 54. See also ILO-IPEC, *"Stop the Exploitation" ("Alto a la explotación") Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Technical Progress Report, September 13, 2006, 32.

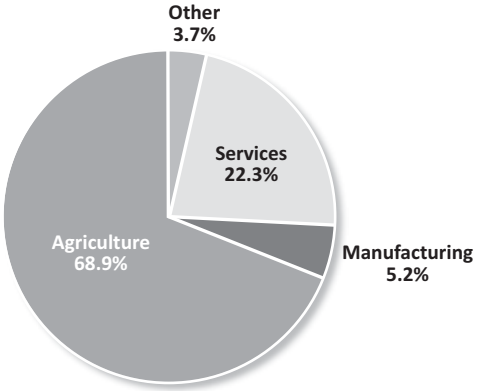
[450] U.S. Embassy- Belmopan, *reporting, March 19, 2010*.

Benin

Benin issued the first volume of its new Child Code, compiling a wide range of existing laws that address abuses associated with child labor and that guarantee the protection of children. Child domestic labor and trafficking of children remain problems. A lack of restrictions on domestic work for children 12 and 13, a legal school leaving age that is less than the minimum age for work, and a general lack of enforcement capability are gaps in efforts toward the elimination of the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	13.2%
Attending School	5-14 yrs.	59.2%
Combining Work and School	7-14 yrs.	1.4%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Benin are exploited in the worst forms of child labor, many of them in domestic labor.[451] Under the practice of "vidomegon," girls, primarily from poor families, are sent to work as domestics in exchange for housing and food. Any income generated from these arrangements is shared between the children's host and natural families. While such arrangements are voluntary between the families, the child is frequently subjected to long working hours, insufficient food, and sexual exploitation.[452]

Children are trafficked within Benin for domestic work, farm labor, labor in stone quarries and prostitution.[453] The UN Committee on the Rights of the Child has expressed concerns about the risk of sexual exploitation faced by street children in Benin.[454] Also, children are trafficked from Niger, Togo and Burkina Faso to Benin for domestic labor.[455]

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for work in Benin is 14. Children between ages 12 and 14 may perform any domestic work and temporary or seasonal light work if it does not interfere with their schooling.[456] However, children in Benin are required to attend school only until age 11. This standard makes children age 12 to 14 vulnerable to the worst forms of child labor as they are not required to be in school but are not legally permitted to work either. The law prohibits workers under age 18 from performing certain types of work, including transporting heavy loads, operating certain types of machinery, working with hazardous substances, and working in underground mines and quarries.[457] An expanded list of hazardous work prohibited for children is under review for approval by the National Labor Council; the council includes the government, employers' associations and workers' organizations.[458]

The law expressly forbids the trafficking of children.[459] In October 2009, Benin promulgated three enabling decrees to regulate travel of minors within and across Benin's borders.[460] Other decrees ban the use of children in armed conflicts.[461]

During the reporting period, the Government adopted the first volume of the Child Code, a compilation of existing legislation related to children's rights, education, protection, labor, and health. The Code's second volume, containing a bill on child protection and amendments pertaining to offences committed regarding minors, is pending adoption by the National Assembly.[462]

Institutional Mechanisms for Coordination and Enforcement

Research found no specific evidence that the Government of Benin has established coordinating mechanisms to combat the worst forms of child labor. The Ministry of Family and National Solidarity (MFNS) implements the government's overall policy to improve children's' welfare and leads government efforts to ensure children's rights.[463] The MFNS chairs the National Monitoring and Coordination Working Group for Child Protection (CNSCPE), a technical agency that serves as a task force and comprises five (5) technical committees.[464] Each Committee has an action plan and proposes activities to CNSCPE. The CNSCPE then collaborates with sector-based Ministries, NGO networks, international technical and financial partners and bilateral partners in implementing the activities.[465]

Research has not identified the number of inspectors responsible for enforcing child labor laws in Benin, nor the number of inspections conducted during the reporting period. The Government budgeted $88,500 to fight child labor in its 2009 budget.[466] This funding level is not sufficient to effectively enforce the child labor laws.[467]

Government Policies on the Worst Forms of Child Labor

Benin has a National Action Plan to Combat and Eradicate Child Trafficking and Labor Exploitation.[468]

The CNSCPE works with the Nigerian government to combat cross-border trafficking, particularly the trafficking of children from Benin to Nigeria for work in stone quarries. Under the coordination of the joint Benin and Nigeria Committee to Combat Child Trafficking, the two governments developed a 2009-2010 Action Plan to reinforce border security measures and repatriate the victims of trafficking.[469] Child victims are not repatriated unless a safe reinsertion program, such as schooling, vocational training, or an apprenticeship, has been arranged in advance. Victims may not be incarcerated or fined for unlawful acts committed as a direct result of being trafficked.[470]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

The Growth Strategy for Poverty Reduction, launched in 2007 to meet the Millennium Development Goals, includes goals that would impact child labor, such as: free, universal primary education; better education quality and higher retention at the secondary level; and integration of children outside the school system; also vocational training and microfinance for youth and women to help them transition into the labor market. In addition, it calls for activities to protect children from abuse and to link them with appropriate social services.[471] The government outlined specific actions to be taken to achieve these goals and has initiated many of them. Nevertheless, the ILO Committee

of Experts continues to express concern at the low school attendance rate at the primary and secondary levels. Higher participation in education would reduce the likelihood that children under 14 are engaged in exploitive work.[472]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government has implemented the second anti-child trafficking project (2007-2011) that aims to improve children's living conditions and respect for children's rights.[473] Benin participated in a 4-year USDOL-funded $2 million project to increase participation of at-risk and trafficked children, especially girls, in appropriate education programs. The project withdrew 1,303 children and prevented 5,844 children from trafficking.[474] Benin also created 1,529 grassroots committees in 33 local governments to monitor for child trafficking networks and provide community reintegration assistance for victims.[475]

The Ministry of Labor continues to conduct outreach programs to inform minors who are apprentices in handicraft workshops of their rights, and it operates several counseling centers.[476] In addition the Government collects child labor data through the database ChildPro at the Central and Provincial levels with branches at the Communities' Social Promotion Centers to record data related to 14 areas pertaining to child welfare.[477] There is no evidence that this data has yet been analyzed to better target social programs to reach those engaged in or at risk of child labor. Existing programs do not target some of the most common worst forms of child labor in Benin, particularly children engaged in domestic service, child sexual exploitation, quarrying, and agriculture.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Benin:

IN THE AREA OF LAWS AND REGULATIONS:

- Complete the review of the new list of hazardous work prohibited to children, and pass the list into law.
- Restrict domestic service for children ages 12 and 13 to light work, or ban it completely.
- Raise the age of compulsory education to 14.
- Adopt the second volume of the Child Code to bring into force additional protections for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a specific coordinating mechanism to combat the worst forms of child labor
- Collect, analyze, and publish statistics on child labor inspections to better target enforcement efforts.
- Reconsider budgetary priorities with a view toward providing more resources to inspectorates.

IN THE AREA OF POLICIES:

- Use the Growth Strategy for Poverty Reduction as a vehicle for efforts to increase children's participation in primary and secondary education.

IN THE AREA OF PROGRAMS:

- Develop social programs with targets to reach children engaged in domestic service, commercial sexual exploitation, stone quarries, and agriculture; data from the ChildPro database may be helpful in this regard.

[451] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided is from 2003. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[452] U.S. Department of State "Country Reports- 2009: Benin," section 6. See also United Nations Economic and Social Council, Committee on Economic, Social and Cultural Rights, Fortieth session, Summary Record of the 10th Meeting, at Palais Wilson, Geneva, May 5, 2008, para 23 & 46. See also United Nations Convention on the Rights of the Child, October 20, 2006, 43rd session, consideration of reports submitted by states parties under Article 44 of the Convention, concluding observations: Benin, page 19, para 67 available from http://www.unhchr.ch/tbs/doc.nsf/Documentsfrset?OpenFrameSet.

[453] U.S. Department of State "Country Reports- 2009: Benin," section 6.

[454] United Nations Convention on the Rights of the Child, October 20, 2006, 43rd session, consideration of reports submitted by states parties under Article 44 of the Convention, concluding observations: Benin, page 22, para 73. See also United Nations Economic and Social Council, Committee on Economic, Social and Cultural Rights, Fortieth session, Summary Record of the 10th Meeting, at Palais Wilson, Geneva, May 5, 2008, page 7, para 41, available from http://www.unhchr.ch/tbs/doc.nsf/Documentsfrset?OpenFrameSet. See also (For free public education), Government of Benin *Constitution de la Republique du Benin*, (December 11, 1990), article 12, 13; available from http://www.afrikinfo.com/lois/index.htm.

[455] U.S. Department of State "Country Reports- 2009: Benin," section 6.

[456] Government of Benin, *Code du Travail*, articles 66, 166. See also ILO Committee of Experts, *Direct Request: Benin, Convention 138*, article 2, paras 1, 4 and article 7, paras 1, 4. See also U.S. Embassy- Cotonou, *reporting*, February 1, 2010. See also U.S. Embassy- Cotonou, *reporting*, March 16, 2009. See also United Nations Convention on the Rights of the Child, October 20, 2006, 43rd session, consideration of reports submitted by states parties under Article 44 of the Convention, concluding observations: Benin, page 2, para 6 (d).

[457] Inter-Ministerial Order No. 132 of 2000 as noted in ILO Committee of Experts, *Direct Request: Benin, Convention 138*, article 3, para 2. See also U.S. Embassy- Cotonou, *reporting*, February 1, 2010.

[458] U.S. Embassy- Cotonou, *reporting*, February 1, 2010.

[459] Gouvernement of Benin, *Loi portent conditions de déplacement des mineurs et répression de la traite d'enfants en République du Benin*, Loi no 2006-04 (2006), article 6; available from http://www.ilo.org/dyn/natlex/docs/SERIAL/73266/74783/F1933999553/BEN73266.pdf. See also Committee of Experts on the Application of Conventions and Recommendations: Individual Direct Request concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Benin (ratification: 2001) Submitted: 2009; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=2…

[460] U.S. Embassy- Cotonou, *reporting*, February 1, 2010.

[461] Embassy of the Republic of Benin to the U.S., 2124 Kalorama Road, NW, Washington DC, www.beninembassy.us, letter to DOL from Ambassador Cyrille S. Oguin, in French (unofficial translation from U.S. Embassy-Cotonou, March 25, 2010.) See also Report of the Committee of Experts on the Application of Conventions and Recommendations, General Report and Observations concerning particular countries, Report III (Part 1A), ILO Conference, 99th Session, 2010, Geneva.

[462] U.S. Embassy- Cotonou, *reporting*, April 22, 2009, (Unofficial translation of Diplomatic Note: N:232/MAEIAFB/SGM/DAJDH/SDH, from the Ministry of Foreign Affairs, African Integration, Francophone and the Beninese Diaspora). U.S. Embassy has not obtained a copy of this draft legislation.

[463] Ibid.

[464] U.S. Embassy- Cotonou, official e-mail, August 9, 2010. See also U.S. Embassy- Cotonou, *reporting*, April 22, 2009. The five committees are: Trafficking and Exploitation; Juvenile Justice; Violence against Children; Orphans and Vulnerable Children; and Early Childhood.

[465] U.S. Embassy- Cotonou, *reporting*, February 1, 2010.

[466] "In addition, labor inspectors are expected to visit building sites, quarries, and apprenticeship workshops, among other sites, to verify that children, under the required labor law, are not exploited." U.S. Embassy- Cotonou, Official e-mail. September 30, 2010.

[467] CEACR: Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Benin (ratification: 2001) Submitted: 2009; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=2…

[468] U.S. Embassy- Cotonou, *reporting*, April 22, 2009. See also United Nations Convention on the Rights of the

Child, October 20, 2006, 43rd session, Consideration of reports submitted by states parties under Article 44 of the Convention, Concluding observations: Benin, page 4, para 12, sec. b-d.

[469] ILO Reports on Child Trafficking in West and Central Africa press release, June 2009, available from http:/ www.ilo.org/global/About_the _ILO/Media_and _public_ information/Press_releases/1…;See also U.S. Embassy-Cotonou, *reporting*, February 1, 2010. See also United Nations Economic and Social Council, Committee on Economic, Social and Cultural Rights, Fortieth session, Summary Record of the 10th Meeting, at Palais Wilson, Geneva, May 5, 2008, para 47. http://www.unhchr.ch/tbs/doc.nsf/Documentsfrset?OpenFrameSet

[470] U.S. Department of State, *reporting*, Benin (Tier 2), *Trafficking in Persons Report, June 12, 2009.*

[471] International Monetary Fund and the World Bank (2007). Benin: Progress Report on Growth Strategy for Poverty Reduction. IMF Country Report. Washington, DC.

[472] Committee of Experts on the Application of Conventions and Recommendations: Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Benin (ratification: 2001) Submitted: 2009; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=2… See also UNICEF, "Conventions on the Rights of the Child." (2008) available at http://www.unicef.org/crc/index_30160.html; See also United National Office on Drugs and Crime. "Signatories to the United Nations Convention against Transnational Crime and its Protocols." (2010) available from http://www.unodc.org/unodc/en/treaties/CTOC/signatures.html ; See also Brown, Karin, *Child Trafficking in Benin, West Africa*, Joan B. Kroc Institute for International Peace Studies, University of Notre Dame, March 2010.

[473] U.S. Embassy- Cotonou, *reporting*, April 22, 2009 (Unofficial translation of Diplomatic Note: N:232/MAEIAFB/SGM/DAJDH/SDH, from the Ministry of Foreign Affairs, African Integration, Francophone and the Beninese Diaspora), Government of Benin's efforts.

[474] USDOL/ILAB Technical Cooperation Project Summary, EFP, 2003-2007, grantees were Catholic Relief Services/ Benin World Education; Terre des Hommes; Caritas Benin; and local Non-government organizations.

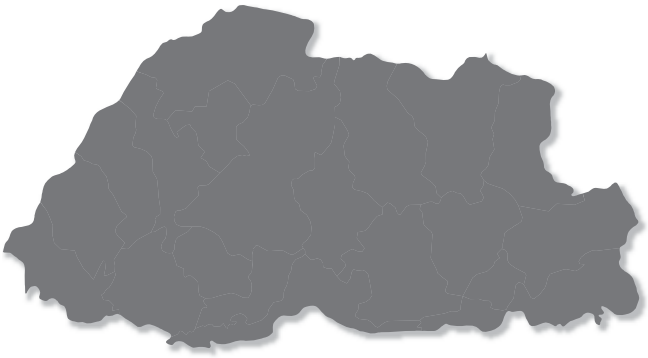
[475] U.S. Embassy- Cotonou, reporting, April 22, 2009. Official translation of the Government of Benin report on its efforts to combat worst forms of child labor.

[476] U.S. Embassy- Cotonou, *reporting*, March 16, 2009.

[477] Ibid. See Also U.S. Embassy- Cotonou, *reporting*, April 22, 2009.

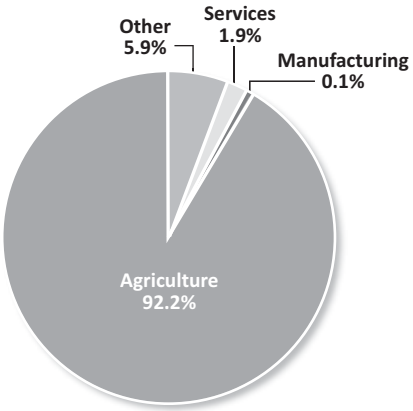
Bhutan

The Government of Bhutan has recently revised its legal framework to address the worst forms of child labor. However, children continue to engage in the worst forms of child labor in activities such as agriculture. The government has yet to fully establish coordinating mechanisms, policies, and programs to address many worst forms of child labor.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	19.6%
Attending School	5-14 yrs.	69.0%
Combining Work and School	7-14 yrs.	0.3%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Bhutan are exploited in the worst forms of child labor,[478] especially in agriculture. They often work long hours, use dangerous tools, work unsupervised in dangerous environments, perform physically difficult tasks, and put themselves at risk for occupational injury.[479] Girls, some as young as age 11, are more likely to be employed as child domestic workers. They may work long hours and be physically and sexually exploited by their employer.[480]

Some children in Bhutan work in unregulated activities such as rag picking.[481] Others are involved in construction and mining/quarrying, where their health may be endangered through long working hours and increased likelihood of accidents and physical harm from potentially dangerous machinery and tools.[482]

There have been limited reports that armed political groups such as the Bhutan Communist Party through its youth wing, the Bhutan Revolutionary Youth, as well as the Bhutan Tiger Force, have been recruiting children younger than age 16 from refugee camps for military purposes.[483] There is also limited evidence that girls under age 18 are involved in commercial sexual exploitation.[484]

Laws and Regulations on the Worst Forms of Child Labor

The 2007 Labor and Employment Act of Bhutan sets the minimum age for work at age 18.[485] Children age 13 to 17 are allowed to work, but are prohibited from working in hazardous areas, and the Act prohibits work that exposes children to physical harm, dangerous machinery, or an unhealthy working environment.[486] However, exceptions allow children age 13 to 17 to work in certain roles within 11 identified forms of hazardous labor, presuming the work does not endanger the child.[487] These exceptions may not be specific enough to avoid risk of harm to children. For example, while mining and quarrying are identified as hazardous forms of labor, children may work as sweepers and cleaners in this industry.[488] Children working as sweepers and cleaners in mines may be exposed to hazardous dust and debris that should not be inhaled.

The Labor and Employment Act of Bhutan also protects children under age 18 from forced or compulsory labor, trafficking, recruitment into the armed forces, prostitution and pornography, use by adults in illicit drug-related activities, and labor endangering their health, safety, or morals.[489] The Act also lays out penalties for anyone convicted of trafficking of children.[490] The Penal Code prohibits child commercialized sexual exploitation and trafficking of children for prostitution.[491]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	18
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research has found no evidence that the Government of Bhutan has established a coordinating mechanism to combat the worst forms of child labor specifically. However, in 2004, the Government of Bhutan created the National Commission for Women and Children as the lead agency to coordinate the promotion and protection of women and children.[492] In 2007, the police established the Woman and Child Protection Unit (WPCU) to protect the rights of children and women in Bhutan. WPCU also provides counseling services, referrals to NGOs, and separate detention centers for young boys and girls.[493]

The Ministry of Labor and Human Resources is empowered to investigate child labor complaints and to require employers to come into compliance with child labor laws throughout the country. However, all investigations take place in the capital city of Thimpu.[494]

Government Policies on the Worst Forms of Child Labor

Research has found no evidence of any policies to address the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The National Commission for Women and Children manages a program titled Project Hope, which provides residential shelters for children at-risk of exploitative child labor.[495] This program does not appear to be sufficient to provide services to many of the children vulnerable to or involved in the worst forms of child labor in Bhutan, such as those involved in agriculture, construction, and domestic labor.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Bhutan:

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the hazardous sector list to eliminate exceptions for children working in certain roles within proscribed sectors.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Take steps to expand inspection activity beyond Thimpu.

IN THE AREA OF POLICIES:

- Adopt policies that address the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Expand social programs for children at-risk of engaging in child labor to target children who work in agriculture, construction, and domestic labor.

[478] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2003. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[479] UNICEF, *Draft Form of Situation of Child Labour in Bhutan*, 2010. See also UNICEF, *A Situation Analysis of Children and Women in Bhutan*, National Commission for Women and Children, Thimphu, 2006; available from http://www.ncwcbhutan.org/ncwc/publications/SITAN_Bhutan-2006.pdf. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by State Parties under Article 44 of the Convention: Convention on the Rights of the Child: Second Periodic Reports of States Parties due in 1997: Bhutan*, July 16, 2007; available from http://www.unhcr.org/refworld/country,,CRC,,BTN,,46d411e02,0.html. See also Lucky Wangmo, "When Children Abandon Books to Earn a Living," *Business Bhutan*, January 18, 2010.

[480] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by State Parties under Article 44 of the Convention: Convention on the Rights of the Child: Second Periodic Reports of States Parties due in 1997: Bhutan*, July 16, 2007; available from http://www.unhcr.org/refworld/country,,CRC,,BTN,,46d411e02,0.html.

[481] UNICEF, *Situation of Child Labour in Bhutan*, N.D. 2010.

[482] Ibid.

[483] Coalition to Stop the Use of Child Soldiers, "Bhutan," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

[484] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by State Parties under Article 44 of the Convention: Convention on the Rights of the Child: Second Periodic Reports of States Parties due in 1997: Bhutan*, July 16, 2007.

[485] Government of Bhutan, *Labour and Employment Act of Bhutan 2007*, (2007); available from http://www.molhr.gov.bt/labouract.pdf.

[486] U.S. Department of State, "Bhutan," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136086.htm.

[487] UNICEF, *Draft form of Situation of Child Labour in Bhutan*.

[488] Lucky Wangmo, "When Children Abandon Books to Earn a Living."

[489] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by State Parties under Article 44 of the Convention: Convention on the Rights of the Child: Second Periodic Reports of States Parties due in 1997: Bhutan*. See also Government of Bhutan, *Labour and Employment Act of Bhutan 2007*.

[490] Government of Bhutan, *Penal Code of Bhutan*, (August 11, 2004).

[491] Government of Bhutan, *Labour and Employment Act of Bhutan 2007*.

[492] UNICEF, *Draft form of Situation of Child Labour in Bhutan*.

[493] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Convention on the Rights of the Child: concluding observations: Bhutan*, October 8, 2008; available from http://www.unhcr.org/refworld/country,,CRC,,BTN,,48f7164c2,0.html. See also UN Convention on the Elimination of All Forms of Discrimination against Women, *Responses to the list of issues and questions with regard to the consideration of the seventh periodic report: Bhutan*, May 10, 2009; available from http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.BTN.Q.7.Add.1.pdf.

[494] U.S. Embassy- New Delhi, *reporting*, September 17, 2004.

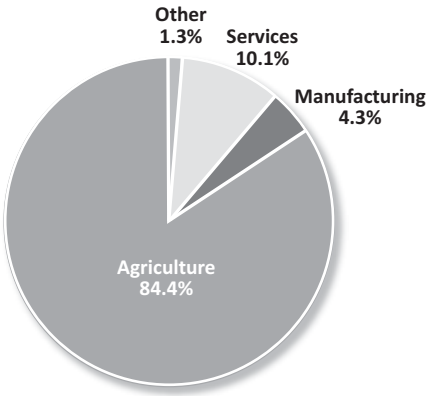
[495] Lucky Wangmo, "When Children Abandon Books to Earn a Living."

Bolivia

The Government of Bolivia has strengthened its legal and policy framework to address the worst forms of child labor, particularly in the sugar cane sector. However, hazardous child labor continues to exist, especially in the agricultural sector and among indigenous children. Although enforcement efforts have improved, gaps remain in the enforcement of child labor laws. Social programs that address the worst forms of child labor have been established but may be too limited to address the full scope of the problem.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	7-14 yrs.	22.0%
Attending School	7-14 yrs.	94.6%
Combining Work and School	7-14 yrs.	19.7%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Bolivia are exploited in the worst forms of child labor,[496] many of them in agriculture. Indigenous children are particularly vulnerable to the worst forms of child labor.[497] Children work in the production of sugarcane and Brazil nuts, especially in the departments of Pando, Beni, Santa Cruz, and Tarija.[498] Children's work in agriculture commonly involves using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides.[499] Children often work alongside their families in the harvesting of these products. Many of these workers become indebted to their employers and are forced to work as long as the debt exists, sometimes for long periods of time and across generations.[500] Many indigenous Guaraní families live and work on ranches in debt bondage in the Chaco region.[501] Children also mine gold, silver, tin, and zinc where they work long hours, often in enclosed spaces, with exposure to dangerous tools and chemicals.[502] Other worst forms of child labor include street vending, shining shoes, and assisting transport operators, work in which children may be exposed to a variety of hazards, such as severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.[503] Additionally, underage children work in construction, where they may work long hours, carry heavy loads, or use dangerous tools and machinery.[504] Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of cotton and bricks.[505]

Some Bolivian children also migrate with their families to work in Chile as vendors in markets and in agriculture.[506] Children are also used to transport drugs in the border areas with Chile and Peru.[507] Some Bolivian children are sent from rural to urban areas to work for higher-income families as domestic servants or criaditos, in circumstances that often amount to indentured servitude.[508]

The commercial sexual exploitation of children, including child prostitution, is a problem in Bolivia, particularly in the Chapare region and in urban areas, including Santa Cruz, La Paz, El Alto, and Cochabamba.[509]

Through organized networks, Paraguayan children are trafficked from Paraguay to Santa Cruz and La Paz for the purpose of commercial sexual exploitation.[510] The internal trafficking of Bolivian children for the purposes of prostitution, domestic service, mining, and agricultural labor, particularly on sugarcane and Brazil nut plantations, also occurs.[511] Bolivian children are also trafficked to neighboring countries for forced labor.[512] Bolivian families reportedly sell or rent their children to work in agriculture and mining in Peru.[513] There have also been reports of Bolivian children forced into the production of garments in Argentina.[514]

Several hundred thousand Bolivian citizens, many indigenous, lack identifying documents, which precludes access to basic social services and increases vulnerability to exploitation.[515]

Laws and Regulations on the Worst Forms of Child Labor

The *Ley del Código del Niño, Niña, y Adolescente* (Child and Adolescent Code) sets the minimum age for employment at age 14.[516] Apprenticeships for children ages 12 to 14 are permitted with various restrictions.[517] Children age 14 to 18 years must have the permission of their parents or of government authorities to work.[518] The law prohibits children age 14 to 17 from taking part in hazardous activities such as carrying excessive loads, working underground, working with pesticides and other chemicals, working at night, and working in the harvesting of cotton, Brazil nuts, or sugarcane. The law also requires employers to grant time off to adolescent workers who have not completed their primary or secondary education so that they may attend school during normal school hours.[519]

Bolivia's new Constitution, which was approved in 2009, prohibits forced or exploitive child labor, as well compulsory labor and any kind of labor without fair compensation.[520] The minimum age for the country's 1-year compulsory military service for males is age 18. The law allows children age 15 and older with basic secondary education to volunteer for certain military activities.[521]

The Ley 3325: Trata y Tráfico de Personas y Otros Delitos Relacionados (Law Against Trafficking in Persons and Other Related Crimes) specifically prohibits child pornography and trafficking of minors for the purpose of prostitution.[522]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	17
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor (MOL) is responsible for developing policies concerning child labor and leads an Inter-institutional Commission to coordinate the various agencies and other entities involved in child labor issues.[523] The Commission includes several Ministries and various NGOs, which makes coordination challenging.[524] Additionally, the meetings are reported to be infrequent.[525] The MOL also has a mandate to coordinate and develop policies to eradicate any form of servitude, and its Fundamental Rights Unit has the specific responsibility to protect indigenous people and eradicate forced labor.[526]

The MOL is responsible for enforcing child labor laws and employs 35 inspectors who investigate labor complaints countrywide. Due to limited resources, these inspectors only respond to complaints and do not pro-actively inspect other workplaces.[527] Inspectors have encountered obstacles in gaining access to plantations in the Chaco region where there

is forced labor of entire families.[528] Four inspectors are dedicated to investigating child labor violations in the areas identified by the government to have pervasive child labor, which include the sugar cane regions of Santa Cruz and Tarija-Bermejo, as well as Riberalta and Potosí.[529] The child labor inspectors conducted 90 inspections in 2009 and found violations in 10 percent of the cases, which are still pending.[530] The MOL has developed a guide and conducted trainings on child labor for all labor inspectors throughout the country.[531] The MOL has the authority to fine violators and to send cases to labor courts, which are responsible for enforcing the penalties.[532] The MOL may also send cases to one of the 260 municipal Defender of Children and Adolescence offices that protect children's rights and interests.[533] Statistics on hazardous child labor, such as the number and nature of offenses, investigations conducted, prosecutions, and penalties applied, are limited.[534]

Trafficking for sexual and labor exploitation is addressed by the Government's Special Police Investigative Units (SIU) and prosecutors.[535] The SIU and Bolivian National Police maintain telephone hotlines for the public to report child trafficking or the commercial sexual exploitation of children.[536] Bolivian police have been conducting raids on brothels and other sites that have rescued 287 child victims of prostitution.[537] The Government of Bolivia hosted the first annual regional International Trafficking in Persons Conference in April 2009, which increased collaboration in the region and shared good practices.[538]

Statistics on child trafficking enforcement actions, such as the number and nature of offenses, investigations conducted, prosecutions, and penalties applied, are limited.[539]

Government Policies on the Worst Forms of Child Labor

The Government of Bolivia's policy framework to address child labor is the National Plan for the Progressive Eradication of Child Labor 2000–2010. The plan identifies mining, sugar cane harvesting, and urban work as priority areas in combating exploitive child labor.[540] The MOL has undertaken a consultative process on the problem of labor by indigenous children to help design policies. The consultative process raised awareness within a number of indigenous communities, created a better understanding of the perceptions of child labor among indigenous groups, and encouraged participatory decision-making to address child labor.[541]

Bolivia's National Development Plan (2006-2010) and poverty reduction strategy support the goals and implementation of the National Plan for the Progressive Eradication of Child Labor through the coordination of government agencies and projects.[542] In addition, the strategies outlined in the National Program for Decent Work in Bolivia and the UN Development Assistance Framework (2008-2012) support efforts to eliminate the worst forms of child labor and to reduce poverty.[543] The 2008 Education for All (EFA) Global Monitoring Report published by UNESCO indicates that Bolivia will likely attain the EFA goal of universal primary enrollment by 2015.[544]

The Government of Bolivia has created a Transitional Plan for the Guaraní Communities that involves several national ministries and addresses the forced labor of families in the Chaco region. The Transitional Plan supports the fundamental rights of the Guaraní, agrarian land reform, and the development of economic alternatives for Guaraní families, as outlined in the National Development Plan.[545] However, international experts on indigenous rights issues have reported that the implementation of this Transitional Plan has been slow.[546]

The Government of Bolivia and other MERCOSUR countries are carrying out the *Niño Sur* (Southern Child) initiative to defend the rights of children and adolescents in the region. The initiative includes public campaigns against commercial sexual exploitation, trafficking, and child labor; mutual technical assistance in raising domestic legal frameworks to international standards on those issues;

and the exchange of best practices related to victim protection and assistance.[547] Bolivia's Secretariat of Tourism is part of the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism, created in 2005, which conducts prevention and awareness-raising campaigns to combat the commercial sexual exploitation of children in Latin America.[548] The Government of Bolivia also has a bilateral agreement with Chile to combat the worst forms of child labor, with a particular focus on child trafficking in the border areas.[549]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The National Commission for the Progressive Eradication of Child Labor implements action programs dedicated to addressing mining, sugar cane, and urban work.[550] The Government supports efforts to eliminate child labor in mines through awareness-raising, increasing educational opportunities, and providing economic alternatives to families.[551] The Government also works in collaboration with UNICEF to promote an educational strategy to benefit over 3,000 girls and boys and their families in the sugarcane areas of Santa Cruz.[552]

The Government implements a cash subsidy program called *Bono Juancito Pinto* for all primary school students, which is conditioned on school attendance.[553] In 2008, almost 2 million students participated in the program, which has contributed to increased rates of school attendance.[554]

The Government is participating in a 3-year USDOL-funded $3.4 million project to improve access to basic education for working children in Bolivia. The project aims to rescue almost 6,000 children from engaging in exploitive labor in Santa Cruz and Chuquisaca.[555] The project is working in collaboration with the Ministry of Education to extend to the national level an accelerated learning program, *Nivelación*, that assists children who are behind in school due to work.[556] In addition, the Government participates in a 4-year USDOL-funded regional project implemented by ILO-IPEC to promote collaboration across four countries (Bolivia, Brazil, Ecuador, and Paraguay) to combat the worst forms of child labor among the most socially excluded populations, including children of indigenous and afro-descent.[557] The project, which began in 2009, aims to rescue 6,600 children from engaging in the worst forms of child labor through education interventions. The project is also conducting capacity building of government and civil society organizations, raising awareness, and conducting research.[558]

The Government also participates in a 4-year $8.4 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.[559] A 1-year $219,000 project funded by the Government of Brazil contributes to the development of national policies and programs to eliminate the worst forms of child labor in Bolivia.[560]

The Government has made efforts to increase public awareness of trafficking through education campaigns for school children and working with NGOs and international organizations on prevention activities.[561] The municipal Defender of Children and Adolescents offices assist victims of trafficking, often in cooperation with NGOs.[562] A project funded by USDOS rescues trafficking victims by providing them and their children with shelter, psychological and medical assistance, plus educational and technical training.[563] A few municipalities have created temporary shelters or victims' units to provide services to child victims.[564]

Despite these efforts, current programs do not appear to be sufficient to address the extent of the worst forms of child labor in Bolivia, particularly in the production of Brazil nuts, forced labor in the Chaco region, and in urban work.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Bolivia:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Improve coordination of the Inter-institutional Commission, including the frequency of meetings.
- Create a database to report statistics regarding hazardous child labor, trafficking, and forced labor, including the number of investigations, prosecutions, sentences and penalties applied.
- Increase collaboration with the Governments of Argentina, Chile, Paraguay, and Peru, focusing on border areas, to identify child trafficking victims, children used in drug transport, and other child victims of exploitation, in addition to the perpetrators.

IN THE AREA OF POLICIES:

- Effectively implement the Inter-ministerial Transitional Plan for the Guaraní Communities that addresses forced labor in the Chaco region.
- Pursue joint agreements with the Governments of Argentina, Peru, and Paraguay to address the high prevalence of the worst forms of child labor and child trafficking in the border areas.

IN THE AREA OF PROGRAMS:

- Adopt at the national level the accelerated learning program, *Nivelación,* which helps children who have fallen behind due to work catch up in school.
- Expand social programs to address the worst forms of child labor in areas where the incidence of hazardous child labor is high, particularly in the production of Brazil nuts, in forced labor in the Chaco region, and in urban work.
- Expand efforts to ensure all persons, including indigenous citizens, receive identity documents to reduce vulnerability to trafficking and exploitation.

[496] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2005. Data on children combining working and schooling are from 2002. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[497] Encuentro Latinoamericano, *Niñez indígena en América Latina: Situación y perspectivas (Compilación de documentos de trabajo)*, Cartagena, 2010, 71.

[498] UNICEF, *Caña dulce, vida amarga: El trabajo de los niños, niñas y adolescentes en la zafra de caña de azúcar*, 2004, 11; available from http://www.oit.org.pe/ipec/boletin/documentos/zafra_final_bo.pdf. See also U.S. Department of State, "Bolivia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136102.htm. See also See also U.S. Embassy- La Paz, *reporting*, June 10, 2008. See also ILO, *Enganche y Servidumbre por Deudas en Bolivia*, January, 2005, 3-4, 11, 29-38; available from http://www.ilo.org/sapfl/Informationresources/ILOPublications/lang--es/docName--WCMS_082055/index.htm. See also Encuentro Latinoamericano, *Niñez indígena en América Latina: Situación y perspectivas*, 58. See also Mauricio Carrasco Ayala, "BOLIVIA: 15 mil familias indígenas esclavizadas en la explotación de castaña," *Argentina Indy Media* (2005); available from O:\ZZ ICLP\CHILDLAB\Research Resources\LATIN AMERICA & CARIBBEAN\Bolivia\2009-2010 Research\BOLIVIA 15 mil familias indígenas esclavizadas en la explotación de castaña Argentina Indymedia ((i)).mht. See also ILO Committee

of Experts, *Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003),* [online] 2009 [cited March 12, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11106&chapter=6&query=%28C182%29+%40ref+%2B+%28bolivia%29+%40ref&highlight=&querytype=bool&context=0.

[499] Encuentro Latinoamericano, *Niñez indígena en América Latina: Situación y perspectivas*, 58.

[500] ILO, *Enganche y Servidumbre por Deudas en Bolivia*, 3-4, 11, 29-38. See also See also U.S. Embassy- La Paz, *reporting, June 10, 2008*. See also Encuentro Latinoamericano, *Niñez indígena en América Latina: Situación y perspectivas*, 62. See also Andres Schipani, "Bitter lives of Bolivia's child workers," *BBC News* (2009); available from http://news.bbc.co.uk/2/hi/americas/8285751.stm.

[501] ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003),* [online] 2009 [cited March 12, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11106&chapter=6&query=%28Bolivia%29+%40ref+%2B+%23YEAR%3E2008&highlight=&querytype=bool&context=0. See also ILO, *Enganche y Servidumbre por Deudas en Bolivia*. See also Encuentro Latinoamericano, *Niñez indígena en América Latina: Situación y perspectivas*, 62. See also UN Permanent Forum on Indigenous Issues, *Misión a Bolivia: Informe y Recomendaciones*, 2009, 4. See also Government of Bolivia, *Plan Interministerial Transitorio 2007-2008 para el pueblo Guaraní*, 2007, 3.

[502] ILO-IPEC, *Boletín Encuentros - Día del niño: erradicar el trabajo infantil,* [online] 2004 [cited April 23, 2010]; available from http://white.oit.org.pe/ipec/alcencuentros/interior.php?notCodigo=464. See also U.S. Embassy- La Paz, *reporting, June 10, 2008*. See also UNICEF and ILO, *Buscando la luz al final del túnel: niños, niñas y adolescentes en la minería artesanal en Bolivia*, 2004, 9-11; available from http://www.oit.org.pe/ipec/boletin/documentos/mineria_final_bo.pdf. See also Encuentro Latinoamericano, *Niñez indígena en América Latina: Situación y perspectivas*, 60. See also Sara Shahriari, "Child Miners in Bolivia", March 23, 2010 2010; available from http://www.globalpost.com/dispatch/bolivia/100316/bolivia-children-mines. See also ILO Committee of Experts, *Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003)*. See also U.S. Department of State, "Country Reports- 2009: Bolivia," section 7d.

[503] U.S. Department of State, "Country Reports- 2009: Bolivia," 7d.

[504] Victor Mezza Rosso, Carmen Ledo García, and Isabel Quisbert Arias, *Trabajo Infantil en Bolivia*, National Institute of Statistics and UNICEF, La Paz, 2004, 35-36. See also ILO-IPEC, *Boletín Encuentros*. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention 1999 (núm. 182) Bolivia (ratificación: 2003),* [2008]; available from http://www.ilo.org/ilolex/english/newcountryframeE.htm.

[505] ILO-IPEC, *Boletín Encuentros*. See also U.S. Embassy-La Paz, *reporting, June 10, 2008*. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention 1999 (núm. 182) Bolivia (ratificación: 2003)*.

[506] U.S. Embassy- Santiago, *reporting*, February 13, 2009.

[507] U.S. Department of State, "Country Reports- 2009: Bolivia," section 7d. See also U.S. Embassy- La Paz, *reporting*, February 1, 2010. See also U.S. Embassy-Santiago, *reporting* February 25, 2010.

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[520] Government of Bolivia, *Nueva Constitución Política del Estado*, (October 2008), articles 46 and 61; available from http://www.presidencia.gob.bo/download/constitucion.pdf. See also U.S. Embassy- La Paz, *reporting, February 1, 2010*.

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[546] UN Permanent Forum on Indigenous Issues, *Misión a Bolivia: Informe y Recomendaciones*, 5, 24 and 30.

[547] CRIN, *MERCOSUR,* [online] 2009 [cited April 23, 2010]; available from http://www.crin.org/espanol/RM/mercosur.asp. See also Government of Argentina, *Iniciativa Niñ@SUR,* [online] 2009 [cited April 23, 2010]; available from http://www.derhuman.jus.gov.ar/direcciones/asistencia/ninosur.htm. See also Comité Argentino de Seguimiento y Aplicación de la Convención Internacional de los Derechos del Niño, *La Iniciativa Niñosur, una Instancia Regional que se Afirma* [online] April 2008 [cited April 26, 2010]; available from http://www.casacidn.org.ar/news_abril/nota1.html.

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[559] ILO-IPEC Geneva official, E-mail communication to USDOL official, July 17, 2010.

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Bosnia and Herzegovina

The Government of Bosnia and Herzegovina strengthened its policy framework and further solidified its comprehensive legal protections against the worst forms of child labor, and it is making significant efforts to combat trafficking. The exploitive use of child labor in begging and pick-pocketing rings remains a problem. Significant gaps remain in the knowledge base on these issues and in the Government's programs to address them.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	8.9%
Attending School	5-14 yrs.	83.7%
Combining Work and School	7-14 yrs.	10.6%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Bosnia and Herzegovina are exploited in the worst forms of child labor, including in begging.[565] There are reports of organized groups trafficking mainly ethnic Roma children and forcing them to beg and pickpocket.[566] The majority of Roma children who live or work in the streets are under the age of 14 and do not attend school.[567] Children working on the streets may be exposed to a variety of hazards, such as severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Girls in Bosnia and Herzegovina are trafficked for commercial sexual exploitation within the country.[568] Victims of trafficking as young as age 13 have been reported.[569]

Laws and Regulations on the Worst Forms of Child Labor

The state of Bosnia and Herzegovina consists of the Federation of Bosnia and Herzegovina (FBiH), Republika Srpska (RS), and Brcko District (BD), a self-governing territory.[570] Laws at both the state level and component entity level regulate issues related to the worst forms of child labor, with primary responsibility for labor laws being at the entity level.[571]

The Labor Codes of FBiH, RS, and BD set the minimum age for work at 15. Minors ages 15 to 18 are prohibited from working at night or performing work that endangers their health or development.[572] FBiH, RS, and BD law prohibit difficult hard labor, work underground or underwater and other jobs that would risk the life, health or psychological development of minors.[573] Entity-level governments do not have lists of specific forms of hazardous work prohibited to minors.[574]

The Constitution prohibits forced or compulsory labor. The Bosnia and Herzegovina Criminal Code dictates prison terms for actions that place or keep a minor in slavery.[575]

The Bosnia and Herzegovina Defense Reform Law ended conscription, and voluntary recruitment is not permitted for anyone under the age of 18.[576]

The Bosnia and Herzegovina Criminal Code outlaws hiring a prostitute outside of the state where one resides or is a citizen.[577] In addition, the FBiH, RS, and BD Criminal Codes prohibit prostitution and penalize the production and distribution of child pornography.[578] The Bosnia and Herzegovina Criminal Code prohibits trafficking in persons for the purpose of sex and labor exploitation[579] and prohibits forcing children to beg. *Family Laws* in the FBiH, RS, and BD also prohibit forcing children to beg, if parents are the ones exploiting the children.[580]

During the reporting period, article 186 of the Bosnia and Herzegovina Criminal Code was amended to set a minimum 3-year sentence (along with a 5-year maximum sentence) for trafficking, provide specific punishment of those who use the services of human trafficking victims, and clarify the definition of "child" to refer to any victim under the age of 18.[581]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research identified no information to indicate that the Government of Bosnia and Herzegovina has established mechanisms at the state or entity level for coordinating efforts to combat child labor.[582]

Various institutions at the entity level, however, are responsible for enforcement of labor laws, including those on child labor. The FBiH Ministry of Labor and Social Policy, the RS Ministry of Labor and Veterans, and the BD Administrative Support Department oversee and enforce the Labor Codes of their respective jurisdictions.[583] There are 76 labor inspectors in the FBiH, 35 in RS, and seven in BD. Officials in these ministries have reported that these numbers are adequate and report that they have sufficient resources to carry out inspections.[584] Labor inspectors are trained to detect child labor violations; however, child labor is not common in the formal sector. During the reporting period, one case was noted in the FBiH (and none in RS or BD), and labor inspectors contacted law enforcement officials to investigate criminal violations related to the case.[585]

The Government of Bosnia and Herzegovina appears to have established a number of mechanisms to coordinate efforts to combat human trafficking. The Office of the State Coordinator for Anti-trafficking, within the Bosnia and Herzegovina Ministry of Security (MOS), plays the lead role in anti-trafficking efforts at the state level, and a nationwide Inter-Ministerial Working Group to Combat Trafficking, which includes a number of agencies, also exists. At the entity level, the Ministries of Interior, Health, Labor, and Education are involved with anti-trafficking efforts, along with prosecutors at the state, entity and local levels.[586]

Bosnia and Herzegovina has a nationwide Anti-trafficking Strike Force chaired by the chief state prosecutor. It includes prosecutors, police, and financial investigators who target trafficking and illegal migration. Investigators and prosecutors at the national and entity levels have received relevant training.[587] Further information was not identified to clarify exactly what role each of the coordinating bodies play in combating trafficking.

The Bosnia and Herzegovina State Prosecutor's Office has exclusive jurisdiction over trafficking cases under state level law, and can decide which cases to prosecute at the state level and which to send to the entity level.[588]

Lack of cooperation among law enforcement and prosecutorial agencies at the various administrative

levels frequently complicates national-level efforts to address trafficking.[589]

During 2009, eight out of the 46 trafficking victims documented by the Government of Bosnia and Herzegovina were minors, a decrease from past years where typically half of all victims were underage.[590] Information is not available as to how many of these victims were documented as the result of police inspections at the state or entity levels or how many of these cases were referred for investigation.[591] During the reporting period, the Bosnia and Herzegovina prosecutor's office received 23 reports related to possible trafficking, launched seven investigations, and continued with seven from 2008. Three verdicts were rendered in 2009, and one of the two guilty verdicts involved the sexual exploitation of a minor.[592]

Entity-level authorities apply their prostitution laws to prosecute trafficking cases.[593] During the period under review, these authorities investigated 21 cases, prosecuted 16 cases, and convicted 16 trafficking offenders. There is no indication to what degree these cases involved child trafficking.[594]

The State Coordinator coordinates victim protection efforts among NGOs, law enforcement, and government institutions.[595] It identifies and registers trafficking victims and refers them to NGO service providers.[596]

Government Policies on the Worst Forms of Child Labor

Research found no evidence that the Government of Bosnia and Herzegovina has an overarching policy framework for the elimination of the worst forms of child labor.[597] The trafficking of children for commercial sexual exploitation or forced labor, however, is addressed in the Action Plan for Combating Trafficking in Human Beings in Bosnia and Herzegovina for 2008-2012, which was adopted by the Council of Ministers in May 2008.[598] This plan is based on three pillars: prevention, protection of trafficking victims, and prosecution of traffickers. The goals include: 1) lowering the risk of trafficking among vulnerable categories; 2) advancing the procedure for identifying trafficking victims; 3) ensuring timely and adequate assistance to victims and witnesses of human trafficking; and 4) strengthening the criminal policy for acts of human trafficking and increasing the number of convictions and sentences.[599] Bosnia and Herzegovina was in the process of implementing the plan during the reporting period.[600]

The Government is also participating in an international initiative aimed at helping Roma populations that could benefit Roma children living and working in the streets. The Decade for Roma Inclusion (2005-2015) is an initiative of 12 European countries to improve the socioeconomic status and social inclusion of the Romani minority across the region.[601] Bosnia and Herzegovina joined the initiative in 2008. Action plans for employment, health, and housing have been developed. No evidence was identified to determine the impact of this initiative on Roma children involved in the worst forms of child labor. Roma organizations, in coordination with relevant Government agencies, intend to develop an Action Plan to combat the problem of child begging, but it appears that the plan has not yet been completed.[602]

According to research for this report, the Government does not appear to collect reliable data on children being forced to engage in begging, pick-pocketing, or prostitution. This impairs its ability to formulate and implement effective policies to address these problems.[603]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

From 2003 to 2008 the Government of Bosnia and Herzegovina participated in a $2.2 million regional program, funded by the Government of Germany, to combat the worst forms of child labor.[604] The Government has also cooperated with the IOM to implement anti-trafficking assistance, training, and prevention programs.[605] UNICEF has worked in the country to ensure that efforts to remove trafficked persons from exploitive situations do not result in further victimization.[606]

The Government has continued its anti-trafficking efforts by providing specialized training for government officials on recognition, investigation, and prosecution of trafficking.[607] During the reporting

period, authorities distributed anti-trafficking manuals for use by government and civil society groups involved in the rehabilitation and reintegration of trafficking victims. They also supported shelters and other services.[608] The State Coordinator's Office partnered with two NGOs in a campaign to increase public awareness of trafficking in persons, specifically targeting young people seeking employment outside Bosnia and Herzegovina.[609]

Despite these important initiatives against child trafficking, research has not identified any social programs by the Government of Bosnia and Herzegovina to assist street children.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Bosnia and Herzegovina:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend entity level laws to include prohibitions against specific hazardous activities.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish coordinating mechanisms at the state and entity level to combat the worst forms of child labor.
- Improve cooperation among law enforcement and prosecutorial agencies at the different administrative levels in combating trafficking.
- Take steps to disaggregate data on the investigation and prosecution of trafficking cases to allow a more accurate picture of the extent and nature of child trafficking cases, as well as of government efforts to combat the problem.

IN THE AREA OF POLICIES:

- Adopt a policy that addresses all of the worst forms of child labor.
- Continue to collaborate with Roma organizations to formulate an Action Plan to combat the problem of child begging.
- Collect reliable data on children engaged in begging, pick-pocketing, and prostitution, to enable policymakers to identify problems more accurately and to address them more effectively.

IN THE AREA OF PROGRAMS:

- Institute programs to assist street children and address children's involvement in begging and pick-pocketing rings.

[565] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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[567] Ministry of Human Rights and Refugees official, Interview with USDOL consultant, May 5, 2008, 7 and 9. See also Ministry of Civil Affairs official, Interview with USDOL consultant, May 6, 2008, 23. See also Federal Ministry of Interior official, Interview with USDOL consultant, June 11, 2008, 130. See also UN Committee on the Rights of the Child, *Concluding Observations on the Rights of the Child, Bosnia and Herzegovina*, CRC/C/15/

Add.260, September 21, 2005, para 65; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/dd9baddc520d9878c1257018002db47e/$FILE/G0544039.DOC. See also U.S. Department of State, "Bosnia and Herzegovina," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136023.htm.

[568] U.S. Department of State, "Bosnia and Herzegovina," in *Trafficking in Persons Report- 2009*, Washington, DC, 2009; available from http://www.state.gov/documents/organization/123357.pdf. See also U.S. Embassy- Sarajevo, *reporting, February 26, 2010*, 2B. See also U.S. Department of State, "Country Reports- 2009: Bosnia and Herzegovina," section 7c.

[569] Macro official, USDOL official, February 17, 2009.

[570] U.S. Department of State, *Background Note: Bosnia and Herzegovina,* [online] August 2009 [cited March 26, 2010]; available from http://www.state.gov/r/pa/ei/bgn/2868.htm.

[571] U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2B(2). See also Government of Bosnia and Herzegovina, *Constitution of Bosnia and Herzegovina (BiH)*, (December 14, 1995), article II, section 3c and article III, section 3; available from http://www.ohr.int/print/?content_id=372. See also Jasminka Dzumhur, *A Desk Top Research into the Current State of Affairs of the Labor Market in Bosnia and Herzegovina*, UNIFEM, Sarajevo, September 30, 2007, 5; available from www.unifem.sk/uploads/doc/Labor%20research1.doc.

[572] Government of Bosnia and Herzegovina, *Labor Law of Federation of Bosnia and Herzegovina (FBiH)*, (2003), articles 15, 36, 51. See also Government of Bosnia and Herzegovina, *Labor Law of Republika Srpska (RS)*, (2003), articles 14, 45, 46, 69. See also Government Bosnia and Herzegovina, *Labor Law of District of Brcko (BD)*, (2005), articles 10, 28, 41.

[573] Ibid.

[574] U.S. Embassy- Sarajevo official, E-mail communication to USDOL official, November 5, 2010.

[575] Government of Bosnia and Herzegovina, *Constitution of Bosnia and Herzegovina (BiH)*, (December 14, 1995), article II, section 3(c); available from http://www.ohr.int/print/?content_id=372. See also Government of Bosnia and Herzegovina, *Criminal Code of Bosnia and Herzegovina (BiH)*, (March 1, 2003), article 185, section 5; available from http://www.ohr.int/ohr-dept/legal/oth-legist/doc/criminal-code-of-bih.doc.

[576] Coalition to Stop the Use of Child Soldiers, "Bosnia-Herzegovina," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf. See also Government Bosnia and Herzegovina, *BiH Defense Reform Law*, (October 5, 2005), article 79. See also OHCHR, *11.b. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, May 25, 2000,* [online] December 15, 2008 [cited December 24 2008]; available from http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&id=135&chapter=4&lang=en.

[577] Government of Bosnia and Herzegovina, *Criminal Code (BiH)*, article 187.

[578] Government of Bosnia and Herzegovina, *Criminal Code of the Federation of Bosnia and Herzegovina (FBiH)*, (August 1, 2003), article 210, 211; available from http://www.legislationline.org/download/action/download/id/1661/file/5863a4917995d1a282d020fb2715.htm/preview. See also Government of Bosnia and Herzegovina, *Criminal Code of the Republika Srpska (RS)*, (2003), articles 198, 199, 200. See also Government of Bosnia and Herzegovina, *Criminal Code of the Brcko District of Bosnia and Herzegovina (BD)*, 65 (May 28, 2003), articles 186, 207, 208; available from http://www.tuzilastvobih.gov.ba/files/docs/zakoni/BD_Criminal_Code_10_03_45_04_eng_web.pdf.

[579] Government of Bosnia and Herzegovina, *Criminal Code of Bosnia and Herzegovina (BiH)*, (2003), article 186; available from http://www.ohr.int/ohr-dept/legal/oth-legist/doc/criminal-code-of-bih.doc.

[580] U.S. Embassy- Sarajevo official, E-mail communication to USDOL official, August 9, 2010.

[581] U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2B(1).

[582] U.S. Embassy - Sarajevo official, E-mail communication to USDOL official, May 21, 2010.

[583] Council of Europe, *Bosnia and Herzegovina: Administrative organisation*, 2009; available from http://www.coe.int/t/dg3/socialpolicies/socialsecurity/Source/MisscesChart2009/BiH-Chart-2009.doc.

[584] U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2C. See also U.S. Embassy- Sarajevo official, E-mail communication, August 9, 2010.

[585] U.S. Embassy -Sarajevo official, E-mail communication to USDOL official, July 23, 2010. See also U.S. Embassy- Sarajevo official, E-mail communication, August 9, 2010.

[586] U.S. Embassy- Sarajevo, *reporting, February 26, 2010*, 3B. See also U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2C.

[587] U.S. Embassy- Sarajevo official, E-mail communication, August 9, 2010.

[588] U.S. Embassy- Sarajevo, *reporting, February 26, 2010*, 3B.

[589] U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2C.

See also U.S. Embassy- Sarajevo, *reporting, February 26, 2010*, 3C.

[590] U.S. Embassy- Sarajevo, *reporting, February 26, 2010*, 2B.

[591] U.S. Embassy - Sarajevo official, E-mail communication, May 21, 2010.

[592] U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2D.

[593] Ibid.

[594] U.S. Department of State, "Bosnia and Herzegovina," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010..

[595] U.S. Embassy- Sarajevo, *reporting, February 26, 2010*, 3B.

[596] U.S. Department of State, "Trafficking in Persons Report- 2010: Bosnia and Herzegovina."

[597] U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2E(1).

[598] Bosnia and Herzegovina Council of Ministers, *Action Plan for Combating Trafficking in Human Beings in Bosnia and Herzegovina 2008-2012 (unofficial translation)*, 2008; available from http://www.anti-trafficking.gov.ba/fajlovi/SAP_2008-2012_eng.doc-108.doc. See also Ministry of Human Rights and Refugees of Bosnia and Herzegovina, *First Report Under Article 12, Paragraph 1 of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography*, May 2008; available from www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.OPSC.BIH.1.doc.

[599] U.S. Embassy - Sarajevo official, E-mail communication, May 21, 2010.

[600] Commission of the European Communities, *Bosnia and Herzegovina 2009 Progress Report*, Brussels, October 14, 2009; available from http://www.delbih.ec.europa.eu/docs/ProgressReport20092.pdf.

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[603] U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2A(2). See also Bosnia and Herzegovina Working Group on Child Protection, *Submission from the Bosnia and Herzegovina Working Group on Child Protection regarding the Universal Periodic Review of Bosnia and Herzegovina (Seventh Session, February 2010)* September 7, 2009; available from http://www.scn-see.ba/d_upload/20090916/UPR_BiH_Final_version_sept72009.pdf.

[604] See previous TDA reports.

[605] IOM, *Bosnia and Herzegovina,* [online] [cited March 25, 2010]; available from http://www.iom.int/jahia/Jahia/bosnia-and-herzegovina.

[606] UNICEF, *Factsheet: Trafficking,* [online] [cited August 11, 2010]; available from http://www.istame-apapandreou.gr/files/pdf/factsheet_trafficking_unicef_download.pdf.

[607] U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2D.

[608] U.S. Department of State, "Country Reports- 2009: Bosnia and Herzegovina," section 6.

[609] U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2D.

Botswana

The Government has designed institutional and policy frameworks to combat the worst forms of child labor and supported programs with NGOs to stop the trafficking of children. Among those at risk of the worst forms of child labor are children working as herders or in domestic service, some of whom may be trafficked. Lack of evidence of enforcement efforts may reflect gaps in the country's legal framework and its capacity to implement the institutional and policy frameworks it has designed.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Botswana are exploited in the worst forms of child labor.[610] The majority of working children are engaged in agricultural work,[611] which has a high risk of occupational injury as it may involve work with dangerous tools, and performance of arduous tasks. In Botswana, children herd livestock on family cattle posts. Boys manage cattle herds in isolated areas for days without proper food and shelter, working long hours, walking long distances, and facing exposure to insect and snakebites.[612]

Children are also found in domestic service. Parents from rural areas send their children to the city to live with wealthier families and work as domestic servants. Some of these children are reported to work in situations of forced labor.[613] Children who work in domestic service risk long hours of work and physical and sexual abuse by their employers. Some of these children end up as street children and engage in begging. These children are at risk of vehicle accidents and exposure to the elements, and are at risk of commercial sexual exploitation.[614] Child prostitution takes place at truck stops and transit points in large towns.[615]

Botswana is a source, transit, and (to a lesser extent) destination country for children trafficked for the purpose of forced labor and sexual exploitation. Some children in domestic servitude and cattle herding have been trafficked within Botswana.[616] Botswana is also a staging area for both smuggling and trafficking of third country nationals, primarily from Namibia and Zimbabwe to South Africa. Zimbabweans are also trafficked into Botswana for forced labor as domestic servants.[617] HIV and AIDS in Botswana often impoverish families and push children into worst forms of child labor.[618]

The San—traditional hunter-gatherers—are the indigenous people of Botswana and are economically and politically marginalized.[619] San children are exploited through bonded labor whereby the child's family is bonded or "owned" by a cattle post owner or farmer, and children are forced to work to help retain tenure of their parents' homes.[620]

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act establishes the minimum age for employment at age 14.[621] The law forbids employers from using "young workers," defined as children age 14 to 18, when the nature of the job or the conditions under which it is carried out might endanger the life or health of a child.[622] The law permits a family member to employ their own children at age 14 who do not attend school for up to 30 hours a week, in light work

that is not harmful to their health and development. The law does not more specifically define hazardous or light work, nor does it establish a list of hazardous occupations prohibited to children.[623]

The Employment Act prohibits forced labor.[624] Military service is voluntary and The Botswana Defense Force Act prohibits recruitment officers from enlisting persons under age 18.[625]

The Penal Code and The Criminal Procedure and Evidence Act punish persons for kidnapping, child stealing, abduction, and slavery, including those who "traffic or deal in slaves."[626] These laws also punish the offence of rape, indecent assault, and defilement of a person under age 16. Also prohibited is the procurement of a girl for prostitution, but apparently this prohibition does not apply to boys.[627] Child pornography is a criminal offense in Botswana.[628] The law specifically protects adopted children from being exploited for laborand orphans from being coerced into prostitution.[629]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Government has created a Program Advisory Committee on Child Labor, which includes representatives of the government agencies, various NGOs, workers' federations, and employers' organizations. The Advisory Committee facilitates the oversight of child labor issues among all stakeholders.[630]

The Ministry of Labor and Home Affairs (MOLHA) has overall responsibility for enforcing child labor laws and policies. The Commissioner of Labor within the MOLHA is tasked with investigating workplaces that are suspected of violating child labor laws.[631] The Labor Inspection Unit within the MOLHA is charged with enforcing the Employment Act.[632] The Act outlines the scope of labor inspections to include those provisions related to employment of children. The Commissioner of Labor is authorized to end employment relationships involving children,[633] but the MOLHA did not conduct any inspections or monitoring visits nor were any fines issued for child labor violations during the reporting period.[634] The child welfare divisions of the district and municipal councils are also responsible for enforcing child labor laws.[635]

The Botswana Police Service, joined by Immigration, the Ministry of Labor, Ministry of Social Services, and Directorate of Intelligence and Security, lead in the Government's anti-trafficking in persons efforts.[636] Interagency cooperation on trafficking is informal at present but the Government of Botswana has plans to create a formal trafficking in persons task force.[637] Law enforcement and immigration officials receive training in anti-trafficking methods.[638]

There were no prosecutions or convictions for trafficking violations during the reporting period.[639] Media reports indicated that Botswana's police broke up a human trafficking ring suspected of trafficking into Canada some 1,000 women and children for servitude and sexual exploitation in 2009.[640]

Government Policies on the Worst Forms of Child Labor

In February 2008, the Government of Botswana established a National Action Plan for the elimination of the worst forms of child labor.[641] Among the Plan's action items are addressing legislation and policy gaps, raising awareness, programs better targeted to address child labor, and training for relevant stakeholders and implementers.[642]

The Government of Botswana has addressed child labor in other policy frameworks. The National Plan of Action for Children (2006-2016) seeks to promote the rights of children via the promotion of several key areas, such as education and training; health and nutrition; and children and HIV/AIDS.[643]

The Ministry of Education's Revised National Policy on Education aims to increase schooling access and retention of working children and those at risk of child labor.[644] Strategies include harmonizing the Children's Act with labor laws, mainstream raising public awareness on child labor as barrier to inclusive education, and strengthening existing out reach programs.[645] The Presidential Task Group on Long Term Vision for Botswana produced another strategy, Vision 2016, which acknowledges the problem of parents intentionally choosing not to send their children to school.[646] The strategy proposes universal schooling in partnership with improvement of socio-economic conditions as a solution for parents who consider their children as essential sources of labor and income for their families, especially those in poor and rural populations.

The UN Development Assistance Framework for Botswana (2010-2016) includes the reduction of child labor among goals for creating a protective and supportive environment for children.[647] The National Youth Policy addresses issues affecting youth, such as the high number of young people who are not in school and the abuse of young people.[648] This policy, reviewed in 2004, in cooperation with ILO suggested strategies to include child labor and to address problems such as increased coordination from government, NGO, and community stakeholders and the provision of vocational and skills training.[649]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Botswana's Central Statistic office included a children's activities module in the 2005/06 national Labor Force Survey,[650] but statistics on child work and schooling still are not available.

Currently the Government participates in a regional project to combat worst forms of child labor in three Southern African countries of Botswana, Namibia, and South Africa.[651] The project—supporting and monitoring the implementation of National Plans of Action in the three core countries in Southern Africa Phase II—is a continuation of an earlier $4.75 million regional project also funded by USDOL.[652] The Phase I project provided technical support to ensure mainstreaming of the national action plan for the elimination of child labor in Botswana.[653]

The Government funded and supported NGO programs that provided assistance and services to crime victims, including victims of suspected trafficking. Other efforts made to prevent trafficking in, to, and through Botswana include an awareness raising campaign that placed anti-trafficking education posters at all of its border posts,[654] and engagement in international meetings on the subject.[655]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Botswana:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend labor laws to specifically define light work and identify the types of hazardous work that are likely to harm the health, safety, and morality of children.
- Amend laws, in accordance with international standards, to protect all children from prostitution, regardless of gender.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Address the reasons why there appears to be no MOLHA enforcement of child labor laws, and little enforcement of anti-trafficking laws.

IN THE AREA OF POLICIES AND PROGRAMS:

- Reconcile the various plans that have addressing child labor among their goals, to prioritize action items with a view toward identifying funding and implementing the most urgent.
- Analyze and release results of the 2006/7 Labor Force Survey module on child work activities.

[610] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[611] Eva Procek, *Discussion Document on Child Labor in Botswana*, Botswana Ministry of Labor and Social Security, International Labor Organization (ILO) and Programme Towards the Elimination of the Worst Forms of Child Labor (TECL), October 2006.

[612] International Trade Union Confederation, *Internationally Recognised Core Labour Standards in Botswana, Lesotho, Namibia, South Africa and Swaziland: Report for the WTO General Council Review of Trade Policies of the Five Countries of the Southern African Customs Union (SACU)*, Geneva, November 4 and 6, 2009; available from http://www.ituc-csi.org/IMG/pdf/20091103101840-Microsoft_Word_-_SACU-final_.pdf.

[613] U.S. Department of State, "Botswana (Tier 2)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/documents/organization/123357.pdf. See also U.S. Department of State, "Botswana," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009; available from http://www.state.gov/g/drl/rls/hrrpt/2008/118987.htm.

[614] Ditshwanelo, *Press Statement on World Day Against Child Labor- 12 June 2009*, Ditshwanelo- The Botswana Centre for Human Rights, June 12 2009; available from http://www.ditshwanelo.org.bw/press_2009-jun%2010.html.

[615] International Trade Union Confederation, *Internationally Recognised Core Labour Standards in Botswana*.

[616] U.S. Department of State, "Trafficking in Persons Report- 2009: Botswana (Tier 2)." See also Procek, *Discussion Document on Child Labor in Botswana*.

[617] U.S. Department of State, "Trafficking in Persons Report- 2009: Botswana (Tier 2)."

[618] Procek, *Discussion Document on Child Labor in Botswana*, 15.

[619] U.S. Department of State, *Country Reports on Human Rights Practices*, 2006; available from http://www.state.gov/g/drl/rls/hrrpt/2006/78720.htm.

[620] Procek, *Discussion Document on Child Labor in Botswana*.

[621] Government of Botswana, *Employment Act*, (1982); available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/842/64792/E82BWA01.htm.

[622] Ibid.

[623] U.S. Embassy- Gaborone, *reporting*, January 20, 2009.

[624] Government of Botswana, *Employment Act*, para 2.

[625] Government of Botswana, *Botswana Defence Force*, 23, (1977); available from http://www.laws.gov.bw/Docs/Principal/Volume3/Chapter21/Chpt21-05%20Botswana%20Defence%20Force.pdf.

[626] UN International covenant on civil and political rights, *Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant: Initial report of States parties due in 2001 Botswana*, CCPR/C/BWA/1, May 2, 2007; available from http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/415/11/PDF/G0741511.pdf?OpenElement.

[627] Government of Botswana, *Criminal Procedure and Evidence Act*, (1939); available from http://www.laws.gov.bw/Docs/Principal/Volume2/Chapter8/Chpt8-02%20Criminal%20Procedure%20and%20Evidence.pdf. para 141, 142, 145, 150, 146, 149

[628] U.S. Department of State, *2009 Human Rights Reports: Botswana*, March 11, 2009.

[629] U.S. Embassy- Gaborone, *reporting, January 20, 2009*.

[630] International Trade Union Confederation, *Internationally Recognised Core Labour Standards in Botswana*. See also U.S. Department of State, *Country Reports on Human Rights Practices-2006*, March 6, 2007; available from http://www.state.gov/g/drl/rls/hrrpt/2006/78720.htm

[631] U.S. Embassy- Gaborone, *reporting, January 20, 2009*. See also U.S. Department of State, "Country Reports- 2008: Botswana."

[632] ILO, *Botswana: Labour Inspection Structure and organization*, accessed February 22, 2010; available from http://www.ilo.org/labadmin/info/lang--en/WCMS_114934/index.htm.

[633] U.S. Embassy- Gaborone, *reporting, January 20, 2009*.

[634] U.S. Department of State, "Trafficking in Persons Report- 2009: Botswana (Tier 2)."

[635] U.S. Embassy- Gaborone, *reporting, January 20, 2009*.

[636] U.S. Embassy- Gaborone, *Botswana TIP Situation*, Gaborone, April 7 2010, section 2B. See also International Trade Union Confederation, *Internationally Recognised Core Labour Standards in Botswana*.

[637] U.S. Embassy- Gaborone, *Botswana's TIP Situation*.

[638] U.S. Department of State, "Trafficking in Persons Report- 2009: Botswana (Tier 2)."

[639] U.S. Embassy- Gaborone, *reporting, January 20, 2009*. See also U.S. Department of State, "Trafficking in Persons Report- 2009: Botswana (Tier 2)."

[640] PRESS TV, *Human trafficking ring smashed in Botswana* 04/19/ 2009 2009; available from http://www.presstv.ir/pop/Print/?id=91932. See also Scott Gilbreath, "Botswana Police Bust human Trafficking Ring," *Nova Scotia Scott*, April 27 2009; available from http://www.novascotiascott.com/2009/04/27/botswana-police-bust-human-trafficking-ring/.

[641] U.S. Embassy- Gaborone, *reporting, January 20, 2009*.

[642] Ibid.

[643] Republic of Botswana, *National Report on the Development of Education: "Inclusive Education: The Way of the Future"*, Draft Report, Ministry of Education and Skills Development, 2008; available from http://www.ibe.unesco.org/National_Reports/ICE_2008/botswana_NR08_draft.pdf. See also Child Rights Information Network, *Childs Rights References in the Universal Periodic Review: Botswana - 3rd Session - 2008*, December 1, 2008; available from http://www.crin.org/docs/Botswana.pdf.

[644] Republic of Botswana, *Inclusive Education: The Way of the Future*.

[645] Ibid.

[646] Government of Botswana, "Botswana," in *Vision 2016 Booklet: A Framework for a Long Term Vision for Botswana*, 2006; available from http://www.vision2016.co.bw/PDF%27s/English%20Full%20version.pdf.

[647] Government of Botswana and the United Nations System in Botswana, *United Nations Development Assistance Framework 2010-2016 Botswana*, March 2009; available from http://botswana.unfpa.org/drive/BotswanaUNDAF(2010-2016).pdf.

[648] Republic of Botswana, *National Youth Policy*, Ministry of Labour and Home Affairs, February 1996; available from http://www.ub.bw/ip/documents/1996_National%20Youth%20Policy.pdf. See also UNICEF, *A World Fit for Children Mid Decade Review: Botswana Progress Report*, August 2007; available from www.unicef.org/worldfitforchildren/.../Botswana_WFFC5_Report.pdf.

[649] UNICEF, *A World Fit for Children Mid Decade Review: Botswana Progress Report*.

[650] U.S. Embassy- Gaborone, *reporting, January 20, 2009*.

[651] ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL), Phase II*, Technical Project Report, Geneva, August 28, 2009.

[652] ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL)*, Final Technical Progress Report, Geneva, September, 2008.

[653] Ibid.

[654] U.S. Department of State, "Trafficking in Persons Report- 2009: Botswana (Tier 2)."

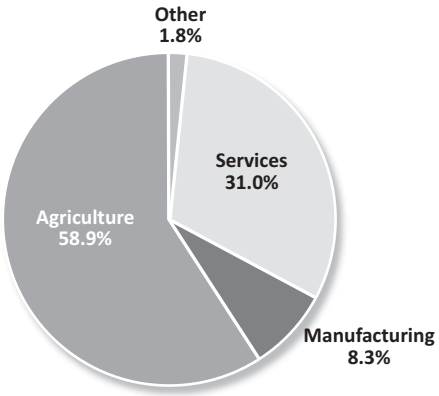
[655] U.S. Embassy- Gaborone, *Botswana's TIP Situation*.

Brazil

The Government of Brazil has established strong legislative and policy frameworks and has carried out groundbreaking programs to combat the worst forms of child labor. It has significantly reduced the number of working children ages 5 to 17 from approximately 8.5 million in 1992 to 4.5 million as of 2008. However, child labor monitoring systems still need strengthening and child labor continues to be prevalent in agriculture.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	5.7%
Attending School	5-14 yrs.	95.2%
Combining Work and School	7-14 yrs.	4.0%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Brazil, many of them in agriculture.[656] It is estimated that more than 41 percent of children are working in agriculture nationwide, while in the Northeastern region the proportion rises to 69 percent.[657] Such children often toil for long hours, use dangerous tools, and are exposed to the elements, pesticides, and unhealthy sanitary conditions.[658] Children help produce coffee, sugarcane, corn, pineapple, rice, manioc, sisal, tobacco, lime, cocoa, and tomatoes. They are involved in cattle ranching and slaughtering animals.[659] They also make charcoal, ceramics, bricks, and mine stones. They fill open ovens, lift heavy loads, and sharpen rocks into gravel.[660] Children are also victims of forced labor in cattle ranching and in the production of cocoa and lime.[661]

Children perform dangerous work in urban areas such as construction, car repair, street vending, garbage scavenging, recycling, and production of leather and footwear.[662] Some of them work and live on the streets. The risks to these children include long hours, toxic substances, accidents, and exposure to the elements.[663]

Many children in Brazil work as domestic servants, sometimes in isolation and for more than 40 hours per week.[664] Children are also engaged in prostitution, sex tourism, and pornography. They are vulnerable to sexual exploitation in locations along the highways, including truck stops and bus stations.[665] They are also vulnerable to commercial sexual exploitation in brothels near mining settlements in the Amazon region. Children are trafficked internally and internationally for the purposes of commercial sexual exploitation and forced labor.[666] In the city of Rio de Janeiro, children are recruited into criminal gangs to perform activities related to drug trade.[667]

The Government of Brazil considers all the activities described in this section as worst forms of child labor.[668]

Laws and Regulations on the Worst Forms of Child Labor

In 2009, the Government of Brazil amended the Constitution, raising the age for compulsory education from 14 to 17. The Government also amended the Penal Code to increase the penalties against trafficking and the commercial sexual exploitation of children, with prison terms of 2 to 10 years.[669]

The Constitution and the Labor Code set the minimum age for work at 16. Decree No. 6481 of 2008 and the Labor Code prohibit hazardous work, including domestic work, for children under the age of 18.[670] Decree No. 6481 bars children from working in 93 hazardous activities in agriculture, fishing, mining, construction, manufacturing, and car repair. It also prohibits children from selling alcoholic beverages and illegal drugs.[671] The Penal Code penalizes commercial sexual exploitation, forced labor, and trafficking in persons, including for the purpose of sexual exploitation. The Statute of the Child and Adolescent prohibits child pornography.[672] Law 11.343 of 2006 punishes individuals who involve, or attempt to involve, children in drug trafficking-related activities.[673]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	17
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Government of Brazil has established national committees to protect the rights of children and to combat child labor, trafficking, and the commercial sexual exploitation of children. The National Council for the Rights of Children and Adolescents (CONANDA) is the national coordinating body that outlines policies to protect children's rights and monitors their implementation.[674] The National Committee for the Elimination of Child Labor (CONAETI) leads the implementation of the National Plan for the Prevention and Elimination of Child Labor and the Protection of Working Adolescents. It is coordinated by the Ministry of Labor and Employment (MTE) and includes 17 government agencies, along with representatives from trade unions, business associations, and civil society organizations.[675] The Intersectoral Committee to Combat Sexual Violence against Children and Adolescents monitors the implementation of the National Plan to Combat Sexual Violence against Children. It is led by the Presidential Office's Special Secretariat of Human Rights (SEDH) and includes 13 government agencies, CONANDA, and civil society organizations.[676] In 2008, the Government of Brazil established an advisory group to monitor and evaluate the implementation of the National Plan to Combat Trafficking in Persons. There are 12 government agencies that are part of this group, coordinated by the Ministry of Justice (MOJ).[677]

The Ministry of Labor and Employment (MTE) conducts labor inspections at work sites, enforces child labor laws, and monitors child labor. It has an online monitoring system (SITI) and regularly trains inspectors on child labor.[678] Its 2,997 labor inspectors work in all 26 States. Most inspections result from complaints raised by workers, NGOs, teachers, the media, and other sources.[679] In 2009, the MTE carried out 1,193 labor inspections and removed 4,894 children from exploitive labor.[680]

The Federal Labor Prosecutor's Office (MPT) investigates and prosecutes child labor violations, including child labor in domestic work, dump scavenging and recycling, and illicit activities.[681] It works through the National Committee to Combat Child Labor (COORDINFÂNCIA), which is made

up of 24 prosecutors. In addition, MPT carries out awareness-raising campaigns, organizes public hearings to discuss child labor cases, and monitors the implementation of the National Program for the Eradication of Child Labor.[682]

However, some inspectors lack the vehicles needed to reach isolated rural areas. Each labor inspector is required to meet monthly targets or face possible disciplinary actions.[683] This creates an incentive for inspectors to concentrate on dense, easily accessible urban areas where they can perform more inspections in the time allotted.[684] Labor inspectors also note that some within their ranks still find child labor culturally acceptable, and focus instead on other kinds of inspections.[685]

To investigate and combat forced labor, including forced child labor, MTE has a special mobile unit composed of labor inspectors, Federal Police (FP), and Federal labor prosecutors. In 2008, the unit rescued 150 workers, including 30 children from forced labor conditions on a cocoa plantation in the State of Para; this case remains unresolved in the Federal labor court.[686] During 2009, the number of rescues jumped more than 20-fold. The unit inspected 350 worksites and rescued 3,750 workers, including children, from forced labor conditions.[687] However, this public information is not disaggregated by age or sector.[688]

To monitor and enforce laws against the trafficking and commercial sexual exploitation of children, SEDH coordinates a hotline, Disque 100. It receives, processes, and directs complaints to the appropriate institutions for follow-up.[689] Depending on the complaint, it may be directed within 24 hours to the Council of Guardianship, or in cases of trafficking, to the FP.[690] Since 2003, Disque 100 has received more than 100,000 complaints; during 2009, it received 29,756. Safenet Brasil receives online complaints of child pornography, including those made through Disque 100. In 2009, it received more than 69,000 online complaints.[691]

During the reporting period, the FP and the Federal Prosecutor's Office (MP) carried out operations to combat human trafficking; the FP conducted 43 investigations and the MP filed charges against 53 individuals in nine separate cases, which resulted in convictions and jail terms of between one and three years.[692] There is no information available about how many of these cases were related to child trafficking.

Government Policies on the Worst Forms of Child Labor

The National Plan for the Prevention and Eradication of Child Labor and Protection of Working Adolescents and the National Program to Eliminate Child Labor (PETI) guide government efforts to combat child labor.[693] The National Plan to Combat Sexual Violence against Children and Adolescents lays out the strategy to combat sexual violence and commercial sexual exploitation. The National Policy to Combat Trafficking in Persons is the principal policy instrument for combating human trafficking.[694]

The Government of Brazil has included child labor in the National Plan to Promote and Protect the Rights of Children and Adolescents to Family and Community Life and the Social Agenda for Children and Adolescents.[695] It has mainstreamed child labor into its National Multi-annual Plan (PPA) (2008–2011), the National Education Plan (PNE), the *Bolsa Familia*, Decent Work Agenda, and the Continuous Cash Benefit Program (BPC). In 2009, the Government approved the National Human Rights Program, an integrated approach to human rights which includes the elimination of child labor as one of its objectives.[696] Since 1996, the Government of Brazil has conducted child labor surveys as part of the National Household Surveys (PNAD), which have helped in developing and targeting programs to combat the worst forms of child labor.[697] However, they have not provided in-depth information about street children, children engaged in drug trafficking, child victims of forced labor, or indigenous child labor. For example, MDS recently published a national study about persons living on the streets, but street children under the age of 18 were not part of the research.[698]

In 2009, the Government of Brazil continued to implement the National Plan for the Prevention and Eradication of Child Labor and Protection of Working Adolescents. The State of Minas Gerais laid out an integrated approach including research, children's participation, monitoring and accountability.[699] The State of São Paulo also launched

an initiative to help municipalities design plans to combat child labor which receives support from ILO, Telefónica Foundation, and other non-governmental organizations.[700]

Brazil has yet to adopt a monitoring system that tracks the implementation of child labor policies. The National Monitoring Center for the Rights of Children and Adolescents, led by SEDH, could provide a model for such a system.[701] The National Plan for the Prevention and Eradication of Child Labor and Protection of Working Adolescents was adopted in 2004 and requires that States and municipalities establish their own plans to combat child labor, however as of 2009, not all municipalities and States had enacted their own plans. In 2009, the budget approved by the Brazilian Congress to combat child labor declined 16 percent from the previous year, from $178.8 million to $149.8 million.[702]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Through its programs and policies to reduce child labor, the Government of Brazil has cut the number of working children ages 5 to 17 nearly in half. Between 1992 and 2008, the number dropped significantly from approximately 8.5 million to 4.5 million.[703]

The Government has implemented the Program to Eradicate Child Labor (PETI), a conditional cash-transfer program aimed at families with working children who commit to keep their children in school and out of work.[704] PETI is currently carried out in more than 3,400 municipalities and more than 820,000 children have benefited. In 2009, two evaluations of the PETI program showed highly positive results in both child labor reduction and client satisfaction.[705]

To combat poverty, the Government of Brazil has established *Bolsa Familia,* a conditional cash-transfer program that supplements family income and encourages at-risk children and adolescents to attend school regularly. More than 12 million families participate in the program.[706] PETI and *Bolsa Familia* are part of the Single Social Assistance System (SUAS), administered by the Ministry of Social Development and Combating Hunger (MDS) in conjunction with State and local authorities. SUAS comprises the main social protection programs funded and implemented by Federal, State, and municipal governments.[707] In addition to PETI and *Bolsa Familia*, SUAS includes services for integrated family assistance and youth. To monitor families and children beneficiaries of PETI, *Bolsa Familia*, and other social programs, MDS tracks beneficiaries through SISPETI and the Single Registration Social Programs (*CadÚnico)*.[708]

Although PETI and *Bolsa Familia* have reduced child labor in Brazil, challenges remain. Research conducted in 2008 found that vulnerable families continue to value children's work over education.[709] President Luiz Inácio Lula da Silva has acknowledged that child labor persists because it is culturally accepted.[710] PETI and *Bolsa Familia* beneficiaries are not fully complying with these programs' requirements; research conducted in the State of Rio found that of the 5,615 beneficiary children who participated in the study, 67 percent were working while going to school.[711] Due to PETI's decentralization, local communities are responsible for its implementation; however, they do not have the tools and resources to do so, particularly in the Northeastern region.[712]

The Government of Brazil implements the National Program to Combat Sexual Violence against Children and Adolescents, the National Program to Combat Trafficking in Persons, and the Second Plan to Combat Forced Labor. During the reporting period, the Government carried out national campaigns to prevent the commercial sexual exploitation of children, human trafficking, and forced labor, and to assist victims.[713] It continued to set up a consolidated database, INTEGRA System, to monitor enforcement actions on child labor, commercial sexual exploitation of children, human trafficking, and forced labor.[714]

Since 1996, the Government of Brazil has participated in child labor projects funded by the United States totaling more than $18 million, including a $6.5 million project that combats child labor in five States; a $4.9 million project that supports the State of Bahia to become the first State free of child labor; and a $6.75 million regional project that promotes South-South cooperation among Brazil, Ecuador, Bolivia, and Paraguay to combat child labor.[715] In addition, Brazil has received funding and technical support from donors including the IDB, UNODC, and UNICEF to

combat child labor, forced labor, commercial sexual exploitation of children, and human trafficking.[716]

In 2009, the Government of Brazil and ILO signed an agreement to promote South-South cooperation to implement the Decent Work Agenda in Latin America and Africa, which includes a child labor component. Brazil is helping fund ILO-IPEC initiatives to combat child labor in Latin America and Portuguese-speaking countries of Africa. One of the goals is to promote the sharing of lessons learned.[717] The Brazilian Government participates in other regional initiatives to combat child labor such as *Mercosur's Niño Sur* Initiative and the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism. *Niño Sur* improves legal frameworks, and raises awareness of, and promotes the exchange of best practices to combat commercial sexual exploitation.[718] The Joint Group conducts prevention campaigns to combat the commercial exploitation of children. It includes Argentina, Bolivia, Chile, Colombia, Ecuador, Paraguay, Peru, Suriname, and Uruguay.[719]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Brazil:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Strengthen institutional mechanisms to monitor and enforce child labor laws by:
  - Ensuring that labor inspectors have vehicles to conduct inspections throughout the country.
  - Reviewing monthly targets required of labor inspectors.
- Make publicly available information on labor inspections by age and sector.

IN THE AREA OF POLICIES:

- Establish a monitoring system to track the implementation of child labor policies.
- Carry out research on the worst forms of child labor, particularly with regard to street children, children engaged in drug trafficking, child victims of forced labor, and indigenous child labor.

IN THE AREA OF PROGRAMS:

- Expand awareness-raising initiatives and establish a communication strategy to address cultural factors that contribute to the worst forms of child labor.
- Continue expanding the coverage of PETI and *Bolsa Familia* programs in areas with high rates of child labor and ensure that family beneficiaries are complying with program requirements to keep children in schools.
- Fully support States and municipalities in the development and execution of child labor plans and in implementation of the PETI program, particularly in geographic areas where resources are scarce.

[656] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 2004. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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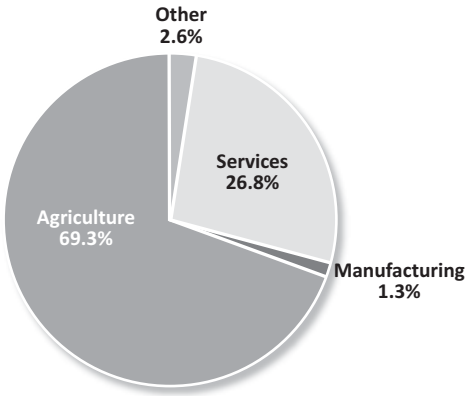
Burkina Faso

The Government of Burkina Faso strengthened its legal framework during the reporting period by issuing an updated list of hazardous occupations in 2009. However, gaps remain in the enforcement of child labor laws. While Burkina Faso has integrated child labor concerns into many of its social programs, it continues to face widespread child labor in agriculture.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	37.8%
Attending School	7-14 yrs.	43.4%
Combining Work and School	7-14 yrs.	0.9%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor[720]

Children in Burkina Faso are exploited in the worst forms of child labor, particularly in agriculture and livestock-raising.[721] Children sow, weed, and harvest crops and may be exposed to dangerous activities and chemicals such as pesticides used on cotton farms.[722] Some children on cotton farms are also working in conditions of forced labor.[723]

According to a UCW-SIMPOC study, the vast majority of working children in Burkina Faso are found doing work that includes a hazardous component.[724]

Children work in construction, quarries, and mines, including gold mines.[725] In artisanal mines, children break rocks, risking injury from the shards. They work underground, risking injury from falling rocks. They also carry heavy loads and wash minerals, sometimes using harmful chemicals.[726] Children working in artisanal mining are not provided with protective gear; they often work 6 days a week for 9 or 10 hours per day; and suffer from occupational illnesses including respiratory conditions, muscular ailments, and vision problems.[727] In addition, these children are sometimes physically or sexually abused.[728]

Children, particularly girls, work as street vendors or domestic servants, which may also entail sexual exploitation.[729] Similarly, a growing number of children as young as age 7 beg on the streets, where they may risk accidents with vehicles, the elements, and involvement in commercial sexual exploitation.[730]

The practice of sending boys, called *talibes*, to Koranic teachers to receive education, which may include vocational training or apprenticeship is a tradition in Burkina Faso.[731] While some boys receive lessons, others may be forced by their teachers to beg under hazardous conditions, and surrender the money that they have earned. They may also be required to work in fields under dangerous conditions.[732]

Burkina Faso is a destination, transit point, and source for children trafficked for forced labor and commercial sexual exploitation.[733] Children are primarily trafficked within Burkina Faso and from rural areas to urban areas. Such trafficked children work in domestic service, mines and quarries, commercial sexual exploitation, and agriculture, including cultivating

cotton.[734] Boys from Burkina Faso are also trafficked to Mali and Côte d'Ivoire for forced labor in agriculture.[735] Girls from Burkina Faso are trafficked to Guinea for domestic service.[736]

In Burkina Faso, extensive flooding in 2009 destroyed homes and harvests, increasing food insecurity that had already been exacerbated in 2008 by extremely high (riot-provoking) food prices.[737] This followed several years of rising food prices and ruined harvests, which have caused parents to remove their children from schools, as they can no longer afford costs associated with education.[738] These factors may increase the risk of children falling into the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age of work at 16 and the minimum age for hazardous work at 18.[739] In 2009, after enacting the new Labor Code of 2008, the Government updated the list of prohibited hazardous activities.[740] It includes 12 sectors, such as quarrying, mining, and certain agricultural activities, like spreading chemical fertilizers and pesticides.[741] While Burkina Faso revised its laws protecting children from hazardous work in 2008 and 2009, some gaps remain in providing comprehensive protection for children. For example, the current Labor Code forbids night work for children under 18, but "night" is not defined; this is to be spelled out in a decree which has yet to be issued.[742] Similarly, this Labor Code reestablishes an exception to the minimum age for employment in light work without updating the previous regulation on light work.[743] The previous regulation (a decree issued in 1954) authorized children age 12 and above to engage in domestic work or seasonal work, such as farming.[744] This exception increases the likelihood of children age 12 to 15 working under hazardous conditions in agriculture or domestic service.

The legal protections in the Labor Code cover the informal as well as the formal sector.[745] Labor inspectors are specifically authorized to enter any location where they have reason to believe that employees are working, to conduct inspections, including surprise inspections.[746] However, inspectors are prohibited from entering the domicile of an agricultural establishment except with special authorization.[747] As some child domestic servants may be employed on farms, this exclusion may leave them vulnerable.

The Trafficking in Persons Law sets penalties for both the trafficking of children and other worst forms of child labor including forcing a child to beg.[748] The Penal Code also explicitly prohibits the debauchery or corruption of a minor.[749] The minimum age for voluntary recruitment into the military is 20 and there is no compulsory recruitment.[750]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor has a Directorate to Combat Child Labor and the Worst Forms of Child Labor to monitor progress and assist other relevant agencies.[751] Burkina Faso maintains a National Steering Committee against Child Labor as well as several other committees related to specific projects and programs.[752] The Ministries of Social Action, Labor and Social Security, Health, Justice, Foreign Affairs, Human Rights, Decentralization, and Basic Education, all coordinate on anti-trafficking enforcement efforts under the lead of the Ministry of Social Action.[753]

The Ministry of Labor and Social Security and the Ministry of Social Action and National Solidarity are responsible for enforcing child labor laws.[754] While

the law authorizes inspectors to investigate informal employment relationships, they are constrained by a lack of resources.[755] The ILO Committee of Experts also finds that the labor inspectorate would need to be adapted to enable it to conduct inspections of the agricultural sector, which is where many children are working in hazardous and forced conditions.[756]

As of January 2009, Burkina Faso employed 39 labor inspectors to conduct investigations on labor violations. Additionally, each region in Burkina Faso has a labor inspector who coordinates labor issues.[757] However, the number of inspectors is not sufficient to investigate all the sectors where children work and the Government reports it plans to hire more inspectors.[758] Police and customs service agents also share responsibility for investigating child labor violations.

Burkina Faso is making efforts to identify and rescue trafficked children.[759]

With help from the ILO, the Government provided anti-trafficking training to customs officers during the reporting period.[760] Law enforcement officials reportedly intercepted 197 trafficked children between December 2008 and September 2009.[761] During 2009, the Ministry of Social Action, worked with security forces and regional anti-trafficking committees, to identify 788 child victims, almost 80 percent of whom were boys, and refer them to transit centers jointly funded by the Government and UNICEF. Records of recent prosecutions are reportedly unavailable because they were lost during the extreme flooding that occurred in the autumn of 2009; however, in previous years, judges suspended the sentences of convicted traffickers or did not apply the penalties established by the Trafficking in Persons Law.[762] For example, one individual convicted of trafficking was sentenced to two months imprisonment despite the law that established a penalty of 5 to 20 years imprisonment.[763] Enforcement efforts are also challenged by a lack of resources across agencies.[764]

Government Policies on the Worst Forms of Child Labor

As reported by the ILO's Committee of Experts, the Government of Burkina Faso has acknowledged that it lacks a national policy framework for the elimination of the worst forms of child labor, although it does have several sectoral plans on child labor and trafficking.[765] For example, Burkina Faso has adopted a National Action Plan against Trafficking in Persons under its National Social Action Policy in 2007, although a lack of resources hinders implementation efforts of this plan.[766] The numerous coordination mechanisms established by the various plans reportedly result in a cumbersome process.[767]

In March 2008, the Government of Burkina Faso drafted a National Employment Policy and Action Plan, with provisions linking this plan to the fight against exploitive child labor.[768] Specific intended actions include providing training and apprenticeships for children working in mines, quarries, domestic service, agriculture and the informal sector, to remove them from the worst forms of child labor.[769] Child labor concerns have also been explicitly incorporated into various other national level policies, including in UNDAF (2006-2010), the Poverty Reduction Strategic Plan (2007-2011) and the Decent Work Country Program (2007-2015).[770]

During the reporting period the Government adopted the Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa under ECOWAS, which explicitly targets victims trafficked for the purpose of exploitive labor and hazardous child labor. Begging was included as a form of exploitation in this agreement, reflecting the regional need to combat this growing problem.[771] This agreement builds on the framework developed under the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action Against Trafficking in Persons, Especially Women and Children, in West and Central African Regions, as well as the multilateral border agreement among Mali, Burkina Faso, Senegal, and Côte d'Ivoire and bilateral trafficking agreements, such as one with Mali (2004).[772] In May 2008, Burkina Faso also ratified the African Charter on the Rights and Welfare of the Child, which includes provisions against child labor.[773]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Since 1997, Burkina Faso has cooperated with NGOs and international organizations on social programs to reduce child labor and provide services to victims of the worst forms of child labor. The Government worked with the Burkina Coalition for the Rights of the Child to raise awareness of the risks to children employed in agriculture, domestic service, the urban informal sector, and in gold-washing.[774] It continued to support such efforts during the reporting period.

The Government participated in a 1 year, $5 million project to issue birth certificates establishing the age of children to help law enforcement officials prevent child labor and child trafficking.[775] Similarly, the Government worked to provide services to street children, including victims of sexual exploitation.[776] Burkina Faso has also been implementing a national action program (2005-2009) to provide rehabilitation services to 80 percent of children withdrawn from the streets.[777]

Burkina Faso has also worked to reduce child labor in gold-mining, by raising awareness of the risks and providing services to help rescue and prevent children from such labor. As part of this effort, the Government continued to participate in a 4-year, $3 million USDOL-funded regional project to combat child labor in small-scale gold mining. The project targets 4,000 children in Burkina Faso and Niger.[778]

Burkina Faso also participated in a 3-year, $4.8 million regional project, funded by France, to provide vocational training and apprenticeship programming to reduce exploitive child labor.[779] The Ministry of Social Action, worked to reduce the trafficking of children by supporting social programs that raise awareness about the trafficking of children and by promoting local, community Vigilance and Surveillance Committees throughout the country.[780]

Burkina Faso worked with a committee of Government representatives, Islamic associations, and other partner organizations to develop strategies to combat child begging.[781] However, more effort will be needed given the scope of this problem to reduce the prevalence of children begging, including those forced to beg under the guise of religious education.

Burkina Faso has met with only limited success in reducing the worst forms of child labor. Despite numerous projects supported by the Government, including those related to improving access to education, efforts to reduce the worst forms of child labor remain minimal compared to the vast number of children trapped in such situations.[782]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Burkina Faso:

IN THE AREA OF LAWS AND REGULATIONS:

- Publicly issue decrees on night work and light work that protect children from the worst forms of child labor.
- Update regulations to facilitate inspections of the agricultural sector, including in homes located on agricultural establishments, where children may be engaged in the worst forms of child labor.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Publicize detailed information on the numbers of inspections, violations, prosecutions, convictions, and sentences for the worst forms of child labor.
- Increase the number of labor inspectors and resources for all agencies involved in enforcing child labor laws.
- Establish one coordinating mechanism that maintains a central database for all government agencies involved in enforcement efforts on the worst forms of child labor.
- Increase training for law enforcement officers, especially for judges.

IN THE AREA OF POLICIES:

- Streamline coordination of policies related to the worst forms of child labor and allot sufficient resources to implement national action plans.
- Assess the impact that other existing development policies may have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to prevent children from hazardous and forced labor in agriculture and begging.

[720] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 2003. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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[722] Y. Diallo, *Les activites des enfants en Afrique subsaharienne: les enseignements des enquetes sur le travail des enfants en Afrique de l'Ouest*, Understanding Children's Work Project, July 2008, 9 and 11. See also Albertine de Lange, *"Going to Kompienga" A Study on Child Labour Migration and Trafficking in Burkina Faso's South-Eastern Cotton Sector*, International Research on Working Children, 2006, 6, 17, 23, 26-28, 36, and 44; available from http://www.childlabour.net/documents/traffickingproject/albertinedelangetraffickingburkina.pdf. See also ILO Committee of Experts, *Individual Observation C129: Burkina Faso (2009)*.

[723] U.S. Department of State, "Burkina Faso (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm. See also de Lange, *Going to Kompienga*.

[724] Diallo, *Les activites des enfants en Afrique subsaharienne: les enseignements des enquetes sur le travail des enfants en Afrique de l'Ouest*, 11.

[725] Ibid. See also UNICEF, *Burkina Faso: Retraining helps children secure safer future outside of the mines in Burkina Faso,* [online] June 8, 2009 [cited March 19, 2010]; available from http://www.unicef.org/protection/burkinafaso_49933.html. See also Integrated Regional Information Networks, "Burkina Faso: Koranic vs. state schools", IRINnews.org, [online], 2009 [cited January 16, 2009]; available from http://irinnews.org/PrintReport.aspx?ReportId=84055.

[726] ILO-IPEC, *Etude transfrontaliere sur le travail des enfants dans les sites d'orpaillage du BF, du Mali, et du Niger: Rapport-pays du Burkina Faso*, Burkina Faso, August 2009, 37-38. See also ILO-IPEC, *Etude sur les questions du genre, le travail des enfants et les pires formes de travail des enfants dans les mines et carrieres: Le cas du Burkina Faso*, Preliminary Report, Burkina Faso, July 2009, 7, 28-29.

[727] ILO-IPEC, *Etude transfrontaliere sur le travail des enfants dans les sites d'orpaillage*, 37-39 and 41.

[728] ILO-IPEC, *Etude sur les questions du genre, le travail des enfants et les pires formes de travail des enfants dans les mines et carrieres: Le cas du Burkina Faso*, 32.

[729] ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Burkina Faso (ratification: 2001),* [online] 2009 [cited February 5, 2010]; available from http://www.ilo.org/ilolex/. See also ILO Committee of Experts, *Individual Direct Request C138: Burkina Faso (2009)*, article 2, para 1. See also UNICEF, *Progress for Children*, August 2009, 22; available from www.unicef.org/publications/files/Progress_for_Children-No.8_EN_081309.pdf.

[730] ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Burkina Faso (ratification: 2001),* [online] 2009 [cited February 5, 2010], article 7, clause (d) 2; available from http://www.ilo.org/ilolex/. See also Integrated Regional Information Networks, "Burkina Faso: Fresh approach to street children", IRINnews.org, [online], 2008 [cited March 19, 2010]; available from http://www.irinnews.org/report.aspx?ReportID=78112. See also UN Human Rights Council, *Compilation Prepared by the Office High Commissioner for Human Rights, in accordance with paragraph 15(b) of the Annex to Human Rights Council Resolution 5/1 - Burkina Faso*, Burkina Faso, October 2008, 7; available from http://www.unhcr.org/refworld/docid/4922a271d.html. See also UN Economic and Social Council, *Summary of midterm reviews of country programmes: West and Central Africa region*, Burkina Faso, July 2009, 3; available from http://www.unicef.org/about/execboard/files/E-ICEF-2009-PL21-WCAR-MTR-E.pdf.

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Burundi

The Government of Burundi successfully completed the demobilization of child soldiers and provided them with short-term care and family reunification services. However, children continue to work in agriculture. Aside from child soldiering, there is little evidence of government programs or policy to combat the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	84.0%
Attending School	5-14 yrs.	41.9%
Combining Work and School	7-14 yrs.	19.1%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Burundi are exploited in the worst forms of child labor,[783] many of them in agriculture.[784] Children in agriculture may be subject to using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides. Children also work 12-hour days in the fishing sector, and herd cattle and goats, where they are exposed to the elements and they work with large or dangerous animals.[785] Other children face dangers in brick making and mining.[786]

In urban areas, children are employed as domestic servants.[787] Children working in domestic service in Burundi are often isolated from the public and receive no remuneration for their work.[788] Some employers seek to avoid paying their servants by accusing the children of criminal activity. Children have suffered incarceration because of false accusations.[789] Children in domestic service may also be vulnerable to long working hours and physical and sexual exploitation by their employers.

Many children also work on the streets as vendors and porters.[790] They face a variety of potential dangers, including carrying heavy loads, physical abuse, and vulnerability to criminals.[791] Children living and working in the streets are sometimes raped, including by older boys who coerce sexual activity in exchange for promising to "protect" their victims.[792] Such sexual activity makes street children vulnerable to HIV/AIDS.[793]

The commercial sexual exploitation of children exists in Burundi.[794] While there is little evidence of large-scale child prostitution, girls are sometimes pushed into prostitution by older women who initially offer free room and board, then force the children into prostitution to pay for their expenses. Male tourists also sexually exploit girls.[795]

Burundian children are trafficked internally for work in agriculture and domestic service.[796] Burundian girls are trafficked for commercial sexual exploitation to Rwanda, Kenya, and Uganda.[797] Burundian children are trafficked into forced labor in Tanzania.[798] Children are also lured under false promises or coerced into forced labor, including in domestic service and agricultural labor, in southern Burundi.[799]

Although Burundi has a history of children being used in combat, during the reporting period the Government successfully finished the process of demobilizing all remaining former child combatants.[800]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for work at 16.[801] As of 2009, a revised Penal Code sets the minimum age for hazardous work at 18. Persons who employ children under age 18 in hazardous labor may be punished with a fine and three to five years of penal servitude.[802] The Government maintains a list of occupations forbidden for children under age 18. It includes work with automobiles, in slaughterhouses, mining minerals, and serving alcohol.[803]

Children are required to attend school until age 12.[804] This standard makes children ages 13 to 14 particularly vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum age for work.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

Burundi's Penal Code makes criminal certain worst forms of child labor, including the recruitment and use of children under age 18 for child pornography or prostitution, or profiting from such practices.[805] The Penal Code also forbids the trafficking of children under age 18 years, as well as agreeing to or profiting from child trafficking.[806] It is also illegal to use children in illicit activities, although there is no specific definition of illicit activities in the Penal Code.[807]

The Constitution prohibits forced labor.[808] From 2009, the Penal Code sets 18 as the minimum age for military recruitment, and makes the military use of children under age 16 a war crime.[809]

Institutional Mechanisms for Coordination and Enforcement

Research foubd no evidence of coordinating mechanisms to combat worst forms of child labor in Burundi.

The Ministry of Labor is responsible for enforcing all labor laws including those on child labor. The Ministry uses criminal penalties, civil fines, and court orders as mechanisms to enforce labor laws.[810]

The Government has trained government officials in child labor law enforcement with help from NGOs and UNICEF.[811] The Ministry of Labor employs 12 inspectors, an inadequate amount given the prevalence of child labor in the country.[812] Inspectors only initiate investigations in response to complaints, although a formal system has not been established to file such complaints.[813] During the reporting period, the Government did not conduct any child labor inspections.[814]

The Brigade for the Protection of Women and Children within the National Police is responsible for enforcing criminal violations of the worst forms of child labor and is mandated to protect children from criminal influences and harm.[815] The Brigade has 100 officers.[816] During the reporting period, the Brigade prosecuted 10 cases of forced sexual exploitation of children and women, and received four new cases.[817]

During the reporting period, the police rescued 13 children from commercial sex trafficking and returned the children to their families. Additionally, the Burundian Government, in coordination with the Tanzanian police, rescued six children from forced labor in Tanzania and arrested one man involved.[818]

Government Policies on the Worst Forms of Child Labor

Research found no evidence of policies to combat the worst forms of child labor in Burundi.[819]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government has implemented social programs to assist former child soldiers, street children, and children exploited in prostitution.

The government-appointed National Commission for Demobilization, Reinsertion and Reintegration (NCDRR) has been responsible for monitoring the demobilization and reintegration of child soldiers since its creation in 2003.[820] During the reporting period, the NCDRR, in collaboration with the U.N., successfully demobilized the remaining 340 child combatants for the rebel National Liberation Force (FNL) and 40 other children associated with FNL dissidents.[821] In previous years, over 3,600 children were demobilized and reintegrated within their communities.[822] Outside funding enabled the Commission to give short-term medical care and counseling to the former child combatants and to return them to their families.[823] The Government also worked with NGOs to provide financial support and free education to the former child soldiers.[824]

The Ministry of Labor worked with UNICEF to counter child labor and the abuse of former child soldiers through raising public awareness of these issues.[825]

The Women and Children's Brigade gave counseling to children in prostitution and facilitated communication between the victims and their parents.[826]

In 2009, the Government established the Municipal Council for Children and Youth (CMEJ), which aims to provide a network of services for street children, former child combatants, and child trafficking victims.[827] The CMEJ began to draft an action plan for their work in 2010.[828]

The Government relies primarily on NGOs to provide care and services for exploited children.[829]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Burundi:

IN THE AREA OF LAWS AND REGULATIONS:

- Raise the age for compulsory education to 16 to harmonize it with the minimum age for employment.
- Amend the Penal Code to include a specific definition for illicit activities.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Develop a system for coordinating efforts to combat the worst forms of child labor.
- Devote additional resources to increase enforcement efforts, including through increasing the number of inspectors, establishing a system for filing complaints, and targeting investigations in sectors where there is a high prevalence of child labor.

IN THE AREA OF POLICIES:

- Develop and make publicly available policies to address the worst forms of child labor directly, and as part of other poverty and child welfare initiatives.

IN THE AREA OF PROGRAMS:

- Provide funding to establish and expand social program to assist children engaged in or at risk of entering the worst forms of child labor, especially for children in agriculture and domestic service.

[783] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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[786] Observatoire Ineza des Droits de l'Enfant au Burundi, *Guide des droits de l'enfant au Burundi*, 31. See also Human Rights Watch, *Paying the Price*, 14.

[787] Human Rights Watch, *Paying the Price*, 5. See also Observatoire Ineza des Droits de l'Enfant au Burundi, *Guide des droits de l'enfant au Burundi*, 31.

[788] Observatoire Ineza des Droits de l'Enfant au Burundi, *Guide des droits de l'enfant au Burundi*, 55.

[789] Human Rights Watch, *Paying the Price*, 14.

[790] Observatoire Ineza des Droits de l'Enfant au Burundi, *Guide des droits de l'enfant au Burundi*, 31, 55. See also Integrated Regional Information Networks, «Burundi: Focus on Street Children», IRINnews.org, [online], June 15, 2004 [cited June 10, 2010]; available from http://www.irinnews.org/Report.aspx?ReportID=50237.

[791] PANA, *Mobilization against Child Labor*. See also U.S. Embassy- Bujumbura, *reporting, February 1, 2010*, 2A. See also Observatoire Ineza des Droits de l'Enfant au Burundi, *Guide des droits de l'enfant au Burundi*, 55. See also Integrated Regional Information Networks, «Focus on Street Children».

[792] Integrated Regional Information Networks, "Focus on Street Children". See also Integrated Regional Information Networks, "Burundi: Sex and drugs leave Bujumbura's homeless at risk of HIV", IRINnews.org, [online], July 11, 2007 [cited June 2, 2010]; available from http://www.plusnews.org/report.aspx?ReportId=73199.

[793] Integrated Regional Information Networks, "Sex and drugs leave Bujumbura's homeless at risk".

[794] U.S. Department of State, "Country Reports- 2009: Burundi," section 6.

[795] U.S. Department of State, "Burundi (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 15, 2010; available from http://www.state.gov/documents/organization/142981.pdf.

[796] U.S. Department of State, "Country Reports- 2009: Burundi."

[797] U.S. Department of State, "Trafficking in Persons Report- 2010: Burundi."

[798] Ibid.

[799] Ibid.

[800] UN Secretary-General, *Children and armed conflict: Report of the Secretary General*, September 10, 2009, I 2; available from http://daccess-ods.un.org/TMP/4216726.html.

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[803] Observatoire Ineza des Droits de l'Enfant au Burundi, *Guide des droits de l'enfant au Burundi*, 31. Ordinance No. 630/1

[804] U.S. Department of State, "Burundi," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from http://www.state.gov/g/drl/rls/hrrpt/2009/af/135941.htm.

[805] Government of Burundi, *2009 Penal Code Revision*, article 515.

[806] Ibid., articles 511, 517.

[807] Ibid., articles 509 and 515.

[808] U.S. Embassy- Bujumbura, *reporting*, January 16, 2009, 2. See also Government of Burundi, *Constitution*, article 45, 26; available from http://www.senat.bi/documents/constitution_bdi_francais.pdf.

[809] ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Burundi (ratification: 2002),* [online] 2010 [cited May 20, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11919&chapter=6&query=Burundi%40ref&highlight=&querytype=bool&context=0. See also Government of Burundi, *2009 Penal Code Revision*, article 198 2 aa. See also, UN Secretary-General, *Children and armed conflict (September 10, 2009)*, para 45.

[810] U.S. Department of State, "Country Reports- 2009: Burundi," section 7d.

[811] Ibid.

[812] U.S. Department of State, "Trafficking in Persons Report- 2010: Burundi." See also World Bank Projects Database, *Population*, accessed August 20, 2010; available from http://data.worldbank.org/indicator/SP.POP.TOTL?cid=GPD_1. See also U.S. Embassy- Bujumbura, *reporting*, February 1, 2009, 2C-2E.

[813] U.S. Department of State, "Country Reports- 2009: Burundi," 7d. See also U.S. Embassy - Bujumbura, *reporting*, February 1, 2010, 2C-2E.

[814] U.S. Embassy - Bujumbura, *reporting, February 1, 2010*, 2C-2E.

[815] UNODC, *Global Report on Trafficking in Persons 2009*, February 2009; available from http://www.unodc.org/documents/human-trafficking/Country_profiles/East_Africa.pdf. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Burundi." See also U.S. Embassy - Bujumbura, *reporting, February 1, 2010*, 2C-2E.

[816] U.S. Embassy - Bujumbura, *reporting, February 1, 2010*, 2C-2E.

[817] U.S. Department of State, "Country Reports- 2009: Burundi," section 6.

[818] U.S. Department of State, "Trafficking in Persons Report- 2010: Burundi." See also U.S. Embassy- Bujumbura, *reporting, February 1, 2010*, 2D.

[819] U.S. Embassy- Bujumbura, *reporting, February 1, 2010*, 2E.

[820] United Nations Disarmament, Demobilization and Reintegration Resource Centre Burundi, *Country Programme: Burundi,* [online] [cited August 23, 2010]; available from http://www.unddr.org/countryprogrammes.php?c=17.

[821] U.S. Embassy- Bujumbura, *reporting, February 1, 2010*, 2D III. See also UN Secretary-General, *Children and armed conflict (September 10, 2009)*, I-2.

[822] UN Secretary-General, *Children and armed conflict (September 10, 2009)*, para 18. See also U.S. Embassy- Bujumbura, *reporting, January 16, 2009*, 1.

[823] U.S. Department of State, "Trafficking in Persons Report- 2010: Burundi."

[824] Olalekan Ajia, "Burundi's last child soldiers homeward bound towards a new life", UNICEF.org, [online], May 15, 2009 [cited May 20, 2010]; available from http://www.unicef.org/infobycountry/burundi_49684.html?q=printme.

[825] U.S. Embassy- Bujumbura, *reporting, February 1, 2010*, 7d. See also U.S. Department of State, "Country Reports- 2009: Burundi."

[826] U.S. Department of State, "Trafficking in Persons Report- 2010: Burundi."

[827] Ibid.

[828] Ibid.

[829] U.S. Embassy- Bujumbura, *reporting*, February 2, 2009, 6B.

Cambodia

Cambodia has strengthened its policy framework to address the worst forms of child labor through implementation of a National Plan of Action on the Elimination of the Worst Forms of Child Labor. However, children continue to perform hazardous work in agriculture and are in danger of being trafficked. Additionally, gaps still remain in Cambodia's enforcement framework due to a limited number of resources and labor inspectors.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Cambodia are exploited in the worst forms of child labor,[830] many of them in agriculture, including on rubber plantations.[831] Children's work in agriculture commonly involves harmful activities, such as use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides. Additionally, children work in a number of occupations the Government has determined to be dangerous, including fishing, portering, rubbish picking, handicraft work, brick making, and working in restaurants and as domestic servants.[832] Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of cassava, coal, gems and tobacco.

Children work in other worst forms of child labor activities such as salt production and shrimp processing.[833] In the salt fields children carry heavy loads, work long hours in the sun, and suffer from cuts on their feet from the salt crystals.[834] Children also work on the street as beggars, vendors, shoe polishers, and scavengers.[835] Street work exposes children to dangers, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Cambodia is a source and destination country for trafficking in children. Cambodian girls are trafficked to Thailand for factory and domestic work and may be forced into prostitution.[836] Cambodian children are trafficked to Thailand and Vietnam for begging, selling candy and flowers on the street, and shining shoes.[837] Girls are trafficked internally and from Vietnam for prostitution.[838] Cambodia is also a destination country for child sex tourism.[839]

Laws and Regulations on the Worst Forms of Child Labor

The Cambodian Labor Law sets the minimum age for employment at 15.[840] Children under 18 are barred from work that is hazardous to their health, safety, and moral development according to a 2004 declaration issued by the Ministry of Labor and Vocational Training (MOLVT).[841] The declaration lists 38 types

of hazardous work, including working underground; lifting, carrying, or moving heavy loads; deep-sea and off-shore fishing; and working near furnaces or kilns used to manufacture glass ceramics or bricks.[842]

MOLVT makes some exceptions to the prohibition of hazardous work. Children 16 and 17 receiving vocational training can work underground and at night under strict supervision.[843] Children as young as 12 are permitted to perform domestic labor as long as the work is not hazardous to their health, safety, or morals and it doesn't involve any of the types of hazardous work specifically prohibited.[844]

While the legal framework provides some protections against the worst forms of child labor, the Labor Law does not prohibit hazardous work in family-based agriculture or family businesses.[845] Additionally, there is no compulsory school age in Cambodia.[846] This leaves children vulnerable to the worst forms of child labor as they are not required to be in school, but are not legally permitted to work either.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	None
	Free Public Education	Yes

Forced or compulsory labor is outlawed in Section 5 of the Cambodian Labor Law.[847] The Law provides for imprisonment of those convicted of these crimes.[848] The Constitution prohibits prostitution and the buying and selling of human beings.[849] In February 2008, the Law on the Suppression of Human Trafficking and Sexual Exploitation took effect. It defines trafficking crimes, criminalizes child prostitution as well as sexual and indecent acts with minors, and specifies fines and prison terms.[850] The minimum age for conscription into military service is 18.[851]

Institutional Mechanisms for Coordination and Enforcement

The Cambodian National Council for Children (CNCC) and its subcommittee for child labor are the main monitoring institutions at the national level on child labor issues.[852] The CNCC also implements and evaluates policies and programs to protect children. The CNCC subcommittee on child labor includes all concerned ministries, businesses, trade unions, and NGOs and coordinates projects and programs with national policy on child labor.[853] Coordination also occurs at the provincial level through the Provincial Committees on Protection of Child Rights and Provincial Committees on Child Labor.[854]

In 2009 the Prime Minister signed a sub-decree forming a single policymaking entity called the National Committee on Suppression of Human Trafficking, Smuggling, and Labor and Sexual Exploitation. The sub-decree combined the National Task Force and High-Level Working Groups on Human Trafficking.[855] The Committee includes representatives from all 18 ministries and the Ministries of Women's Affairs, Social Affairs, Justice, and Labor and Vocational Training hold deputy chairmanships.[856]

The MOLVT and Provincial Labor departments are responsible for enforcing the child-related provisions of the Cambodian Labor Law.[857] The MOLVT has 10 inspectors dedicated to child labor in Phnom Penh and 27 child labor inspection officials at municipal and provincial levels.[858] Given the large number of children working in Cambodia, the number of labor inspectors is insufficient for the scope of the problem. During 2009, child labor training, conducted by the ILO and Winrock International, was provided to 1,270 inspectors, monitors, police officers, parents, local authorities, teachers, and representatives from youth clubs.[859]

Inspectors are reported to lack a budget for transportation, fuel, and other necessities to carry out inspections.[860] The MOLTV conducts routine inspections of some industries, however much inspection is complaint driven.[861]

Enforcement actions are rare and punishments are light. In 2009 there was only one documented child labor violation. It involved an underage garment factory worker.[862] The factory owner was fined for employing a child for full-time work, and the child worker was withdrawn from the factory and placed in vocational training.[863] In cases in which violations are found, it reportedly can take more than one month to resolve child labor cases.[864]

Laws against trafficking, child sexual exploitation, and illicit activities are enforced by the Ministry of the Interior and 24 municipal and provincial Anti-Human Trafficking and Juvenile Protection offices.[865] There are approximately 200 anti-human trafficking police officers at the national level and about 312 officers at the municipal and provincial levels.[866] The Government also partnered with NGOs to train over 4,000 police, social workers, court officials, and other employees on human trafficking.[867] Complaints of human trafficking can be filed through nine anti-trafficking hotlines established by the Ministry of Interior.[868]

Cambodian police investigated 72 human trafficking cases from April through December 2009, arresting 112 perpetrators, and rescuing 473 victims, 105 of which were children.[869] These victims were referred to local NGOs for treatment and rehabilitation. In 2009, IOM identified 144 Cambodian victims trafficked to Thailand, who were mostly children. At the same time, 665 Cambodian child beggars, porters, and other street children were returned from Vietnam and reintegrated into their communities.[870]

Trafficking investigators have office facilities, but often lack transportation, fuel, and other necessities for carrying out investigations.[871]

Government Policies on the Worst Forms of Child Labor

In 2008, the Government, in consultation with stakeholders, approved the National Plan of Action on the Elimination of the Worst Forms of Child Labor 2008-2012 (NPA-WFCL). It aims to reduce the percentage of children ages 5 to 17 in Cambodia who are working from 13 percent in 2005 to 8 percent by 2015, and to eradicate the worst forms of child labor by 2016.[872]

The NPA-WFCL addresses all relevant worst forms of child labor and lays out the specific sectors, regions, and activities in which these worst forms may be found.[873] The Plan reflects the list of prohibited hazardous work through its list of priority sectors including domestic labor, quarrying, brick making, portering, rubber plantation work, salt production, fishing, and mining.[874] The NPA-WFCL also includes a matrix of outputs, activities, implementing agencies, resources, and indicators to articulate how the Government will achieve its objectives in a number of areas including research, policy, enforcement, social mobilization, education, protection, prevention, and withdrawal.[875]

The issue of child labor has also been incorporated into other key development policies. The Cambodia Millennium Development Goals adopts the objective of decreasing the share of children working to 8 percent by 2015.[876] In 2009 the Government began developing its first National Social Protection Strategy, which includes a focus on managing the risks of child labor in its worst forms.[877] The MOLVT also endorsed the ILO Decent Work Country Program, which highlights child labor issues and outlines a framework for enhancing policies, laws, and enforcement mechanisms to protect children.[878] In addition, the MOLVT adopted the first Occupational Safety and Health Master Plan (2009-2013).[879] One of its six priorities is eliminating hazardous child labor.[880]

To confront human trafficking, the Ministry of Social Affairs issued its Policy and National Minimum

Standards for the Protection of the Rights of Victims of Human Trafficking in August 2009. The policy includes guidelines to improve the treatment of victims and mandates training of officials.[881]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Cambodia has participated in donor-funded projects to combat hazardous child labor in fishing, salt production, and brick making as well as eliminate commercial sexual exploitation and child trafficking.[882] A $4.75 million USDOL-funded project, which ended in 2009, facilitated the implementation of the NPA-WFCL and provided technical assistance in the finalization of the list of prohibited hazardous labor.[883] The Government has also participated in two USAID-funded projects to combat trafficking.[884]

Currently, the Government participates in a $4 million USDOL-funded program to withdraw 3,750 children and prevent 4,500 children from the worst forms of child labor in subsistence and commercial agriculture and fishing by providing direct education services.[885] The project works on several of the objectives laid out by the NPA-WFCL, including research, policy development, legislation and enforcement, advocacy, and education.[886] The Government also participates in a $4.3 million USDOL-funded project to develop national capacity to end the worst forms of child labor, including child trafficking, fishing, brick making, salt mining, and working as porters. Its objective is to withdraw 7,200 children and prevent 3,800 children in 15 provinces from the worst forms of child labor.[887] In spite of the Government's efforts to eliminate the worst forms of child labor through social programs, these efforts rely primarily on international donor funding and are at risk of not being sustainable.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Cambodia:

IN THE AREA OF LAWS AND REGULATIONS:

- Institute a compulsory education age.
- Amend laws to protect children from hazardous work in non-commercial and family agriculture and family businesses.
- Provide adequate legal protections for children working in domestic service.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase the number of child labor inspectors and provide them with adequate resources.
- Conduct routine inspections of industries where hazardous child labor is known to occur.
- Provide adequate resources for the enforcement of anti-trafficking laws.
- Complete enforcement actions in a timely manner.
- Ensure that violations of child labor laws are punished adequately.

IN THE AREA OF PROGRAMS:

- Increase support to social programs combating child labor and work to achieve sustainability without international financial support.

[830] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[831] U.S. Embassy- Phnom Penh, *reporting*, January 29, 2010, 1. See also U.S. Department of State, "Cambodia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6d; available from www.state.gov/g/drl/rls/hrrpt/2009/eap/135988.htm.

[832] ILO, UNICEF, and World Bank, *Children's Work in Cambodia: A Challenge for Growth and Poverty Reduction*, December 2006, 19 and 20; available from http://www.crin.org/docs/WB_Child_labour.pdf. See also A. Cruz and L. Ratana, *Understanding Children's Work in Cambodia: Mapping & Costing Current Programmes Targeting the Worst Forms of Child Labour*, Working Paper, UCW, Rome, November 2007, 6; available from http://www.ucw-project.org/pdf/publications/cruz_ratana_WFCL_cambodia.pdf. See also U.S. Embassy- Phnom Penh, *reporting*, June 27, 2008. See also Eleanor Brown, *Out of Sight, Out of Mind? Child Domestic Workers and Patterns of Trafficking in Cambodia*, IOM, January 2007; available from http://www.humantrafficking.org/publications/585.

[833] ILO. *Making Decent Work an Asian Goal: Combating Child Labour in Asia and the Pacific: Progress and Challenges.* ILO, 2005 2005; available from http://www.ilo.org/public/english/region/asro/bangkok/14arm/download/combating.pdf.

[834] Cruz and Ratana, *Understanding Children's Work*, 20.

[835] U.S. Embassy- Phnom Penh, *reporting, January 29, 2010*, 1.

[836] U.S. Embassy- Phnom Penh, *reporting*, February 24, 2010. See also U.S. Embassy- Phnom Penh, *reporting*, February 19, 2009, 2.

[837] U.S. Department of State, "Cambodia (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from www.state.gov/g/tip/rls/tiprpt/2010/142759.htm. See also U.S. Department of State, "Cambodia (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from http://www.state.gov/g/tip/rls/tiprpt/2008/. See also U.S. Embassy- Phnom Penh, *reporting, February 24, 2010*. See also U.S. Embassy- Phnom Penh, *reporting, February 19, 2009*, 5.

[838] U.S. Department of State, "Trafficking in Persons Report- 2010: Cambodia." See also U.S. Embassy- Phnom Penh, *reporting, February 19, 2009*, 3.

[839] Ibid.

[840] Government of Cambodia, *Cambodian Labor Law*, (March 13, 1997), article 177(1); available from http://www.bigpond.com.kh/Council_of_Jurists/Travail/trv001g.htm.

[841] Government of Cambodia, *Prakas on the Prohibition of Hazardous Child Labor*, Prakas No. 106, (April 28, 2004), items 1-2. See also Government of Cambodia, *Cambodian Labor Law*, article 177(2).

[842] Government of Cambodia, *Prakas on the Prohibition of Hazardous Child Labor*, items 1 and 2.

[843] U.S. Embassy- Phnom Penh, *reporting*, January 16, 2009, section 9.

[844] Government of Cambodia, *Prakas on the Prohibition of Hazardous Child Labor*, 1-2, 4.

[845] U.S. Embassy- Phnom Penh, *reporting, January 29, 2010*, 1.

[846] U.S. Department of State, "Country Reports- 2009: Cambodia."

[847] Government of Cambodia, *Cambodian Labor Law*, articles 15 and 16.

[848] U.S. Department of State, "Country Reports- 2009: Cambodia," section 6.

[849] Government of Cambodia, *Constitution of the Kingdom of Cambodia*, (September 21, 1993); available from http://www.embassy.org/cambodia/cambodia/constitu.htm. See also ILO, *Ratifications by Country*, accessed January 28, 2009; available from http://www.ilo.org/ilolex/english/docs/declworld.htm.

[850] U.S. Embassy- Phnom Penh, *reporting, February 19, 2009*, 10, 12.

[851] Coalition to Stop the Use of Child Soldiers, "Cambodia," in *Child Soldiers Global Report 2008*, London, 2004, 81; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

[852] Government of Cambodia, *National Plan of Action on the Elimination of the Worst Forms of Child Labour*, Cambodia, 2008, chapter 3, 2; available from www.childlabor.org.kh/Acrombat/NPA-WFCL%20-%202008-2012%20(English%20Version).pdf.

[853] Ibid., chapter 3, 2.1.2.

[854] Ibid., chapter 3, 2.

[855] U.S. Embassy- Phnom Penh, *reporting*, February 24, 2010, section 3.A.

[856] U.S. Embassy- Phnom Penh, *reporting, January 29, 2010*.

[857] Ibid.

[858] Ibid.

[859] Ibid.

[860] Ibid.

[861] U.S. Department of State, "Country Reports- 2009: Cambodia," section 6d.

[862] ILO, *Better Factories Cambodia 23rd Synthesis Report on Working Conditions in Cambodia's Garment Sector*, 2009, 8; available from http://www.ilo.org/asia/whatwedo/publications/lang--en/docName--WCM_041781/index.htm. See also U.S. Embassy- Phnom Penh, *reporting, January 29, 2010*, 1.

[863] U.S. Embassy- Phnom Penh, *reporting, January 29, 2010*, 1.

[864] Ibid.

[865] Ibid., 2.

[866] Ibid.

[867] U.S. Department of State, "Trafficking in Persons Report- 2010: Cambodia."

[868] U.S. Embassy- Phnom Penh, *reporting, January 29, 2010*.

[869] Ibid.

[870] Ibid., 2.

[871] Ibid.

[872] Government of Cambodia, *National Plan of Action*, 19. See also U.S. Embassy- Phnom Penh, *reporting, January 29, 2010*, 2.

[873] Government of Cambodia, *National Plan of Action*, chapter 2, 3.1 a-e.

[874] Ibid., 22.

[875] Ibid., table 2.

[876] Ministry of Planning Cambodia, *Cambodia Millennium Development Goals: 2005 Update*, Oct, 2005; available from www.mop.gov.kh/Default.aspx?tabid=156.

[877] ILO-IPEC, *To contribute to developing national capacities to achieve the 2015 national chld labor reduction targets and the ILO global targets for ending the Worst Forms of Child Labor in Cambodia by 2016 "Towards Twenty Sixteen: Contributing towards Ending the WFCL in Cambodia"*, Technical Progress Report, Geneva, March 10, 2010, 2.

[878] Ibid., 3.

[879] Winrock International, *Children's Empowerment Through Education Services (CHES)*, Technical Progress Report, Arlington, VA, March 31, 2010, 20.

[880] *The First Occupational Safety and Health Master Plan*, (April 20, 2009), 2, 11; available from http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_112931.pdf.

[881] U.S. Department of State, "Trafficking in Persons Report- 2010: Cambodia."

[882] USDOL, *Support to the Cambodian National Plan of Action on the Elimination of the Worst Forms of Child LAbor: A Timebound Approach*, Technical Cooperation Project Summary, Washington, DC. See also USDOL, *Combating Child Labour in Hazardous Work in Salt Production, Rubber Plantations, and Fish/Shrimp Processing Sectors in Cambodia*, Technical Cooperation Project Summary, Washington, DC. See also USDOL, *OPTIONS: Combating Child Trafficking and Commercial Sexual Exploitation through Education*, Technical Cooperation Project Summary, Washington, DC, 2007.

[883] USDOL, *Support to the Cambodian National Plan of Action on the Eliminaton of the Worst Forms of Child Labor: A Timebound Approach*, ILAB Technical Cooperation Project Summary, Washington, DC, 2007.

[884] U.S. Embassy- Phnom Penh, *reporting, January 16, 2009*, section 24. See also U.S. Embassy- Phnom Penh, *reporting, February 19, 2009*, 8.

[885] USDOL, *Children's Empowerment through Education Services (CHES): Eliminating the Worst Forms of Child Labor in Cambodia*, ILAB Technical Cooperation Project Summary, Washington, DC, 2009.

[886] Winrock International, *Children's Empowerment through Education Services (CHES): Eliminating the worst Forms of Child Labor in Cambodia*, Technical Progress Report, Arlington, VA, March 30, 2009, 2.

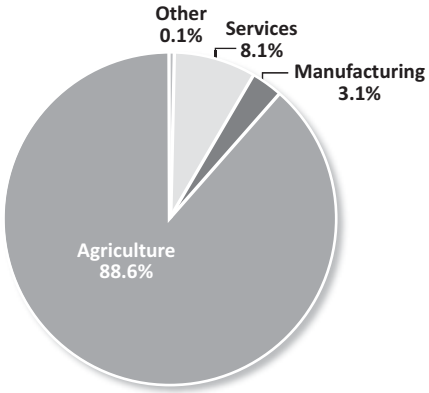
[887] USDOL, *To Contribute to Developing National Capacities to Achieve the 2015 National Child Labor Reduction Targets and the ILO Global Targets for Ending the Worst Forms of Child Labor in Cambodia by 2016: Technical Cooperation Project Summary*, Washington, DC, 2008. See also ILO-IPEC, *To Contribute to the Developing National Capacities to Achieve the 2015 National Child Labor Reduction Targets and the ILO Global Targets for Ending the Worst Forms of Child Labor in Cambodia by 2016*, ILAB Project Document, Washington, DC, September 2008.

Cameroon

The Government of Cameroon participates in projects to combat child labor on cocoa and coffee farms. However, the Government has not adopted comprehensive policies on the worst forms of child labor and there are significant gaps in enforcement of its child labor laws. This may contribute to children continuing to work in agriculture, especially in cocoa production.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	36.5%
Attending School	5-14 yrs.	80.4%
Combining Work and School	7-14 yrs.	7.6%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor[888]

Children are exploited in the worst forms of child labor in Cameroon, many of them working in agriculture, producing goods such as cocoa. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of bananas, coffee, palm oil, rubber and tea. Many children working on farms handle pesticides and sharp tools, till soil, and transport heavy loads.[889] Children also raise livestock where they may risk injury and exposure to long hours and the elements.[890]

Children, primarily girls, work as domestic servants, which may require them to work long hours and expose them to physical and sexual exploitation.[891] Other children work in mines and quarries, carrying sand and breaking stones with rudimentary tools.[892]

In the urban informal sector children carry luggage, sell goods such as cigarettes and water, and drive commercial motorcycles, usually without the proper license, causing frequent accidents. Children working on the streets may be exposed to multiple dangers including severe weather, vehicle accidents, and criminal elements.[893] To a lesser degree, some displaced or street children who live in cities such as Yaoundé and Douala transport drugs and risk being recruited into gangs.[894]

Children in Cameroon are also forced to beg. The practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in Cameroon, especially in the northern region.[895] While some boys receive lessons, others are forced by their teachers to beg and surrender the money that they have earned or perform manual labor, including in agriculture.[896]

Girls are vulnerable to commercial sexual exploitation.[897] While evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of pornography. Some children are exploited in commercial sex tourism in coastal towns such as Kribi and Limbe.[898] Hereditary servitude reportedly persists in northern regions of Cameroon as well.[899]

Child trafficking is also a problem. Most trafficking occurs internally with the highest rate in the northwest region. This may be linked to the customary practice of "confiage," which involves sending a child to a relative or friend for school.[900] Children are trafficked for commercial sexual exploitation and forced labor as domestic servants and in restaurants, bars, and on tea plantations.[901] Children are also trafficked to work on cocoa farms and on the streets.[902] Internationally, children are trafficked to Cameroon from Benin, Nigeria, Chad, Togo, the Central African Republic, Congo, and Niger, for forced labor in street vending, agriculture, fishing, and spare-parts shops. Cameroon also serves as a transit country for children trafficked between Gabon and Nigeria, and from Nigeria to Saudi Arabia.[903]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code and Law No. 017 sets the minimum age for work at 14 and the minimum age for hazardous work at 18.[904] The minimum age law does not extend to children working in non-industrial undertakings, such as agriculture, domestic service, and street vending, even though many children are known to work in these sectors.[905] Children are not permitted to work underground, in restaurants, hotels, and bars, or in any job that exceeds their physical capacity or is longer than 8 hours a day in the industrial sector.[906] However, hazardous activities prohibited to children omit work under water and at dangerous heights, activities often performed by children working in fishing or harvesting bananas.[907]

Children are required to attend school until age 11. This standard makes children ages 11 to 14 particularly vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum age for work.[908]

The Constitution and Law No. 15 prohibit slavery and servitude and Law No. 15 provides penalties for those found to be in violation of the law.[909] Law No. 15 also defines child trafficking and requires authorization from a parent before a child can travel.[910] The Penal Code prohibits forced labor, slavery, trafficking, and procuring prostitutes or sharing the profits from another person's prostitution.[911] However, Cameroon has not criminalized the use of children for illicit activities or the production of pornography or pornographic performances, which are documented worst forms of child labor in Cameroon.[912] Military service is not compulsory and the minimum age for voluntary recruitment is age 18. Children under age 18 years can participate in military service with parental consent.[913]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

To coordinate efforts to combat child labor, the Government uses the inter-agency Consultative Committee to Implement the ILO-IPEC West Africa Cocoa/Commercial Agriculture Programme to Combat Hazardous and Exploitative Child Labour (WACAP) Project. The Committee was established under a previous project with ILO-IPEC titled the "West Africa Commercial Agriculture Project" and is composed of numerous ministries, the Secretariat of State of Defense, General Delegation for National Security, and the Customs Services for both seaports and airports. The Government has also established within the General Delegation for National Security a "vice squad," a special police unit designated to coordinate efforts to combat sex trafficking.[914] The Consultative Committee to Implement the ILO-IPEC/WACAP Project does not meet on a regular basis.[915]

The Ministry of Social Affairs and Labor and the Ministry of Social Insurance lead efforts to enforce child labor laws. Their 58 labor inspectors check registered businesses only, whereas child labor is more common in unregistered enterprises, including agriculture. Enforcement efforts may therefore leave children unprotected.[916] Other agencies also play a role in child labor law enforcement, as well as in criminal law enforcement. The National Commission on Human Rights and Freedoms is charged with investigating human rights abuses and the Minors Brigade is responsible for investigating the use of children in hazardous work and trafficking.[917] The vice-squad also investigates the trafficking of children while the police, *gendarmes* (a military body charged with police duties among civilian populations), and border officials help combat the worst forms of child labor nationwide.[918] Reportedly, the above agencies routinely lack resources to conduct investigations.[919]

The Cameroonian Government does not generally offer training directly to officials responsible for enforcing child labor laws. However, during the reporting period, the National Commission on Human Rights and Freedoms and national and international NGOs provided specialized training on how to identify trafficking victims to some of its law enforcement officers.[920]

At the time of reporting, the Government identified 26 child labor cases, was investigating 18 trafficking cases, and made eight arrests, primarily in the northwest region. Because of these enforcement efforts, 22 children were rescued from the worst forms of child labor. There is no available information on prosecutions or convictions in the child labor and trafficking cases.[921] In Cameroon, there is no complaint mechanism and child labor cases are reported informally.[922]

Government Policies on the Worst Forms of Child Labor

While a number of efforts are underway to develop a National Action Plan, Cameroon does not have a national policy framework to guide and coordinate efforts to combat the worst forms of child labor.[923] Policies such as the National Strategic Plan against Child Trafficking and Multilateral Cooperative Agreement on Trafficking in Persons in West and Central Africa may strengthen measures to combat trafficking; however, the Government of Cameroon has yet to ratify or officially approve these documents.[924]

The Government has included child labor concerns in relevant development agendas and key social policy documents including the recently adopted National Policy Framework Document for the Full Development of the Young Child (2009), which charts needed action in health, education, and protection covering ten programs funded at approximately $40 million.[925] Cameroon also included child labor concerns in its Poverty Reduction Strategy Paper, although this policy does not have budgets or detailed action plans related to the worst forms of child labor.[926] The Government also continued to appoint Child Parliamentarians to provide recommendations on issues related to children, including child labor.[927]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The majority of past government interventions to combat the worst forms of child labor targeted children working on cocoa farms and trafficking.[928] In 2009, the Government continued to support efforts to eliminate the use of child labor on cocoa farms by participating in the four-year Phase II Sustainable Tree Crops Program (STCP), funded by USAID, the World Cocoa Foundation, and the international cocoa industry. The STCP is a public-private partnership that promotes sustainable tree crop systems including coffee, cocoa, and cashews, and contains a component to prevent and eliminate the worst forms of child labor on farms.[929]

The Government also sustained past anti-trafficking efforts by implementing several new initiatives. For instance, Cameroon continued to implement their 2008-2012 cooperative agreement to protect and provide services to child trafficking victims.[930] The Cameroonian Government also collaborated with the governments of Chad, Gabon, Nigeria, Togo, and Benin to fight trafficking by sharing information and broadcasting anti-trafficking information on government radio and television.[931] In addition, by Decree no. 2001/109/PM, the Government mandated the creation of temporary centers for the rehabilitation of children victims of trafficking and sexual exploitation.[932] The Government continued its ongoing program to provide shelter, psychosocial care, and other services to street children and trafficking victims in Maroua, Yaoundé, and Douala, and established civil

status centers in remote rural areas to help issue birth certificates to children to reduce their vulnerability to trafficking.[933]

Other trafficking initiatives include the USDOS-funded anti-child trafficking program to provide training to law enforcement officers, judges, social workers, shelter staff, and community leaders.[934] The Government's National Commission on Human Rights and Freedoms conducted awareness-raising campaigns on human trafficking in partnership with local and international NGOs. The Committee for Justice and Peace of the Episcopal Conference of Cameroon and Catholic Relief Services provided anti-trafficking training to law enforcement officers and magistrates, and it is implementing a 3-year action plan to prevent, protect, and reintegrate trafficking victims.[935]

The Government is also participating in other interventions to combat the worst forms of child labor including a four-year, USDOL-funded, $3.7 million global project to collect data on child labor.[936]

Despite the initiatives described here, Cameroon's social programs are not adequate to tackle the scope of the problem and do not address all sectors where children work.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Cameroon:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Code to cover children working in non-industrial undertakings.
- Prohibit hazardous activities such as work under water and at dangerous heights.
- Enact legislation to prohibit the use, procuring, or offering of children for illicit activities and the use of children in the production of pornography or pornographic performances.
- Raise the age for compulsory education to 14, the established minimum age for work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure the Consultative Committee to Implement the ILO-IPEC/WACAP Project and General Delegation of National Security meet regularly.
- Increase the number of labor inspectors responsible for child labor and allocate more resources to the Ministry of Social Affairs and Labor and the Ministry of Social Insurance.
- Establish a complaint mechanism for child labor violations.
- Gather and making publicly available information about child labor investigations and enforcement.

IN THE AREA OF POLICIES:

- Develop and implement the National Action Plan against Child Labor.
- Ratify the Multilateral Cooperative Agreement on Trafficking in Persons in West and Central Africa and formally adopt and implement the National Strategic Plan against Child Trafficking.

IN THE AREA OF PROGRAMS:

- Develop social protection programs that assist children working in sectors such as agriculture and domestic service and expand existing programs.

[888] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2007. Data on children combining working and schooling are from 2001. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[889] ILO-IPEC, *Rapport: Enquete de base sur le Travail des Enfants dans l'agriculture Commerciale/Cacao au Cameroun*, WACAP, February 2004, 14-18. See also U.S. Embassy- Yaounde, *reporting*, February 26, 2010, para 1, 3. See also Government of Cameroon, *Etude sur le travail des enfants au Cameroun*, Institut National de la Statistique, 2007, 2-3; available from http://www.statistics-cameroon.org/fr/download/Resume_sur_le_travail_des_enfants_29_10_09.pdf. See also American Bar Association official, Interview with USDOL consultant, October 7, 2008. See also U.S. Embassy- Yaounde, *reporting*, June 16, 2008, para 1.

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[906] Ministre du Travail et des Lois Sociales, *Relatif au Travail des Enfants-Arrête No 17, 1969* article 1-21. See also Government of Cameroon, *Document d'Information sur les Mesures de lutte contre les Pires Formes de Travail des Enfants au Cameroon*, Submitted in Response to U.S. Department of Labor Federal Register Notice (November 8, 2007) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", April 30, 2008. See also Government of Cameroon, *Labor Code*, section 80, 82, 86.

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[918] U.S. Embassy- Yaounde, *reporting, February 26, 2010*, para 23. See also U.S. Embassy- Yaounde, *reporting, March 12, 2010*, para 20.

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[925] UN Office of the High Commissioner for Human Rights, *Committee on Rights of Child examines report of Cameroun*.

[926] U.S. Embassy- Yaounde, *reporting, February 26, 2010*, para 33, 35. See also Nkeze Mbonwoh, "Cameroon-UNICEF to Produce Children's Code," *Cameroon Tribune* (Yaounde), November 01, 2007; available from [hard copy on file]. See also IMF, *Cameroon: Poverty Reduction Strategy Paper-Progress Report*, Washington, DC, January, 2008, 49, 52; available from http://preventionweb.net/files/9317_cameroon.pdf.

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[931] U.S. Embassy- Yaounde, *reporting, February 26, 2010*, para 34, 40.

[932] Danpullo, *Socio-Legal Perspective of Child Protection*, 64.

[933] Networks, "Bringing street children back home". See also U.S. Embassy- Yaounde, *reporting, February 26, 2010*, para 39. See also U.S. Embassy- Yaounde official, E-mail communication, March 09, 2010. See also U.S. Embassy-Yaounde, *reporting, March 12, 2010*, para 28.

[934] U.S. Embassy- Yaounde, *reporting, April 23, 2009*, para 4. See also U.S. Department of State, *USG TIP Projects with Funds Obligated in FY 2009,* [online] [cited July 14, 2010]; available from http://www.state.gov/documents/organization/137460.pdf.

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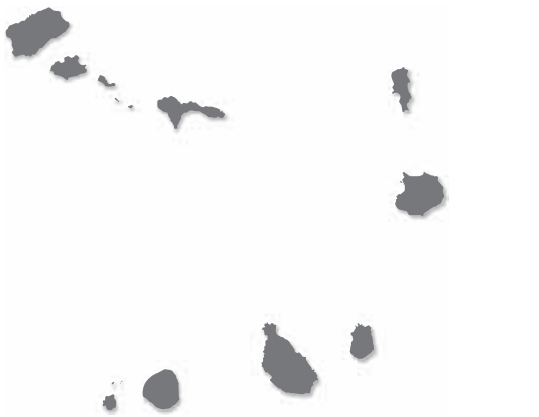
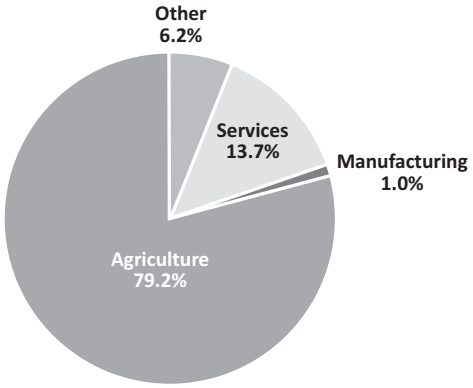
Cape Verde

The Government of Cape Verde provides some legal protections to prevent children from engaging in the worst forms of child labor. However, children continue to engage in work that exposes them to health and safety risks in agriculture, domestic service, and on the streets. Policy to address these problems is lacking, and enhanced enforcement efforts and mechanisms to coordinate them are needed.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	3.2%
Attending School	5-14 yrs.	90.1%
Combining Work and School		Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Cape Verde are engaged in the worst forms of child labor,[937] many of them in agriculture and fishing.[938] Children's work in agriculture may involve the use of dangerous machinery and tools, the carrying of heavy loads, and the application of harmful pesticides. Children working in fishing may face severe weather conditions and drowning.

Children also work as domestic servants, street vendors, and car washers.[939] Child domestic labor may involve long hours of work and may expose children to physical and sexual exploitation by their employer. Children working on the streets may be exposed to severe weather conditions, accidents caused by proximity to vehicles, and vulnerability to crimes.

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for work at 15, but allows children as young as 14 to work for artistic and musical purposes as long as their school attendance, health, and development are not compromised and their employer receives approval from the Ministry of Labor.[940] The Labor Code prohibits hazardous work for those under 18; however, it does not provide a list of hazardous occupations.[941]

The Labor Code also prohibits forced or compulsory labor.[942] The compulsory recruitment age to the armed forces is 18; however, children at age 17 may voluntarily join.[943]

Both the Penal and Labor Codes prohibit child trafficking.[944] The Penal Code criminalizes the advancing, supporting, or facilitating of a minor under 16 for prostitution. The Penal Code also bans the use of a minor under 14 for pornographic purposes.[945] The Penal Code does not fully protect all children under the age of 18 from exploitation in prostitution and pornography.

By law, children must attend school until age 11. The low age for compulsory education may make children 12 to 14 vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum age for work.

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Cape Verde has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Labor, Professional Training, and Social Solidarity's Directorate General and Inspector General of Labor are responsible for enforcing worst forms of child labor laws.[946] During the reporting period, labor inspections were seldom performed. Labor inspectors lack resources to conduct labor inspections throughout the country.[947]

The Ministry of Justice, the Judiciary Police, and the Ministry of Internal Administration are in charge of combating human trafficking and prosecuting criminal violations of child labor laws.[948]

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The One Programme Au Cap-Vert 2008-2010 aims to accelerate economic growth, promote competitiveness, create productive employment, and fight poverty. It has a subprogram administered by UNDP to support national and community institutions to ensure the wellbeing of children.[949] This subprogram is supposed to create a municipal observatory on the rights of the child and to implement an action plan against child labor and exploitation. It is unknown whether these two initiatives are being implemented.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Cape Verde:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Penal Code to fully protect all children under 18 from exploitation in prostitution and pornography.
- Amend the Labor Code to include a list of hazardous occupations for children.
- Raise the age of compulsory education to 15.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordination mechanism to combat the worst forms of child labor.
- Provide adequate resources for enforcement of laws against the worst forms of child labor.

IN THE AREA OF POLICIES:

- Adopt policies to address the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Assess the impact that the One Program Au Cap-Vert 2008-2010 may have on addressing the worst forms of child labor.

[937] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2001-2002. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[938] U.S. Department of State, "Cape Verde," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm.

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[940] Government of Cape Verde, *Boletim Oficial Suplemento*, 5/2007, (October 16, 2007); available from http://www.incv.gov.cv/_publicacoes/geral/B8F21256-A9FC-6EE6-1783F491658675BF19102007024653.pdf. See also Library of Congress official, Letter to USDOL official, March 13, 2008.

[941] U.S. Embassy- Praia, *reporting*, January 21, 2009.

[942] Government of Cape Verde, *Boletim Oficial Suplemento*, article 14.

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Central African Republic

The Government of the Central African Republic implemented a new Penal Code and amended its Labor Code, expanding protections to children in the worst forms of child labor. However, the worst forms of child labor continue to exist. Children continue to work in the streets and they are forcibly recruited into armed militias, some of which may receive government support. There is little evidence to suggest that laws prohibiting the worst forms of child labor are enforced.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	61.1%
Attending School	5-14 yrs.	38.5%
Combining Work and School	7-14 yrs.	30.0%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Central African Republic are exploited in the worst forms of child labor.[950] Many of them are street children engaged in vending and begging.[951] The high rate of orphanhood, including from HIV/AIDS, is believed to be responsible for the displacement of many of these children to the streets.[952] For example, 5,000 children in Bangui live and work in the streets.[953] Street children in Bangui and elsewhere in the Central African Republic risk exposure to severe weather, accidents caused by proximity to vehicles, and vulnerability to the criminal element.[954] Children living in the streets are more susceptible to the worst forms of child labor, including prostitution. Traumatized, uneducated, and rootless, children are also more susceptible to recruitment into soldiering.[955]

Displaced children also work in fields for long hours in extreme heat. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of cassava and peanuts. Children have also been forced to work as porters, carrying stolen goods for bandit groups.[956]

Children, including street children, abandoned children, and those dwelling in urban areas, work in prostitution.[957] Some children also traffic drugs.[958]

Due to protracted conflict, spill-over violence from neighboring countries, and rebel groups, the Government of the Central African Republic has little control over regions outside of the capital.[959] In some cases, villages have formed self-defense groups in order to protect themselves from attacks from various actors, ranging from rebel groups and bandits to government troops.[960] Children are sometimes recruited by some of these self-defense groups. There are concerns that some self-defense groups that use children are supported by the government.[961] Children are also recruited for forced labor and/or soldiering by rebel groups such as the Lord's Resistance Army, (LRA), the *Convention des Patriotes pour la Justice et la Paix*, the *Forces Démocratiques Populaires de Centrafrique*, and the *Mouvement des Libérateurs Centrafricains pour la Justice*.[962] Children abducted by the LRA work as child soldiers and sex slaves.[963] The LRA has trafficked children to and from Sudan, the Democratic Republic of the Congo, and Uganda for work and child

soldiering.[964] Children have been forced to terrorize their own communities, and kill or mutilate civilians.[965] Children from other militias are used as spies, soldiers, or sex slaves.[966]

Children also work in gold and diamond mines, transporting and washing gravel, digging holes, and carrying heavy loads.[967]

Children are engaged in dangerous work in fishing and agriculture, including work on coffee plantations.[968] Children's work in agriculture commonly involves carrying heavy loads and applying potentially harmful pesticides. Fishing commonly involves exposure to waterborne diseases and drowning. Children from indigenous groups, such as the *Ba'aka* (Pygmy) children, are forced into agricultural labor and domestic service.[969]

Children work as domestic servants.[970] Such work may involve long hours, dangerous activities, and exposure to physical and sexual exploitation by their employer.

The Central African Republic is a source and destination country for trafficked children.[971] Along with children trafficked by the LRA, children are trafficked internally for commercial sexual exploitation; domestic service; work in agriculture; restaurants; markets; and mining, including diamond mines.[972] For similar reasons, children are trafficked to and from Cameroon, Nigeria, Chad, the Republic of the Congo, Sudan, and the Democratic Republic of the Congo.[973] Children from Rwanda may also be trafficked to the Central African Republic.[974]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 14.[975] However, children who are at least age 12 may engage in light work, such as some forms of agriculture or domestic service.[976] Children under age 18 are prohibited from working between 10 p.m. and 5 a.m. and from performing certain kinds of work, including work in mines. The law protects children from performing work that involves carrying heavy loads, but the law applies only to children under age 14.[977] Despite these protections, the Government has not issued a more specific list of prohibited hazardous work.[978]

The Mining Code prohibits the employment of children in mining. Violators of this law are subject to imprisonment of 6 months to 3 years, a fine, or both.[979]

The minimum age for compulsory or voluntary recruitment into the Government Armed Forces in the Central African Republic is 18.[980]

In 2009, the Government amended the Labor Code so that it now covers certain worst forms of child labor. Specifically, the new code prohibits the procurement or offering of a child for illicit activities, including the production and trafficking of drugs. It also prohibits the procurement or offering of a child for prostitution and the production of pornography.[981] The new Code prohibits all forms of slavery, forced labor, and bonded labor, and it bans forced or compulsory recruitment of children in armed conflict.[982]

In 2009, the Government of the Central African Republic passed a new Penal Code. The new Code prohibits the procurement of persons of any age for sexual purposes, including assisting in or profiting from prostitution.[983] The amended Penal Code also prohibits human trafficking and prescribes punishments for the offense, including life imprisonment with hard labor for trafficking a minor.[984]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Although the Government of the Central African Republic has established an Inter-Ministerial Committee to Fight Child Exploitation led by the Ministry of Family and Social Affairs, the Ministry of Labor is not included on this committee, and research found no evidence of a coordinating mechanism to combat the worst forms of child labor specifically.[985] The full responsibilities of the inter-ministerial committee are unknown, although the committee is charged with designing the national anti-trafficking policy and coordinating communication among concerned anti-trafficking partners. However, the Minister of Justice suspended the committee's activities and, as a result, the committee has not worked on its responsibilities.[986]

The Ministry of Civil Servants, Labor, and Social Security is charged with the monitoring and enforcement of laws related to forced and hazardous child labor.[987] However, as noted by the ILO Committee of Experts, there has not been a labor administrator to coordinate efforts since 1999.[988]

The Ministry of Civil Service and Labor employs 73 labor inspectors in the Labor Inspection Unit.[989] The Ministry did not process any child labor investigations in 2009, and there is no system in place for the Ministry to track child labor complaints.[990] Financial and human resources needed to enforce child labor laws are lacking. For example, inspectors are required to pay for travel out of their own pocket.[991]

The Ministry of Justice, in coordination with security forces, is responsible for the oversight and investigation of the commercial sexual exploitation of children, child trafficking, and the use of children in illicit activities. However, the ministry does not have sufficient office facilities and transportation to carry out inspections.[992] There is not a specific enforcement program for the commercial sexual exploitation of children, nor are officers specifically dedicated to investigate commercial sexual exploitation cases.[993] It is unclear whether there are specific officers dedicated to trafficking or other worst forms of child labor.[994]

The Government does not have a system in place for identifying victims of trafficking.[995] No investigations, arrests, or prosecutions of those involved in using children in commercial sexual exploitation, trafficking, or illicit activities took place during the reporting period.[996]

In January 2010, a Senior Gendarmerie was tasked by the Deputy Minister of Defense to investigate reports of child soldiers in self-defense militias.[997] However, there is no available information on the result of this investigation.

Government Policies on the Worst Forms of Child Labor

In 2006, the Central African Republic adopted its National Action Plan to Combat Child Sexual Abuse and Exploitation, which includes measures to address sex trafficking. The Government also adopted a National Action Plan designed to combat trafficking in persons, including child trafficking.[998] However, research found no evidence of a policy to combat other worst forms of child labor, including hazardous work, child soldering, and illicit activities.

The Government is also implementing related policies such as the National Action Plan for Education and the National Poverty Reduction Strategy. The question of whether these policies have an impact on the worst forms of child labor does not appear to have been addressed.[999]

The Central African Republic was one of 24 countries to adopt the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.[1000] As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government of the Central African Republic agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.[1001]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of the Central African Republic is partnering with UNICEF to provide two programs aimed at the protection, demobilization, and

reintegration of child soldiers.[1002] One of these programs was reportedly able to demobilize 623 children. However, communities lacked the basic infrastructure necessary to provide schooling to those who were demobilized.[1003]

The Ministry of Family and Social Affairs continued to operate a shelter for children in distress, including victims of trafficking.[1004] This shelter has the capacity to house 35 children.[1005] The shelter lacked the space to accommodate all who sought its services.[1006]

Aside from the limited programs above, the Government does not provide social protection services aimed at children engaged in the worst forms of child labor.[1007]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in the Central African Republic:

IN THE AREA OF LAWS AND REGULATIONS:

- Strengthen legislation to amend the Labor Code to:
- Include a specific list of prohibited hazardous work for children.
- Prohibit children under age 14 from working in agriculture and domestic service.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Provide adequate resources to enforce worst forms of child labor laws, including personnel, vehicles, and office facilities.
- Create a system to identify child victims of trafficking, and provide them with adequate shelter and protection.
- Put in place a mechanism for reporting and monitoring cases of the worst forms of child labor.

IN THE AREA OF POLICIES:

- Adopt a policy that addresses all worst forms of child labor.
- Assess the impact that existing policies such as the National Action Plan for Education and the National Poverty Reduction Strategy may have on addressing the worst forms of child labor.
- Develop and implement national policy to prevent the recruitment of children into illegal armed groups.

IN THE AREA OF PROGRAMS:

- Implement programs that address the worst forms of child labor.

[950] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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[957] Spry-Leverton, *A Cry from the Heart*, 25. See also Ministry of Family and Social Affairs official, Interview with USDOL consultant, July 1, 2005. See also U.S. Department of State, "Country Reports- 2009: Central African Republic," section 7d. See also ILO Committee of Experts, *Individual Direct Request C182: Central African Republic (2010)*.

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[1001] Ibid., 5-13.

[1002] U.S. Department of State, "Trafficking in Persons Report- 2010: Central African Republic."

[1003] U.S. Embassy- Bangui, *reporting, February 17, 2010*, para 2A7-2A10.

[1004] U.S. Embassy- Bangui, *reporting, March 1, 2010*, para 3b.

[1005] Ibid.

[1006] U.S. Department of State, "Trafficking in Persons Report- 2010: Central African Republic."

[1007] Ibid. See also U.S. Embassy- Bangui, *reporting, February 17, 2010*, para 21.

Chad

Chad has not adopted a comprehensive policy framework to combat the worst forms of child labor and its laws do not clearly criminalize the use of child soldiers. Despite official warnings against recruiting child soldiers, all armed forces reportedly continued to use them. Other worst forms of child labor remain a serious problem, especially in agriculture and the forced labor of children as cattle-herders.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	53.0%
Attending School	5-14 yrs.	39.6%
Combining Work and School	7-14 yrs.	30.7%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor[1008]

Children are exploited in the worst forms of child labor in Chad. Many work in agriculture, risking injury from hazardous tasks, such as carrying heavy loads.[1009] Many also work as herders, which puts them at risk of injury while working in isolated areas. In some cases, these children have been contracted out by their parents for multiple years in forced labor situations.[1010] Children also work in the fishing sector, where they risk drowning and injury from sharp tools.[1011]

In the urban informal sector, children work as manual laborers and forgers, risking injury from dangerous tools.[1012] In several towns and especially in the capital, N'Djamena, numerous street children are found begging, doing odd jobs and working at the markets.[1013] Such children are vulnerable to harassment and injury from accidents caused by proximity to vehicles. Children also work as street vendors and domestic servants and may risk physical and sexual abuse from their employers.[1014] Some of these children are sold or bartered by their families to engage in these activities.[1015]

The practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in Chad.[1016] While some boys receive lessons, others are forced by their teachers to beg and surrender the money that they have earned.[1017]

Children in refugee camps in Eastern Chad work outside the camps as laborers on farms and as domestic servants, risking abuse and exposure to injury from carrying too heavy loads.[1018] Children from refugee camps, especially girls, risk sexual abuse while collecting firewood and water outside the camps.[1019] There are also reports of the commercial sexual exploitation of girls in refugee camps and of children in N'djamena.[1020]

In Eastern Chad, some children are forcibly recruited or kidnapped from within refugee camps by Sudanese rebel groups.[1021] Throughout the reporting period, the exploitation of children as child soldiers continued, and some sources reported that during the first quarter of the reporting period it even increased.[1022] Some sources indicate that towards the end of the reporting period, although children were still being conscripted by all forces, this practice was decreasing. There are

also reports of children trafficked across Chad to be soldiers for both the Chadian National Army and rebel groups. Some of these rebel groups operate in Sudan and receive support from the Chadian Government.[1023]

Within Chad, children are trafficked for prostitution and forced labor in domestic service, herding, begging, fishing, and small-scale commerce.[1024] Chadian children are also trafficked to the Central African Republic, Nigeria, and Cameroon for forced labor in cattle herding.[1025] Children may be trafficked from the Central African Republic and Cameroon to Chad's oil-producing regions for commercial sexual exploitation.[1026]

Laws and Regulations on the Worst Forms of Child Labor

According to the Labor Code, the minimum age for work is 14; however, exceptions permit light work in agriculture and domestic service from age 12 and apprenticeships starting at age 13.[1027] The Labor Code also permits exceptions to be established through decrees issued by either the Ministry of Labor and Social Security or the Ministry of Public Health.[1028] According to the ILO Committee of Experts, a decree from 1969 contains a list of hazardous activities specifically prohibited to children under the age of 18. However, this decree does not apply to children in the informal economy where many children work and has not been updated since 1969.[1029] Chadian law makes primary and middle school compulsory but specifies neither an obligatory age nor a set duration of schooling. Consequently, children may finish the period of compulsory education before reaching the legal working age of 14, which may put those children at risk of falling into the worst forms of child labor.

Chad prohibits forced labor, but allows exceptions in circumstances of *force majeure*, such as war.[1030] Since Chad has experienced intermittent conflict for much of the past 50 years, this has allowed children to be recruited into forced labor as soldiers.

The minimum age for voluntary military recruitment is 18, although another law permits minors with a guardian's consent to volunteer for military service, and the minimum age for compulsory recruitment is 20.[1031] Moreover, the use of child soldiers in armed conflict does not appear to be a crime.[1032] The lack of laws and criminal penalties for using child soldiers puts children at risk.

Under the Penal Code, prostitution is illegal and penalties are more stringent for exploiting minors. Offenders may be fined and imprisoned from 2 months up to 2 years, with stiffer penalties of up to 5 to 10 years in prison if the offense was committed by a guardian or relative.[1033] However, if the offense was not committed by a guardian or relative, the limited penalty is up to 2 years of imprisonment for the prostitution of a child which does not reflect the severity of the crime.

There is no specific law on human trafficking in Chad. However, traffickers can be prosecuted under charges of kidnapping, sale of children, and violations of labor statutes.[1034] A draft Criminal Code was developed in 2002 which included provisions to address trafficking and make more types of child sexual exploitation illegal. However, this draft code has not been adopted. Likewise, a draft code on the protection of children was prepared in 2008, but remains pending.[1035] If adopted these new laws would provide protection for children not currently included in the existing Penal Code.[1036]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	Yes
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Although research has found no evidence that the Government of Chad has established a national level coordinating mechanism to combat the worst forms of child labor, there is a National Committee to Fight Against Trafficking. This committee is, comprised of several government agencies and partnered with international agencies. Additionally, each of the 22 regions of Chad reportedly have a technical committee responsible for addressing the worst forms of child labor. These committees include representatives from the Ministries of Education, Public Works, Justice, and Social Affairs and Family as well as a representative from the police.[1037]

The Office of Labor Inspection, with 25 field inspectors and 55 assistant inspectors, is responsible for implementing and enforcing child labor laws. Labor inspectors are deployed to six of the 18 districts in Chad.[1038] No statistics on the number of inspections that were conducted or training for labor inspectors are available.[1039] Labor inspectors are only deployed to one-third of the country's districts hindering enforcing of worst forms of child labor laws, while the lack of statistics precludes assessing the effectiveness of labor inspector actions.

Chad has a National Committee to Fight Against Trafficking along with special police units responsible for both investigating and enforcing laws that relate to the offenses of prostitution traffickers.[1040] Inspectors from the Chadian National Army are responsible for investigating reports of child soldiers. Ministry of Human Rights officials have also been trained to help identify child soldiers.[1041] However, no law enforcement statistics are publicly available and there is no evidence of prosecutions for trafficking or other worst forms of child labor during the reporting period. Likewise, there were no military officials investigated or prosecuted for the use of child soldiers during the reporting period.[1042] There are only 150 judges in all of Chad and they lack relevant infrastructure resulting in a judicial system that is ill equipped to prevent the worst forms of child labor.[1043]

Government Policies on the Worst Forms of Child Labor

Research found no evidence that the Government of Chad has established a policy framework for the elimination of the worst forms of child labor. Although a national action plan was drafted in 1999, it has not been adopted.[1044] With UNICEF funding, the Ministry of Justice also drafted an "Integrated Action Plan to Fight the Worst Forms of Child Labor" (2008-2010). Although this plan has not been adopted, the Ministry works collaboratively with GOC and other partners to complete the activities outlined within.[1045]

In 2007, the Chadian Government and UNICEF signed an agreement to demobilize child soldiers among the various armed groups engaged in the conflict throughout Chad, and to repatriate Sudanese children who have been forcibly recruited.[1046] Subsequent efforts to address this have received only intermittent support[1047] Nonetheless, in 2009, Chad took a preliminary step by officially condemning the use of child soldiers.[1048] There were 240 child soldiers removed during the course of the year, some of whom received rehabilitation services. Commanders were also warned of the need to cease recruiting child soldiers or risk a loss in rank.[1049] In June 2010, Chad took further steps to reduce the use of child soldiers by hosting a regional conference at which all participants signed the N'Djamena Declaration. This Declaration notes the intent to eliminate the practice of child soldiers by those governments and in their territory; however, given the continued existence of conflict along the borders with Sudan and the Central African Republic, the resultant refugee camps, the internal conflict in Chad, and the established tradition of child soldiers in Chad, whether this Declaration will lead to new steps curtailing this problem remains an open question.

In a joint initiative with the Islamic Committee and masters at Koranic schools, the Government has developed a program to prevent male students from being exploited in worst forms of child labor.[1050] Chad also adopted a 10-year plan (2004-2015) to improve access to education, which could prevent more

children from being exploited in the worst forms of child labor.[1051]

As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government of Chad agreed in 2006 to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.[1052] With the exception of limited services provided to some children who had been trafficked as child soldiers, there is no evidence of Chad supporting the commitments it made under this agreement.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Chad has worked with partner organizations to implement social programs, for example such a program was begun in 2002 to reduce forced child labor in herding.[1053] During the reporting period, a multi-actor group, coordinated by the National Justice and Peace Commission that includes NGOS as well as the Ministry of Labor and Justice, hosted awareness raising events for communities with information on the harmful nature of child domestic service and herding.[1054]

Chad faces many challenges in providing access to education, including shortages of functioning schools and teachers and teacher absenteeism.[1055] As of 2008 in the southeastern area of Dar Sila, only 18 out of 326 villages had functioning schools.[1056] The Government is taking steps to address this by building additional schools and permitting local communities to hire and pay their own teachers.[1057] However lack of access to education traps children in the worst forms of child labor.[1058]

Programs to combat the worst forms of child labor are few and too limited in scope to address the magnitude of the problem, particularly in agriculture, herding, domestic service, and child soldiering.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Chad:

IN THE AREA OF LAWS AND REGULATIONS:

- Draft and adopt a law that criminalizes all use of children under age 18 in armed conflict.
- Amend the Labor Code to protect children under the age of 18 from being forced into labor under any circumstances.
- Strengthen penalties for the prostitution of children.
- Adopt the draft Child Protection Code.
- Adopt the draft Criminal Code provisions designed to protect children from trafficking and sexual exploitation.
- Review and update the list of hazardous occupations and impose appropriate penalties for violations.
- Amend the law to establish a clear age for compulsory education that at least matches the minimum age (14) of employment.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Fulfill the responsibilities committed to in the June 2010 N'Djamena Declaration on eliminating all use of child soldiers by the national army or government-supported rebel groups and take steps to address the use of child soldiers by all rebel groups in Chad.
- Establish a coordination mechanism to combat the worst forms of child labor.
- Expand labor inspection coverage to all of the country's 18 districts.
- Provide law enforcement officials and judges with adequate resources to enforce laws against worst forms of child labor. Publish statistics regarding the enforcement of worst forms of child labor laws, including the number of complaints, investigations, prosecutions, convictions and sentences.

IN THE AREA OF POLICIES:

- Adopt a National Action Plan to effectively target the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Develop programs to prevent the recruitment of children into armed forces and militias and demobilize those currently engaged in child soldiering.
- Establish and expand programs providing services to children in worst forms of child labor, especially in agriculture, herding, domestic service and forced begging by:
- Providing programs that strengthen the livelihoods of families of child laborers.
- Raising awareness on the importance of education. Addressing the lack of schools, resources, and trained teachers, as well as teacher absenteeism.

[1008] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2004. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported here, which may or may not include the worst forms of child labor. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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[1010] ILO Committee of Experts, *Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Chad (ratification: 2000),* [online] 2009 [cited March 8, 2010]; available from http://www.ilo.org/ilolex/. See also Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Chad*, CRC/C/TCD/2, June 7, 2007, 28, para 144; available from http://www.unhcr.org/refworld/publisher/CRC.html. See also U.S. Embassy -N'djamena, *reporting*, February 8, 2010, para 7.

[1011] U.S. Department of State, "Country Reports- 2009: Chad," section 7d. See also Deuzoumbe Daniel Passalet, *Etude sur les efforts du Gouvernement tchadien dans la lutte contre les pires formes du travail des enfants au Tchad*, 12 and 13.

[1012] U.S. Department of State, "Country Reports- 2009: Chad," sections 6 and 7d. See also Deuzoumbe Daniel Passalet, *Etude sur les efforts du Gouvernement tchadien dans la lutte contre les pires formes du travail des enfants au Tchad*, 12-13. See also Daniel Deuzoumbe Passalet, *A Situational Analysis of Commercial Sexual Exploitation of Children in Chad*, online, in ECPAT International, March, 2003, 7; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/rabat/index.asp.

[1013] Franciscans International, *Alternate report Submitted to the 96th Session of the Committee on Human Rights: Chad*, May, 2009, 5; available from www2.ohchr.org/english/bodies/hrc/docs/ngos/FI_Chad96.doc. See also Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Chad*, CRC/C/TCD/CO/2, February 12, 2009, 17 para 75; available from http://www.unhcr.org/refworld/docid/49a514ea2.html.

[1014] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Second Periodic Report*, Chad, December 2007, 54, para 290; available from http://daccess-dds-ny-un.oug/doc/UNODC/GEN/G09/402/71/PDF/G0440271.pdf. See also Synapostel, *Tchad: la questions des enfants bouviers et domesticques, une urgence nationale*, September 17, 2009; available from www.africaefuture.org/synapostel/html/765.html. See also Deuzoumbe Daniel Passalet, *A Situational Analysis of Commercial Sexual Exploitatioin in Chad*, ECPAT International, N'Djamena, March 2003, 7.

[1015] U.S. Embassy-N'djamena, *reporting*, February 18, 2010, Section 2 para 25 (B and D).

[1016] Human Rights Council United Nations General Assembly, *National Report Submitted in Accordance with Paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1* A/HCR/WG.6/5/TCD/1, February 16 2009 2009, 8 para 40; available from http://www.unhcr.org/refworld/docid/49d1f6cd0.html. See also Peter Easton, "Education and Koranic Literacy in West Africa," *IK Notes* no. 11 (August 1999); available from http://www.worldbank.org/afr/ik/iknt11.pdf. See also IOM, *Traditional Practices Being Abused to Exploit Children in West Africa, Warns IOM,* [online] 2006 [cited January 26, 2009]; available from http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007.

[1017] U.S. Department of State, "Country Reports- 2009: Chad," sections 6 and 7d. See also United Nations General Assembly, *National Report of Human Rights Council Resolution*, 8 para 40.

[1018] UNICEF, *Child Alert Darfur*, Report, December, 2005, 16; available from http://www.unicef.org/childalert/darfur/Child%20Alert%20Darfur.pdf. See also Christian Children's Fund Chad, *Knowledge, Attitudes and Practices Survey: Eastern Chad*, CCF, N'Djamena, January 2006, 21, 22, 29, and 30; available from http://www.christianchildrensfund.org/uploadedFiles/Public_Site/news/Relief_professionals/KAP_Chad.pdf.

[1019] Human Rights Watch, *Chad: Events of 2009*, January 20, 2010; available from http://www.hrw.org/en/world-report-2009/chad?print. See also Amnesty International, *Refugee women in Chad face high levels of rape despite UN presence*, September 30, 2009; available from http://www.amnesty.org/en/news-and-updates/report/refugee-women-chad-face-high-levels-rape-despite-un-presence-20090930.

[1020] Child Rights Information Network, *Child Rights References in the Universal Periodic Review: Compilation of UN Information*, May 5, 2009; available from http://www.crin.org/resources/infoDetail.asp?ID=21761&flag=report. See also Amnesty International, *Refugee women in Chad*

face high levels of rape despite UN presence. See also U.S. Department of State, "Chad (Tier 3)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/g/tip/rls/tiprpt/2009.

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[1022] U.S. Embassy-N'djamena, *reporting, February 18, 2010*, Section 2 para B (2) and Section 7 para 33. See also Integrated Regional Information Networks, "Chad: Instability threatens demobilisation of child soldiers", IRINnews.org, [online], April 16, 2009 [cited January 22, 2009]; available from http://www.irinnews.org/printreport.aspx?reportId=83963. See also United Nations Special representative of the Secretary-General for Children and Armed Conflict, *Children and Armed Conflict: Developments in Chad*, April, 2009; available from www.un.org/children/conflict/english/chad.html.

[1023] U.S. Department of State, "Trafficking in Persons Report- 2009: Chad." See also United Nations Special representative of the Secretary-General for Children and Armed Conflict, *Children and Armed Conflict: Developments in Chad*.

[1024] U.S. Department of State, "Trafficking in Persons Report- 2009: Chad." See also Michael Didama, "Traites des enfants au Tchad", IPS, [online], April 7, 2007 [cited March 9, 2010]; available from http://www.infosud.org/spip.php?page=print_article&id_article=1499.

[1025] U.S. Department of State, "Trafficking in Persons Report- 2009: Chad."

[1026] Ibid.

[1027] Government of Chad, *Code du travail*, December 11, 1996, articles 18 and 52; available from www.droit-afrique.com/images/textes/Tchad/Tchad%20-%20Code%20du%20travail.pdf See also Deuzoumbe Daniel Passalet, *Etude sur les efforts du Gouvernement tchadien dans la lutte contre les pires formes du travail des enfants au Tchad*, 10-11. See also ILO NATLEX National Labor Law Database, *Décret no 55/PR-MT JS-DTMOPS du février 1969 relatif au travail des enfants*, accessed January 21, 2009; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=fr&p_country=TCD&p_classification=04&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY.

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[1030] Government of Chad, *Code du travail*, article 5.

[1031] Government of Chad, *Ordonnance No. 001/PCE/CEDNACVG/91, portant reorganisation des Forces Armees*, January 16, 1991, article 14. See also Government of Chad, *Ordonnance No. 006/PR/92, portant statut general des militaires*, April 28, 1992, article 52. See also Coalition to Stop the Use of Child Soldiers, "Chad," in *Child Soldiers Global Report 2008*, London, 2008, 1; available from http://www.child-soldiers.org/document/get?id=1335.

[1032] Law Library of Congress, *Chad: Child Labor Laws*, Washington D.C., May 2010.

[1033] Government of Chad, *Ordonnance No. 12-67-PR-MJ, portant promulgation d'un code penal*, May 21, 1969, article 279-282. See also ILO Committee of Experts, *Direct Request C182: Chad (2009)*, para 1, Clause (b) 1. See also Government of Chad, *Violence contre les enfants: reponses du Gouvernement du Tchad*, N'Djamena, September, 2004, 12 and 13. See also Deuzoumbe Daniel Passalet, *Etude sur les efforts du Gouvernement tchadien dans la lutte contre les pires formes du travail des enfants au Tchad*, 12. See also U.S. Department of State, «Country Reports- 2009: Chad,» section 5.

[1034] U.S. Department of State, "Country Reports-2009: Chad," section 6. See also Government of Chad, *Code penal*, article 286. See also Integrated Regional Information Networks, "Chad-Sudan: Legal Framework a Hindrance in 'Child Trafficking' Case", IRINnews.org, [online], November 1, 2007 [cited January 22, 2009]; available from http://www.irinnews.org/printreport.aspx?reportId=75096 [cited February 22, 2010].

[1035] Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Chad*, 13 para 20 and 14 para 22. See also U.S. Embassy - N'djamena, *reporting, February 8, 2010*, Part 2B, para 11.

[1036] ILO Committee of Experts, *Direct Request C182: Chad (2009)*, para 1, Clause (b) 2.

[1037] U.S. Embassy-N'djamena, *reporting, February 18, 2010*, Section 2 para 26 B.

[1038] U.S. Embassy - N'djamena, *reporting*, February 12, 2010, Part 2c (14). response 5

[1039] ILO Committee of Experts, *Individual Observation, Labour Inspection Convention, 1947 (No. 81) Chad (ratification: 1965),* [online] 2009 [cited March 8, 2010]; available from http://www.ilo.org/ilolex/. See also ILO Committee of Experts, *Submission to the Competent Authorities: Chad,* [online] 2009 [cited March 8, 2010]; available from http://www.ilo.org/ilolex.

[1040] U.S. Embassy-N'djamena, *reporting, February 18, 2010*, Section 5 para 29 C. See also Child Rights Information Network, *Child Rights References in the Universal Periodic Review: Compilation of UN Information*. See also U.S. Embassy - N'djamena, *reporting, February 12, 2010*, Part 2D Response 3 and Response 12

[1041] Child Rights Information Network, *Child Rights References in the Universal Periodic Review: Compilation of UN Information*. See also U.S. Embassy - N'djamena, *reporting, February 12, 2010*, Part 2D Response 3 and Response 12.

[1042] U.S. Embassy-N'djamena, *reporting, February 18, 2010*, Section 3 para 27 (E and I). See also U.S. Embassy - N'djamena, *reporting, February 12, 2010*, Part 2C (14), responses 5- 12.

[1043] U.S. Embassy-N'djamena, *reporting, February 18, 2010*, Section 2 para 26 (C and F). See also U.S. Department of State, "Trafficking in Persons Report- 2009: Chad."

[1044] Child Rights Information Network, *Child Rights References in the Universal Periodic Review: Compilation of UN Information*, OHCHR Summary, Para 4. See also ILO Committee of Experts, *Direct Request C182: Chad (2009)*.

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[1046] UNICEF, *UNICEF supporting former child soldiers to forge new lives in Chad*, News from the Field, February 16, 2010; available from http://www.unicefusa.org/news/news-from-the-field/former-child-soldiers-find.html..

[1047]UNICEF, *UNICEF supporting former child soldiers to forge new lives in Chad, News from the Field*. See also U.S. Embassy -N'djamena, *reporting*, December 14, 2009.

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[1049] UN Committee on the Rights of the Child, *Reponses écrites du gouvernement du Tchad à la liste des points à traiter (CRC/C/TCD/Q2) à l'occasion de ;'examen du deuxième rapport du Tchad (CRC/C/TCD/2)* CRC/C/TCD/Q/2/Add.1, January 8, 2009, 6; available from http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.TCD.Q.2.Add.1_fr.pdf.

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[1052] Committee on the Rights of the Child, *Replies of the Government of Chad to the List of Issues to be Taken up in Connection with the Consideration of the Initial Periodic report of Chad (CRC/C/TCD/1)* CRC/C/TCD/Q/1/Add.1, January 20, 2009, 9 Question 13 para 38-40; available from http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.TCD.Q.1.Add.1_en.pdf.

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[1056] Human Rights Watch, *Chad: They Can't Go Home Again*, June 19, 2009; available from http://www.hrw.org/en/news/2009/06/19/chad-they-can-t-go-home-again.

[1057] UN Committee on the Rights of the Child, *Report Submitted by State Party: Second Periodic Report CRC*, 48. See also UNESCO, *Universal Primary Education in Africa: The Teacher Challenge*, 2010, 84; available from http://unesdoc.unesco.org/images/0018/001866/186643e.pdf.

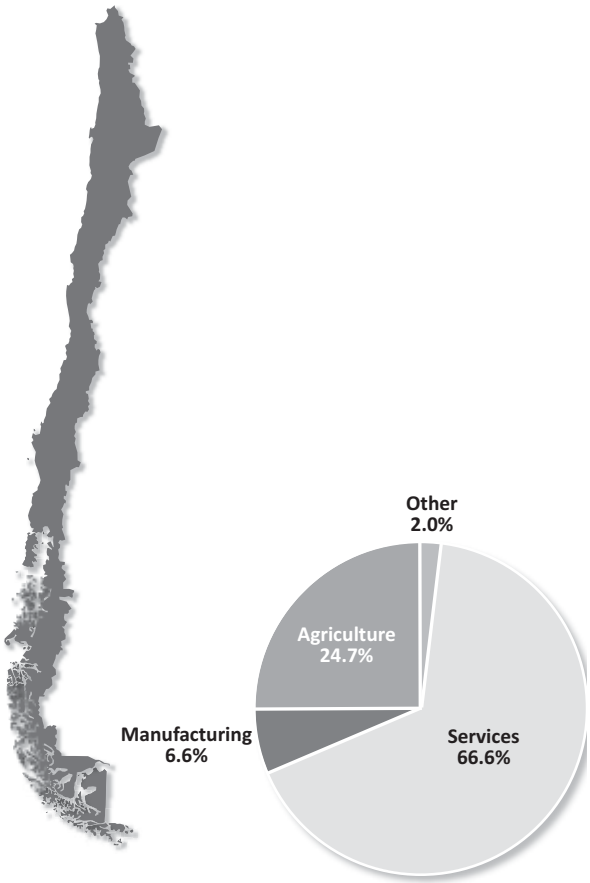
[1058] UNESCO, *Universal Primary Education in Africa: The Teacher Challenge*, 155-157.

Chile

The Government of Chile has a nationwide network of programs to assist children in the worst forms of child labor and has incorporated the goal of reducing child labor into some social protection programs. A gap in the legal framework remains, however. Chilean law outlaws the production and trafficking of drugs, but does not provide for specific additional penalties for adults who involve children in these illicit activities. In addition, children are still found in the worst forms of child labor, most commonly in urban informal work and commercial sexual exploitation.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	3.5%
Attending School	5-14 yrs.	97.2%
Combining Work and School	7-14 yrs.	4.0%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

While rates of child labor are relatively low in Chile,[1059] some children may be exploited in the worst forms of child labor, particularly in the urban informal sector and commercial sexual exploitation.[1060]

In urban areas of Chile, boys carry loads in agricultural loading docks and assist in construction activities, while girls can be found selling goods on the street. These activities may carry the risk of injury and accidents as they require high physical exertion and, in the case of work on the streets, exposure to densely-transited areas with the risk of vehicle accidents.[1061] Girls also work as domestic servants where they may be vulnerable to physical and sexual abuse.[1062] The commercial sexual exploitation of children (CSEC)—girls and boys—is a problem in Chile. Cities where CSEC takes place include Santiago and Valparaiso where children are exploited in both open areas, such as parks, as well as in hidden venues, including bars and dance clubs.[1063]

Children in rural areas, including those of indigenous descent, are involved in caring for farm animals, as well as harvesting, collecting, and selling crops, such as wheat, potatoes, oats, pine nuts, and quinoa (a plant native to South America). Agricultural work may involve handling pesticides and exposure to extreme weather conditions.[1064]

Children in Chile are exploited in other types of activities constituting the worst forms of child labor. For example, in the border area with Peru and Bolivia, children are used to transport drugs.[1065] Children are trafficked internally for the purpose of commercial sexual exploitation.[1066]

Laws and Regulations on the Worst Forms of Child Labor

In 2007, the Government revised the Labor Code, raising the minimum age for work to 18 and to 15 for light work. In 2009, Chile updated a list of 27 types of work that are dangerous and prohibited to children

under the age of 18 due to their nature and conditions, such as work underground or underwater, work with toxic chemicals and handling heavy machinery.[1067]

Chilean laws prohibit slavery and forced labor.[1068] The Penal Code prohibits child trafficking across national boundaries for the purpose of sexual exploitation. Other legislation is used to prosecute internal trafficking of children for both forced labor and commercial sexual exploitation.[1069] The Penal Code prohibits all activities related to the prostitution of children and all activities related to child pornography, including its production, distribution, and possession.[1070] The minimum age for compulsory military service in Chile is 18 years.[1071]

Chilean law outlaws the production and trafficking of drugs, but does not provide for specific additional penalties for adults who involve children in these illicit activities.[1072]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	18
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	17
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Government of Chile operates a National Advisory Committee to Eradicate Child Labor, headed by the *Servicio Nacional de Menores* (National Service for Children or SENAME), which is charged with implementing a national plan against child labor. The participating ministries include the Ministry of Labor, the Ministry of Education, the Ministry of Justice, the Ministry of Agriculture, the National Statistics Institute, among others.[1073] SENAME monitors the incidence of the worst forms of child labor through a national registry, which receives information on cases identified by the Ministry of Labor, the *Policia de Investigaciones* (national investigations police), the *Carabineros* (national uniformed police), and by SENAME's social programming. The registry serves as a means to track the incidence of the worst forms of child labor throughout the country.[1074] In 2009, the registry received reports of 289 cases of children and adolescents involved in the worst forms of child labor. In addition, all of the provinces in the country have Regional Committees for the Prevention and Eradication of Child Labor, and are led by the regional Ministries of Labor.[1075]

The Government also operates an Interagency Working Group on Trafficking in Persons, which has the responsibility of coordinating the Government's anti-trafficking efforts and is headed by the Ministry of the Interior. Members include law enforcement agencies, the Public Ministry, the Ministry of Foreign Relations, the Ministry of Justice, and the National Service for Minors, among others.[1076]

The Ministry of Labor is charged with enforcing child labor laws and employs approximately 360 labor inspectors who inspect all types of labor violations, including child labor. From January to October 2009, the Ministry of Labor imposed sanctions in 47 cases of child labor.[1077]

While the Ministry of Labor is responsible for enforcing labor laws, a number of agencies, including SENAME, the Ministry of Health, and the police have roles to play in enforcing laws related to the worst forms of child labor and in identifying children exploited in such situations.[1078] For example, Chile's National Police has a Department of Minors' Police with 103 officers dedicated to minors' issues, who identify children in the worst forms of child labor and refer them to the SENAME.[1079]

A number of Government agencies are likewise charged with enforcement of CSEC and TIP laws, including the national Investigations Police, the Public Ministry, and the National Uniformed Police.[1080] Chile's Investigations Police oversees regional sex crimes offices, which investigate the commercial sexual exploitation of children.[1081] Chile's Public Ministry investigated 333 cases of commercial sexual exploitation of children and criminal courts handed down 72 convictions. Of the 333 cases and 72 convictions, 108 cases and 16 convictions involved trafficking in persons. In 2009, 450 officials from Chile's police forces were trained in handling cases of commercial sexual exploitation of children, and resources dedicated to detecting child prostitution were increased.[1082]

The Government along with IOM conducted eight training sessions for over 600 law enforcement officials, prosecutors, and prison officials on detecting and prosecuting cases of trafficking in persons.[1083]

Government Policies on the Worst Forms of Child Labor

As part of its National Policy on Childhood (2001-2010), the Government of Chile updated its national child labor action plan in 2007 to include goals focusing on protecting child and adolescent workers.[1084] In September 2009, the Government signed an agreement with ILO to integrate the issue of child labor into the country's social protection system. The policy calls for both preventive actions and measures to remove children from the worst forms of child labor.[1085] In June 2009, the Ministry of Labor signed an agreement with the Confederation of Production and Commerce (CPC), one of the country's largest business associations, to collaborate in the fight against child labor. The CPC committed to distributing guides to employers on eliminating child labor.[1086] The Government of Chile adopted the 2006-2010 United Nations Development Assistance Framework, which among other goals aims to build government capacity to combat child labor through effective policies and programs.[1087]

On the regional level, Chile has signed agreements with other regional governments to address issues of the commercial sexual exploitation of children and child trafficking. For example, the Government and other associates and member governments of MERCOSUR are carrying out the *Niño Sur* ("Southern Child") initiative to protect the rights of children and adolescents in the region.[1088] Chile's National Tourism Service is part of the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism, which conducts prevention and awareness-raising campaigns to combat the commercial exploitation of children in Latin America.[1089] In 2009, Chile's National Tourism Service (SERNATUR), SENAME, and ILO signed an agreement to combat child sex tourism. The Government of Chile has a bilateral agreement with Bolivia to combat the worst forms of child labor, with a special emphasis on child trafficking.[1090]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Chile operates a number of programs to prevent and remove children from the worst forms of child labor.[1091] SENAME assists disadvantaged youth and children at-risk of or engaged in the worst forms of child labor through its 47 specialized integral intervention programs throughout the country.[1092] In addition, SENAME operates an additional 14 specialized programs, which include psychosocial and education services to assist child victims of commercial sexual exploitation including 1,062 children. During the reporting period, SENAME carried out trainings for officials from SERNATUR on child sex tourism.[1093] The funding for all SENAME intervention programs was $8 million during the reporting period.[1094] SENAME's programs to address the issue were funded, sustainable, and reached their goals, although additional interventions may be needed, given the scope and magnitude of commercial sexual exploitation of children in Chile.

The Ministry of Education operates educational reinsertion programs for vulnerable children, including child laborers, in 13 regions, and served 1,100 children during 2009. In addition, the Ministry of Education oversees a bilingual education program that aims to increase the quality of education available to indigenous children and increase communities' involvement in the educational process.[1095] The Government's Ministry of Planning runs the *Programa*

Puente (Bridge Program), which assists families living in extreme poverty by facilitating families' access to Government social services, including health, education, and cash transfers. One of the objectives of the program is to combat child labor.[1096] In addition, the Government participates in a 4-year $3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.[1097]

The Government of Chile has a range of sustainable services and programs to assist the most vulnerable children. The programs have nationwide coverage and the capacity to reach children in many of the worst forms of child labor, particularly those at-risk or victims of commercial sexual exploitation.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Chile:

IN THE AREA OF LAWS AND REGULATIONS:

- Strengthen legal protections for children from the worst forms of child labor by specifically forbidding the procurement of children for illicit activities, such as drug production or trafficking.

IN THE AREA OF PROGRAMS:

- Implement awareness raising efforts in border areas to prevent the recruitment of children into drug transport.

[1059] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. All data provided are from 2003. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report

[1060] ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Chile (ratification: 2000),* [online] 2009 [cited February 28, 2010]; available from http://www.ilo.org/ilolex/english/newcountryframeE.htm. See also ILO-IPEC and Colegio de Profesores de Chile A.G., *Trabajo Infantil y Pueblos Originarios en Chile*, 2005, 7-8, 16, 45; available from http://white.oit.org.pe/ipec/boletin/documentos/pueblos_originarios_ch.pdf. See also ILO-IPEC, *La Demanda en la Explotación Sexual Comercial de los Adolescentes: el Caso de Chile* 2007, 69-79; available from http://white.oit.org.pe/ipec/documentos/est_demanda_esci_cl.pdf.

[1061] U.S. Embassy- Santiago, *reporting*, February 13, 2009. See also ILO-IPEC and A.G., *Trabajo Infantil y Pueblos Originarios en Chile*, 28.

[1062] ILO-IPEC and A.G., *Trabajo Infantil y Pueblos Originarios en Chile*, 28.

[1063] OHCHR, *Consideration of Reports Submitted by States Parties under Article 12(1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* 2008, 5; available from http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-OPSC-CHL-CO-1.pdf. See also ILO-IPEC, *La Demanda en la Explotación Sexual Comercial de los Adolescentes: el Caso de Chile* 69-72.

[1064] ILO-IPEC and A.G., *Trabajo Infantil y Pueblos Originarios en Chile*, 28, 31, 32, 35.

[1065] U.S. Department of State, "Chile (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm. See also ILO-IPEC and A.G., *Trabajo Infantil y Pueblos Originarios en Chile*, 34.

[1066] U.S. Department of State, "Trafficking in Persons Report- 2010: Chile."

[1067] Government of Chile, *Aprueba Reglamento para la aplicación del artículo 13 del Código del Trabajo*, (September 11, 2007); available from http://www.ilo.org/dyn/natlex/docs/SERIAL/77036/81487/F1662015800/

Decreto%20Supremo%20N%2050%20de%202007%20Reglamento%20Menores.pdf. See also U.S. Embassy-Santiago, *reporting*, February 8, 2010.

[1068] Government of Chile, *Constitución Política de 1980 incluidas las Reformas hasta el 2005*, (2005), article 19, no. 2; available from http://pdba.georgetown.edu/Constitutions/Chile/chile05.html. See also Government of Chile, *Código del Trabajo de Chile*, (November 15, 2007), article 2; available from http://www.leychile.cl/Consulta/Exportar?radioExportar=Normas&exportar_formato=pdf&nombrearchivo=NORMA2074360&exportar_con_notas_bcn=True&exportar_con_notas_originales=True&exportar_con_notas_al_pie=True&hddResultadoExportar=207436.2010-02-13.0.0%23. See also U.S. Department of State, "Chile," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 10, 2010, section 7c; available from http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136105.htm.

[1069] Government of Chile, *Código Penal de la República de Chile*, (March 1, 1875), article 367; available from http://www.cajpe.org.pe/rij/bases/legisla/chile/codpench.htm. See also U.S. Embassy- Santiago, E-mail communication to USDOL official, July 27, 2010.

[1070] Government of Chile, *Código Penal de la República de Chile*, article 368. See also Government of Chile, *Modifica el Codigo Penal, El Codigo de Procedimiento Penal, y el Codigo Procesal Penal en Materia de Delitos de Pornografia Infantil*, 19,927, (January 5, 2004); available from http://www.anuariocdh.uchile.cl/anuario/documentos/10.Ley%2019927_DelitoPornografiaInfantil_CHILE.pdf.

[1071] Coalition to Stop the Use of Child Soldiers, "Chile," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

[1072] ILO Committee of Experts, *Individual Direct Request C182: Chile (2009)*. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Chile."

[1073] U.S. Embassy- Santiago, *reporting, February 13, 2009*, para. 28. See also U.S. Embassy- Santiago, *reporting, February 8, 2010*, para 10.

[1074] U.S. Embassy- Santiago, *reporting, February 8, 2010*, para 10. See also Ministry of Labor and Social Welfare, *Sistema de registro,* [online] [cited September 30, 2010]; available from http://www.trabajoinfantil.cl/peores_definiciones.html.

[1075] Embassy of Chile, *Programas y acciones desarrolladas por el Ministerio del Trabajo y Previsión Social de Chile para erradicar y prevenir el trabajo infantil desde 2008 a la fecha*, submitted in response to U.S. Department of Labor Federal Register Notice "Child Labor, Forced Labor, and Forced or Indentured Child Labor in the Production of Goods in Foreign Countries and Efforts by Certain Countries To Eliminate the Worst Forms of Child Labor", Washington, DC, May 5, 2010, 3, 5.

[1076] U.S. Embassy- Santiago, *reporting, February 8, 2010*, para 11, 14.

[1077] Ibid., para 6.

[1078] U.S. Embassy- Santiago, *reporting, February 13, 2009*.

[1079] Ibid.

[1080] U.S. Embassy- Santiago, *reporting* February 25, 2010 para 14.

[1081] U.S. Embassy- Santiago, *reporting, February 13, 2009*.

[1082] ILO Committee of Experts, *Individual Direct Request C182: Chile (2009)*. See also U.S. Embassy- Santiago, *reporting, February 25, 2010*, para 16.

[1083] U.S. Embassy- Santiago, *reporting, February 25, 2010*, para 23.

[1084] Comisión Nacional para la Erradicación del Trabajo Infantíl and ILO-IPEC, *Plan de Prevención y Erradicación Progresiva del Trabajo Infantíl y Adolescente en Chile*, Lima, 2001, 20, 24, 26, 30, 32-36; available from http://www.ine.cl/canales/chile_estadistico/encuestas_trabajo_infantil/pdf/23_04_09/pdf/plan_nacional.pdf. See also Ministry of Labor and Social Welfare, *Contexto en Chile y el mundo,* [online] [cited December 1, 2010]; available from http://www.trabajoinfantil.cl/en_chile.html. See also U.S. Embassy- Santiago, *reporting, February 13, 2009*.

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[1087] United Nations Development Group, *Marco de Asistencia para el Desarrollo* 2006, 25; available from http://www.undg.org/docs/7620/UNDAF%20Chile.pdf.

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[1090] ILO Committee of Experts, *Individual Direct Request C182: Chile (2009)*. See also U.S. Embassy- Santiago, *reporting, February 13, 2009*.

[1091] U.S. Embassy- Santiago, *reporting, February 13, 2009*. See also U.S. Embassy- Santiago, *reporting, February 8, 2010*.

[1092] Embassy of Chile, *Programas y acciones desarrolladas por el Ministerio del Trabajo y Previsión Social de Chile para erradicar y prevenir el trabajo infantil desde 2008 a la fecha*.

[1093] Senado de la República de Chile, *SENAME aumentará en 50% los recursos para los jóvenes en situación vulnerable que no han delinquido,* [online] [cited October 4, 2010 2010]; available from http://www.senado.cl/prontus_galeria_noticias/site/artic/20091028/pags/20091028175122.html. See also U.S. Embassy- Santiago, *reporting, February 25, 2010*. See also SENAME, *Sename y OIT capacitaron a personal de Sernatur para prevenir la explotación sexual comercial infantil* [online] August 8, 2009 [cited November 3, 2010]; available from http://www.sename.cl/wsename/estructuras.php?name=News&file=article&sid=295.

[1094] U.S. Embassy- Santiago, *reporting, February 8, 2010*. See also U.S. Embassy- Santiago, *reporting, February 25, 2010*, para 16, 34.

[1095] U.S. Embassy- Santiago, *reporting, February 13, 2009*. See also Educación y Cultura OAS Unidad De Desarrollo Social, "Programa de Educación Intercultural Bilingue, Chile"; available from http://www.oas.org/oipc/espanol/documentos/ChileProgramaeducacioninterculturalbilingue.doc.

[1096] U.S. Embassy- Santiago, *reporting, February 13, 2009*. See also Government of Chile, "Programa Puente: Resultados esperados por el programa"; available from http://public.programapuente.cl/index.html.

[1097] ILO-IPEC official, E-mail communication to USDOL official, June 17, 2010.

Colombia

The Government of Colombia continued to strengthen its legal and policy framework to combat the worst forms of child labor by enacting additional laws and policies against commercial sexual exploitation of children. However, it has neither effectively enforced its child labor laws, nor has it fully implemented policies to combat exploitive child labor. The worst forms of child labor are prevalent in agriculture and mining. There are still reports of forced child labor in coca cultivation and forcible recruitment of children by illegal armed groups.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	3.2%
Attending School	5-14 yrs.	92.6%
Combining Work and School	7-14 yrs.	2.9%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Colombia, many in agriculture and mining.[1098] In the agricultural sector, children may be exposed to the elements and high levels of dust, perform physically arduous tasks, use dangerous tools, and face high risk of occupational injury.[1099] They work in the production of coffee, sugarcane, bananas, plantains, rice, cotton, fruit, and vegetables, as well as raising livestock.[1100] Children are also involved in artisanal mining, where they are exposed to toxic gases, long hours, dangerous chemicals such as nitric acid, and high temperatures. They work in emerald, gold, clay, and coal mining, breaking rocks, digging clay and dirt, removing water from mines, and lifting heavy loads.[1101] Indigenous *Wayúu* children work alongside their families in the production of salt, talc, and gypsum.[1102]

Children work on the streets in urban areas, where they may be exposed to long hours, the elements, and risk of physical injuries. They lift heavy loads in markets and are engaged in street vending.[1103] Children are also involved in recycling, where they are exposed to toxic substances such as lead and sulfuric acid as well as dangerous waste.[1104]

The Colombian National Institute for Family Welfare (ICBF) estimates that 4,457 children live on the streets of 16 Colombian cities and are engaged in begging, stealing, street vending, recycling, and commercial sexual exploitation.[1105]

Children are engaged in domestic service in Colombia. Child domestic workers work up to 12 hours a day and perform household chores such as ironing, cleaning, cooking, and taking care of children.[1106] Children working in domestic service are vulnerable to physical and sexual abuse by their employers. They often do not receive salaries and are not allowed to take their legal time off.[1107] Indigenous families in rural areas send their children to urban households to work as domestic workers.[1108]

A 2006 study found that 2,117 children were involved in commercial sexual exploitation in 11 cities in Colombia.[1109] Children are also involved in child pornography and sex tourism. In the Department of Sucre, indigenous *Zenous* children are often the victims

of sex tourism; while in Bogota, underage boys are solicited for sexual purposes.[1110] There are reports of criminal bands that use the Internet and cell phones to recruit children.[1111] Children are also trafficked for the purpose of commercial sexual exploitation domestically and internationally.[1112]

Children are used by adults for illegal activities, such as coca cultivation and the processing and transport of illicit drugs.[1113] There are reports of children trafficked from Ecuador for the purpose of labor exploitation in domestic service and coca cultivation.[1114] Indigenous *Wayúu* children have been involved in the illegal sale of gasoline from Venezuela, draining gasoline from tankers on the border between Colombia and Venezuela. Children are victims of forced labor in coca cultivation, mining and quarries, and domestic work, and are forcibly recruited as child soldiers.[1115] Children from Honduras and Nicaragua have been found working under forced labor conditions in fishing.[1116]

Although minors below the age of 18 years are not allowed to be recruited into the National Armed Forces, reports state that children have been used as informants by members of the National Armed Forces in direct contravention of military policy and have participated in civic-military activities.[1117] Additionally, children continue to be recruited by illegal armed groups. As of 2008, an estimated 11,000 to 14,000 children, including indigenous children, were acting as combatants in various non-state groups.[1118] Some of them were forced to participate in, and are victims of, human rights violations such as torture and murder. Female combatants are subject to sexual exploitation by other group members.[1119]

The Government of Colombia considers all the activities described in this section as worst forms of child labor.[1120]

Laws and Regulations on the Worst Forms of Child Labor

The Code for Children and Adolescents sets the minimum age for non-hazardous work at 15 and hazardous work at 18.[1121] Resolution No. 01677 of 2008 identifies the worst forms of child labor that are prohibited for all minors under age 18, including domestic work. Minors are not permitted to perform most forms of work related to agriculture, fisheries, lumber, mining, industrial manufacturing, utilities, construction, heavy equipment, or transportation.[1122] The Code for Children and Adolescents establishes fines for violations of its provisions, while the Labor Code sets fines for labor law violations.[1123]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

The Penal Code prohibits slavery, servitude, and human trafficking, and establishes strict sanctions for violations.[1124] It penalizes commercial sexual exploitation of children —including prostitution, pornography, and sex tourism—with incarceration and fines.[1125] Law 679 of 2001 penalizes tourism agencies and hotel owners with fines and penalties for involvement in child sex tourism.[1126] The Penal Code punishes forced prostitution and sexual slavery related to armed conflict with imprisonment and fines; it also penalizes the recruitment of minors by illegal armed groups and the armed forces and punishes the commission of terrorist acts involving a minor.[1127] Law 782 of 2002 regards minors that participate in the country's hostilities as victims. Victims are those who suffer harm or significant deterioration in their personal well-being.[1128] Nonetheless, the Office of the Attorney General may choose to prosecute a minor

who has violated international humanitarian law or committed genocide.[1129] Law 975 of 2005 establishes that armed groups must place all minor recruits under the care of Colombian National Institute for Family Welfare (ICBF) in order to participate in the government's demobilization process. In addition, the Penal Code and Law 975 of 2005 penalize crimes involving the use of a minor by an adult in terrorism as well as in cultivating, manufacturing, and trafficking illegal drugs.[1130]

During the reporting period, the Government of Colombia strengthened legislation to combat commercial sexual exploitation of children. Law 1329 of 2009 amends Title IV of the Penal Code, calling for incarceration for up to 25 years for the sexual exploitation of children, as well as penalizing the demand for and offer of children's sexual services.[1131] Law 1336 of 2009 requires that tourism agencies, airlines, and hotels adopt a code of conduct to prevent commercial sexual exploitation of children; hotels may be seized if they are used for such a purpose.[1132] Given that relevant legislation has undergone frequent changes; it is not clear whether those changes are disseminated among enforcement officials, employers, civil society organizations, and communities in general.

Institutional Mechanisms for Coordination and Enforcement

In 1995, the Government of Colombia established the Interagency Committee for the Elimination of the Worst Forms of Child Labor (CIETI) to coordinate its efforts to combat the worst forms of child labor. It is chaired by the Ministry of Social Protection (MSP), and includes 13 government agencies and representatives from trade unions, business associations, and civil society organizations.[1133] In 2001, the Government created a national committee to combat commercial sexual exploitation of children, which under Law 1336 of 2009, became the new National Inter-agency Committee for the Prevention and Eradication of Commercial Sexual Exploitation. It is led by MSP and includes more than 11 government agencies and representatives from the private sector, trade unions, and civil society organizations.[1134] In 2005, the Government of Colombia created the Inter-agency Committee to Combat Trafficking of Persons—previously known as the Inter-agency Committee to Combat Trafficking of Children and Women—to lead its efforts to combat human trafficking. Fourteen government agencies are part of the Committee, including the Ministry of Interior and Justice, the ICBF, the Ministry of Social Protection, and the Attorney General's Office.[1135] The Government also established the Inter-agency Committee for the Prevention of the Recruitment and Use of Children by Illegal Armed Groups, which is coordinated by the Vice President.[1136] Despite these inter-institutional efforts, roles have not been clearly defined among government agencies at the national and local levels.

The Ministry of Social Protection (MSP), the National Police, the Office of the Solicitor, the General Comptroller Office, and the National and Municipal Ombudsman Offices enforce child-labor related laws. The National Police and the Offices of the Solicitor and Ombudsman have established children and youth units.[1137]

The MSP has 424 inspectors who conduct labor inspections, including 155 new labor inspectors who have been hired through Decree 1294 of 2009.[1138] In 2009, 38,457 labor inspections were conducted and 975 complaints of exploitive child labor were received by the Colombian National Institute for Family Welfare (ICBF) hotline, which receives complaints of child labor, including commercial sexual exploitation.[1139] However, research did not reveal information about the number of labor inspections related to cases of child labor, the number of children found working illegally, the results of those inspections, whether the complaints received by the ICBF hotline were referred to enforcement agencies, or actions taken by government agencies to rescue children from exploitive labor.

During the reporting period, the MSP established a new labor inspections system that seeks to prevent work-related violations by engaging the private sector and trade unions.[1140]

Reports on labor inspections have pointed out that labor inspectors do not have the adequate equipment or training to perform their work, and labor inspections focus mainly on labor dispute settlements and are conducted in urban areas.[1141]

The Attorney General's Office and the National Police (NP) investigate cases of commercial sexual exploitation and human trafficking. In 2009, the ICBF hotline received 551 complaints of commercial sexual

exploitation of children.[1142] However, there is no public information available about the number of children rescued, investigations, prosecutions, or convictions as a result of those complaints.

The national anti-trafficking call center received 7,801 calls; 124 of them were directly related to human trafficking, and all were referred to the Anti-Human Trafficking Operations Center (COAT), which leads efforts to combat trafficking by tracking cases, coordinating investigations, and facilitating access to social services among victims of trafficking.[1143] As a result, nine children were rescued from trafficking for the purpose of sexual exploitation. During the reporting period, the Attorney General's office opened 215 new investigations into trafficking in persons; 14 cases resulted in convictions.[1144] The Government of Colombia provides training in human trafficking for enforcement officials.

In addition, the Ministry of Commerce, Industry, and Tourism and the Superintendency of Industry and Commerce ensure that tourism agencies and hotels establish codes of conduct to prevent the commercial sexual exploitation of children.[1145]

Government Policies on the Worst Forms of Child Labor

The National Strategy to Eradicate the Worst Forms of Child Labor (2008-2015) is the primary framework to address the worst forms of child labor in Colombia.[1146] The National Plan of Action for the Prevention and Eradication of Commercial Sexual Exploitation of Boys, Girls, and Adolescents Less than 18 Years of Age (2006-2011) lays out the strategy to combat commercial exploitation of children.[1147] The National Strategy to Combat Trafficking in Persons (2007-2012) guides government efforts to combat human trafficking, including the trafficking of children.[1148] The Government included child labor into the National Development Plan (2006-2010) and the Plan for Childhood (2004-2015).[1149]

Despite these efforts, gaps remain. The Government has established zero tolerance for child labor in its National Strategy to Eradicate the Worst Forms of Child Labor without targeting specific forms of child labor, sectors, geographical areas, or a timeframe. As a result, government efforts may not be focused on the areas of greatest need and the most vulnerable populations.[1150] According to the Colombian Solicitor's Office, most of the country's provinces have failed to incorporate child labor into their development plans, have failed to spend available funding, or do not have funding for the implementation of the National Strategy. Only four of the provinces and nine cities have taken actions to implement the National Strategy to Eradicate the Worst Forms of Child Labor.[1151] The national social protection framework developed through Conpes Social No.102—the Social Protection Network against Extreme Poverty—did not include child labor directly, even though it targets vulnerable populations.[1152] The Government has yet to establish a policy framework to prevent the recruitment of children into illegal armed groups and address children working in coca cultivation.

The Government has conducted national surveys on child labor since 2001.[1153]

However, information gaps remain. The national surveys do not provide insights into the activities performed by working children or health and occupational risks associated with these activities.[1154] In addition, there is little information about the commercial sexual exploitation of children, street children, trafficking in children, children in coca cultivation, or children recruited by illegal armed groups, or those engaged in drug trafficking.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Since 1996, the Government of Colombia has developed initiatives to combat child labor. It is currently carrying out several programs as part of the implementation of the National Strategy to Eradicate the Worst Forms of Child Labor, the Plan of Action for the Prevention and Eradication of Commercial Sexual Exploitation of Boys, Girls, and Adolescents Less than 18 Years of Age, and the National Strategy to Combat Trafficking in Persons. During the reporting period, Colombian National Institute for Family Welfare (ICBF) provided social services to 2,571 children who were involved in mining and 1,806

child victims of commercial sexual exploitation. It raised awareness of commercial sexual exploitation of children in 18 municipalities.[1155] ICBF also signed agreements with the province of Cordoba and the cities of Armenia, Cartagena, Cucuta, and Dosquebradas to carry out joint initiatives to combat commercial sexual exploitation of children. As of 2009, ICBF, with support from IOM, has assisted 4,394 children who were recruited by illegal armed groups, and claims to have prevented 108,735 children from joining them.[1156]

The Ministries of Social Protection, Education, Interior and Justice, and Commerce and Tourism as well as the Ombudsman Office, Vice President's Office, and the National Police carried out multiple activities to eradicate and prevent exploitative child labor. For example, the Ministry of Education carried out an initiative to keep working children in school; the Ombudsman's Office developed a set of indicators to prevent the recruitment of children by illegal armed groups; the National Police in the Department of Meta conducted a campaign to prevent children from vending at stop lights; and the Ministry of Interior and Justice carried out public campaigns to prevent human trafficking.[1157]

To reduce extreme poverty, the Government of Colombia implements several programs, including Families in Action and the Together Network, which are led by the President's Office.[1158] These programs have benefited more than 3.5 million families through conditional cash transfers and social services such as education, health, job training, and microfinance.[1159] Although these programs have improved vulnerable families' livelihoods, there is no information available about their impact on child labor.

The Government of Colombia has had the support of international donors to combat child labor. Since 2001, the Government has participated in child labor initiatives funded by USDOL aimed at children engaged in mining, domestic services, and commercial sexual exploitation. Since 2007, USDOL has funded a $5.1 million Time-Bound project (TBP) to support the implementation of the National Strategy to Eradicate the Worst Forms of Child Labor. The TBP seeks to withdraw 3,663 and prevent 6,537 children from exploitative child labor in mining, street vending, commercial sexual exploitation, transportation, construction, and agriculture.[1160]

The Government of Colombia also receives funding from the Governments of Canada, United States, Spain, and the European Union as well as technical support from several international and nongovernmental organizations to combat child labor, such as hazardous child labor, commercial sexual exploitation of children, recruitment of children by illegal armed groups, and trafficking in persons.[1161] During the reporting period, UNODC and IOM trained local enforcement officials in human trafficking in five provinces and three cities, respectively. Save the Children implemented an initiative to prevent and eradicate child labor in 23 municipalities, and which provided social services to more than 2,000 children.[1162] UNICEF, along with the Ministry of Education, the province of Nariño, and PROINCO Foundation, is carrying out a pilot project to combat child labor in the province of Nariño that will benefit 790 children. ILO-IPEC supported the Colombian Solicitor's Office in monitoring the implementation of the National Strategy to Eradicate the Worst Forms of Child Labor.[1163] In addition, Telefonica Foundation partnered with two provinces and 10 municipalities to combat child labor. This public-private partnership helped 5,015 children.[1164]

The Government of Colombia continues to partner with countries in the region to address child-labor related issues. During the reporting period, the Government participated in the MERCOSUR initiative Niño Sur (Southern Child) and the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism in South America. *Niño Sur* raises awareness of commercial sexual exploitation, improves country legal frameworks, and exchanges best practices to protect and assist victims of commercial sexual exploitation.[1165] The Joint Group conducts prevention and awareness-raising campaigns to combat the commercial exploitation of children in Latin America. Created in 2005, it includes the Ministries of Tourism of Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Suriname, and Uruguay.[1166] During the reporting period, the Government of Colombia shared its experience in combating human trafficking, giving presentations at regional forums and hosting delegations from other countries to showcase the Anti-Human Trafficking Operations Center (COAT), which is regarded as a model program in Latin America.[1167]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Colombia:

IN THE AREA OF LAWS AND REGULATIONS:

- Develop and utilize communication tools about legislative changes, possibly by:
  - Providing up-to-date information about legislation to provincial and municipal governments, and enforcement officials.
  - Establishing a one-stop online tool with updated information about child labor laws for employers, workers, families, and online users.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Strengthen coordination mechanisms among inter-agency committees by better defining the roles of member agencies at the national and local level.
- Make publicly available information on worst forms of child labor enforcement efforts, including against commercial sex exploitation, such as the number of inspections, number of children rescued from child labor, and actions taken in response to complaints.
- Implement the new labor inspection system.
- Provide training and equipment to labor inspectors to perform their work.
- Ensure that labor inspection coverage includes all sectors and geographic areas.

IN THE AREA OF POLICIES:

- Establish specific targets in the National Strategy to Combat the Worst Forms of Child Labor taking into account forms of child labor, sectors, geographical areas, and timeframes.
- Include child labor in social protection policies such as CONPES Social 102.
- Develop and implement national policy to prevent the use of children in coca cultivation and the recruitment of children into illegal armed groups.
- Establish and implement a system to improve implementation of national policies to combat child labor by municipality and department, including by:
  - Linking it to other monitoring systems such as that of the Together Network.
  - Providing additional resources to municipalities and departments to carry out action plans and incentives to use unspent funding.
- Carry out research and studies on activities performed by working children, including associated health and occupational risks, as well as children's recruitment into illegal armed groups and their involvement in commercial sexual exploitation, trafficking, street work, coca cultivation, and drug trafficking.

IN THE AREA OF PROGRAMS:

- Integrate national strategies to combat child labor into social protection programs such as the Together Network and Families in Action.

[1098] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2007. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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[1157] UNICEF, *Gobierno Nacional y Organismos Internacionales aceleran proceso de erradicación del trabajo infantil en Colombia*, June 2009; available from http://www.unicef.org/colombia/newsletter/junio-09/Boletin-12-Junio.pdf. See also Ombudsman Office, *Informe de Rendición de Cuentas 2008-2009*, 2009, 19; available from http://www.defensoria.org.co/red/anexos/pdf/02/rendicion08_09.pdf. See also National Police, "Policía presenta campaña en contra del trabajo infantil en los semáforos," (2009); available from http://www.mindefensa.gov.co/index.php?page=181&id=8309. See also Vice-President's Office, *Rendición de Cuentas 2008-2009*, 2009; available from http://www.vicepresidencia.gov.co/Es/Entidad/Documents/informes_gestion/infges2009_Vicepresidencia.pdf. See also Ministry of Interior and Justice, *Informe al Congreso* 2010, 12; available from http://www.mij.gov.co/econtent/library/documents/DocNewsNo1590DocumentNo4619.PDF. See also Ministry of Interior and Justice, *Informe al Congreso* 2009, 1; available from http://www.mij.gov.co/econtent/library/documents/DocNewsNo1590DocumentNo2389.PDF.

[1158] Social Action, *Familias en Acción,* [[cited August 4, 2010]. See also Social Action, *Informe de Estado y Avance. Segundo Semestre de 2009* 2010, 16; available from http://www.accionsocial.gov.co/documentos/4479_Estado_y_avance_banca_multilateral_-_I_semestre_2009.pdf. See also Juntos, *Informe de Gestión*, 2009, 4; available from http://www.accionsocial.gov.co/documentos/4509_Informe_ejecutivo_ene2009.pdf.

[1159] Juntos, *Informe de Gestión*, 4. See also Social Action, *Red para la Superación de la Pobreza Extrema Juntos,* [[cited May 14, 2010]; available from http://www.accionsocial.gov.co/contenido/contenido.aspx?catID=532&conID=4422&pagID=8508. See also Social Action, *Informe de Estado y Avance. Segundo Semestre de 2009* 16.

[1160] U.S. Department of Labor, *Cooperative Agreement: Partners of the Americas and Associates*, September 27, 2007.

[1161] "500 Mil Dólares Para Erradicar El Trabajo Infantil," *El Tiempo*, July 17, 2009; available from http://www.eltiempo.com/archivo/documento/MAM-3530064. See also ILO-IPEC, "Acción de IPEC en América Latina y Caribe," (April 2006); available from http://www.oas.org/ddse/espanol/documentos/XIVCIMT/Documentos/Presentaciones/GT2/PRESENTACION%20OIT%20trabajo%20infantil.ppt#295,1,Slide 1. See also Save the Children, *Save the Children en Colombia,* [[cited May 14, 2010]; available from http://www.savethechildren.org.co/home/44-politica-publica-para-los-ninos-y-ninas-de-cundinamarca.html. See also U.S. Department of State, *USG TIP Projects with Funds Obligated in FY 2009*, April 22, 2010; available from http://www.state.gov/documents/organization/137460.pdf. See also UNICEF, *Gobierno Nacional y Organismos Internacionales aceleran proceso de erradicación del trabajo infantil en Colombia*. See also Telefonica Foundation, *Informe Anual 2009*, June 2010, 36, 49.

[1162] U.S. Department of State, *reporting, March 15, 2010*. See also UNODC, *Proyecto Lucha contra la Trata de Personas,* [[cited August 6, 2010]; available from http://www.unodc.org/unodc/index.html. See also UNICEF, *Gobierno Nacional y Organismos Internacionales aceleran proceso de erradicación del trabajo infantil en Colombia*.

[1163] UNICEF, *Gobierno Nacional y Organismos Internacionales aceleran proceso de erradicación del trabajo infantil en Colombia*. See also ILO-IPEC, *Seguimiento a la Gestión de Gobernadores y Alcaldes para la Erradicación del Trabajo Infantil,* [[cited August 6, 2010]; available from http://www.pgnseguimientopfti.org/contenido.php?seccion=5&nom_pag=Detalle.

[1164] Telefonica Foundation, *Informe Anual 2009*.

[1165] Argentine Committee of Pursuit and Application of the International Convention on the Rights of Child, *La Iniciativa Nin@Sur, una Instancia Regional que se Afirma,* [April 2008 [cited May 14, 2010]; available from http://www.casacidn.org.ar/news_abril/nota1.html.

[1166] Brazilian Ministry of Tourism, *Equador Assume Direção de Grupo Latino-Americano para a Proteção Infanto-Juvenil*, November 26, 2008; available from http://www.turismo.gov.br/. See also U.S. Department of State, *reporting, March 15, 2010*.

[1167] U.S. Department of State, *reporting, March 15, 2010*.

Comoros

The Government of Comoros has adopted a National Action Plan to Combat Child Labor. Children continue to work in agriculture and domestic service sectors with reports of forced child labor. Gaps remain in legislation, enforcement, and programs to address the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	35.6%
Attending School	5-14 yrs.	44.2%
Combining Work and School	7-14 yrs.	23.9%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Comoros are exploited in the worst forms of child labor,[1168] many of them in agriculture. The majority of working children in Comoros are found in rural areas and on the Island of Ndzuwani.[1169] Children's work in agriculture includes cultivating cloves, vanilla and ylang ylang (a flower). Children are also engaged in animal husbandry and fishing.[1170] Children's work in these sectors may involve the use of potentially dangerous machinery and tools, carrying heavy loads, application of harmful pesticides, and exposure to disease and injuries from animals. Fishing, likewise, involves dangerous activities such as risk of injury and drowning.[1171]

In urban areas, some children work as domestic servants in exchange for food, shelter, or educational opportunities. These children often work long hours, risk physical and sexual abuse, and are not paid for their work.[1172] Some children are engaged in commercial sexual exploitation and drug trafficking.[1173]

Children facing forced labor conditions can be found in agriculture and domestic service.[1174] In addition, the practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in various countries, including Comoros. While some boys receive lessons, many are engaged in forced labor, which includes carrying produce, selling items in markets, and performing various domestic activities.[1175]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code establishes the minimum age for work and apprenticeship at 15.[1176] Children in apprenticeships must be paid, and the duration should not exceed three years.[1177] Children in Comoros are required to attend school only until the age of 12. This standard makes children ages 13 to 15 particularly vulnerable to the worst forms of child labor as they are not required to be in school but are not legally permitted to work either.

The Labor Code requires that children work no more than 40 hours per week and receive a break of a minimum of 12 consecutive hours per day.[1178] A labor inspector can require a medical examination of a child to confirm that the work does not exceed his or her strength.[1179] Research has not identified any laws or regulations specifying a list of hazardous work activities that are prohibited for children.

The law prohibits pornography and sexual exploitation of children under the age of 18.[1180] The Labor Code prohibits forced and bonded labor, except in instances

of obligatory military service; civic duty; and work that is required in times of accidents, fires, and calamities. While the law does not expressly forbid trafficking in persons, traffickers may be prosecuted for kidnapping.[1181] The minimum age for voluntary military recruitment is 18.[1182] The law does not prohibit the use of children in illicit activities.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	None
	Compulsory Education Age	12
	Free Public Education	No

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor is responsible for policy coordination regarding child labor issues and enforcement of child labor laws.[1183] The Government has three labor inspectors. This small number of inspectors appears to be insufficient given the size of the problem. In addition, during the year, the Government did not perform any inspections or provide training to labor inspectors.[1184]

Government Policies on the Worst Forms of Child Labor

During the reporting period, the Government adopted a 5-year National Action Plan to Combat Child Labor (2010-2015).[1185] The Plan aims to harmonize labor laws; sensitize the population and mobilize groups to combat the worst forms of child labor; promote universal primary education; increase access to secondary and non-formal education; provide services to victims and vulnerable children; address family poverty; collect systematic information on the worst forms of child labor; and to establish a coordinating mechanism.[1186]

Child labor concerns have been mainstreamed into the United Nations Development Assistance Framework (2008-2012).[1187] While development of these policies is an important step to address the worst forms of child labor, they do not address the fact that education is not free in Comoros, which may serve as a barrier to school attendance, making children more vulnerable to involvement in the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the year, the Government conducted awareness-raising activities related to the new National Action Plan.[1188] Research found no evidence of any other social programs targeting the worst forms of child labor.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Comoros:

IN THE AREA OF LAWS AND REGULATIONS:

- Draft and enact legal provisions specifying a list of hazardous work activities in Comoros that are prohibited for children.
- Raise the compulsory education age to 15, the established minimum age for work.
- Enact a law to prohibit the use of children in illicit activities, along with appropriate penalties, in accordance with international standards.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase the number of labor inspectors and provide them with training on the worst forms of child labor.
- Carry out inspections to enforce compliance with worst forms of child labor laws, and make available information on the outcome of inspections.

IN THE AREA OF POLICIES:

- Take appropriate measures to institute free education.

IN THE AREA OF PROGRAMS:

- Design and implement social programs, besides awareness raising, targeting the worst forms of child labor, particularly in the agriculture and domestic service sectors.

[1168] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[1169] Commissariat Général au Plan Union des Comores, Programme des Nations Unies pour le Developpement,, *Pauvreté, Inégalité et Marché du travail dans l'Union des Comores: Eléments d'analyse Fondés sur l'Enquête Intégrale Auprés des Ménages de 2004*, Moroni, December 2005, XX. See also Ministere du Plan Union des Comores, de l'Amenagement du Territoire, de l'Energie et de l'urbanisme, *Enfants et Adolescents aux Comores: Analyse des Données du Recensement Général de la Population et de l'Habitat 2003*, Moroni, September 2005, 27.

[1170] U.S. Department of State, "Comoros," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm. See also Ministère de la Sante. Direction Generale de la Condition feminine/Protection de l'enfant official, Interview with USDOL consultant, April 24, 2007. See also Ministère de la Fonction Publique et du Travail de l'Union des Comores official, Interview with USDOL consultant, May 1, 2007.

[1171] Ministère de l'Economie de l'Union des Comores official, Interview with USDOL consultant, April 21, 2007.

[1172] U.S. Department of State, "Country Reports- 2009: Comoros," section 7d. See also SOS ESPOIR official, Interview with USDOL consultant, April 25, 2007. See also Bureau de Réseau Femme et Développement official, Interview with USDOL consultant, May 1, 2007. See also Ministère de l'Economie de l'Union des Comores official, Interview, April 21, 2007.

[1173] Ministere de l'Economie du Travail de l'Emploi du Commerce Exterieur, *Plan d'Action National pour l'Elimination des Pires Formes de Travail des Enfants aux Comores: 2010-2015*, Moroni, October 2009, 6.

[1174] Ministère de l'Economie de l'Union des Comores official, Interview, April 21, 2007. See also Ministère de l'Economie de l'Emploi et du travail official, Interview with USDOL consultant, April 21, 2007.

[1175] Union Internationale des Droits de l'Homme official, Interview with USDOL consultant, April 24, 2007. See also Ministère de l'Economie de l'Union des Comores official, Interview, April 21, 2007.

[1176] Government of Comoros, *Relative à l'apprentissage*, Loi No. 88-014/AF (December 10, 1980), articles 5. See also Government of Comoros, *Code du Travail*, Loi No. 84 -018/PR portant Code du Travail, (1984), article 123; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/1515/64795/F84COM01.htm.

[1177] Government of Comoros, *Loi relative a l'apprentissage*, articles 5, 10 and 16. See also Government of Comoros, *Code du Travail*, article 123.

[1178] Government of Comoros, *Code du Travail*, article 119. See also Government of Comoros, *Fixant les Modalités d'application de la Dureé du Travail et les Majorations de Salaire pour les heures Effectuées au dela da la Dureé Legale de 40 heures par Semaine*, Arrete No. 01-386, (December 27, 2001), article 1.

[1179] Government of Comoros, *Code du Travail*, articles 124, 231.

[1180] U.S. Department of State, "Country Reports- 2009: Comoros," section 6.

[1181] U.S. Embassy- Antananarivo, *reporting (TIP)*, February 17, 2010, para 27a-e.

[1182] Coalition to Stop the Use of Child Soldiers, "Comoros," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.child-soldiers.org/home.

[1183] U.S. Embassy- Antananarivo, *reporting (WCF)*, February 17, 2010, para 1. See also U.S. Embassy- Antananarivo, *reporting (TIP), February 17, 2010*, para 26b.

[1184] U.S. Embassy- Antananarivo, *reporting (WCF), February 17, 2010*.

[1185] Ministere de l'Economie du Travail de l'Emploi du Commerce Exterieur, *Plan d'Action National: 2010-2015* See also U.S. Embassy- Antananarivo, *reporting (WCF), February 17, 2010*, para 2b13. See also U.S. Embassy official, E-mail communication to USDOL official, July 23, 2010.

[1186] Ministere de l'Economie du Travail de l'Emploi du Commerce Exterieur, *Plan d'Action National: 2010-2015* 33-45.

[1187] UNDAF, *Plan Cadre des Nations Unies pour l'Aide au Developpement, 2008-2012: Comoros*, 2008, 8; available from http://www.undg.org/unct.cfm?module=CoordinationProfile&page=Country&CountryID=COI.

[1188] U.S. Embassy- Antananarivo, *reporting (TIP), February 17, 2010*, para 2f1. See also U.S. Embassy official, E-mail communication, July 23, 2010. See also U.S. Department of State, "Country Reports- 2009: Comoros," section 7d.

Congo, Democratic Republic of the

The Government has several laws and regulations that address the worst forms of child labor. However, children continue to work in many worst forms, including exploitive work in agriculture and mining. The problem of child soldiering is of particular concern. Armed rebel groups and some poorly newly integrated elements of the Congolese National Army continue to abduct and forcibly recruit children for armed conflict and sexual exploitation. There is no compulsory education requirement and the Government does not have sufficient enforcement or social protection capacity to protect against such exploitive child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	39.8%
Attending School	10-14 yrs.	65.0%
Combining Work and School	7-14 yrs.	25.6%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor,[1189] many of them in exploitive work in agriculture.[1190] Children's work in agriculture typically involves long hours, physically arduous tasks, dangerous tools, and a high risk of occupational injury.[1191]

Children mine diamonds, copper, gold, cobalt, columbite-tantalite (coltan), wolframite (tungsten ore), and cassiterite (tin ore).[1192] In mining areas, children sift, clean, sort, transport heavy loads, and dig for minerals underground.[1193] Nearby living conditions around the mines are extremely harsh. Children face heightened risks of disease, sleep in the open, and are subject to fatal accidents from the collapse of mineshafts.[1194]

Armed rebel groups continued to recruit and use children.[1195] Some former rebel groups, which have been poorly integrated into the Congolese National Army (FARDC), also continue to recruit and use children in their units.[1196] Children associated with armed groups may be forced to serve as combatants, porters, spies, domestic servants, and sex slaves.[1197] Some children who have been released suffered re-recruitment.[1198] Some armed militia groups abducted and recruited children from Burundi, Rwanda, and Uganda for service in the Democratic Republic of the Congo.[1199]

Street children in the Democratic Republic of the Congo sell food, carry packages, unload buses, and distribute drugs and alcohol, which exposes them to physical abuse, intimidation, and theft.[1200] Some children also work as domestic servants.[1201] Such children often work long hours, and their isolation in homes makes them susceptible to sexual abuse.[1202] In mining areas, markets, and brothels, children are also compelled to engage in prostitution.[1203]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code of 2002 sets the minimum age for employment at 15 and Ministerial Order No. 12 of 2008 establishes the minimum age for hazardous work at 18.[1204] The Labor Code prohibits the worst forms of child labor and defines penalties for employing children in hazardous work.[1205] Ministerial Order No. 68/13 of 1968 prohibits the use of children in the extraction of minerals and debris from mines, quarries, and earthworks.[1206] Ministerial Order No. 12 of 2008 contains a list of exploitive activities that are prohibited for children under 18, including work below ground, under water, at dangerous heights, or in illicit activities.[1207] Law No. 06/018 of 2006 criminalizes the trafficking and sexual exploitation of children.[1208] The Child Protection Code (Law 09/001) prohibits child slavery, child trafficking, child prostitution, and child pornography.[1209]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

A number of laws prohibit the use of children in armed conflict. The Labor Code of 2002 defines the forced recruitment of children for use in armed conflict as a worst form of child labor.[1210] The Constitution of 2006 bans the use of children in hostilities and Act No. 04/23 of December 2004 prohibits the recruitment of anyone under the age of 18 into the national armed forces.[1211] The Child Protection Code of January 2009 prohibits the recruitment and use of children in armed groups and defines the Government's responsibility for demobilizing and reintegrating child soldiers.[1212] According to the Coalition to Stop the Use of Child Soldiers, the "DRC is among a relatively small number of countries that have criminalized child recruitment and use in domestic law."[1213]

The Government of the Democratic Republic of the Congo has not established a law or policy ensuring free public education or a compulsory education age for children, increasing the vulnerability of children to entering the worst forms of child labor.

Institutional Mechanisms for Coordination and Enforcement

In 2006, the Government created the National Committee to Combat the Worst Forms of Child Labor (NCCL) and charged it with coordinating responsibilities that include compiling data on the nature and extent of child labor; preventing and withdrawing children from engaging in the worst forms of child labor; conducting public awareness campaigns; and building the capacity of government officials and civil society to combat exploitive child labor.[1214] However, the NCCL does not have a budget.[1215]

The Ministry of Labor is the primary agency responsible for investigating hazardous and forced child labor.[1216] The Government employs 150 labor inspectors across the country, including 10 inspectors in the Katanga mining region, and 9 "labor controllers." Labor inspectors often lack the transport to conduct their inspections.[1217] Each inspector prepares one annual inspection report, but this report does not separate information on child labor from other labor inspection issues.[1218] In 2009, the Government did not complete any child labor investigations.[1219]

The Ministry of Social Affairs is charged with investigating child trafficking cases.[1220] The Ministry of Gender, Family, and Children is responsible for investigating the commercial sexual exploitation of children and the Ministry of Justice is charged with combating the use of children in illicit activities.[1221]

According to the UN Group of Experts on the Democratic Republic of the Congo, known child soldier recruiters continue to hold positions in the

FARDC and senior FARDC officers have obstructed UN efforts to oversee the release of child soldiers.[1222] During the reporting period, the Government did not prosecute any military officers for conscripting or using children for armed conflict.[1223]

Government Policies on the Worst Forms of Child Labor

During the reporting period, three provincial committees published action plans to combat the worst forms of child labor but no information could be obtained to assess their implementation.[1224]

The Government published a poverty alleviation strategy in 2006. This strategy promotes increased access to social services, including education, for vulnerable children and may provide benefits to working children.[1225]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Through partnerships with foreign aid agencies and international organizations, the Government has supported programs to demobilize, disarm, and reintegrate children associated with armed groups.[1226] Since the launch of the Government's national disarmament, demobilization, and reintegration plan in 2004, child advocates have rescued approximately 36,000 from armed groups.[1227] From 2003 to 2007, the Government participated in a global USDOL-funded project to prevent the involvement of vulnerable children in armed conflict and support the economic rehabilitation of former child soldiers.[1228]

In 2009, the Government of the Democratic Republic of the Congo continued to implement its national plan to demobilize, disarm, and reintegrate (DDR) former combatants, including children.[1229] Under this plan, former child soldiers received temporary housing and vocational training from NGO-managed centers.[1230] The UN Committee on the Rights of the Child and the ILO Committee of Experts note that the Government's strategy does not provide sufficient resources to ensure the full recovery and economic reintegration of children associated with armed forces.[1231] Reports also indicate that girls do not complete the DDR process due to a fear of stigmatization and a lack of awareness about their rights and options.[1232] The UN and other organizations have called on the Government to make the DDR process more accessible and effective for girls.[1233]

During the reporting period, the Government participated in a USDOL-funded project that targets 8,000 children for withdrawal and 4,000 children for prevention from engaging in exploitive child labor in mining, mining-related services, and other sectors though the provision of educational services.[1234] Additionally, in collaboration with the Government, UNICEF provided educational assistance to children working in mining.[1235] Although these programs helped protect some children from exploitation in mining, they were not sufficient to address the scope of the problem.

The Government created a commission and designed programs in 2004, to reintegrate street children into their families and communities.[1236] Despite these efforts, a significant number of children continued to live and work on the streets. The UN Committee on the Rights of the Child noted the need for the Government to strengthen its efforts to provide street children with food, shelter, and healthcare.[1237]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in the Democratic Republic of the Congo:

IN THE AREA OF LAWS AND REGULATIONS:

- Draft and enact legal provisions specifying a list of hazardous work activities in Comoros that are prohibited for children.
- Raise the compulsory education age to 15, the established minimum age for work.
- Enact a law to prohibit the use of children in illicit activities, along with appropriate penalties, in accordance with international standards.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase the number of labor inspectors and provide them with training on the worst forms of child labor.
- Carry out inspections to enforce compliance with worst forms of child labor laws, and make available information on the outcome of inspections.

IN THE AREA OF POLICIES:

- Take appropriate measures to institute free education.

IN THE AREA OF PROGRAMS:

- Design and implement social programs, besides awareness raising, targeting the worst forms of child labor, particularly in the agriculture and domestic service sectors.

[1189] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided is from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade and prostitution. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Data Sources and Definitions" section.

[1190] U.S. Department of State, "Democratic Republic of the Congo," in *Country Reports on Human Rights Practices-2009* Washington, DC, March 11, 2010, section 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/af/135947.htm.

[1191] ILO, *World Day Against Child Labor; 12 June 2007; An Overview of Child Labour in Agriculture*, June 12, 2007; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=4048.

[1192] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Second periodic reports of States partes due in 1997: Democratic Republic of the Congo*, CRC/C/COD/2, Geneva, July 24, 2008, para 189; available from http://tb.ohchr.org/default.aspx. See also Global Witness, *Digging in Corruption*, Washington DC, July 2006, 4, 32; available from http://www.globalwitness.org/media_library_detail.php/154/en/digging_in_corruption. See also Global Witness, *Faced With A Gun, What Can you Do?"; War and the Militarisation of Mining in Eastern Congo*, London, July 2009, 20-21, 24, 26; available from http://www.globalwitness.org/media_library_detail.php/786/en/global_witness_report_faced_with_a_gun_what_can_yo. See also U.S. Department of State, "Country Reports- 2009: DRC," sections 1g and 7d. See also U.S. Department of State, "Country Reports- 2009: DRC," sections 1g, 7d.

[1193] Save the Children UK and The American Center for International Labor Solidarity, *Summary Report: Nature and Scope of the "child labor in mines, DRC" Phenomenon*, Baseline Study for the Reducing the Exploitation of

Working Children through Education Project, Kinshasa, July, 2008, 17. See also Global Witness, *Digging in Corruption*, 32, 33. See also U.S. Embassy- Kinshasa, *reporting*, February 1, 2010, para 4.

[1194] UN Committee on the Rights of the Child, *States Reports: Democratic Republic of the Congo*, para 192, 194.

[1195] UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, S/2009/603, New York, November 23, 2009, para 315-317, 321-322; available from http://www.un.org/Docs/journal/asp/ws.asp?m=s/2009/603. See also UN Security Council, *Interim Report of the Group of Experts on the Democratic Republic of the Congo*, S/2009/253, New York, May 18, 2009, para 77, 80, 82, 83; available from http://www.un.org/Docs/journal/asp/ws.asp?m=s/2009/253. See also U.S. Department of State, "Country Reports- 2009: DRC," section 1g.

[1196] U.S. Embassy- Kinshasa official, E-mail communication to USDOL official, November 4, 2010. See also UN Security Council, *Final Report UN Group of Experts - DRC*, para 315-317.

[1197] Human Rights Watch, *Killings in Kiwanja: The UN's Inability to Protect Civilians*, New York, December 2008, 12; available from http://www.hrw.org/sites/default/files/reports/drc1208web.pdf. See also U.S. Department of State, "Country Reports- 2009: DRC," sections 1g and 7c. See also Martin Bell, *Child Alert: Democratic Republic of the Congo; Martin Bell Reports on Children Caught in War*, UNICEF, July, 2006, 4; available from http://www.unicef.org/childalert/drc/childsoldiers.php.

[1198] UN Security Council, *Final Report UN Group of Experts - DRC*, para 317.

[1199] UN Security Council, *Interim Report UN Group of Experts - DRC*, para 79. See also U.S. Department of State, "Country Reports- 2009: DRC," section 1g. See also UN Security Council, *Report of the Secretary-General on children and armed conflict in Uganda*, S/2009/462, New York, September 15, 2009, para 16; available from http://www.un.org/Docs/sc/sgrep09.htm.

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[1202] ILO-IPEC, *Hazardous child domestic work: A briefing sheet*, Geneva, 2007, 13; available from http://www.ilo.org/ipec/areas/Childdomesticlabour/Keydocuments/lang--en/index.htm.

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[1204] Government of the Democratic Republic of the Congo, *Loi no. 015/2002 du 16 Octobre 2002 portant Code du Travail*, article 133; available from http://www.ilo.org/dyn/natlex/docs/SERIAL/62645/52447/F1638018233/COD-62645.pdf. See also Government of the Democratic Republic of the Congo, *Arrêté Ministériel No. 12/CAB.MIN/TPSI/045/08 du 08 Aout 2008*, articles 2, 8(d), 13(13).

[1205] Government of the Democratic Republic of the Congo, *Code du Travail*, article 326.

[1206] ILO Committee of Experts on the Application of Conventions and Recommendations, *Individual Observation Concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Democratic Republic of the Congo (ratification 2001),* [online] 2009 [cited December 6, 2010], 4; available from http://www.ilo.org/ilolex/english/newcountryframeE.htm.

[1207] Government of the Democratic Republic of the Congo, *Arrêté Ministériel No. 12*, articles 8 and 10, article 13(3) and article 8(c). See also ILO Committee of Experts on the Application of Conventions and Recommendations, *Individual Observation Concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Democratic Republic of the Congo (ratification 2001)*, 4.

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[1210] Government of the Democratic Republic of the Congo, *Code du Travail*, article 3(a).

[1211] Government of the Democratic Republic of the Congo, *Constitution de la Republique Democratique du Congo*, article 190; available from http://www.presidentrdc.cd/constitution.html. See also Government of the Democratic Republic of the Congo, *Loi no. 04/023 du 12 Novmebre*

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[1213] Coalition to Stop the Use of Child Soldiers, *Mai Mai Child Soldier Recruitment*.

[1214] UN Committee on the Rights of the Child, *States Reports: Democratic Republic of the Congo*, para 188.

[1215] U.S. Embassy- Kinshasa, *reporting, February 1, 2010*, paras 10 and 16.

[1216] Ibid., para 9.

[1217] Ibid.

[1218] Ibid.

[1219] Ibid., para 19.

[1220] Ibid., para 11.

[1221] Ibid., para 12 and 13.

[1222] UN Security Council, *Final Report UN Group of Experts - DRC*, paras 321-322.

[1223] U.S. Department of State, "Trafficking in Persons Report- 2010: Democratic Republic of the Congo". See also U.S. Department of State, "Country Reports- 2009: DRC," section 6.

[1224] U.S. Department of State, "Trafficking in Persons Report- 2010: Democratic Republic of the Congo".

[1225] IMF and International Development Association, *Democratic Republic of the Congo; Joint IDA-IMF Staff Advisorty Note on the Poverty Reduction Strategy Paper*, World Bank, April 17, 2007, para 1, 3, 361, 363; available from http://go.worldbank.org/B5SDFTKLV0. See also International Development Association, *Country Assitance Strategy for the Democratic Republic of the Congo for the Period FY 07- FY 11; Volume 2 - Technical Annexes*, World Bank, November 16, 2007, para 7, 36; available from http://go.worldbank.org/7BFEJ1PP60.

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[1227] UNICEF, *UNICEF DRC - Forced Recruitment*. See also Coalition to Stop the Use of Child Soldiers, *Democratic Republic of the Congo: Priorities for Children Associated with Armed Forces and Groups*, London, July, 2007, 3; available from http://www.child-soldiers.org/search?query=congo.

[1228] ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict: An Inter Regional Program*, Technical Progress Report, Geneva, March 2007, 10-11, 46.

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[1231] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Democratic Republic of the Congo*, CRC/C/CO/2, Geneva, February 10, 2009, paras 68 and 72; available from http://tb.ohchr.org/default.aspx. See also ILO Committee of Experts on the Application of Conventions and Recommendations, *Individual Observation Concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Democratic Republic of the Congo (ratification 2001)*, 5-6.

[1232] UN Security Council, *Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo*, S/2008/693, New York, November 10, 2008, para 90; available from http://www.un.org/Docs/sc/sgrep08.htm. See also Coalition to Stop the Use of Child Soldiers, *Priorities for Children*, 6-7.

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Congo, Republic of

In August 2009, the Republic of the Congo's Parliament approved the Child Protection Code, containing provisions that prohibit child trafficking, which must be signed into law by the President. The Government also supports some social programs to combat child trafficking; however, services for children in other worst forms of child labor are lacking. Children continue to be engaged in domestic service and street vending. In addition, significant gaps remain in the enforcement of child labor laws.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Republic of the Congo are exploited in the worst forms of child labor,[1238] particularly in domestic service and street vending, and as a result of trafficking.[1239] Children are sent by their families to work as domestic servants for relatives in urban areas, with the expectation that proper education and care will be provided to them. Some of these children end up begging on the streets.[1240] Children who work in domestic service often endure long hours of work and physical and sexual abuse by their employers. Like other children who work on the streets, beggars are exposed to physical dangers from vehicles and inclement weather and are at risk of commercial sexual exploitation.[1241]

Girls are trafficked internally from rural areas to the cities of Brazzaville and Point Noire, and to the Republic of the Congo from the Democratic Republic of the Congo, Benin, Mali, and Cameroon. The majority of trafficked children engage in street vending, with children trafficked to work on the streets or in domestic service receiving little or no pay.[1242] Young girls from the Democratic Republic of the Congo, on the promise of jobs, are also trafficked to the Republic of the Congo for prostitution.[1243] Children also work in agriculture.[1244] Such work may involve the use of dangerous machinery and tools, carrying of heavy loads, and the applications of harmful pesticides.

Children from the Baka ethnic group are exploited as cheap labor, sometimes cutting grass, while children of predominantly Bantu ethnic groups are in school.[1245] Children cut grass with machetes and are at risk of injuries; they also work long hours andface dangers such as snakebites.

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code (Loi Nº 45-75) sets the minimum age for employment and apprenticeships at 16, and the minimum age for hazardous work at 18.[1246] The Ministry of Education can issue waivers allowing the employment of a child following consultation with a Labor Inspector and an examination of the type of the work.[1247] A list of hazardous work for children dates back to Order 2224 of 1953, but the law currently does not include provisions for the

informal sector, including on farms, in informal businesses, and domestic service, where the majority of children working in the Republic of the Congo are found.[1248] While ILO Convention 182 calls for periodic review and revision of the list of hazardous work for signatories, there is no evidence that the Government has revised the list of hazardous occupations since 1953.[1249]

The Labor Code prohibits forced or compulsory labor except in the case of military service, natural disasters, and certain civic duties.[1250]

The Penal Code prohibits prostitution and the procurement of a girl for prostitution.[1251] The Penal Code and The Criminal Procedure and Evidence Act punish persons for any sexual abuse, defined as an attack committed with violence, coercion, threat, or surprise. This includes rape and indecent exposure to a minor under age 15.[1252]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	None
	Free Public Education	No

There is no law in force against human trafficking *per se*.[1253] Traffickers can be prosecuted for abduction, child abuse, forced labor, illegal immigration, prostitution, rape, extortion, slavery, and kidnapping.[1254] In August 2009, the Child Protection Code, which includes provisions against child trafficking, was approved by Parliament. The Code awaits the President's signature.[1255]

The minimum age of enlistment for service in the armed forces in the epublic of the Congo is 18.[1256]

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence of a coordinating mechanism to combat the worst forms of child labor. However, the Government, UNICEF, local NGOs, Muslim community leaders, and local police created a country coordination committee which reviews and improves communication strategy between various agencies involved in trafficking issues. The committee also monitors the implementation of the 2009-2010 National Action Plan on Trafficking.[1257]

The Ministry of Labor (MOL) is responsible for enforcing the Labor Code. MOL employs 17 full-time and 11 part-time inspectors, each of whom inspect for all types of violations.[1258] While child labor complaints can be made to MOL officials,[1259] inspection efforts focus on urban areas and large establishments, whereas most children work in rural areas and in small informal establishments.[1260] Investigations of alleged child labor violations typically take three to seven months to complete. There were no convictions for violations during the reporting period.[1261] Information on new inspections and investigations was not obtained.

The Ministry of Social Affairs employs 10 inspectors responsible for identifying child trafficking victims, as well as other child protection issues.[1262] During the reporting period, eight child trafficking victims in Pointe Noire were held in foster homes, awaiting repatriation to their home countries.[1263] Eight child trafficking criminal cases have been pending for over 2 years, and none have been resolved during that period.[1264]

Government Policies on the Worst Forms of Child Labor

Although the Republic of the Congo has a 2009-2010 National Action Plan on Trafficking, research found no evidence of a policy on other wors forms of child labor.[1265]

The Government of the Republic of the Congo together with UNDP developed core strategies to set national priorities for poverty reduction and

attainment of the Millennium Development Goals (MDG) in Congo. The Government and other stakeholders incorporated part of that strategy into the United Nations Development Assistance Framework (UNDAF) 2009-2013 Country Plan of Action to include provisions for vulnerable populations such as children with HIV/AIDS, ex-combatants, and children from ethnic populations.[1266] Although the plan includes a focus on children formerly involved in armed conflict, the question of whether this plan may impact children involved in other worst forms of child labor in the Republic of the Congo does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the Government of the Republic of Congo contributed $60,500 for child trafficking investigations in partnership with UNICEF.[1267] In 2006, the Government began a National Program for Disarmament, Demobilization, and Reintegration, and, during the reporting period, it established the High Commission for Reintegration of Ex-Combatants that provides demobilized child soldiers, who were involved in the conflict that occurred in the country during 1993 to 2002, with training and financial support.[1268]

The Government offers minimal protection services to victims of trafficking. These services include legal and care services, such as the Espace Jarrot care facility for at-risk children and are offered in partnership with international organizations, such as UNICEF, United Nations Population Fund (UNFPA), and local NGOs.[1269]

UNFPA also works with the Ministry of Justice to support six free judicial clinics that train local organizations assisting victims of trafficking.[1270] The Ministry of Social Affairs has partnered with UNICEF and local organizations to train investigators to identify trafficking victims and refer them for appropriate legal and social services.[1271]

To support free primary education and to promote primary health care, the Government of Japan donated $4 million to be administered by UNICEF for the rehabilitation of schools and health centers.[1272] UNICEF has announced $500,000 in additional support for health, nutrition, and education programs to help mitigate the effects of the global economic crisis on the most vulnerable.[1273]

The Government of the Republic of the Congo has some social protection programs designed to reduce the worst forms of child labor and protect vulnerable children. However, these programs are too limited to address the scope of child labor in the Republic of the Congo, particularly among children working in domestic service, street work, and agriculture.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in the Republic of the Congo:

IN THE AREA OF LAWS AND REGULATIONS:

- Sign the Child Protection Code into law.
- Revise and publish its list of hazardous activities prohibited to children, in accordance with article 3, paragraph 4 of ILO Convention 182.
- Revise the law to provide protections for all child laborers, including children working in domestic service, agriculture, and other informal workplaces.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Consider targeting more inspection efforts to rural areas and small businesses and shortening the length of the investigation process.

IN THE AREA OF POLICIES:

- Assess the impact of the 2009-2013 National Plan of Action on reducing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Develop social protection programs for the prevention and elimination of exploitive child labor, especially for children working in street work, domestic service, and agriculture.

[1238] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[1239] U.S. Embassy- Brazzaville, *reporting*, February 17, 2010.

[1240] Ibid., para 4.

[1241] U.S. Embassy- Brazzaville, *reporting*, February 12, 2010, para 6.

[1242] U.S. Embassy- Brazzaville, *reporting, February 17, 2010*, para 10c. See also UN Committee on the Rights of the Child, *Written Replies by the Government of the Republic of the Congo Concerning the List of Issues Related to the Consideration of the Initial Report of the Republic of the Congo (CRC/C/COG/1)**, CRC/C/COG/1*, August 14, 2006; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/6791904b0bf12e8ec12571d3003578ca/$FILE/G0643855.pdf. See also U.S. Department of State, "Republic of Congo," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009; available from http://www.state.gov/g/drl/rls/hrrpt/2008/af/118998.htm. See also Integrated Regional Information Networks, "Congo: Tackling child trafficking", IRINnews.org, [online], July 16, 2008 [cited March 2, 2010]; available from http://www.irinnews.org/Report.aspx?ReportId=79284.

[1243] U.S. Department of State, "Congo, Republic of the (Tier 2 Watchlist)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/documents/organization/123357.pdf.

[1244] International Confederation of Free Trade Unions, *Report for the WTO General Council Review of the Trade Policies of the Republic of Congo*, Geneva, September 2006, 5.

[1245] U.S. Department of State, "Country Reports- 2008: Republic of Congo." See also UNICEF, *Education provides a way out for indigenous children in Republic of Congo,* [online] 2009 [cited February 25, 2010]; available from http://www.unicef.org/infobycountry/congo_51350.html?q=printme.

[1246] Government of the Republic of Congo, *Loi N° 45-75, Code du travail de la République populaire du Congo*, (1975), articles 11 and 116; available from http://www.droit-afrique.com/images/textes/Congo/Congo%20-%20Code%20du%20travail.pdf. See also, UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Initial reports of States parties due in 1999: Congo*, CRC/C/COG/1*, February 12, 2006, para 449; available from http://

www.unhchr.ch/tbs/doc.nsf/c12563e7005d936d412561 1e00445ea9/052528a29a9722d0c125716c003552e7/$FI LE/G0641204.pdf. See also, ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Congo (ratification: 2002),* [online] 2009 [cited February 25, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status 01&textbase=iloeng&document=23494&chapter=9&query= Congo%40ref&highlight=&querytype=bool&context=0.

[1247] Government of the Republic of Congo, *Loi no 45-75, Code du travail*, articles 11 and 116.

[1248] U.S. Embassy- Brazzaville, *reporting, February 12, 2010*. See also International Confederation of Free Trade Unions, *Report for the WTO General Council Review*.

[1249] ILO Committee of Experts, *Individual Direct Request C182: Congo (2009)*.

[1250] Government of the Republic of Congo, *Loi no 45-75, Code du travail*, article 4. See also, International Confederation of Free Trade Unions, *Internationally Recognized Core Labour Standards in Congo: Report for the WTO General Council Review of the Trade Policies of Congo*, Geneva, September 27 and 29, 2006; available from http://www.icftu.org/www/PDF/CongofinalE.pdf.

[1251] Government of the Republic of Congo, *Penal Code*, articles 225-227; available from http://www.protectionproject.org/main1.htm [previously online, hard copy on file]. See also ILO Committee of Experts, *Individual Direct Request C182: Congo (2009)*.

[1252] Government of the Republic of Congo, *Penal Code (The Protection Project)*.

[1253] U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

[1254] ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Congo (ratification: 2002)* [online] 2009 [cited February 25, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11112&chapter=6&query=Congo%40ref&highlight=&querytype=bool&context=0. See also U.S. Embassy-Brazzaville, *reporting, February 17, 2010*.

[1255] U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

[1256] U.S. Embassy- Brazzaville, *reporting, February 12, 2010*.

[1257] U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

[1258] Ibid.

[1259] U.S. Embassy- Brazzaville, *reporting, February 12, 2010*, para 12.

[1260] International Confederation of Free Trade Unions, *Report for the WTO General Council Review*, section III, para 3. See also U.S. Department of State, "Republic of Congo," in *Country Reports on Human Rights Practices-2009*, Washington, DC, 2010, section 4d; available from.

[1261] U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

[1262] Ibid., para 14. See also UN Committee on the Rights of the Child, *Initial reports of States parties due in 1999: The Republic of the Congo*.

[1263] U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

[1264] Ibid.

[1265] Ibid.

[1266] UNDP, *Assessment of Development Results Evaluation of UNDP Contribution Republic of Congo,* [online] 2008 [cited March 1, 2010]; available from http://www.undp.org/evaluation/documents/ADR/ADR_Reports/congo/CongoADR-English.pdf. See also UNDP, *Plan d'action fu programme de pays 2009-2013 entre le Gouvernement de la Republique du Congo et le Programme des Nations Unies pour le Developement (PNUD),* [online] 2008 [cited March 1, 2010]; available from http://www.cg.undp.org/downloads/CONGO_BRAZZA_CPD___2009_2013.doc.

[1267] U.S. Embassy- Brazzaville, *reporting, February 12, 2010*, para 15.

[1268] ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict: An Inter-Regional Programme*, Final Performance Report, Geneva, September 2007.

[1269] U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

[1270] U.S. Embassy- Brazzaville, *reporting*, February 17,2010.

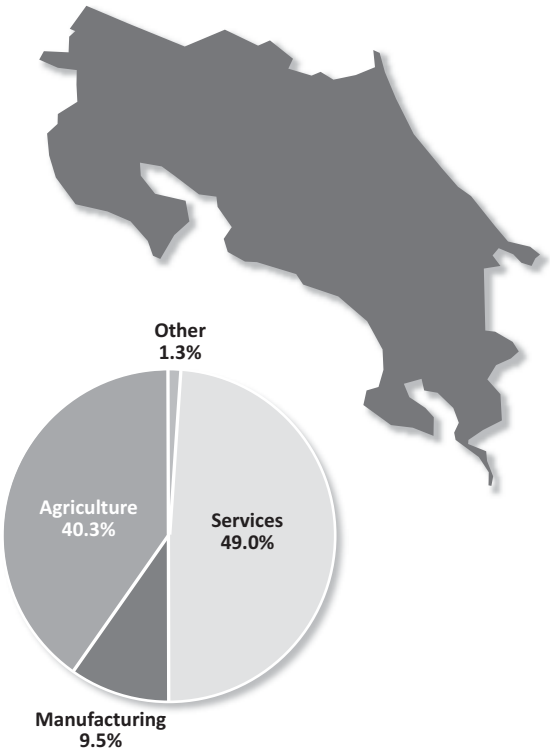
[1271] U.S. Embassy- Brazzaville, *reporting, February 17, 2010*, para 2B, 3F.

[1272] UNICEF, *The Government of Japan donates US$4 million to support the rehabilitation of schools and health centres in the Republic of the Congo*, Press Release, Brazzaville, March 24, 2008; available from http://www.unicef.org/media/media_43354.html?q=printme.

[1273] UNICEF, *UNICEF Executive Director announces $500,000 for social protection programs in The Republic of the Congo (Brazzaville)*, Press Release, Brazzaville, August 24, 2009; available from http://www.unicef.org/media/media_50948.html?q=printme.

Costa Rica

The Government of Costa Rica implemented a cash transfer program conditioned on school attendance and education programs for child laborers and children at risk of entering the worst forms of child labor. However, gaps remain in legal protections and coverage of social programs to assist child laborers, especially in agriculture and urban informal work.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	12-14 yrs.	5.7%
Attending School	5-14 yrs.	91.2%
Combining Work and School	7-14 yrs.	3.1%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Costa Rica,[1274] many in agriculture. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of bananas, coffee, melons, oranges, palm oil, sugarcane and tomatoes.[1275] Such work frequently involves the use of potentially dangerous machinery and tools, application of harmful pesticides, and carrying heavy loads. Children also work in potentially dangerous construction activities and in street vending, which often requires them to carry heavy loads and puts them at risk for accidents as they walk in and out of traffic. Children are also found in domestic service, where they are vulnerable to physical and sexual abuse.[1276]

Children are exploited in other activities constituting worst forms of child labor. According to the Government's National Commission against Commercial Sexual Exploitation of Children, the children in Costa Rica are victims of commercial sexual exploitation, including child sex tourism and child pornography. Child sex tourism is a particular problem in the provinces of Guanacaste, Limon, Puntarenas, and San Jose, as well as border towns and port areas.[1277] Children are trafficked within the country for sexual exploitation and forced labor as domestic servants. Children are also trafficked to Costa Rica from neighboring countries for the purpose of forced labor.[1278]

Laws and Regulations on the Worst Forms of Child Labor

The Child Code and Labor Code both contain provisions on child labor. While the Child Code sets the minimum age for employment at 15, the Labor Code establishes 12 as the minimum age. Although the Government has indicated that the minimum age of 15 is the age enforced by labor authorities, the conflicting minimum age legislation leaves a potential loophole through which children could be exploited.[1279]

The Labor Code prohibits children under the age of 18 from working in certain occupations that are hazardous to their physical, mental or moral health, including working at night in mines, quarries, and other dangerous places such as bars where alcohol is sold. The Child Code identifies additional hazardous types of work prohibited for children under the age of 18, including work with machines, toxic substances,

and loud noises.[1280] While the Government has identified some types of prohibited hazardous work for children, a comprehensive list of hazardous occupations has not yet been adopted.[1281]

The Constitution prohibits slave labor.[1282] The Penal Code sets 18 as the minimum age for prostitution and prohibits procuring a child for prostitution or benefiting economically from the crime. The Penal Code also prohibits the production and possession of child pornography.[1283] Costa Rica's Penal Code prohibits all forms of trafficking and provides for increased penalties for the trafficking of children.[1284]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Office for the Eradication of Child Labor and Protection of the Adolescent Worker (OATIA), within the Ministry of Labor, has the primary responsibility for coordinating the Government's policies and programs to combat child labor. The OATIA monitors the implementation of the National Action Plan for the Prevention and Eradication of Child Labor and Special Protection of Adolescent Workers. It also, provides technical assistance to Government ministries, and designs social programs to combat child labor.[1285] The National Commission against Human Trafficking is headed by the Ministry of Public Security and composed of Government agencies and civil society organizations. It coordinates national training and policy efforts to combat trafficking in persons.[1286]

The Ministry of Labor is responsible for investigating child labor violations, including hazardous and forced child labor, and enforcing child labor law, and currently employs 120 labor inspectors who investigate all types of labor violations including child labor violations, an increase of 30 labor inspectors over 2008.[1287] Members of the public can register child labor complaints through the Ministry of Labor's Web site and OATIA must investigate within 10 days of the complaint.[1288] OATIA received approximately 100 complaints of under-age children working during the reporting period. These cases were referred to other agencies for social services.[1289] During 2009, OATIA identified 16 minors under the age of 15 and 33 minors above the age of 15 engaged in hazardous work. However, information is not available on the total number of inspections conducted, the sectors in which inspections were carried out, or enforcement actions taken in cases where hazardous child labor is found.[1290]

During 2009, OATIA carried out 74 training events on child labor issues for representatives from government, NGOs, and trade unions, reaching 574 people.[1291] The Ministry of Labor's budget for 2009 was $140,000 for activities against child labor.[1292]

The Sexual Crimes and Domestic Abuse Unit of the prosecutor's office and the *Organismo de Investigación Judicial* (the Judicial Police, OIJ) investigate and prosecute crimes involving the commercial sexual exploitation of children. The public can report both commercial sexual exploitation and trafficking of children through the national emergency hotline.[1293] During the reporting period, there were 16 convictions in cases of commercial sexual exploitation of children.[1294] The Patronato Nacional de la Infancia (National Child Welfare Agency, or PANI) is responsible for preventing commercial sexual exploitation of children and providing assistance to its victims. It assisted 51 of these victims in 2009.[1295]

In 2008, the OIJ created the Smuggling and Trafficking Unit and currently has six agents dedicated to investigating trafficking crimes.[1296] During the reporting period, the Government initiated three

child trafficking investigations. Labor inspectors, immigration police, and OIJ agents received anti-trafficking training from the National Commission against Human Trafficking.[1297]

Government Policies on the Worst Forms of Child Labor

The National Development Plan incorporates the goal of reducing child labor into its 2000-2010 education strategy.[1298] In addition, during the reporting period, the Government implemented the National Action Plan for the Prevention and Eradication of Child Labor and Special Protection of Adolescent Workers.[1299] As part of the implementation of the National Action Plan, the Government incorporated an educational subsidy into its national conditional cash transfer program (*Avancemos, or* "Let's Get Ahead"), to provide funds for families to send their children to school rather than work.[1300] The *Avancemos* program is implemented by the *Instituto Mixto de Ayuda Social* (Social Welfare Institute) on the regional level.[1301]

In 2008, the Government adopted an Inter-institutional Protocol which calls on the Ministry of Labor, Ministry of Education, Social Welfare Institute, National Training Institute, and their regional and local agencies to coordinate together and with private sector to provide services to child laborers and children at-risk.[1302]

The Government of Costa Rica signed the UN Development Assistance Framework to reach development objectives, strengthening public policies to combat child labor and its worst forms.[1303] In 2009, the Government also adopted the Roadmap towards the Elimination of Child Labor in Costa Rica which was developed by OATIA in coordination with ILO-IPEC. The Roadmap sets specific objectives for government and civil society organizations. It integrates the issue of child labor into six themes which include poverty, education, health, legal frameworks, awareness raising, knowledge generation, and monitoring.[1304] The Government also incorporated child labor into the National Plan for Development by identifying it as an issue to be addressed within the plan's national strategies to combat poverty.

The Government has also adopted policies specifically aimed at combating child trafficking and commercial sexual exploitation of children. The National Committee for the Eradication of Commercial Sexual Exploitation of Children (CONACOES) implemented the third National Plan to Eradicate Commercial Sexual Exploitation of Children (2008-2010). It aims to raise awareness, increase institutional capacity to address risk factors in target regions and populations, develop mechanisms to guarantee victims' access to psychosocial services, and strengthen the judicial system to defend victims' rights.[1305] In December 2009, the Government signed an agreement with the National Costa Rican Institute of Tourism (ICT) to combat child sex tourism. As part of the agreement, approximately 200 tourist companies have signed a Code of Conduct against child sex tourism.[1306]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Costa Rica has participated in a number of donor-funded projects to combat child labor including a regional project to combat commercial sexual exploitation of children through education, capacity building, and legal reform.[1307] Another regional project focused on strengthening regional cooperation, legislation, policies, and institutions to reduce child labor by providing education.[1308]

The Government is currently implementing the conditional cash transfer program *Avancemos* which encourages low-income families to keep their children in school.[1309] In 2009, the program had enrolled more than 165,000 beneficiaries, both children and adults, an increase from the previous year's 130,000 beneficiaries. Approximately 70 percent were under the age of 18. Funding for the program in 2009 was approximately $80 million.[1310] In addition, OATIA implements projects throughout the country aimed at eliminating child labor by improving living and working conditions among indigenous and migrant groups in agriculture, as well as providing educational services to working and at-risk children and adolescents. However, the number of OATIA personnel dedicated to overseeing these initiatives declined from 12 to 8 between 2005 and 2009.[1311]

The Government also operates some programs specifically aimed at fighting trafficking and the commercial sexual exploitation of children. For

example, the Government supports public awareness campaigns aimed at fighting trafficking in persons.[1312] In addition, CONACOES, in conjunction with NGOs, implemented pilot projects in 6 communities to prevent and assist child victims of commercial sexual exploitation.[1313] In addition, the Government of Costa Rica participates in a $3.3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.[1314]

The Government of Costa Rica has undertaken efforts to address child labor by supporting educational services and awareness raising campaigns. Although the Government of Costa Rica has implemented programs to address child labor in agriculture, research found no evidence that it has carried out programs to assist children involved in urban informal work.[1315]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Costa Rica:

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt a comprehensive list of hazardous occupations for children.
- Increase the minimum age provisions in the Labor Code from 12 to 15, ensuring consistency with provisions in the Child Code.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Make publicly available the number of inspections carried out which identified worst forms of child labor and sanctions/penalties imposed as a result.

IN THE AREA OF PROGRAMS:

- Expand programs to reach child laborers and children at risk for entering work in urban informal work.
- Target assistance to the most vulnerable, including migrant indigenous children.
- Increase the number of personnel in the Office for the Eradication of Child Labor and Protection of the Adolescent Worker (OATIA) dedicated to implementing and monitoring programs to address the worst forms of child labor.

[1274] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2004. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[1275] U.S. Embassy- San Jose, *reporting*, February 1, 2010. See also ILO-IPEC, *Trabajo Infantil y Pueblos Indigenas*, 2006, 68; available from http://www.oit.org.pe/ipec/documentos/panama.pdf.

[1276] ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (no. 138) Costa Rica (ratification: 1976),* [online] 2008; available from http://www.ilo.org/ilolex/english/newcountryframeE.htm. See also U.S. Embassy- San Jose, *reporting, February 1, 2010*.

[1277] Government of Costa Rica, *Plan Nacional para la Erradicación de la Explotación Sexual Comercial de Niños, Niñas, y Adolescentes 2008-2010*, San José, 2007, 6-8, 18; available from http://white.oit.org.pe/ipec/documentos/plan_nac_esc_costa_rica.pdf. See also USAID, *Child Sex Tourism Assessment*, 2006, 12.

[1278] U.S. Department of State, "Costa Rica (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm. See also U.S. Department of State, "Costa Rica," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136107.htm.

[1279] Government of Costa Rica, *Código de la Niñez y la Adolescencia*, (1998), article 92; available from http://www.protegiendoles.org/documentacion/articulo23.pdf. See also Government of Costa Rica, *Código de Trabajo*, Ley No. 2, (1943), article 87; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/44102/65002/s95cri02.htm#t2c7. See also ILO Committee of Experts, *Individual Observation C138: Costa Rica (2008)*.

[1280] Government of Costa Rica, *Código de la Niñez y la Adolescencia*, article 94. See also Government of Costa Rica, *Código de Trabajo*, article 88.

[1281] ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (no. 182) Costa Rica (ratification: 2001),* [online] 2009 [cited March 4, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23498&chapter=9&query=%28C182%29+%40ref+%2B+%28Costa+Rica%29+%40ref&highlight=&querytype=bool&context=0.

[1282] Government of Costa Rica, *Constitución Politica*, (1949), articles 20 and 56; available from http://www.cesdepu.com/nbdp/copol2.htm.

[1283] Government of Costa Rica, *Código Penal de Costa Rica*, (1970), articles 160, 171, 173; available from http://ministeriopublico.poder-judicial.go.cr/coop-intern/normativa%20nacional/general/02.pdf.

[1284] Ibid., article 172.

[1285] Esmirna Sánchez Vargas, "La Oficina de Trabajo Infantil y Adolescente en Costa Rica", May 10, 2010; available from http://white.oit.org.pe/ipec/alcencuentros/interior.php?notCodigo=813.

[1286] U.S. Department of State, "Country Reports- 2009: Costa Rica," section 6.

[1287] U.S. Embassy- San Jose, *reporting, February 1, 2010*. See also U.S. Department of State, "Country Reports- 2009: Costa Rica," section 7d. See also U.S. Embassy- San Jose, *reporting*, January 29, 2009.

[1288] U.S. Embassy- San Jose, *reporting, February 1, 2010*.

[1289] Ibid.

[1290] U.S. Embassy- San Jose official, E-mail communication to USDOL official, September 23, 2010.

[1291] U.S. Embassy- San Jose, *reporting, February 1, 2010*.

[1292] U.S. Embassy- San Jose, *reporting, January 29, 2009*.

[1293] U.S. Embassy- San Jose, *reporting, February 1, 2010*.

[1294] U.S. Embassy - San Jose official, E-mail communication to USDOL official, July 19, 2010.

[1295] U.S. Department of State, "Costa Rica," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119154.htm.

[1296] U.S. Department of State, "Costa Rica (Tier 2)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/g/tip/rls/tiprpt/2009/123135.htm. See also U.S. Embassy- San Jose, *reporting, February 1, 2010*.

[1297] U.S. Embassy- San Jose, *reporting, February 1, 2010*. See also U.S. Department of State, "Country Reports- 2009: Costa Rica," section 6.

[1298] Government of Costa Rica, *Plan Nacional de Desarrollo 2006-2010*, 2006; available from http://documentos.mideplan.go.cr:8080/alfresco/d/d/workspace/SpacesStore/fb320421-a091-46b6-a41a-785992bd932d/PND-2006-2010-sector-educativo-31052010.pdf.

[1299] U.S. Embassy- San Jose, *reporting, February 1, 2010*. See also Government of Costa Rica, *Segundo Plan Nacional de Acción para la Prevención, Erradicación del Trabajo Infantil y Para la Protección Especial de las Personas Adolescentes Trabajadoras, reformulado 2008-2010*, San José; available from http://white.oit.org.pe/ipec/documentos/ii_plan_nacional_costa_rica_reformulado_2008_2010.pdf.

[1300] U.S. Embassy- San Jose, *reporting, February 1, 2010*.

[1301] U.S. Embassy- San Jose official, E-mail communication to USDOL official, August 10, 2010.

[1302] U.S. Embassy - San Jose official, E-mail communication, July 19, 2010. See also U.S. Embassy- San Jose official, E-mail communication, August 10, 2010.

[1303] U.S. Embassy- San Jose, *reporting, February 1, 2010*. See also United Nations Development Group, *Marco de Asistencia para el Desarrollo* 2007, 22; available from http://www.undg.org/docs/7995/Costa%20Rica%20UNDAF.pdf.

[1304] ILO-IPEC, *Hoja de Ruta para hacer de Costa Rica un país libre de trabajo infantil y sus peores formas*, 2009, 9; available from http://white.oit.org.pe/ipec/pagina.php?pagina=337.

[1305] Government of Costa Rica, *Plan Nacional para la Erradicación de la Explotación Sexual Comercial de Niños, Niñas, y Adolescentes 2008-2010*.

[1306] La Nación, *Canatur e ICT firman convenio para combatir explotación sexual de menores,* [online] 2009 [cited March 22, 2010]; available from http://wvw.nacion.com/ln_ee/2009/diciembre/02/pais2180532.html.

[1307] ILO-IPEC, *Supporting the Timebound Programme for the Elimination of the Worst Forms of Child Labour in the Dominican Republic- Phase II (2006-2009)*, Project Document, Geneva, August 2006, vi and vii. See also ILO-IPEC, *Supporting the Timebound Programme for the Elimination of the Worst Forms of Child Labour in the Dominican Republic- Phase II (2006-2009)*, Final Technical Progress Report, Geneva, March 2010, 1 and 34.

[1308] CARE, *Primero Aprendo Project: Combating Exploitive Child Labor Through Education in Central America (Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua) and the Dominican Republic*, Project Document, 2004, 5. See also CARE, *Primero Aprendo Project: Combating Exploitive Child Labor through Education in Central America and the Dominican Republic*, Final Technical Progress Report, Managua, March 31, 2009, 2. See also ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Project Addendum, Geneva, September 2005, 22-23.

[1309] U.S. Embassy- San Jose, *reporting, January 29, 2009*. See also Government of Costa Rica, *Memoria: A Report Submitted to the ILO on the actions undertaken by the Government to implement the provision of C. 182 for the period ending May 22, 2008*, Ministerio de Trabajo, San Jose, May 31, 2008, 12.

[1310] U.S. Embassy- San Jose, *reporting, January 29, 2009*.

[1311] U.S. Embassy- San Jose, *reporting, February 1, 2010*. See also ILO, *Verification Report on the Implementation of the White Paper Recommendations, Period: February 2009-July 2009*, San José, 2009, 19.

[1312] U.S. Embassy- San Jose, *reporting, February 1, 2010*.

[1313] U.S. Department of State, "Country Reports- 2009: Costa Rica."

[1314] ILO-IPEC official, E-mail communication to USDOL official, February 4, 2008.

[1315] U.S. Department of State, "Country Reports- 2009: Costa Rica." See also U.S. Embassy- San Jose, *reporting, February 1, 2010*. See also U.S. Department of State, "Trafficking in Persons Report- 2009: Costa Rica."

Côte d'Ivoire

The Government of Côte d'Ivoire continues to develop laws and policies to combat the worst forms of child labor, including the recent adoption of the Trafficking and Worst Forms of Child Labor Law. However, significant challenges remain in the legal and enforcement frameworks, school attendance is not compulsory, and social programs are too limited to assist all children engaged in the worst forms of child labor. Children continue to work on cocoa farms, in domestic service, and in mining, sometimes under forced conditions.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	39.8%
Attending School	5-14 yrs.	53.6%
Combining Work and School	7-14 yrs.	24.3%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Côte d'Ivoire are exploited in the worst forms of child labor,[1316] many of them in agriculture. In the cocoa sector, many children report injuries sustained while carrying heavy loads, clearing land, and burning vegetation.[1317] A recent survey by Tulane University found that an estimated 63 percent of children (over 260,000 children) engaged in the cocoa sector in Côte d'Ivoire work in contravention of minimum age and hour standards.[1318] Some of the children emigrate from neighboring countries, such as Burkina Faso and Mali. The majority comes with at least one biological parent, but some arrive by themselves.[1319] Many of the children working in the cocoa sector do not attend school (41 percent or an estimated 335,000 children).[1319]

Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of bananas, cotton, palm, papaya, pineapples, rice, rubber, diamonds, and gold.[1320] Children working in agriculture may use dangerous tools, carry heavy loads and apply harmful pesticides. Risks with working in mining include injury from falling into pits and illness from standing in stagnant water.

Ivorian girls, some as young as age 9, work as domestic servants. Some work 12 to 14 hours per day, and some are subject to mistreatment including sexual abuse.[1321] In urban centers, especially Abidjan, children are employed as construction workers, vendors, and food sellers in street restaurants.[1322] Children working in the streets risk injury due to vehicle accidents and exposure to inclement weather and criminal elements.

Ivorian children work in the worst forms of child labor in small-scale gold and diamond mines, where they dig holes, clear out water, and carry and wash gravel. Risks include injury from falling into pits and illness from standing in stagnant water.[1323]

In Côte d'Ivoire, it is a traditional practice in some communities to send children to Koranic teachers to receive education, which may include a vocational or apprenticeship component. Some are forced to beg and surrender the money that they have earned to their teachers.[1324]

The majority of the victims of trafficking in Côte d'Ivoire are children.[1325] Most trafficking occurs within the country, and most child trafficking victims are boys from the Montagnes and N'Zi-Comoé regions.[1326] Boys are trafficked internally for agricultural labor (e.g., on cocoa plantations) and to work in the service sector.[1327] Children, often girls between the ages of 9 and 15, are trafficked to the south (including Abidjan) to work as domestic servants.[1328] Girls are also lured into commercial sexual exploitation with promises of work in bars and restaurants. Many of these girls are age 15 to 16, but some are as young as age 10.[1329] Children are also trafficked internally to labor in mines.[1330]

Children from neighboring countries are also trafficked into Côte d'Ivoire.[1331] In particular, boys are trafficked to Côte d'Ivoire from Ghana, Mali, Burkina Faso, Benin, and Togo for agricultural labor (on cocoa, coffee, pineapple, and rubber plantations); from Guinea for labor in the mining sector; from Benin for carpentry work; and from Togo to work in construction. Boys from Ghana and Togo are also trafficked to Côte d'Ivoire to work in the fishing industry.[1332] Girls from Ghana, Togo, Benin, and Nigeria are trafficked to Côte d'Ivoire for domestic labor, street vending, and commercial sexual exploitation.[1333]

Evidence suggests that government-supported militias and rebel groups have ceased recruitment and use of child soldiers.[1334]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code and the new Trafficking and Worst forms of Child Labor Law (adopted on September 30, 2010) establish the minimum age for work and apprenticeships at 14.[1335] Children age 12 may perform light work, including domestic service and agriculture, with parental or legal guardian approval.[1336] The Labor Code also prohibits night work by children under age 18 and requires all children to have at least 12 consecutive hours of rest between work shifts. The Labor Inspectorate can require children to take a medical exam to ensure that their work does not exceed their physical capacity.[1337] Ivoirian law does not make education mandatory or establish a compulsory education age, which makes children more vulnerable to entering into the worst forms of child labor. [1338] Côte d'Ivoire's Hazardous Labor List defines certain activities as hazardous and prohibited for children under age 18.[1339] The list includes hazardous activities in agriculture and forestry such as cutting trees, burning fields, applying chemicals and chemical fertilizer, and carrying heavy loads.[1340] Hazardous activities for the mining sector include drilling and blasting, transporting stone fragments or blocks, crushing stone, using chemicals to extract ore, and working underground. Hazardous activities for commercial and domestic service sectors include selling and supporting the production of pornographic material; working in bars; and picking up garbage.[1341]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	None
	Free Public Education	Yes

The Trafficking and Worst Forms of Child Labor Law and the Labor Code prohibit forced or compulsory labor, slavery, and debt servitude.[1342] The Trafficking and Worst Forms of Child Labor Law also prohibits the sale and trafficking of children.[1343] The new law calls for life imprisonment when trafficking or the worst forms of child labor results in the death of a child and introduces other appropriate penalties.[1344]

The Trafficking and Worst Forms of Child Labor Law also prohibits the recruitment, offering, and use of a child for prostitution, as well as the production and distribution of pornographic material involving children.[1345] Ivoirian law prohibits the use and procurement of a child for illicit activities, such as trafficking and selling drugs.[1346] The minimum age for both voluntary and compulsory recruitment into

the military is 18; the Trafficking and Worst Forms of Child Labor Law prohibits the recruitment and use of children in armed conflicts.[1347]

Institutional Mechanisms for Coordination and Enforcement

The National Committee for the Fight against Trafficking and Child Exploitation coordinates the Government's efforts to combat child labor, forced child labor, and child trafficking.[1348] It includes nine ministries. During 2009, members of the Committee were involved in the repatriation of 25 child trafficking victims.[1349] However, ministries of the National Committee did not formally meet during 2009, which adversely affected coordination of activities to combat the worst forms of child labor.[1350]

The Ministry of Labor is responsible for developing policy and monitoring the child labor situation in the country. The Ministry of Labor has 200 labor inspectors who perform about one inspection per year per company; the Ministry spent an estimated $204,000 on labor inspections in 2009.[1351] During the reporting period, labor inspectors were able to remove some children from domestic labor and provide them with services.[1352] However, labor enforcement officials lack sufficient funding, and training and inspections are mainly limited to formal sector enterprises, leaving employment in agriculture, domestic service, street shops, and restaurants largely uninspected.[1353]

The Cocoa Child Labor Task Force (SSTE) reports directly to the Prime Minister's Office and is responsible for coordinating efforts to combat the worst forms of child labor in the cocoa sector related to the Harkin-Engel Protocol (the Protocol).[1354] The SSTE has not yet implemented all agreements related to the Protocol. For example, it is not on schedule to implement transparent child labor monitoring and certification systems throughout the entire cocoa growing region by the end of 2010.[1355]

Research suggests that there is a lack of information sharing and coordination between the SSTE and the Ministry of Labor, which hampers their effectiveness in combating the worst forms of child labor.[1356]

In December 2009, the Government undertook a supplemental study and published a certification report on child labor in the cocoa sector that is representative of the entire cocoa growing region.[1357] However, the Government has not made the survey data available to the public. During a 2010 conference on data collection, the Government agreed that child labor surveys in the cocoa region should be conducted every 5 years.[1358] The Government also has continued to participate in the International Cocoa Verification Board (ICVB) that was convened to improve data gathering and which assessed government surveys on child labor in the cocoa sector and suggested methodological improvements.[1359]

The Ministry of Interior's National Police has an Anti-Trafficking Unit with five police officers and two social workers, which investigates cases of child trafficking. The Government also reported conducting police raids on brothels during the reporting period in an effort to reduce the commercial sexual exploitation of children.[1360] During the reporting period, the Government conducted training for border police on child labor and child trafficking.[1361] However, it did not train other law enforcement officials to identify and assist trafficking victims.[1362]

Government Policies on the Worst Forms of Child Labor

In 2007, the Government adopted the National Action Plan on Child Labor and Trafficking.[1363] Its objectives include reinforcing legal mechanisms, undertaking studies, enhancing prevention activities, and increasing resources to address the issues.[1364] The Plan calls for significantly reducing the worst forms of child labor, cutting child labor in half in 4 years, and strengthening and expanding the Government's Child Labor Monitoring System (CLMS).[1365] The Plan asks for $7.75 million to pursue its objectives, and the Ministry of Labor has pledged $4.57 million. However, the Department of Finance has not released funds needed to implement the plan.[1366]

Côte d'Ivoire joined the 2006 Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions. As part of this regional agreement, the Government pledged to investigate and prosecute trafficking offenders and assist victims.[1367] In addition, the Government has separate bilateral cooperation agreements with the Governments of Burkina Faso and Mali to combat cross border trafficking of children.[1368] Child labor concerns have also been mainstreamed

into the following national development agendas and policy documents: Millennium Development Goals (2015), United Nations Development Assistance Framework (2009-2013), Decent Work Program (2008-2013), and National Education Development Plan (1998-2010).[1369] The Government's January 2009 Poverty Reduction Strategy Paper includes support for exploited and trafficked children.[1370]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In the past decade, the Government has participated in two USDOL-funded regional projects to combat child trafficking in West and Central Africa and exploitive agriculture (e.g., cashews, coffee, and cocoa).[1371] The Government of Côte d'Ivoire is carrying on some initiatives started under these projects, including some aspects of the CLMS that was developed.[1372] The Government's child labor monitoring activities do not cover all sectors where the worst forms of child labor are found.[1373]

Many of Côte d'Ivoire's programs to eliminate the worst forms of child labor have focused on the cocoa sector. The Government participates in the Joint Working Group (JWG) for the cocoa sector, which was formed in July 2009 and includes members from the Governments of Côte d'Ivoire and Ghana, the cocoa industry, and civil society.[1374] The JWG has stated its intent to establish common child labor indicators and remediation benchmarks; however, to date, it has not done so.[1375]

On September 13, 2010, the Governments of Côte d'Ivoire and Ghana signed a Declaration of Joint Action to Support the Implementation of the Harkin-Engel Protocol, affirming their commitment to reducing the worst forms of child labor in the production of cocoa, including by supporting increased remediation efforts. The Declaration is accompanied by a Framework of Action to Support the Implementation of the Harkin-Engel Protocol that identifies key stakeholders including USDOL, the two governments, and the international cocoa industry, with which the Government will coordinate to enhance programming to combat child labor in the cocoa sector.[1376]

In July 2009, the Government began implementing its "Self Help Village" initiative to combat child labor in the cocoa sector.[1377] The project supports school and infrastructure rehabilitation and child labor monitoring.[1378] The Government reports that it has begun implementing the initiative in 10 communities and plans to expand to 21 more.[1379] However, according to a report by Tulane University that included an assessment of this program, the villages selected do not correspond to the areas of greatest need as outlined in the Government's certification survey report nor do the projects address the specific needs of each community.[1380]

The Government continues to participate in a 4.5-year, USDOL-funded project implemented by Tulane University to oversee efforts of the international cocoa industry and the Governments of Côte d'Ivoire and Ghana to implement the Harkin-Engel Protocol.[1381] Tulane University's research indicates only a small percentage of children working in the cocoa sector benefitted from these interventions.[1382]

The Government of Côte d'Ivoire also participates in a 4-year, $7.95 million regional project funded by USDOL in 2009. This project helps ECOWAS states combat the worst forms of child labor by strengthening their laws and enforcement, and improving national action plans and policies on child labor.[1383] In Côte d'Ivoire, the project addresses exploitive child labor in domestic service and commercial agriculture (cocoa and coffee).[1384] The Government is also participating in a USDOL-funded multi-country project to improve data collection on child labor and forced labor.[1385]

The Government continues to participate in the 4-year, Phase II (2007-2011) Sustainable Tree Crops Program (STCP), funded by USAID, the World Cocoa Foundation, and the cocoa industry. STCP is a public-private partnership that promotes sustainable tree crop systems and contains a child labor prevention component.[1386] STCP operates in 15 districts and works with 20 cocoa cooperatives in the Eastern Region of Côte d'Ivoire.[1387] During the reporting period, Cargill, Inc. announced that it would double the number of farmer field schools it operates by the end of 2010.[1388]

The Government continues its engagement with the Empowering Cocoa Households with Opportunities and Education Solutions (ECHOES) Project (2007-2011), funded by the World Cocoa Foundation and the cocoa industry at $6 million.[1389] The ECHOES project aims to provide vocational agriculture education to school-age children and out-of-school youth and to provide some families with income-generating

support.[1390] The Government also participates in projects funded by the International Cocoa Initiative (ICI) to combat child labor in the cocoa sectors of 86 communities in three regions of Côte d'Ivoire. During the reporting period, ICI conducted sensitization activities and trainings to enhance awareness of child labor and trafficking. Cargill, Mars, Armajaro, and Nestlé funded additional ICI education and livelihood projects, including school construction.[1391]

The Government participates in a 3-year, $1.95 million project funded by the Belgian Government aimed at improving services to address the worst forms of child labor in the cocoa sector.[1392] The Government also takes part in a 2-year, $2.83 million regional project funded by the Government of Denmark to combat child trafficking in West Africa.[1393] In addition, the Government participates in projects funded by the International Catholic Bureau for the Dignity and Rights of Children (BICE). BICE projects provide educational, psychological, and legal services to children found in domestic labor.[1394]

While the Government has some programs to help children on cocoa farms, it lacks social programs to address the needs of children working on other types of farms and mines, children forced to beg, and children who are engaged in commercial sexual exploitation.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Côte d'Ivoire:

IN THE AREA OF LAWS AND REGULATIONS:

- Make education compulsory and establish a minimum compulsory education age that is consistent with the minimum age for admission to work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Allocate sufficient resources to enforce child labor laws and ensure inspections in sectors where the worst forms of child labor are most prevalent.
- Train labor inspectors, law enforcement officers, prosecutors, and judges to recognize exploited and trafficked children and enforce laws to protect them.
- Hold regular meetings of the National Committee for the Fight against Trafficking and Child Exploitation.
- Take additional steps to improve coordination between government agencies that can help address the worst forms of child labor, including those responsible for agriculture, education, development, infrastructure, child exploitation and trafficking, social safety nets, employment, and remediation.
- Conduct representative surveys of cocoa growing areas every five years, include child labor questions in household surveys, and make survey available to the public.

IN THE AREA OF POLICIES:

- Provide sufficient funding for effective implementation of National Action Plans to combat the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to address and prevent children's involvement in exploitive child labor, including by:
  - Developing long-term sustainable child labor monitoring, certification, and remediation models
  - Scaling up and replicating successful projects throughout cocoa growing regions.
  - Developing common child labor indicators and remediation benchmarks across projects.
  - Augmenting social, education and livelihood programs; remediation activities; farmer training; and, infrastructure improvements (e.g., welcome centers and schools).
  - Tracking project interventions and impact and making this information publicly available.
- Pilot and expand efforts to address the worst forms of child labor in forced begging, commercial sexual exploitation, domestic service, and mining.

[1316] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are form 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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Croatia

The Government has implemented several programs targeting disadvantaged groups, including Roma and Sinti children and low income families. However, no social programs targeting children engaged in relevant worst forms of child labor could be identified. Children, particularly from the Roma community, continue to be exploited in the worst forms of child labor in agriculture and forced begging.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor[1395]

There have been incidences of children being exploited in the worst forms of child labor.[1396] A majority of the cases involve Roma children working in agriculture.[1397] These children may be exposed to unsafe/unhealthy conditions at work, including long hours in extreme heat; inadequate access to water, nutrition, or sanitation; and use of harmful pesticides.

Reports indicate that there is forced begging, among Roma children[1398] even though the number of Roma children begging in public has somewhat decreased in recent years. Children working on the streets may face a variety of unsafe conditions, including severe weather, accidents caused by proximity to vehicles, exposure to toxic fumes, and vulnerability to criminals.

Reports also indicate trafficking of women and children. Croatia is a destination, source, and transit country for children trafficked for the purposes of commercial sexual exploitation.[1399]

Laws and Regulations on the Worst Forms of Child Labor

Croatia updated its Labor Act in 2010 and established stronger provisions regarding child labor.[1400]

The Labor Act sets the minimum age for employment at 15.[1401] Minors under the age of 15 may work if they receive prior approval from the state labor inspectorate and if it is determined that the child will not suffer physically or mentally from the work.[1402] However, minors are not allowed to be hired for employment without explicit approval from their legal guardian or parent and only if it does not interrupt their education.[1403]

The Labor Act sets out a list of conditions that are prohibited for children under age 18. These include working overtime, at night, and in any dangerous conditions that may be harmful to the physical and moral wellbeing of children.[1404] Labor regulations do not permit children to work beyond 40 hours a week. Persons who are younger than 18 are prohibited from working beyond 8 hours a day, and if a minor is working more than 4.5 hours, the minor is entitled to take a 30-minute break.[1405] The minor is also entitled to have a break from an everyday work week with a rest in between lasting at least 48 hours. Regulations stipulate that a minor employee, if exposed to the harmful effects of work, should have 5 weeks of annual leave made available to her/him.

The law has been amended to be fully harmonized with EU labor laws regarding child labor and includes regulations on minimum age for employment, and

prohibition of employment of minors in any type of work that is hazardous to the health, safety, and disposition of the minor. However, the Labor Act does not spell out the list of hazardous activities that threaten health or work that is harmful to children or sectors that prohibit child labor. This provision includes new duties for labor inspectors that allows them to oversee minors at their place of employment to determine whether or not the minor is in danger and, upon making such a determination, in consultation with a physician if needed, can prohibit the minor from such employment. The Labor Act considers it a grave violation if a minor is hired without explicit permission from the legal guardian or parent. Fines can range between HRK 31,000.00 to 60,000.00. An employer is considered to be in violation of the Labor Act for failing to follow the order from the labor inspector prohibiting a minor from working on the premises.[1406] Employers are considered to be in violation if they are employing minors in situations that may be harmful to their health and moral status. It is also considered a serious violation when an employer takes on a minor employee without ascertaining through a medical doctor the minor's physical ability and health status to perform the job.[1407]

Croatia's criminal law treats trafficking for the purpose of commercial sexual exploitation as a serious offense.[1408] Similarly, the code criminalizes international prostitution. The impending amendment to Croatia's criminal law to be finalized in December of 2010, will essentially combine trafficking and international prostitution. As it stands now these are treated separately in Articles 175 and 178, respectively.[1409] Combining it together will possibly increase the number of identifications for trafficked persons including children.

Article 213 of the criminal law specifies that to forcibly engage a minor to beg or to force a child into prostitution is a serious offense.[1410] Violations to this rule are punishable by imprisonment for one to 5 years. Article 214 of the criminal law stipulates that entering into any kind of sexual act with a minor is considered an offense and violations to this rule can result in imprisonment for 3 years. Violations to Article 178 (international prostitution) results in a stricter punishment if it involves a child; imprisonment can range between one to 10 years.[1411]

According to the Defense Act of 2002, the minimum age for conscription and voluntary recruitment into the military is set at 18.[1412]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Council for Children coordinates activities to promote and protect the rights of the child.[1413] The Office of the Ombudsman for Children coordinates the monitoring and compliance of laws and other regulations related to the rights and interests of children, including coordinating with the Ministry of the Economy, Labor and Entrepreneurship to ensure that ILO Conventions 138 (minimum age) and 182 (worst forms of child labor) are implemented.[1414] The State Labor Inspectorate joins efforts to enforce laws related to the minimum age for employment.[1415]

The Inspectorate has 111 inspectors whose duties include inspection for illegal employment of minors. In 2009, the State Labor Inspectorate recorded 153 violations of child labor laws involving 73 children under the age of 17. Violations were found mainly in the hospitality, tourism, retail, food, industrial, services, and construction sectors, and they involve overtime or poorly written work contracts. Labor inspectors file misdemeanor charges against employers

found to be in violation of the labor law.[1416] The Ombudsman for Children handles all cases of labor violations that are referred to from the labor inspectorate.[1417]

The National Committee for Combating Trafficking in Human Beings coordinates all anti-trafficking activities. The head of the Office of Human Rights serves as the coordinator of the committee, which includes representatives from the Ministry of Foreign Affairs, the Ministry of Health, and the Ministry of Justice. The Office of Human Rights is the lead agency for monitoring anti-trafficking efforts and serves as a liaison for all international activities related to trafficking.[1418]

The Croatian Police Academy trained 1,315 police officers on trafficking issues.[1419] The Government maintains two databases that track perpetrators and victims of trafficking. The database allows for identification of minors based on age.[1420]

Government Policies on the Worst Forms of Child Labor

The Government has incorporated child labor issues into related policy frameworks. It adopted a National Action Plan for the Rights and Interests of Children 2006-2012 to strengthen services provided to vulnerable children. The plan has as one of its goal to provide resources for the prevention of the worst forms of child labor, including resources for investigation of child labor and exploitation.[1421] It also brings together a network of multilateral donor organizations and local NGOs to improve the well being of children and help those who are victims of the worst forms of child labor and trafficking.[1422] The Council for Children acts as the coordinating body for all such activities.

The Government participates in the Decade of Roma Inclusion 2005-2015, a regional intergovernmental initiative to provide free basic primary education to all Roma children.[1423] There continues to be high dropout rates among Roma children and only 3.5 percent of Roma children graduate from high school (compared with 85 percent of the general student population).

Social Programs to Eliminate or Prevent Worst Forms of Child Labor

In 2009, the police conducted several outreach campaigns, to address trafficking in persons and forced begging among the Roma community. This involved distributing educational leaflets to about 2,500 Romani people, printed in the Roma language.[1424] Other programs that provide services, including medical care, housing, shelter, and legal clinics are offered to victims of trafficking through the International Red Cross, and IOM in cooperation with the Government of Croatia.

In addition, the Government has implemented several programs targeting disadvantaged groups, including Roma and Sinti children and low income families. In 2008, the Government, as part of an OSCE program, implemented initiatives to support early education for Roma and Sinti children.[1425] Croatia's newly reformulated social welfare policy also includes the Assistance for Maintenance Program, which provides monthly payments to low income families to raise their income level.

The goal of this program is to address severe poverty among families.[1426] Research has not identified evidence of these programs' impact on the worst forms of child labor.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Croatia:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Act to include a list of hazardous activities and sectors where children may not work.

IN THE AREA OF PROGRAMS:

- Conduct a comprehensive national study to better assess the extent and types of worst forms of child labor in the country.
- Develop programs aimed at increasing the school completion rate of Roma children.
- Assess the impact that social programs may have on addressing the worst forms of child labor. Consider whether children in the worst forms of child labor should be a specific target of social programs.

[1395] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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[1401] Government of the Republic of Croatia, *Labour Act, General Provisions*, (2009); available from http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/84016/93988/F806760027/HRV84016%20English.pdf.

[1402] Ibid.

[1403] Ibid.

[1404] Ibid.

[1405] Ibid.

[1406] Ibid.

[1407] Ibid.

[1408] Government of the Republic of Croatia, *Criminal Code*, (2004); available from http://www.vsrh.hr/CustomPages/Static/HRV/Files/Legislation__Criminal-Code.pdf.

[1409] International Center for Migration Policy Development, *Trafficking in Human Beings in Croatia, An Assessment Focusing on Labor Exploitation*, 2010; available from http://www.icmpd.org/fileadmin/IIMS-documents/Croatian_English_2010-09-29_Final_small.pdf.

[1410] Government of the Republic of Croatia, *Criminal Code*.

[1411] Ibid.

[1412] Coalition to Stop the Use of Child Soldiers, "Croatia," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/content/croatia.

[1413] UN Economic and Social Council, *Recommendation for funding from other resources without a recommendation for funding from regular resources*, UNICEF Executive Board, 2006; available from http://www.unicef.org/about/execboard/files/06-PL59-Croatia.pdf.

[1414] Government of the Republic of Croatia, *Summary Report About the Work of the Ombudsman for Children*, Zagreb, 2007; available from http://www.crin.org/docs/Sazetak%20izvjesca%20o%20radu%20za%202006(Eng).pdf. See also UNICEF, *Working Group Document on Status of Children in Croatia*, 2008; available from http://www.unicef.org/videoaudio/PDFs/Croatia_WFFC5_Report.pdf. See also Government of the Republic of Croatia, *The Law on the Ombudsman for Children*, (2003); available from http://www.crin.org/docs/FileManager/ombuds_law_croatia_2003.doc.

[1415] International Trade Union Confederation, *Internationally Recognized Core Labor Standards in Croatia*.

[1416] U.S. Embassy- Zagreb, *reporting, November, 2010*.

[1417] U.S. Department of State, "Croatia," in *Country Report on Human Rights Practices- 2009*, March 11, 2009; available from http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136025.htm.

[1418] Government of the Republic of Croatia, *National Plan for Combating Trafficking in Human Beings for the period from 2009-2011*, National Committee For Combating Trafficking in Human Beings, 2009; available from www.ljudskaprava-vladarh.hr/lgs.axd?t=16&id=1326. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Croatia."

[1419] U.S. Embassy- Zagreb, *reporting, November, 2010*.

[1420] Ibid.

[1421] UN Economic and Social Council, *Recommendation for funding from other resources without a recommendation for funding from regular resources*. See also Government of the Republic of Croatia, *Summary Report About the Work of the Ombudsman for Children*.

[1422] UN Economic and Social Council, *Recommendation for funding from other resources without a recommendation for funding from regular resources*.

[1423] Ibid.

[1424] U.S. Department of State, "Trafficking in Persons Report- 2010: Croatia."

[1425] Right to Education Project, *European Court Ruling on Roma Children in Croatia*, 2010; available from http://www.right-to-education.org/node/953.

[1426] Zora Raboteg-Šarić, *Children's Welfare in the Context of Social and Economic Changes in Croatia*, Norwegian University of Science and Technology, Trondheim, 2004; available from http://www.sv.ntnu.no/iss/an-magritt.jensen/card/Childrens%20Welfare/Volume%20II/Croatia.pdf.

Djibouti

The Government of Djibouti initiated efforts to combat child trafficking. Despite these efforts, Djibouti lacks laws defining hazardous labor and has not allocated resources to address the worst forms of child labor. Children in Djibouti remain in the worst forms of child labor, including domestic service.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Djibouti are exploited in the worst forms of child labor,[1427] including a large number in domestic service.[1428] Child domestic labor may involve long hours of work, while often exposing children to physical and sexual exploitation by their employer. The majority of the Djiboutian population (87 percent) is found in urban areas and in cities where there are children living and working in the streets, including migrant children from Ethiopia, Somalia, and other countries.[1429] Some children engage in begging, counterfeiting, prostitution, and dealing drugs (including glue, pills, marijuana, and the legal drug *qat*).[1430] On the streets, these children are vulnerable to sexually transmitted diseases and HIV/AIDS, and they are exposed to dangers, injuries, and accidents; physical abuse; and economic and sexual exploitation.[1431]

Rural children in Djibouti care for and herd livestock.[1432]

A small number of girls from poor Djiboutian families, refugees, and voluntary Ethiopian and Somali migrants passing through Djibouti en route to the Middle East are trafficked into prostitution in Djibouti City and along trucking routes on the Ethiopia-Djibouti corridor, often by older children or by women who promise jobs as housekeepers.[1433] Girls may also be trafficked for domestic service.[1434]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code (Loi n°133/AN/05/5ème L, Republic of Djibouti 2006) sets the minimum age for employment and apprenticeships in Djibouti at 16, and the minimum age for night work at 18.[1435] While the law prohibits children under age 18 from working in certain sectors, including domestic service, it does not define hazardous work or establish a minimum age for hazardous work. Additionally, the government has not developed a list of hazardous occupations.[1436]

The law limits the number of consecutive hours children can work. However, the National Council of Work, Labor, and Vocational Training has the authority to exempt a young person from the 12 consecutive hours of rest between shifts required by law, and from restrictions on night work.[1437]

The Labor Code prohibits forced and bonded labor and prohibits the use of children in the transportation and sale of drugs; work in bars and hotels; and employment in domestic service until age 18.[1438]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	None
	Compulsory Education Age	16
	Free Public Education	Yes

Both Loi n°68/AN/79 Regulating the Fight Against Prostitution and Soliciting and the Penal Code prohibit and punish the procurement of a minor for prostitution and the use of a minor in pornography.[1439] Law n°210/AN/07/5ème L Regarding the Fight Against Human Trafficking prohibits internal and cross-border trafficking of persons under age 18.[1440]

Institutional Mechanisms for Coordination and Enforcement

There is no evidence that the Government of Djibouti has established mechanisms for coordinating efforts to combat child labor.[1441]

The Labor Inspectorate, under the Ministry of Labor, has the authority to enforce child labor laws and regulations.[1442] Labor inspectors can sanction businesses that employ children illegally.[1443] Additionally, the Ministry of Health and the Ministry of Labor can require medical exams, as appropriate, to determine if work is beyond a young person's capabilities and can prohibit young people from being employed in additional types of work deemed beyond their capabilities.[1444]

The Labor Inspectorate had only one labor inspector and six controllers at the time of reporting, an inadequate number given the prevalence of child labor in the country.[1445] Additionally, the Labor Inspectorate lacks resources, including vehicles, to carry out inspections.[1446] During the reporting period, no child labor complaints were filed, no investigations regarding child labor and hazardous child labor were conducted, and no pending cases were resolved.[1447]

The Ministry of Justice and the Police Vice Squad (*Brigade des Moeurs*) are responsible for investigating forced labor, commercial sexual exploitation, and prostitution.[1448] The police visit bars and clubs to warn against admitting minors on the premises.[1449] They also work with the Ministry of Health to refer victims of child prostitution to service providers.[1450] The Government of Djibouti does not have any mechanisms to enforce trafficking legslation or to support trafficking victims.[1451]

Government Policies on the Worst Forms of Child Labor

There is no evidence that the Government of Djibouti has established a policy framework for the elimination of the worst forms of child labor. However, it has adopted other development policies that are intended to reach the populations most vulnerable to child labor.

The Government of Djibouti is one of 11 members of the East African Police Chiefs Cooperation Organization, which committed to adapting a UNODOC/UN.GIFT model law against trafficking in persons, which includes child trafficking, and to drafting a Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa.[1452] The Government also ratified the African Charter on the Rights and Welfare of the Child, which includes provisions on the worst forms of child labor, and requires signatories to create laws specifying the minimum age for work, appropriate working hours, penalties for violations, and creates public awareness on the risks of using child labor.[1453] While the Government of Djibouti has adopted these principles, it has not translated them into concrete laws or action plans.

Djibouti's Poverty Reduction Strategy addresses vulnerable populations, including street children, although it does not specifically include child labor. [1454] It includes strategies for assisting vulnerable children, such as developing short skills courses for young persons with no previous schooling, increasing access to formal education, and linking children to social services.[1455]

The Government enacted the National Plan of Action to Combat Abuse and Sexual Exploitation of Children and the Accelerated Strategy for Child Survival and Developmen in 2005.[1456]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Djibouti participates in the Urban Poverty Reduction Project, funded through the African Development Bank, which targets the urban populations in which child labor is pervasive, though it does not specifically target child laborers.[1457] The UN Development Assistance Framework (2008-2012) includes provisions to reduce extreme poverty and has a special focus on youth, including providing social services to orphans and abandoned children, providing education, training, and healthcare to marginalized youth, and addressing the problem of youth employment. The strategy also aims to improve the quality of and access to education.[1458]

The Government of Djibouti continues to participate in the 2-year, $460,000 regional anti-trafficking technical assistance project funded by Norway and Sweden. The project aims to bolster coordination among the 11 East African Police Chiefs Cooperation Organization (EAPCCO) countries through the Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa, and harmonize national legislation with the Palermo Protocol.[1459] The Government also invited IOM to open offices in Djibouti in 2009 and provides office space to IOM within the Ministry of Labor. Through USDOS funding, the Government is currently working with the organization to develop a national referral system for trafficking victims and undertake awareness-raising among migrants on the risks of trafficking.[1460]

Although the Government of Djibouti has implemented programs to address trafficking in children, research found no evidence that it has carried out programs to assist children in domestic service, prostitution, and begging.

Based on the reporting above, the following actions would advance the reduction of worst forms of child labor in Djibouti:

IN THE AREA OF LAWS AND REGULATIONS:

- Establish a minimum age for hazardous work and develop and publish a list of hazardous occupations.
- Pass legislation to ban children in armed conflict, child pornography, and prostitution consistent with the African Charter on the Rights and Welfare of the Child that Djibouti adopted in 2009.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish mechanisms for coordinating efforts to combat the worst forms of child labor.
- Increase the number of labor inspectors and resources to carry out child labor inspections.
- Establish measures to enforce anti-trafficking legislation and provide assistance to victims.

IN THE AREA OF POLICIES:

- Establish policies to combat the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Develop and expand social programs to assist children in the worst forms of child labor, in particular in domestic service, prostitution, and begging.

[1427] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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[1431] U.S. Department of State, "Djibouti (Tier 2 Watch List)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/documents/organization/123357.pdf. See also Caritas Djibouti official, Interview with USDOL consultant, July 16, 2006. See also UNESCO PEER official, Interview with USDOL consultant, July 11, 2006.

[1432] U.S. Embassy- Djibouti, *reporting, February 1, 2010*, section 3.

[1433] Association Porte Ouverte- Open Door Association official, Interview, August 9, 2006. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Djibouti (Tier 2)."

[1434] U.S. Embassy- Djibouti, *reporting, February 1, 2010*. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Djibouti (Tier 2)."

[1435] Government of Djibouti, Loi n°133/AN/05/5ème L portant Code du Travail, (January 28, 2006); available from http://www.presidence.dj/jo/2006/loi133an05.php.

[1436] U.S. Embassy- Djibouti, *reporting, February 1, 2010*.

[1437] Government of Djibouti, *Loi n°133/AN/05/5ème L*, articles 94, 96, 289.

[1438] U.S. Embassy- Djibouti, *reporting, February 1, 2010*. See also Government of Djibouti, *Loi n°133/AN/05/5ème L*, articles 94, 96, 108-113, 289.

[1439] Government of Djibouti, *Code Pénal*, article 463; available from http://www.justice.gouv.dj/code%20penal.htm. See also Government of Djibouti, *Loi n°68/AN/79 réglementant la lutte contre la prostitution et le racolage* (January 23, 1973); available from http://www.presidence.dj/jo/1979/loi68an79.htm.

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[1441] U.S. Embassy- Djibouti, *reporting, February 1, 2010*.

[1442] Ibid., para 5. See also Government of Djibouti, *Loi n°33/AN/09/6ème L portant adhésion à la Charte Africaine des Droits de l'enfant et de deux protocoles additionnels à la CDE.*, (February 21, 2009); available from http://www.presidence.dj/jo/2009/loi33an09.php. See also U.S. Department of State, «Trafficking in Persons Report- 2010: Djibouti (Tier 2).»

[1443] Government of Djibouti, *Loi n°133/AN/05/5ème L*, 5, 70, 71, 110, 111, 112.

[1444] Ibid., articles 5, 70, 71, 111, 112, 288(a), 288(b).

[1445] U.S. Embassy- Djibouti, *reporting, February 1, 2010*, section 5.

[1446] Ibid. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Djibouti (Tier 2)."

[1447] U.S. Embassy- Djibouti, *reporting, February 1, 2010*.

[1448] U.S. Department of State, "Trafficking in Persons Report- 2010: Djibouti (Tier 2)."

[1449] U.S. Embassy- Djibouti, *reporting, February 1, 2010*, section 6.

[1450] U.S. Department of State, "Trafficking in Persons Report- 2010: Djibouti (Tier 2)."

[1451] IOM, *IOM Info Sheet: Counter Human Trafficking through Protection Efforts in Djibouti*, hardcopy, July 2010.

[1452] UNODC, "Ongoing Projects in Eastern Africa", [online], December 16, 2008 [cited February 9, 2009]; available from http://www.unodc.org/easternafrica/en/about-unodc-eastern-africa/ongoing-projects.html. See also UNODC and EAPCCO, *Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa*, Addis Ababa, August 2008. See also Nasra Bishumba, "Regional Police Meet to Draft Law On Human Trafficking", [online], September 5, 2009 [cited February 24, 2010]; available from http://allafrica.com/stories/200909070246.html. See also UN.GIFT UNODC, *Model Law against Trafficking in Persons*, 2009; available from http://www.ungift.org/docs/ungift/pdf/initiatives/Model_Law_against_TIP.pdf.

[1453] UN Committee on the Rights of the Child, *Summary Record of the 1348th Meeting: Consideration of Reports of States Parties (continued)*, CRC/C/SR.1348, December 18, 2009; available from http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/441/00/PDF/G0844100.pdf?OpenElement. See also African Union, *Chatre Africaine des Droits et du bien Etre de l'Enfant*, article 15; available from http://www.africa-union.org/Official_documents/Treaties_Conventions_fr/CHARTE%20AFRICAINE-DROITS%20ENFANT%20new.pdf. See also Government of Djibouti, *Loi n°33/AN/09/6ème*

[1454] World Bank, *International Development Association on a Country Assistance Strategy of the World Bank for the Republic of Djibouti, (March 30, 2009)*. See also IMF, *Djibouti: Poverty Reduction Strategy Paper*, July 2009; available from http://www.imf.org/external/pubs/ft/scr/2009/cr09203.pdf.

[1455] IMF, *Djibouti: Poverty Reduction Strategy Paper*, 20-22, 37. See also World Bank, *International Development Association on a Country Assistance Strategy for the Republic of Djibouti*, March 24 2009; available from http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2009/04/10/000334955_20090410051613/Rendered/PDF/472730CAS0GJ0P101Official0Use0Only1.pdf.

[1456] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding observations Djibouti*, CRC/C/DJI/CO/2, October 7, 2008; available from http://daccess-dds-ny-un.org/doc.UNDOC/GEN/G08/443/50/PDF/G0844350.pdf?OpenElement.

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[1458] Système des Nations Unies en République de Djibouti, «Plan Cadre des Nations Unies pour l'Aide au Développement (UNDAF)», [online], 2007 [cited November 23, 2010]; available from http://www.undg.org/docs/8201/UNDAF2007.pdf.

[1459] UNODC, "UNODC, Ongoing Projects in Eastern Africa". See also UNODC and EAPCCO, *Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa*.

[1460] IOM, *IOM Office Opens in Djibouti to Help Address Migration Challenges Along Strategic Route,* [online] December 5, 2009 [cited February 24, 2010]; available from http://www.iom.int/jahia/Jahia/media/press-briefing-notes/pbnAF/cache/offonce/lang/fr?entryId=24823. See also IOM Djibouti official, E-mail communication to USDOL official, August 6, 2010. See also IOM, *IOM Info Sheet: Counter Human Trafficking through Protection Efforts in Djibouti*. See also IOM Djibouti official, E-mail communication, August 6, 2010.

Dominica

The Government of Dominica has several programs in place to encourage children to remain enrolled in school instead of leaving to enter the work force. There is no available information on the extent and nature of the worst forms of child labor in Dominica and there were no reports of child labor in Dominica during the reporting period. However, gaps exist in the legal framework to protect children against the worst forms of child labor since the minimum ages for work and hazardous work fall below international standards.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no available information on the extent and nature of worst forms of child labor in Dominica.[1461] In addition, there were no reports of worst forms of child labor in Dominica during the reporting period.[1462]

Laws and Regulations on the Worst Forms of Child Labor

According to the Employment of Children (Prohibition) Act, the minimum age for employment is 12,[1463] but according to the Employment of Women, Young Persons and Children Act, it is age 14.[1464] The CEACR has urged the Government to raise the statutory minimum age to 15, in accordance with the provisions of ILO Convention 138,[1465] however the Government has not done this. In addition, the minimum age for hazardous work is 14, which does not comply with international standards.[1466] Dominica has no military force, and the minimum age for voluntary recruitment to the police force is 18.[1467]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	12/14
	Minimum Age for Hazardous Work	14
	Compulsory Education Age	16
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor is the main agency tasked with the responsibility of enforcing laws related to child labor, while the Welfare Department of the Ministry of Community and Social Development is responsible for cases related to child abuse.[1468] Given that there is no documented evidence of the existence of the worst forms of child labor in Dominica, no agency or task force has been identified as charged with monitoring national child labor trends and issues.

The Government of Dominica employs six labor inspectors who cover all labor violations, including child labor. No child labor investigations were conducted as there were no reported cases of child labor violations.[1469]

Government Policies on the Worst Forms of Child Labor

The Government's Growth and Social Protection Strategy (2006-2011) has a goal of overall poverty reduction.[1470] There is no evidence of the impact that this strategy may have on the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government operates programs to ensure that quality education is a viable alternative to work for all children. The Government also sponsors an Education Trust Fund to provide financial assistance to students in secondary school who would not otherwise be able to complete their education.[1471] The School Text Book Provision Scheme subsidizes the cost of textbooks for primary and secondary school students, and a school feeding program provides lunch to primary school students in targeted areas.[1472]

Based on the reporting above, the following actions would advance the prevention of the worst forms of child labor in Dominica:

IN THE AREA OF LAWS AND REGULATIONS:

- Raise the statutory minimum age for employment to 15.
- Raise the minimum age for hazardous work to 18.

IN THE AREA OF POLICIES:

- Collect, analyze, and disseminate data on the prevalence and sectoral distribution of the worst forms of child labor in Dominica.

[1461] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[1462] U.S. Embassy- Bridgetown, *reporting*, February 5, 2010, para 1.

[1463] Government of Dominica, *Employment of Children (Prohibition) Act*, (December 29, 1939), article 2; available from http://www.dominica.gov.dm/laws/chapters/chap90-05.pdf.

[1464] Government of Dominica, *Employment of Women, Young Persons and Children Act*, (February 1, 1939); available from http://www.dominica.gov.dm/laws/chapters/chap90-06.pdf.

[1465] ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Dominica (ratification: 1983),* [online] 2010 [cited July 7, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11754&chapter=6&query=%28Dominica%29+%40ref+%2B+%23YEAR%3E2004&highlight=&querytype=bool&context=0.

[1466] U.S. Department of State, "Dominica," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136109.htm. See also ILO Committee of Experts, *Individual Observation C138: Dominica (2010)*.

[1467] Coalition to Stop the Use of Child Soldiers, "Caribbean," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

[1468] U.S. Embassy- Bridgetown, *reporting, February 5, 2010*, sections 2C-I: para 1 and 2C-II: para 1.

[1469] Ibid., section 2C-1: para 5.

[1470] IMF, *Dominica: Poverty Reduction Strategy Paper*, August 2006, 1; available from http://www.imf.org/external/pubs/ft/scr/2006/cr06289.pdf.

[1471] Government of Dominica, *Education Trust Fund Act*, (May 7, 1981), 5; available from http://www.dominica.gov.dm/laws/chapters/chap28-02.pdf.

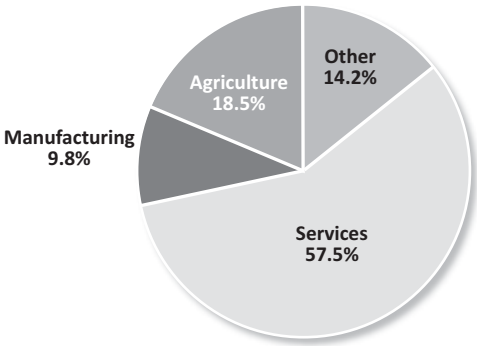
[1472] Government of Dominica, *National Report and Executive Summary on the Nuevo León Mandates and Relevant Mandates from the Quebec City Plan of Action*, December 30, 2004; available from http://www.dominica.gov.dm/cms/?q=node/7. See also Government of Dominica, "Government continues to invest heavily in Human Resource Development", July 28, 2010 [cited August 16, 2010]; available from http://www.dominica.gov.dm/cms/index.php?q=node/1240.

Dominican Republic

The Dominican Republic's new Constitution bolsters protections against slavery, servitude, and trafficking. However, many children continue to engage in exploitive labor, particularly in agriculture and domestic service. Undocumented children of Haitian descent are commonly found in the worst forms of child labor. Gaps in enforcement of child labor laws and insufficient social protection programs hinder efforts to eliminate the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	5.8%
Attending School	5-14 yrs.	96.3%
Combining Work and School	7-14 yrs.	5.4%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Dominican Republic are exploited in the worst forms of child labor[1473] in agriculture and urban work.[1474] In rural areas, children work in agriculture in the production of coffee, rice, sugarcane, tomatoes, potatoes, and garlic where they may be exposed to pesticides, sharp tools, heavy machinery, harsh conditions, and long hours.[1475] Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of garlic, larimar, and potatoes.[1476] Haitian children work in sugarcane plantations collecting cut cane or clearing land and face risk of injury from carrying heavy loads, using machetes and other dangerous tools, and from the plants themselves.[1477] Many Haitians and Dominican-born Haitians, including children, live in villages known as "bateyes" that have traditionally housed sugarcane workers and lack adequate housing, medical and other basic services.[1478]

The population of working children in neighboring Haiti is significant, and the January 2010 earthquake in Haiti has prompted increased migration of Haitians, including children, to the Dominican Republic.[1479] An estimated 13 percent of all children under age 15 in the Dominican Republic have no birth documents, and approximately 1 million undocumented immigrants, including children, live in the country.[1480] Haitians or Dominicans of Haitian descent who lack legal documentation are especially vulnerable to exploitive or forced labor.[1481]

Children engage in construction where they may carry heavy loads and use dangerous tools.[1482]

Children in urban areas work in street vending, shoe shining, and washing car windows. They are vulnerable to severe weather, accidents caused by proximity to vehicles, drug trafficking, and other criminal elements.[1483] Children work as domestic servants in third-party homes. Children, particularly Haitian children, are sometimes "adopted" by families who register them as their own in exchange for payment to the birthparents and then exploit them as domestic workers.[1484] Some child domestic workers are trapped in forced labor or indentured servitude, working long hours and sometimes exposed to physical

or sexual abuse.[1485] Approximately 3,000 Haitian child domestic workers are reported to be working in the Dominican Republic.[1486]

The commercial sexual exploitation of children occurs in tourist locations and major urban areas.[1487] Intermediaries recruit children they know into commercial sexual exploitation.[1488] The Dominican Republic is a source and destination country for the trafficking of children, including for commercial sexual exploitation.[1489] Children are also trafficked internally from rural to tourist areas.[1490] Some Haitian children who are trafficked to the Dominican Republic work in domestic service, sex tourism, and agriculture.[1491]

Laws and Regulations on the Worst Forms of Child Labor

The legal minimum age for employment in the Dominican Republic is 14.[1492]

Minors under age 18 are prohibited from dangerous work such as work involving hazardous substances, heavy or dangerous machinery, and heavy loads. Minors are also prohibited from selling alcohol, certain work at hotels, handling cadavers, and various tasks involved in the production of sugarcane.[1493] The law makes exceptions for children over age 16 in apprenticeships and job training.[1494]

Children under age 16 cannot work at night or more than 6 hours consecutively.[1495] Special authorization is needed for minors to work in itinerant sales.[1496] Minors age 14 to 16 are prohibited from working as messengers and delivering merchandise.[1497]

Forced labor is prohibited by law.[1498] The new Dominican Constitution went into effect on January 26, 2010 and contains a specific prohibition on all forms of "slavery, servitude, and human trafficking" and reaffirms the government's responsibility to protect minors from exploitation.[1499]

The previous constitution conferred Dominican nationality on all those born in the country except those born to a foreign diplomat or to foreign parents who were "in transit." The 2004 Migration Law defines a person "in transit" as one who is not a legal resident.[1500] The new Constitution explicitly excludes from citizenship those born to foreign parents who are "in transit" or in the country illegally.[1501] As a result, many Dominican-born individuals whose Haitian parents and grandparents have lived and worked in the country for decades, particularly in the sugar industry, are not considered eligible for citizenship because their parents are categorized as "in transit." They are excluded from enrolling in school past the eighth grade, which increases their vulnerability to labor exploitation. [1502]

The Law Against Trafficking in Persons and Migrant Smuggling prohibits all forms of trafficking.[1503] The Protection of the Fundamental Rights of Children and Adolescents Law prohibits the transfer of a child to someone else for the purposes of forced labor, commercial sexual exploitation, including prostitution and pornography, or other degrading activities, in exchange for compensation.[1504] The Technology Crime Law criminalizes the production, distribution or possession of child pornography.[1505] The Law on Drugs and Controlled Substance specifically prohibits the employment of minors in illicit drug trafficking.[1506]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor (SET) leads government efforts to eliminate child labor and established the National Steering Committee to Fight Child Labor (NSC) in 2006 to coordinate all child labor initiatives in the

country.[1507] After a hiatus, the NSC was re-activated in February 2008.[1508] The SET, through its child labor unit, established municipal and provincial committees around the country to develop strategies to combat child labor.[1509] The SET, in coordination with the National Council for Children and Adolescents (CONANI), is responsible for protecting minors against labor exploitation.[1510]

The SET employs 203 labor inspectors who receive training to detect child labor.[1511] The Government reported that over 66,000 labor inspections were conducted in 2009, although it is not clear if these were all work-based inspections.[1512] However, less than 1 percent of reported infractions involved child labor, a low percentage given the extent of child labor.[1513] The SET and the Secretariat of State for Education (SEE) formulated a plan that requires labor inspectors to report children not attending school.[1514]

The national judiciary has 33 district attorneys who are tasked with cases involving the worst forms of child labor.[1515] However, the number of convictions and prosecutions related to exploitive labor is not published.[1516] The National Police receive training to address child labor and commercial sexual exploitation.[1517] The Attorney General's office trains its investigators in child labor issues and is responsible for prosecuting crimes involving children.[1518] In 2009, four perpetrators were prosecuted and sentenced for sexually abusing minors.[1519]

The Government reports that forced labor currently does not exist in the country and therefore takes no measures to prevent or combat it.[1520] The Government provides "anti-trafficking" training to officials, including those posted overseas, in how to recognize and assist Dominican nationals who are trafficking victims abroad.[1521] The Government follows a "zero tolerance" policy for public officials who are complicit in trafficking activities, and several officials have been dismissed from their positions since 2007.[1522] Although the Government reports investigations and prosecutions conducted under the Law Against Trafficking in Persons and Migrant Smuggling, the statistics are not segregated by trafficking since the law addresses both trafficking and smuggling, which prevents an understanding of the extent of trafficking versus smuggling.[1523]

Government Policies on the Worst Forms of Child Labor

CONANI is the principle entity responsible for creating policies to protect children from labor exploitation.[1524] The Government has a National Plan to Eradicate the Worst Forms of Child Labor (2006–2016) and an Action Plan for the Eradication of Abuse and Commercial Sexual Exploitation of Boys, Girls, and Adolescents.[1525] These plans include strategic measures for reducing poverty.[1526] An ILO evaluation suggested that additional personnel are needed to implement these national strategies.[1527]

The National Program for Decent Work (2008-2011) supports efforts to eliminate the worst forms of child labor.[1528] The Government has collaborated with ILO-IPEC to create a Roadmap towards the Elimination of Child Labor in the Dominican Republic, which is a plan to eliminate the worst forms of child labor by 2015 and all other types of child labor by 2020.[1529] ILO-IPEC estimates that the Dominican Republic is not currently reducing child labor fast enough to meet these goals.[1530]

The Government's 10-year Education Plan and 5-year Strategic Plan are coordinated and executed by the Ministry of Education and include child labor provisions. These plans have identified challenges such as insufficient classroom space, limited availability of classroom time and special attention needed for over-age children.[1531] The 2008 Education for All (EFA) Global Monitoring Report published by UNESCO indicates that more of the children enrolled in school complete primary education but that the percentage of children enrolled has decreased and the country will not likely meet the EFA goal of universal primary enrolment by 2015.[1532] Public expenditure on education is less than 3 percent of GNP.[1533] A short school day impedes educational quality and prompts some parents to take their children to work rather than leave them unattended.[1534] Deficiencies in the national education system have been identified as contributing to children's engagement in the worst forms of child labor.[1535]

Many Dominican-born children from parents of Haitian descent lack citizenship or legal identity documents, precluding access to education beyond the eighth grade and other basic services.[1536] This

makes them more vulnerable to labor exploitation and trafficking.[1537] After the earthquake, the Dominican Republic and Haiti worked together under protocols to protect children from traffickers.[1538] Under this agreement, the Haitian Ambassador in the Dominican Republic became solely responsible for granting permission for a child to leave the country. Immediately following the earthquake, CONANI provided approximately 600 Haitian children with psychological protection, food, and medicine.[1539]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government has expanded access to basic education through its "Solidarity Program," coordinated by the Office of the President. This includes a conditional cash transfer program that assists the families of over 400,000 poor children ages 6 to 16. The program aims to increase school attendance by providing funds for school supplies and food and by requiring parents to protect their children from the worst forms of child labor.[1540] The Government also provides breakfast to 1,500 schools daily to encourage attendance.[1541] The country's Agricultural Bank includes a clause in its loan agreements that prohibits borrowers from using child labor and requires them to send children to school.[1542]

An early ILO-IPEC initiative to reduce child labor in the municipality of Constanza established a network of civil society organizations to address child labor locally and significantly reduced child labor in agriculture in that area.[1543] The Government has participated in a number of USDOL-funded projects to eliminate exploitive child labor, including a regional project to combat commercial sexual exploitation of children through education, capacity building, and legal reform.[1544] Another project focused on strengthening regional cooperation, legislation, policies, and institutions to reduce child labor through the provision of education.[1545] Currently, the Government participates in a USDOL-funded, 4-year $4 million project that seeks to withdraw and prevent 8,500 children from exploitive labor through basic and vocational education.[1546] These projects have developed innovative educational models such as *Espacios para Crecer or EpC* (Spaces for Growth) and *Salas de Tarea* (Homework Rooms), and the Government has committed to expanding the EpC model.[1547] However, the Government has not yet allocated resources needed to scale-up and sustain these donor-funded programs and strategies.[1548]

The Government participates in a 4-year, $8.4 million regional project funded by the Government of Spain to eradicate child labor in Latin America.[1549] Another project funded by USDOS strengthens the capacity of civil society to monitor government policies and practices regarding trafficking.[1550]

Additionally, the SET participates in the *Desarrollo Juvenil* (Youth Development) and *Juventud y Empleo* (Youth and Employment) projects supported by the World Bank.[1551] These projects work to improve the employability of disadvantaged, at-risk youth through training and apprenticeship opportunities that promote entrepreneurial and job-related skills.[1552]

The Office of the First Lady coordinates the *Programa Progresando* (Making Progress) which raises awareness on trafficking and offers opportunities for income generation to the parents of children at risk for commercial sexual exploitation and trafficking.[1553] The campaign also encourages parents to keep children in school and out of hazardous work.[1554] In 2009, five workshops were held that trained 200 participants to share program information with vulnerable families.[1555] The Prevention Unit of the Department of Alien Smuggling and Trafficking in Persons collaborates with the Ministries of Labor and Education and conducts anti-trafficking seminars at schools across the country.[1556] The Government supports anti-trafficking radio campaigns and posts notices at the international airport publicizing the legal penalties for sexually exploiting children and adolescents.[1557]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in the Dominican Republic:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure that inspections and investigations are performed in sectors that are known to involve children in the worst forms of child labor, including in agriculture and domestic service.
- Implement the new prohibition on all forms of "slavery, servitude, and human trafficking" that is included in the 2010 Constitution.
- Enhance efforts to enforce laws against trafficking and commercial sexual exploitation.
- Publish statistics on prevalence, prosecutions, convictions, and penalties.

IN THE AREA OF POLICIES:

- Pursue a national birth registration campaign that enables children to obtain legal birth certificates and attend school.
- Take measures to protect all children without birth certificates from exploitation.
- Expand efforts to collaborate with the Government of Haiti to reduce cross-border trafficking.
- Consider allocating additional personnel to support national and sectoral plans to combat the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Implement the 10-year Education Plan and:
  - Commit greater resources for teacher training, school materials, and "afterschool" education.
  - Expand programs to eliminate child labor to additional regions and labor sectors, including tourist regions where commercial sexual exploitation is prevalent.
- Expand awareness raising and other strategies to reduce the demand for child sex tourism.
- Expand the "Solidarity Program" to reach more impoverished families.

[1473] Data provided in the chart to at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010. The last National Child Labor Survey that was conducted in 2000 reports that approximately 436,000 children ages of 5 to 17 years were working in 2000. See Government of the Dominican Republic and SIMPOC, Report on the Results of the National Child Labour Survey in the Dominican Republic, 2004; available from http://white.oit.org.pe/ipec/documentos/rd_nati.pdf. Data provided in the chart to the left is from 2005. An estimated 5.8 percent of children ages 10 to 14 are working in the Dominican Republic and 96.3 percent of children ages 5 to 14 attend school. This estimate of economically active children does not capture children under 10 who work. Qualitative evidence suggests their numbers of are substantial. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[1474] U.S. Department of State, "Dominican Republic," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm.

[1475] ILO-IPEC, *Síntesis: Diagnóstico de situación del trabajo infantil y sus peores formas en República Dominicana*, 2008, 11. See also U.S. Embassy- Santo Domingo, *reporting*, June 4, 2008. See also U.S. Embassy-Santo Domingo, *reporting*, February 19, 2010. See also

ILO, *Trabajo Infantil en la Agricultura: Reflexiones sobre las legislaciones de América Central y República Dominicana*, 2007, 17. See also U.S. Department of State, "Country Reports- 2009: Dominican Republic," section 7d.

[1476] U.S. Department of State, "Country Reports- 2009: Dominican Republic," section 7d. See also U.S. Embassy - Santo Domingo, *reporting*, June 4, 2008. See also U.S. Embassy- Santo Domingo, *reporting*, February 19, 2010.

[1477] U.S. Embassy- Santo Domingo, *reporting, June 4, 2008*. See also U.S. Embassy- Santo Domingo, *reporting*, March 2, 2006. See also Glenn R. Smucker and Gerald F. Murray, *The Uses of Children: A Study of Trafficking in Haitian Children*, USAID/Haiti Mission, Port-au-Prince, 2004, 4; available from http://pdf.usaid.gov/pdf_docs/PNADF061.pdf. See also ILO Committee of Experts, *Observation, Minimum Age Convention, 1973 (No. 138) Dominican Republic (ratification: 1999),* [online] 2009 [cited March 12, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11005&chapter=6&query=%28Dominican+Republic%29+%40ref+%2B+%23YEAR%3E2008&highlight=&querytype=bool&context=0.

[1478] IOM, *Americas: Assistance for Children Victims of Human Trafficking in Haiti,* [online] December 4, 2006 [cited May 13, 2010]; available from http://www.iom.int/jahia/Jahia/featureArticleAM/cache/offonce?entryId=12185. See also U.S. Embassy- Santo Domingo, *reporting, February 19, 2010*. See also U.S. Embassy- Santo Domingo, *reporting, March 2, 2006*. See also Joe Johns, *CNN Anderson Cooper 360 Degrees: Invisible Chains: Sex, Work and Slavery [transcript]* (2007). See also Amnesty International, *Dominican Republic: A Life in Transit- The Plight of Haitian Migrants and Dominicans of Haitian Descent*, 2007; available from http://www.amnesty.org/en/library/asset/AMR27/001/2007/en/dom-AMR270012007en.html. See also USDOL, *Trip Report of Site Visit by U.S. Department of Labor Officials to the Dominican Republic: January 13-16, 2008*, Washington, DC, January 2008. See also U.S. Embassy- Santo Domingo, *reporting, January 31, 2008*. See also U.S. Department of State, "Country Reports- 2009: Dominican Republic," section 5. See also U.S. Embassy- Santo Domingo, *reporting*, August 7, 2009. See also American Anti-Slavery Group, *Country Report: Dominican Republic*, 2010; available from http://www.iabolish.org/slavery_today/country_reports/do.html See also U.S. Embassy- Santo Domingo official, E-mail communication to USDOL official, October 29, 2010. See also Batey Relief Alliance, *The New Situation inside those Bateyes,* [online] [cited November 8, 2010]; available from http://www.bateyrelief.org/work/.

[1479] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, March 25, 2008. See also Government of the Dominican Republic, *Written communication 2010*, Submitted in response to U.S. Department of Labor Federal Register Notice (February 24, 2010) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Washington, D.C., April, 2010, 17. See also U.S. Embassy- Santo Domingo, *reporting*, February 26, 2010. See also Verité, *Research on Forced Labor in the Production of Goods in Bangladesh, Bolivia, the Dominican Republic, Guatemala, Indonesia, Liberia, and the Philippines*, Technical Progress Report, Amherst, MA, March 31, 2010, 3.

[1480] U.S. Department of State, "Country Reports- 2009: Dominican Republic," sections 2 and 5.

[1481] Ibid., section 7d. See also U.S. Department of State, "Dominican Republic (Tier 3)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm.

[1482] Government of the Dominican Republic, *Plan Estratégico Nacional para la erradicación de las peores formas de trabajo infantil en República Dominicana 2006-2016*, ILO, Santo Domingo, August 2006, 28; available from http://www.dol.gov/ilab/programs/ocft/FR20100224/DominicanRepublic/GovPrograms/DR_NationalStrategy_ChildLabor.pdf. See also ILO-IPEC, *Síntesis: Diagnóstico de situación del trabajo infantil y sus peores formas en República Dominicana*, 11-12.

[1483] Government of the Dominican Republic, *Plan Estratëgico Nacional para la erradicación de las perores formas de trabajo infantil*, 28. See also Linabel Aybar Rivas, "OIT estima que más de 400 mil niños trabajan en el país," *Clave Digital* (Santo Domingo), June 9, 2009. See also ILO-IPEC, *Supporting the Timebound Programme for the Elimination of the Worst Forms of Child Labour in the Dominican Republic- Phase II (2006-2009)*, Project Document, Geneva, August 2006, 2. See also DevTech Systems Inc., *Combating Exploitive Child Labor through Education II/Dominican Republic*, Project Document, June 2009, 5-6. See also ILO Committee of Experts, *Observation C138: Dominican Republic (2009)*. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Dominican Republic (ratification: 2000),* [online] 2009 [cited March 12, 2010]; available from http://www.ilo.org/ilolex/english/newcountryframeE.htm.

[1484] U.S. Department of State, "Country Reports- 2009: Dominican Republic," section 7d. See also U.S. Department of State, "Haiti," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/documents/organization/123365.pdf. See also ILO-IPEC, *Supporting the Timebound Programme - Phase II, Project Document*, 2-3.

[1485] Government of the Dominican Republic, *Plan Estratëgico Nacional para la erradicación de las perores formas de trabajo infantil*, 28. See also Linabel Aybar Rivas, "OIT estima que más de 400 mil niños trabajan en el país." See also U.S. Department of State, "Country

Reports- 2009: Dominican Republic," section 7d. See also ILO-IPEC, *Síntesis: Diagnóstico de situación del trabajo infantil y sus peores formas en República Dominicana*, 11.

[1486] U.S. Department of State, "Haiti," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm.

[1487] U.S. Department of State, "Country Reports- 2009: Dominican Republic," section 5. See also ILO-IPEC, *Síntesis: Diagnóstico de situación del trabajo infantil y sus peores formas en República Dominicana*, 11-12. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Dominican Republic." See also ILO-IPEC, *Síntesis: Diagnóstico de situación del trabajo infantil y sus peores formas en República Dominicana*, 11-12.

[1488] ILO-IPEC, *Síntesis: Diagnóstico de situación del trabajo infantil y sus peores formas en República Dominicana*, 11.

[1489] U.S. Department of State, "Country Reports- 2009: Dominican Republic," section 5. See also IOM, *Americas: Assistance for Children Victims*. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Dominican Republic."

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[1545] CARE, *Primero Aprendo Project: Combating Exploitive Child Labor Through Education in Central America (Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua) and the Dominican Republic*, Project Document, 2004, 5. See also CARE, *Primero Aprendo Final Technical Progress Report March 2009*, 2. See also ILO-IPEC, *Elimination of Commercial Sexual Exploitation of Children, Final Evaluation*, 22-23.

[1546] DevTech Systems Inc., *Combating Exploitive Child Labor through Education II/Dominican Republic Project Document*, i, 7, 14, 17-18.

[1547] CARE, *Primero Aprendo Final Technical Progress Report March 2009*, 4. See also ILO-IPEC, *Supporting the Timebound Programme - Phase II, Project Document*.

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[1549] ILO-IPEC Geneva official, E-mail communication to USDOL official, July 17, 2010.

[1550] U.S. Department of State, *U.S. Government Funds Obligated for Anti-Trafficking in Persons Projects, Fiscal Year 2008,* [online] February 2008 [cited May 14, 2010]; available from http://www.state.gov/g/tip/rls/rpt/111540.htm#wha.

[1551] U.S. Embassy- Santo Domingo, *reporting, February 26, 2010*.

[1552] Government of the Dominican Republic, *Written communication 2010*, 22. See also DevTech Systems Inc., *Combating Exploitive Child Labor through Education II/ Dominican Republic Project Document*, 34.

[1553] DevTech Systems Inc., *Combating Child Labor Through Education*, Technical Progress Report, Arlington, Virginia, September 29, 2008, 3. See also Government of the Dominican Republic, *Written communication 2010*, 22.

[1554] ILO-IPEC, *Supporting the Timebound Programme - Phase II, Final Technical Progress Report*, 9.

[1555] Government of the Dominican Republic, *Written communication 2010*, 22.

[1556] U.S. Department of State, "Country Reports- 2009: Dominican Republic," section 5.

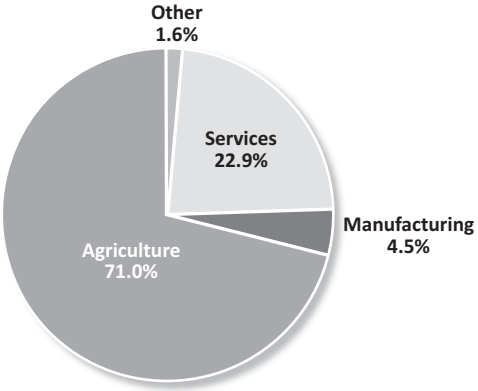
[1557] Government of the Dominican Republic, *Written communication 2009*, 4. See also U.S. Department of State, "Dominican Republic (Tier 2 Watch List)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/g/tip/rls/tiprpt/2009/index.htm. See also ILO Committee of Experts, *Observation C138: Dominican Republic (2009)*.

Ecuador

The Government of Ecuador increased the number of labor inspections it performs and strengthened coordination mechanisms related to the worst forms of child labor. However, hazardous child labor continues to exist in certain sectors, including agriculture, construction, and small-scale mining, and children are trafficked for labor and commercial sexual exploitation. Gaps remain in the enforcement of the existing laws in these sectors.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	10.2%
Attending School	5-14 yrs.	91.1%
Combining Work and School	7-14 yrs.	8.7%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Ecuador are found in the worst forms of child labor,[1558] including dangerous work on banana plantations and flower farms.[1559] Work in agriculture may require children to use dangerous machinery, tools and pesticides, carry heavy loads, and work long hours. Children are also engaged in the worst forms of child labor in the brick industry and small-scale, informal mining, including in the production of gold.[1560]

Children in urban areas work as domestic servants.[1561] They may work long hours, and their isolation in homes makes them susceptible to physical abuse and sexual harassment. Indigenous children are particularly vulnerable to forced labor in domestic servitude.[1562]

Children also work on the streets, shining shoes, collecting and recycling garbage, selling newspapers and candies, and begging.[1563] These children may be exposed to severe weather, accidents caused by proximity to vehicles, and criminal elements. Children also engage in dangerous work in landfills.[1564]

Other worst forms of child labor in Ecuador include commercial sexual exploitation, forced begging,[1565] and trafficking.[1566] Girls are trafficked from Colombia and Peru to Ecuador for commercial sexual exploitation.[1567] Children are also trafficked from border and central highland areas within Ecuador to urban centers for commercial sexual exploitation and other forced labor.[1568]

Although evidence is limited, there is reason to believe that the worst forms of child labor are also used in the production of pornography and timber in Ecuador.[1569,1570]

Laws and Regulations on the Worst Forms of Child Labor

The Constitution of Ecuador sets the minimum age for work at 15. The minimum age for hazardous work is 18.[1571]

In 2002, the Government enacted the Code for Children and Adolescents, which includes a robust list of hazardous work prohibited for children based on physical environment, industry, occupation, and

activity. For example, those under 18 are restricted from working in mines, landfills, and slaughterhouses or environments that require proximity to dangerous chemicals, materials, or equipment. The Code also bars underage work in domestic service and affords child domestic workers between 15 and 17 the same rights, guarantees, and protections as adolescent workers in all other sectors.[1572]

The Code also prohibits all forms of forced labor, human trafficking, and commercial sexual exploitation of minors.[1573] There is no compulsory military service in Ecuador, and the age for military service is 18.[1574]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Committee for the Progressive Eradication of Child Labor (CONEPTI) includes representatives from government, labor, and business organizations. It coordinates and promotes efforts to combat child labor in Ecuador.

The Ministry of Labor's (MOL) Child Labor Inspections Office is responsible for implementing laws and regulations on child labor. This office had a budget of $266,342 in 2009, to cover inspections in all provinces. Inspectors in some provinces lack dedicated vehicles, funds for fuel, or access to other modes of transportation. Budget constraints compromise the ability of inspectors to fully comply with their duties to collect relevant data and carry out an adequate number of inspections.[1575]

During the reporting period, MOL's Child Labor Inspections Office employed 29 inspectors, an increase of two inspectors from the previous year. It conducted 3,992 inspections in 2009, up from 3,089 in 2008.[1576] As a result of these inspections, MOL reported 2,056 children removed from work that violated Ecuadorian labor laws. The Government trained inspectors as well as individuals from municipal and local governments and NGOs on how to detect and combat unlawful child labor. While the number of inspections increased in 2009, data was not collected on whether inspections were initiated in response to complaints or government guidance.[1577] Therefore, it is not clear if inspections are strategically targeted to focus on industries or sectors with a high incidence of child labor, such as agriculture, construction, and small-scale mining. In addition, MOL's Child Labor Inspection Office does not maintain data on employers sanctioned.[1578]

The National Police and the Ministry of Justice are responsible for enforcing criminal laws relating to the trafficking and commercial sexual exploitation of children. The National Police's Specialized Department for Children and Adolescents (DINAPEN) has 500 police officers that specialize in offenses against children related to sexual exploitation, sex tourism, and trafficking.[1579] DINAPEN investigated 25 cases and detained 17 suspects in 2009. In addition, the Police have units dedicated to victim and witness protection in each province. Complaints of mistreated children, including those in the worst forms of child labor and forced labor, can be reported through hotlines, in person or in writing, by mail or email, to DINAPEN or other organizations such as the Ombudsman for Human Rights.[1580]

During the reporting period, the Government trained police, prosecutors, teachers, and municipal authorities on trafficking and child labor issues and children's rights, as part of their ongoing efforts to combat human trafficking.[1581]

Although Ecuador's Code for Children and Adolescents outlines explicit limitations and

protections for children working in domestic service, research did not find that the Government has implemented mechanisms to ensure enforcement of these laws.

Government Policies on the Worst Forms of Child Labor

The Government has established the Plan for the Progressive Elimination of Child Labor (PETI). The plan, which runs through 2013, aims to eradicate child labor through a number of strategies, including the promotion of decent work for adults.[1582]

The Government likewise has adopted a number of development plans that incorporate issues of child labor. In 2009, Ecuador adopted the National Plan for Good Living, which includes a 10-year National Plan of Action for the Comprehensive Protection of Children and Adolescents, and the Social Agenda for Children and Adolescents.[1583] The National Plan for Good Living, administered by the National Secretariat for Planning and Development (SENPLADES), seeks to guarantee human rights and justice and to provide social programs for children and adolescents. This plan establishes the policy framework for the eradication of the worst forms of child labor in Ecuador.[1584]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Ecuador has participated in donor-funded projects over the past several years to combat the worst forms of child labor, including two USDOL-funded initiatives to provide educational and training opportunities to children working in the flower, banana, and mining sectors, as well as to children engaged in commercial sexual exploitation. These projects helped build the capacity of government and civil society organizations to address these issues. The projects also established child protection mechanisms in project intervention areas, enhanced labor authorities' capacity to enforce child labor laws, and successfully advocated for the adoption of a national policy to combat child labor.[1585]

Under the PETI, the Government has identified areas of exploitative child labor and is providing assistance to victims.[1586] Specifically, the Government of Ecuador has undertaken initiatives to combat child labor in landfills and begging. The Ministries of Labor and Education, the National Committee for the Progressive Eradication of Child Labor, and local NGOs have developed awareness-raising campaigns about the dangers children face while working in landfills. As a result, some municipalities have built fences and placed locks on gates to make landfills less accessible to children, in line with the goal of eliminating this form of child labor by the end of 2010, as purported under the National Program for the Eradication of Child Labor in Landfills.[1587,1588] In 2009, MOL reported that over 2,000 children have received services under PETI and child labor in landfills has been eradicated in 49 of 60 districts.[1589]

In 2006, the Government launched a program aimed at eliminating child begging. The Government also has programs to address commercial sexual exploitation and human trafficking of children. The Youth Foundation helps victims of commercial sexual exploitation and has assisted 69 victims since 2008.[1590] The National Institute for Childhood and Family (INFA) has a "Special Protection" unit to assist child victims of trafficking, sexual abuse, and the worst forms of child labor. INFA receives information from the police on children engaged in child labor and runs 43 centers to provide protective services to exploited and abused children.[1591]

The Government also funded the Pro-Child Program to assist at-risk families of working children and implemented a School Integration Plan. The plan coordinates social networks with local authorities and public and private entities to better protect children's rights.[1592] According to the Government, in 2009, the program withdrew 455 child domestic workers through five provincial awareness-raising campaigns.[1593]

Regional donor funded projects include a $6.75 million four-year project to promote collaboration across four countries, Bolivia, Brazil, Ecuador, and Paraguay. The project combats the worst forms of child labor among socially excluded populations, including children of indigenous and Afro-descent. It began in 2009 and aims to withdraw 3,600 children from and prevent another 3,000 children from entering the worst forms of child labor through education interventions.[1594] The project is also conducting capacity building of government and civil society organizations, raising

awareness, and conducting research on the worst forms of child labor.[1595] In addition, Ecuador is participating in two projects funded by Brazil to combat child labor in Latin America and share good practices on child labor eradication. Ecuador is also participating in a $3.3 million regional program to eradicate child labor funded by the Government of Spain.[1596]

Though the Government has made progress in addressing some of the barriers that prevent poor children from attending school, programs that provide meals and cash transfers do not reach all children working in or vulnerable to work in the worst forms of child labor. Further, evidence was not found that the Government has programs to specifically target children involved in street work, though research suggests that many child workers are operating in that sector.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Ecuador:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Implement mechanisms to ensure enforcement of laws protecting the rights of child domestic servants.
- Strengthen the labor inspection system and provide sufficient resources to ensure that inspectors have the dedicated vehicles and funds for fuel needed to conduct inspections.
- Ensure that child labor inspectors prioritize and strategically target sectors with a high incidence of child labor, such as agriculture and mining.
- Maintain and make publicly available disaggregated data on worst forms of child labor cases, such as information regarding: the sectors where violations have occurred; the employers who have been penalized; and penalties imposed on violators.

IN THE AREA OF PROGRAMS:

- Develop programs that serve children involved in street work.
- Expand the Ministry of Education's programs that provide meals and cash transfers to vulnerable children and their families, particularly those engaged in the worst forms of child labor.

[1558] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2004. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[1559] U.S. Embassy - Quito. *Reporting.* February 11, 2010. See also Fernando García, "La Problemática del Trabajo Infantil en los Pueblos Indígenas del Ecuador," (March 27-28 2008); available from www.white.oit.org.pe/ipec/.../ec_estudio_preliminar_flacso_tii.pdf.

[1560] U.S. Embassy - Quito, *Reporting*, February 11, 2010.

[1561] U.S. Department of State, "Ecuador," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136111.htm.

[1562] U.S. Department of State, *Ecuador*, Washington, DC, June 14, 2010; available from http://www/state.gov/g/tip/rls/tiprpt/2010/.

[1563] U.S. Department of State, "Country Reports- 2009: Ecuador."

[1564] Ibid.

[1565] U.S. Embassy - Quito, *reporting, February 11, 2010*

[1566] U.S. Department of State, "Country Reports- 2009: Ecuador." See also U.S. Department of State, *Ecuador* Washington, DC, June 16, 2009; available from http://www.state.gov/g/tip/rls/tiprpt/2009/.

[1567] U.S. Department of State, *Ecuador (Tier 2)*, Washington, DC, June 4, 2008; available from http://www.state.gov/g/tip/rls/tiprpt/2008/. See also U.S. Embassy- Quito, *reporting*, February 25, 2010. See also U.S. Embassy - Quito, *reporting, February 11, 2010*

[1568] Ibid. ILO, *National Legislation on Hazardous Work*, accessed June 9, 2010 2009; available from http://www.cinterfor.org.uy/public/spanish/region/ampro/cinterfor/temas/youth/legisl/oit/tabla/index.htm.

[1569] U.S. Embassy - Quito, *reporting, February 11, 2010* .

[1570] García, "La Problemática del Trabajo Infantil en los Pueblos Indígenas del Ecuador", U.S. Department of State, "Ecuador," in *Country Reports on Human Rights Practices-2009*, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136111.htm.

[1571] ILO, *National Legislation on Hazardous Work*. See also U.S. Department of State, "Country Reports- 2009: Ecuador."

[1572] Government of Ecuador, *Código de la Niñéz y Adolescencia*, N 2002-100, (January 3, 2003); available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/boletin/documentos/cna.doc.

[1573] Ibid.

[1574] Government of Ecuador, *Constitución del Ecuador*, (September 28, 2008); available from http://www.asambleanacional.gov.ec/documentos/constitucion_de_bolsillo.pdf. See also U.S. Embassy - Quito, *reporting, February 11, 2010* , U.S. Department of State, "Country Reports- 2009: Ecuador."

[1575] U.S. Embassy - Quito, *reporting, February 11, 2010*

[1576] Ibid.

[1577] Ibid.

[1578] Ibid.

[1579] Ibid.

[1580] U.S. Department of State, *Trafficking in Persons Report - 2010*. See also ILO-IPEC, *Supporting the Time-Bound Program for the Elimination of the Worst Forms of Child Labor in Ecuador (Addendum)*, final technical progress report, Geneva, June 20, 2008, 7-8.

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[1582] Ibid. See also National Committe for the Eradication of Child Labor, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil 2008-2013*, 2008; available from http://white.oit.org.pe/ipec/documentos/planpetiecuador08.pdf.

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[1590] Ibid.

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[1594] ILO-IPEC, *Combating the Worst Forms of Child Labour through Horizontal Cooperation in South America*, project document, Geneva, September 2009.

[1595] Ibid.

[1596] ILO-IPEC, *E-mail communication to USDOL official* June 17, 2010.

Egypt

The Government of Egypt has enhanced its enforcement mechanisms by establishing a special unit to combat child trafficking. However, significant gaps exist in the legal framework to protect children from the worst forms of child labor and children continue to work in agriculture and domestic service.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	6.7%
Attending School	6-14 yrs.	88.1%
Combining Work and School	7-14 yrs.	6.3%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children work in the worst forms of child labor,[1597] many in agriculture, where an estimated two-thirds of working children in Egypt are engaged.[1598] Children working in agriculture may work seasonally or year-round, and often rotate between various crops throughout the year.[1599] In particular, seasonal child labor is common in the pest control and harvesting of cotton crops.[1600] Children employed in agriculture are vulnerable to exposure to pesticides, long work hours in extreme temperatures, non-payment of wages, threats, and physical abuse.[1601]

Egyptian girls are exploited as domestic servants. Young girls, usually from rural areas, are sent to work for families, often in more urban areas. While data is not available on the number of child domestic workers across Egypt, qualitative studies find that it is common and has the potential to expose girls to physical, psychological, and sexual abuse.[1602]

Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of bricks, glass and leather.[1603] Children are also engaged in the worst forms of child labor in dangerous industrial occupations such as fishing, blacksmithing, construction, carpentry, mechanical repair, and mining.[1604] In addition, children work in limestone quarrying where they risk serious injury or death from rock cutting machines, respiratory ailments from limestone dust, and intense heat.[1605]

Street children, estimated at between 200,000 and 1 million, are vulnerable to forced begging, prostitution, violence, and drug abuse.[1606] They survive by peddling, begging and working at temporary jobs in shops and workshops.[1607]

Children face commercial sexual exploitation in Egypt. One pervasive form of child prostitution is the practice of temporary or "summer" marriage. Under this practice, Egyptian girls are briefly "married," in exchange for payment to their parents and a marriage broker.[1608] Child sex tourism has been reported in Cairo, Alexandria, and Luxor.[1609]

Egyptian children are trafficked internally, often to urban centers and tourism destinations. Street children are especially vulnerable to trafficking for forced begging or prostitution. Internal child trafficking also occurs for child temporary marriages, child sex tourism, domestic service, and agricultural labor.[1610]

Laws and Regulations on the Worst Forns of Child Labor

The amended child protection law, Law No. 126 of the Year 2008, sets the minimum age at 15 for regular employment, and at 13 for seasonal employment.[1611] However, the labor law, Law No. 12 of the Year 2003, allows children as young as 12 to work as apprentices.[1612] The labor law provides protections to working children including limitations on the number of hours and times of day a child can work, and mandates shift breaks. The lower minimum ages for seasonal employment and apprenticeship programs may put children at a higher risk for labor exploitation.

The labor law explicitly excludes domestic work and work in family businesses.[1613] The labor law also excludes children working in agriculture.[1614]

Children under the age of 18 are barred from 44 hazardous occupations under the Ministry of Manpower and Migration's Decree 118.[1615] These occupations include underground work in mines and quarries, welding, work in tanneries, work with pesticides, and lifting heavy objects.[1616] However, many hazardous tasks that children perform are missing from this legislation. For instance, while children are prohibited from preparing or spraying pesticides, they are not prohibited from working in the crops just after pesticides have been applied. Decree 118 prohibits work for children younger than 17 that exposes them to physical, psychological, sexual exploitation, or chemical, biological, or mechanical dangers but does not define these terms.[1617]

The Child Law and Penal Code criminalize some worst forms of child labor, including trafficking and sexual exploitation.[1618] A 2008 amendment to the civil status law sets the minimum age for marriage at 18 to prevent young girls from the sexual exploitation of temporary marriages.[1619]

The Constitution of Egypt guarantees the right of education, and the Child Law makes it compulsory at the primary and preparatory stages, for a total of nine years between the ages of 6 and 14.[1620] This standard may leave some 14-year-old children vulnerable to the worst forms of child labor, since they are old enough to leave school legally, but not to work. The Child Law prohibits employers from depriving children of their right to education.[1621]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Ministry of State for Family and Population has a General Committee for Child Protection, which coordinates the Government's National Protection Program. This Committee is comprised of representatives from the Ministries of Justice, Interior, Education, and Health.[1622] The National Protection Program includes a mandate to identify and monitor children at risk of exploitive labor.[1623] During the reporting period child protection committees were formed at the governorate level, with sub-committees at each circuit and police station.[1624] In addition, the Ministry of State for Family and Population has an office dedicated to combating child labor by implementing pilot programs and awareness raising campaigns.[1625]

The Ministry of Manpower and Migration (MOMM) is responsible for enforcing child labor laws and regulations. Labor inspectors from the MOMM have the authority to inspect businesses, industrial facilities, and commercial agricultural enterprises for child labor legal compliance.[1626] Labor inspections are not legally permitted in private homes or non-commercial farms.[1627] This presents a serious potential gap in enforcement since the majority of working children are found on farms or in domestic service.

The MOMM established and began to pilot a central database to monitor child labor during the reporting period.[1628]

The Ministry of the Interior and the Public Prosecutor's Office enforce laws and regulations prohibiting trafficking and commercial sexual exploitation of children. In late 2009, the Ministry of the Interior established a special unit to combat child trafficking.[1629] The Public Prosecutor's office provided training on forced child labor and trafficking for prosecutors working on cases involving children and created a handbook for prosecuting such cases.[1630] Enforcement data on child trafficking and the commercial sexual exploitation of children is not publicly available; however in 2009 the Government prosecuted two marriage registrars for facilitating temporary marriages of under-aged girls to foreign men.[1631] There were 22 other marriage registrars who were arrested during the year and are reportedly under investigation. In May 2009, two men in Alexandria were convicted for luring eight street children into prostitution and were sentenced to prison.[1632]

Government Policies on the Worst Forms of Child Labor

The Government of Egypt continues to implement the 2006 "First National Strategy for the Elimination of Child Labor." In 2009, MOMM formed a committee to develop a National Action Plan to combat the worst forms of child labor, with representation from the Government, trade unions, and employers.[1633] They have not yet drafted this National Action Plan.

In late 2009, MOMM and the ILO agreed to conduct a comprehensive survey of child labor in Egypt. The survey is being implemented by the Central Agency for Public Mobilization and Statistics, the government statistical agency.[1634] It will provide statistics on the nature and prevalence of child labor in Egypt to guide policies and programs to address the problem.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Ministry of State for Family and Population has implemented pilot projects to withdraw children from hazardous child labor and increase family incomes.[1635] However, these programs are not sufficient to address the number of children in the worst forms of child labor, especially those working in agriculture and domestic service. The Ministry also launched awareness-raising campaigns in 2009 and 2010 to address the commercial sexual exploitation of young girls through temporary summer marriages in Lower Egypt.[1636]

The Government is participating in a USDOL-funded 4-year project which provides educational and other social services to 10,300 children targeted to be withdrawn or prevented from exploitive labor primarily in the informal sector.

The National Council for Childhood and Motherhood (NCCM) created a 24-hour child labor hotline and implemented awareness-raising campaigns against the worst forms of child labor.[1637] NCCM's anti-trafficking unit is mandated to spread awareness about trafficking in Egypt and to provide services to child victims of forced child labor and trafficking.[1638] During the reporting period, NCCM opened a rehabilitation center for child victims of human trafficking.[1639]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Egypt:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend legislation to protect children involved in the worst forms of child labor in exempted areas such as seasonal labor, apprenticeships, domestic service, and agriculture.
- Amend the Child Law by increasing the age of compulsory education to 15.
- Amend Decree 118 to prohibit all children under the age of 18 from involvement in specific work activities that expose them to physical, psychological, or sex exploitation, or to physical, chemical, biological, or mechanical dangers; include specific hazardous tasks in agriculture and other sectors for which there is evidence of worst forms of child labor.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Create enforcement mechanisms to protect children employed as domestic servants, on family farms, and in the informal sector.
- Create monitoring and enforcement mechanisms to protect children younger than 15 who are working seasonally as agriculture laborers or in apprenticeship situations from dangerous or exploitative working conditions.

IN THE AREA OF PROGRAMS:

- Assess pilot programs addressing the worst forms of child labor with a view toward expanding those that are most successful and targeting children involved in agriculture and domestic service;
- Continue to raise awareness of employers, families, and labor inspectors on the hazardous occupations for children below the age of 18.

[1597] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported here, which may or may not include the worst forms of child labor. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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[1609] U.S. Department of State, "Trafficking in Persons Report- 2010: Egypt."

[1610] Ibid. See also U.S. Embassy- Cairo, *reporting*, February 16, 2010.

[1611] U.S. Embassy- Cairo, *reporting, February 10, 2010*, section 2B.1. See also Government of Egypt, *On Amending Provisions of the Child Law*, Law No. 126 of the Year 2008, (June 15, 2008), Article 3.

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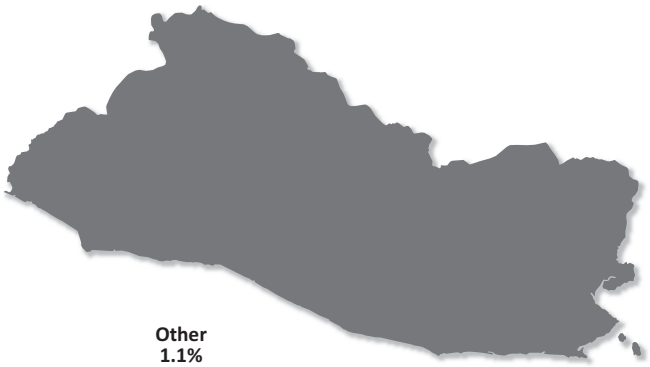
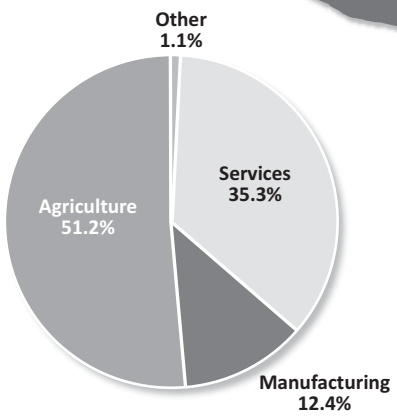
El Salvador

The Government of El Salvador strengthened its legal and policy frameworks to combat child labor, including by enacting the Law for the Protection of Children and Adolescents (LEPINA). It also developed a Roadmap to Make El Salvador Free of Child Labor and the Worst Forms of Child Labor. The worst forms of child labor continue to exist in agriculture, fishing, and domestic service.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	10.2%
Attending School	5-14 yrs.	80.4%
Combining Work and School	7-14 yrs.	10.2%





Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor,[1640] many of them in agriculture. Children who work in agriculture are exposed to the elements, toxic substances, long hours of work, and physical injuries; they often use machetes and sharp knives to perform their tasks.[1641] According to the 2008 School Registration Census, more than 15,000 children in El Salvador harvest sugarcane and coffee. Children who work in sugarcane perform activities such as cutting, planting, picking, and carrying heavy loads.[1642] The Census also estimates that more than 2,800 children are involved in fishing and mollusk harvesting. They fish for morralla (small fish) and lobster, and harvest oysters, freshwater snails, and shellfish.[1643] These children are exposed to polluted water, insects, skin diseases, physical injuries, and may work up to 13 hours, sometimes at night. They do not use oxygen tanks while diving.[1644]

Children are also involved in dangerous labor in urban areas, where they produce fireworks and scavenge garbage, risking dismemberment, burns, and exposure to dangerous substances.[1645] Children work as domestic servants in third-party homes; more than 16,000 children are estimated to be engaged in domestic service.[1646] According to a recent study, 15 percent of domestic workers started work before the age of 15. Children also work as street vendors, where they may be vulnerable to sexual abuse or street accidents.[1647]

Children are also subjected to commercial sexual exploitation and trafficking. Many victims of commercial sexual exploitation are girls between ages 15 and 17.[1648] Children are trafficked internally and internationally, some for commercial sexual exploitation, with children from poor communities at greater risk.[1649]

Children are also recruited into illegal gangs to perform illicit activities related to the arms and drug trade. There are reports that these children are recruited into gang activity while at school.[1650]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code and the Constitution set the minimum age for work at 14 and the minimum age for hazardous work at 18.[1651] The Law for the Protection of Children and Adolescents (LEPINA) establishes 16 as the minimum age for domestic service.[1652] However, the Labor Code specifies fines of less than $60 for violations of labor laws, including child labor laws, a penalty which the ILO deems to be insufficient to act as a deterrent.[1653]

The National Plan for the Eradication of the Worst Forms of Child Labor (2006-2009) lists sugarcane, fireworks, commercial sexual exploitation, fishing and mollusk extraction, garbage scavenging, domestic work, and the sale of illicit drugs as worst forms of child labor.[1654] However, this list does not address all the sectors in which children work under dangerous conditions, particularly in agriculture.[1655]

The commercial sexual exploitation of children, including pornography, and human trafficking are prohibited under El Salvador's Penal Code.[1656]

During the reporting period, the Government of El Salvador undertook a number of legislative initiatives to improve protection for children engaged in exploitative child labor. The Constitution was amended to increase the compulsory education age to 17. The Government approved the Law for the Protection of Children and Adolescents (LEPINA), which establishes the legal framework for the protection of children's rights, including protection from child labor and trafficking.[1657]

The Penal Code established prison terms of 10 to 15 years for the recruitment of children into illegal armed groups and the use of children for illicit activities.[1658]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	17
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Committee for the Eradication of the Worst Forms of Child Labor coordinates efforts to combat child labor and is chaired by the Ministry of Labor and Social Welfare (MTPS). Twelve government agencies are part of this committee, along with representatives from labor union organizations, the private sector, and NGOs.[1659] The National Roundtable to Combat the Commercial Sexual Exploitation of Children coordinates efforts to address the sexual exploitation of children. It includes the Attorney General's Office, the National Civilian Police (PNC), and the Legislative Assembly.[1660] The National Committee against Human Trafficking directs efforts to combat trafficking in persons. It is led by the Ministry of Foreign Affairs and includes 12 other government agencies.[1661]

In 2009, LEPINA established the National Committee for Children and Adolescents (CNNA) to develop policies for the protection of the rights of children. CNNA includes the Ministries of Public Security and Justice, Finance, Health, Education, Labor and Social Welfare (MTPS), the Ombudsman, the Association of Municipalities (COMURES), and four representatives from civil society organizations.[1662] The implementation of LEPINA has posed challenges for the Government. It realigns government agencies' existing roles and creates new institutional mechanisms that require human and material resources.[1663] LEPINA does not appoint a specific government agency to coordinate the CNNA, which could lead to a lack of coordination, accountability, and delays in decision-making. In addition, the CNNA does not include the Secretariats of Social Inclusion and Technical Secretariats, which coordinate government efforts to combat poverty and promote social inclusion.[1664]

MTPS, the Attorney General's Office, and the PNC are responsible for investigating cases of child labor. MTPS has a four-person unit that monitors child labor and provides information to the labor inspections unit, which subsequently carries out investigations.[1665] MTPS has 159 labor inspectors who cover all types of labor violations. During the reporting period, MTPS performed more than 20,000 labor inspections, removed 107 children from exploitive child labor, and imposed 6 fines for child labor violations.[1666] However, it is not clear how many of the 20,000 labor inspections were related to child labor or how labor inspectors identified and removed children from working.

A 2009 ILO report on labor inspections in El Salvador states that the inspection process can entail multiple visits and require the Ministry of Economy and the Attorney General's Office to issue fines. As a result, penalizing violations can take up to six months.[1667]

The Attorney General's Office and the PNC enforce criminal violations of the worst forms of child labor and investigate cases of commercial sexual exploitation and human trafficking.[1668] Both agencies have special units for trafficking, including child trafficking. The PNC assists victims of trafficking, and provides training to enforcement officials.[1669] The PNC also coordinates an emergency hotline that receives complaints about commercial sexual exploitation and human trafficking. Forty-seven complaints of child pornography were received from January 2007 through September 2009.[1670]

During the reporting period, the Attorney General's Office set up a database to monitor cases of commercial sexual exploitation and human trafficking, including investigations, prosecutions, and convictions in cases of commercial sexual exploitation and human trafficking.[1671] The Office investigated 72 cases of trafficking and prosecuted eight cases. Eight individuals were sentenced to between 4 and 8 years of prison.[1672] The Government also trained 77 enforcement officers to respond to child pornography cases and the International Organization for Migration trained police officers to better identify cases of human trafficking through the emergency hotline.[1673] However, the UN Committee on the Rights of the Child has reported that law enforcement officials do not receive adequate training and resources to combat the commercial sexual exploitation of children, including child pornography.[1674]

El Salvador gathers information on child labor through its National Household Survey.[1675] In 2004, the Ministry of Education also incorporated child labor into its annual school registration census, and in 2007, the Ministry of Health included child labor in its health cards; they allow the Government to identify children who work.[1676] However the Government has not yet conducted in-depth research on hard-to-reach populations such as children involved in commercial sexual exploitation or illegal activities.[1677]

Government Policies on the Worst Forms of Child Labor

In November 2009, the Government of El Salvador adopted the Roadmap to Make El Salvador a Country Free of Child Labor and its Worst Forms (Roadmap), establishing the policy framework to eliminate the worst forms of child labor by 2015 and child labor in general by 2020.[1678]

To guide its anti-trafficking efforts, the Government established the National Policy to Combat Human Trafficking (2008-2012) and the Strategic Plan to Combat Human Trafficking (2008–2012).[1679]

The Government included child labor in its National Decent Work Plan and the National Education Plan 2021.[1680] During the reporting period, the Government integrated child labor issues into the Policy for Inclusive Education (2009-2014) and the Social Education Plan (2009-2014), which seek to broaden access to education and promote social inclusion.[1681]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government carried out initiatives to combat child labor, including the commercial sexual exploitation of children and human trafficking, together with NGOs, international organizations, and the private sector.[1682]

As part of the implementation of the National Plan for the Eradication of the Worst Forms of Child Labor (2006-2009) and the Strategy to Combat Commercial Sexual Exploitation (2006-2009), the Government conducted campaigns to prevent child labor and funded after-school programs for children who worked or were at risk of working. The Salvadoran Institute for the Full Development of Children and Adolescents (ISNA) provided social services to street children and children who were victims of commercial sexual exploitation and human trafficking.[1683] From January to September 2009, ISNA assisted more than 240 street children and 500 child victims of human trafficking. MTPS conducted awareness-raising campaigns to combat child labor. The Ministry of Agriculture and Livestock raised awareness of child labor among irrigation associations and trained adolescents in non-hazardous agricultural activities.[1684]

The Government has participated in several initiatives funded by USDOL, including efforts to combat child labor in fireworks production and mollusk harvesting.[1685] In 2002, El Salvador was the first country in Latin America and the second in the world to launch a Timebound Program to eliminate child labor. This $7.4 million, USDOL-funded program ended in September 2010, and it provided technical assistance to the Government in developing its legal and policy frameworks, rescued more than 48,000 children from exploitive labor, and raised awareness of child labor.[1686]

Between 1999 and 2009, El Salvador also participated in three Central America regional projects with a total of $20.5 million in funding from USDOL. The projects reduced child labor in coffee production, strengthened the capacity of the Government and civil society organizations to combat the commercial sexual exploitation of children and child trafficking, and enhanced regional cooperation, legislation, policies, and institutions to reduce child labor through the provision of educational services.[1687]

During the reporting period, the Government participated in a $8.4 million regional project to eradicate child labor in Latin America, funded by the Government of Spain. It partnered with the Spanish NGO Intervida to carry out a public campaign to combat child pornography.[1688]

To combat poverty, the Government of El Salvador has implemented social protection programs since 2005, including a conditional cash-transfer program, known as Solidarity Communities. This program supplements household income and provides basic social services to vulnerable families in the poorest municipalities.[1689] As of July 2010, almost 100,600 families have benefited from the program; and 98 percent of the children whose families participate in the program are currently enrolled in school.[1690] In addition, in 2009 the Government approved an anti-crisis program that promotes job creation and establishes the Universal Social Protection System that includes the Solidarity Communities program, individual temporary income support, and vocational training programs aimed at youth and female head of households.[1691] The question of whether these programs have an impact on the worst forms of child labor does not appear to have been addressed.

Based on the reporting above, the following actions would advance the reduction of worst forms of child labor in El Salvador:

IN THE AREA OF LAWS AND REGULATIONS:

- Increase fines for violations of child labor laws.
- Increase the minimum age for domestic service at 18.
- Develop a comprehensive list of hazardous occupations for children ages 15 to 17.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Develop mechanisms to coordinate activities and information between the National Committee for the Protection of Children and Adolescents (CNNA) and the National Committee for the Eradication of the Worst Forms of Child Labor.
- Implement the Law for the Protection of Children and Adolescents (LEPINA), including by-
  - Allocating adequate human and material resources in the national budget.
  - Providing technical assistance to government agencies so they can incorporate its provisions into their activities.
  - Bringing the Secretariats of Social Inclusion and Technical Secretariats into the National Committee for the Protection of Children and Adolescents.
- Systematically monitor child labor inspections, investigations, number of children rescued, social services offered, and sanctions for violations.
- Strengthen enforcement of child labor and other laws including by:
  - Simplifying the labor inspection process and the issuance of fines.
  - Giving police officers, and other officials, adequate tools, resources and training to combat commercial sexual exploitation of children.

IN THE AREA OF PROGRAMS:

- Continue to carry out research on child labor and conduct studies on children involved in commercial sexual exploitation, domestic service, and illegal activities.
- Assess the impact that existing anti-poverty programs may have on addressing the worst forms of child labor.

[1640] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2003. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[1641] Government of El Salvador, *Plan Nacional para la Erradicación de las Peores Formas de Trabajo Infantil 2006-2009* Comité Nacional para la Erradicación de las Peores Formas de Trabajo Infantil, March 2006, 15; available from http://www.oit.org.pe/ipec/documentos/plan_nacional_es.pdf. See also ILO-IPEC, *Condiciones y medio ambiente del trabajo infantil en el cultivo de la Caña de Azúcar en El Salvador*, 2007, 29-32, 44; available from http://white.oit.org.pe/ipec/documentos/condiciones_ti_cana_sv.pdf.

[1642] ILO-IPEC, *Síntesis: Diagnóstico de Situación del Trabajo Infantil y sus Peores Formas en El Salvador* June 2009, 12; available from http://www.ilo.org/ipecinfo/product/download.do?type=document&id=11836. See also ILO-IPEC, *Condiciones y medio ambiente del trabajo infantil en el cultivo de la Caña de Azúcar en El Salvador*, 29-32, 44. See also Government of El Salvador, *Plan Nacional para la Erradicación de las Peores Formas de Trabajo Infantil 2006-2009* 32.

[1643] ILO-IPEC, *Condiciones y medio ambiente del trabajo infantil en la pesca en El Salvador* 2007 24-33; available from http://white.oit.org.pe/ipec/documentos/condiciones_trabajo_infantil_en_pesca_sv.pdf.

[1644] Ibid.

[1645] ILO-IPEC, *Diagnóstico de Situación del Trabajo Infantil y sus Peores Formas en El Salvador* 14. See also ILO-IPEC, *Combating Child Labour in the Firework Industry of El Salvador* Final Evaluation, Geneva, August, 2004, 49. See also EFE, *Buscar en las basuras, el pan de cada día en El Salvador* (September 10, 2010), Video.

[1646] ILO-IPEC, *Diagnóstico de Situación del Trabajo Infantil y sus Peores Formas en El Salvador* 14. See also U.S. Embassy- San Salvador, *reporting*, February 8, 2010

[1647] Council of Ministers for Women of the Central American Integration System (COMMCA / SICA), *La Institucionalización Sociocultural y Jurídica de la Desigualdad: El Trabajo Doméstico Remunerado en El Salvador* March 2010; available from www.sica.int/busqueda/busqueda_archivo.aspx?Archivo=libr_48057... See also Vanessa Nochez and Argentina Estrada, "Trabajo Infantil: Una Historia de Diario," *Diario Co Latino* (San Salvador), June 12, 2009; available from http://www.diariocolatino.com/es/20090612/nacionales/67861/.

[1648] ILO-IPEC, *Línea de Base sobre Explotación Sexual Comercial de Niñas, Niños y Adolescentes en el Municipio de San Salvador 2004*, 2006, 11, 53-54, 58; available from http://white.oit.org.pe/ipec/documentos/lbexplotacinsexualcomercialelsalvador.pdf.

[1649] Ibid., 53. See also ILO-IPEC, *Diagnóstico de Situación del Trabajo Infantil y sus Peores Formas en El Salvador* 12. See also Fernando Romero, "El Salvador Busca Erradicar el Trabajo Infantil Femenino " *La Prensa Gráfica* (San Salvador), June 12, 2009; available from http://www.laprensagrafica.com/el-salvador/social/39005-el-salvador-busca-erradicar-el-trabajo-infantil-femenino.html. See also U.S. Department of State, "El Salvador," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136112.htm. See also U.S. Embassy- San Salvador, *reporting*, February 19, 2010.

[1650] "Maras Reclutan en Centros Educativos," *El Diario de Hoy* March 2, 2010; available from http://www.elsalvador.com/mwedh/nota/nota_completa.asp?idCat=6342&idArt=4569633. See also Eric Lemus, "El Salvador: Gangs Recruiting Younger and Younger Members," *Inter Press Service* 2008; available from http://ipsnews.net/news.asp?idnews=41779. See also ILO Committee of Experts, "Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 No. 182 El Salvador (ratification 2000) Submitted: 2007," (2007); available from http://www.ilo.org/ilolex/english/newcountryframeE.htm.

[1651] Government of El Salvador, *Constitution of the Republic of El Salvador (with reforms until 2009)*, (1983), article 38; available from http://www.asamblea.gob.sv/Animaciones/Constitucion_Republica_de_El_Salvador_FP2.swf. See also Government of El Salvador, *Código de Trabajo (with modifications until 2009)*, (June 23, 1972), articles 104-109, 114-117; available from http://www.csj.gob.sv/leyes.nsf/ed400a03431a688906256a84005aec75/46004eae5770911c06256d05005d7c3f?OpenDocument.

[1652] Government of El Salvador, *Código Penal (with modifications until April 2010)*, (June 15, 1974), 169-173-A, 367-367-C; available from http://www.csj.gob.sv/leyes.nsf/ed400a03431a688906256a84005aec75/29961fcd8682863406256d02005a3cd4. See also Government of El Salvador, *Ley de Protección Integral de la Niñez y la Adolescencia*, 2009, article 64; available from http://www.oei.es/pdf2/ley_ninez_el_salvador.pdf.

[1653] ILO, *Memorando técnico: Diagnóstico de la situación de la inspección del trabajo en El Salvador*, Labor Administration and Inspection Programme, 2009, 15; available from http://www.ilo.org/labadmin/what/pubs/lang--en/docName--WCMS_119250/index.htm.

[1654] Government of El Salvador, *Plan Nacional para la Erradicación de las Peores Formas de Trabajo Infantil 2006-2009* 32.

[1655] Ibid. See also ILO-IPEC, *Diagnóstico de Situación del Trabajo Infantil y sus Peores Formas en El Salvador* 12.

[1656] Government of El Salvador, *Código Penal (with modifications until April 2010)*, 169-173-A, 367-367-C.

[1657] Government of El Salvador, *Ley de Protección Integral de la Niñez y la Adolescencia*, 103-118.

[1658] Government of El Salvador, *Constitution*, 56. See also Government of El Salvador, *Código Penal (with modifications until April 2010)*, 354.

[1659] Government of El Salvador, *Plan Nacional para la Erradicación de las Peores Formas de Trabajo Infantil 2006-2009* 17, 94.

[1660] Ibid., 75-76. See also Government of El Salvador, *Carta de Entendimiento para la Erradicación de la Explotación Sexual Comercial de los Niños y Niñas y Adolescentes* San Salvador, November 4, 2004, 4; available from http://www.rree.gob.sv/sitio/img.nsf/vista/UnidadSocial/$file/CARTA%20DE%20ENTENDIMIENTO.pdf. See also Government of El Salvador, *Prórroga a la Carta de Entendimiento para la Erradicación de la Explotación Sexual Commercial de los Niños, Niñas y Adolescentes* San Salvador November 5, 2008.

[1661] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: El Salvador*, July 2009, 84; available from http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.SLV.4.doc.

[1662] Government of El Salvador, *Ley de Protección Integral de la Niñez y la Adolescencia*, article 138.

[1663] UN Committee of the Rights of the Child, *Concluding observations: El Salvador*, January 11-29, 2010, para 12; available from http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-OPSC-SLV-CO1.pdf. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention. Concluding Observations: El Salvador*, January 2010, paras 11-12; available from http://www2.ohchr.org/english/bodies/crc/docs/COBs%20CRC%20El%20Salvador.doc.

[1664] Government of El Salvador, *Ley de Protección Integral de la Niñez y la Adolescencia*, articles 138 and 141.

[1665] U.S. Department of State, "Country Reports- 2009: El Salvador." See also U.S. Embassy- San Salvador, *reporting, February 8, 2010*. See also Government of El Salvador, *Unidad Erradicación de las Peores Formas del Trabajo Infantil,* [online] [cited January 21, 2010]; available from http://trabajoinfantil.mtps.gob.sv/default.asp?id=3&mnu=3.

[1666] ILO, *Verification Report on the Implementation of the White Paper Recommendations (Period August 2009 - January 2010)*, 2010, 174. See U.S. Embassy- San Salvador, *reporting, February 8, 2010*.

[1667] ILO, *Diagnóstico de la situación de la inspección del trabajo en El Salvador*, 10-11,15, 19, 20, 24.

[1668] Government of El Salvador, *Cuestionario sobre las Peores Formas del Trabajo Infantil*, 2009. See also Government of El Salvador, *Informe Adicional y Actualizado de la República de el Salvador para el Cómite sobre los Derechos del Niño. Convención sobre los Derechos del Niño*, November 2009, 44.

[1669] Government of El Salvador, *Informe Adicional y Actualizado de la República de el Salvador para el Cómite sobre los Derechos del Niño*, 44. See also Government of El Salvador, *Informe Adicional y Actualizado de la República de el Salvador para el Cómite sobre los Derechos del Niño*. See also National Police, *Sistema 911,* [[cited August 25, 2010].

[1670] Government of El Salvador, *Informe Adicional y Actualizado de la República de el Salvador para el Cómite sobre los Derechos del Niño*, 43.

[1671] U.S. Embassy- San Salvador, *reporting, February 19, 2010*. See also ILO-IPEC, *Diagnóstico de Situación del Trabajo Infantil y sus Peores Formas en El Salvador* 33. See also Government of El Salvador, *Informe Adicional y Actualizado de la República de el Salvador para el Cómite sobre los Derechos del Niño*, 41, 43-45.

[1672] U.S. Embassy- San Salvador, *reporting, February 8, 2010*.

[1673] Government of El Salvador, *Plan Estratégico 2008-2012*, December 2008, 7-8; available from http://www.mspas.gob.sv/comunicaciones/trata_personas/pdf/plan_estrategico.pdf. See also U.S. Embassy- San Salvador, *reporting, February 8, 2010*. See also U.S. Embassy- San Salvador, *reporting, February 19, 2010*.

[1674] UN Committee on the Rights of the Child, *Consideration of reports submitted by States parties under Article 12(1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Concluding Observations: El Salvador*, January 11-29, 2010, paras 8,14-16,25-28; available from http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-OPSC-SLV-CO1.pdf.

[1675] UN Committee on the Rights of the Child, *Consideration of Reports (July 2009)*, para 359. See also Government of El Salvador, *Plan Nacional para la Erradicación de las Peores Formas de Trabajo Infantil 2006-2009* 18. See also ILO-

IPEC, *Diagnóstico de Situación del Trabajo Infantil y sus Peores Formas en El Salvador* 21.

[1676] Government of El Salvador, *Plan Nacional para la Erradicación de las Peores Formas de Trabajo Infantil 2006-2009* See also ILO-IPEC, *Supporting the Time-bound Programme for the Elimination of the Worst Forms of Child Labour in El Salvador- Phase II*, Technical Progress Report, March 31 2010. See also ILO-IPEC, *Diagnóstico de Situación El Salvador*, 2009, 9, 14; available from http://white.oit.org.pe/ipec/documentos/el_salvador_hoja_de_ruta_diagnostico_final.pdf.,

[1677] ILO-IPEC, *Diagnóstico de Situación del Trabajo Infantil y sus Peores Formas en El Salvador* 15, 35.

[1678] ILO-IPEC, *Hoja de Ruta para hacer de El Salvador un País Libre de Trabajo Infantil y sus Peores Formas*, 2009, 14-15, 27-35; available from http://white.oit.org.pe/ipec/pagina.php?pagina=337.

[1679] Government of El Salvador, *Política Nacional para la Erradicación de la Trata de Personas en El Salvador* May 2008, 13; available from http://www.mspas.gob.sv/comunicaciones/trata_personas/pdf/política_nacional.pdf. See also Government of El Salvador, *Plan Estratégico 2008-2012*, 12-16. See also ILO-IPEC, *Diagnóstico de Situación del Trabajo Infantil y sus Peores Formas en El Salvador* 12.

[1680] Government of El Salvador, "Programa Nacional de Trabajo Decente de El Salvador (2008-2011)," (2007), 11-12; available from http://portal.oit.or.cr/dmdocuments/PNTD/acta_pntd_elsalvador.pdf. See also ILO-IPEC, *Diagnóstico de Situación del Trabajo Infantil y sus Peores Formas en El Salvador* 12.

[1681] Government of El Salvador, *Política de Educación Inclusiva: Para todas y todos*, 2009, 5, 22. See also Government of El Salvador, *Programa Social Educativo 2009-2014 "Vamos a la Escuela"*, 2009, 75, 87-88.

[1682] Government of El Salvador, *Informe Adicional y Actualizado de la República de el Salvador para el Cómite sobre los Derechos del Niño*, 51. See also Oscar Martínez, "Firman convenio para prevenir trata de personas," (February 3, 2010); available from http://www.diariocolatino.com/es/20100203/nacionales/76429/. See also Government of El Salvador, *Informe Adicional y Actualizado de la República de el Salvador para el Cómite sobre los Derechos del Niño*, 51.

[1683] ILO-IPEC, *El Salvador TBP (II), Technical Progress Report*.

[1684] Government of El Salvador, *Informe Adicional y Actualizado de la República de el Salvador para el Cómite sobre los Derechos del Niño*, 22, 41, 47.

[1685] ILO-IPEC, *Combating Child Labour in the Firework Industry of El Salvador* 1, 10-13. See also ILO-IPEC, *Progressive eradication of high risk child labor in shellfish harvesting in the Isle of Espiritu Santo, Puerto El Triunfo, Department of Usulutan, El Salvador*, Final Report, Geneva, March 16, 2001.

[1686] ILO-IPEC, *El Salvador TBP (II), Technical Progress Report*, 30. See also ILO-IPEC, *Supporting the Time-bound Programme for the Elimination of the Worst Forms of Child Labour in El Salvador*, Technical Progress Report, Geneva, September 6, 2007, 18.

[1687] ILO-IPEC, *"Stop the Exploitation" ("Alto a la explotación") Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Final Evaluation, Geneva, April 2009, 31, 32-34. See also ILO-IPEC, *Sub-regional Project for the Progressive Elimination of Child Labor in the Coffee Sector in Central America and the Dominican Republic*, Final Evaluation, 2003. See also CARE International, *Primero Aprendo Project: Combating Exploitive Child Labor through Education in Central America and the Dominican Republic*, Final Technical Progress Report, Managua, March 31, 2009, 2.

[1688] ILO-IPEC Geneva official, E-mail communication to USDOL official, September 1, 2010. See also Intervida, *La Pornografía Infantil no es un Juego, es un Delito. Denúnciala al 911*, 2009; available from http://www.isna.gob.sv/Noticias%20Ultima%20hora/Reglas%20de%20ORO.pdf.

[1689] Government of El Salvador, *Plan Nacional para la Erradicación de las Peores Formas de Trabajo Infantil 2006-2009* 16-17. See also Goverment of El Salvador, *Sistema Universal de Protección Social,* [online] 2009 [cited June 14 2010]; available from http://www.fisdl.gob.sv/institucion/marco-institucional/historia.html?start=4.

[1690] Government of El Salvador, *Comunidades Solidarias: Resultados e impactos*, 2010; available from http://www.fisdl.gob.sv/novedades/ciudadano/2155-comunidades-solidarias-resultados-e-impactos.html.

[1691] Government of El Salvador, *Plan Global Anti-Crisis*, 2009; available from http://www.elsalvador.org/embajadas/eeuu/home.nsf/0/3bfb68e35223cc2e8525761d0052b424/$FILE/Plan%20Global%20Anti-Crisis.pdf. See also Goverment of El Salvador, *Sistema Universal de Protección Social*.

Equatorial Guinea

The Government of Equatorial Guinea enacted new legislation to combat the worst forms of child labor. However, significant gaps in its monitoring and enforcement capacity remain. Worst forms of child labor still persist in domestic service and in the informal sectors of the urban economy.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Equatorial Guinea are exploited in the worst forms of child labor,[1692] many of them in forced domestic service.[1693] Child domestic labor may involve long hours of work and expose children to physical and sexual exploitation by their employers. Children are also employed in street vending and vending in the local markets,[1694] where they may be exposed to a variety of hazards, including severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Equatorial Guinea is a destination for children trafficked for the purpose of forced labor and perhaps for sexual exploitation from Nigeria, Benin, Cameroon, and Benin. These children are often exploited in domestic servitude, market labor, and street vending.[1695] There is evidence that children are also brought from rural areas of the country and used for domestic labor.[1696] It is unclear how much trafficking persists, but increased border security has made the trafficking of persons more difficult and government officials believe that instances of child sexual exploitation have become nearly non-existent.

Laws and Regulations on the Worst Forms of Child Labor

The General Labor Code sets the minimum age for employment at 14.[1697] Children below the age of 16 are prohibited from employment in conditions that may result in a danger to their health, security, or morality. Ministerial Order 4/2005 bans all children under age 17 from being on the streets after 11 p.m. and from specific forms of child labor.[1698] The decree forbids parents or tutors from exploiting children for labor, such as street vending, car washing, or working in bars or restaurants.

Forced or compulsory child labor is forbidden by the General Labor Ordinances.[1699] The specific language of the law, however, has been the object of comments from the ILO Committee on Experts.[1700] The law states that the freedom of labor shall be subject to no restrictions other than "normal civic obligations and minor communal services." These normal obligations and minor services are not distinctly enumerated in the relevant or available legislation.

Law 1/2004 prohibits trafficking in persons and punishes parental child abuse and child labor.[1701] Article 4 of the law states that parental child abuse is "the use of boys or girls by their relatives for street trading or other jobs during school times or at night"; this is punishable with a 1-month to 1-year prison

sentence and fines ranging from approximately $100 to $1,000. Article 5 states that employing children, whether self-employed or as direct employees, is a crime punishable with a 1-year prison sentence and a fine not exceeding approximately $500.

In 2009 the Government of Equatorial Guinea passed legislation that strengthened the procedures in the Ministry of Justice to combat child labor.[1702] This law, The Judiciary Act No. 5/2009, strengthens both the composition and powers of juvenile courts.[1703] It also aims to improve coordination between organizations to identify areas of exploitation, take measures to eliminate such problems and prosecute violators.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	16
	Compulsory Education Age	13
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

There is no single institution in Equatorial Guinea that has the responsibility for monitoring the worst forms of child labor or coordinating efforts to combat it.

The Ministry of Labor monitors legislation and the implications of children in the workforce and the Ministry of Works and Social Security monitors the streets, marketplaces, and businesses for occurrences of child labor. Within the Ministry of National Security, police, gendarmes, and border guards enforce child labor laws. Despite the efforts of government officials and police, who patrol the streets and markets, children are still employed in market vending in the cities of Bata and Malabo. The Ministry of Justice is responsible for the prosecution and imprisonment of those who violate the law. However, the Ministry of Justice reported no cases of child labor in 2009 and there is no information on the number of labor inspectors or child labor investigations conducted.[1704]

There has been an increase in training activities meant to improve the ability of ministries, agencies, and officials to recognize, gather, and treat the victims of child labor.[1705] The lack of coordination of efforts, the absence of record keeping regarding prosecution and convictions, and the lack of statistics on the instances of child labor make it difficult to verify that progress is being made.[1706]

Government Policies on the Worst Forms of Child Labor

Equatorial Guinea has not established a policy framework for the elimination of the worst forms of child labor.

The Government has created a new position of Third Deputy Prime Minister in Charge of Social Affairs and Human Rights, under whose direction a plan was developed to provide training on trafficking issues to key government personnel in 2010.[1707] This action was taken in response to a 2009 visit from the International Office of Migration that identified a lack of services for trafficked persons.

Policies concerning the trafficking of children for exploitive labor were strengthened during the reporting period by the adoption of the Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa under ECOWAS. This agreement explicitly targets, among others, victims of exploitive labor and hazardous child labor. Likewise, the inclusion of begging as a possible purpose of trafficking within the policy reflects the regional need to combat this growing problem.[1708] The agreement builds on the framework developed under the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions (2006).

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Equatorial Guinea neither implemented any programs in 2009 specifically intended to address the worst forms of child labor nor did they specifically incorporate the issue into any poverty reduction, education, or social programs.[1709]

The Ministry of Social Affairs is responsible for providing care to destitute children, including trafficking victims. They make efforts, through the use of conciliation delegates, to educate families about the dangers of child labor; although, this is not their primary responsibility, which is to assist victims of abuse.[1710]

Based on the reporting above, the following actions would advance the reduction of worst forms of child labor in Equatorial Guinea:

IN THE AREA OF LAWS AND REGULATIONS:

- Enact legislation and policies to protect children exploited as domestic servants or in street work.
- Take steps to increase the dissemination and general awareness of laws pertaining to child labor, forced or compulsory labor, and trafficking.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Develop an integrated inter-agency approach to monitoring and enforcement of child labor and trafficking laws by designating an agency that is charged with the coordination of monitoring efforts.
- Improve record-keeping in regards to complaints and cases of child labor.

IN THE AREA OF POLICIES:

- Develop a comprehensive policy for addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Provide better training for those employed by the Ministry of Social Affairs to provide services to child laborers and their families.
- Develop and implement social programs to address the worst forms of child labor, particularly in domestic service and street work.

[1692] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[1693] European Union Fund for Development official, Interview with USDOL consultant, May 22, 2007.

[1694] U.S. Embassy- Malabo, *reporting*, February 2, 2010.

[1695] Ibid.

[1696] Ibid. See also U.S. Embassy- Malabo, *reporting*, February 22, 2010.

[1697] Government of Equatorial Guinea, *Ordenamiento General del Trabajo*, 2/1990, (January 4, 1990).

[1698] Government of Equatorial Guinea, *Regulación Sobre la Circulación de Menores de Edad Durante Determinadas Horas Nocturnas, así como su Explotación para Actividades con Fines Lucrativos*, Orden Miniterial 4/2005, (June 20, 2005), article 1. See also Government of Equatorial Guinea, *Ordenamiento General del Trabajo*, articles 6, 4, 11.

[1699] Government of Equatorial Guinea, *Ordenamiento General del Trabajo*, article 3.

[1700] ILO Committee of Experts, *Individual Direct Request concerning Forced Labour Convention, 1930 (No. 29) Equatorial Guinea (ratification: 2001),* [online] 2010; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23906&chapter=9&query=Equatorial+Guinea%40ref&highlight=&querytype=bool&context=0.

[1701] Government of Equatorial Guinea, *Sobre el Tráfico Ilícito de Migrantes y la Trata de Personas*, 1/2004, (September 14, 2004), article 3. See also U.S. Embassy-Malabo, *reporting, February 22, 2010*.

[1702] U.S. Embassy- Malabo, *reporting, February 2, 2010*.

[1703] Child Rights Information Network, *Child Rights References in the Universal Periodic Review*, December 9, 2009; available from http://www.crin.org/docs/Equitorial%20Guinea.pdf.

[1704] U.S. Embassy- Malabo, *reporting, February 2, 2010*.

[1705] Ibid.

[1706] Ibid.

[1707] Ibid.

[1708] ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006.

[1709] U.S. Embassy- Malabo, *reporting, February 2, 2010*.

[1710] U.S. Department of State, "Equatorial Guinea," in *Trafficking in Persons Report - 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/documents/organization/123357.pdf.

Eritrea

The Government of Eritrea supported programs intended to reduce the worst forms of child labor, such as providing services to street children; however, these were not adequate to address the scope of Eritrea's child labor problem and omitted the numerous children working in agriculture and domestic service. The Government forcibly recruits children during the school break to plant trees, pick cotton, and work as domestic servants.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor[1711]

Children are exploited in the worst forms of child labor in Eritrea, many of them in agriculture. Children in rural areas of Eritrea work on farms producing corn, wheat, sorghum, and other grains, and in fields gathering firewood, hauling water, and herding livestock. Children's work in agriculture commonly involves use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides.[1712] Children are also engaged in domestic labor where they may face long hours of work and exposure to physical and sexual exploitation by their employers.[1713]

In urban areas, children repair vehicles and work on the streets as vendors.[1714] Children also work in garages and workshops making household utensils and furniture.[1715] In Asmara, some children engage in commercial sexual exploitation and street begging. Children working on the streets are exposed to a variety of dangers, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.[1716]

The Government of Eritrea imposes compulsory labor on secondary-level schoolchildren. Children in the ninth grade and above are forced to work for 2 months during the school break for a national program called Mahtot. They are required to work on farms, provide domestic service, plant trees, and pick cotton.[1717]

In addition, the Government requires all secondary school students to complete their final, 12th year of schooling and military training at the Sawa Military Training Camp in remote western Eritrea in order to graduate.[1718] Students who do not attend are not eligible to take their final examinations or to graduate.[1719] Young persons are required to register for military service by the age of 17. Students who avoid military service are often victims of torture and poor treatment.[1720] Some students may be under the age of 18 while attending Sawa. Since children may leave school at age 13, they may receive military training at this age.[1721] After the 6 months of compulsory military training, national service conscripts, who may be under age 18, are either drafted into the military, deployed to work in mines and on agriculture and construction projects, or assigned to a technical college for further training.[1722]

Eritrea is a country of origin for children trafficked for forced labor, including commercial sexual exploitation.[1723] In rare instances, children are trafficked to the Middle East to serve as camel jockeys.[1724]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Proclamation sets the minimum age for employment at 14 and the minimum age for hazardous work at 18. Under this law, hazardous work includes transporting goods and passengers, heavy lifting, working with toxic chemicals and dangerous machines, and working underground, such as in mines, quarries, sewers, and tunnel digging.[1725] However, the Labor Proclamation does not include penalties for employers of children in hazardous work or children under the minimum age.[1726]

In addition, children in apprenticeships may engage in hazardous work if supervised by a competent authority. This includes dangerous and health-threatening tasks such as working in mines, quarries, and sewers. It is unclear at what age a child may become an apprentice.[1727]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	13
	Free Public Education	No

Slavery, servitude, and forced labor are prohibited by the Constitution.[1728] The Penal Code prohibits and provides penalties for trafficking in persons for sexual exploitation, child rape, and child prostitution.[1729] There is no legislation to prohibit trafficking for labor exploitation.[1730] Children under 18 are prohibited from being recruited into the armed forces by Proclamation 11/1991.[1731] However, children under age 18 may receive military training.

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Eritrea has established a coordinating mechanism to combat the worst forms of child labor.[1732]

The Ministry of Labor and Human Welfare is the primary federal agency designated to enforce child labor laws, including criminal violations of the worst forms of child labor, such as trafficking. Information on inspectors and complaint mechanisms was unavailable.[1733]

During the reporting period, the Eritrean Government prosecuted persons for human trafficking, although it is unknown how many were prosecuted and whether the victims were children.[1734] Information was not available on other investigations, prosecutions, or convictions for other worst forms of child labor.

Government Policies on the Worst Forms of Child Labor

The National Plan of Action on Child Labor and National Program of Action on Children are the primary government instruments to prevent and eliminate child labor in Eritrea. These policies aim to prevent child labor and rehabilitate children by reintegrating them with families, communities, and schools.[1735]

Child labor concerns are also mainstreamed into the Education Sectoral Development Plan and the UN Development Assistance Framework. However, these two development policies do not have budgets, detailed action plans, or targets related to the worst forms of child labor, and they do not appear to have been implemented to any significant degree.[1736]

In addition, the Government's compulsory labor and military training requirements for schoolchildren may diminish the impact of Eritrea's policies to combat the worst forms of child labor.[1737] Further, the Government has not provided information during the reporting period that it collects information on the worst forms of child labor, limiting their ability to inform policy.[1738]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In the past, the Government supported child-centered social programs aimed to assist street children or reintegrate orphaned children with their extended families.[1739] In 2009, the Government, through its partnership with UNICEF, provided 4,426 street children with educational materials and cash subsidies to cover the cost of uniforms.[1740]

Current efforts to eliminate the worst forms of child labor also focus on anti-trafficking interventions. For instance, during the reporting period the Government conducted awareness-raising campaigns on human trafficking and participated in the Regional Program for Eastern Africa (2009-2012) to counter the trafficking of children.[1741] Eritrea also sponsored numerous youth and worker unions' anti-trafficking in persons education outreach programs.[1742] Other efforts to combat the worst forms of child labor include the Government's program to identify children engaged in commercial sexual exploitation and reintegrate them with their families.[1743]

Despite the initiatives described here, Eritrea's social programs are limited in scope and do not protect self-employed children or target areas where the majority of children work, such as agriculture, domestic service, and street vending.[1744]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Eritrea:

IN THE AREA OF LAWS AND REGULATIONS:

- Provide penalties for employers of children in hazardous work and children under the legal minimum age.
- Establish a minimum age for apprenticeships and prohibit children in supervised vocational training programs from engaging in hazardous work.
- Enact legislation to prohibit all forms of trafficking.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a formal coordinating mechanism to monitor the worst forms of child labor.
- Publish data on inspections, criminal investigations, prosecutions, and other steps taken to enforce laws.

IN THE AREA OF POLICIES:

- Implement child labor objectives in national policies and development plans by including budgets, detailed action plans, and targets related to the worst forms of child labor.
- Cease the forced recruitment of children during the school break to plant trees, pick cotton, and work as domestic servants.
- Develop procedures to ensure that children under the age of 18 are not recruited into the national military program.
- Conduct a national labor force survey to improve the availability of data on all forms of child labor, including the worst forms.

IN THE AREA OF PROGRAMS:

- Develop appropriate social protection programs to protect self-employed children and children working in agriculture, domestic service, and street vending.

[1711] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[1712] U.S. Embassy- Asmara, *reporting*, October 9, 2008, para 9. See also Muluberhan Hagos, *Harmonisation of laws relating to children: Eritrea*, The African Child Policy Forum, 2007, 98; available from http://www.africanchild.info/documents/Eritrea%20Report%20final%20Sarah.doc. See also U.S. Embassy- Asmara, *reporting*, March 9, 2010, para 1. See also U.S. Department of State, "Eritrea," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm.

[1713] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by State Parties under Article 44 of the Convention, Second and third periodic reports of States parties due in 2006: Eritrea*, CRC/C/ERI/3, United Nations, Geneva, October 23, 2007, para 341; available from http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.ERI.3.pdf. See also U.S. Embassy- Asmara, *reporting, March 9, 2010*, para 3, 2A.

[1714] U.S. Department of State, "Country Reports- 2009: Eritrea," section 7d. See also Hagos, *Harmonisation of laws relating to children: Eritrea*, 98. See also U.S. Embassy- Asmara, *reporting, March 9, 2010*, section 2a.1.

[1715] U.S. Embassy- Asmara, *reporting, March 9, 2010*, para 1.

[1716] U.S. Embassy- Asmara, *reporting*, February 18, 2009, section 23. See also Mussie Hadgu, "Eritrea, a Nation in Overall Crisis: Coping Strategies in Hard Times", asmarino.com, [online], April 16, 2009 [cited August 12, 2010]; available from http://www.asmarino.com/eyewitness-account/133-iii-eritrea-a-nation-in-overall-crisis-coping-strategies-in-hard-times-. See also U.S. Embassy- Asmara, *reporting, March 9, 2010*, para 2a.1.

[1717] Human Rights Watch, *Service for Life: State Repression and Indefinite Conscription in Eritrea*, New York, 2009, 56; available from http://www.hrw.org/sites/default/files/reports/eritrea0409web_0.pdf. See also UN Committee on the Rights of the Child, *48th Session: Summary Record of the 1335th meeting: Consideration of Reports of States Parties (Continued), Consolidated second and third periodic reports of Eritrea*, CRC/C/SR.1335, United Nations, Geneva, June 13, 2008, 5; available from http://tb.ohchr.org/default.aspx?country=er.

[1718] Kaleyesus Bekele, "Politics - Woes of Eritrean Refugees," *UNHCR Refugees Daily* (October 8, 2007); available from http://www.unhcr.org/cgi-bin/texis/vtx/refdaily?pass=463ef21123&id=470b1e938. See also U.S. Embassy- Asmara, *reporting, February 18, 2009*, para 5, 19, 20. See also Jonah Fisher, "Eritrea rapped for 'military' schooling", BBC News, [online], January 11, 2004 [cited October 18, 2010]; available from http://news.bbc.co.uk/2/hi/africa/3386965.stm.

[1719] Kaleyesus Bekele, "Politics - Woes of Eritrean Refugees." See also U.S. Embassy- Asmara, *reporting, February 18, 2009*, para 5, 19, 20.

[1720] U.S. Embassy- Asmara, *reporting, February 18, 2009*, para 5. See also Amnesty International, *Eritrea: 'You Have No Right to Ask'- Government Resists Scrutiny on Human Rights*, AFR 64/003/2004, Amnesty International, London, May 2004, 25. See also UN General Assembly, *Compilation Prepared by the Office of the High Commissioner for Human Rights, in Accordance with Paragraph 15(B) of the Annex to Human Rights Council Resolution 5/1: Eritrea*, A/HRC/WG.6/6/ERI/2, September 18, 2009, 5; available from http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/ER/A_HRC_WG6_6_ERI_2_E.pdf.

[1721] U.S. Embassy- Asmara, *reporting, February 18, 2009*, para 5. See also UNICEF, *Education statistics: Eritrea*, accessed February 22, 2010; available from http://www.childinfo.org/files/ESAR_Eritrea.pdf. See also UNESCO, *Education for All Global Monitoring Report 2009: Overcoming Inequality: Why goverance matters*, Oxford University Press, Paris, 2008; available from http://unesdoc.unesco.org/images/0017/001776/177683e.pdf.

[1722] Human Rights Watch, *Service for Life*, 51-52. See also U.S. Embassy- Asmara official, E-mail communication to USDOL official, October 27, 2010.

[1723] U.S. Department of State, "Eritrea," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.unhcr.org/refworld/country,,,,ERI,,4c1883f62d,0.html. See also U.S. Embassy- Asmara, *reporting*, March 26, 2010, para 2a, 2b.

[1724] ILO Committee of Experts, *Individual Obersation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) United Arab Emirates,* [online] 2008 [cited February 22, 2010]; available from http://www.oit.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=10378&chapter=6&query=%23subject%3D03%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0. See also Awate, "Eritrean Regime Now Trafficking Children", awate.com, [online], August 24, 2007

[cited February 22, 2010]; available from http://www.awate.com/portal/content/view/4597/3/.

[1725] Government of Eritrea, *Proclamation No.118/2001: The Labour Proclamation of Eritrea*, (2001), article 69.

[1726] Ibid.

[1727] Ibid., article 33-38, 68-69.

[1728] Government of Eritrea, *The Constitution of Eritrea*, (May 23, 1997), article 16(3); available from http://www.chr.up.ac.za/undp/domestic/docs/c_Eritrea.pdf.

[1729] Government of Eritrea, *The Transitional Eritrean Penal Code*, (1991), articles 589, 594-595, 597, 605-606.

[1730] U.S. Department of State, "Eritrea," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/documents/organization/123357.pdf. See also Government of Eritrea, *The Transitional Eritrean Penal Code*.

[1731] Coalition to Stop the Use of Child Soldiers, "Eritrea," in *Child Soldiers Global Report 2008*, London, 2008, 138; available from http://www.child-soldiers.org/regions/country?id=66.

[1732] U.S. Embassy- Asmara, *reporting, February 18, 2009*, para 7-8.

[1733] Ibid., para 7. See also U.S. Department of State, "Eritrea," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2008/af/119000.htm. See also U.S. Embassy- Asmara, *reporting, March 9, 2010*, para 2c, d. See also U.S. Department of State, "Trafficking in Persons Report- 2009: Eritrea."

[1734] Embassy of Ethiopia, "Eritrea Rejects US Country Report on Human Trafficking", www.eastafricaforum.net, [online], June 18, 2009 [cited December 31, 2009]; available from http://www.eastafricaforum.net/2009/06/19/eritrea-rejects-us-country-report-on-human-trafficking/.

[1735] U.S. Embassy- Asmara, *reporting, February 18, 2009*, para 8. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Eritrea."

[1736] U.S. Embassy- Asmara, *reporting, February 18, 2009*, para 13. See also United Nations, *Eritrea: UN Development Assistance Framework (2007-2011)*, 2007, 32, 50; available from http://www.undg.org/archive_docs/830-Eritrea_UNDAF__2007-2011__-_Eritrea.pdf.

[1737] Kaleyesus Bekele, "Politics - Woes of Eritrean Refugees." See also U.S. Embassy- Asmara, *reporting, February 18, 2009*, para 5, 19, 20.

[1738] U.S. Embassy- Asmara, *reporting, March 9, 2010*, para 3.

[1739] UN Committee on the Rights of the Child, *Consideration of Reports under Article 44 - Second and third periodic reports*. See also Child Rights Information Network, *Child Rights References in the Universal Periodic Review: Eritrea*, November 30, 2009; available from http://www.crin.org/docs/Eritrea.pdf.

[1740] U.S. Embassy- Asmara, *reporting, March 9, 2010*, section 2d. See also U.S. Embassy- Asmara official, E-mail communication to USDOL official, March 19, 2010.

[1741] Interpol, *Profile: Eastern African Police Chiefs Cooperation Organization (EAPCCO),* [online] [cited 2010 February 22,]; available from http://www.iss.co.za/index.php?link_id=3893&slink_id=4556&link_type=12&slink_type=12&tmpl_id=3. See also UNODC, *Promoting the Rule of Law and Human Security in Eastern Africa: Regional Program 2009-2012*, December 2009, 3; available from http://www.unodc.org/documents/easternafrica//regional-ministerial-meeting/Eastern_Africa_Regional_Programme_Final_Draft.pdf. See also Embassy of Ethiopia, "Eritrea Rejects US Country Report on Human Trafficking".

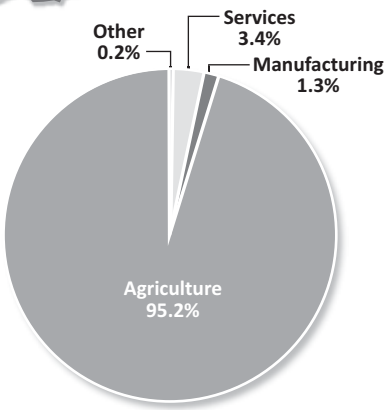
[1742] U.S. Embassy- Asmara, *reporting, March 26, 2010*, para 4f.

[1743] U.S. Department of State, "Trafficking in Persons Report- 2010: Eritrea."

[1744] ILO, *IPEC Action Against Child Labour 2008: Highlights*, Geneva, February 2009, 34; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=9471.

Ethiopia

The Government of Ethiopia has supported programs to reduce the worst forms of child labor, such as providing services to children living and working in the street and child trafficking victims; however, its efforts did not target areas where the majority of children work, such as agriculture and domestic service. Ethiopia does not have a comprehensive policy to combat the worst forms of child labor and has not effectively enforced its child labor laws.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	70.0%
Attending School	5-14 yrs.	29.2%
Combining Work and School	7-14 yrs.	0.3%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Ethiopia, many of them in agricultural activities and domestic service.[1745] Roughly 89 percent of working children in rural areas are engaged in agriculture. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of coffee, cotton, sugarcane, and tea.[1746] Children's work in agriculture may involve the use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides.[1747] Children, especially boys, engage in cattle herding, in which they work long hours.[1748]

In urban areas, children—mostly girls—work in domestic service, where they may be vulnerable to sexual and other forms of abuse. In Ethiopia studies have reported that such children suffer from depression and anxiety.[1749] Girls also collect firewood and water, activities requiring them to walk long distances and carry heavy loads.[1750]

Limited evidence suggests that the worst forms of child labor are used in the production of gold, especially in the Hararghe and Benishangul regions. Children working in small-scale gold mining may dig their own mining pits and carry over 40 liters of water daily.[1751]

Children work in petty trading, as taxi assistants and in construction, manufacturing, and weaving industries.[1752] Child weavers may work long hours, face physical, sexual, or emotional abuse by their employers, and may develop physical deformities as a result of crouching while working on traditional weaving looms.[1753] Anecdotal evidence suggests that some child weavers are exposed to starvation and debt bondage.[1754] Children working in sectors like construction and manufacturing typically do not use protective gear.[1755]

Children in Ethiopia are also found in other activities constituting the worst forms of child labor, such as prostitution, forced labor, and militias. The commercial sexual exploitation of children is more prevalent in urban areas, especially Addis Ababa.[1756] Young girls, some as young as age 11, are recruited to work in prostitution at brothels, hotels, bars, rural truck stops, and in resort towns.[1757] Girls are also sexually exploited by their teachers in exchange for favors, such as better grades.[1758] In Ethiopian cities,

there is a high prevalence of children working on the streets, which may expose them to severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.[1759] Reports suggest that children as young as age 14 may be recruited into government security forces and by local militias, predominantly in the Somali Regional state.[1760]

Trafficking of children occurs in Ethiopia from Oromiya and SNNP to other regions for forced or bonded labor in domestic service.[1761] Children are also trafficked from rural to urban areas for commercial sexual exploitation, begging, street vending, and manual labor.[1762] In addition, some children are trafficked to work in the weaving industry.[1763] Children are reportedly trafficked from Ethiopia to the Middle East, especially to Lebanon, Saudi Arabia, and the United Arab Emirates.[1764] Children are also trafficked to Djibouti and Sudan for commercial sexual exploitation and to Eritrea, where they may be conscripted into the armed forces.[1765]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Proclamation sets the minimum age for employment at 14 and the minimum age for hazardous work at 18.[1766] The law forbids employers from using "young workers," defined as children ages 14 to 18, when the nature of the job or the conditions under which it is carried out might endanger the life or health of a child.[1767] The Labor Proclamation also prohibits children from working at night, overtime, and in occupations designated as the worst forms of child labor.[1768]

The Labor Proclamation does not cover unpaid work and work performed in the informal sector, where many children work in hazardous conditions.[1769] In addition, it allows children who are at least age 14 to engage in hazardous work such as in underground mines and quarries, if this work is performed following Government approved courses in vocational schools. Work underground in mines and quarries is hazardous to the health and safety of the children involved, even if this work is supervised.[1770] Children are required to attend school until age 12. This standard makes children ages 12 to 14 particularly vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum age for work.[1771]

The Constitution protects children from trafficking, slavery, and forced labor.[1772] The Criminal Code also prohibits trafficking, child pornography, the commercial sexual exploitation of children, and the use of children in illicit activities.[1773] However, there is no evidence of a legal framework or institutional structure to ensure that all children are registered at birth, which reports suggest may facilitate the trafficking and recruitment of children in armed conflict.[1774] The Criminal Code sets the minimum age for conscription and voluntary recruitment into the military at 18.[1775]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	No

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence of coordinating mechanisms to combat child labor in Ethiopia.[1776] However, the Occupational Safety, Health, and Working Environment Department (OSHWED) within the Ministry of Labor and Social Affairs (MOLSA) is responsible for data collection, analysis, and policymaking for labor purposes.[1777] MOLSA is also the lead agency for trafficking-in-persons programming.[1778] In November 2009, the Government convened its Inter-Ministerial Task Force on Trafficking to coordinate government anti-trafficking efforts. This was the first time the group had met since June 2007.[1779]

In addition, MOLSA is the primary federal agency responsible for labor inspections, which are organized through federal and regional offices. OSHWED enforces occupational safety, health, and minimum labor conditions of industrial enterprises in Addis Ababa and Dere Dawa, which include child labor laws.[1780] OSHWED employs 120 labor inspectors; none are exclusively dedicated to child labor.[1781] ILO reports that this department is understaffed and lacks sector-specific occupational health and safety guidelines, which weakens enforcement efforts.[1782] The Regional Bureaus of Social and Labor Affairs (BOLSAs) and City Administration are responsible for labor inspections at the zonal offices and regional and city levels.[1783] Both OSHWED and BOLSAs lack equipment and inspectors do not have access to suitable transportation, often relying on employers and trade union representatives for rides.[1784] Labor inspectors' salaries are not competitive and turnover is high. There was no evidence of training during the reporting period.[1785]

Labor inspectors visit enterprises both to conduct investigations and carry out dispute settlements. Inspection visits are commonly unannounced, with the inspectors using checklists specific to small, medium, and large enterprises.[1786] If a labor violation is found, labor inspectors may require the employer to correct the situation within a given timeframe or may report the incident to the Minister of Labor.[1787] Labor inspectors do not have the authority to impose immediate sanctions, and fines can only be issued by a court. Outreach to and inspection of the formal sector of the economy has been limited, with the majority of inspections conducted on flower and vegetable farms.[1788]

In addition, the labor relations board, an institution which settles labor disputes, receives labor complaints from regional and federal offices and issues case verdicts. On average, the labor relations board has a 1–3-year backlog of cases.[1789] There is no information on how many child labor investigations were opened, how many citations issued, and whether appropriate penalties were applied.[1790]

Police departments in Addis Ababa, Amhara, Oromiya, SNNP, and Dere Dawa have special Child Protection Units (CPU) that are staffed by one social worker and two police officers who identify and refer victims of the worst forms of child labor to support services.[1791] During the reporting period, CPUs identified 1,134 trafficked children, referred 116 of these children to shelters, and reunified 757 children with their parents or guardians.[1792] The police, in collaboration with the Forum for Street Children Ethiopia (FSCE), also operate a hotline to report trafficking cases. This hotline's impact is unknown.[1793]

Child Protection Committees and Child Clubs, which promote children's rights, were established in the SNNP. During the reporting period, 1,882 committee and club members were trained on the protection of trafficking victims, trafficking case management, and international and Ethiopian trafficking laws.[1794]

In 2009, a Human Trafficking and Narcotics Section was established in the Organized Crime Investigation Unit by the federal police to collaborate with the prosecutor's office to conduct investigations, prosecute offenders, and report and collect trafficking data. In 2009, this unit investigated 63 cases and referred 39 cases to the prosecutor's office. It is not known how many of these cases involved the trafficking of children.[1795]

Government Policies on the Worst Forms of Child Labor

In 2009, MOLSA drafted the National Action Plan on Child Labor (2010-2015) and a Protocol and Guideline that would direct the implementation of new child labor identification, withdrawal, reintegration, and educational policies. However, these have not yet been adopted.[1796]

The National Plan of Action on Sexual Abuse and Exploitation of Children (2006-2010) outlines targets for reducing the number of children working in the worst forms of child labor, including commercial sexual exploitation. The National Action Plan against Trafficking and National Plan of Action for Children (2003-2010) also include provisions to reduce the worst forms of child labor.[1797] The National Plan of Action for Children document was not adequately disseminated among authorities responsible for its implementation.[1798] No additional information was available on these policies, including whether or not they were being implemented effectively.

In addition, child labor issues have been mainstreamed into the following Ethiopian development agendas

and policies: Development Social Welfare Policy, the Education Sector Development Program III, Decent Work Country Program, and the United Nations Development Assistance Framework. However, in general, these policies do not have budgets, detailed action plans, or targets related to the worst forms of child labor.[1799]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In Ethiopia, social programs specifically designed to eliminate the worst forms of child labor are a recent development with most being internationally sponsored initiatives. In the past, many child-centered interventions such as programs to provide teachers with training and students with school meals indirectly contributed to the elimination of child labor.[1800]

The Government recently placed priority on anti-trafficking interventions, with the bulk of nationally sponsored initiatives in this realm. For instance, in 2009, the Government included information about trafficking in public school curricula and provided free air time on government-owned radio and television stations for anti-trafficking messages.[1801] The Government also provided land and assistance for young female trafficking victims to establish self-help projects and businesses.[1802] In addition, the Government in partnership with a local NGO operated a temporary shelter for trafficking victims and rescued 23 mainly child trafficking victims.[1803]

Internationally-sponsored initiatives to combat the trafficking of children include the Regional Program for Eastern Africa (2009-2012). This program includes activities that support the ratification and implementation of the United Nations Convention against Transnational Organized Crime and its Protocols and the development of a border control system.[1804] The Ethiopian Government also supported and participated in the launch of the African Union Commission Initiative against Trafficking Campaign.[1805]

To address the role of HIV-AIDS as a root cause of child labor, Ethiopia participated in the 4-year Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) Project, funded by USDOL at $14.5 million and World Vision at $5.8 million through March 2009. The project withdrew or prevented children from exploitive labor in HIV/AIDS-affected areas of these four countries.[1806]

Additionally, the Ethiopian Government in partnership with UNICEF is providing over 6,000 street children with formal and non-formal education and access to free health care in Addis Ababa and 14 other major towns.[1807] The Government in partnership with Save the Children also completed a pilot survey in January 2010 on child labor and exploitation in seven towns. The Central Statistical Agency also completed a survey on child labor in late 2009, with results expected by mid-2010.[1808]

While the Government participates in numerous initiatives and implements several of its own programs to combat the worst forms of child labor, areas where the majority of children work, such as agriculture and domestic service have not been targeted. The Government also has not linked internationally-sponsored projects to existing social protection programs to ensure the long-term sustainability of initiatives.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Ethiopia:

IN THE AREA OF LAWS AND REGULATIONS:

- Conduct an investigation into the recruitment practices of government security forces and local militias to ensure that children are not engaged by these groups.
- Raise the age for compulsory education to 14, the established minimum age for work.
- Amend the Labor Proclamation to:
  - Prohibit children ages 14 to 17 from engaging in all worst forms of child labor, such as working underground in mines and quarries, even if this work is performed following courses in vocational school.
  - Cover unpaid work and work performed in the informal sector.
- Create a legal framework and institutional structure to monitor the registration of all children at birth.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Ensure the Inter-Ministerial Task Force on Trafficking in Persons meets regularly.
- Develop sector-specific occupational health and safety guidelines.
- Strengthen the capacity of labor law enforcement officials by:
  - Providing labor inspectors with competitive salaries to reduce turnover.
  - Providing high-quality and regular training on child labor laws to enforcement personnel.
  - Providing sufficient resources to the labor relations board to reduce the backlog of cases.
  - Ensuring that labor inspectors in the Ministry of Labor and Social Affairs have the resources, such as vehicles, to conduct systematic inspections in all sectors of the economy.
  - Dedicating labor inspectors with the Ministry of Labor and Social Affairs to child labor.

IN THE AREA OF POLICIES:

- Adopt and implement the National Action Plan against Child Labor and its Protocol and Guideline.
- Make publically available information regarding the National Plan of Action for Children.
- Include budgets, action plans, and targets related to the worst forms of child labor in development agendas and policies.
- Gather and make publicly available information about the implementation of national policies to combat child labor, how many child labor investigations are open, how many citations and criminal prosecutions are initiated and issued, and whether appropriate penalties applied.

IN THE AREA OF PROGRAMS:

- Develop social protection programs for the withdrawal or prevention of children working in agriculture and domestic service.
- Link internationally sponsored projects to existing social protection programs to ensure the long-term sustainability of initiatives.

[1745] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2005. Data on children combining working and schooling are from 1999-2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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[1747] U.S. Embassy - Addis Ababa, *reporting, February 12, 2010*, para 1-2.

[1748] Tassew Woldehanna, Bekele Tefera, Nicola Jones, and Alebel Bayrau, *Child Labour, Gender Inequality and Rural/Urban Disparities: How Can Ethiopia's National Development Strategies be Revised to Address Negative Spill-over Impacts on Child Education and Wellbeing?*, Working Paper No. 20, London, 2005, 15, 30; available from http://www.savethechildren.org/uk/younglives/data/publications/pdfs/WP20Labour.pdf [hard copy on file]. See also U.S. Department of State, "Ethiopia," in *Country Reports on Human Rights Practices- 2009*, Washington DC, March 11, 2010, section 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm. See also People in Need Ethiopia, *A study on the situation of child labour in Ethiopia: Review of existing studies and brief assessment*, Addis Ababa, July 2009, 13; available from http://www.rozvojovka.cz/download/pdf/pdfs_194.pdf.

[1749] Integrated Regional Information Networks, "Ethiopia: Child Domestic Work Rampant in Addis Ababa", IRINnews.org, [online], June 16, 2004 [cited December 28, 2009]; available from http://www.irinnews.org/Report.aspx?ReportId=50255. See also People in Need Ethiopia, *A study on the situation of child labour in Ethiopia*, 23. See also Government of Ethiopia, *Ethiopia Child Labour Survey Report 2001*, 48.

[1750] Tassew Woldehanna, Bekele Tefera, Nicola Jones, and Alebel Bayrau, *Child Labour, Gender Inequality, and Rural/Urban Disparities: Ethiopia*, 15-17, 30. See also U.S. Department of State, "Country Reports- 2009: Ethiopia," section 7d. See also People in Need Ethiopia, *A study on the situation of child labour in Ethiopia*, 12.

[1751] U.S. Embassy - Addis Ababa, *reporting, February 12, 2010*, para 1, 19.

[1752] Ibid., para 1, 2. See also People in Need Ethiopia, *A study on the situation of child labour in Ethiopia*, 11, 13.

[1753] U.S. Embassy - Addis Ababa, *reporting, February 12, 2010*, para 1, 15. See also People in Need Ethiopia, *A study on the situation of child labour in Ethiopia*, 13, 23.

[1754] U.S. Embassy - Addis Ababa, *reporting, February 12, 2010*, para 29.

[1755] Ibid., para 1, 2. See also People in Need Ethiopia, *A study on the situation of child labour in Ethiopia*, 11, 13. See also Government of Ethiopia, *Ethiopia Child Labour Survey Report 2001*, 68.

[1756] U.S. Department of State, "Country Reports- 2009: Ethiopia," section 7d. See also ECPAT International CSEC Database, *Ethiopia*, accessed December 29, 2009; available from http://www.ecpat.net/EI/Csec_onlineDatabase.asp. See also Government of Ethiopia, *Report on Progress in Implementing the World Fit for Children: Plan of Action in Ethiopia*, Addis Ababa, June 2007, 58; available from http://www.unicef.org/worldfitforchildren/files/Ethiopia_WFFC5_Report.pdf.

[1757] U.S. Department of State, "Country Reports- 2009: Ethiopia," section 7d.

[1758] ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children: Ethiopia*, Bangkok, 2007, 12; available from http://www.ecpat.net/A4A_2005/PDF/AF/Global_Monitoring_Report-ETHIOPIA.pdf.

[1759] See also Integrated Regional Information Networks, "Ethiopia: Focus on street children rehabilitation project", IRINnews.org, [online], March 1, 2004 [cited December 30, 2009]; available from http://www.irinnews.org/PrintReport.aspx?ReportID=48799.

[1760] U.S. Embassy- Addis Ababa official, E-mail communication to USDOL official, March 3, 2010. See also U.S. Department of State, "Country Reports- 2009: Ethiopia," section 1. See also U.S. Embassy- Addis Ababa, *reporting*, March 23, 2010, para 10a.

[1761] U.S. Department of State, "Country Reports- 2009: Ethiopia," section 6. See also U.S. Department of State, "Ethiopia (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm.

[1762] U.S. Department of State, "Country Reports- 2009: Ethiopia," section 6. See also Integrated Regional Information Networks, "Ethiopia: Campaign Launched

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[1763] World Vision, *Kenya, Uganda, Rwanda, and Ethiopia Together (KURET)*, Technical Progress Report, September 26, 2008, Annex G. See also U.S. Embassy - Addis Ababa, *reporting, February 12, 2010*, para 5.

[1764] ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Ethiopia (ratification: 2003),* [online] 2009 [cited December 29, 2009]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1419&chapter=16&query=C182%40ref%2B%23YEAR%3D2009&highlight=&querytype=bool&context=0. See also U.S. Embassy- Addis Ababa, *reporting, March 23, 2010*, para 4b, 5a.

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[1766] Government of Ethiopia, *Labour Proclamation*, (February 26, 2004), chapter II, section 89, article 1-3; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/31977/64870/E93ETH10.htm. See also U.S. Embassy - Addis Ababa, *reporting, February 12, 2010*, para 7.

[1767] Government of Ethiopia, *Labour Proclamation*, chapter II, section 89, articles 1, 3, 4. See also Government of Ethiopia, *The Constitution of the Federal Democratic Republic of Ethiopia*, (December 8, 1994), article 36; available from http://www.servat.unibe.ch/icl/et00000_.html.

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[1769] Ministry of Labor and Social Affairs official, Interview with USDOL consultant, June 9, 2009. See also ILO Committee of Experts, *Individual Direct Request C182: Ethiopia (2009)*. See also ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Ethiopia (ratification: 1999),* [online] 2009 [cited December 29, 2009]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1157&chapter=16&query=C138%40ref%2B%23YEAR%3D2009&highlight=&querytype=bool&context=0.

[1770] Government of Ethiopia, *Labour Proclamation* No. 377/2003, (February 26, 2004), article 89; available from http://www.doingbusiness.org/Documents/LawLibrary/Ethiopia-Labour-Proclamation-No.-377-2003.pdf.

[1771] Ibid. See also UNESCO, *Overcoming inequality: why governance matters - Education for All Global Monitoring Report*, Oxford University Press, Paris, 2008, 298; available from http://unesdoc.unesco.org/images/0017/001776/177683e.pdf.

[1772] U.S. Department of State, "Country Reports- 2009: Ethiopia," section 7c. See also Government of Ethiopia, *The Constitution of the Federal Democratic Republic of Ethiopia*, article 18. See also U.S. Embassy - Addis Ababa, *reporting, February 12, 2010*, para 29.

[1773] Government of Ethiopia, *The Criminal Code of the Federal Democratic Republic of Ethiopia* No. 414, (2004), articles 270, 525, 597, 635, 637, 640; available from http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/70993/75092/F1429731028/ETH70993.pdf. See also Government of Ethiopia, *Information on Eliminating the WFCL in Ethiopia*, 2.

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[1775] Government of Ethiopia, *Criminal Code*, articles 270, 525, 597, 635, 637, 640. See also Government of Ethiopia, *Information on Eliminating the WFCL in Ethiopia*, 2.

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[1778] U.S. Embassy- Addis Ababa, *reporting, March 23, 2010*, para 5b.

[1779] Ibid., para 5b, 6e, 7k.

[1780] Ministry of Labor and Social Affairs official, Interview, June 9, 2009. See also Government of Ethiopia, *Information on Eliminating the WFCL in Ethiopia*, 3. See also World Vision, *KURET (Kenya, Uganda, Rwanda,*

and Ethiopia Together) Final Technical Report, Final Technical Report, June 30, 2009. See also ILO, *Technical Memorandum: Ethiopian Labour Inspection Audit*, Geneva, October 29, 2009, 8-9; available from http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---lab_admin/documents/publication/wcms_119248.pdf.

[1781] Ministry of Labor and Social Affairs official, Interview, June 9, 2009. See also Government of Ethiopia, *Information on Eliminating the WFCL in Ethiopia*, 3. See also World Vision, *KURET (Kenya, Uganda, Rwanda, and Ethiopia Together) Final Technical Report*. See also ILO, *Technical Memorandum: Ethiopian Labour Inspection Audit*, 8-9. See also Labour Administration and Inspection Programme (LAB/ADMIN), *Labour Inspection Structure and Organization*, 1-2.

[1782] U.S. Embassy - Addis Ababa, *reporting, February 12, 2010*, para 6, 26. See also ILO, *Technical Memorandum: Ethiopian Labour Inspection Audit*, 9.

[1783] ILO, *Technical Memorandum: Ethiopian Labour Inspection Audit*, 5, 8.

[1784] Ibid., 17.

[1785] Labour Administration and Inspection Programme (LAB/ADMIN), *Labour Inspection Structure and Organization*, 1-2. See also U.S. Embassy - Addis Ababa, *reporting, February 12, 2010*, 6, 26. See also Ministry of Labor and Social Affairs official, Interview, June 9, 2009.

[1786] Labour Administration and Inspection Programme (LAB/ADMIN), *Labour Inspection Structure and Organization*, 2-3. See also Ministry of Labor and Social Affairs official, Interview, June 9, 2009.

[1787] Labour Administration and Inspection Programme (LAB/ADMIN), *Labour Inspection Structure and Organization*, 3-4.

[1788] U.S. Embassy - Addis Ababa, *reporting, February 12, 2010*, para 13, 26. See also Labour Administration and Inspection Programme (LAB/ADMIN), *Labour Inspection Structure and Organization*, 2-4.

[1789] U.S. Embassy - Addis Ababa, *reporting, February 12, 2010*, para 23. See also Labour Administration and Inspection Programme (LAB/ADMIN), *Labour Inspection Structure and Organization*, 2.

[1790] Labour Administration and Inspection Programme (LAB/ADMIN), *Labour Inspection Structure and Organization*. See also Ministry of Labor and Social Affairs official, Interview, June 9, 2009.

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[1793] U.S. Embassy- Addis Ababa official, E-mail communication to USDOL official, March 2, 2010. See also U.S. Embassy- Addis Ababa, *reporting, March 23, 2010*, para 7b.

[1794] U.S. Embassy - Addis Ababa, *reporting*, September 28, 2009, para 4-5. See also U.S. Embassy - Addis Ababa, *reporting*, May 4, 2010, para 4.

[1795] U.S. Department of State, "Trafficking in Persons Report- 2010: Ethiopia," 145.

[1796] U.S. Embassy - Addis Ababa, *reporting, February 12, 2010*, para 10, 25. See also World Vision, *KURET (Kenya, Uganda, Rwanda, and Ethiopia Together) Final Technical Report*.

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[1800] WFP, *The Global Food for Education Pilot Program,* [online] [cited June 8, 2010]; available from http://www.fas.usda.gov/excredits/FoodAid/FFE/gfe/2004/africa/ethiopia.htm. See also USAID, *Program Data Sheet,* [online] [cited June 8, 2010]; available from http://www.usaid.gov/pubs/cbj2003/afr/et/663-009.html.

[1801] U.S. Embassy- Addis Ababa, *reporting, March 23, 2010*, para 8a.

[1802] Ibid., para 7e.

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[1807] UNICEF, *Child protection- Action,* [online] [cited December 30, 2009]; available from http://www.unicef.org/ethiopia/protection_465.html.

[1808] U.S. Embassy - Addis Ababa, *reporting, February 12, 2010*, para 11.

Fiji

The interim Government of Fiji strengthened its legal framework to combat the worst forms of child labor by introducing the Crimes Decree 2009. Worst forms of child labor continue to exist, however, including in the agricultural sector. There are significant gaps in enforcement efforts to combat the problem.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Fiji are exploited in the worst forms of child labor,[1809] including agriculture.[1810] Some minors perform agricultural activities that carry a high risk of occupational injury. For example, Fijian boys as young as 10 harvest sugar cane using sharp knives, working long hours, and carrying heavy loads.[1811] In tobacco fields, children spray pesticides and lay fertilizer, potentially exposing them to poisonous chemicals.[1812] Children in Fiji also aid in the production of coconuts and coconut oil,[1813] rice,[1814] roots, tubers,[1815] and other kinds of vegetables.[1816]

In recent years, the ranks of Fiji's urban poor have swollen, increasing the population of children vulnerable to exploitative work in these areas. In urban areas, boys hire themselves out to push wheelbarrows for shoppers in markets;[1817] children also collect bottles,[1818] and repair and shine shoes.[1819] Children can also be found selling fruit along roadsides and in markets,[1820] collecting bus tickets,[1821] and repairing houses.[1822] Children working in these settings may be exposed to severe weather, accidents by proximity to vehicles, and vulnerability to criminal elements. Boys as young as age 11 work as car mechanics, which requires the use of dangerous machinery, equipment, and tools.[1823]

The commercial sexual exploitation of children is a problem in Fiji's urban centers.[1824] Prostitution (including sex tourism) appears to be the most common form of commercial sexual exploitation of children in Fiji, although child pornography may also be produced.[1825] Some child prostitutes are as young as age 10, although most are girls between 15 and 17.[1826]

There have been reports to indicate that children in Fiji are used in the production and trafficking of drugs, especially marijuana.[1827]

Children from impoverished families, broken homes and squatter settlements and those with limited educational opportunities or disabilities are at the greatest risk for becoming involved in the worst forms of child labor.[1828] Parents sometimes send their son or daughter to do light work for families living in cities or near schools. This leaves children vulnerable to exploitation, as adults in the adopted household sometimes force the child into involuntary domestic servitude or sexual activity in exchange for food, clothing, shelter, or school fees.[1829]

Laws and Regulations on the Worst Forms of Child Labor

The Employment Relations Promulgation 2007 sets the minimum age for regular employment in Fiji at 15 and prohibits children under 18 from engaging in hazardous work.[1830] The Promulgation permits

children between 13 and 15 to be employed in light work or a workplace in which a member of the child's family, community, or religious group is employed, provided the work is non-hazardous and does not interfere with the child's education. However, the law permits children to work during night hours, between 6:00 p.m. and 6:00 a.m., under conditions defined by the Minister of Labor.

The Employment Relations Promulgation and a subsequent amendment protect children against debt bondage, indentured servitude and trafficking; child soldiering; commercial sexual exploitation; and the use of a child for illicit activities, such as drug trafficking. The Promulgation prohibits firms from employing a child for excessive hours or in underground mines.[1831]

The Promulgation states that the Minister of Labor can prohibit or restrict children's work in environments deemed to present health threats or be hazardous, dangerous, or unsuitable.[1832] Although the Promulgation highlights some potentially hazardous employment, the labor minister has not released a comprehensive list of hazardous work.

In December 2006, the Government of Fiji was overthrown in a military coup and an interim government was installed. After a court declared the coup and resulting military government illegal in 2009, President Ratu Josefa Iliolo abrogated the constitution and established rule by decree. As of the writing of this report, Fiji has not reinstituted the constitutional Bill of Rights. The military leadership has made significant changes to Fiji's system of laws through decree, including laws related to the worst forms of child labor.

During the reporting period, the President introduced the Crimes Decree 2009, repealing the country's archaic Penal Code.[1833] The new law provides male and female children equal protection against sexual offenses.[1834] Although prostitution has long been prohibited in Fiji, the Crimes Decree creates the country's first legal framework for prosecuting individuals who seek or purchase paid sexual services, including more rigorous sentencing requirements if the prostituted person was a child.[1835] The new law holds anyone who facilitates the defilement of a child, including the child's parents and relatives, liable.[1836]

The Crimes Decree strengthens existing prohibitions on human trafficking and forced labor, namely those found in the Immigration Act 2003 and the Employment Relations Promulgation.[1837] The new legislation explicitly defines penalties for trafficking in persons, forced labor, debt bondage, and bonded labor when the victim is a child.[1838]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	17
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Interim Government has established the National Coordinating Committee on Children (NCCC), which draws its membership from the highest ranks of government ministries and Fiji's non-profit leadership, but there is no evidence that this committee has established any policies or programs to address child labor. However, the Fiji Police Force recently formed the Human Trafficking Working Group to facilitate information sharing on human trafficking-related issues between the public, private, and non-profit sectors and to identify gaps in existing efforts.[1839]

The Ministry of Labor and Industrial Relations is the primary agency responsible for enforcing child labor laws, and related cases are tried in the Employment Relations Court.

The Ministry employs about 20 labor inspectors nationwide. During the reporting period labor inspectors did not cite any violations, begin or

resolve any cases, or have any open cases relating to child labor.[1840] The Employment Relations Court did not convict any violators of child labor laws.[1841] The Interim Government did state its intentions to appoint seven dedicated child labor inspectors posted throughout the country and to establish a Child Labor Monitoring Unit within the Ministry.[1842] The Government collaborated with ILO-IPEC in offering a short training on child labor to its inspectors in September 2009, the first of its kind.[1843]

The Fiji Police Force coordinates investigations into cases involving underage victims of commercial sexual exploitation and trafficking, which are then tried in the criminal court system.[1844] The Fiji Police Force's Child Abuse and Sexual Offenses (CASO) Unit is responsible for investigating the commercial sexual exploitation of children.[1845]

In addition to the Police Force, the Ministries of Labor and Immigration and the Department of Public Prosecution are all responsible for enforcing laws on child trafficking.[1846] The former police force commissioner publicly conceded that his department lacks the resources and expertise to combat human trafficking.[1847] There is no evidence that trafficking offenders have been investigated or convicted.[1848]

The Interim Government provides limited services to child victims of sexual abuse and trafficking. The court may grant the Department of Social Welfare, which operates four shelters throughout Fiji, custody over child victims. However, research does not suggest that the government runs facilities aimed at addressing the particular needs of child trafficking victims.

Government Policies on the Worst Forms of Child Labor

There were reports that the NCCC intended to release a National Child Protection Policy during 2010, but research found no evidence that this policy was adopted. The Government of Fiji and UNICEF Pacific have agreed upon a Country Program Action Plan. This plan offers strategic direction for child protection in Fiji, including the elimination of commercial sexual exploitation.[1849] Research found no evidence regarding this Action Plan's impact on the worst forms of child labor generally.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Interim Government has programs that may alleviate some of the factors that put children at risk of prematurely entering the workforce or being trafficked. Beginning in 2003, the Government of Fiji partnered with Save the Children to implement programs to increase access to basic education, attain educational materials for public schools, and improve the quality of school structures.

The Interim Government maintains several social programs to increase school retention rates among the country's most economically disadvantaged children. It is taking part in a joint EC-ILO project, Tackling Child Labor through Education (TACKLE). TACKLE, which began in 2008 and will run through February 2012, works to improve access to education for vulnerable children and strengthen domestic authorities' capacity to confront issues related to child labor.[1850] The Governments of Australia, New Zealand, Japan, and other Asia-Pacific countries donated a combined $45.4 million in 2009 to the Interim Government to fund projects to improve Fiji's educational system.[1851]

In 2009 the Interim Government allocated $200,000 to establish the Poverty Relief Fund for Education that helps cover needy students' schooling costs[1852] and began subsidizing transportation costs for primary school children. Another program run by the Interim Government is the National Youth Services Scheme, which provides Fiji's children and young adults with education and livelihoods opportunities. Among other goals, the program intends to prevent child sexual abuse and exploitation. In 2009, approximately 1,000 youths were enrolled in the Scheme.[1853]

The Interim Government also funds poverty alleviation projects for the most disadvantaged, such as the Family Assistance Allowance Scheme, which provides financial support to single mothers and projects to upgrade services in squatter settlements.[1854]

Although the majority of Fiji's child laborers are believed to be operating in the informal economy, there is no evidence that there are government programs or protections that specifically target this group.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Fiji:

IN THE AREA OF LAWS AND REGULATION:

- Eliminate provisions in existing law that permits children to work during night hours.
- Draft and adopt a list of hazardous occupations prohibited for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure that a coordinating mechanism to lead government efforts on the worst forms of child labor is fully funded and operational.
- Increase the number of labor inspectors, including enacting the Government's proposal to hire dedicated child labor inspectors.
- Allocate more resources to the Police Force for the enforcement of child trafficking laws.
- Enable the judiciary to manage cases in a timely and fair manner.

IN THE AREA OF POLICIES:

- Adopt the National Child Protection Policy and assure that it addresses the worst forms of child labor in Fiji.

IN THE AREA OF PROGRAMS:

- Construct shelters exclusively dedicated to assisting child human trafficking victims.
- Develop social programs to serve and protect child laborers working in the informal economy.

[1809] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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Gabon

The Government of Gabon has implemented policies and programs focused on child trafficking. However, there is little information to assess the extent to which less publicized worst forms of child labor exist and need to be addressed.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Gabon are exploited in the worst forms of child labor,[1855] many of them trafficking victims from other countries, including Benin, Ghana, Guinea, Mali, Nigeria, and Togo.[1856] There have also been reports of internal trafficking of children, especially girls.[1857]

The majority of trafficked children engage in domestic work, where they are vulnerable to physical and sexual abuse.[1858] Gabon is also a destination country for children from other African countries trafficked for forced labor—including in domestic work—and commercial sexual exploitation.[1859] Girls are trafficked for work in restaurants and for market vending.[1860] Boys are trafficked for forced street vending and forced labor in small workshops.[1861] Children are also engaged in prostitution.[1862] Children may also be trafficked to Gabon for forced labor in agriculture, animal husbandry, fishing, and mining.[1863]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 16; however, younger children may be permitted to work with joint consent from the Ministries of Labor, Education, and Public Health. The minimum age for hazardous work is 18.[1864] There is no evidence that the Government has issued a list of hazardous occupations as prescribed in ILO Convention No. 182. The Labor Code prohibits forced labor.[1865] Law 09/04, Preventing and Combating Child Trafficking, prohibits trafficking of children for labor.[1866] Act No. 004/98 sets the minimum age for voluntary recruitment into the military at 20, and there is no conscription.[1867] The Penal Code prohibits the procurement of a minor for prostitution, and Law No. 21/63-94 prohibits forced prostitution.[1868]

Institutional Mechanisms for Coordination and Enforcement

The Interministerial Committee for the Fight Against Child Exploitation is the lead entity for combating exploitive child labor and facilitating communication within the Government. Its members are the Ministry of Justice, the Ministry of Human Rights, the Ministry of Health and Social Affairs, and the Ministry of Labor.[1869] The committee is also charged with ensuring cooperation in the identification and protection of trafficking victims.[1870] In 2009, the Interministerial Committee had a budget of $36,000 to fund investigations and coordinate action against all child exploitation, including child labor. Funding for the Interministerial Committee is insufficient and does not allow for investigations of all reported cases of child exploitation or for necessary interagency coordination and policy development.[1871]

Inspectors from the Ministry of Labor are responsible for receiving, investigating, and addressing child labor complaints, while the Ministry of Justice is responsible

for the enforcement of child labor laws.[1872] The Council to Prevent and Combat the Trafficking of Children is responsible for identifying and removing child victims of trafficking in persons; however, there is no evidence that the Council is functioning as yet.[1873]

The Government of Gabon maintains no records on the number of child labor investigations or the number of convictions. Officials at the Ministry of Labor and the Ministry of Justice estimate that the Government removed approximately 500 children from exploitive child labor situations over the last four years and prosecuted approximately 10 individuals during the reporting period.[1874]

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

The Ministry of Justice continues to coordinate with other Government agencies to ensure that child victims of trafficking can stay in Gabon and receive proper care until cases can be prosecuted.[1875] By regional agreement, source countries in West and Central Africa, including Benin, Mali, Nigeria, and Togo, are responsible for costs of repatriating trafficking victims.[1876] Some trafficking cases have been hampered because repatriation of the victims occurred before the traffickers were brought to trial.[1877] According to UNICEF records from 2007 to 2009, 428 children were repatriated to their countries of origin and 67 were reintegrated into Gabon when repatriation was not an option.[1878] Cases may take up to 2 years to be resolved.[1879]

The Government conducts maritime surveillance of the country's over 2000 kilometer-long coastline, but these efforts have not prevented trafficking by sea; instead, traffickers have simply changed their routes.[1880]

Government Policies on the Worst Forms Child Labor

Gabon's UN Development Assistance Framework 2007-2011 includes the goal of bringing national legislation into alignment with the country's bilateral and regional agreements to combat child trafficking, as well as ILO Convention 182 and other international conventions that it has ratified.[1881]

The Government published its National Procedures Manual for identifying and assisting trafficking victims, and disseminated the guidelines to all appropriate agencies and partners.[1882]

While policy is focused on the established problem of child trafficking, there is no evidence that the government has conducted research to determine the extent and nature of other worst forms of child labor that may be occurring in Gabon.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Government efforts to combat the worst forms of child labor focus primarily on trafficking issues.[1883] During the reporting period, the Government established child protection centers in Franceville, Moanda, Tchibanga, and opened six centers for street children.[1884] The Government funds centers for trafficking victims (both children and adults) and assumes financial responsibility for their care; foreign victims waiting to return to their home countries receive food, shelter, medical care, family tracing, counseling, and schooling.[1885]

The Government maintained and advertised its telephone hotline to assist child trafficking victims with leaflets and posters entitled, "STOP child exploitation," distributed by the Interministerial Committee.[1886] In cooperation with UNICEF, the Government collected data on several issues, including the exploitation of children for commercial sex and labor. The results of the study have not yet been released.[1887] UNICEF also facilitated increased collaboration between Gabon and several other African countries to develop standard procedures for repatriating foreign trafficking victims. As one result, Gabon and Benin finalized a bilateral agreement to repatriate trafficking victims and protect them from being re-trafficked.[1888] During the reporting period, the Government trained service providers, including social workers, labor inspectors, local police, and government officials, who work directly on trafficking issues.[1889]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Gabon:

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt and make publicly available a list of hazardous occupations prohibited for children under 18.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Allocate sufficient resources to the Interministerial Committee for the Fight Against Child Exploitation to facilitate investigation of all reported child labor cases, interagency coordination, and policy development.
- Gather, analyze, and disseminate child labor enforcement information with a view toward assessing the adequacy and appropriate allocation of available resources.

IN THE AREA OF POLICIES:

- Use a national statistical survey to better determine the extent and nature of the worst forms of child labor in Gabon and assess the need for additional policies to combat them.

[1855] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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[1869] U.S. Embassy- Libreville, *reporting*, February 5, 2010, para 2c(1).

[1870] U.S. Embassy- Libreville, *reporting*, February 19, 2010, 5, 12.

[1871] U.S. Embassy- Libreville, *reporting, February 5, 2010*, para 2c(4)-2c(5).

[1872] U.S. Department of State, "Country Reports- 2009: Gabon," section 7d.

[1873] ILO Committee of Experts, *Individual Observation C182: Gabon (2009)*.

[1874] U.S. Embassy- Libreville, *reporting, February 5, 2010*, para 2c(6)-2c(10).

[1875] U.S. Embassy- Libreville, *reporting*, February 24, 2009, 3.

[1876] U.S. Embassy- Libreville official, E-mail communication, March 1, 2010.

[1877] U.S. Department of State, "Country Reports- 2009: Gabon," section 6. See also U.S. Embassy- Libreville, *reporting, February 24, 2009*, 3.

[1878] U.S. Embassy - Libreville, *reporting, February 19, 2010*.

[1879] U.S. Embassy- Libreville, *reporting*, February 5, 2010, para 2c(11), 2d(11).

[1880] U.S. Department of State, "Trafficking in Persons Report- 2010: Gabon."

[1881] Government of Gabon, *Plan cadre des Nations Unies pour l'aide au développement 2007-2011, Gabon*, Geneva, March 31, 2006, 16; available from http://www.undg.org/archive_docs/8099-UNDAF-Gabon_2007-2011.pdf.

[1882] U.S. Embassy- Libreville official, E-mail communication, March 1, 2010.

[1883] U.S. Embassy- Libreville, *reporting, February 5, 2010*, para 2f(3), 2c(14).

[1884] U.S. Embassy- Libreville, *reporting, February 19, 2010*, 2.

[1885] Ibid. See also U.S. Embassy- Libreville official, E-mail communication, March 1, 2010.

[1886] U.S. Department of State, "Trafficking in Persons Report- 2010: Gabon."

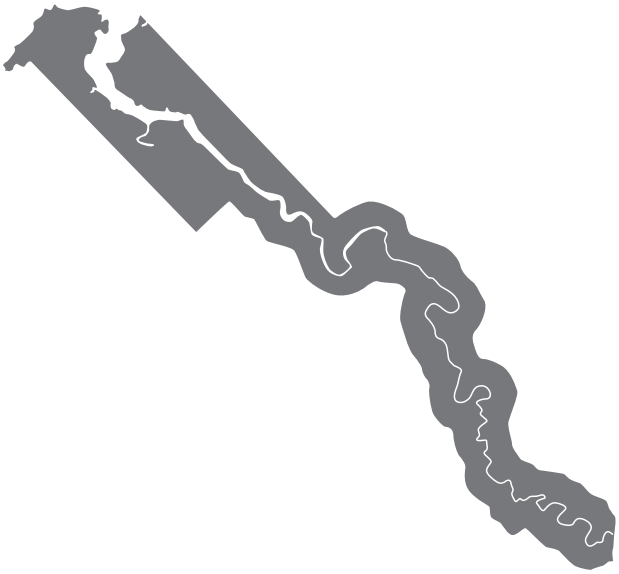
[1887] U.S. Embassy- Libreville, *reporting, February 19, 2010*, 2.

[1888] U.S. Embassy- Libreville, *reporting, February 24, 2009*, section 25-G.

[1889] U.S. Embassy- Libreville official, E-mail communication, March 1, 2010, 1.

The Gambia

The Government of The Gambia has made efforts to combat the worst forms of child labor through its existing legal framework and by incorporating the issue into its Poverty Reduction Strategy. Children continue to be engaged, however, in the worst forms of child labor in street work, domestic service, commercial sexual exploitation, and agriculture. Enforcement actions are limited and programs are not sufficient to reach children in all vulnerable sectors.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	36.4%
Attending School	5-14 yrs.	65.7%
Combining Work and School	7-14 yrs.	29.6%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in The Gambia are exploited in the worst forms of child labor,[1890] many of them in street vending, domestic service, commercial sexual exploitation and agriculture.[1891] Working girls engage in street vending, selling food items such as sweets, water, and fruits for their parents.[1892] Working boys are found hauling items, sweeping, and collecting taxi or bus fares.[1893] Children working on the streets are exposed to a variety of risks, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements. Domestic and agricultural work may expose children to unsafe and unhealthy conditions as well. Child domestic servants may be required to work long hours and be vulnerable to physical and sexual exploitation by their employer. Agricultural labor may involve using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides.

Children in The Gambia have been known to sell drugs for their parents, especially cannabis.[1894]

The practice of sending boys to Koranic teachers to receive education is a tradition in The Gambia.[1895] This may include a vocational or apprenticeship component. While some of these boys, known locally as *almudos*, receive lessons, many are forced to beg by their teachers for money and food.[1896]

The commercial sexual exploitation of children, including prostitution and child sex tourism, continues to be a serious problem in The Gambia.[1897]

Within The Gambia, children are trafficked for domestic service and commercial sexual exploitation, including in the tourism industry.[1898] Boys from Senegal are trafficked to The Gambia for forced begging, and Gambian boys are trafficked to Senegal for this purpose as well.[1899] Gambian girls are trafficked to Senegal for domestic service.[1900]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Law of 2007 prohibits children, defined as persons under 18 from engaging in agricultural, industrial, or non-industrial work, but permits light

work at age 16.[1901] The Gambian Children's Act specifically prohibits the economic exploitation of children under 18, barring them form night work, hazardous work, and work that interferes with a child's education.[1902] It defines hazardous labor and protects children from working in specific industries such as seafaring, mining, and quarrying. It also forbids children from carrying heavy loads; working in manufacturing industries where chemicals are produced or in places where machines are used; as well as in bars, hotels, and places of entertainment where a child may be exposed to immoral behavior.[1903] Additionally, the Children's Act applies to both, the formal and informal sectors.[1904]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	18
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

Forced or compulsory labor, including by children, is prohibited by law.[1905] The trafficking of children is specifically prohibited under multiple Gambian laws.[1906] Under the Children's Act, which typically takes precedence over other legislation, child trafficking offenses are punishable by life imprisonment.[1907] The Tourism Offenses Act of 2003 prohibits child prostitution, trafficking, and pornography.[1908] The Children's Act and Trafficking in Persons Act prohibit promoting child prostitution and procuring a child for sexual exploitation in The Gambia.[1909] Additionally, the Children's Act prohibits the procurement, use, or offering of a child for the production or trafficking of drugs.[1910]

Children are required to attend school until age 12. Children ages 12 to 17 may be particularly vulnerable to the worst forms of child labor because they are old enough to be out of school but are not eligible to legally work.

Finally, children under age 18 may not be recruited into the Armed Forces.[1911]

Institutional Mechanisms for Coordination and Enforcement

The Department of Labor, the Department of Social Welfare, and The Gambia Tourism Authority are responsible for enforcing laws related to the worst forms of child labor and maintain regular contact with each other through joint committees or task forces.[1912] The Department of Justice is the lead agency for coordinating anti-trafficking efforts; it serves as the Executive Secretariat for the Anti-Trafficking National Task Force and continues to employ one dedicated officer for trafficking.[1913]

The Department of Labor relies on tips or allegations to investigate possible child labor violations. The Department employs four labor inspectors to conduct all workplace inspections including child labor allegations.[1914] In 2009 these inspectors performed 45 inspections involving alleged cases of child labor in factories, supermarkets, and hotels in urban areas.[1915] No children were removed or assisted as a result of the inspections.[1916]

Child labor violations that occur in the tourism resort areas, typically sexual exploitation, are addressed to the Department of Social Welfare or The Gambia Tourism Authority. Both agencies then immediately notify the Tourism Security Unit, which agency patrols such areas.[1917]

The Gambia was 1 of 24 countries to adopt the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.[1918] As part of the regional Multilateral Cooperation

Agreement to Combat Trafficking in Persons, the Government of The Gambia agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.[1919]

A number of government agencies help to enforce trafficking laws. Reporting from USDOS indicates the Tourism Security Unit (TSU) and the Child Protection Unit within the Gambian military are taking on an increasingly prominent role in the enforcement and prevention of trafficking.[1920] All law enforcement agencies in The Gambia have units dedicated to either anti-trafficking or child protection.[1921] At border crossings, Government officials check to ensure that minor children are traveling with their parents or with their parents' consent to prevent trafficking.[1922]

According to USDOS, TSU patrols of the Tourism Development Area have been effective in combating child sex tourism and commercial sexual exploitation. However data on the number of children referred to the Department of Social Welfare are unavailable. TSU continues to enforce a ban on unaccompanied children under 18 in the tourist resort areas—turning these children away or placing them in the custody of the Department of Social Welfare—and hotel staff in such areas refuse to allow children onto hotel premises.[1923]

Research indicates that during the reporting period only one criminal enforcement action was undertaken in The Gambia, which was related to pornography and sexual exploitation.[1924]

Government Policies on the Worst Forms of Child Labor

The Government's Poverty Reduction Strategy Paper identifies child labor as a problem and calls for addressing it by increasing school enrollment, expanding girls' education, and improving vocational training.[1925] The Gambia's National Education Policy (2004-2015) seeks to implement these goals as part of its Poverty Reduction Strategy.[1926]

The Gambia Tourism Authority (GTA) responded to the problem of child sex tourism by working with UNICEF and the NGO Child Protection Alliance (CPA), to develop a Code of Conduct for the Protection of Children in Tourist Areas, which outlines penalties for abusing children.[1927] CPA conducted training for teachers on commercial sexual exploitation and child rights, and training for staff and security personnel of small- and medium-scale businesses on how stakeholders can prevent child sex tourism.[1928] TSU is collaborating with GTA to compile a database of persons suspected of being and/or may have been convicted as traffickers and/or pedophiles.[1929] Further, the Government finalized a national action plan to combat trafficking in December 2008.[1930]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In the past the Government of The Gambia has made efforts to increase school enrollment, expand girls' education, and improve vocational training. To do so, the Government fully funded some of the initiatives and provided counterpart funding for donor-supported projects.[1931] The question of whether these initiatives had an impact on child labor does not appear to have been addressed.

In collaboration with UNICEF and the Christian Children's Fund, the Government co-funds and operates a drop-in center that provides medical care and other basic services to street children and *almudos*. Once *almudos* have registered in the drop-in center program, they are no longer allowed to continue begging on the streets for their teachers.[1932] The Government also continues to run a 24-hour shelter for child trafficking victims.[1933] However Government-supported programs do not reach all vulnerable street children and trafficking victims or target children working in rural areas.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Gambia:

IN THE AREA OF LAWS AND REGULATIONS:

- Raise the age for compulsory education for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Develop more effective and integrated monitoring mechanisms.
- Conduct random inspections in addition to complaint-based inspections to improve enforcement of child labor laws.
- Ensure children found in child labor conditions are withdrawn and provided with appropriate social services.

IN THE AREA OF PROGRAMS:

- Assess the impact that existing programs may have on addressing the worst forms of child labor.
- Expand programs to prevent child trafficking and exploitive child labor on the streets, and develop programs to assist children in rural areas and in domestic service.

[1890] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2005-2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[1891] Frances Foord, Cherno Jallow, Katie Paine, and Alieu Sarr, *Situational Analysis of Orphans and Other Vulnerable Children in the Gambia*, previously online, UNICEF and the Government of The Gambia, Banjul, August 2004, 54; available from www.csd.gm/Social%20Research/OVC%20Situational%20Analysis%20Final%20Report%5B1%5D.doc [hard copy on file]. See also Gambia Department of State for Education official, Interview with USDOL contractor, September 4, 2006, 32. See also U.S. Department of State, "The Gambia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/af/135955.htm.

[1892] Christian Children's Fund- The Gambia, *Child Protection Baseline Assessment for Children Living and Working in the Streets of Banjul*, January 3, 2006, 13. See also Gambia Department of State for Education official, Interview, September 4, 2006, 33.

[1893] Christian Children's Fund- The Gambia, *Child Protection Baseline Assessment*, 13.

[1894] Gambia Department of State for Education official, Interview, September 4, 2006, 32.

[1895] Peter Easton, Mark Peach, Ibrahima Lalya Bah, ElHadj Bella Doumboula, and Mohammed Lamine Barry, *Research Studies Series no. 8*, International Working Group on Nonformal Education of the Association for the Development of Education in Africa, May 1997; available from http://www.adeanet.org/wgnfe/publications/abel/abel2.html [hard copy on file]. See also Peter Easton, "Education and Koranic Literacy in West Africa," *IK Notes,* no. 11 (August 1999); available from http://www.worldbank.org/afr/ik/iknt11.pdf. See also Christian Children's Fund- The Gambia, *Child Protection Baseline Assessment*, 3, 13, and 15. See also U.S. Embassy- Banjul, *reporting*, March 5, 2009, paras 2C, 2E, 5D.

[1896] U.S. Embassy- Banjul, *reporting, March 5, 2009*, paras 2C, 2E, 5D. See also Christian Children's Fund- The Gambia, *Child Protection Baseline Assessment*, 3, 13, 15. See also IOM, *Traditional Practices Being Abused to Exploit Children in West Africa, Warns IOM,* [online] 2006 [cited March 2, 2010]; available from http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007.

[1897] U.S. Department of State, "Country Reports- 2009: The Gambia." See also Integrated Regional Information Networks, "Gambia: Sex Tourists Exploiting Children", IRINnews.org, [online], October 30, 2008 [cited March 2, 2010]; available from http://www.irinnews.org/PrintReport.

aspx?ReportId=81205. See also ECPAT, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children: The Gambia*, 2007, 11; available from http://www.ecpat.net/eng/A4A_2005/PDF/AF/Global_Monitoring_Report-GAMBIA.pdf [hard copy on file].

[1898] U.S. Department of State, "The Gambia (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm.

[1899] U.S. Department of State, "The Gambia (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from http://www.state.gov/documents/organization/105656.pdf.

[1900] Ibid.

[1901] Government of the Gambia, *Labour Act*, 5/2007, (October 17, 2007), article 45.

[1902] Government of the Gambia, *Children's Act*, (July 21, 2005), articles 41-44. See also Government of the Gambia, *Constitution*, (1997), article 29(2); available from http://confinder.richmond.edu. See also Government of the Gambia, *Labour Act*, article 46.

[1903] U.S. Embassy- Banjul, *reporting*, November 30, 2007, section 1A.

[1904] Government of the Gambia, *Children's Act*, Articles 48 and 49.

[1905] Government of the Gambia, *Constitution*, para 20. See also Government of the Gambia, *Children's Act*, articles 39-40.

[1906] Government of the Gambia, *Children's Act*, articles 26 and 39. See also Government of the Gambia, *Trafficking in Persons Act*, (October 5, 2007), article 28. See also U.S. Embassy- Banjul, *reporting*, February 19, 2009, para 2.

[1907] Government of the Gambia, *Children's Act*, article 39(2). See also Government of the Gambia, *Trafficking in Persons Act*, article 56. See also ECPAT, *Report on the Status of Action*, 22. See also U.S. Embassy- Banjul, *reporting, March 5, 2009*.

[1908] U.S. Embassy-Banjul, *reporting*, February 19, 2009, section 2a.

[1909] Government of the Gambia, *Children's Act*, articles 26-38. See also U.S. Embassy- Banjul, *reporting, February 19, 2009*, para 2. See also ECPAT, *Report on the Status of Action*, 21. See also ILO NATLEX National Labor Law Database, *Tourism Offences Act*, accessed March 2, 2010; available from http://www.ilo.org/dyn/natlex/natlex_browse.home.

[1910] Government of the Gambia, *Children's Act*, article 31.

[1911] Ibid., article 59(1). See also Coalition to Stop the Use of Child Soldiers, "Gambia," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.child-soldiers.org/library/global-reports.

[1912] U.S. Embassy- Banjul, *reporting*, February 2, 2010, section 2C.

[1913] U.S. Embassy- Banjul, *reporting, March 5, 2009*, paras 3B and 3D. See also U.S. Department of State, "Country Reports- 2009: The Gambia."

[1914] U.S. Embassy- Banjul, *reporting, February 2, 2010*.

[1915] Ibid., section 2C.

[1916] Ibid.

[1917] Ibid. See also U.S. Department of State, "The Gambia (Tier 2)."

[1918] Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (LUTRENA)*, Technical Progress Report, Washington, DC, September 1, 2006, 2.

[1919] ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 5-7.

[1920] U.S. Embassy- Banjul, *reporting, March 5, 2009*, para 3B.

[1921] Ibid.

[1922] U.S. Department of State, "Trafficking in Persons Report- 2008: The Gambia."

[1923] U.S. Embassy- Banjul, *reporting, March 5, 2009*, paras 6E and 6F. See also U.S. Department of State, "The Gambia (Tier 2)."

[1924] U.S. Embassy- Banjul, *reporting, February 2, 2010*, sections 2C and 2D.

[1925] Ibid., section 2E.

[1926] Government of The Gambia, *The Gambia: Poverty Reduction Strategy Paper - Annual Progress Report*, Office of the President, Banjul, 2008, 33; available from http://www.imf.org/external/pubs/ft/scr/2009/cr0975.pdf.

[1927] U.S. Department of State, "Trafficking in Persons Report- 2008: The Gambia." See also Integrated Regional Information Networks, "Sex Tourists Exploiting Children".

[1928] ECPAT International, *ECPAT Directory: Africa*, January 29, 2009; available from http://www.ecpat.net/EI/Ecpat_directory.asp?id=31&groupID=1.

[1929] U.S. Embassy- Banjul, *reporting, March 5, 2009*, para 2A.

[1930] Ibid., paras 3B and 6D.

[1931] U.S. Embassy- Banjul, *reporting, February 2, 2010*.

[1932] Ibid., section 2F.

[1933] U.S. Embassy- Banjul, *reporting, March 5, 2009*, para 5B.

Georgia

The Government of Georgia has developed a policy framework to eliminate and prevent the trafficking of minors. However, there continue to be reports of children working in agriculture and in the streets. Large gaps remain in enforcement and the collection and dissemination of data is lacking, which hinders the ability to effectively target policies and programs to address the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Georgia are exploited in the worst forms of child labor, predominantly working in agriculture.[1934] Many children under the age of 16 work on farms where they may be exposed to the use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides.[1935]

Although the situation has improved over the past decade, children are also found working in the streets, primarily engaged either in begging or selling small items, such as scrap metal and glass.[1936] Many of the children begging on the streets are ethnic Roma.[1937] A 2009 study on urban street children found mothers as young as age 15 working on the streets with their children.[1938] Street children and children begging on the streets are exposed to hazards such as severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements. For example, street children have reported being forced to beg or steal in order to repay gambling debts they have incurred.[1939]

Though not widespread, there have been cases of girls trafficked for commercial sexual exploitation.[1940] In addition, de facto authorities in the separatist region of Abkhazia have reportedly forcibly conscripted teenage boys into the militia.[1941]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code of Georgia sets the minimum age for work at 16 and the minimum age for hazardous work at 18.[1942] Neither begging nor street work is recognized as hazardous work.[1943] Article 42 of the Administrative Violations Code empowers the courts to levy sanctions against employers found in violation of child labor laws.[1944]

Article 30 of the Constitution of Georgia explicitly prohibits forced labor.[1945] The minimum age for entry into the armed forces is 18.[1946]

Children in Georgia are required to attend school only until the age of 14, which leaves children age 15 vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum age for work.[1947]

Articles 143.2 and 143.3 of the Criminal Code of Georgia (as amended in 2006) criminalize the trafficking of minors and the use of their services,

including for prostitution.[1948] Article 255 also prohibits the production, sale, distribution, or promotion of child pornography.[1949] The Criminal Code provides stringent penalties for committing these crimes.[1950] Enacted in 2006, the Law of Georgia on Combating Human Trafficking establishes the roles and responsibilities of state agencies and creates a comprehensive set of tools to facilitate the prevention of trafficking in persons as well as protect and assist victims of human trafficking.[1951]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Although research has found no evidence that the Government of Georgia has established a coordinating mechanism to combat the worst forms of child labor specifically, the Government has created a body to coordinate on trafficking, including trafficking of children.

The Interagency Anti-Trafficking Coordination Council for the Implementation of Measures against Human Trafficking (ICC) coordinates government efforts against trafficking in persons and children. The ICC is chaired by the Minister of Justice and includes representatives from state agencies and non-state entities.[1952]

The Department of Child Protection and Social Programs, a sub-department in the Ministry of Labor, Health and Social Affairs' Department of Social Protection, is responsible for receiving and forwarding complaints of child labor to law enforcement agencies.[1953] The unit has 12 specialists.[1954]

The Labor Inspectorate was abolished under the 2006 Labor Code, leaving Georgia without a means to actively monitor workplaces for violations of child labor laws.[1955]

During the reporting period there were no complaints of child labor filed with the Department of Child Protection and Social Programs, nor did the Prosecutor's Office receive any information to initiate cases under the Article 42 of the Administrative Violations code.[1956]

The exploitation of children in criminal activities is handled by the Ministry of Internal Affairs' (MoIA) Under-age Affairs Inspectorate. District-level inspectors are responsible for carrying out the Inspectorate's mandate.[1957] MoIA's Special Operations Department leads the criminal investigations of trafficking in persons, including the trafficking of children.[1958]

The Government increased its investigations of trafficking in 2009.[1959] However, only one known case of child trafficking was registered with the Prosecutor's Office and is still being investigated.[1960]

The Government continues to work with the international community to increase capacity. In 2009, approximately 170 prosecutors and judges received trafficking training from local NGOs and international organizations.[1961] Additionally, government officials from a variety of agencies received training on trafficking in persons.[1962]

Government Policies on the Worst Forms of Child Labor

The Children's Action Plan 2008-2011 (CAP) establishes the overarching framework to improve the welfare of children, including support to street children and victims of trafficking and exploitation.[1963] According to a UNICEF-funded report, the Government has not fully funded the CAP.[1964]

The question of whether this policy has an impact on the worst forms of child labor, in particular children working in agriculture, does not appear to have been addressed by researchers.

Since 2007, the Government of Georgia has been participating in several anti-trafficking initiatives, including the Development of Comprehensive Anti-trafficking Response in Armenia, Azerbaijan and Georgia (2007-2009), Enhancing the Effectiveness of National Action Plans Against Human Trafficking in Armenia, Azerbaijan and Georgia (2009-2010) and Strengthening of Comprehensive Anti-trafficking Responses in Armenia, Azerbaijan and Georgia (2009-2011).[1965] These initiatives aim to improve National Action Plans on combating trafficking in persons and legal frameworks in these countries.[1966]

In January 2009, the Government launched the 2009-2010 Action Plan on the Fight Against Trafficking in Human Beings, to improve anti-trafficking efforts. Measures include educational programs in schools to raise awareness of the risk of trafficking, and training for law-enforcement officials and lawyers in dealing with minors.[1967] The Government is making progress on implementing the action plan. For example, Government officials have attended workshops, lectures and trainings, and the MoIA signed a Memorandum of Understanding with World Vision International in August 2009 to cooperate on the issue of child victims of trafficking.[1968]

The Government has not collected data on the worst forms of child labor, hampering its ability to formulate policies and programs, though they have agreed to work with ILO-IPEC to undertake an assessment of child labor in Georgia.[1969]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government has worked largely in cooperation with international organizations, NGOs and foreign aid agencies to improve the welfare of children and address the plight of street children. During the reporting period, the Government introduced a voucher system for street children that will enable them to receive support from NGOs.[1970] USAID is working with the Government and NGOs to assist street children who do not have the proper documentation or legal status to receive the vouchers.[1971]

The Government also continued its support for Rebuilding Lives Project, a USAID-funded initiative that included provision of services to vulnerable children, including children working in the streets, service provider capacity building, public awareness activities, and policy reform.[1972]

Other government efforts included earmarking approximately $5 million to provide textbooks to children of families living in poverty, providing children living in rural areas with free transportation, increasing funding to improve the quality of education, and continuing to construct new schools and renovate existing schools.[1973]

The question of whether these programs have an impact on the worst forms of child labor does not appear to have been addressed.

During the reporting period, the Government of Georgia increased funding for the State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking (SFVPA), established by the Law of Georgia on Combating Human Trafficking to protect, assist and rehabilitate trafficking victims.[1974] The SFVPA implements the Government's Rehabilitation and Reintegration Strategy and operates the country's two trafficking shelters in Batumi and Tbilisi.[1975]

Current efforts are not sufficient to reach children working in the streets. Research found no evidence of any programs to assist children engaged in agriculture.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Georgia:

IN THE AREA OF LAWS AND REGULATIONS:

- Enact legal protections for children engaged in street work and begging.
- Increase the age of compulsory schooling.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a mechanism to coordinate child labor efforts across the government.
- Reestablish the Labor Inspectorate, or establish an equivalent body, to enforce child labor regulations.
- Actively target inspections to areas where children are known to work in addition to complaint-driven inspections.

IN THE AREA OF POLICIES:

- Conduct data collection efforts on the worst forms of child labor in order to inform policies and programs.
- Assess the impact that the Children's Action Plan may have on addressing the worst forms of child labor, in particular children engaged in agriculture.
- Ensure that sufficient resources are available to implement the Children's Action Plan fully.

IN THE AREA OF PROGRAMS:

- Assess the impact that existing programs may have on addressing the worst forms of child labor.
- Expand and develop social programs to assist children engaged in or at risk of entering the worst forms of child labor, in particular children working in the streets and in agriculture.

[1934] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[1935] U.S. Embassy-- Tbilisi, *reporting*, February 17, 2010.

[1936] U.S. Department of State, "Georgia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136032.htm. See also U.S. Embassy-- Tbilisi, *reporting, February 17, 2010*. See also Katarzyna and Larry Dershem Wargan, *Don't Call Me a Street Child: Estimation and Characteristics of Urban Street Children in Georgia*, March 2009, 57; available from http://pdf.usaid.gov/pdf_docs/PNADO657.pdf.

[1937] U.S. Embassy-- Tbilisi, *reporting, February 17, 2010*.

[1938] Wargan, *Don't Call Me a Street Child*, 26, 57.

[1939] Ibid., 59.

[1940] U.S. Department of State, "Country Reports- 2009: Georgia," section 6.

[1941] Ibid., section 1.g.

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Ghana

The Government of Ghana continues to develop policies and social programs to address the worst forms of child labor, particularly in the cocoa sector. However, these programs have reached only a small fraction of the vulnerable children in that sector. Children are engaged in the worst forms of child labor on farms, in mines, and in fishing, some in conditions of forced labor. Significant gaps remain in the enforcement of child labor laws and remediation through social programs.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	43.5%
Attending School	5-14 yrs.	83.1%
Combining Work and School	7-14 yrs.	18.1%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Ghana are found in the worst forms of child labor,[1976] many of them in agriculture. In the cocoa sector, some children report injuries sustained while using machetes, carrying heavy loads, clearing land, and burning vegetation.[1977] According to a recent survey by Tulane University, an estimated 48.6 percent of children (over 269,000 children) engaged in the cocoa sector work in contravention of minimum age and hour standards.[1978] Only 3.2 percent of children working in Ghana's cocoa sector report benefitting from intervention projects.[1979] Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of cashews, cassava, cotton, maize, rice, plantains, spinach, tomatoes, yams, mudfish, silverfish, catfish, latesfish, electric fish, and diamonds.[1980] These children may face health and safety risks from working long hours, using potentially dangerous tools and performing arduous tasks.

Children in Ghana also herd livestock for long hours and engage in dangerous domestic chores, such as fetching firewood, which requires them to carry heavy loads.[1981]

Children, often those between the ages of 12 and 15, work in domestic service, mostly in the Ashanti and Greater Accra Regions of Ghana.[1982] They work long hours and may be at risk of physical and sexual abuse. In urban areas such as Accra and Kumasi, girls as young as 6 transport heavy loads on their heads. These *kayaye* often live on the streets, exposed to physical hazards from vehicular traffic and inclement weather.[1983] Children in Ghana are also subject to commercial sexual exploitation. This is especially true in Accra and the tourist destinations of Elmina and Cape Coast.[1984]

Children work in quarrying and small-scale mining, including extracting, transporting, and processing.[1985] They are also engaged in diamond and small-scale gold mines, known as "galamsey."[1986] These mines use poisonous chemicals that pollute water sources and may result in illness and death. Children working in mines also risk injury or death as a result of collapsing pit mines.[1987]

On Lake Volta, the fishing industry employs many children in hazardous labor, such as deep diving to untangle fishing nets.[1988] Children are trafficked to Lake Volta for this purpose and are known to engage in

fishing for tilapia and reportedly many other types of fish.[1989] Girls also work as domestic servants, street and market vendors, and porters in fishing villages along Lake Volta.[1990]

The practice of sending children to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in Ghana.[1991] While some children receive lessons, some are forced to beg and surrender the money that they have earned.[1992] In addition, some children are involved in *Trokosi,* a religious practice indigenous to the southern Volta region, which involves pledging children to atone for family members' sins by assisting with prayers and the upkeep of religious shrines. The period of atonement for *trokosis* can last from a few months to 3 years.[1993] According to the Government of Ghana, *Trokosi* constitutes forced or ritual servitude, which is banned under the law.[1994]

Ghana is a source, transit, and destination country for child trafficking for commercial sexual exploitation and forced labor. Trafficking occurs most frequently within the country, and the majority of victims are children.[1995] Within Ghana, children are trafficked for forced labor in fishing (mostly boys trafficked from the Central and Western Regions to the Volta region), agriculture, portering, begging, street vending, domestic labor (mostly girls trafficked from the north and east to Accra and Kumasi), sexual exploitation and sex tourism.[1996] Ghanaian children are also trafficked to neighboring countries in West Africa for labor exploitation, mostly to Côte d'Ivoire, Togo, Nigeria, the Gambia, Burkina Faso, and Gabon.[1997]

Laws and Regulations on the Worst Forms of Child Labor

The Children's Act sets the minimum age for employment at 15. The Act also prohibits persons under 18 from engaging in hazardous labor, which includes work in mines or quarries; at sea; in bars, hotels, and entertainment venues likely to expose children to immoral behavior; in manufacturing that involves chemicals; in places that operate machinery; or in any job that involves carrying heavy loads.[1998] The Children's Act applies to employment in both the formal and informal sectors. Labor inspections in formal enterprises are conducted by district labor officers. In the informal sector, the District Assembly and the District Social Welfare Officer has the authority to investigate and report findings to the police to take appropriate action.[1999]

The Government of Ghana, in collaboration with the ILO, has also developed a list of worst forms of child labor occupations that includes domestic labor, *kayaye* and other urban informal activities.[2000] The Hazardous Child Labor Activity Framework for the Cocoa Sector defines certain activities as hazardous and prohibits them for children under the age of 18. Hazardous activities for the cocoa sector include clearing forest and/or felling trees, burning bushes, applying chemicals and chemical fertilizer, carrying heavy loads beyond a permissible weight, using machetes and long cutlasses for weeding, harvesting overhead cocoa pods with harvesting hook, and working on the farm for more than three hours per day or more than 18 hours per week.[2001]

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

The Ghana Constitution prohibits forced labor, slavery, and servitude and states that every child has the right to be protected from engaging in work that constitutes a threat to child's health, education and development.[2002] According to the Criminal Code, ritual servitude is illegal in Ghana.[2003] The Criminal Code also prohibits persons with custody, charge, or care of a child under 16 from encouraging or causing that child to become involved in prostitution.[2004] The Criminal Code stipulates that it is illegal to procure

any person under 21 "not being a prostitute or of known immoral character."[2005] This provision makes criminal punishment dependent on a judgment of the child's moral standing, which may make enforcement more difficult and leave some victims of child sexual exploitation without protection. It is in contradiction of the Children's Act, which calls for the best interest of the child to be given primary consideration in any child-related matter.[2006]

The Human Trafficking Act prohibits forced prostitution of children under 18 and contains specific provisions against trafficking in persons, including trafficking children under 18, providing another person for trafficking, and using a trafficked person.[2007] The Human Trafficking Act also provides for the rescue, temporary shelter and care, counseling, family tracing and rehabilitation of victims of trafficking.[2008] The minimum age for military recruitment is 18 years, and there is no conscription.[2009]

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Employment and Social Welfare's (MESW) Child Labor Unit (CLU) is responsible for overseeing activities to combat child labor. Combating child labor in the cocoa sector and implementing the Harkin-Engel Protocol (the "Protocol") falls under the direction of the National Program for the Elimination of the Worst Forms of Child Labor in Cocoa (NPECLC).[2010] The NPECLC is a program of the MESW, in collaboration with Ghana Cocoa Board (COCOBOD) and the Ministry of Finance and Economic Planning.[2011] The MESW has not implemented all agreements related to the Protocol, including establishing transparent child labor monitoring and certification systems throughout the cocoa growing region by the end of 2010.[2012] However the NPECLC began to pilot a cocoa child labor monitoring system (CCLMS) in cocoa-growing regions, with the aim to scale up to 47 cocoa-growing districts by 2011 and all 70 cocoa-growing districts by 2012,[2013] In November 2010, the MESW consolidated the existing child labor monitoring systems of NPECLC and the CLU into the new Ghana Child Labor Monitoring System (GCLMS).[2014]

The Government also undertook a supplemental study and published a revised certification report on child labor in the cocoa sector in December 2009 that is representative of the entire cocoa growing region. The Government has not made the data from the surveys available to the public. In 2010, the Government agreed that the child labor surveys in the cocoa sector should be conducted every 5 years.[2015] The Government of Ghana also continued to participate in the International Cocoa Verification Board (ICVB) that was convened to improve data gathering and which assessed government surveys on child labor in the cocoa sector and suggested methodological improvements.[2016] The Government of Ghana is also participating in a national child labor survey funded by USDOL (2009 to 2012).[2017]

The MESW is responsible for enforcing child labor laws.[2018] Labor inspectors and other officials at the district level are responsible for conducting annual workplace inspections and investigating allegations of violations. While inspectors conducted investigations in the formal sector during the reporting period, there were no inspections in the informal sector.[2019]

The Human Trafficking Secretariat under the Ministry of Women and Children's Affairs (MOWAC) coordinates trafficking activities. In addition, the Anti-Trafficking Unit of the Criminal Investigation Division (CID) of the Ghana Police Service is responsible for enforcing anti-trafficking laws.[2020] During the reporting period, Ghanaian law enforcement participated in anti-trafficking training supported by ILO, IOM, INTERPOL and UNICEF.[2021] The Government of Ghana established regional Anti-Human Trafficking Units (AHTU) in the Western, Central and Ashanti Regions to manage cases more effectively at the regional and district levels. The first regional unit was opened at Takoradi in November 2009 and a second at Kumasi in December 2009.[2022] In addition, the AHTU created a website to promote trafficking awareness. The AHTU also maintains a hotline for reporting trafficking violations. The unit does not maintain records of the number of calls received.[2023]

The Ministry of Justice is responsible for prosecuting cases of human trafficking. During the reporting period, the Anti-Trafficking Unit closed a brothel known to engage in commercial sexual exploitation of children.[2024] The Government collaborated with neighboring countries of Togo, Côte d'Ivoire, Burkina Faso and Nigeria, as well as international organizations, and increased efforts to prosecute and

convict a number of traffickers during the reporting year. However, the police report that they lack the resources to implement the trafficking law.[2025]

The Government of Ghana does not allocate sufficient funding for investigation, prosecution, and conviction of cases of child labor and child trafficking.[2026] Efforts to implement programs under relevant national plans to eliminate the worst forms of child labor are hampered by inadequate coordination among agencies.[2027] However, the reconstituted National Steering Committee on Child Labor is mandated to oversee the planning and implementation of programs targeting such exploitative activities.[2028]

Government Policies on the Worst Forms of Child Labor

In 2006, the Government of Ghana adopted a five-year National Plan of Action (NPA) to Eliminate the Worst Forms of Child Labor, which aims to eliminate the worst forms of child labor in cocoa sector by 2011 and contribute to the elimination of the worst forms of child labor in all other sectors by 2015.[2029]

Ghana was 1 of 24 countries to adopt the Multilateral Cooperation Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, especially Women and Children in West and Central African Regions. As part of this regional agreement, the Government of Ghana pledged to investigate and prosecute trafficking offenders and assist victims.[2030]

The Government's National Policy Guidelines on Orphans and Other Children Made Vulnerable by HIV/AIDS includes children engaged in the worst forms of child labor and street children as target groups.[2031] Child labor concerns have also been mainstreamed into the following national development agendas and key documents: Millennium Development Goals (2015), United Nations Development Assistance Framework (2006-2010), Decent Work [2032] Program (2006-2009), National Education Development Plan (2003-2015), and Growth and Poverty Reduction Strategy (2006-2009).[2033] Although some steps have been taken to implement these policy frameworks and plans, concrete measures are still needed to realize their objectives.[2034]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In the past decade, the Government of Ghana has cooperated with international donors and organizations to implement programs to combat the worst forms of child labor. The Government has participated in two USDOL-funded regional projects to combat child labor in exploitative agriculture (e.g., cashews, coffee, and cocoa) and trafficking in West and Central Africa (which was subsequently funded by the Danish Government at $6.19 million).[2035] Ghana also participated in a $4.75 million USDOL-funded project in support of the National Plan of Action to Eliminate the Worst Forms of Child Labor in Ghana, which ended in 2008.[2036]

During the reporting period, the Government of Ghana funded a National School Feeding Program that provides school lunches to encourage school attendance and implemented an anti-poverty conditional cash transfer program, known as LEAP, which includes a child labor component.[2037]

Several programs continue to focus on child labor in the cocoa sector. The Government participates in the Joint Working Group (JWG) for the cocoa sector that was formed in July 2009 and includes members from the Governments of Ghana and Côte d'Ivoire, the cocoa industry, and civil society. The JWG has plans to establish common child labor indicators and remediation benchmarks but has yet to do so.[2038]

On September 13, 2010, the Governments of Côte d'Ivoire and Ghana signed a Declaration of Joint Action to Support the Implementation of the Harkin-Engel Protocol, affirming their commitment to reducing the worst forms of child labor in the production of cocoa, including by supporting increased remediation efforts. The Declaration is accompanied by a Framework of Action to Support the Implementation of the Harkin-Engel Protocol that identifies key stakeholders including USDOL, the two Governments, and the international chocolate and cocoa industry, with which the Government will coordinate to enhance appropriate programming.[2039]

The Government of Ghana continues its cooperation with a 4.5 year, $5.5 million USDOL funded project

implemented by Tulane University to oversee the efforts of the cocoa industry and the Governments of Ghana and Cote d'Ivoire to eliminate the worst forms of child labor in the cocoa sector.[2040] Tulane University's research indicates that only a small percentage of children working in the cocoa sector have benefited from interventions to address these problems. Tulane reported that the total need for remediation is far greater than the assistance available for children in cocoa growing areas.[2041]

The Government also participates in the 4-year Phase II (2007-2011) Sustainable Tree Crops Program (STCP), funded by USAID, the World Cocoa Foundation, and the cocoa industry.[2042] STCP is a public-private partnership that promotes sustainable tree crop systems and contains a child labor prevention component. The program trains farmers through farmer field schools and works with eight communities to develop cocoa cooperatives.[2043]

Ghana continues its engagement in the Empowering Cocoa Households with Opportunities and Education Solutions (ECHOES) Project (2007-2010), funded by the World Cocoa Foundation, USAID, and the cocoa industry at $6 million.[2044] The ECHOES project aims to provide vocational agriculture education to school-age children and out-of-school youth and to provide some families with income-generating support.[2045] The Government also participates in projects funded by the International Cocoa Initiative (ICI) to combat child labor in the cocoa sector in 158 communities in three regions in Ghana. During the reporting period, ICI, together with COCOBOD, conducted sensitization activities and trainings to enhance awareness of child labor and trafficking.[2046] ICI also provided support to community and school infrastructure activities.[2047]

Ghana participates in a 4-year, $7.95 million regional project funded by USDOL that aims to assist member countries of the Economic Community of West Africa States (ECOWAS) to combat the worst forms of child labor by strengthening and enforcing child labor laws, national action plans and policies.[2048] In Ghana, the project targets cocoa, fishing, and mining and is assisting the Government in implementing a child labor monitoring system.[2049]

The Government also participated in an IOM-funded anti-trafficking project that rescued 684 child trafficking victims from exploitive child labor in fishing villages on Lake Volta and then rehabilitated, returned and reintegrated them into their original communities.[2050] The project also provided alternative income generating opportunities and micro-credit support to families.[2051] The Government continued to provide staff and in-kind support to an IOM-funded shelter in Medina that cares for children, including those trafficked for fishing. It also operates two facilities in Accra for poor children, including some who were victims of trafficking.[2052] However the Government acknowledges that efforts to provide services to children exploited in the fishing sector are insufficient.[2053]

Research found no current program efforts to protect children engaged in nonagricultural work that is not regulated by the labor laws, such as domestic service and *kayaye* portering.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Ghana:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Criminal Code to provide protections for all children from sexual exploitation, including those who have been exploited as prostitutes.
- Formally adopt the List of the Worst Forms of Child Labor.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Monitor the worst forms of child labor in cocoa production through representative surveys of cocoa growing areas conducted every five years and made available to the public.
- Strengthen coordination among government agencies that are working on the issue of child labor, including agencies working on exploitative child labor in the cocoa sector.
- Allocate sufficient resources for enforcement (investigation, prosecution and convictions) of child labor and trafficking laws.

IN THE AREA OF POLICIES:

- Increase efforts to achieve child labor objectives contained in the National Plan of Action.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to prevent children's involvement in exploitative child labor, including by:
  - Directly linking families with at-risk children to income augmentation programs, including the MESW's Livelihood Empowerment Against Poverty (LEAP) program and the School Feeding Program (SFP) run by the Ministry of Local Government and Rural Development; and
  - Scaling up and expanding effective CLMS to provide national coverage.
- Replicate and expand successful projects throughout cocoa growing regions.
- Expand efforts to address the worst forms of child labor, including in the fishing and mining sectors, as well as in domestic service and among kayayes (head porters).

[1976] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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Grenada

There is no evidence that children are engaged in the worst forms of child labor in Grenada. However, gaps in the country's legal framework and the absence of free primary and secondary education may limit the Government's ability to prevent children from becoming engaged in the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Research has not identified evidence of the worst forms of child labor in Grenada.[2054]

Laws and Regulations on the Worst Forms of Child Labor

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	No
	Compulsory Education Age	16
	Free Public Education	No

The Employment Act mandates a minimum age for employment at 16 and prohibits forced labor.[2055] Specific provisions prohibiting the employment of children in hazardous work do not exist.[2056]

The Criminal Code prohibits the sale and trafficking of girls for prostitution, for the production of pornography, or for pornographic performances, but lacks similar prohibitions that apply to boys. The Code does not specifically prohibit the sale and trafficking of children for exploitive labor.[2057]

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor in Grenada.

The Ministry of Labor, the Child Welfare Authority, the Royal Grenada Police Force, and the Ministry of Education (MOE) through its truancy officers are the government agencies that are responsible for enforcement of laws related to child labor and school attendance.[2058] Inspectors from the Ministry of Labor conducted periodic checks in the private sector to ensure compliance with the minimum age for work.[2059] Ministry of Labor inspectors are charged with inspecting the private sector for child labor but none were carried out during the reporting period.[2060]

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor in Grenada. However, neither primary nor secondary education is free, which may lead to children becoming involved in the worst forms of child labor.[2061]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Grenadian Government participates in World Bank-funded projects designed to increase access to and improve the quality of secondary education.[2062] No government-funded or -conducted studies on child work activities were identified that determine if any worst forms of child labor exist.

Based on the reporting above, the following actions would advance the prevention of the worst forms of child labor in Grenada:

IN THE AREA OF LAWS AND REGULATIONS:

- Establish specific provisions prohibiting hazardous work for children.
- Create prohibitions on the sale and trafficking of boys for prostitution, for the production of pornography, or for pornographic performances.
- Establish prohibitions on the sale and trafficking of children for exploitive labor.

IN THE AREA OF POLICIES:

- Work with international partners to make primary and secondary education free for all students.

IN THE AREA OF PROGRAMS:

- Conduct research to determine if any worst forms of child labor exist in Grenada.

[2054] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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[2057] U.S. Embassy- Grenada, *reporting*, April 10, 2010, section 2B-2. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Grenada*, CRC/C/GRD/CO/2, Geneva, June 11, 2010, 5; available from http://www2.ohchr.org/tbru/crc/CRC-C-GRD-CO-2.pdf. See also Central Intelligence Agency, "Grenada," in *The CIA World Factbook*, 2010; available from https://www.cia.gov/library/publications/the-world-factbook/geos/gj.html.

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[2059] Ibid., section 2C-4.

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[2061] UNESCO, *EFA Global Monitoring Report 2009-Overcoming inequality: why governance matters*, Oxford and Paris, 2008; available from http://unesdoc.unesco.org/images/0017/001776/177683e.pdf.

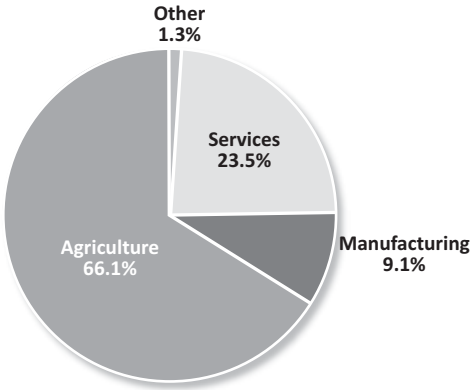
[2062] World Bank Projects Database, *HIV/AIDS Prevention and Control*, accessed August 17, 2010; available from http://www.worldbank.org. See also World Bank Projects Database, *Education Development - 2nd APL*, accessed August 17, 2010; available from http://www.worldbank.org.

Guatemala

The Government of Guatemala has a strong legal framework to prohibit the worst forms of child labor. However, gaps remain in law enforcement and coverage of social programs to address the issue. Many children continue to engage in the worst forms of child labor, especially in agriculture and manufacturing. Child labor is especially prevalent among children of indigenous heritage.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	7-14 yrs.	16.8%
Attending School	7-14 yrs.	81.3%
Combining Work and School	7-14 yrs.	14.0%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Guatemala,[2063] many in agriculture, which commonly involves use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides. Half of all working children in Guatemala are of indigenous heritage. The majority of child labor occurs in the agricultural sector in rural areas where children plant and harvest coffee, sugarcane, corn, and broccoli.[2064] Children also produce gravel and fireworks where they are frequently exposed to dangerous tools and substances.[2065] According to ILO-IPEC, almost 39,000 children also work in third-party homes as domestic servants, where they are vulnerable to physical and sexual abuse.[2066] Children, many of indigenous descent, work in the urban informal sector as peddlers and shoe shiners, activities which are located in streets, where children are exposed to densely transited areas with the risk of vehicle accidents. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of rubber and timber, as well as the packaging of vegetables and flowers.[2067] Children, many of whom are indigenous, also work in bricklaying, which exposes them to dangerous chemicals and tools.[2068]

Children are trafficked to, from, and within the country for commercial sexual exploitation. Child sex tourism is a problem in the cities of Antigua, Guatemala City, and surrounding areas of Lake Atitlan.[2069] Children are exploited for forced labor in streets, municipal dumps, and landfills.[2070]

Laws and Regulations on the Worst Forms of Child Labor

The Constitution and the Labor Code set the minimum age for employment at 14.[2071] Although the Labor Code continues to allow children under 14 to work under exceptional circumstances, the Ministry of Labor committed through the 2006 Government Agreement not to provide work authorizations to children below 14.[2072] Guatemala has set the minimum age for hazardous work at 18 and adopted a comprehensive list of hazardous occupations in which

minors age 14 through 17 are prohibited from working, including in work with explosive or toxic substances; in mining; underwater; with agrochemicals; in bars or other establishments where alcoholic beverages are served; and illicit occupations, such as producing and trafficking drugs.[2073] During the reporting period, the Government passed legislation strengthening penalties within the Penal Code for employing children in hazardous work.[2074]

The Constitution and the Penal Code specifically prohibit forced labor.[2075] In addition, Guatemala passed legislation in February 2009, which prohibits child pornography, including its production, distribution, and possession. The legislation sets stricter penalties for procuring, inducing, facilitating, and benefiting economically from child prostitution.[2076] The new law also establishes prohibitions against trafficking in persons, including trafficking for the purposes of forced labor and sexual exploitation and increases penalties for the trafficking of minors.[2077]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Government has established a National Commission for the Eradication of Child Labor, led by the Vice President, to coordinate Government efforts to combat child labor. During the reporting period, the Commission met four times. The Ministry of Labor also operates nine Executive Secretariats throughout the country that work to coordinate the efforts of NGOs and local government agencies on the issue of child labor.[2078]

In addition to the National Commission, the Government has designated the Secretariat against Sexual Violence, Exploitation, and Trafficking in Persons as the agency responsible for coordinating all government efforts against child trafficking and the commercial sexual exploitation of children. During the reporting period, the Secretariat received less than 5 percent of its designated funding.[2079]

The Ministry of Labor's Child Workers Protection Unit and Office of the Inspector General are responsible for enforcing child labor regulations, including prohibitions on children engaging in the worst forms of child labor.[2080] Both the Office of the Inspector General and the Child Workers Protection Unit receive complaints regarding the use of child labor by telephone, in writing, through the Ministry's Web site, or in person at the Ministry, or at one of its 24 regional offices.[2081]

Only eight of the Ministry of Labor's roughly 250 inspectors are trained on child labor issues, and such inspectors are still responsible for enforcing all labor laws, not solely child labor.[2082] In addition, the Ministry of Labor cannot levy fines on employers found to be in violation of the Labor Code and instead relies on labor courts to impose sanctions. This significantly slows down the process of enforcing labor laws because labor courts often have case backlogs, which cause delays in resolving disputes.[2083]

Although information on the total number of child labor inspections was not available, 213 child labor complaints were received in 2009. Of these complaints, 62 were resolved through the termination of the child's employment and referral to the Child Workers Protection Unit.[2084] However, information on how the other child labor complaints were resolved is not available. Also during 2009, the Ministry of Labor conducted surprise inspections of fireworks factories, identifying six cases of child labor.[2085] Information was not available on how these cases were resolved or if fines or sanctions were imposed against the employers.

In addition, research did not identify evidence that the Ministry of Labor carried out targeted inspections in other sectors where the worst forms of child labor occur.

Child trafficking and commercial sexual exploitation are primarily handled by police and prosecutors. The National Civil Police has five staff members, and the Public Ministry has three prosecutors, dedicated to investigating such crimes.[2086] Suspected cases of child trafficking can be reported through hotlines maintained by the Public Ministry, the National Police, and the Solicitor General's Office.[2087] During the reporting period, the Government worked with NGOs to train public officials on trafficking and the commercial sexual exploitation of children.[2088]

The Government received 208 complaints of trafficking in 2009; however, the data did not distinguish between adult and child trafficking cases. The Government initiated prosecutions in 64 of the cases, resulting in 11 convictions, two of which involved children.[2089]

Government Policies on the Worst Forms of Child Labor

In 2009, the Government adopted a Roadmap towards the Elimination of Child Labor in Guatemala, which aims to end child labor by the year 2020. The Roadmap integrates child labor into programs to combat poverty, promote education, and health, and it calls for legal reform to eliminate exceptions to the minimum age in Labor Code provisions and comprehensively prohibit all forms of hazardous work.[2090] The Government also adopted an Intra-institutional Coordination Protocol to Assist Child Laborers, which sets out guidelines for offices within the Ministry of Labor to identify child laborers and sanction their employers.[2091]

During the reporting period, the Government's Secretariat of Social Welfare implemented the National Plan of Action against the Commercial Sexual Exploitation of Children (CSEC).[2092] In addition, the Secretariat coordinated the Protocol to Assist Child Victims of CSEC, which outlines the responsibilities of government institutions and NGOs to prevent and respond to CSEC cases.[2093]

As a member of the Central American Parliament Commission on Women, Children, Youth, and Family, the Government participates in a regional Plan to Support the Prevention and Elimination of Human Trafficking and Commercial Sexual Exploitation of Children and Adolescents.[2094]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Since 1998, the Government of Guatemala participated in donor-funded projects to combat the worst forms of child labor. These projects, which have since concluded, include country-specific USDOL-funded initiatives to combat child labor in fireworks production and stone quarries.[2095] Additional regional initiatives included a USDOL-funded project to build the capacity of government and civil society organizations to combat the commercial sexual exploitation of children and child trafficking. The project focused on creating and strengthening legislative prohibitions, national plans of action, and repatriation protocols.[2096] Another regional project enhanced regional cooperation, legislation, policies, and institutions to reduce child labor by providing education.[2097]

In recent years, the Government has funded and implemented social programs to combat the worst forms of child labor, including a small program to withdraw girls from child domestic work, as well as a program run by the Guatemala City Municipal Government to assist child laborers. The Government also operates larger scale anti-poverty and education programs to assist vulnerable children, including those vulnerable to the worst forms of child labor.[2098] In April 2008, the Government of Guatemala initiated the My Family Progresses (*Mi Familia Progresa* or MFP) program, providing cash transfers conditioned on children attending school to more than 500,000 families, but does not specifically target the issue of the worst forms of child labor.[2099] The question of whether this program has an impact on the worst forms of child labor does not appear to have been addressed.

As part of its efforts to address the commercial sexual exploitation of children, the Government provides services to child victims of commercial sexual exploitation through protection centers.[2100] The

Government does not fund shelters specifically for child trafficking victims, however, usually referring victims to state-run shelters for orphans and homeless children or NGOs.[2101]

Currently, the Government also participates in a 3½-year $4.2 million USDOL-funded project that aims to withdraw 4,832 children and prevent 3,090 children from exploitive work in agriculture, child domestic labor, and the urban informal sector through the provision of education and vocational training opportunities.[2102] In addition, Guatemala participates in a 2-year $550,000 global program funded by Canada to build the capacity of labor ministries, as well as worker and employer organizations, and in a 4-year $3.3 million regional initiative to eradicate child labor, funded by the Government of Spain.[2103]

Although the Government of Guatemala has undertaken national efforts to combat poverty among vulnerable populations, it is unclear if the Government will be able to sustain programs that assist children involved in agriculture, manufacturing, and urban informal work.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Guatemala:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Strengthen the capacity of the Ministry of Labor to enforce child labor laws by:
  - Increasing the number of labor inspectors trained in the enforcement of worst forms of child labor laws.
  - Carrying out targeted inspections in sectors where the worst forms of child labor are prevalent.
  - Authorizing the Ministry of Labor to levy fines when child labor violations are encountered.
- Fully fund the Secretariat against Sexual Violence, Exploitation, and Trafficking in Persons to coordinate government actions against child trafficking and the commercial sexual exploitation of children.

IN THE AREA OF PROGRAMS:

- Increase the impact of social programs to combat child labor by:
  - Assessing the impact that the *Mi Familia Progresa* program may have on addressing the worst forms of child labor;
  - Creating government social programs to reduce the worst forms of child labor in agriculture, manufacturing, urban informal work, child domestic labor, and among indigenous children.
  - Providing shelters specifically for child victims of trafficking.

[2063] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported here, which may or may not include the worst forms of child labor. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[2064] ILO-IPEC, *Trabajo Infantíl y Pueblos Indígenas: El Caso de Guatemala*, San José, 2006, 27; available from http://white.oit.org.pe/ipec/documentos/guatemala_indigenas.pdf. See also Ministry of Labor and Social Provision, National Institute of Statistics, and ILO-IPEC, *Trabajo Infantil en Guatemala: Un estudio en profundidad sobre la Encuesta de Condiciones de Vida -ENCOVI- 2006*, Guatemala City, 2008, 21 and 23; available from http://white.oit.org.pe/ipec/documentos/estudio_en_profundidad_encovi_2006.pdf. See also Mark Lacey, "Bush to Press Free Trade in a Place Where Young Children Still Cut the Cane," *New York Times* (New York), March 11, 2007; available from http://www.nytimes.com/2007/03/12/world/americas/12guatemala.html. See also ILO-IPEC, *Guatemala, exito del proyecto de trabajo infantil en brócoli: Inauguran centro turístico en Chilascó,* [online] 2009 [cited April 9, 2010]; available from http://white.oit.org.pe/ipec/alcencuentros/interior.php?notCodigo=898. See also The Solidarity Center, *Justice for All: The Struggle for Workers Rights in Guatemala*, Washington, DC, 2008, 90; available from http://www.solidaritycenter.org/files/pubs_guatemala_wr.pdf.

[2065] ILO-IPEC, *Trabajo Infantíl y Pueblos Indígenas: El Caso de Guatemala*, 55. See also Alba Trejo, "Guatemala: persisten las peores formas de trabajo infantíl", Cimacnoticias.com, [online], June 16, 2008 [cited July 25, 2008]; available from http://www.cimacnoticias.com/site/08061606-Guatemala-persiste.33562.0.html. See also U.S. Embassy- Guatemala City, *reporting*, June 2, 2008. See also UNICEF, *Mírame: Situación de la niña indígena en Guatemala*, Guatemala City, 2007, 60, 62, 63; available from http://www.unicef.org.gt/02infancia/documentos/mirame_situacion_nina_indigena.pdf. See also Global Youth Connect, *Guatemala Program Report*, Kingston, June 2007; available from http://www.globalyouthconnect.org/pdf/guate_2007.pdf. See also The Solidarity Center, *Justice for All: The Struggle for Workers Rights in Guatemala*, 89 and 91.

[2066] ILO-IPEC, *Alto al Trabajo Infantíl Doméstico!*, 2005, 9; available from http://white.oit.org.pe/ipec/documentos/legal_tid_guatemala.pdf. See also U.S. Embassy-Guatemala City, *reporting, June 2, 2008*.

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[2070] U.S. Department of State, "Guatemala," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136114.htm. See also U.S. Department of State, "Trafficking in Persons Report-2010: Guatemala."

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[2075] Government of Guatemala, *Constitution*, (May 31, 1985, reformed November 17, 1993), article 4; available from http://pdba.georgetown.edu/Constitutions/Guate/guate93.html. See also Government of Guatemala, *Código Penal*, article 202; available from http://www.oas.org/JURIDICO/MLA/sp/gtm/sp_gtm-int-text-cp.pdf.

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[2078] U.S. Embassy- Guatemala City, *reporting (I)*, February 4, 2010.

[2079] Ibid. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Guatemala."

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[2081] Ibid.

[2082] Ibid.

[2083] U.S. Embassy- Guatemala City, *reporting (II)*, February 4, 2010.

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[2087] U.S. Embassy- Guatemala City, *reporting (I), February 4, 2010*.

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[2096] ILO-IPEC, *Trabajo Infantíl y Pueblos Indígenas: El Caso de Guatemala*, vi and vii. See also ILO-IPEC, *Guatemala, exito del proyecto de trabajo infantil en brócoli*, 1 and 34.

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[2101] U.S. Department of State, "Trafficking in Persons Report- 2010: Guatemala."

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Guinea

Recent policies strengthen social protections for children and establish mechanisms to raise public awareness on laws and protections for children. Certain gaps remain in protections for children working in agriculture and domestic service, and in the capability to enforce existing provisions.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Guinea are exploited in the worst forms of child labor,[2104] many of them in the agriculture sector, where they engage in herding and the production of cashews, cocoa, and coffee.[2105] Children in agriculture use sharp objects, handle pesticides, carry heavy loads, climb tall trees to gather fruits, and are exposed to dangerous animals.[2106] Children work in fishing, where they carry heavy fishing nets and risk drowning.[2107] Children also work in gold and diamond mines and quarries, where they work long hours, lack protective gear, and are vulnerable to accidents, broken bones, and respiratory, skin, and other diseases.[2108] Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of bauxite, gravel (crushed stones) and sand.[2109]

Trafficking and prostitution also exist.[2110] Girls are trafficked internally and to Europe, as well as from neighboring West African countries for commercial sexual exploitation and domestic service.[2111] Boys are also trafficked within Guinea to work as street vendors, shoe shiners, and beggars, where they work long hours and are exposed to severe weather, accidents caused by proximity to vehicles, and criminal activities.[2112]

Both Guinean boys and girls are trafficked within West Africa, including to Côte d'Ivoire, Sierra Leone, and Mali, for mining, domestic work, forced labor, and begging.[2113]

Through the system of *confiage*, children from rural areas are sent to cities to work or to go to school.[2114] If their hosts cannot or choose not to pay their school fees, in order to pay their room and board, children, especially girls, some as young as 5 years, work in domestic service where they carry heavy loads, are not paid for their work, and may be beaten and sexually exploited.[2115]

The tradition of sending boys to Koranic teachers to receive education, including informal vocational training or apprenticeships, is practiced in some countries, including Guinea.[2116] While some boys receive lessons, many are forced by their teachers to beg or work in fields, and sometimes beaten or otherwise mistreated if they fail to meet daily quotas or complete chores.[2117]

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for employment is 16, as set by the Labor Code and Child Code.[2118] Children may work

as apprentices from age 14, or 12 for apprenticeships involving light work in domestic service, agriculture, and other sectors, with the approval of labor inspectors. The Child Code also includes a list of hazardous occupations from which children are prohibited.[2119] The Mining Code prohibits children under age 16 from working in mines or quarries, other than as assistants.[2120] Order 2791/MTASE/DNTLS/96 Working Conditions for Employees Aged under 18 Years excludes children younger than age 18 from working in hazardous conditions.[2121]

Children in Guinea are required to attend school until the age of 12. This makes children age 13 to 15 vulnerable to the worst forms of child labor because they are not required to be in school and their legal work options are limited.

The Child Code and Penal Code criminalize child trafficking, sex tourism, pornography, and prostitution.[2122] The Labor Code prohibits forced labor.[2123]

The Labor Code does not extend to children in unpaid, temporary, or non-contract work in agriculture or to domestic servants.

Institutional Mechanisms for Coordination and Enforcement

While there is no agency coordinating across the Government on child labor issues, a national committee exists to monitor and protect children's rights and to implement the Child Code.[2124]

In addition, a National Committee Against Trafficking, chaired by the Ministry of Social Affairs and the Promotion of Women and Children, is a coordinating body that meets quarterly on trafficking issues. It comprises responsible officers from relevant ministries, police, justice, NGOs, and other stakeholders involved in trafficking issues.[2125]

The Ministry of Labor leads in enforcing child labor laws, including by maintaining a list of hazardous work in which children under age 18 cannot be employed.[2126] However, the implementing text laying out penalties for violations of laws included in the Child Code was not completed during the reporting period.[2127] Information could not be obtained on the nature and number of child labor inspections, enforcement of child labor laws, or on the number of labor inspectors.

The Ministry of High Crimes and Anti-Drug Enforcement is responsible for the enforcement of anti-trafficking laws.[2128] The *Police Mondaine*, a unit under the Ministry of Security, investigates crimes of child prostitution and child trafficking.[2129] Local authorities, police, and border agents in individual prefectures can apprehend child traffickers at the country's borders.[2130] While 13 trafficking cases were reported during this period, there is no information available of how many of these were related specifically to children.[2131]

In February 2009, following the death of President Lansana Conte and subsequent takeover by the Council for Democracy and Development (CNDD), CNDD leader Captain Moussa Dadis Camara publicly authorized security to shoot anyone found trafficking children. There are no reports of any subsequent shootings.[2132]

The use of available laws to prosecute worst forms of child labor violations has been limited. There is a lack of trained staff and finances to conduct child labor legal proceedings effectively.[2133]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

Government Policies on the Worst Forms of Child Labor

There is no evidence that the Government of Guinea has a comprehensive policy specifically to combat the worst forms of child labor.

However, the Ministry of Social Affairs and the Promotion of Women and Children developed *Un Monde Digne des Enfants*, a declaration and comprehensive action plan to assist children.[2134] It includes general protections and objectives against child labor, mistreatment, exploitation, and violence to eliminate trafficking and sexual exploitation.[2135] The plan does not specify concrete activities, tangible outcomes, and targets to achieve its goals.

The Poverty Reduction Strategy (2007-2010) (PRSP), strengthens social protections for children, establishes mechanisms to raise public awareness on laws and protections for children, and provides implementation strategies for an Education for All Program to improve education in Guinea. The PRSP includes actions to support street children and provisions for combating human trafficking in ECOWAS member countries, including Guinea.[2136]

Guinea has a National Action Plan to Combat Trafficking in Persons and participates in a number of international policies to address trafficking.[2137] The regional Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions, remains active. It requires signatories to investigate and prosecute trafficking offenders, rehabilitate and reintegrate trafficking victims, and assist other signatory countries in implementing measures under the agreement.[2138] Guinea is a member of the ECOWAS working group on child trafficking, designed to combine resources to monitor cross-border trafficking. In 2009, Guinea signed a regional agreement to provide protection and assistance to trafficking victims.[2139] The Governments of Guinea and Mali signed a bilateral agreement to combat trafficking in 2005.[2140]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Guinea has participated in several USDOL-funded projects, including projects targeting children exploited in agriculture, mining, domestic service, and informal sectors. These projects include the 4-year $4.4 million child labor education initiative that ended in September 2008 and strengthened institutional capacity to identify and monitor child laborers and provided education and training to children. It also includes a 3-year $3.5 million project, which began in September 2008 and that targets 7,860 children for withdrawal and prevention from exploitative labor and that collects data on child trafficking. Due to a 2008 *coup d'état* by elements of the military, the Government is no longer participating in this ongoing project.[2141]

The Government of Guinea participated in a 3-year USDOL-funded project with the goal of enhancing national capacity for child labor data collection, analysis, and dissemination. The project, which ended in September 2010, also funded technical assistance to the government to conduct surveys, research, and training.

Additionally, the Government of Guinea participated in USDOS- and USAID-funded projects to collect data on child trafficking, create a national trafficking database, and provide services and training to trafficking victims.[2142]

The Government of Guinea also took part in programs with other international organizations including creating child protection committees to monitor child labor reviewing human trafficking legislation, providing training and awareness raising on trafficking to media and civil society, and providing officials and law enforcement officers with capacity-building training to manage migration and investigate trafficking prosecution.[2143] The Government does not provide services directly, but rather refers child trafficking victims to NGO-sponsored services.[2144]

Current social programs do not adequately address the scope of the worst forms of child labor in Guinea, particularly in agriculture and domestic service where large number of children work and are unprotected by the legal provisions.[2145]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Guinea:

IN THE AREA OF LAWS AND REGULATIONS:

- Increase the minimum age for compulsory education from 12 to 16.
- Complete the implementation framework for the Child Code.
- Extend protections to children in unpaid, temporary, or non-contract work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Assess budgetary priorities with a view toward providing resources to conduct effective legal proceedings concerning the worst forms of child labor.

IN THE AREA OF POLICIES:

- Develop a child labor policy.
- Set targets and establish concrete outcomes for all policies related to child labor.

IN THE AREA OF PROGRAMS:

- Expand social programs to provide services to children engaged in or at risk of entering the worst forms of child labor, particularly in agriculture, mining, and domestic service.

[2104] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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[2106] World Education, *SELECT, Project Document (January 2009)*, 12.

[2107] Ibid.

[2108] Government of Guinea, *Conditions de travail des salariés âgés de moins de 18 ans*, (April 22, 1996); available from http://www.droit-afrique.com/images/textes/Guinee/Guinee%20-%20Travail%20des%20mineurs.pdf. See also Republic of Guinea and UNICEF, *Etude sur les «Enfants Travaillant dans les Mines et Carrières»*, Ministère des Affaires Sociales and Ministère de l'Emploi, Conakry, 2006. See also U.S. Department of State, «Country Reports- 2009: Guinea,» section 7d. See also USDOL official, E-mail communication to USDOL official, February 4, 2010. See also Association Guinéenne de Recherche - Action Et d'Alphabétisation pour le Développement, *Etude Dans les Zones Minières (Diamantifère & de l'Or) de Bonodou & Dandano: Lutte Contre la Traite des Personnes à des fins d'exploitation de leur Travail*, 2007. See also World Education, *SELECT, Project Document (January 2009)*, 19.

[2109] World Education, *SELECT- Stop Exploitive Labor and Educate Children for Tomorrow*, Cooperative Agreement, September 30, 2008, 19.

[2110] International Confederation of Free Trade Unions (ICFTU), *Internationally Recognized Core Labour Standards in Guinea: Report for the WTO General Council*

Review of the Trade Policies of Guinea, Geneva, October 12 and 14, 2005; available from http://www.icftu.org/www/pdf/clsguinea2005.pdf. See also U.S. Embassy- Conakry, *reporting*, January 21, 2009, para 5.

[2111] U.S. Department of State, "Guinea (Tier 2 Watch List)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/documents/organization/142983.pdf.

[2112] U.S. Department of State, "Country Reports- 2009: Guinea." See also UN General Assembly Human Rights Council, *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social, and Cultural, Including the Right to Development (A/HRC/7/8/Add.1)*, A/HRC/7/8/Add.1, March 4, 2008; available from http://dacccess-dds-ny.un.org/doc/UNDOC/GEN/G08/23/77/PDPF/G0811377.pdf?OpenElement. See also U.S. Department of State, "Trafficking in Persons Report- 2010."

[2113] U.S. Department of State, "Country Reports- 2009: Guinea," 5. See also U.S. Department of State, "Trafficking in Persons Report- 2010." See also U.S. Embassy- Conakry, *reporting*, May 15, 2008, para 1. See also U.S. Department of State, "Sierra Leone (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/documents/organization/142983.pdf.

[2114] Human Rights Watch, *Bottom of the Ladder: Exploitation and Abuse of Girl Domestic Workers*, New York, June 2007; available from http://hrw.org/en/node/10932/section/1. See also Global Eye on Human Trafficking, *Finding Hope in West Africa,* [online] 2006 [cited March 12 2010]; available from http://www.iom.ch/jahia/wedav/site.myjahiasite.shared/mainsite/projects/showcase_pdf/global_eye_fifth_issue.pdf.

[2115] Human Rights Watch, *Exploitation and Abuse of Girl Domestic Workers*, 27-28. See also Human Rights Watch, *Legal, Policy and Programmatic Responses to Protect Child Domestic Workers,* [online] 2007 [cited March 12 2010]; available from http://hrw.org/reports/2007/guinea0607/10.htm. See also Action Against the Exploitation of Children and Women, *Etude sur le trafic et travail domestique des enfants en Guinée (rapport provisoire)*, Anti Slavery International, Conakry, November, 2005, 26; available from http://www.crin.org/docs/ACEEF_Trafic_Enfants_Guinée.doc. See also ILO, *Rapport d'analyse des résultats*, 40-42.

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[2117] U.S. Embassy- Conakry, *reporting*, February 29, 2008, para 1, 5, 8.

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[2122] Government of Guinea, *Code du travail, 1988*. See also Government of Guinea, "Guinea," in *Legislation of Interpol Member States on Sexual Offences against Children*, 2006; available from http://www.interpol.int/public/children/sexualabuse/nationallaws/csaGuinea.asp.

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[2124] Government of Guinea, *Rapport de la Guinée sur le suivi de la Déclaration et du Plan d'action «Un monde plus digne des enfants»*, prepared by Direction Nationale de l'Education Préscolaire et de la Protection de l'Enfance (DNEPPE), 2006, 8; available from http://www.unicef.org/worldfitforchildren/files/Guinea_WFFC5_Report.pdf.

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[2127] U.S. Embassy- Conakry, *reporting, January 21, 2009*, para 1.

[2128] U.S. Department of State, "Trafficking in Persons Report- 2010."

[2129] Human Rights Watch, *Legal, Policy and Programmatic Responses*. See also Government of Guinea, *Rapport de la Guinée sur le suivi de la Déclaration et du Plan d'action «Un monde plus digne des enfants»*, 6.

[2130] U.S. Embassy- Conakry, *reporting, February 29, 2008*, para 5-7.

[2131] U.S. Embassy- Conakry, *reporting*, January 26, 2010.

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[2134] Government of Guinea, *Rapport de la Guinée sur le suivi de la Déclaration et du Plan d'action «Un monde plus digne des enfants»*.

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[2141] Save the Children- U.S., *Combating Child Labor and Exploitation in Guinea (CCLEE)*, Project Document, Westport, November 6, 2006, 1. See also Save the Children- U.S., *Combating Child Labor and Exploitation in Guinea (CCLEE)*, Final Report, Westport, January 6, 2009, cover page, G-18. See also World Education Inc., 2010 [cited March 9 2010]; available from http://www.worlded.org/WEIInternet/projects/ListProjects.cfm?Select=Country&ID=148. See also World Education, *SELECT, Project Document (January 2009)*, 1, 9. See also U.S. Department of State, "Country Reports- 2009: Guinea."

[2142] USAID official, E-mail communication to USDOL official, July 27, 2009. See also USDOL official, E-mail communication to USDOL official, October 13, 2009. See also USDOS official, E-mail communication to USDOL official, July 22, 2009.

[2143] Government of Guinea, *Rapport de la Guinée sur le suivi de la Déclaration et du Plan d'action «Un monde plus digne des enfants»*, 6, 7. See also IOM, *Migration Initiatives Appeal 2009*, accessed March 12, 2010; available from http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/books/Migration%20Initiatives09.pdf. See also IOM, *Guinea,* [online] 2010 [cited March 9 2010]; available from http://www.iom.int/jahia/Jahia/guinea.

[2144] Government of Guinea, *Rapport de la Guinée sur le suivi de la Déclaration et du Plan d'action «Un monde plus digne des enfants»*, 6. See also U.S. Department of State, «Trafficking in Persons Report- 2010.»

[2145] Government of Guinea, *Code du travail, 1988*.

Guinea-Bissau

The Government of Guinea-Bissau has made efforts to address trafficking of children through awareness-raising efforts and victim repatriation. However, children in the country continue to be exploited in the worst forms of child labor in the agriculture sector and through trafficking for forced begging. There are gaps in enforcement efforts and a lack of a comprehensive policy framework or sufficient programs to address the issue.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	47.3%
Attending School	5-14 yrs.	56.9%
Combining Work and School	7-14 yrs.	24.4%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Guinea-Bissau are exploited in the worst forms of child labor,[2146] many of them in agriculture. The rate of child work is highest in rural areas,[2147] where children perform farm work and cattle herding.[2148] For four months each year, during the annual cashew harvest, some children are partially or completely withdrawn from school to work in the fields.[2149] Children's work in agriculture commonly involves possibly harmful activities, such as using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides.

In urban areas, many children work on the streets, shining shoes, washing cars, and selling various items.[2150] Street work makes children vulnerable to severe weather, traffic accidents and criminal elements. Children also work as apprentices in activities such as metalworking, mechanics, and carpentry,[2151] where they may use potentially dangerous machinery and tools and carry heavy loads. Some children work for other families as unpaid domestic servants.[2152] Child domestic workers may be subject to long hours, possibly harmful activities and physical and sexual exploitation by their employer.

In Guinea-Bissau it is traditional practice to send boys to stay with *marabouts* (an Islamic religious leader and teacher) to receive education at a Koranic school, which may include a vocational or apprenticeship component.[2153] Children attending such schools are known as talibés in the Wolof language or almudus in the Fula language, regardless of whether they live at home or are entrusted to marabouts in distant villages.[2154] Some children attend Koranic schools in Guinea-Bissau and others are sent abroad to Senegal and other neighboring countries. While some boys receive lessons, many are forced by their teachers to beg for money and food.[2155] Each child must present the teacher an established amount of money and may be beaten if he fails to do so.[2156] There have been reports of boys trafficked from the country to Senegal and to a lesser extent Mali and Guinea for forced begging.[2157]

Girls in Guinea-Bissau are sometimes exploited as prostitutes.[2158] Girls are also trafficked internally for commercial sexual exploitation in small bars and restaurants.[2159] Children, primarily boys, are trafficked within the country for begging and agricultural labor, including on cotton plantations. Children from the Bafata and Gabu regions of the country are also trafficked to Senegal, Mali, and Guinea.[2160]

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for employment is 14. The Government prohibits children under 18 from engaging in heavy or dangerous labor, including work in mines,[2161] however it has not provided a comprehensive list of other hazardous occupations that are off limits for children. The Constitution prohibits forced labor, including by children;[2162] however, it is unclear whether this applies to forced begging.

There are laws against the removal of minors, rape, sexual abuse, and the kidnapping of minors.[2163] There are also laws against kidnapping which can be used to prosecute traffickers.[2164] There is also a statutory rape law that prohibits sex with someone under 16 years old.[2165] This law appears to leave 16 and 17 year old children without this legal protection.

Finally, Guinea-Bissau requires compulsory education only until age 12, two years before children are legally permitted to work. This makes 12 and 13-year-olds more vulnerable to involvement in worst forms of child labor.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

In 2008, the Ministry of Solidarity (MOS) formed a National Committee to Fight Against Trafficking in Persons (National Trafficking Committee). A separate anti-trafficking committee formed by the Ministry of Civil Service and Labor reportedly also met during the year.[2166] However, research has found no evidence of coordinating mechanisms to combat other worst forms of child labor.

The Ministry of Justice and the Ministry of Civil Service and Labor, in collaboration with the Institute of Women and Children, enforce worst forms of child labor laws, including minimum age work requirements. There is no information indicating that any child labor inspections were undertaken by the Government of Guinea-Bissau during the reporting period.[2167]

The Ministry of Interior is responsible for efforts to reduce child trafficking.[2168] In 2009, there were reports that trafficking through official border crossings had decreased and that, as a result, police had stopped fewer children and only arrested two *marabouts*.[2169] There were no successful prosecutions in 2009.[2170] However published reports indicate that trafficking persisted. Traffickers with children crossed the border into Senegal at night, and at more secluded and unguarded crossing points.[2171] In some cases parents were found to have colluded with traffickers.[2172] Some of these children were repatriated and parents were required to sign a contract promising not to send their children away under penalty of jail. The Association of the Friends of Children (AMIC) monitored the agreement during 2009 through visits to the households of repatriated trafficked children.[2173]

Between April 2007 and March 2008, the Government of Guinea-Bissau, through its Embassy in Dakar and with the cooperation of the Government of Senegal, repatriated 43 children to Guinea-Bissau from Senegal. Also, police coordinated their repatriation efforts with NGOs and referred 160 victims to NGO providers of victim services.[2174]

Government Policies on the Worst Forms of Child Labor

Research found no evidence of a national plan to combat the worst forms of child labor, including trafficking, nor have child labor issues been mainstreamed into broader development efforts. Furthermore, information was not identified to indicate that the government has conducted in-depth research concerning worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Government officials have worked with the NGO, Association of the Friends of Children (AMIC) to combat trafficking through awareness raising and the repatriation of victims. The Government provides $12,000 annually to AMIC, which runs the country's only trafficking shelter for victims in Gabu and conducts regular awareness programs.[2175] A regional $5.2 million IPEC project to combat the worst forms of child labor, funded by Spain, includes Guinea-Bissau among its four countries.[2176] Government social programs to address the worst forms of child labor in Guinea-Bissau are limited in scope, given the extent of the worst forms of child labor

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Guinea-Bissau:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the legal framework to protect children from all forms of possibly harmful work.
- Amend laws to provide protection to all minors against prostitution
- Enact and enforce legislation that criminalizes forced child begging for economic gain.
- Raise the age for compulsory education to 14.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Collect and make publicly available information on investigations of the worst forms of child labor.
- Enforce the country's legal protections against the worst forms of child labor, including through labor inspection.
- Investigate and prosecute trafficking cases to ensure a focus on those engaged in parental deception and exploitation of children through forced begging.
- Establish a coordinating mechanism to combat all worst forms of child labor.

IN THE AREA OF POLICIES:

- Establish a comprehensive policy framework to address all worst forms of child labor.
- Support research to gain increased knowledge of the scope and magnitude of the worst forms of child labor in Guinea-Bissau.

IN THE AREA OF PROGRAMS:

- Step up government efforts to implement social programs to address the worst forms of child labor and provide adequate protection to child victims, particularly in agriculture.
- Undertake greater trafficking prevention efforts, such as public awareness campaigns targeting families of prospective *talibés*.

[2146] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[2147] Ministry of Economy and UNICEF, *Guinée-Bissau: Enquete par Grappes a Indicateurs Multiples 2006*, June 2006; available from http://www.childinfo.org/files/MICS3_GuineaBissau_FinalReport_2006_Fr.pdf.

[2148] Guinea-Bissau PLAN International official, Interview with USDOL consultant, June 13, 2006, 56. See also U.S. Department of State, "Guinea-Bissau," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2008/af/119006.htm.

[2149] Ministry of Education official, Interview with USDOL consultant, June 14, 2006, 61. See also U.S. Department of State, "Country Reports- 2008: Guinea-Bissau," section 6d.

[2150] U.S. Embassy- Dakar, *reporting*, September 28, 2007. See also African Young Workers and Children Movement representative, Interview with USDOL consultant, May 24, 2006, 2.

[2151] African Young Workers and Children Movement representative, Interview, May 24, 2006, 2. See also Network of Young Educators official, Interview with USDOL consultant, May 25, 2006, 6.

[2152] Cooperation and Development official, Interview with USDOL consultant, June 12, 2006, 52.

[2153] Peter Easton, Mark Peach, Ibrahima Lalya Bah, ElHadj Bella Doumboula, and Mohammed Lamine Barry, *Research Studies Series no. 8*, International Working Group on Nonformal Education of the Association for the Development of Education in Africa, May 1997; available from http://www.adeanet.org/wgnfe/publications/abel/abel2.html. See also Peter Easton, "Education and Koranic Literacy in West Africa," *IK Notes,* no. 11 (August 1999), 1 and 3; available from http://www.worldbank.org/afr/ik/iknt11.pdf. See also UNICEF, *Under the Facade of Religious Study, Children Fall Victim to Trafficking*, July 9, 2007; available from http://www.unicef.org/infobycountry/guineabissau_40282.html.

[2154] UNICEF, *Child Trafficking in Guinea-Bissau, An Exploratory Study*, 2010.

[2155] Integrated Regional Information Networks, "Child trafficking on the decline say local authorities", IRINnews.org, [online], October 15, 2008 [cited February 10, 2009]; available from http://www.irinnews.org/PrintReport.aspx?ReportId=80928. See also UNICEF, *Under the Facade of Religious Study*. See also IOM, *Traditional Practices Being Abused to Exploit Children in West Africa, Warns IOM,* [online] 2006 [cited April 28, 2009]; available from http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007.

[2156] UNICEF, *Under the Facade of Religious Study*.

[2157] U.S. Department of State, "Guinea-Bissau (Tier 2 Watch List)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010, 163; available from http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm.

[2158] U.S. Department of State, "Guinea-Bissau," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, 8; available from http://www.state.gov/g/drl/rls/hrrpt/2009/af/135958.htm.

[2159] U.S. Embassy- Dakar, "Guinea-Bissau," in *Trafficking in Persons Report- 2009*, 2009, 148; available from http://www.state.gov/g/tip/rls/tiprpt/2009/index.htm.

[2160] Ibid. See also U.S. Department of State, "Country Reports- 2008: Guinea-Bissau," section 5. See also Integrated Regional Information Networks, "Child trafficking on the decline say local authorities". See also Integrated Regional Information Networks, "On the Child Trafficking Route", IRINnews.org, [online], November 23, 2007 [cited February 10, 2009]; available from http://www.irinnews.org/report.aspx?ReportID=75485.

[2161] General Labor Inspectorate official, Interview with USDOL consultant, May 26, 2006. See also U.S. Department of State, "Country Reports- 2008: Guinea-Bissau," section 6d.

[2162] Government of Guinea-Bissau, *Constitution of the Republic of Guinea-Bissau*, (1984), article 37; available from http://www.icrc.org/ihl-nat.nsf/162d151af444ded44125673e00508141/8ff8cad34667b579c1257083002a6fa8!OpenDocument. See also U.S. Department of State, "Guinea-Bissau (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008, 149; available from http://www.state.gov/documents/organization/105656.pdf.

[2163] U.S. Department of State, "Country Reports- 2009: Guinea-Bissau."

[2164] U.S. Department of State, "Country Reports- 2008: Guinea-Bissau," section 6d.

[2165] U.S. Department of State, "Country Reports- 2009: Guinea-Bissau."

[2166] U.S. Department of State, "Trafficking in Persons Report- 2008: Guinea Bissau," 149.

[2167] U.S. Department of State, "Country Reports- 2009: Guinea-Bissau," section 6.

[2168] Ibid.

[2169] Human Rights Watch, *Off the Backs of the Children*, April 15, 2010, 51; available from http://www.hrw.org/en/reports/2010/04/15/backs-children?print.

[2170] U.S. Department of State, "Country Reports- 2009: Guinea-Bissau," section 6.

[2171] Human Rights Watch, *Off the backs of the Children*, 51.

[2172] U.S. Department of State, "Country Reports- 2009: Guinea-Bissau," section 6.

[2173] U.S. Department of State (March 11, 2010). Guinea-Bissau. *Country Reports on Human Rights Practices- 2009*. Washington, DC, section 6. See also UNICEF, *Child Trafficking in Guinea-Bissau*.

[2174] U.S. Department of State, "Trafficking in Persons Report- 2010: Guinea Bissau," 164.

[2175] U.S. Department of State, "Country Reports- 2009: Guinea-Bissau," section 6. See also U.S. Department of State, "Guinea-Bissau," in *Trafficking in Persons Report- 2009*, 2009, 148; available from http://www.state.gov/g/tip/rls/tiprpt/2009/index.htm.

[2176] ILO-IPEC official, E-mail communication, July 17, 2010.

Guyana

The Government of Guyana continued to work with ILO-IPEC and UNICEF to address the worst forms of child labor. It has neither enacted all needed legal reforms, including draft legislation outlawing the worst forms of child labor, nor has it provided support to the National Steering Committee to enable it to effectively address the worst forms of child labor, or made efforts to sustain donor-funded projects. Child labor continues to exist in the agricultural, logging, and the fishing sectors, exposing children to occupational health and safety risks.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	26.3%
Attending School	5-14 yrs.	95.8%
Combining Work and School	7-14 yrs.	28.3%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

In Guyana, children are found in the worst forms of child labor,[2177] principally in the agriculture, logging, and fishing industries.[2178] In agriculture, children may carry heavy loads, apply agrochemicals and use sharp cutting tools.[2179]

In addition, some Guyanese children are trafficked, both domestically and internationally, for commercial sexual exploitation and forced labor.[2180] Some Guyanese girls from rural areas are lured by traffickers to coastal population centers and coerced into working as domestic servants. Others are coerced to work in shops or forced into prostitution.[2181]

Laws and Regulations on the Worst Forms of Child Labor

Guyana's Employment of Young Persons and Children (Amendment) Act of 1999 sets the minimum age for all types of employment at 15.[2182] Children under age 15 may be employed in technical schools, provided such work is approved and supervised by the public authority.[2183] A change in legislation is being considered to allow children who have reached the age of 13 to do some kinds of work.[2184] The Government has stated that the proposal is intended to establish a minimum age for light work, in line with standards in ILO Convention 138.[2185]

Under Guyanese law, persons under 16 are legally prohibited from working during the night or at worksites where hazardous work is routinely performed, such as in mines, quarries, manufacturing, shipbuilding, building construction and reconstruction, docks, quays, wharves, and warehouses.[2186] Guyana's Occupational Safety and Health Act stipulates that persons under 16 may not be hired to work at any job that is likely to jeopardize their health, safety, or morals.[2187] However, the Government has not codified a corresponding list of occupations that constitute hazardous work for children.

In 2006, Guyana's National Assembly passed an amendment which would have outlawed the worst forms of child labor, but because the President opposes some aspects of it, it has not become law.[2188]

The Constitution of Guyana prohibits forced labor.[2189] Human trafficking is prohibited under the Combating of Trafficking in Persons Act of 2005.[2190] In addition, anyone who procures, counsels, or commands a child to commit a drug-related felony can be prosecuted under Guyana's Criminal Law (Offenses Act).[2191] Guyana's Defense Act requires a person to be age 18 to be conscripted into the armed forces.[2192]

In May of 2010, the Sexual Offenses Act of 2009 was enacted, which expanded protections for young children.[2193] The new legislation made the criminal offense of rape gender-neutral and removed the requirement that the claims of young children must be corroborated.[2194]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	16
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Government of Guyana has established a National Steering Committee on Child Labor (NSCCL) which is tasked with recommending policies and programs to eliminate child labor in all its forms.[2195] However, the NSCCL has reportedly stopped meeting on a regular basis, potentially limiting its ability to carry out its mandates.[2196] There is also a National Task Force for Combating Trafficking in Persons (NTFCTP).[2197] Participants on the NTFCTP are drawn from the Ministries of Home Affairs, Human Services, Legal Affairs, Foreign Affairs, Amerindian Affairs, Guyana Police Force, Help and Shelter, and Food for the Poor. The NTFCTP is charged with reporting on the nature and magnitude of trafficking in persons in Guyana and documenting the Government's response.[2198]

The Ministry of Labor, Human Resources, and Social Security (MLHRSS) is responsible for enforcing child labor laws.[2199] Within the MLHRSS, the Chief Labor Officer (CLO) handles all workplace safety and health and wage and hour inspections and special investigations stemming from reports of child labor.[2200] In 2009, the MLHRSS employed 20 labor inspectors who assist the CLO.[2201] Under the authority of the Factories Act, labor inspectors can enter any workplace at any time to conduct an inspection and require the employer to provide all documents and information to show that the business is in compliance with the law.[2202]

In 2009, the MLHRSS conducted about 3,000 workplace inspections, an average of 150 inspections per inspector.[2203] There were 12 complaints of possible violations of child labor lodged with the MLHRSS in 2009.[2204] However, MLHRSS inspectors were not able to validate that any legal violations had occurred with regard to any of the child labor complaints and took no further action.[2205]

Guyana's Ministry of Education (MOE) is responsible for monitoring children who are out of school.[2206] Guyana's education statute empowers school attendance officers to enter any premise or place during school hours, make enquiries about any child residing or being employed there, and report the parent of the truant child to the Chief Education Officer.[2207] However, there is no evidence that the Ministries of Labor and Education are sharing information or that the MOE is referring child labor cases to the MOL.

The Guyana Police Force (GPF) is responsible for investigating possible crimes involving the worst forms of child labor. The NTFCTP brings complaints of child trafficking to the attention of the GPF. The GPF has instituted mandatory training on trafficking for the Criminal Investigations Division Police.[2208]

During the reporting period, two cases of alleged child trafficking were investigated, but no charges were filed, reportedly due to a lack of evidence.[2209] However, the

NTFCTP noted in its first report that the country had recorded its first trafficking in persons conviction when a person was found guilty of trafficking two girls in Bartica.[2210]

Government Policies on the Worst Forms of Child Labor

Although Guyana does not have a standalone child labor policy, it is cooperating with UNICEF to implement a Country Program Action Plan for 2006-2010. This plan includes measures to address and prevent child labor and is closely aligned with the Government's poverty reduction strategies and human rights agenda.[2211] UNICEF has pledged approximately $3.3 million dollars to help implement the plan, which will promote children's rights and protections, child survival, and adolescent development, particularly among vulnerable youth such as working children.[2212] Goals include supporting projects to reduce child labor, exploitation, and the trafficking of children.[2213]

Research found no evidence that Guyana has bilateral agreements with countries to which Guyanese children are trafficked, to cooperate in efforts to combat child labor and trafficking.[2214] Guyana has, however, signed onto political declarations with the region, including the Caribbean Community and Common Market Secretariat, pledging its commitment to protect people from trafficking.[2215]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Guyana has participated in a number of donor-funded programs to eliminate child labor, which have focused on data collection, education, and youth employment.[2216]

For example, the Government of Guyana participated in a USDOL-funded project, EDUCARE, which ended in 2009.[2217] This project withdrew and prevented children from engaging in exploitive child labor and built capacity within the Ministry of Education's School Welfare Service to ensure school attendance at the primary and secondary levels.[2218]

In 2008, Guyana was part of a $1,210,000, 11-country project to combat child labor.[2219] In Guyana, the project seeks to strengthen the capacity of the Government of Guyana and local authorities in the formulation, implementation, and enforcement of specific policies to address child labor in coordination with social partners and civil society, and to help reduce poverty by providing access to basic education and skills training to disadvantaged children and youth.[2220] The project also supports ongoing efforts to eliminate child labor and promote youth employment.[2221] While the projects cited above are important to advance the elimination of the worst forms of child labor, there is no evidence to indicate that the Government of Guyana has adopted the measures necessary to ensure the long-term success of these internationally-supported initiatives.

During the reporting period, the MLHRSS and the National Task Force for Combating Trafficking in Persons continued to conduct awareness-raising campaigns on human trafficking, and the Government continued to support efforts to assist victims of trafficking.[2222] The Government increased its funding to an NGO that provided shelter, counseling, and medical assistance to victims of trafficking and domestic violence; provided travel funds to facilitate the return to Guyana of Guyanese trafficking victims; offered vocational training, medical, and financial assistance to victims; and supported the training of 100 people who were designated as community "focal points" to identify and report potential trafficking cases.[2223]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Guyana:

IN THE AREA OF LAWS AND REGULATIONS:

- Explicitly identify hazardous jobs prohibited to minors.
- Enact into law the 2006 Amendment to the Employment of Young Persons and Children Act passed by the Parliament that prohibits the worst forms of child labor.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Reconstitute the National Steering Committee on Child Labor with representatives from multiple sectors to address child labor.
- Create a mechanism to ensure that the Ministry of Education shares information gathered from its truancy monitoring with the Ministry of Labor to identify potential child labor cases.

IN THE AREA OF POLICIES:

- Form partnerships with governments in countries to which Guyanese children are trafficked to combat international child trafficking.

IN THE AREA OF PROGRAMS:

- Take steps to ensure long-term sustainability of efforts to address the worst forms of child labor.

[2177] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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[2179] Ibid.

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[2186] Government of Guyana, *Employment of Young Persons and Children Act (Chapter 99:01)*.

[2187] Government of Guyana, *Occupational Safety and Health Act - Chapter 99:10*, (1997); available from http://www.gina.gov.gy/gina_pub/laws/Laws/cap9910.pdf.

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[2189] Government of Guyana, *The Constitution of Guyana, 1980 with 1996 reforms*, (1996); available from http://pdba.georgetown.edu/Constitutions/Guyana/guyana96.html.

[2190] Government of Guyana, *Combating of Trafficking in Persons Act 2005*, (2005).

[2191] Government of Guyana, *Criminal Law (Offences) Act, Chapter 8:01*; available from http://www.gina.gov.gy/gina_pub/laws/Laws/cap801.pdf.

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[2196] Macro International Inc., *Independent Final Evaluation of EDUCARE: Combating Exploitative Child Labor Through Education in Guyana*, 2009.

[2197] Stabroek staff, "First Trafficking in Persons Conviction Recorded Last Month," *Stabroek News* (Georgetown), May 19, 2010; available from http://www.stabroeknews.com/2010/stories/05/19/first-trafficking-in-persons-conviction-recorded.

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[2203] U.S. Embassy- Georgetown, *reporting, February 1, 2010*.

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Haiti

Following the January 2010 earthquake, the issue of trafficking Haitian children for domestic service has received heightened attention from the Government of Haiti and the international community. Nonetheless, the practice of employing child domestic servants is prevalent throughout the country. Social protection programs remain insufficient for the nationwide prevention and elimination of the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	29.0%
Attending School	5-14 yrs.	81.2%
Combining Work and School	7-14 yrs.	27.5%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Haiti are exploited in the worst forms of child labor,[2224] most commonly in domestic service.[2225] This occurs through the practice of sending children, particularly girls, from poor rural areas to work as domestic servants for more well-off families, often with the perception that the children will have increased educational opportunities.[2226] While some of these children, referred to as *restaveks*, are cared for and receive an education, many are trafficked into forced labor. Such children receive no schooling or pay and are at risk of sexual exploitation and physical abuse.[2227] A 2009 survey estimates that 225,000 children work as *restaveks* in urban areas of Haiti, which is a number that is likely growing.[2228] A previous requirement to pay a salary to domestic workers age 15 and older encouraged employers to dismiss *restaveks* before they reached that age, which in turn has contributed to a large population of street children in Haiti.[2229] Prior to the January 2010 earthquake, there were an estimated 2,500 street children living in the capital, many of whom were former domestic servants.[2230] The thousands of individuals displaced because of the earthquake have likely increased the number of both *restaveks* and street children.[2231] Children on the streets work washing car windows, as vendors, and as beggars; and they are exposed to a variety of hazards, such as severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.[2232] Children on the streets are also exploited in prostitution.[2233]

Children in Haiti also work on farms where they may be exposed to pesticides, sharp tools, harsh conditions, and long hours.[2234] A 2007 household survey in one department in Haiti found that children constituted one-quarter of the farm workers sampled. They contributed to the cultivation of pistachios, corn, peas, millet, sugarcane, manioc, and rice.[2235]

Haitian nationals who migrate to the Dominican Republic often lack personal identification papers and are consequently more vulnerable to exploitive labor situations.[2236] The earthquake exacerbated this vulnerability as hundreds of thousands of Haitians lost their identification cards in the earthquake.[2237] Children are trafficked both internally and from Haiti to the Dominican Republic.[2238] Haitian children trafficked to the Dominican Republic work in domestic service, sex tourism, and agriculture.[2239]

Criminal groups rule many parts of Haiti, and children work with them as porters, spies, messengers, and armed marauders. Children of extremely poor families

are especially vulnerable to recruitment by armed gangs. They have been forced to participate in illegal activities and subjected to rape.[2240]

The January 2010 earthquake in Haiti severely damaged Port-au-Prince and surrounding areas, displacing more than 1.3 million people. It further devastated the country's already inadequate social services, exacerbated political and socio-economic instability, and weakened the already poor educational system.[2241] Public safety has furthered deteriorated, particularly in Internally Displaced Persons (IDP) camps where girls are vulnerable to sexual violence and exploitation by self-appointed "security guardians." Local NGOs and the Haitian National Police have indicated that reported cases of trafficking, forced labor, and forced prostitution of children have risen following the earthquake.[2242]

Laws and Regulations on the Worst Forms of Child Labor

Haiti's Labor Code sets the minimum age for work in industrial, agricultural, or commercial enterprises at age 15.[2243] Children age 15 to 18 who seek employment must obtain a work authorization from the Ministry of Labor. Employing a child without a work authorization is punishable by fines.[2244] Children are prohibited from night work in industrial jobs, and from work that is likely to harm their health, safety, or morals.[2245] There is no evidence of a list specifying what hazardous activities are prohibited to children.

The law sets the minimum age for military service at 18.[2246] The Act on the Prohibition and Elimination of All Forms of Abuse, Violence, Ill Treatment, or Inhuman Treatment Against Children of 2003 prohibits the exploitation of children, which includes servitude and forced or compulsory labor and the use of children in criminal activities or armed conflict.[2247] The Act criminalizes child trafficking and recruiting children for sexual exploitation, pornography, and illicit activities.[2248] Although this Act does not include legal penalties against offenders, the Ministry of Social Affairs has the authority to use all laws against violators of these prohibitions.[2249] Based on this Act, if the nature or condition of domestic service harms the health, safety or morals of children, employers of child domestic servants may be penalized. However, there is no minimum age restriction for work in domestic service and there are no legal penalties for employing children in domestic labor.[2250]

A further gap is in the legal framework concerns education. Children in Haiti are required to attend school only until age 11.[2251] This gap may make children age 12 to 14 particularly vulnerable to the worst forms of child labor as they are not required to be in school but are below the minimum age for work.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Haiti has established a coordinating mechanism to combat the worst forms of child labor.[2252]

The Ministry of Social Affairs, through its Institute of Social Welfare and Research (IBESR), is responsible for enforcing child labor laws and for pursuing violations against children, according to the Act of 2003.[2253] The Government has indicated that understaffing and a shortage of basic supplies hinder IBESR's ability to conduct child labor investigations.[2254] Consequently, the Government has not been reporting statistics on child labor violations investigated, prosecutions, or penalties imposed.[2255]

IBESR and the Haitian National Police's Brigade for the Protection of Minors (BPM) take the lead on anti-child trafficking efforts, and BPM is responsible for investigating crimes against children, which include trafficking.[2256] The BPM has 75 officers and maintains a hotline to collect tips regarding child exploitation and abuse.[2257] The BPM has the authority to respond to these tips and apprehend persons who have been reported to exploit child domestic workers.[2258] However, the BPM does not target *restavek* cases for investigation because there are no specific legal penalties against the exploitive forms of the practice.[2259] Following the earthquake, border officials identified and assisted potential child trafficking victims and referred some to NGOs.[2260] Authorities have referred some *restaveks* to IBESR for temporary housing and care in NGO-supported shelters.[2261] The BPM has two holding cells to temporarily house minors in Port-au-Prince.[2262]

Government Policies on the Worst Forms of Child Labor

Haiti's poverty reduction strategy aims to improve the living conditions of children.[2263]

To improve access to education, the Haitian Government participates in the Education for All (EFA) campaign, overseen by the Ministry of Education. The EFA project subsidizes school fees, provides school feeding programs, and offers training to increase the number of qualified teachers so that more children will attend school.[2264] The EFA project in Haiti reportedly exceeded goals set in 2007 by enrolling twice the anticipated number of new students into school.[2265] However, the January 2010 earthquake damaged an estimated 4,000 schools that require reconstruction.[2266]

The question of whether these poverty and education policies have an impact on the worst forms of child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Over the past decade, the Government of Haiti has participated in a number of donor-funded projects to combat trafficking and in one project which aimed to reduce exploitive child domestic service through education.[2267]

Currently, the Government is participating in a 2-year $270,000 project to eradicate and prevent the worst forms of child labor, funded by the Government of Brazil.[2268] It is also participating in a 5-year $7.5 million project supported by the Coca-Cola Company. Its goal is to develop a sustainable mango juice industry that will raise incomes and standards of living for 25,000 Haitian mango farmers.[2269] To lessen the economic impact from the January 2010 earthquake, USAID has been supporting cash-for-work activities to stabilize household livelihoods, which could reduce the likelihood of child exploitation.[2270]

The Ministry of Social Affairs assists children who work or live in the streets.[2271] From April 2009 until the January 2010 earthquake, the Ministry of Social Affairs, in collaboration with an NGO, identified 126 *restaveks* for needed assistance; however, considering the number of *restaveks* in exploitive situations, the number identified appears low.[2272] Following the earthquake, 816 *restaveks* have been identified in 25 major IDP camps in Port-au-Prince.[2273] Before the earthquake, the Government promoted the reintegration of child *restaveks* into supportive family environments.[2274] However, following the earthquake, the Haitian Government has indicated that vulnerable children placed in family-based foster care risk being exploited as *restaveks* because the Government does not have the capacity to monitor the placement of children.[2275] Furthermore, educational programs and opportunities for children in rural areas are limited, which may contribute to child trafficking and the *restavek* practice.[2276]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Haiti:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the legal framework to ensure the minimum age for work applies to domestic service.
- Ensure that children working as domestics receive schooling, pay, and protection from abuse and exploitation.
- Increase the age of compulsory schooling to match the minimum age for work.
- Amend the law to provide specific penalties against exploitive forms of the *restavek* practice, child trafficking, and sexually exploiting children.
- Amend the law to provide comprehensive protection against child labor in hazardous activities.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Make the Institute of Social Welfare and Research and the Haitian National Police's Brigade for the Protection of Minors priorities when determining allocations of government and donor resources.
- Investigate and prosecute trafficking cases involving *restaveks*.

IN THE AREA OF POLICIES:

- Develop a national action plan to address the worst forms of child labor, including hazardous work in agriculture and child domestic service.
- Assess the impact that existing poverty and education policies have on addressing the worst forms of child labor.
- Work with the Dominican Republic to create a joint action plan that addresses cross-border child trafficking.

IN THE AREA OF PROGRAMS:

- Include child labor and child trafficking issues as a consideration in all recovery and reconstruction efforts, implement programs to provide social services to such children, and monitor the treatment of children in such programs.
- Provide identification cards for all residents to reduce vulnerability to trafficking and exploitation.
- Raise awareness about the realities of the *restavek* situation to deter parents from sending their children into this practice.
- Prioritize resources to build an educational system that provides access to quality education for all children, with a focus on programs that improve educational opportunities in rural areas where children have a high vulnerability to trafficking and becoming *restaveks*.

[2224] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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[2267] ILO-IPEC, *Combating the exploitation of child domestic workers in Haiti*, Final Technical Progress Report, HAI/99/05P/050, November 2003, 1, 14. See also U.S. Department of State, *U.S. Government Funds Obligated for Anti-Trafficking in Persons Projects, Fiscal Year 2008,* [online] February 2008 [cited May 14, 2010]; available from http://www.state.gov/g/tip/rls/rpt/101295.htm. See also U.S. Department of State, *U.S. Government Funds Obligated for Anti-Trafficking in Persons Projects, Fiscal Year 2007,* [accessed March 11, 2009]; available from http://www.state.gov/g/tip/rls/rpt/101295.htm.

[2268] ILO-IPEC Geneva official, E-mail communication to USDOL official, September 2, 2010.

[2269] The Coca-Cola Company, "The Coca-Cola Company Announces $7.5 Million Haiti Hope Project to Boost Incomes of 25,000 Mango Farmers in Haiti," (2010); available from http://www.thecoca-colacompany.com/presscenter/nr_20100331_haiti.html.

[2270] U.S. Embassy- Port-au-Prince, *reporting*, February 24, 2010.

[2271] U.S. Department of State, "Trafficking in Persons Report- 2009: Haiti." See also U.S. Embassy- Port-au-Prince, *reporting, February 28, 2008*. See also U.S. Embassy- Port-au-Prince, *reporting, February 6, 2009*.

[2272] U.S. Department of State, "Trafficking in Persons Report- 2010: Haiti." See also PADF and USAID/Haiti Mission, *Lost Childhoods in Haiti*, 6.

[2273] U.S. Department of State, "Trafficking in Persons Report- 2010: Haiti."

[2274] ILO Committee of Experts, *Individual Observation C29: Haiti (2010)*.

[2275] U.S. Department of State, "Trafficking in Persons Report- 2010: Haiti."

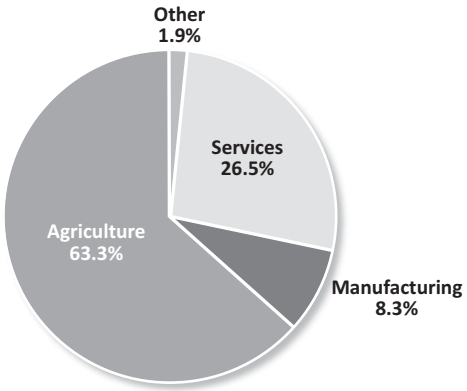
[2276] PADF and USAID/Haiti Mission, *Lost Childhoods in Haiti*, 74.

Honduras

The Government of Honduras has a national plan of action to combat the worst forms of child labor. However, children continue to work in agriculture. The level of inspection and enforcement activity against the worst forms of child labor is unknown, and there are conflicts in laws regarding the minimum age for work.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	5.4%
Attending School	5-14 yrs.	84.7%
Combining Work and School	7-14 yrs.	3.5%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Honduras are exploited in the worst forms of child labor, many of them in agriculture.[2277] A majority of children working in Honduras are boys, generally working in rural areas.[2278] Children work in melon, coffee fields. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of sugarcane.[2279] Children working in agriculture may be exposed to the use of dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides. Children also work in the fishing industry, including as deckhands and as divers in the lobster industry.[2280] Children working in fishing are exposed to risks, such as severe weather conditions and drowning. Indigenous children are especially vulnerable to exploitation in agriculture and fishing.[2281]

Children also work in limestone and lime production, begging on the streets, and scavenging in garbage dumps.[2282] Children working on the streets are exposed to severe weather, accidents caused by proximity to vehicles, and vulnerability to crimes. In addition, children, predominantly girls, work as domestic servants.[2283] Child domestic labor commonly involves long hours of work, while often exposing children to physical and sexual exploitation by their employer. Children are also reported to work as drug mules in urban areas.[2284]

Honduras is principally a source and transit country for children subjected to trafficking in persons, including for the purpose of forced prostitution.[2285] Women and children are generally trafficked from rural areas into commercial sexual exploitation in urban and tourist spots, such as Tegucigalpa, San Pedro Sula, and the Bay Islands.[2286]

The Honduran Institute for Children and the Family (IHNFA) estimates that more than 10,000 children are at risk for sexual exploitation and that several hundred children are victims of commercial sexual exploitation.[2287]

Laws and Regulations on the Worst Forms of Child Labor

Honduran legislation conflicts regarding the legal age for work as it applies to children age 14. The Constitution and Labor Code prohibit the employment of persons under age 16, with the exception that children age 14 to 15 may be permitted to work

with written parental consent and permission from the Ministry of Labor (MOL). However, the Children's Code prohibits a person age 14 and under from working, even with parental permission, and establishes prison sentences of 3 to 5 years for individuals who allow children to work illegally.[2288] Notwithstanding, a 2007 government analysis of the legal minimum age for employment placed the minimum age at 14.[2289] An employer who legally hires a person age 14 or 15 must certify that the young person has finished or is finishing compulsory schooling.[2290]

All persons under age 18 are prohibited from night work, dangerous work, and full-time work.

Executive Accord STSS-211-01, prohibits all forms of forced or bonded labor.[2291] The Penal Code criminalizes procuring, recruiting, or submitting children to commercial sexual exploitation. Executive Accords prohibit the use of children in illegal activities such as drug trafficking, and they protect children from being trafficked.[2292] Honduras has no compulsory military service in peacetime. However, during times of conflict military service is compulsory for Hondurans ages 18 to 30.[2293]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

A national commission created under the National Action Plan to Prevent and Eradicate Child Labor II (NPAPECL II) coordinates all matters related to child labor. Members of the national commission include MOL, IHNFA, the Supreme Court, the Social Security Administration, the Public Ministry, and other government entities.[2294]

MOL is the primary government agency responsible for inspecting labor conditions and enforcing child labor laws.[2295] IHNFA is charged with supervising and providing technical assistance to private and public institutions that work to protect the well-being of children and their families.[2296]

During the reporting period, MOL received 24 complaints of companies violating child labor laws.[2297] It is unknown if these complaints have been resolved. The Workers' Commission for the Prevention and Eradication of Child Labor and Commercial Sexual Exploitation, created by ILO and six unions, assists in filing complaints of child labor violations with the Government.[2298]

By the end of 2009, there were 120 inspectors on the payroll. During the year, they carried out about 15,000 labor inspections.[2299] Information about how many of these inspections were related to child labor was not obtained. Because of the inspections, MOL sanctioned six companies. ILO estimates that on average these cases took 9 months to resolve.[2300]

The Public Ministry's Office of the Special Prosecutor for Children (OSPC) prosecutes criminal cases against those alleged to have involved children in trafficking and hazardous/forced child labor, as well as those involving the sexual exploitation of children.[2301] OSPC is staffed by three district attorneys, two lawyers, four public ministry investigators, and two agents to address trafficking in the country.[2302]

During the reporting period, there were 83 pending investigations into allegations of human trafficking and commercial sexual exploitation of children.[2303] OSCP reported that, during 2009, 26 cases went to trial. Of these, 10 cases were closed (three for commercial sexual exploitation of children, three for trafficking of minors, and four for child pornography) and eight of them resulted in convictions ranging from 3 to 18 years

of imprisonment. It took an average of 1 to 2 years to close these cases.[2304]

Government Policies on the Worst Forms of Child Labor

In 2008, the Government of Honduras launched the 7-year National Action Plan to Prevent and Eradicate Child Labor II (NPAPECL II). The goals of NPAPECL II are to prevent children from dropping out of school before they can legally work, withdraw children who are currently engaged in the worst forms of child labor, and ensure that the laws that protect children are enforced.[2305]

A joint effort by ILO and the Government, called the "Road Map for the Eradication of Child Labor in Honduras" (RECL) aims to improve coordination of the Government's responses to child labor issues.[2306] After being on hold for a year due to the removal of President Zelaya in 2009, RECL is operational again.[2307]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Since 2000, the Government of Honduras has participated in a number of initiatives to combat child labor. One USDOL-funded initiative enrolled children in school and prevented them from working on a melon plantation.[2308] Because of this project, the Government of Honduras took a leading role in the monitoring of the children who benefit from the project.[2309]

Between 2000 and 2009, Honduras also participated in three Central America regional projects funded by USDOL. The projects, totaling $15.6 million, reduced child labor in the commercial agricultural sector; strengthened the capacity of the Government and civil society organizations to combat the commercial sexual exploitation of children and child trafficking; and enhanced regional cooperation, legislation, policies, and institutions to reduce child labor through the provision of educational services.[2310] Because of one of the regional projects, the Ministry of Education adopted the project's pilot educational model called *Niño Tutor* ("Child Tutor") in every school with the purpose of eliminating child labor and improving the educational attainment of children who have worked or are at risk of working.[2311] However, the Ministry of Education's focus on regular teacher strikes and negotiations with teachers unions over salary disputes may dilute the efficacy of public school-based programs. From 2008 to 2009, the Government participated in a program financed by the Government of Spain to prevent and eradicate child labor among indigenous Lencas.[2312] Even though the Government of Honduras has participated in several programs to eradicate child labor, additional efforts are needed to reach all of the children in agriculture and fishing.

During the reporting period, government agencies participated in anti-trafficking training and awareness-raising activities.[2313] The Government, through the Ministries of Governance and Security, signed MOUs with an NGO to offer workshops and share information to combat child labor and child trafficking.[2314]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Honduras:

IN THE AREA OF LAWS AND REGULATIONS:

- Harmonize legislation addressing the minimum age for work to protect children age 14 from involvement the worst forms of child labor.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Collect and publish data on the number of child labor inspections and violations.

IN THE AREA OF POLICIES:

- Continue implementation of the National Plan of Action for the Eradication of Child Labor II and document its progress.

IN THE AREA OF PROGRAMS:

- Implement programs to address the worst forms of child labor in agriculture and fishing.

[2277] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2004. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[2278] UCW and ILO-IPEC, *Child Labour in the Latin America and Caribbean Region: A Gender Based Analysis*, ILO, Geneva, April 2006, 90.

[2279] ILO-IPEC, *Good Practices for the Prevention and Progressive Eradication of Child Labor in Agriculture in Central American and the Dominican Republic*, Managua, 2006, 7; available from http://www.oit.org.pe/ipec/documentos/good_practices_agri.pdf. See also U.S. Embassy- Tegucigalpa, *reporting*, January 20, 2009.

[2280] ILO-IPEC, *Good Practices for the Prevention and Progressive Eradication of Child Labor in Agriculture*. See also U.S. Embassy- Tegucigalpa, *reporting, January 20, 2009*.

[2281] ILO-IPEC, *Trabajo infantil y pueblos indígenas: El caso Honduras*, 2007, 42.

[2282] U.S. Department of State, "Honduras," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136117.htm.

[2283] ILO Committee of Experts, *Observation, Worst Forms of Child Labor Convention, 1999 (No. 182) Honduras (ratification: 2001),* [online] 2009 [cited February 24, 2010]; available from http://www.ilo.org/ilolex/.

[2284] U.S. Embassy- Tegucigalpa, *reporting*, February 4, 2010.

[2285] U.S. Department of State, "Honduras (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2009; available from http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm.

[2286] Ibid.

[2287] U.S. Department of State, "Country Reports- 2009: Honduras."

[2288] U.S. Department of State, *Investment Climate Report - Honduras*, June 2010; available from http://www.state.gov/e/eeb/rls/othr/ics/2010/138079.htm.

[2289] Office of Labor and Social Security official, Letter to Primero Aprendo Project Coordinator, July 25, 2007.

[2290] U.S. Department of State, *Investment Climate Report*.

[2291] U.S. Embassy- Tegucigalpa, *reporting, February 4, 2010*. See also Government of Honduras, *Reglamento sobre Trabajo Infantil en Honduras*, Acuerdo Ejecutivo No. STSS-211-01, (October 10, 2001); available from http://www.glin.gov/search.action.

[2292] Government of Honduras, *Reglamento sobre Trabajo Infantil*. See also Government of Honduras, *Acuerdo Ejecutivo No. STSS-097-2008, Reforma por adicion articulo 8 del Reglamento sobre Trabajo Infantil en Honduras*, Acuerdo Ejecutivo No. STSS-097-2008, (May 12, 2008); available from http://white.oit.org.pe/ipec/documentos/listados_tip_honduras.pdf.

[2293] Coalition to Stop the Use of Child Soldiers, "Honduras," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

[2294] National Commission to Eradicate Child Labor, *II Plan de Acción Nacional para la Prevención y Erradicación del Trabajo Infantil en Honduras 2008-2015*, Tegucigalpa, 2009; available from http://white.oit.org.pe/ipec/pagina.php?pagina=102.

[2295] U.S. Embassy- Tegucigalpa, *reporting, February 4, 2010*.

[2296] National Commission to Eradicate Child Labor, *II Plan de Acción Nacional*.

[2297] U.S. Embassy- Tegucigalpa, *reporting, February 4, 2010*.

[2298] Ibid.

[2299] Ibid. In 2008, the Government carried out about 17,000 inspections.

[2300] Ibid.

[2301] Ibid.

[2302] U.S. Department of State, "Country Reports- 2009: Honduras," section 6.

[2303] U.S. Department of State, "Trafficking in Persons Report- 2010: Honduras."

[2304] U.S. Embassy- Tegucigalpa, *reporting, February 4, 2010*.

[2305] National Commission to Eradicate Child Labor, *II Plan de Acción Nacional*.

[2306] U.S. Embassy- Tegucigalpa, *reporting, February 4, 2010*.

[2307] U.S. Embassy- Tegucigalpa official, E-mail communication to USDOL official, September 16, 2010.

[2308] ILO-IPEC, *Prevention and Elimination of Child Labor in the Melon Plantations of Honduras*, Project Document, July 2005.

[2309] ILO-IPEC, *Prevention and Elimination of Child Labor in the Melon Plantations in Honduras*, Technical Progress Report, March 2005.

[2310] ILO-IPEC, *Combating Child Labor Through Education in Central America and the Dominican Republic ("Primero Aprendo")*, Project Document, 2009. See also ILO-IPEC, *Combating Child Labor in the Commercial Agricultural Sector*, Project Document, 2005. See also ILO-IPEC, *"Stop the Exploitation" ("Alto a la explotación") Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Project Document, San Jose, 2005.

[2311] CARE, *Primero Aprendo Project: Combating Exploitive Child Labor through Education in Central America and the Dominican Republic*, Technical Progress Report, September 19, 2008, table IIIC, annex K.

[2312] ILO-IPEC, *Ficha Pais: Honduras*, 2010; available from http://white.oit.org.pe/ipec/documentos/fichahonduras.pdf.

[2313] U.S. Embassy- Tegucigalpa, *reporting*, February 18, 2010.

[2314] U.S. Embassy- Tegucigalpa, *reporting, February 4, 2010*.

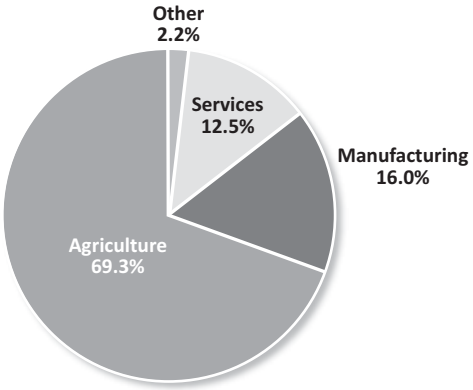
* In practice students pay for some expenses.

India

The Government of India combats the worst forms of child labor through its National Child Labor Projects. It has also designed a "Convergence Model" strategy which integrates a range of social protection schemes to help prevent and withdraw children from hazardous child labor. It has increased funding for and coordination of an extensive network of programs to address the worst forms of child labor. However, such child labor persists in India, particularly in agriculture and the informal economy. Forced child labor exists in domestic service, agriculture, and manufacturing. India lacks a minimum age for work and sets a low age for hazardous work, hindering efforts to address the problem.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	3.3%
Attending School	5-14 yrs.	82.1%
Combining Work and School	5-14 yrs.	0.6%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in India are exploited in the worst forms of child labor,[2315] with the majority of working children employed in agriculture, including in the production of rice and hybrid seeds.[2316] Children who work in agriculture may carry heavy loads, and apply harmful pesticides.

A large number of children also work in the informal economy, with child labor increasingly found in home-based production rather than organized factory settings.[2317] Children are also found engaged in work on the street which may include vending food and other goods, repairing vehicles and tires, scavenging and rag picking, shoe shining, car washing, and begging.[2318] Although research has not identified the specific work activities such children perform in India, children working on the streets are exposed to a variety of dangers, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements. Children are also found working in construction and domestic service. Most children working in domestic service are girls age 12 to 17 but some are reportedly as young as age 5 or 6. Many work very long hours and suffer abusive treatment.[2319] Waste picking is prevalent among children in castes and tribes that have traditionally suffered from societal discrimination.[2320] Service industries that employ children include hotels, food service, and tourism.[2321] Children also quarry sandstone and other materials, break stones, and polish gems. They are involved in manufacturing matches, bricks, carpets, locks, glass bangles, fireworks, *bidis* (cigarettes), footwear, garments, brassware, and other metal goods.[2322] While children are involved in dangerous labor in the stitching of soccer balls, there have been reports of a reduction.[2323] Children also embroider or sew beads to fabric.[2324] Children

involved in manufacturing activities often work in cramped and poorly lit conditions, may be exposed to harmful chemicals, and may use potentially dangerous machinery and tools, risking joint pain, headaches, hearing loss, respiratory problems, and finger deformity.[2325]

There is little recent data on the extent and nature of child labor, particularly in the informal sector. The Supreme Court of India has directed the Ministry of Labor and Employment (MOLE) to complete a survey of children working in hazardous occupations.[2326] Forced child labor has been reported in India.[2327] Children perform forced or indentured labor in domestic service, gemstone cutting, quarrying, and at brick kilns and rice mills. Children also work under forced conditions producing hybrid seeds, garments, and embroidered textiles.[2328] While there are no exact figures on the prevalence of bonded labor in India, the MOLE is funding a bonded labor survey in 23 districts of Madhya Pradesh.[2329]

The commercial sexual exploitation of children remains a problem. An estimated 1.2 million children engage in prostitution.[2330] Cases of child sex tourism continue to be reported in India.[2331]

India is a source, transit, and destination country for minors trafficked for commercial sexual exploitation and forced labor in domestic service, agriculture, and activities such as begging, driving cycle rickshaws, and hotel services.[2332] The majority of such children are Indians trafficked within the country, often within the same state.[2333] Nepali and Bangladeshi girls and Indian girls from rural areas are trafficked for commercial sexual exploitation in major urban centers such as Mumbai (Bombay), Kolkata (Calcutta), and New Delhi.[2334]

There are reports that children have been recruited to serve as soldiers by armed opposition groups in zones where armed conflict is occurring, such as in Chhattisgarh.[2335]

Laws and Regulations on the Worst Forms of Child Labor

According to the Child Labor Prohibition and Regulation Act, children of any age may be employed, provided employers adhere to restrictions, including a maximum 6-hour workday with a 1-hour rest period, at least 1 day off per week, and no night work or overtime work.[2336] The lack of a minimum age for employment increases the risk of children falling into the worst forms of child labor. The minimum age for hazardous work is 14, which is not consistent with international standards and may jeopardize the health and safety of young persons. However, the Child Labor-Prohibition and Regulation Act does bar children under age 14 from 16 hazardous occupations and 66 hazardous processes, such as working in factories, mines, and domestic service, handling pesticides, weaving carpets, and grinding stone.[2337] Employing children under age 14 in a hazardous industry can lead to fines and imprisonment. Victims also receive compensation. The Government must either pay the family of the child approximately $108 or find employment for an adult member of the family.[2338] However, the labor law does not cover large swaths of the economy including family farms and other family businesses.[2339]

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	None
	Minimum Age for Hazardous Work	14
	Compulsory Education Age	14
	Free Public Education	Yes

The Juvenile Justice (Care and Protection of Children) Act prohibits exploiting juvenile employees under age 18 by such practices as keeping youth in bonded conditions or garnishing their wages.[2340] Violators may be fined or imprisoned.[2341]

The Bonded Labor System (Abolition) Act outlaws bonded labor in India, and provides for district-level vigilance committees. These committees investigate allegations of bonded labor and release anyone found

in bondage. The Bonded Labor System (Abolition) Act also provides for rehabilitation assistance payments for released laborers. Persons found using bonded labor may be fined and face imprisonment.[2342] The Immoral Traffic (Prevention) Act prohibits commercial sexual exploitation and trafficking of boys and girls. Penalties include imprisonment up to a life sentence if the victim is under age 16.[2343] The Narcotic Drugs and Psychotropic Substance Act, No. 61 makes it illegal to cause any person to produce or deal in narcotic or psychotropic substances; punishment consists of fines and imprisonment.[2344]

There is no compulsory military service in India. Voluntary military recruitment age in India is 17 years and 6 months. However, the minimum age to serve in operational areas is 18.[2345]

Institutional Mechanisms for Coordination and Enforcement

The National Authority for Elimination of Child Labor is a high-level government body, chaired by the Minister of Labor and Employment, which reviews, monitors, and coordinates policies and programs on child labor.[2346] The National Steering Committee on Child Labour, a tripartite committee with members representing government agencies, employers, and workers, guides and monitors child labor policy.[2347] The National Human Rights Commission (NHRC) is charged with monitoring implementation of the Bonded Labor System (Abolition) Act. The NHRC monitors state level action against bonded labor through its review of quarterly reports by state governments on bonded labor and through exploratory and investigative missions.[2348] The Ministry of Women and Child Development (MWCD) is charged with coordinating anti-trafficking policies and programs.[2349] The Ministry of Home Affairs (MHA) Anti-Human Trafficking Cell is responsible for collecting and analyzing state level data on human trafficking, and monitoring state action to enforce the law. During the reporting period, MHA expanded the cell from 6 to 10 officials. [2350]

While MOLE provides oversight and coordination, state governments enforce labor laws and employ labor inspectors. Timely collection of data on the number of labor inspectors, child labor prosecutions, or convictions remains weak. However, MOLE reported that over 40,000 child laborers were rescued between January 2009 and December 2009.[2351] Children were rescued from hazardous work during raids in several states, including Jharkhand, and Delhi.[2352]

Six state governments have drafted State Action Plans for Elimination of Child Labor, which may lead to stepped up enforcement. For example, the Gujarat Action Plan calls for two raids every month in all 24 districts.[2353] However inspectors do not investigate family businesses including farms because they do not fall within the scope of the law.[2354] Complaints about hazardous child labor can be made through a toll-free helpline called Child Line which operates in 83 cities across India.[2355]

States also enforce the Bonded Labor System (Abolition) Act. From April 2008 to March 2009, the Government prosecuted 12,244 forced labor cases resulting in 566 convictions.[2356] This is a significant increase from the previous year's reported 20 convictions.[2357] Additionally, 364 bonded laborers were released and rehabilitated between April 2009 and March 2010 in Bihar and Uttar Pradesh.[2358] The number of cases involving children is unknown as the Government does not disaggregate these data.

State and local police are responsible for enforcing human trafficking laws. The Government has established forty-seven state level Anti-Human Trafficking Units (AHTUs) in Andhra Pradesh, West Bengal, Bihar, Maharashta, and Goa.[2359] It is also investing over $440 million to establish a tracking system to connect all of India's 14,000 linguistically diverse police stations. This new system will allow police to better monitor trends in serious crimes including trafficking.[2360] In 2008, the Government sponsored child migration and trafficking training for 22 state and federal officials.[2361] In partnership with UNODC, several state governments trained 5,419 police officials on trafficking issues.[2362]

From April 2008 to February 2009, more than 4,000 men, women, and children were rescued from human trafficking.[2363]

Government Policies on the Worst Forms of Child Labor

In 1988, the Government of India developed the National Policy on Child Labor which lays out concrete actions for combating hazardous child labor,

including legislative reforms and direct assistance to children.[2364] A growing number of states, including Andhra Pradesh, Bihar, Maharashtra, Tamil Nadu, Karnataka, Gujarat, and Orissa are implementing action plans to eliminate child labor from hazardous industries.[2365] These action plans may create task forces at the state, district, and village level and coordinate social protection schemes and services provided by government and civil society organizations.[2366] The Ministry of Labor's National Skills Development Policy includes provisions for child laborers, including short-term skills training for children removed from the worst forms of child labor.[2367]

The 2009 Right of Children to Free and Compulsory Education Act (RTE) lays out the country's commitments to protect children from hazardous child labor and to provide universal access to primary education with a focus on children from disadvantaged social groups.[2368] The RTE provides for free and compulsory education to all children age 6 to 14. The Act prohibits denying admission to children who lack a birth certificate, allows children to transfer schools, requires local authorities to identify out-of-school children, forbids discrimination against disadvantaged groups, and prescribes quality education standards.[2369]

India has made policy commitments to combat human trafficking, including child trafficking. The Government's National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children aims to rehabilitate and reintegrate victims of trafficking into society.[2370]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of India's National Policy on Child Labor includes direct assistance projects which are collectively known as the National Child Labor Projects (NCLPs). The NCLPs operate at the district level to identify working children, withdraw them from hazardous work, and provide education and vocational training. The projects set up NCLP schools, mainstream children into formal education and provide them with stipends, meals and health checkups.[2371] The process of forming NCLP schools and identifying their students begins with a survey conducted at the district level. A school is established for approximately every 50 students identified.[2372] Because the identification of NCLP students is survey based, child laborers identified after a survey has been conducted may not be able to enroll in NCLP schools. As of July 2009, the Government was providing services to 507,450 former child laborers through NCLPs.[2373] The Government increased the budget for NCLPs by 35 percent, to $26.5 million, for 2010-2011.[2374] Since the NCLPs inception in 1988, their scope has expanded from operating schools in 12 districts to operating 9,000 schools in 250 districts in 21 of India's 28 states.[2375] The Government plans to extend the NCLP program to all 602 districts in the country by 2012.[2376] While the NCLP scheme serves many former child laborers, it excludes children working in agriculture, family enterprises, and other informal sectors not covered by Indian law. The NCLP scheme is linked to the Ministry of Human Resource Development's *Sarva Shiksha Abhiyan* (Education for All) program to ensure children's smooth transition from NCLP schools into the formal education system.[2377] With support from UNICEF, MOLE is piloting a National Tracking System of children in NCLP schools in the states of Karnataka, Andhra Pradesh, Uttar Pradesh, and West Bengal.[2378] The Government of India and USDOL jointly funded and collaborated on the 8-year, $40 million INDUS project, which withdrew more than 100,000 children from hazardous work. The project was designed to complement the NCLP program and the Government's primary education initiatives.[2379]

The Government is currently participating in a USDOL-funded, $6.85 million Convergence Model Project, which targets 9,700 children for withdrawal and 9,300 children for prevention from work in hazardous labor in 10 districts in the states of Bihar, Jharkhand, Gujarat, Madhya Pradesh, and Orissa (2008-2013). The project is designed to strengthen the Government's efforts to combat hazardous child labor by combining its various social protection schemes, including the National Rural Employment Guarantee Scheme, National Child Labor Project, *Swablamby Swasthya Yojana* (SSY) Health Insurance Scheme, *Sarva Shiksha Abhiyan*, and the Skills Development Initiative Scheme.[2380] With support from the Government of Italy, the state government of Karnataka participated in a $3.75 million project to combat exploitation of child and adolescent workers in the sericulture (silk farming) industry, which ended August 2010.[2381] The Government of India and its state governments are collaborating on a program to rescue and rehabilitate child and adult bonded laborers.

This includes conducting surveys to identify bonded laborers, and providing each of them with stipends of 20,000 rupees ($408), training and education, and organizing awareness-raising activities.[2382]

MOLE's Grants-in-Aid scheme funds over 100 NGOs to provide rehabilitation services to working children.[2383] MOLE's Skill Development Initiative Scheme offers vocational training programs and gives priority to children withdrawn from child labor and to the parents of child laborers.[2384] Since 1996, a toll-free helpline called Child Line has provided counseling to over 3 million children in need and referral to rehabilitation services in 83 cities across India.[2385]

In 2009, MWCD launched a new scheme which seeks to protect children, including working children. The Integrated Child Protection Scheme (ICPS) will improve access to protection services, create public awareness, increase accountability on child protection, enhance service delivery, and set up a monitoring and evaluation system.[2386] The Government has increased the budget for ICPS to $59 million for the 2010-2011 budget, a six-fold increase from the previous year.[2387] In addition, MWCD's scheme for the Welfare of Working Children in Need of Care and Protection and its Integrated Scheme for Street Children provide nutrition, health services, and education to street children and working children.[2388]

MOLE achieved success on a $400,000 pilot project in Tamil Nadu to reduce bonded labor in brick kilns and rice mills.[2389] Based on this pilot project, MOLE has launched its holistic, convergence-based approach to overcome bonded labor in Andhra Pradesh, Haryana, and Orissa.[2390] The approach integrates existing government programs to target vulnerable workers. The Government also provided $78,000 between April 2009 to March 2010 to rehabilitate bonded laborers in Bihar and Uttar Pradesh.[2391]

MWCD coordinates a wide range of anti-trafficking activities, in collaboration with NGOs and state governments, including raising awareness, rescuing victims, and providing shelter homes, counseling, legal aid, medical care, repatriation, and rehabilitative services.[2392] These efforts include MWCD's *Ujjawala* scheme, which supports the reintegration and repatriation of trafficking victims. Since August 2008, MCWD has provided more than $952,000 in funding to 96 projects in 10 states to help reintegrate and repatriate 1,700 trafficking victims.[2393] MWCD is providing more than $1 million in support to 200 shelters. The states of Andhra Pradesh, Goa, West Bengal, Maharashtra, and Bihar operate Anti-Human Trafficking Units.[2394]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in India:

IN THE AREA OF LAWS AND REGULATIONS**:**

- Amend the Child Labor (Prohibition and Regulation) Act, 1986 to:
- Establish a minimum age for employment (e.g., 14 years) in non-hazardous occupations to prevent very young children from engaging in work which is harmful to their health or development.
- Increase the minimum age for employment in hazardous occupations from age 14 to meet international standards (age 18, with possible exceptions for 16 and 17 year olds with necessary health and safety precautions).
- Expand the scope of the act to cover children working in family enterprises.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Improve information on the extent of the worst forms of child labor and enforcement by:
- Conducting a national survey on the worst forms of child labor, including those children working in the informal sector.
- Conducting a national survey of bonded labor (disaggregating data on children).
- Creating a database of labor inspections to better consolidate and inform policy at the national level.
- Including child trafficking violations in the Ministry of Home Affairs new $440 million dollar Crime and Criminal Tracking and Networking System.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to converge with other Government social protection schemes by:
- Prioritizing families of children performing hazardous labor for assistance.
- Providing a platform for districts to share convergence models and best practices.
- Strengthening linkages between NCLPs and other major social protection schemes of the government.
- Financially supporting state level convergence coordination mechanisms.

[2315] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children are from 2004-2005. Data on school attendance are from 2006. Data on children combining working and school are from 1999-2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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Indonesia

The Government of Indonesia has established a policy and legislative framework to combat child labor, including integration of child labor issues into its current strategic development plan. Despite these efforts, children continue to engage in the worst forms of child labor in agriculture and domestic servitude, and there are gaps in the legal protections for child domestic workers.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Indonesia are exploited in the worst forms of child labor,[2395] many of them in agriculture. Children work on rubber, palm oil, and tobacco farms.[2396] Children who work in agriculture may be exposed to extreme weather, carry heavy loads, use pesticides, work long hours, exposed to sharp objects, fall from tall heights, and suffer respiratory problems.[2397] Children, primarily girls, also work as domestic servants, some as young as age 11, and may be mentally, physically, and sexually abused and they can be subject to debt bondage.[2398] Children work in the informal sector, including those living on the street, providing services, selling small items, begging, scavenging, and working beside their parents in family businesses, or cottage industries.[2399]

Children also work in fishing where they are exposed to injury from fishing nets, snake bites, and drowning.[2400] Additionally, children work in the production and manufacture of goods such as footwear, food, and woodwork.[2401] Such children face long working hours, lower pay, and unsafe working conditions.[2402] Children also work in the small-scale mining sector, including in gold mines,[2403] as well as in construction.[2404]

Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of cigarettes, cloves, cacao, coconuts, coffee, furniture, kapok (silk cotton tree), stones, sugarcane, tea, and textiles.[2405]

Indonesia is primarily a source country, and to a lesser extent a destination country, for child trafficking. Children, primarily girls, are trafficked from Indonesia to Malaysia, Saudi Arabia, Taiwan, Japan, and Singapore and are subject to forced prostitution and forced labor in domestic servitude and cottage industries.[2406] Children, mainly girls, are trafficked from China and Eastern Europe to Indonesia and are subject to commercial sexual exploitation.[2407] In Indonesia, children are also internally trafficked for the purpose of domestic servitude; sex tourism in Bali and Riau Island; production, transporting, and the sale of drugs; agriculture; mining; and fishing.[2408]

Laws and Regulations on the Worst Forms of Child Labor

The Manpower Act (2003) sets the minimum age of work at 15 and the minimum age for hazardous work at 18.[2409] Act No. 1/2000 identifies 13 types of hazardous work including prostitution, mining, cottage industries, construction, and domestic

service.[2410] Additionally, Decree No. 235 (2003), which implements Article 74 of the Manpower Act, identifies hazardous working conditions for children as exposure to heavy machinery, confined spaces, hazardous chemicals, heavy loads, isolated areas, and late-night hours, and it prohibits engagement in certain occupations.[2411] Despite the above protections, the Manpower Act does not cover domestic work nor does it cover children who are self-employed.[2412] In December 2009, the Government of Indonesia's Legislation Council placed a draft of the Domestic Worker's Law on the parliament's agenda for 2010 which would entitle domestic workers, including those between the ages of 15 and 17, the same rights as formal workers. However, the law has not yet been passed.[2413]

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	No

The Manpower Act also prohibits slavery, prostitution, and the production and use of illegal substances.[2414] The Pornography Law (2008) specifically prohibits child pornography and establishes penalties for violators.[2415] The Penal Code specifies penalties for a legal guardian that provides a child under 12 to another person for the purposes of begging, harmful work, or work that affects the child's health.[2416] The Child Protection Act prohibits the physical, economic, and sexual exploitation of children and sets strict penalties for violations.[2417]

In September 2009, Indonesia ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.[2418] Law No. 21 on the Eradication of the Criminal Act of Trafficking in Persons (2007) defines and prohibits trafficking, including debt bondage and sexual exploitation, with increased penalties in cases where the victim is a child and where government officials are involved.[2419] The Child Protection Act (2002) also criminalizes and prescribes penalties for child trafficking and sexual exploitation, and prohibits the use or involvement of children in the misuse, production, or distribution of narcotics.[2420]

Institutional Mechanisms for Coordination and Enforcement

The National Action Committee (NAC) for the Elimination of the Worst Forms of Child Labor coordinates and monitors policy and program efforts to eliminate the worst forms of child labor. The NAC is chaired by the Ministry of Manpower and Training (MOMT) and is comprised of other government agencies, employers, NGOs, and unions. A recent in-depth evaluation of child labor programs in Indonesia uncovered that there is widespread confusion about the role, responsibilities, and function of the committee, particularly the role of coordination beyond sharing of information.[2421] There are also action committees at the provincial level; in 2009, there were Child Labor Action Committees in 26 of 33 provinces and 116 of 458 districts.[2422] More generally, the National Commission on Child Protection monitors and reports on child protection issues.[2423] In October 2009, the Government renamed the Ministry of Women Empowerment to the Ministry of Women Empowerment and Child Protection, and tasked them with coordinating all child protection efforts in the country.[2424]

The National Task Force to Combat Trafficking in Persons, established in 2008, is responsible for coordinating anti-trafficking efforts, including child trafficking at the national level.[2425] During the reporting period, the coordination of the committee was transferred from the Ministry of Social Welfare to the Ministry of Women's Empowerment and Child Protection, and is carried out in collaboration with the Coordinating Ministry for Peoples Welfare.[2426] The Ministries of Peoples Welfare, Women's Empowerment, Social Affairs, and Education all have received

budgetary allocations to combat trafficking.[2427] There are numerous anti-trafficking task forces at the local level that coordinate action between NGOs, police, prosecutors, and courts.[2428]

MOMT at the provincial and district levels is responsible for enforcing child labor laws.[2429] In 2009, the MOMT hired an additional 231 labor inspectors, for a total of 2,200. Of these 2,200 labor inspectors, 600 are in Jakarta and 1,600 are dispersed throughout the rest of the country.[2430] Labor inspectors are tasked with the responsibility of enforcing child labor protections and also for withdrawing children from work and returning them to school.[2431] Information was not available on the number of inspections or the number of child labor violations during the reporting period.

The National Police have the right to conduct inspections and raids as well as attain arrests in all crimes. It is common for the police to conduct joint inspections with the MOMT, the National Commission for Child Protection, and other government agencies.[2432] The national and local trafficking task forces work together to enforce the anti-trafficking law.[2433] The Government routinely trains law enforcement officials and has increased the number of prosecutors. In 2009, there were 139 trafficking prosecutions, an increase from 129 prosecutions in 2008.[2434]

The Government has investigated cases of government officials' complicity in trafficking cases. Such cases include two civil servants falsifying identity documents, as well as a police officer collecting "protection money" from a brothel owner. These cases were under prosecution in the reporting period.[2435]

Government Policies on the Worst Forms of Child Labor

The Government of Indonesia's general policy framework for the elimination of child labor is the 20-year National Plan of Action (NPA) for the Elimination of the Worst Forms of Child Labor (2002-2022).[2436] The NPA is in its second 5-year phase and is focusing on continued development of national and local policies to combat child labor, as well as providing direct assistance to child laborers and at risk children.[2437] During the reporting period, the Minister of Home Affairs issued guidelines on the formation of regional child labor action committees, regional action plans, and empowerment of communities to combat child labor.[2438] Approximately $23 million has been allocated by the Government for the 2010-2014 period to combat child labor.[2439]

During the reporting period, the Government enacted a new National Plan of Action (NAP) on Trafficking and Child Sexual Exploitation (2009-2014) after an extensive evaluation of their previous plan of action.[2440]

In addition, Indonesia has incorporated child labor issues into relevant development agendas. For example, the National Mid-Term Development Plan (2010-2014) includes a focus on addressing the worst forms of child labor in domestic work, transportation, construction, and mining sectors and provides specific targets and budgetary allocations.[2441] Also, the National Development Planning Agency's Strategic Guidelines for 2009 includes a focus on removing children from the worst forms of child labor.[2442] The country's Poverty Reduction Strategy Plan (2005-2009) included objectives for preventing exploitation and the worst forms of child labor, and increasing protection for street children and child workers.[2443] In addition, the National Plan of Action of Human Rights in Indonesia (2004-2009) had measures to protect children against the worst forms of child labor, including trafficking, sexual exploitation, and pornography.[2444] While child labor has been incorporated into a number of larger development policies and plans, a recent in-depth evaluation of past and present USDOL funded projects in Indonesia indicates that child labor is still often treated as a stand-alone issue.[2445]

Aside from general child labor policy frameworks, the Government of Indonesia has made some progress towards sector-specific policy guidelines, specifically with child domestic workers. For example, in 2006, the Ministry of Women's Empowerment and Child Protection published guidelines for child domestic workers specifying the minimum age as 15 and working conditions for domestic workers between ages 15 and 17.[2446]

In February 2010, the Government of Indonesia published the results of a National Child Labor Survey that gathered comprehensive data about work characteristics of children age 5-17 years and aims to assist the Government in prioritizing policy interventions to eliminate child labor. The report

revealed that there are at least 4 million children working, of which 1.7 million are working in violation of Indonesia's child labor legislation.[2447] It is unclear how this information has been used by the Government to inform its programming.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Indonesia has participated in a large number of programs to combat child labor since the 1990s. For example, between 1999 and 2009 USDOL provided $26.3 million in funding directly to Indonesia, as well as an additional $7.2 million regionally, in technical cooperation programs to combat child labor in Indonesia.[2448] These projects have been geographically dispersed and have targeted children being exploited in fishing, footwear, domestic service, agriculture, drug trafficking, trafficking for commercial sexual exploitation and forced labor, as well as street work. Notable accomplishments of these projects include approximately 45,000 children rescued from exploitive labor through the provision of education and vocational training services, involvement in the drafting of the NPA and other social development policies, establishment of provincial and district child labor committees, and the Government's adoption and national implementation of the project's child trafficking prevention model.[2449]

Currently, the Government is participating in two USDOL-funded projects, totaling $11.25 million which target children exploited in or at risk of being exploited in domestic service, commercial agriculture, street work, drug trafficking, and trafficking for commercial sexual exploitation. In order to ensure that beneficiary children do not enter into or return to exploitive work, one of the projects also targets 10,000 children participating in the Government's Conditional Cash Transfer program in geographic areas that have high concentrations of child labor.[2450] Both projects are expanding successful interventions started under earlier projects.[2451]

The Government is also participating in a Government of Netherlands-funded $22.6 million project on child labor and youth employment project in six provinces in East Indonesia.[2452]

The Government has a large scale Conditional Cash Transfer (CCT) program which provides cash transfers to very poor families who meet a set of criteria, including enrollment in school. By targeting the poorest families, the CCT is reaching families most at risk of child labor. Additionally, a key performance indicator of the CCT is reducing child labor, making it one of the few CCT programs globally that specifically addresses child labor.[2453] MOMT expanded the CCT to 13 provinces to reach over 500,000 impoverished households in 2009.[2454] MOMT also provides supplemental programs for child laborers benefiting from the CCT, targeting their withdrawal from exploitive labor.[2455] The Government also provided financial aid to an additional 1.5 million impoverished students and concentrated its Open School program on areas with large numbers of child laborers, providing them with the opportunity to attend school.[2456]

During the reporting period, the Minister of Social Affairs made a declaration that there will be no more street children by 2011 and proposed a $20 million program to reach the goal.[2457]

The Government is currently participating in anti-trafficking programs funded by USDOS to provide medical and psychosocial recovery services to trafficking victims and to strengthen law enforcement's response in trafficking cases.[2458] Additionally, the Government has provided large numbers of anti-trafficking trainings to law enforcement and prosecutors.[2459] GOI also has an anti-trafficking initiative called Operation Flower, which provides services for children trafficked for commercial sexual exploitation, and collaborates with NGOs on efforts to raise awareness on trafficking, provide assistance to law enforcement officials, and protect trafficking victims.[2460]

The Government of Indonesia has a range of social programs across the country to assist children vulnerable to or engaged in the worst forms of child labor in multiple sectors. However, given the large numbers of child laborers, the current allocation of resources by the Government is insufficient to address the problem in a sustainable manner.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Indonesia:

IN THE AREA OF LAWS AND REGULATIONS:

- Approve the Domestic Worker's Law which would create protections for child domestic workers.
- Create legal protections for children not covered by the law, including self employed children and those working on the street.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Clarify the roles and responsibilities of the National Action Committee (NAC) for the Elimination of the Worst Forms of Child Labor.
- Collect data on the number of inspections carried out and the number of child labor violations uncovered, and make the information publicly available.

IN THE AREA OF POLICIES:

- Utilize data from the national child labor survey to prioritize policy and programs to combat child labor.

IN THE AREA OF PROGRAMS:

- Dedicate additional resources to social programs to combat the worst forms of child labor, including the creation of new programs or through replication or expansion of successful donor-funded programs.

[2395] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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Iraq

The Government of Iraq has strengthened its legal framework on the worst forms of child labor. However, children are still exploited in street work and child soldiering. Significant gaps remain in Government coordination mechanisms and in programs to address the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	12.4%
Attending School	5-14 yrs.	69.6%
Combining Work and School	7-14 yrs.	9.9%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

In Iraq, children are exploited in the worst forms of child labor,[2461] including in agriculture.[2462] Evidence suggests that rural children work at a higher rate than those living in urban areas.[2463] Work in agriculture can involve the use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides. There are reports of children working in dangerous conditions in family-owned automobile shops and on construction sites.[2464]

There is significant evidence of children living on the streets, where they beg and participate in street commerce.[2465] Street children may experience violence, sexual abuse, and drug use.[2466] Criminal gangs use street children in drug trafficking and prostitution.[2467]

Children are exploited in the commercial sex industry, some as a result of trafficking.[2468] Children are also trafficked for forced labor.[2469] Gangs target young boys and girls for sexual exploitation and for sale into prostitution.[2470] Reports from destination countries indicate that girls are trafficked from Iraq to Jordan, Syria, and Persian Gulf States.[2471] Internally, women and girls are trafficked for sexual exploitation through the traditional institution of temporary marriages in which the family receives a dowry from a husband; but instead of constituting a true marriage commitment, an agreement is made beforehand to dissolve the marriage after an agreed upon length of time.[2472] There is anecdotal evidence of children trafficked from orphanages by employees of those organizations for the purpose of forced prostitution.[2473]

It is alleged that Sunni and Shiite Militias, as well as Al Qaida in Iraq recruit and use children as fighters and suicide bombers and for spying, working as couriers, scouting, and planting improvised explosive devices.[2474] In April and May 2009, the United Nations Assistance Mission in Iraq investigated four cases of children used by insurgent groups in Kirkuk.[2475] There are also reports that children are used to construct bombs.[2476] There are no reports of children in the new Iraqi Army.

Laws and Regulations on the Worst Forms of Child Labor[2477]

The 1987 Labor Law as amended by the Coalition Provisional Authority Order Number 89 sets the minimum age for employment at 15 and prohibits anyone less than 18 from engaging in hazardous work.[2478] Article 91.2 outlines a partial list of types of work considered hazardous including work underground or under water; work with dangerous machinery or handling heavy loads; work in an unhealthy environment; and work where a child

is unreasonably confined to the premises of the employer.[2479] Instruction No. 19 of 1987 (on Child Labor) includes additional prohibitions on hazardous labor for children, deeming illegal any employment of children in construction; work with lead or toxic substances; in tanneries; or in any other place of employment that is hazardous to the health or morals of the child.[2480]

Order Number 89 also sets employment conditions for those age 15 and older, including work hours, medical examinations, and annual leave policies. Order Number 89 also provides for the creation of a register of employed children. Children employed in family enterprises are exempt from the order's requirements, which may put them at greater risk for involvement in the worst forms of child labor.[2481]

Children in Iraq are required to attend school until age 11. This leaves children ages 12 to 15 vulnerable to the worst forms of child labor as they are not required to be in school but are not permitted to work either.

In addition to hazardous work, other worst forms of child labor are defined and prohibited by order number 89. These include slavery and similar practices, including forced labor, child trafficking, compulsory recruitment of minors for use in armed conflict, child prostitution and child pornography, and illicit activities such as drug trafficking.[2482]

The use of child soldiers in the Iraqi armed forces is prohibited by Coalition Provisional Authority Order Number 22 Creation of a New Iraqi Army. This order sets the minimum recruitment age at 18 and specifies recruitment to be voluntary.[2483] Order Number 89 also prohibits the use of child soldiers and outlines punishment of those enlisting children into armed service as imprisonment of up to 3 months.[2484] These laws, however, do not specifically address recruitment into other armed groups.

The Constitution prohibits trafficking of women and children and the sex trade.[2485] The Penal Code prohibits incitement of children into prostitution and provides for up to 10 years imprisonment for violations.[2486] Law No. 8/1988 on Combating Prostitution comprehensively prohibits prostitution.[2487] Pursuant to order Number 89 child prostitution and child pornography are both considered worst forms of child labor punishable by imprisonment.[2488] There is no single law defining trafficking in persons.[2489] The amended Penal Code does not directly address or establish penalties for human trafficking, although child trafficking is included in order Number 89 as one of the worst forms of child labor punishable by up to 3 months imprisonment.[2490] This punishment is much lower than punishments for comparable crimes, namely child prostitution. The Government has drafted comprehensive anti-trafficking legislation; however it has not yet been passed.[2491]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Iraq does not have a coordinating mechanism to combat the worst forms of child labor; although, there is a coordinating mechanism to combat human trafficking. A Government committee comprised of the Ministry of Human Rights, Ministry of Foreign Affairs, Ministry of the Interior, and Ministry of Labor and Social Affairs (MOLSA) monitors the human trafficking situation and makes recommendations, although it has no authority to implement them.[2492]

The Government of Iraq has enforcement mechanisms to promote compliance with laws on the worst forms of child labor. The Child Labor Unit (CLU) within the Labor Inspectorate of MOLSA is responsible for enforcing child labor regulations.[2493] Information

was not identified on the number of inspectors or inspections completed during the reporting period.

The Ministries of Interior of both the Iraqi and Kurdish Regional Governments (KRG) are responsible for enforcement of laws against trafficking.[2494] No data was found regarding prosecutions, convictions, or sentences imposed in cases of human trafficking.[2495]

Government Policies on the Worst Forms of Child Labor

Coalition Provisional Authority Order Number 89 that amended the labor code also lays out policy regarding how the Government should address the worst forms of child labor.[2496] This order calls for programs to be designed to prevent the engagement of children in hazardous labor, provide direct assistance for the removal of children in these labor situations, and ensure access to basic education.[2497] However, it is unclear whether this policy has been followed or if the issue of child labor has been integrated into other government policies and action plans.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Iraq has participated in the implementation of programs to eliminate the worst forms of child labor, but few resources have been devoted to the issue. In 2005 the Government introduced a social program to reduce poverty and protect children from worsening living conditions; the program included a child allowance that was conditional upon school attendance.[2498] This type of conditional cash transfer program is designed to make sending children to school more attractive, and thus encourage families to enroll children in school. By the end of 2005, 1 million families had benefited from programs with MOLSA.[2499]

The Government, through the National Institute for Human Rights, conducted workshops in Baghdad during 2009 in order to raise awareness of trafficking.[2500] In addition, several trafficking workshops were provided for students in schools and colleges focusing on the impact of trafficking, the processes the perpetrators use, and the methods of prevention.[2501]

The Government is also collaborating with IOM on programs, although not specifically addressing the worst forms of child labor, geared to the needs of the most vulnerable populations including internally displaced persons and refugees at risk of involvement in hazardous work, prostitution, child soldiering, and trafficking. IOM, at the request of the Ministry of Health is providing psychosocial services for at-risk children in several governorates.[2502] In order to monitor and assess the needs of internally displaced persons and returnees to the country and provide protection, including from trafficking, IOM also works with the Ministry of Displacement and Migration.[2503]

Despite these efforts, programs to address the needs of children involved in dangerous work on the streets and in agriculture as well as those that may be exploited as child soldiers are inadequate to address the magnitude of these problems in Iraq.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Iraq:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Code to cover children working in family-based enterprises or supervised by family members as well as those working on the streets.
- Increase the age of compulsory schooling.
- Increase penalties for those who violate laws prohibiting the worst forms of child labor including child trafficking.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Designate a government entity responsible for coordinating efforts to combat the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Establish social programs to address the removal and prevention of children from child soldiering, including by:
  - Devoting funds to return and reintegration services for former child combatants.
  - Identifying and removing children involved in counterinsurgency militias.
  - Provide comprehensive educational and psychosocial support services to orphans and children living and working on the streets.
- Establish or expand programs to provide assistance to children involved in dangerous work in agriculture.

[2461] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[2462] U.S. Department of State, "Iraq," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136069.htm.

[2463] Central Organization for Statistics and Information Technology and Kurdistan Regional Statistics Office, *Iraq: Multiple Indicator Cluster Survey 2006*, 2007; available from http://www.childinfo.org/files/MICS3_Iraq_FinalReport_2006_eng.pdf.

[2464] U.S. Department of State, "Country Reports 2009: Iraq," section 6d. See also U.S. Department of State, "Iraq," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5, 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119116.htm. See also Integrated Regional Information Networks, "Iraq: Child Labour on the Rise as Poverty Increases," IRINnews.org, June 12, 2007; available from http://www.irinnews.org/Report.aspx?ReportId=72683.

[2465] U.S. Department of State, "Country Reports 2009: Iraq."

[2466] Integrated Regional Information Networks, "Iraq: Children Lured into Drugs and Prostitution," IRINnews.org, February 12, 2007; available from http://www.irinnews.org/Report.aspx?ReportId=70094. See also Integrated Regional Information Networks, "Street children face hunger and abuse", IRINnews.org, December 26, 2005; available from www.irinnews.org/PrintReport.aspx?ReportId=25835.

[2467] ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Iraq (ratification: 2001),* [online] 2009 [cited February 3, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23528&chapter=9&query=(Iraq)+@ref+%2B+%23YEAR%3D2009&highlight=&querytype=bool&context=0.

[2468] Ibid. See also U.S. Department of State, "Iraq," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm.

[2469] U.S. Department of State, "Trafficking in Persons Report- 2010: Iraq." See also Integrated Regional Information Networks, "Sex traffickers target women in war-torn Iraq", IRINnews.org, [online], October 26, 2006; available from http://www.irinnews.org/report.aspx?reportid=61903.

[2470] ILO Committee of Experts, *Individual Direct Request C182: Iraq (2009)*.

[2471] Ibid.]. See also U.S. Embassy - Baghdad, *reporting*, June 23, 2009.

[2472] U.S. Department of State, "Trafficking in Persons Report- 2010: Iraq."

[2473] U.S. Department of State, "Country Reports 2009: Iraq," section 6. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Iraq." See also U.S. Department of State, "Country Reports- 2008: Iraq," section 5.

[2474] Office of the Special Representative of the Secretary General For Children and Armed Conflict, *Visit of the Special Representative for Children and Armed Conflict to Iraq and the Region: 13 to 25 April 2008*, August 2008, 8; available from http://www.un.org/children/conflict/_documents/countryvisits/IraqVisitReport.pdf. See also UN General Assembly Security Council, *Children and armed conflict, Report of the Secretary-General*, March 26, 2009; available from http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/282/44/PDF/N0928244.pdf?OpenElement.

[2475] United Nations Assistance Mission for Iraq, *Human Rights Report: 1 January - 30 June 2009*, 2009; available from www.uniraq.org/documents/UNAMI_Human_Rights_Report15_January_June_2009_EN.pdf.

[2476] Integrated Regional Information Networks, "Iraq: Poverty drives children to work for armed groups," www.IRINnews.org, May 10, 2007; available from http://www.irinnews.org/Report.aspx?ReportId=72084.

[2477] It is unclear whether laws similar to those mentioned in this section are in effect in the Kurdistan Region.

[2478] Coalition Provisional Authority, *Coalition Provisional Authority Order 89*, (May 5, 2004), articles 90.1-91.1; available from http://iraqog.org/english/pdf/CPA-O-89-E.pdf.

[2479] Ibid., article 91.2.

[2480] ILO NATLEX National Labor Law Database, *Instruction No. 19 of 1987 (on Child Labor)*, June 25, 2010; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=IRQ&p_classification=04&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY.

[2481] Coalition Provisional Authority, *Order 89*, article 92-96.

[2482] Ibid., article 91.3.

[2483] Coalition Provisional Authority, *Coalition Provisional Authority Order Number 22 Creation of a New Iraqi Army*, (2003), section 6; available from http://www.iraqcoalition.org/regulations/20030818_CPAORD_22_Creation_of_a_New_Iraqi_Army.pdf.

[2484] Coalition Provisional Authority, *Order 89*, articles 91.3 and 97.

[2485] Government of Iraq, *Constitution of Iraq*, (October 15, 2005), article 37c. See also U.S. Embassy - Baghdad, *reporting*, February 25, 2009, para 4a.

[2486] *Penal Code with Amendments*, (September 9, 1980), article 399; available from http://law.case.edu/saddamtrial/documents/Iraqi_Penal_Code_1969.pdf. See also U.S. Embassy - Baghdad, *reporting, February 25, 2009*, paras 4a and 4b.

[2487] ILO Committee of Experts, *Individual Direct Request C182: Iraq (2009)*.

[2488] Coalition Provisional Authority, *Order 89*, articles 91.3 and 97.

[2489] U.S. Department of State, "Trafficking in Persons Report- 2010: Iraq."

[2490] Coalition Provisional Authority, *Order 89*, articles 91.3 and 97.

[2491] U.S. Department of State, "Trafficking in Persons Report- 2010: Iraq."

[2492] U.S. Department of State, "Country Reports 2009: Iraq," section 6.

[2493] ILO Committee of Experts, *Individual Direct Request C182: Iraq (2009)*.

[2494] Ibid. See also U.S. Department of State, "Country Reports- 2008: Iraq," section 5.

[2495] ILO Committee of Experts, *Individual Direct Request C182: Iraq (2009)*. See also U.S. Department of State, "Country Reports- 2008: Iraq," section 5.

[2496] Coalition Provisional Authority, *Order 89*, article 91.5.

[2497] Ibid.

[2498] U.S. Department of State, "Country Reports 2009: Iraq," section 6d.

[2499] Ibid.

[2500] Ibid., section 6.

[2501] Ibid.

[2502] IOM, *Migration Initiatives Appeal 2009: Iraq*, 2009; available from http://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/mi/iraq.pdf.

[2503] Ibid.

Jamaica

The Government of Jamaica has passed laws and participated in the implementation of social programs to combat the worst forms of child labor. However, the legal framework to address these issues is incomplete and does not adequately protect children from hazardous labor. Children continue to be involved in the worst forms of child labor, particularly as victims of trafficking for commercial sexual exploitation and domestic service.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	8.4%
Attending School	5-14 yrs.	98.6%
Combining Work and School	7-14 yrs.	9.5%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Jamaica can be found in the worst forms of child labor,[2504] particularly as victims of trafficking for commercial sexual exploitation as well as domestic service.[2505] Some children are trafficked internally from rural to urban and tourist areas for the purpose of prostitution.[2506] In other instances, young rural girls enticed with promises of an education, clothes, and money end up working as domestic servants under conditions of forced labor.[2507]

Street children are especially vulnerable to being trafficked.[2508] Street boys, in particular, are lured and transported to various locations to sell drugs or become gun or drug couriers, and are often sexually exploited.[2509]

In rural areas, children are engaged in agriculture, which may involve activities such as using dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides.

Laws and Regulations on the Worst Forms of Child Labor

The Child Care and Protection Act of 2004 establishes the minimum age for employment in Jamaica at 15.[2510] The Act states that a child under the age of 18 should not be employed in the performance of any work that is likely to be hazardous, interfere with a child's education, or that may be harmful to the child's health or physical, mental, spiritual, or social development.[2511]

The Child Care and Protection Act, the Building Operations and Works of Engineering Construction Regulations of 1968, the Shipping Act, and the Dock's (Safety Health and Welfare) Regulations of 1968 include specific provisions prohibiting the employment of children in certain types of hazardous work.[2512] The Ministry of Labor also maintains a draft list of occupations prohibited to children, which includes fishing at sea, working with insecticides, operating heavy-duty equipment, or participating in the production of pornography; however, the list has not been codified as law.[2513] The Jamaican Parliament plans to debate the new Occupational Safety and Health Act, which would codify the Labor Ministry's list of prohibited work and raise the penalty for violating the law to a maximum of $11,000.[2514] If enacted, this law would provide inspectors with access into workplace areas that are currently prohibited as well as facilitate more inspections in the informal sector.[2515]

In Jamaica there is no law that specifically prohibits forced or slave labor.[2516] However, there are laws

prohibiting all forms of trafficking. The Trafficking in Persons (Prevention, Suppression and Punishment) Act of 2007, for example, prohibits all forms of trafficking and allows for restitution to the victims.[2517] The Child Care and Protection Act states that no person shall sell or participate in the trafficking of minors.[2518]

The Dangerous Drugs Act of 1942, amended in 1994 prohibits importing, exporting, cultivating, manufacturing, selling, using, dealing, transporting, and possessing different types of drugs.[2519] The Child Care and Protection Act also prohibits the employment of children in the selling of alcohol or tobacco products.[2520] Although both the Dangerous Drug Act and the Child Care and Protection Act afford children some protection, they do not prohibit the use of children for the production and trafficking of drugs.[2521]

In Jamaica, volunteers for the Defense Force have to be at least age 18[2522] and although someone under 18 could enlist with parental consent, he/she could not graduate from training until reaching the age of 18.[2523]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	18
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Government established the National Steering Committee for the Protection of Children in conjunction with ILO-IPEC in 2002.[2524] The committee serves as the central point for policy development and guidance as well as periodic review and evaluation.[2525] The committee, which did not meet on a regular basis, has now reconvened under a new child labor project.[2526]

In order to address trafficking in persons, the Government established a National Taskforce Against Trafficking in Persons under the auspices of the Ministry of National Security in 2005.[2527] The task force's responsibility is to facilitate the exchange of information among the various agencies and actors as well as create momentum for counter trafficking efforts.[2528]

The Ministry of Labor and Social Security (MLSS) is the Government entity with the authority to enforce child labor laws.[2529] The Child Labor Unit (CLU) and the Office of Health and Safety (OHS) within the MLSS enforce and monitor child labor efforts and interventions such as policy development, and research among the agencies.[2530] In 2009, $630,000 was allocated to the MLSS for areas responsible for child labor inspections.[2531]

During the reporting period, the CLU coordinated activities to facilitate multiple agency responses among various agencies regarding enforcement.[2532] The OHS increased the number of labor inspectors from 20 in 2008 to 30 inspectors the following year.[2533] The OHS also increased the number of factory inspections from 559 in 2008 to 881 during the reporting period.[2534] However, even with an increase in inspections, the inspectors did not find any incidents of child labor.[2535]

As part of its efforts to enforce the Trafficking Act, the Government trained 71 people from the Ministry of National Security, 15 from the Ministry of Foreign Affairs and Foreign Trade and 648 people from the Jamaican Constabulary Force in the identification of trafficking victims.[2536] Children identified as victims of trafficking are to be returned to families, referred to foster homes, or housed in Government operated facilities, some of which also serve as juvenile detention centers.[2537]

Although the Trafficking Act became effective in 2007, conviction rates remain low and comprehensive data on prosecutions or convictions of trafficking offenders are not available.[2538] Under the Trafficking Act, one successful prosecution and at least six ongoing

sex trafficking prosecutions were reported over the past year.[2539] However, three other known cases of trafficking were prosecuted under different statutes.[2540] The Department of Public Prosecution is working closely with the anti-trafficking police unit to identify cases that should be prosecuted under the trafficking laws.

Government Policies on the Worst Forms of Child Labor

In September 2009, the MLSS made an announcement that it plans to implement a National Plan of Action to address child labor in Jamaica.[2541] The plan identifies child domestic workers, children in hazardous sectors including agriculture as well as children in prostitution and forced labor as target groups for priority action.[2542] The plan's objective is to increase the knowledge base on child labor, raise public awareness, strengthen institutional capacity to combat child labor, and provide direct support and assistance to victims of child labor.[2543] The MLSS's CLU was allocated $196,000 to fund the National Plan.[2544]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government has participated in the implementation of programs to eliminate the worst forms of child labor. With donor funding, in 2001, the Government of Jamaica implemented a 2-year program to collect baseline information and to reduce and eliminate the worst forms of child labor in Jamaica.[2545]

In 2007, the Government of Jamaica and the International Organizational on Migration (IOM) worked together on a $140,002 project to counter trafficking in persons on a regional and national level.[2546] The program's approach emphasized raising awareness about trafficking through training of NGO and Government officials and dissemination of information as part of the effort to prevent trafficking, protect victims, and prosecute traffickers.[2547]

The Government is also participating in a 3-year $1,000,000 project funded by the EU. [2548] The Tackle Child Labor through Education (TACKLE) project aims to reduce poverty by providing access to basic education and skills training for children, and to strengthen the capacity of national and local authorities to combat child labor effectively.[2549] As part of the TACKLE project, four action programs will focus on agriculture and urban areas where exploitive child labor is a major concern. [2550] One such action program is the implementation of a mentorship summer camp targeting approximately 300 inner city children to impart child labor messages with the hope to change behavior and reduce incidences of child labor in those communities.[2551] Although the TACKLE project aims to provide access to basic education and skills training, as well as to strengthen the capacity of national and local authority to formulate, implement, and enforce policies to tackle child labor, it is unclear whether these projects are sustainable.[2552]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Jamaica:

IN THE AREA OF LAWS AND REGULATIONS:

- Enact the Occupational Safety and Health Act in 2010 and include the codification of the list of hazardous occupations prohibited to children under age 18.
- Amend and enact laws to provide protection against forced or slave labor.
- Amend the laws to prohibit the use of children for the production and trafficking of drugs.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Convene the National Steering Committee for the Protection of Children on a regular basis, to guide efforts under the National Plan of Action.
- Increase Government capacity to collect data on the investigation, prosecution, and convictions of traffickers as well as data on victims of trafficking.
- Strengthen measures to investigate, prosecute, and convict individuals involved in the trafficking of children for commercial sexual exploitation by:
- Increasing training for law enforcement employees and labor inspectors.
- Dedicating sufficient resources to conduct investigations in response to complaints of child trafficking.

IN THE AREA OF POLICIES:

- Implement the National Plan of Action on the Elimination of Child Labor to strengthen institutional capacity to combat child labor, increase the knowledge base, raise public awareness, and provide direct support and assistance to victims of child labor.

IN THE AREA OF PROGRAMS:

- Coordinate with other international and local NGOs to ensure long term sustainability of effective projects to address the worst forms of child labor.

[2504] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[2505] U.S. Embassy- Kingston, *reporting*, February 19, 2010. See also U.S. Department of State, "Jamaica (Tier 2)," in *Trafficking in Persons Report - 2010* Washington, DC, June 14, 2010; available from http://www.state.gov/documents/organization/142979.pdf. See also U.S. Department of State, "Jamaica," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, 9; available from http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136118.htm.

[2506] U.S. Department of State, "Trafficking in Persons Report - 2010 Jamaica."

[2507] IOM, *Exploratory Assessment of Trafficking in Persons in the Caribbean Region*, June 2005, 89.

[2508] Ibid., 88.

[2509] Ibid.

[2510] Government of Jamaica, *Child Care and Protection Act of 2004*, (2004), Section 34; available from http://www.moj.gov.jm/laws/statutes/The%20Child%20Care%20and%20Protection%20Act.pdf. See also U.S. Embassy- Kingston, *reporting, February 19, 2010*.

[2511] Government of Jamaica, *Child Care and Protection Act*, Section 2, 34.

[2512] ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Jamaica (ratification: 2003) submitted: 2006,* [on line] [cited January 5, 2010]; available from http://www.ilo.org/ilolex/english/subjlst.htm.

[2513] U.S. Embassy- Kingston, *reporting*, January 23, 2009. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Jamaica (ratification: 2003) Submitted: 2009,* [online] [cited January 25, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23532&chapter=9&query=Jamaica%40ref&highlight=&querytype=bool&context=0

[2514] U.S. Embassy- Kingston, *reporting, February 19, 2010*.

[2515] ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Jamaica (ratification: 2003) 2009*. See also U.S. Embassy- Kingston, *reporting, February 19, 2010*.

[2516] U.S. Department of State, "Country Reports- 2009: Jamaica."

[2517] U.S. Department of State, "Jamaica (Tier 2)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/documents/organization/123357.pdf. See also U.S. Department of State, "Country Reports- 2009: Jamaica."

[2518] U.S. Department of State, "Country Reports- 2009: Jamaica." See also ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Jamaica (ratification: 2003) 2009*. See also Government of Jamaica, *Child Care and Protection Act*, 17

[2519] ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Jamaica (ratification: 2003) 2009*.

[2520] Government of Jamaica, *Child Care and Protection Act*, 35. See also ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Jamaica (ratification: 2003) 2009*.

[2521] ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Jamaica (ratification: 2003) 2009*.

[2522] Coalition to Stop the Use of Child Soldiers, "Jamaica," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

[2523] Ibid.

[2524] U.S. Department of State, "Jamaica," in *Country Reports on Human Rights Practices - 2004*, Washington, DC, February 25, 2004; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27904.htm.

[2525] Jamaica Information Service, "Ministers Speeches: Sectoral Debate 2005 Presentation By Hon. Horace Dalley, Minister of Labour and Social Security on May 17, 2005," (May 17, 2005); available from http://www.jis.gov.jm/minspeeches/html/20050517t160000-0500_5690_jis_sectoral_debate_2005_presentation_by_hon__horace_dalley__minister_of_labour_and_social_security_on_may_17__2005.asp.

[2526] U.S. Embassy- Kingston, *reporting, February 19, 2010*. See also U.S. Embassy- Kingston official, E-mail communication to USDOL official, October 28, 2010.

[2527] Chemonics International Inc., *Anti-Trafficking Technical Assistance: Jamaica Anti-Trafficking Assessment: October 3-October 15, 2005*, produced for review by the United States Agency for International Development November 2, 2005, Page 6; available from http://pdf.usaid.gov/pdf_docs/Pnadf129.pdf.

[2528] U.S. Embassy- Kingston, *reporting, February 19, 2010*. See also Chemonics International Inc., *Anti-Trafficking Technical Assistance* 7.

[2529] U.S. Embassy- Kingston, *reporting, February 19, 2010*.

[2530] Ibid.

[2531] Ibid.

[2532] Ibid. See also U.S. Embassy- Kingston, *reporting, February 19, 2010*.

[2533] U.S. Embassy- Kingston, *reporting,* January 23, 2009. See also U.S. Embassy- Kingston, *Reporting*, Feb 19, 2010.

[2534] U.S. Embassy- Kingston, *reporting, February 19, 2010*. See also U.S. Embassy- Kingston, *reporting, January 23, 2009*.

[2535] U.S. Embassy- Kingston, *reporting, February 19, 2010*.

[2536] U.S. Department of State, "Trafficking in Persons Report - 2010 Jamaica."

[2537] Ibid.

[2538] Ibid.

[2539] Ibid. See also U.S. Embassy- Kingston, *reporting, February 19, 2010*.

[2540] U.S. Embassy- Kingston, *reporting, February 19, 2010*.

[2541] Jamaica Labour Party, "Labour Ministry Tackles Child Labour," (September 24, 2009); available from http://www.jamaicalabourparty.com/base/content/labour-ministry-tackles-child-labour

[2542] Lincoln Robinson, *Draft National Plan of Action on Child Labour - Jamaica (based on Stakeholder consultation and feedback Sessions held in Kingston and Montego Bay, June 2004)*.

[2543] Jamaica Labour Party, "Labour Ministry Tackles Child Labour."

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[2545] ILO-IPEC, *National Programme for the Prevention and Elimination of Child Labour in Jamaica and SIMPOC Survey*, October 2001.

[2546] U.S. Department of State, "U.S. Government Funds Obligated in 2007 for TIP Projects."

[2547] Ibid.

[2548] ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*, Geneva, 2008; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=8511, U.S. Embassy-Kingston, *Reporting, February 19, 2010*. See also Jamaica Labour Party, "Labour Ministry Tackles Child Labour."

[2549] ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*.

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[2551] Jamaica Information Service, "Ministry of Labour and Social Security: Saturday is World Day Against Child Labour," (June 11, 2010); available from http://www.jis.gov.jm/labour/html/20100611t100000-0500_24285_jis_saturday_is_world_day_against_child_labour.asp.

[2552] Ibid.

Jordan

The Government of Jordan has strengthened its legal framework to combat the worst forms of child labor by amending its Labor Code to include children working in agriculture. However, children working in family businesses are not covered. Although few children appear to engage in the worst forms of child labor, some children are exploited in hazardous work in small businesses.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

In Jordan, few children appear to engage in the worst forms of child labor.[2553] However, children engaged in dangerous child labor may be found in small businesses. These children, mostly boys, engage in a variety of dangerous occupations that have been classified by the Government of Jordan as hazardous child labor. According to the country's 2007 Child Labor Survey and other sources, this includes work in auto maintenance and repair, vocational trade (such as blacksmiths, electricians, battery technicians, plumbers), agriculture, fishing, mining, manufacturing, electricity, gas, and water sectors, construction (carpenters, painters), hotels and restaurants, transport and storage, street work, and begging.[2554] Some children engage in dangerous child labor in the tourism industry in Petra and the Dead Sea regions by working as street peddlers. Children working on the streets are exposed to a variety of dangers, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Children in these areas also work as scavengers.[2555] Refugee children, including Iraqi children, are more likely to work in the worst forms of child labor.[2556]

Laws and Regulations on the Worst Forms of Child Labor

The Ministry of Labor (MOL)'s Labor Code establishes the minimum age for work as 16.[2557] The minimum age for hazardous work is 18. The 1997 Decision issued by the Ministry of Labor, concerning dangerous, tiring or harmful works to the health of juveniles, defines children engaged in hazardous work to include those who work in (1) specific sectors such as construction, electricity, gas, steam, water, mining and quarrying, hotels and restaurants, and streets; (2) specific occupations, such as protective services workers, waiters or bartenders, extraction and construction workers, and scavengers; and (3) specific working conditions, such as carrying heavy loads, operating heavy equipment/machinery, and working 43 hours or more per week.[2558]

The Labor Code affords protection to many working children, but it does not cover children working in family businesses and agriculture.[2559]

During the reporting period, the Labor Code was amended to cover all workers in agriculture and domestic work and establish fines for violations in these sectors.[2560] The MOL has yet to enact proposed by-laws for agriculture giving labor inspectors the authority to cover agriculture.[2561]

The Labor Code has been amended to include new articles prohibiting forced labor, harassment, and other forms of abuse.[2562] In March 2009, Jordan ratified the Anti-Human Trafficking Law. The Law prohibits human trafficking for forced labor and sexual exploitation, including prostitution. It also identifies the coordinating body on trafficking, procedures for processing trafficking violations, and specifies imprisonment and penalties for trafficking violations.[2563]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The MOL through its Child Labor Unit (CLU) heads the National Committee to Combat Child Labor, which coordinates the activities of 13 governmental agencies and NGOs.[2564] The CLU is responsible for creating new legislation on child labor and monitoring the scope and prevalence of child labor.[2565] The CLU currently only has two full-time staff members, limiting its ability to execute its mandate.[2566]

The MOL has 140 labor inspectors. While all labor inspectors are charged with investigating child labor complaints, 10 labor inspectors have been appointed to act as regional leads on child labor and to work with government and non-governmental partners to investigate cases.[2567]

In addition, during the reporting period, the MOL created a public/private partnership to conduct child labor surveillance in eight governorates of Jordan. This partnership involves both MOL inspectors and community-based organization/NGO staff members working together to identify child labor violations.[2568] As of March 2010, CHF trained 49 inspectors to identify child labor violations and assist child labor victims.

Research did not reveal the total number of child labor inspections conducted during the reporting period. MOL labor inspectors identified 375 child laborers in small businesses, such as mechanic shops and restaurants, and referred them to informal and nonformal educational services.[2569] MOL community surveillance teams identified 285 cases requiring children to be withdrawn from the worst forms of child labor. Research did not reveal whether the community surveillance cases are inclusive of total MOL child labor violations. Despite these identified violations, the Government fined only 33 businesses for child labor violations and did not bring any court actions relating to any child labor offenses.[2570]

The Ministerial Committee on Trafficking coordinates Government of Jordan's anti-human trafficking efforts. This Committee includes members from the Ministries of Foreign Affairs, Health, Justice, Labor, Social Affairs, Trade and Industry, and the Public Security Department.[2571] During the reporting period, the Government of Jordan's efforts to prevent trafficking included establishing a joint labor inspector and police anti-trafficking unit.[2572] In 2009, the U.S. Department of Justice and U.S. Department of State—with collaboration from the Jordanian Judicial Institute—trained Jordanian judges and prosecutors on international and national legislation related to human trafficking.[2573]

Government Policies on the Worst Forms of Child Labor

The Jordanian National Strategy for the Elimination of the Worst Forms of Child Labor (2006-2015) is the main policy framework for actions to eliminate the worst forms of child labor. This Strategy was drafted by the MOL in consultation with the ILO and other stakeholders. During the reporting period, MOL created the National Committee for Child Labor (NCCCL) to operationalize the Strategy and create an action plan, key stakeholders, and timeframe.[2574]

The Jordanian National Plan of Action for Children (NPA) (2004-2013) prioritizes children in general and includes a child labor component. The child labor component aims to eliminate the worst forms of child labor in Jordan by 2013 and to decrease the number of child laborers. The NPA's child labor objectives are to (1) eliminate the worst forms of child labor by 2013 and decrease the number of child laborers under age 16; (2) rehabilitate and reintegrate working children; (3) conduct research studies on the worst forms of child labor; (4) offer alternatives for increasing the income of families whose children work; (5) develop national legislation in harmony with international conventions on the prevention of child labor, including ILO Convention 182; and (6) raise awareness on child labor and its impact on the child's physical and psychological development.[2575] UNICEF reported that the NPA will spend approximately $10 million dollars to combat child labor. While the NPA does include a child labor component, research indicates that the NPA prioritizes the drafting of a children's rights law, not an anti-child labor law, and, in general, lacks ministerial coordination.[2576]

The National Agenda (2006-2015) is the overall Government of Jordan development agenda and indirectly supports the elimination of child labor by calling for strengthening of the labor inspectorate and the provision of vocational training opportunities.[2577]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Jordan has participated in government- and donor-funded projects to combat the worst forms of child labor in informal and small businesses, agriculture, and street work.

The Government of Jordan is currently participating in a $4 million project with support from USDOL. This 2008-2012 project aims to withdraw and prevent 8,000 children from the worst forms of child labor through the provision of educational and other social services.[2578] This project aims to ensure long-term sustainability by partnering with the National Aid Fund (NAF) in order to provide conditional cash transfers and loans to families of child laborers.[2579]

The Government of Jordan is also currently providing $352,609 to the Jordan Hashemite Fund for Human Development (JOHUD) to provide social and other services to MOL-referred child laborers.[2580] The GOJ's Ministry of Education (MOE) is assisting CECLE with an awareness-raising program to stop child begging.[2581]

During the reporting period, through financial and technical assistance from USDOL and ILO, MOL released a summary report from a 2007 Child Labor Survey. MOL has made this report publicly available on its Web site.[2582]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Jordan:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Code to cover children working in family enterprises.
- Approve proposed by-laws for agricultural workers which will enable labor inspectors to investigate child labor violations in the agriculture sector.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase the number of Ministry of Labor/Child Labor Unit administrative staff in order to carry out its mandate of effectively monitoring the scope and prevalence of child labor and creating new legislation on child labor.
- Prosecute violators of labor laws that pertain to child labor and impose sanctions such as imprisonment and fines where appropriate.

IN THE AREA OF PROGRAMS:

- As administrative capacity is appropriately increased within committed Government stakeholders, continue to provide social programs that will aim to eliminate the worst forms of child labor.

[2553] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section..

[2554] CHF International, *2009 Baseline Report: Jordan Combating Exploitive Child Labor through Education (CECLE)*, 2009. See also Government of Jordan, *Human Resources,* [online] [cited January 5, 2010]; available from http://www.kinghussein.gov.jo/resources5.html. See also U.S. Embassy- Amman, *reporting*, February 11, 2010, para 9. See also CHF International *Project Document Under USDOL and CHF International Cooperative Agreement: Combating Exploitive Child Labor through Education*, 2008, 9. See also Government of Jordan, *Working Children in the Hashemite Kingdom of Jordan: Results of the 2007 Child Labour Survey*, Geneva, 2009, 1, 4. See also CHF International official, E-mail communication to USDOL official, July 13, 2010.

[2555] CHF International *CECLE Project Document*, 9.

[2556] CHF International, *2009 Baseline Report Jordan*.

[2557] CHF International, *Combating Exploitive Child Labor through Education (CECLE)*, Technical Progress Report, March 15, 2009, 5-6. See also Government of Jordan, *Labour Code, Law No. 8 of 1996 and its Amendments*, (March 2, 1996), article 73; available from http://www.mol.gov.jo/Portals/1/labor%20law%20english.pdf.

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Official Gazette, 1997-02-01, No. 4181, January 21, 2010. See also Government of Jordan, *Labour Code*, article 74. See also Government of Jordan, *Working Children in the Hashemite Kingdom of Jordan: Results of the 2007 Child Labour Survey*.

[2559] ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Jordan (ratification: 2000),* [online] 2009 [cited January 5, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23533&chapter=9&query=(Jordan)+@ref+%2B+%23YEAR%3E2008&highlight=&querytype=bool&context=0. See also U.S. Embassy- Amman, *reporting, February 11, 2010*, para 18.

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[2561] U.S. Department of State official, E-mail communication to USDOL official, January 20, 2010.

[2562] Government of Jordan, *Government of Jordan Labor Administration and Compliance Progress Report*.

[2563] United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,* [online] [cited January 20, 2010]; available from http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en. See also Government of Jordan, *Anti-Trafficking-in-Persons Law*, (March 31, 2009); available from hard copy. See also U.S. Embassy- Amman, *reporting*, February 18, 2009.

[2564] U.S. Embassy- Amman, *reporting, February 11, 2010*, para 16.

[2565] ILO Committee of Experts, *Individual Direct Request Concerning Worst Forms of Child Labour Convention, 1999 (No.182) Jordan (ratification: 2000),* [online] 2009 [cited January 20, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23533&chapter=9&query=%28Jordan%29+%40ref+%2B+%23YEAR%3E2008&highlight=&querytype=bool&context=0. See also U.S. Embassy- Amman, *reporting, February 11, 2010*.

[2566] U.S. Embassy- Amman, *reporting, February 11, 2010*, para 15.

[2567] Ibid.

[2568] CHF International, *Combating Exploitive Child Labor through Education (CECLE)*, Technical Progress Report, September 30, 2009, 8.

[2569] Ibid.

[2570] U.S. Embassy- Amman, *reporting, February 11, 2010*.

[2571] ILO, *Eliminating Forced Labour and Trafficking in Jordan,* [online] [cited January 23, 2010]; available from http://www.ilo.org/sapfl/Projects/lang--en/WCMS_104064/index.htm.

[2572] U.S. Department of State, "Jordan (Tier 2)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009, 172; available from http://www.state.gov/g/tip/rls/tiprpt/2009/index.htm.

[2573] U.S. Embassy- Amman, *reporting*, October 21, 2009.

[2574] CHF International official, E-mail communication to USDOL official, August 12, 2010. See also CHF International, *CECLE, Technical Progress Report, September 30, 2009*.

[2575] Government of Jordan, *The Jordanian National Plan of Action (2004-2013)*, 2004; available from http://www.ncfa.org.jo/LinkClick.aspx?fileticket=jcn9iwyG758%3d&tabid=71&mid=402.

[2576] CHF International, *2009 Baseline Report Jordan*, 26. See also U.S. Embassy- Amman, *reporting, February 11, 2010*, para 24. See also CHF International official, Meeting with USDOL official, September 9, 2010.

[2577] U.S. Embassy- Amman, *reporting, February 18, 2009*, para 2.

[2578] CHF International, *CECLE, Technical Progress Report, March 15, 2009*. See also U.S. Embassy- Amman, *reporting, February 11, 2010*.

[2579] U.S. Embassy- Amman, *reporting, February 11, 2010*.

[2580] Government of Jordan, *Jordanian National Plan of Action*.

[2581] U.S. Embassy - Amman, Email communication to USDOL Official, November 12 2010.

[2582] Government of Jordan, *Working Children in the Hashemite Kingdom of Jordan: Results of the 2007 Child Labour Survey*. See also U.S. Embassy- Amman, *reporting, February 11, 2010*, para 10.

Kazakhstan

The Government of Kazakhstan has initiated several policies to address worst forms of child labor; however, gaps remain in the implementation of policies and programs to address the worst forms of child labor in agriculture.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	3.2%
Attending School	5-14 yrs.	90.7%
Combining Work and School		unavailable

Prevalence and Distribution of the Worst Forms of Child Labor

Children in Kazakhstan are exploited in the worst forms of child labor, most commonly in agriculture.[2583] Children are found in cotton and tobacco fields, where they work long hours in extreme heat and sun without proper protection; they do not have adequate access to water, nutrition, or sanitation; and they are exposed to harmful pesticides that can damage their health and growth.[2584]

In some regions children constitute up to 50 to 60 percent of the total workforce in tobacco and cotton fields.[2585] These children mainly come from low-income families in the area, but children from the neighboring countries of Kyrgyzstan and Uzbekistan migrate along with their families to work in the cotton and tobacco fields of Kazakhstan as well.[2586] Recent reports suggest that the incidence of child labor in these sectors may have declined during the 2010 harvests.[2587]

Children also work in urban areas as street vendors and porters,[2588] where they face dangers such as severe weather, bearing heavy loads, accidents caused by proximity to traffic, and vulnerability to criminal elements.

Reports indicate that Kazakh women and children are trafficked for forced prostitution within Kazakhstan and internationally. Women and children are also trafficked from Central Asian countries, Russia, and Ukraine to Kazakhstan and forced into prostitution.[2589] Kazakhstan has high rates of internal child trafficking and it has been noted that child exploitation and child trafficking is seasonal corresponding to agricultural work.[2590] While research shows that girls are trafficked internationally and internally for sexual exploitation, boys tend to be trafficked internationally for labor exploitation.[2591]

There are also indications that the incidence of child prostitution and children's involvement in drug trafficking may be on the rise.[2592]

Laws and Regulations on Worst Forms of Child Labor

The minimum age for employment in Kazakhstan is 16.[2593] The Labor Code identifies a list of conditions or occupations that are prohibited for children under age 18. These include gambling, working overtime, night-time entertainment establishments, moving weights above a maximum standard, and the production and transportation of and trading in alcoholic products, tobacco goods, narcotics, and psychotropic substances.[2594] Article 148 of the Criminal Code establishes penalties for violation of the labor laws that cause severe harm to the rights and interests of citizens, including children.[2595]

The Labor Code prohibits forced labor,[2596] unless under a court mandate or in a state of emergency.[2597] In addition, the Criminal Code prohibits trafficking in persons for both forced labor and commercial sexual exploitation.[2598] Tourist agencies are governed by mandatory licensing laws, which were created to help the Government prevent the trafficking and forced prostitution of women and children.[2599]

The Government prohibits the recruitment of children under the age of 18 in the military.[2600]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Coordination Council to Combat the Worst Forms of Child Labor is responsible for coordinating government and other efforts to combat the worst forms of child labor. The Council was established under the Ministry of Labor and Social Protection and meets two times a year.[2601] The Council is chaired by the Vice Minster of Labor and includes representatives of the Ministry of Interior, Education, Prosecutor General's Office, Human Rights Ombudsman's Office, the National Commission on Family Issues and Gender Policy, and NGOs.[2602]

The Interdepartmental Committee on Human Trafficking, which is chaired by the Ministry of Justice and includes other relevant ministries, has the primary responsibility of coordinating efforts to combat human trafficking.[2603]

The Ministry of Labor and Social Protection enforces child labor laws and its labor inspectors monitor compliance.[2604] In 2008, the latest year where data are available, the Labor and Social Protection Ministry employed 363 inspectors, who made 23,060 visits to workplaces.[2605] While the issue of child labor falls under their purview, there are no data on the numbers of child-labor-specific investigations, children assisted, or child labor cases prosecuted.[2606] There is also no child labor monitoring system in place to identify, refer, and continue to track victims of child labor.[2607]

Through the National Information Resource Center on Child Labor, the Government organized four training sessions and seminars on child labor for state labor inspectors, inspectors for the affairs of minors, social workers, and experts in regional departments of the Ministry of Labor and Social Protection.[2608]

The Anti-Trafficking Unit in the Ministry of Internal Affairs employs 35 officers responsible for investigating allegations of human trafficking; including trafficking of children.[2609] In 2009, the Ministry of Internal Affairs filed 16 criminal suits, resulting in nine convictions for trafficking of children. The number of children rescued as a result of investigations is unknown but based on the number of investigations it is estimated that at least 16 children were saved. Investigations took, on average, 2 months to resolve.[2610]

The Ministry of Internal Affairs, through the police force, also investigates crimes against children and has identified instances of child labor violations in the entertainment, transport and other sectors.[2611] The Ministry of Internal Affairs, through its Anti-Trafficking in Persons study center, trained approximately 100 migration and criminal police officers on trafficking issues during the reporting period.[2612]

Government Policies on the Worst Forms Child Labor

The Government established a National Action Plan on the Worst Forms of Child Labor (2009-2011) to be implemented by the Ministries of Labor and Social Protection, Education, Interior, Justice, Culture, and

the Prosecutor General's Office. The plan includes actions to develop a child labor monitoring system, awareness raising on child labor issues among government officials and the public, educational programs, and efforts to strengthen and enforce child labor laws and policies. Among the educational programs, it outlines programs to prevent migrant children from engaging in the worst forms of child labor.[2313]

The Government has a national action plan specifically focused on combating human trafficking (2009-2011). The plan identifies actions to be taken, in particular, the establishment of crisis centers that provide shelter and rehabilitation services to victims.[2414] While the Government of Kazakhstan has made efforts to combat trafficking, the UN Committee on Economic, Cultural, and Social Rights has urged the Government to step up its efforts to implement its action plan.[2615]

The Ministry of Education's 2007-2011 Children of Kazakhstan program has a component that specifically addresses the issue of child labor. It proposes awareness-raising programs and pilot projects to provide alternative jobs for children of legal working age.[2616]

In May 2009, the Government established the National Action Plan on Human Rights (2009-2012). It recommends improving systems for detecting and combating the worst forms of child labor, and taking additional measures to fight human trafficking.[2617]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Between 2004 and 2007, Kazakhstan participated in a USDOL-funded regional project to prevent and withdraw children from the worst forms of child labor. Its goal was to build awareness among families and local institutions, set up monitoring databases at the local and state level, and provide formal and informal education programs. Assistance for children and their families also included school meals, uniforms, school materials, and stipends to increase enrollment of children at risk or withdrawn from child labor.[2618]

The Ministry of Education's Children of Kazakhstan program has established several support centers to help children who were victims of the worst forms of child labor.[2619]

The Government also provides funding to establish shelters and offer rehabilitation and reintegration of services to victims of trafficking, including women and children.[2620] However, despite these efforts, IOM has indicated that the Government does not allocate enough resources for the protection and reintegration of victims of trafficking, especially in the protection of victims following the conclusion of a trial.[2621]

During the reporting period, the Government funded a nationwide public awareness campaign against human trafficking.[2622] There was a dearth of government programs to address worst forms of child labor in agriculture, where the majority of child labor exists, though recent reports indicate some cooperative efforts were made with industry and NGO partners during the 2010 harvest.[2623]

Based on the reporting above, the following actions would advance the reduction of the Worst Forms of Child Labor in Kazakhstan:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Develop a child labor monitoring system focused on the identification, referral, and continued monitoring of children in the worst forms of child labor.

IN THE AREA OF POLICIES:

- Fully implement the national action plan on trafficking in persons.

IN THE AREA OF PROGRAMS:

- Expand programs to address worst forms of child labor, especially in the agriculture sector.
- Further develop or expand programs to protect and assist victims of trafficking.

[2583] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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[2587] U.S. Embassy - Astana, *reporting*, August 31, 2010. See also U.S. Embassy- Astana, *reporting*, September 1, 2010.

[2588] ILO-IPEC, ""Combating Child Labour in Central Asia Commitment becomes Action"(PROACT-CAR Phase I & II), 2010."

[2589] United States Department of State, "Kazakhstan," in *Trafficking in Persons Report- 2010*, Washington, DC, 2010; available from http://www.state.gov/documents/organization/143187.pdf.

[2590] UNICEF, *Risks and Realities of Child Trafficking in Asia*, 2009; available from..http://www.unicef.org/ceecis/Child_trafficking_in_central_asia_FINAL_23_03.pdf.

[2591] U.S. Department of State, "Kazakhstan," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119135.htm. See also U.S. Embassy- Astana, *reporting*, February 17, 2009.

[2592] ILO-IPEC, ""Combating Child Labour in Central Asia – Commitment becomes Action" (PROACT-CAR Phase I & II), 2010."

[2593] Government of Kazakhstan, *Labor Code of the Republic of Kazakhstan*, (May 15, 2007); available from http://www.oit.org/dyn/natlex/docs/MONOGRAPH/76433/82753/F982631364/Microsoft%20Word%20-%20ENG%20KAZ.76433.pdf.

[2594] Ibid.

[2595] ILO-IPEC, *Elimination of Child Labour in Kazakhstan, 2005-2010*, Report, Geneva, 2010; available from http://www.stopdettrud.kz/download/publicacy/engfactsheet.pdf. See also Government of Kazakhstan, *Criminal Code of the Republic of Kazakhstan*, LAW No. 167, (July 16, 1997); available from http://www.legislationline.org/download/action/download/id/1681/file/ca1cfb8a67f8a1c2ffe8de6554a3.htm/preview.

[2596] Government of Kazakhstan, *Labor Code*.

[2597] Government of Kazakhstan, *Constitution of the Republic of Kazakhstan*, (August 20, 1995), article 24; available from http://www.ifescentralasia.kg/Kazakhstan/ENG/conste_kaz.html.

[2598] United States Department of State, "Trafficking in Persons Report- 2010: Kazakhstan."

[2599] U.S. Embassy Astana, *reporting, February 18, 2010*

[2600] Coalition to Stop the Use of Child Soldiers, "Kazakhstan," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/content/kazakhstan.

[2601] ILO-IPEC, *Elimination of Child Labour in Kazakhstan*. See also U.S. Embassy- Astana, *reporting, August 31, 2010*.

[2602] ILO-IPEC, *Elimination of Child Labour in Kazakhstan*.

[2603] U.S. Embassy Astana, *reporting, February 18, 2010* U.S. Embassy- Astana, *reporting, August 31, 2010*. See also UNICEF, *Risks and Realities of Child Trafficking and Exploitation in Central Asia*, Report, Geneva, 2009; available from http://www.unicef.org/ceecis/Child_trafficking_in_central_asia_FINAL_23_03.pdf.

[2604] Occupational Safety and Health in the Republic of Kazakhstan – ILO, 2008. http://osha.europa.eu/en/organisations/OSH-profile-Kazakhstan.pdf

[2605] ILO Labor Administration and Inspection Programme, *Figures on Labour Inspection,* [June 10, 2010 [cited September 17, 2010]; available from http://www.ilo.org/labadmin/info/lang--en/docName--WCMS_141485/index.htm.

[2606] U.S. Embassy Astana, *reporting, February 18, 2010* U.S. Embassy- Astana, *reporting, August 31, 2010*.

[2607] ILO-IPEC, *Elimination of Child Labour in Kazakhstan*.

[2608] Ibid.

[2609] U.S. Embassy Astana, *reporting, February 18, 2010.* U.S. Embassy- Astana, *reporting, August 31, 2010*.

[2610] Ibid., Article 4-11

[2611] Ministry of Internal Affairs, Republic of Kazakhstan. http://www.mvd.kz/eng/index.php?p=razdel_more&id5=7106&id1=34

[2612] US Embassy, reporting 2010

[2613] Human Rights Watch, *"Hellish Work" Exploitation of Migrant Tobacco Workers in Kazakhstan*, New York, July 14, 2010; available from http://www.hrw.org/en/reports/2010/07/14/hellish-work-0. See also U.S. Embassy- Astana, *reporting, August 31, 2010*. See also ILO and Government of Kazakhstan, *Decent Work Country Porgramme of the Republic of Kazakhstan, 2010-2012*, ILO, Geneva, June 14, 2010; available from http://www.ilo.org/public/english/region/eurpro/geneva/download/decentwork/kazakhstan_en.pdf.

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[2619] Ibid.

[2620] http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.10.Add.1_en.pdf

[2621] IOM, *Kazakhstan does not allocate enough resources for physical protection of victims of human trafficking,* [online] November 6, 2008 2008 [cited September 20, 2010]; available from http://iom.ramdisk.net/iom/artikel.php?menu_id=45&artikel_id=553&history_back=true.

[2622] United States Department of State, "Trafficking in Persons Report- 2010: Kazakhstan."

[2623] U.S. Embassy- Astana, *reporting, August 31, 2010*.

Kenya

In 2009, the Government launched an ILO-IPEC project to establish models for child labor free areas in Kenya and continued to expand its cash transfer program for orphans and vulnerable children. Despite these efforts, Kenya has failed to commit sufficient resources to effectively enforce child labor laws. As a result, children continue to be involved in the worst forms of child labor, particularly in agriculture.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	32.5%
Attending School	5-14 yrs.	74.9%
Combining Work and School	7-14 yrs.	32.3%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor[2624]

Children are exploited in the worst forms of child labor in Kenya, many of them in agriculture and fishing.[2625] Roughly 79 percent of all working children are engaged in agriculture, working on tea and sugar plantations, ranches, and in the production of coffee, miraa (a stimulant plant), rice, sisal, and tobacco. Although evidence is limited, there is also reason to believe that the worst forms of child labor are used in the production of flowers.[2626] Children involved in agriculture often work long hours, use dangerous tools and farm machinery, and are exposed to toxic substances and harmful pests.[2627] Children also engage in fishing, including for tilapia and sardines, for which they use knives and hooks and dive under water to chase fish into nets.[2628]

Outside the agriculture sector, children are employed in charcoal burning, logging, and mining. There is limited evidence that children mine in abandoned gold mines, where they may be exposed to toxic materials, increasing their chances of developing respiratory diseases.[2629] Limited evidence suggests that children work in small quarries by breaking rocks into gravel without protective gear.[2630] There is also reason to believe that the worst forms of child labor are used in the production of alcohol, furniture, and textiles. Children also work in construction and domestic service. Child domestics are vulnerable to sexual harassment by their employers and work long hours.[2631] Children are also involved in the transportation industry and carry heavy hand luggage.[2632] In dumpsites, children collect and sell scrap materials such as metal and paper, often exposing themselves to tetanus and other infectious diseases by sorting through waste with their bare hands.[2633]

Although not available for analysis in this report, in June 2008 the Government released a report analyzing the child labor situation in the country based on more recent data from the 2005 Integrated Household Budget Survey Labor Module.[2634] In general, the report indicates a reduction in the number of working children in harmful conditions. However, the survey omits the estimated 700,000 children living and working on the streets due to household-level surveying constraints.[2635]

Children in Kenya are also found in other activities constituting the worst forms of child labor, such as participation in armed militias, debt bondage, and prostitution.[2636] Child prostitution is prevalent in Nairobi, Kisumu, Eldoret, Nyeri, and the coastal areas.[2637] In 2006, UNICEF estimated that up to 30

percent of girls between ages 12 and 18 living in the coastal areas of Malindi, Mombasa, Kalifi, and Diani—or between 10,000 and 15,000 girls—were engaged in prostitution.[2638] Sex tourism is also prevalent in these coastal areas.[2639]

Children are also trafficked for forced labor in street vending, domestic service, agricultural labor, herding, sex tourism, and prostitution.[2640] Poverty and the death of one or both parents may contribute to a family's decision to place a child with better-off relatives, friends, or acquaintances that may end up trafficking the child.[2641]

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act of 2007 prohibits the employment of children in the worst forms of child labor. According to the Employment Act, the minimum age for employment is 16 years and the minimum age for hazardous work is 18 years.[2642]

Under the Kenyan Constitution adopted in August 2010, forced labor, slavery, and servitude are prohibited.[2643] The Children's Act of 2001 prohibits all forms of hazardous child labor, child trafficking, and children from being recruited into the military.[2644] The Sexual Offences Act of 2006 prohibits child trafficking for the purposes of sexual exploitation, promoting child sex tourism, child prostitution, and child pornography.[2645] In 2008, the Government completed its list of hazardous occupations for children, appropriately including all major sectors where children work, such as agriculture, domestic service, transport, mining and stone crushing, herding of animals, deep lake or sea fishing, and work in the urban informal sector.[2646]

While these laws and regulations provide a strong legal framework against the worst forms of child labor, two significant gaps remain. First, the Children's Act does not prohibit domestic and international trafficking, or the recruitment, harboring, transportation, transfer, and receipt of children for the purposes of forced labor.[2647] To fill this gap, the Government developed the Counter Trafficking in Persons Bill (2009), which is currently under deliberation in Parliament.[2648] Children are required to attend school until age 13. This standard makes children ages 13 to 16 particularly vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum age for work.[2649]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	13
	Free Public Education	No

Institutional Mechanisms for Coordination and Enforcement

The Inter-Ministerial Coordination Committee is the primary child labor policy making mechanism and manages the implementation of the National Action Plan for the Elimination of Child Labor in Kenya. Chaired by the Vice President, this committee is intended to meet no less than four times a year. The National Steering Committee on Child Labor is chaired by the Permanent Secretary of the Ministry of Labor and is charged with developing a child labor monitoring and evaluation system as well as disseminating information on the worst forms of child labor.[2650] However, the Inter-Ministerial Coordinating Committee has never met and the National Steering Committee on Child Labor met only twice in four years. The Ministry of Labor could not offer customary compensation to committee participants and did not have adequate staff to develop an agenda or organize meetings.[2651] The Ministry of Agriculture has not been charged with a role in efforts to combat hazardous child labor, although the majority of working children are engaged in agriculture.[2652]

Within the Ministry of Labor, the Child Labor Division was designated to be the Secretariat for both the Inter-Ministerial Coordination Committee and National Steering Committee on Child Labor. The Child Labor Division leads efforts to monitor action programs for the elimination of child labor at the district and community level.[2653] It also manages an information resource center to improve the collection and dissemination of data on child labor throughout the country.[2654] Reports indicate the Child Labor Division lacks ministerial support and does not have adequate staff, with only one employee on full time assignment.[2655] The National Council for Children's Services, Area Advisory Committees, District Child Labor Committees, and Local Child Labor Committees also coordinate efforts to combat child labor.[2656] While detailed information is not available on all these bodies, available evidence suggests that since many District Child Labor Committees rely on volunteers, their success depends on whether they can obtain funding and whether members regularly participate.[2657]

The National Steering Committee on Anti-Trafficking in Persons coordinates efforts to combat child trafficking.[2658] The Steering Committee's ability to carry out its mandate and share information is unknown, as during the reporting period it met infrequently.[2659]

The Government of Kenya has also designated institutions for enforcement of child labor laws. The Ministry of Labor (MOL) is responsible for investigating labor infractions and pursuing child labor complaints with its 96 inspectors.[2660] Labor inspectors may terminate an employment agreement between a child and employer in any labor situation. Once an incident of child labor is found, the MOL refers cases to the Ministry of Gender and Child Affairs for further investigation and possible prosecution.[2661] Significant criminal violations are referred to the Kenyan police, who participate in District Child Labor Committees.[2662] The police and labor inspectors have seven days to investigate a worst form of child labor complaint and provide any findings to the person who submitted the complaint and the Minister of Labor.[2663] Reportedly, the MOL has difficulty enforcing the law due to inadequate funding, and even lacks basic office supplies. There appears to be inconsistent awareness and little training on child labor issues for labor inspectors.[2664]

The Ministry of Gender and Child Affairs is responsible for enforcing laws relating to hazardous and forced child labor and is the lead agency on anti-trafficking issues.[2665] This Ministry employed 400 child protection officers in 2009, up from 310 in 2008.[2666] Protection officers cannot arrest offenders or prosecute crimes against children; instead they have access to prosecutors from the Attorney General's office for these purposes.[2667] In collaboration with a local NGO, the Ministry of Gender and Child Affairs operates Childline Kenya, a toll-free, nationwide hotline to provide counseling and referrals to callers who need assistance with child labor and child prostitution situations.[2668] In 2010, the Kenyan Government created a National Steering Committee for the Childline, chaired by the Ministry of Gender Permanent Secretary, to advance the investigation of cases initiated by calls to the hotline.[2669] Childline received 30,000 calls for help and support in the last year, of which over 350 calls were related to child labor.[2670] Investigations were launched for the child labor calls, although most cases were not prosecuted.[2671]

In 2009, the Government charged 119 parents and guardians of 209 children with abusing their children by removing them from school and forcing them to work as domestic servants. It is unclear which enforcement body initiated the cases and whether they were enforced as a result of a labor investigation.[2672] Information is not available on how many child labor investigations were opened, how many citations issued, and whether child labor cases were managed effectively and appropriate penalties applied.[2673]

The police's anti-trafficking unit and the Criminal Investigation Department are responsible for enforcing laws related to trafficking, commercial sexual exploitation of children, and the use of children in illicit activities.[2674] During the reporting period, the police opened 25 child trafficking cases resulting in 267 children being rescued, of which three violators of the law were convicted.[2675] However reports indicate the number of police officers is inadequate given the extent of trafficking crimes.[2676] Reports also indicate this unit lacks sufficient resources to carry out investigations and provide services to victims.[2677] In addition, due to a lack of training, the police's anti-trafficking unit and the Criminal Investigation Department's effectiveness have been called into question.[2678]

Government Policies on the Worst Forms of Child Labor

The National Action Plan for the Elimination of Child Labor in Kenya (2004-2015, revised 2008) serves as the primary government instrument to prevent and eliminate child labor in Kenya.[2679] This plan aims to eliminate the worst forms of child labor by 2015 by targeting vulnerable populations, including orphans and vulnerable children and HIV/AIDS affected children, and addressing the root causes of child labor in Kenya such as poverty, the lack of access to education, and weak government institutions. This plan is implemented through the ILO-IPEC Timebound Program (TBP) and prioritizes law enforcement, awareness raising, and universal basic education.[2680] However, the Child Labor Division was not provided with a budget to implement its many roles and responsibilities under this plan.[2681]

Child labor concerns are mainstreamed into Kenyan development agendas and key policy documents including the Vision 2030, UNDAF (2009-2013), ILO Country Program for the Republic of Kenya (2007-2011), Kenya Education Sector Support Program (2005-2010), and the Policy for Alternative Provision of Basic Education and Training (2009).[2682] Other policy initiatives exist that do not explicitly consider child labor issues, such as the Orphans and Vulnerable Children (OVC) Policy and National Action Plan (2003).[2683] The question of whether these policies have an impact on the worst forms of child labor does not appear to have been addressed.

In addition, other policy initiatives aimed at sustainably reducing child labor have not been formally adopted by the Government. One policy still in draft form is the National Child Labor Policy, which aims to prevent harmful child labor practices, especially the worst forms of child labor, by increasing human capital.[2684] It addresses the factors causing children to enter the labor market, such as poverty, internal conflict, a weak education system, lack of social security and employment opportunities, and HIV/AIDS.[2685]

The establishment of the National Action Plan for the Elimination of Child Labor in Kenya and the inclusion of child labor as a priority in numerous development goals are important accomplishments; however, the National Child Labor Policy remains in draft form.[2686]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In 2005, the Government of Kenya launched its TBP targeting children engaged in the worst forms of child labor.[2687] To date, the TBP is the primary instrument to eliminate the worst forms of child labor. The first phase of the TBP included a 4-year project funded by USDOL at $5 million, which ended in April 2009.[2688] This project withdrew or prevented 25,852 children from exploitive labor in domestic service, commercial sexual exploitation, commercial and subsistence agriculture, fishing, herding, and informal-sector street work.[2689]

In support of the TBP, the Government also took part in the 4-year Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) project, funded by USDOL at $14.5 million and World Vision at $5.9 million through March 2009. KURET withdrew or prevented a total of 32,823 children from exploitive labor in HIV/AIDS-affected areas of these four countries through the provision of educational services.[2690]

In 2009, the Government launched the second phase of the TBP, which included another 4-year project funded by USDOL at $4.6 million. This project aims to withdraw and prevent a total of 8,155 children from exploitive labor through the provision of direct educational services and will provide 1,000 families with access to micro-credit, socio-economic programs, employment creation schemes, and skills development education.[2691]

The Government also participates in a 4-year $18.9 million project funded by the European Commission to combat child labor through education in 11 countries.[2692] In addition, the Government of Kenya participated in two other projects through December 2009 that promoted national coordination in combating child labor. These programs were funded by the Government of Germany at $447,410 and $538,731, respectively.[2693]

In support of efforts to reduce the high incidence of child prostitution in the coastal regions, the Ministry of Tourism and Wildlife, UNICEF, and the World Tourism Organization worked to raise awareness of child prostitution and child sex tourism among hotels and tour operators and lobbied companies in the hospitality industry to adopt and implement the ECPAT Code of Conduct.[2694] During the reporting

period an additional 66 hotels signed the Code of Conduct.[2695] Despite these pledges, more effort is needed to withdraw and prevent children from prostitution and sex tourism and to raise awareness among the tourist population on the penalties for these crimes.[2696]

To address the trafficking of children in Kenya's agriculture sector, the Government in partnership with the International Solidarity Center, the Kenya Plantation and Agricultural Workers Union, and the Kenya Sugar Plantation Workers Union, undertook a 1-year program funded by the US Department of State at $301,150.[2697] This project aims to generate incentives for parents to keep children in school, train shop stewards as monitors and peer educators, and raise awareness about child trafficking to encourage workplace policies that do not facilitate or condone child trafficking.[2698]

The Government also implemented its own social protection programs. For example, in 2009 the Government, with World Bank assistance, scaled up its cash transfer program for OVCs to cover 90,000 households in 47 districts.[2699] The program provides monthly cash transfers to families of working children to help meet basic needs, including school costs, to prevent children from having to work.[2700] To receive benefits from the program, caregivers of OVCs must attend training classes on nutrition and reproductive health and ensure that children under their care receive birth certificates, immunizations, and attend basic education. Every year since 2005, the Government has increased its funding to this program, providing $10.6 million in 2009-2010.[2701] During the reporting period, the Government also launched a national census to allow for further collection of child labor data.[2702] It is unclear whether this census will also collect data on the trafficking of children, an area where information is currently limited.[2703]

In collaboration with 11 other African countries, Kenya strengthened its ability to combat the trafficking of children by participating in the East African Police Chiefs Cooperation Organization (EAPCCO) to strengthen regional cooperation and capacities among East African law enforcement authorities.[2704] The Government also participates in the Regional Program for Eastern Africa (2009-2012), which includes activities that support the ratification and implementation of the United Nations Convention against Transnational Organized Crime and its Protocols and the development of border control systems.[2705] During the reporting period, the MOL, in collaboration with the IOM, implemented a trafficking awareness and inspection program for the country's 35 foreign employment agencies. As part of this program, members of the Kenya Association of Private Employment Agencies received training on measures to prevent labor trafficking.[2706]

While the Government participates in numerous initiatives and implements its own programs, it has not committed adequate resources to sustain many of these internationally sponsored activities nor linked projects to existing social protection programs. In general, such programs are under-funded, limiting the Government's ability to provide assistance to victims.[2707]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Kenya:

IN THE AREA OF LAWS AND REGULATIONS:

- Seek swift passage of the Counter Trafficking in Persons Bill to prohibit domestic and international trafficking and the recruitment, harboring, transportation, transfer, and receipt of children for the purposes of forced labor.
- Raise the compulsory education age to 16.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure the Inter-Ministerial Coordinating Committee, National Steering Committee on Child Labor, and National Steering Committee on Anti-Trafficking have the resources and staff to carry out their responsibilities.
- Designate a role for the Ministry of Agriculture in the effort to combat the worst forms of child labor.
- Hire staff for the District Child Labor Committees to raise funds and manage volunteers.
- Strengthen the capacity of the Ministry of Labor, Kenyan police, the police's anti-trafficking unit, and the Criminal Investigation Department to carry out their mandate:
  - Allocating resources to carry out investigations and provide services to victims.
  - Providing regular training on the worst forms of child labor.
- Make publicly available information about how many child labor investigations are opened, how many citations and criminal prosecutions initiated and issued, and what penalties are applied.

IN THE AREA OF POLICIES:

- Strengthen national policies against the worst forms of child labor:
  - Amend the National Action Plan for the Elimination of Child Labor to provide the Child Labor Division with the necessary resources, such as additional personnel and ministerial support, to carry out its mandate;
  - Assess the impact the Orphans and Vulnerable Children (OVC) Policy and National Action Plan (2003) may have on addressing the worst forms of child labor;
  - Enact and implement the National Child Labor Policy.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to prevent children's involvement in the worst forms of child labor:
  - Expand government resources that support child labor elimination projects;
  - Link projects with existing social protection programs to ensure the long-term sustainability of project initiatives;
  - Expand efforts to withdraw and prevent children from prostitution and sex tourism and deepen awareness raising efforts among the tourist population.

[2624] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[2625] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010.

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[2627] Ministry of Labour and Human Resource Development, *National Action Plan for the Elimination of Child Labour in Kenya 2004-2015 (Revised 2008)*, January 5, 2009. See also Kenya National Bureau of Statistics, *Child Labour Analytical Report*, 1, 40, 42.

[2628] Kenya National Bureau of Statistics, *Child Labour Analytical Report*, 40 and 42. See also ILO-IPEC official, E-mail communication to USDOL official, June 3, 2008. See also Population Centre for Education, Environment, and Development (CEPED), *Supporting the National Plan of Action to Combat HIV/AIDS related WFCL in the Fishing Industry on the Shores of Lake Victoria in Western and Nyanza Provinces*, Action Program, Nairobi, September 2006, 1-3.

[2629] Kenya National Bureau of Statistics, *Child Labour Analytical Report*, 38-42. See also U.S. Embassy official, E-mail communication to USDOL official, January 29, 2010, para A. See also U.S. Embassy- Nairobi, *reporting*, January 25, 2010, para A. See also Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, Nairobi, July 2008, 7.

[2630] U.S. Embassy- Nairobi, *reporting*, June 16, 2008, para 15. See also U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para A.

[2631] Kenya National Bureau of Statistics, *Child Labour Analytical Report*, 40 and 42. See also ILO Committee of Experts, *CEACR: Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Kenya (ratification: 1979),* [online] 2009 [cited January 12, 2009]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=617&chapter=3&query=C138%40ref%2B%23YEAR%3D2009&highlight=&querytype=bool&context=0. See also Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, 5.

[2632] Kenya National Bureau of Statistics, *Child Labour Analytical Report*, 40 and 42. See also Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, 5-6.

[2633] Dann Okoth, "Child Labour Syndicates," *The Standard* (Nairobi), November 27, 2006. See also Lou Witherite, *Combating Exploitative Child Labor through Education in Kenya, Uganda, Rwanda, and Ethiopia Together (KURET): Kenya Country Report*, Independent Final Evaluation, Macro International, Washington, DC, November 2008, vii. See also Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, 17.

[2634] Kenya National Bureau of Statistics, *Child Labour Analytical Report*, iii.

[2635] ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention*. See also Kenya National Bureau of Statistics, *Child Labour Analytical Report*. See also ILO-IPEC, *Creating the enabling environment to establish models for child labour free areas in Kenya: Support to the implementation of the National Action Plan for the Elimination of the Worst Forms of Child Labour with special focus on agriculture and older children.*, Project Document, September 22, 2009, 3-4; available from [hard copy on file].

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[2638] Jones, *Sex Tourism and Sexual Exploitation of Children on the Kenyan Coast*, vi. See also U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para A.

[2639] U.S. Embassy- Nairobi, *reporting*, March 09, 2010, para 2B. See also The Solidarity Center, *The Degradation of Work- Trafficking in Persons from a Labor Perspective: The Kenyan Experience*, Washington, DC, October 2007, 9.

[2640] U.S. Embassy- Nairobi, *reporting*, March 09, 2010, para 2B. See also The Solidarity Center, *Trafficking in Persons from Labor Perspective: Kenya*, 9.

[2641] U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para A.

[2642] Government of Kenya, *The Employment Act, 2007 (No. 11 of 2007)*, (October 22, 2007), part I and part VII, sections 53-62; available from http://www.kenyalaw.org/kenyalaw/klr_app/frames.php. See also U.S. Department of State, "Country Reports- 2009: Kenya," section 7d.

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[2656] United Nations, *Replies by the Government of Kenya to the list of issues (E/C.12/KEN/Q/1) to be taken up in connection with the consideration of initial report of Kenya (E/C.12/KEN/1)*, E/C.12/KEN/Q/1/add.1, Geneva, October 21, 2008; available from http://www2.ohchr.org/english/bodies/cescr/docs/AdvanceVersions/E.C.12.KEN.Q1.Add1.doc. See also U.S. Embassy- Nairobi, "reporting," (January 16, 2009). See also Ministry of Labour, *Draft National Child Labour Policy: Towards a Child Labour Free Society*, April, 2009.

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[2658] United Nations, *Replies by the GOK to the list of issues*. See also Nairobi, "reporting, January 16, 2009." See also Ministry of Labour, *Draft National Child Labour Policy*.

[2658] United Nations, *Replies by the GOK to the list of issues*, 42. See also U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para E. See also U.S. Embassy- Nairobi, *reporting*, January 16, 2009, para c.

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[2673] U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para B, C5.

[2674] Ibid., para C, D. See also U.S. Department of State, "Trafficking in Persons Report- 2009: Kenya."

[2675] U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para B, C5.

[2676] Ibid., para D, section 4-5, 8.

[2677] U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para C4, para D1, 5.

[2678] Ibid., para D1, 5.

[2679] Ministry of Labour, *Draft National Child Labour Policy*, 18. See also Government of Kenya, *NAP for the Elimination of Child Labour in Kenya 2004-2015*, 4, 10-11.

[2680] Government of Kenya, *NAP for the Elimination of Child Labour in Kenya 2004-2015*, 4, 12-15, 34. See also Ministry of Labour and Human Resource Development, *National Plan of Action for the Elimination of Child Labour*, 20-21. See also ILO Committee of Experts, *CEACR: Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Kenya (ratification: 2001),* [online] 2009 [cited January 12, 2009]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1446&chapter=16&query=%23subject%3D03%40ref%2B%23YEAR%3D2009&highlight=&querytype=bool&context=0. See also ILO-IPEC, *Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, Final Technical Progress Report, Geneva, April 15, 2009, 5, 8.

[2681] Dr. Laurie Zivetz and Rutere Salome Kagendo, *IPEC Evaluation: Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, vi,vii, 7. See also Ministry of Labour and Human Resource Development, *National Action Plan for the Elimination of Child Labour in Kenya 2004-2015 (Revised 2008)*, 36-37, 41-43. See also ILO-IPEC, *Creating the enabling environment to establish models for child labour free areas in Kenya*, 17.

[2682] Ministry of Labour and Human Resource Development, *National Plan of Action for the Elimination of Child Labour*. See also Science and Technology Ministry of Education, *Kenya Education Sector Support Programme 2005-2010*, Program Document, July, 2005. See also ILO-IPEC, *Final TPR*. See also Ministry of Education, *Policy For Alternative Provision of Basic Education and Training*, May, 2009. See also Joyce Mulama, "Education-Africa: Spare the Plough, and School the Child", Inter Press Service News Agency (IPS), [online], April 10, 2007 [cited February 23, 2009]; available from http://www.ipsnews.net/print.asp?idnews=32835. See also Kenya National Bureau of Statistics, *Child Labour Analytical Report*. See also ILO-IPEC, *Decent Work Country Programme: Kenya (2007-2011)*, Geneva, August, 2007; available from http://www.oit.org/public/english/bureau/program/dwcp/download/kenya.pdf. See also Ministry of Labour and Human Resources Development, *Revised Draft: Medium Term Plan 2008-2012 for Labour and Employment Sector*, March, 2009. See also ILO-IPEC, *Creating the enabling environment to establish models for child labour free areas in Kenya*, 10, 13-14, 16.

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[2707] U.S. Embassy- Nairobi, *reporting, March 09, 2010*, para 26B. See also U.S. Embassy- Nairobi, *reporting, January 25, 2010*, para F, G. See also Dr. Laurie Zivetz and Rutere Salome Kagendo, *IPEC Evaluation: Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, 9.

Kiribati

During the reporting period, the Government ratified ILO Conventions 138 and 182. Children sell goods on the street and girls are trafficked for prostitution. There does not appear to be any programs to address the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Kiribati are exploited in the worst forms of labor.[2708] Children sell goods on the street.[2709] Street vending exposes children to dangers such as road accidents, air pollution, and extreme weather. Girls are also trafficked internally for prostitution and child pornography may be produced as a result.[2710] Crewmembers of fishing vessels are reported to be common clients.[2711]

Laws and Regulations on the Worst Forms of Child Labor

The Employment Ordinance sets the minimum age for employment at 14, and the Employment (Amendment) Act 2008 sets the minimum age for hazardous work at 18.[2712] The Penal Code prohibits forced labor[2713] and trafficking in persons.[2714] The Penal Code also prohibits the procurement of any girl under age 18 for prostitution, or procurement of any male regardless of age for this purpose.[2715] Kiribati has no regular military force.[2716]

The Government ratified ILO Conventions 138 and 182 during the reporting period.[2717]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Kiribati has established a coordinating mechanism to combat the worst forms of child labor. The Government has not taken any action to investigate, arrest, prosecute, or convict traffickers during the reporting period.[2718]

The Ministry of Labor and Human Resources Development is responsible for enforcing child labor laws.[2719] The Ministry received no complaints of child labor during the reporting period.[2720] In addition, no child labor inspections were conducted during the reporting period.[2721] No trainings on issues related to the worst forms of child labor were held.[2722]

Government Policies on the Worst Forms of Child Labor

The National Advisory Committee on Children, which is made up of representatives from government agencies and NGOs, has drafted a National Children's Plan that awaits Cabinet approval.[2723]

The Kiribati Country Program Action Plan, developed with UNICEF Pacific, provides the basis for the Child Protection Program (2008-2012); one goal of the Child Protection Program is to reduce exploitation of children in the Pacific Islands.[2724]

The question of whether these policies have an impact on the worst forms of child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research found no evidence of any programs to address the worst forms of child labor.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Kiribati:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Increase law enforcement efforts to target trafficking and the commercial sex sector.

IN THE AREA OF POLICIES:

- Assess the adequacy of current policies to prevent commercial sexual exploitation of children.
    - Take steps to reduce the demand for commercial sex exploitation of children by fishing crews.
- Assess the impact that the Child Protection Program may have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Develop programs to address the needs of children engaged in commercial sexual exploitation and street vending.
- Consider a comprehensive study of children's activities to determine whether they are engaged in at risk for other worst forms of child labor.

[2708] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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[2715] Government of the Republic of Kiribati, *Penal Code*, articles 136, 155.

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Kosovo

The Government is working with ILO to bring its laws in line with ILO Conventions 138 and 182. Children face unsafe work conditions in street work, notably Roma children in forced labor, as the result of trafficking. Concerns have been expressed about the Government's capacity to identify and prosecute traffickers.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Kosovo are exploited in the worst forms of child labor,[2725] many of them in street work in urban areas and in the agriculture sector in rural areas.[2726] Many of the street children come from the Roma, Ashkalia, and Egyptian communities. Children working on the streets are engaged in begging, selling goods or newspapers, or scavenging at dumpsites. They may face unsafe work conditions such as lifting heavy loads,[2727] severe weather, accidents caused by proximity to vehicles, injuries by sharp tools and scrap metal, exposure to toxic fumes, and vulnerability to criminals.[2728]

Children working in agriculture may be exposed to severe work conditions that include long hours in extreme heat; inadequate access to water, nutrition, or sanitation; and exposure to harmful pesticides.[2729]

Kosovo is a source, transit, and destination country for children trafficked for forced prostitution and forced begging. Children are trafficked within Kosovo for the same purposes. Children in Roma communities are particularly susceptible to trafficking for forced labor, including begging at hotels and restaurants and working in the streets washing car windows.[2730]

Laws and Regulations on the Worst Forms of Child Labor

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Kosovo's Provisional Government came into being in 2008. The Labor Act sets the minimum age for employment at 15 and prohibits children below age 18 from engaging in work that may be physically harmful,[2731] such as hard manual labor, activities that

take place underground or underwater, and nighttime and overtime work.[2732] The Government is currently working with ILO to develop a more comprehensive list of hazardous work for children.[2733] The Labor Act also prohibits forced labor.[2734]

The Criminal Code was adopted in 2004.[2735] It strictly prohibits all forms of trafficking in persons;[2736] any form of facilitation of prostitution including recruiting, transporting, organizing, or providing space for such activities;[2737] and any form of procurement of sexual services or pornographic materials.[2738]

The compulsory age for voluntary recruitment to the Military is set at age 18. However, during time of war, persons age 17 can be recruited.[2739]

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor and Social Welfare (MLSW) coordinates efforts in Kosovo to combat the worst forms of child labor.[2740] A Child Labor Unit was established within MLSW to coordinate all activities related to child labor in the Ministry, as well as across other government entities.[2741]

Although MLSW takes the lead on worst forms of child labor, coordination of trafficking issues falls within the responsibility of the Prime Minister's Office for Good Governance, Human Rights, Equal Opportunities, and Gender Issues.[2742] The Office coordinates the work of counter-trafficking entities, including the relevant ministries, NGOs, and international organizations.[2743]

MLSW is responsible for enforcing laws related to the worst forms of child labor.[744] The Labor Inspectorate works with the police, municipal governments, and other relevant authorities to monitor compliance with labor laws.

The Office of the Labor Inspectorate was set up only after passing of the United Nations Interim Administration Mission in Kosovo Regulation for Essential Labor Law in 2001 and reports indicate that it suffers from a shortage of resources in terms of funding and institutional capability.[2745] According to the Labor Inspectorate's Annual Report of 2009, it had completed more than 8,000 inspections of employers.[2746] However, there are more than 99,000 registered businesses in Kosovo. There are no further data available about the enforcement activities undertaken by labor inspectors as they relate to the worst forms of child labor.[2747]

Under regulations issued by the Ministry of Education, Science, and Technology, it is the responsibility of the local municipal education offices and school directors to identify children who should be in school, but are not. Such children may be working in exploitive labor. The officials are required to refer such children to services that should lead to their enrollment and attendance.[2748]

Enforcement functions for trafficking are housed in the Department of Justice, which has authority over the Police Service.[2749] The Police have a Trafficking in Human Beings Investigation Section, with regional offices and a staff of 28.[2750]

In 2009, the Government identified 29 trafficking victims, prosecuted 25 sex trafficking offenders, and secured 22 convictions.[2751] However, there are also reports that during the same period there were two consecutive night raids, and close to 200 victims were found but never identified as victims, thus raising questions about the efficiency of victim identification methods and enforcement activities.[2752]

OSCE has expressed concern that the capacity of the Government to investigate and prosecute traffickers is not sufficient.[2753] The Police, OSCE, and the Ministries of Labor and Social Welfare, Internal Affairs, and Justice conducted 11 training sessions on trafficking in May 2010. The objective was to make 330 border police and 33 customs officers capable of effectively identifying foreign and local victims of trafficking and making referrals of these victims to appropriate agencies for social welfare services.[2754]

Government Policies on the Worst Forms of Child Labor

The Kosovo Action Plan (KAP) to Prevent and Eliminate the WFCL for 2010-2012 is working on increasing the knowledge base of government agencies and NGOs as social partners on ILO core conventions, including child labor, and building their capacity in design and program implementation of the KAP, as well as resource mobilization and awareness raising activities.[2755]

The Strategy and Action Plan for Human Rights of the Republic of Kosovo (2009-2011) was drafted by the Office of the Prime Minister and approved by the

Government in December 2008. The elimination of the worst forms of child labor is explicitly referenced in the discussion of the rights of the child.[2756]

The 2009-2013 Strategy and Action Plan on the Rights of Children was approved by the Government of the Republic of Kosovo on June 9, 2009.[2757] The action plan includes key objectives aimed at addressing child labor and issues related to child labor, but notable is a lack of discussion of street children and forced begging. The office of the Prime Minister formed an Inter-Ministerial Committee on the Rights of the Child to carry out the objectives of the plan and to coordinate policies, processes, and institutions meant to ensure the rights of the child.[2758]

The Government and OSCE developed the National Action Plan to Combat Trafficking in Human Beings for Kosovo as part of regional efforts to address trafficking issues.[2759] The plan focuses on prevention, protection, prosecution, policy, and coordination.[2760]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government has worked with ILO on several programs focused on combating child labor. For example, they developed a community-level child labor monitoring system, oriented the legal framework toward ILO Conventions 138 and 182,[2761] and trained officials on the application of ILO conventions on child labor.[2762] UNICEF, ILO, and the Government are training teachers to identify children engaged in the worst forms of child labor, so as to help move the children into acceptable activities.[2763]

The Ministry of Justice and IOM jointly sponsor anti-trafficking hotlines.[2764] Several roundtable and panel discussions on human trafficking have taken place where officials took part in a regional project to train parents to prevent children from becoming trafficking victims. The Prime Minister has declared every October to be national trafficking awareness month.[2765]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Kosovo:

IN THE AREA OF LAWS AND REGULATIONS:

- Complete work with ILO on a comprehensive list of hazardous work for children and amend the Labor Act to include that list.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Improve capacity of authorities to investigate and prosecute trafficking crimes.
- Publish information on labor inspections and other enforcement efforts to combat the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Revise action plans to contain explicit objectives for assisting street children, particularly those forced to beg.
- Target services to children from the Roma, Ashkalia, and Egyptian communities.
- Consider programs to increase public awareness of child beggars and other children forced to work and live on the streets.

[2725] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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[2748] Government of the Republic of Kosovo, *Law on Inspection of Education in Kosovo*, (2004); available from http://www.masht-gov.net/advCms/documents/Ligji_mbi_inspeksionin_e_arsimit_ne_kosove.pdf. See also ILO-IPEC, *Project CEE*. See also UN Interim Administration Mission in Kosovo, *On the Promulgation of the Law Adopted by the Assembly of Kosovo on Primary and Secondary Education*, 2002; available from http://www.unmikonline.org/regulations/2002/RE2002_19.pdf.

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[2750] Ibid.

[2751] U.S. Department of State, "Trafficking in Persons Report- 2010: Kosovo."

[2752] Ibid.

[2753] EU, *Country of Return Information Project*, 2009; available from www.cri-project.eu/cs/cs-kosovo-en.pdf.

[2754] Ibid. See also OSCE, *Mission in Kosovo*, 2010; available from http://www.osce.org/item/44764.html.

[2755] ILO, *ILO-SRO Budapest Newsletter*, 2009; available from http://www.ilo.org/public/english/region/eurpro/budapest/download/newsletter_2009_2.pdf.

[2756] Government of the Republic of Kosovo, *Strategy and Action Plan on Human Rights of the Republic of Kosovo 2009-2011*, Office of the Prime Minister, 2008; available from http://humanrights-ks.org/repository/docs/Strategjia_2009_2011_Eng%20.pdf.

[2757] Government of the Republic of Kosovo, *Action Plan 2009 for the Implementation of the European Partnership for Kosovo*, Technical Progress Report, 2009.

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[2759] OSCE, *An Agenda for Change Implementing the Platform for Action Against Human Trafficking*, December 10, 2009; available from http://www.osce.org/publications/cthb/2009/12/41953_1410_en.pdf.

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[2761] ILO-IPEC, *Technical Progress Report Action Plan Summary*, 2009.

[2762] ILO, *ILO-SRO Budapest Newsletter*.

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[2764] IOM, *The Republic of Serbia including the Province of Kosovo Migration Profile*, 2007; available from http://www.iom.hu/PDFs/Serbia%20and%20Kosovo%20Province%20Sept%202007.pdf.

[2765] ILO-IPEC, *Project CEE*. See also U.S. Department of State, "Kosovo," in *Trafficking in Persons Report- 2008: Special Cases*, Washington, DC, June 4, 2008; available from http://www.state.gov/g/tip/rls/tiprpt/2008/105390.htm.

Kyrgyz Republic

The Government has a legal and policy framework in place to address the worst forms of child labor. Children continue to work in exploitive situations in agriculture. Little information is available to assess whether the legal and policy framework is successfully enforced or implemented.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	4.5%
Attending School	5-14 yrs.	84.0%
Combining Work and School	7-14 yrs.	4.8%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Kyrgyz Republic are exploited in the worst forms of child labor, many in agriculture.[2766] Children work in tobacco and cotton. During the cotton harvesting season, classes are canceled in some schools in southern Kyrgyz Republic and children are sent to work in the fields.[2767] Children working in agriculture are exposed to extreme heat and may engage in potentially harmful activities, such as operating heavy machinery/tools and transporting heavy loads.[2768]

Although evidence is limited, there is reason to believe the worst forms of child labor are used in other sectors including: the mining of coal and gold; the digging of silicon from landfills; in the harvesting of rice and in the raising of cattle.[2769] Children have also worked as porters and in construction.[2770]

Children are engaged in prostitution and the illicit distribution and sale of drugs.[2771] There are reports that children are trafficked internationally for forced labor and commercial sexual exploitation, but evidence is limited.[2772]

Laws and Regulations on the Worst Forms of Child Labor

The 2006 Children's Code forbids the worst forms of child labor, identifies the minimum age for employment, and the types of work that children may not perform, and it indicates the rights of children to vocational education and employment as appropriate to their age and health.[2773] The minimum age for work is 16 but children may work at age 14 with the permission of a parent or guardian. The minimum age for hazardous work is 18.[2774] The law forbids the use of forced or unhealthy work for minors, night work, work involving heavy lifting, and underground work. It guarantees minors rest periods.[2775] The law also prohibits forced labor, including by children.[2776] In addition, the Kyrgyz Republic's Minors' Rights (Protection and Defense) Act prohibits using a minor for work beyond his or her capacity.[2777]

During the reporting period, new municipal-level laws were enacted, enabling minors without complete identification documents, who are potentially at risk for child labor, to gain access to education and health services.[2778]

A new constitution was approved on June 27, 2010, which includes language forbidding child labor.[2779]

The Criminal Code prohibits adults from involving minors in criminal activity, particularly prostitution.[2780] The 2005 Prevention and Combating Trafficking in Persons law criminalizes trafficking for the purposes of both sexual exploitation and forced labor.[2781] The minimum age for military recruitment is 18.[2782]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Government has a Coordination Council on Child Labor.[2783] The Ministry of Labor, Employment and Migration, (MLEM) coordinates and implements efforts to combat trafficking in persons.[2784]

MLEM's State Labor Inspectorate and the Prosecutor General's Office enforce child labor laws.[2785] The State Prosecutor General's office in the first 10 months of 2009 identified 184 cases of illegal use of child labor. According to the Prosecutor General's office, in 30 cases the defendants were found guilty and received administrative punishments, 28 defendants were instructed to stop violating the law, 16 cases were under review, and two criminal cases were started.[2786]

The Ministry of Interior enforces laws against the use of minors in prostitution and other illicit activities.[2787] The State Prosecutor General enforces trafficking in persons laws.[2788]

Government Policies on the Worst Forms of Child Labor

In 2008, the Government adopted a State Program of Action of Social Partners for the Elimination of the Worst Forms of Child Labor for the years 2008 to 2011.[2789] [2790]

In 2007, the President of the Kyrgyz Republic signed a Country Development Strategy for 2007-2010 that reportedly incorporates the country's State Program of Action of Social Partners to Eliminate the Worst Forms of Child Labor.[2791] The Kyrgyz Republic's Education Development Strategy for 2007-2010 acknowledges the problem of child labor.[2792]

In September 2008, the Government passed the National Action Plan against Human Trafficking. Its goals include increasing public awareness and increasing social protection for trafficking victims.[2793] With funding from the UN and assistance from the Government of Japan and the Republic of Korea, the Government has begun to input passport and citizenship-related records in a centralized digital database.[2794]

Social Programs to Eliminate or Prevent the Worst forms of Child Labor

The Government continued to provide in-kind assistance for NGO-operated shelters for trafficking victims, including one specifically for children.[2795]

The Kyrgyz Republic has participated in donor-funded regional child labor projects. Project strategies included capacity building, protecting children from the worst forms of child labor, implementing programs for children found in the worst forms of child labor, and measures to address the agricultural sector.[2796] The projects also integrated policies for combating the worst forms of child labor with education, training, and youth employment policies, and they used research as a tool to raise awareness about the worst forms of child labor. Research included an assessment of the health and working conditions of children working in

the cotton, rice, and tobacco sectors.[2797] The health assessment of working children was presented to the children's parents. One project established Resource Centers on the Worst Forms of Child Labor and disseminated information on child labor through public and parliamentary hearings, a TV talk show, and other means.[2798] A study found that, after these activities, parents in rural areas were more aware of the risks associated with jobs their children may be hired for and will no longer let them do this work.[2799]

In 2009, the Government of Kyrgyzstan opened a resource center for street children with UNDP as a part of the State Program of Action with Social Partners to Eradicate the Worst Forms of Child Labor. The resource center provides training to street children and helped the children find age-appropriate work when they reached the legal working age.[2800] In addition, the Government participated in a national survey on child labor during 2008 and 2009.[2801]

The Combating Child Labor in Central Asia: Commitment Becomes Action project began in January 2008 and ends in December 2010. It is funded by Germany at a level of $1,405, 402.[2802]

The Government has also supported programs aimed at keeping children in school, including New Generation, Jashtyk (Youth) and Jetkinchek (Access to Education).[2803]

Some of these social programs appear to be too limited in scope to protect all children engaged in the worst forms of child labor, particularly in mining and commercial sexual exploitation.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in the Kyrgyz Republic:

IN THE AREA OF COORDINATION ENFORCEMENT:

- Ensure effective enforcement actions in sectors where the worst forms of child labor are prevalent, including agriculture.
- Increase labor inspections during the cotton harvesting season, especially in southern Kyrgyz Republic.

IN THE AREA OF POLICIES AND PROGRAMS:

- Ensure that classes in southern Kyrgyz Republic are not canceled during the harvesting season and that children remain in school.
- Continue to increase public dissemination of information on the worst forms of child labor to parents, employers, and workers in rural areas.
- Expand social programs to combat the worst forms of child labor, particularly in mining and commercial sexual exploitation.

[2766] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and children combining working and schooling are from 2006. Data on school attendance are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[2767] U.S. Department of State, "Kyrgyz Republic," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136089.htm. See also Asia Human Rights Commission, *Kyrgyzstan:*

Children Labor to Pay School Fees, [online] [cited April 1, 2010]; available from http://acr.hrschool.org/mainfile.php/0188/340/.

[2768] Ibid. See also Ramazon Dyryldaev and Severine Jacomy, *Rights of the Child in Kyrgyzstan*, Geneva, February 2004; available from http://www.crin.org/docs/resources/treaties/crc.37/Kyrgyzstan_OMCT_ngo_report.pdf.

[2769] U.S. Department of State, "Country Reports- 2009: Kyrgyz Republic." See also Asia Human Rights Commission, *Children Labor to Pay School Fees*. See also Sari Schutrum-Boward, "Kyrgyz Child Labor in Coal Mines," *The Guilfordian*, September 8, 2007; available from http://media.www.guilfordian.com/media/storage/paper281/news/2007/09/07/World/Kyrgyz.Child.Labor.In.Coal.Mines-2956765.shtml. See also Ilan Greenberg, *There's Money in Dirt, for Those Who Find Bits of Silicon,* [online] 2006 [cited April 1, 2010]; available from http://www.nytimes.com/2006/09/05/world/asia/05kyrgyzstan.html?_r=1&pagewanted=print.

[2770] Dyryldaev and Jacomy, *Rights of the Child in Kyrgyzstan*. See also U.S. Department of State, "Country Reports- 2009: Kyrgyz Republic."

[2771] U.S. Department of State, "Country Reports- 2009: Kyrgyz Republic."

[2772] Ibid.

[2773] ILO-IPEC, *IPEC Evaluation: CAR Capacity Building Project: Regional programme on the worst forms of child labour in Central Asia through education and youth employment (Eye Project)*, RER/04/54/USA P.340.04.400.054, International Labour Office, Geneva, October-December 2007.

[2774] U.S. Department of State, "Country Reports- 2009: Kyrgyz Republic."

[2775] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Second periodic reports of States parties due in 2001*, CRC/C/104/Add.4, April 5, 2004.

[2776] U.S. Department of State, "Country Reports- 2009: Kyrgyz Republic."

[2777] UN Committee on the Rights of the Child, *Second periodic reports of States parties due in 2001: Kyrgyzstan*.

[2778] U.S. Embassy- Bishkek, *reporting*, February 5, 2010.

[2779] U.S. Embassy- Bishkek official, E-mail communication to USDOL official, November 12, 2010.

[2780] UN Committee on the Rights of the Child, *Second periodic reports of States parties due in 2001: Kyrgyzstan*.

[2781] U.S. Department of State, "Kyrgyz Republic (Tier 2)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/documents/organization/123357.pdf.

[2782] U.S. Embassy-Bishkek, *reporting*, February 17, 2009.

[2783] UN Committee on the Rights of the Child, *Second periodic reports of States parties due in 2001: Kyrgyzstan*.

[2784] U.S. Embassy- Bishkek, *reporting*, March 2, 2010.

[2785] U.S. Department of State, "Country Reports- 2009: Kyrgyz Republic."

[2786] UN Committee on the Rights of the Child, *UN Committee on the Rights of the Child Third and Fourth Report on Kyrgyz Republic presented in accordance with article 44 of the Convention on the Rights of Child: The Kyrgyz Republic 2003-2009*; available from http://www.mz.kg/ru/pravachild/.

[2787] U.S. Embassy- Bishkek, *reporting, February 5, 2010*.

[2788] U.S. Embassy- Bishkek, *reporting, March 2, 2010*.

[2789] ILO-IPEC, *IPEC Evaluation: CAR Capacity Building Project*. See also U.S. Embassy-Bishkek, *reporting, February 17, 2009*.

[2790] The ILO-IPEC evaluation also references a "National Program on the Elimination of WFCL" and it is unclear whether this is a separate program.

[2791] ILO-IPEC, *IPEC Evaluation: CAR Capacity Building Project*.

[2792] Science and Youth Policy of the Kyrgyz Republic Ministry of Education, *Education Development Strategy of the Kyrgyz Republic (2007-2010)*, 2006; available from http://planipolis.iiep.unesco.org/upload/Kyrgyzstan/Kyrgyzstan%20Education%20Development%20Strategy%202007-2010.pdf.

[2793] U.S. Embassy- Bishkek, *reporting, March 2, 2010*.

[2794] Ibid.

[2795] Ibid.

[2796] ILO-IPEC, *IPEC Evaluation: CAR Capacity Building Project*.

[2797] Ibid.

[2798] Ibid.

[2799] Ibid.

[2800] Government of the Kyrgyz Republic, *National Report of the Kyrgyz Republic presented in the framework of Universal Periodic Review of UN Council for Human Rights, approved by decree of the Government #61*, February 2, 2010; available from http://www.mfa.kg/file/kg_humanrights_nationalreport_ru.pdf.

[2801] ILO-IPEC, *Action against child labour: 2008-2009: IPEC Progress and Future Priorities*, International Labour Office, Geneva, February 2010; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=12813.

[2802] ILO-IPEC official, E-mail communication, July 17, 2010.

[2803] U.S. Embassy- Bishkek, *reporting*, March 16, 2009.

Lebanon

The Government of Lebanon has implemented programs that assist vulnerable families and children and provide incentives for school attendance. However, hazardous child labor continues in tobacco farming and domestic service. Gaps remain in the legal framework and enforcement efforts to combat the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Although evidence is limited, there is reason to believe that children in Lebanon are exploited in the worst forms of child labor [2804] in some tobacco production.[2805] They may engage in physically arduous tasks for long hours, sometimes with dangerous equipment or pesticides, and without proper protection such as work gloves.[2806] According to a UNDP report on the state of human development in Lebanon, working children across sectors report psychological pressure, long hours, and adverse working conditions.[2807] According to the ILO, some tobacco farmers were provided with free machines that automatically align and thread tobacco leaves in 2009. This process is normally done by children, so these machines reportedly contributed to a decrease in the number of children in the fields that year.[2808]

A growing number of children are believed to be working as domestic servants.[2809] Child domestics may work long hours and are at risk for physical and sexual exploitation by their employer. Child labor is predominant in the informal sectors of the economy, including small businesses, mechanical workshops, carpentry, construction, welding, and fisheries.[2810]

Children also work on the streets in tasks such as vending and washing car windshields.[2811] Children working on the streets are often forced to do so by "employers" who take the child's earnings at the end of the day.[2812] They are exposed to a variety of risks, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

A growing number of children are believed to be exploited in prostitution and in the drug trade.[2813] Lebanon is a transit country for Eastern European children trafficked to other Middle Eastern countries for forced prostitution.[2814]

Although children are not known to participate in the Lebanese Armed Forces, there are reports that children living in Palestinian refugee camps in Lebanon are involved with various armed groups operating in the country.[2815]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 14, prohibits children below age 16 from industrial, arduous, or unhealthy work, and provides a detailed list of work prohibited to children under age 16, including work handling tobacco.[2816] Children age 14 and over require a medical certificate proving they are fit for their designated job. For all working children, the Labor Code regulates work hours, and provides basic protections, such as limiting working to 6 hours per day, with 1 hour of rest every 4 hours

worked.[2817] Once children turn age 16, the law treats them as working adults. A draft list of work hazardous for all children under age 18 was formulated by the Government in 2008; however, until it is finalized, children age 16 to 17 may be legally exposed to all the hazards that list seeks to prohibit.[2818]

Small family farms are also exempted from the provisions of the Labor Code that regulate hazardous work.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	15
	Compulsory Education Age	15
	Free Public Education	Yes

The Penal Code prohibits forced labor and involuntary servitude.[2819] The Penal Code also prohibits the commercial sexual exploitation of children and financial gain from the prostitution of others.[2820] The minimum age for voluntary recruitment into the Armed Forces is 18 for soldiers, non-commissioned personnel, and officers.[2821] Lebanon also has a law against using children in illicit activities.[2822]

Research found no evidence that Lebanon currently has laws that address human trafficking, but various other laws are used to address related offenses.[2823] Such laws stipulate penalties for committing abduction, with increased penalties if the abduction is for the purposes of sexual exploitation.[2824] An anti-trafficking-in-persons law drafted by the Ministry of Justice (MOJ) in collaboration with UNODC was submitted to the Cabinet in December 2009.[2825]

Institutional Mechanisms for Coordination and Enforcement

The Child Labor Unit (CLU) of the Ministry of Labor (MOL) coordinates Government efforts to combat the worst forms of child labor. These efforts include policy setting, awareness raising, and outreach to local communities.[2826] The CLU works with government offices and civil society groups as well as regional and international organizations working in Lebanon.[2827]

The Higher Council for Childhood (HCC) coordinates the work of public committees and civil society to ensure children's rights under the CRC. The HCC is presided over by the Minister of Social Affairs and implements the overall principles of children's rights, including dealing with child labor issues.[2828] The HCC develops interventions to assist child laborers, establishes strategies for dealing with the issue, and creates education policy initiatives to reach delinquent students and reduce the dropout rate.[2829]

The CLU also enforces child labor laws.[2830] Inspectors conduct routine inspections of workplaces in the formal sector. Much of the agricultural sector is composed of small family farms that are excluded from the labor law, but, according to MOL officials, such workplaces can be inspected if a complaint is received and the employer refuses requests to meet with investigators at the Unit's office.[2831] With regard to child domestics, there is no mechanism to investigate complaints since social workers—the only officials allowed to enter a private home—may only assess the overall welfare of the family and not working conditions for domestic laborers.[2832]

At the end of 2009, the CLU employed approximately 130 labor inspectors and assistant inspectors.[2833] The Government does not maintain statistics on the number of inspections carried out by the CLU, the number of violations, sanctions against violators, or the number of children assisted.[2834] According to the MOL, the number of CLU inspectors is inadequate. Further, while training was reportedly provided during 2009, the MOL still reports that inspectors are often unaware of the requirements for reporting violations.[2835]

Several government ministries enforce criminal laws regarding the worst forms of child labor. The Ministry of Interior's Internal Security Forces, MOL, MOJ, and the HCC all have responsibility for enforcing laws related to child trafficking and the use of children in

illicit activities, such as commercial sexual exploitation of children.[2836] The Surete Generale (General Security) is the lead agency in dealing with international guest workers and processing cases of exploitation which encompasses international human trafficking.[2837] The Government does not track the number of investigations or prosecutions of crimes related to trafficking in children.[2838]

During the reporting period, the HCC worked with World Vision to provide six trafficking awareness workshops for social workers around Lebanon. The U.S. Embassy's International Narcotics and Law Enforcement assistance program trained 1,195 Internal Security Forces cadets to identify and assist victims of trafficking.[2839]

Government Policies on the Worst Forms of Child Labor

In 2004, the Government of Lebanon launched the National Policy and Programming Framework for the Elimination of the Worst Forms of Child Labor. The plan outlined various actions, including creating a national database on child labor, sensitizing the general public and policy makers on the issue of child labor, and providing alternative education opportunities.[2840] These initiatives were subsequently taken up through a partnership with ILO-IPEC which implemented a program to support the National Policy.[2841]

The Government incorporates child labor issues into broader development policies. "For example, the Social Action Plan: Toward Strengthening Social Safety Nets and Access to Basic Social Services, targets households with working children because they are a group living in acute poverty.[2842] The Plan allows around 6,500 families to access cash assistance of about $600, conditional upon keeping children in school.[2843] It also includes a plan to address child labor through vocational and life skills training programs as well as encouraging school enrollment by reducing the cost of incidental expenses involved with education.[2844]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government has participated in donor-funded projects that sought to strengthen Government and civil society's capacity to combat child labor through education in small, family-owned business, street work, and agriculture with a specific focus on tobacco farming.[2845] A USDOL-funded regional project that ended in 2008 established a database system to document all educational and livelihoods interventions and developed a child's game called "My Rights Game" to raise awareness of child labor and acceptable child work.[2846]

Currently, the Government participates in an Italian Development Cooperation Office project slated to run from 2009 to 2011. The project targets north Lebanon and the Bekaa governorates and aims to prevent and withdraw 1,000 children from exploitive and hazardous labor through educational and other services.[2847] The Government is also collaborating with the ILO on skills development, employment services, and local socioeconomic recovery with a particular emphasis on helping vulnerable groups such as children working in the worst forms of child labor.[2848]

In 2009, the HCC conducted awareness campaigns and training sessions on child labor throughout Lebanon. The Council also worked with World Vision to facilitate six workshops to raise awareness of child trafficking.[2849] The MOSA has contracted 14 NGOs to provide health, education, and rehabilitation services to vulnerable children. In 2009, the Government contributed approximately $5 million to organizations providing these services.[2850]

The Government does not appear to provide protective services to children working as domestics, a vulnerable population.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Lebanon:

IN THE AREA OF LAWS AND REGULATIONS:

- Ratify the list of hazardous activities prohibited to children under age 18.
- Pass the draft comprehensive trafficking-in-persons law with adequately stringent penalties.
- Amend the laws to provide protection to children working in harmful situations on family farms and in domestic service.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Devote more resources to the Child Labor Unit, including for training, to ensure that it is able to effectively carry out its duties.
- Track the number of inspections carried out by the Child Labor Unit and the result of each inspection to gain additional knowledge about the magnitude of the problem of exploitive child labor in the country.
- Track statistics of violations related to trafficking-in-persons.

IN THE AREA OF PROGRAMS:

- Establish efforts to provide protective services to children working in domestic service.

[2804] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[2805] U.S. Department of State, "Lebanon," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136073.htm. See also Partners for Development-Civil Group, *Baseline Study on Education and Child Labour Risks on Tobacco Plantations*, July 2007.

[2806] Partners for Development-Civil Group, *Baseline Study on Education and Child Labour Risks on Tobacco Plantations*, 6-8, 25-26. See also U.S. Embassy- Beirut, *reporting*, February 3, 2010, 1B.

[2807] UNDP, *The National Human Development Report: Toward a Citizen's State*, March 2009, 57, 33; available from http://www.undp.org/publications/lebanon-nhdr-report-summary-english.pdf.

[2808] U.S. Department of State official, E-mail communication to USDOL official, April 4, 2009.

[2809] U.S. Embassy- Beirut, *reporting, February 3, 2010*, 2A.

[2810] U.S. Department of State official, E-mail communication, April 4, 2009.

[2811] Ministry of Justice Government of Lebanon, *Measures to prevent and combat trafficking in human beings: Lebanon country assessment*, May 2008, 36; available from http://www.unodc.org/documents/human-trafficking/Lebanon-HTreport-Oct08.pdf. See also U.S. Department of State, "Country Reports- 2009: Lebanon," section 7d.

[2812] Government of Lebanon, *Measures to prevent and combat trafficking in human beings: Lebanon country assessment*, 36.

[2813] U.S. Embassy- Beirut, *reporting, February 3, 2010*, 2A.

[2814] Ibid.

[2815] Coalition to Stop the Use of Child Soldiers, "Lebanon," in *Child Soldiers Global Report 2008*, London, 2008, 207-208; available from http://www.childsoldiersglobalreport.org. See also UN Security Council, *Report of the Secretary-General on Children and Armed Conflict* New York, December 21, 2007, paragraphs 59, 60; available from http://www.reliefweb.int/rw/RWfiles2007.nsf/filesbyrwdocunidfilename/egua-7bbtf3-full_report.pdf/$file/full_report.pdf.

[2816] Government of Lebanon, *Code du travail- Travail des enfants*, Law No. 536, (July 24, 1996), article 22 and 23, Annex I; available from http://www.lebaneselaws.com/. See also U.S. Department of State, "Country Reports- 2009: Lebanon," section 7d. See also Government of Lebanon, *Report of the Government of Lebanon on Efforts by GSP*

Beneficiary Countries to Eliminate Worst Forms of Child Labour, submitted in response to U.S. Department of Labor Federal Register Notice (November 8, 2007) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Beirut, December 21, 2007.

[2817] Government of Lebanon, *Code du travail*, articles 21-25.

[2818] U.S. Department of State official, E-mail communication to USDOL official, September 1, 2010.

[2819] U.S. Embassy- Beirut, *reporting, February 3, 2010*, para 4A.

[2820] Government of Lebanon, *Measures to prevent and combat trafficking in human beings: Lebanon country assessment*, 14-15.

[2821] Ministry of National Defense Government of Lebanon, Army Command,, Email communication to U.S. Department of State official, June 21, 2009. See also Coalition to Stop the Use of Child Soldiers, "Lebanon," 207.

[2822] Law Library of Congress, *Lebanon Children's Rights: International and National Laws and Practices*, The Library of Congress, 2007; available from http://www.loc.gov/law/help/child-rights/pdfs/childrensrights-lebanon.pdf.

[2823] U.S. Department of State, "Country Reports- 2009: Lebanon," sections 6 and 7c.

[2824] Government of Lebanon, *Measures to prevent and combat trafficking in human beings: Lebanon country assessment*, 15, 13. See also U.S. Department of State, "Country Reports- 2009: Lebanon."

[2825] U.S. Embassy- Beirut, *reporting*, March 10, 2010.

[2826] Government of Lebanon, *Unit for the Combat of Child Labour in Lebanon at the Ministry of Labour*, 2010; available from www.clu.gov.lb http://www.clu.gov.lb/english/definition/index.html http://www.clu.gov.lb/english/international/index.html.

[2827] Ibid.

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[2837] U.S. Embassy- Beirut, *reporting, February 3, 2010*.

[2838] Ibid.

[2839] Ibid., 8.

[2840] ILO-IPEC, *Supporting the National Policy and Programme Framework for the Elimination of the Worst Forms of Child Labour in Lebanon and Yemen: Consolidating Action against the Worst Forms of Child Labour*, Project Document, Geneva, September 3, 2004, 8-9.

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[2844] ILO-IPEC, *Supporting the National Policy and Programme Framework (NPPF) for the Elimination of the Worst Forms of Child Labour (WFCL) in Lebanon and Yemen*, 2-3.

[2845] ILO-IPEC, *Supporting the National Policy and Program Framework, Project Document*. See also CHF International, *Alternatives to Combat Child Labor through Educational and Sustainable Services in the Middle East and North Africa Region (ACCESS-MENA)* Final Report, Beirut, August 2008.

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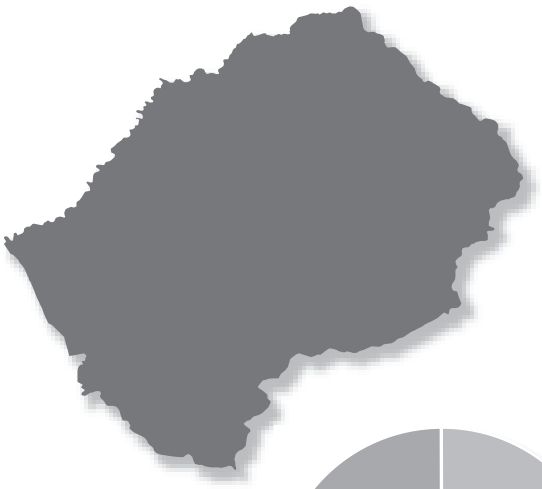
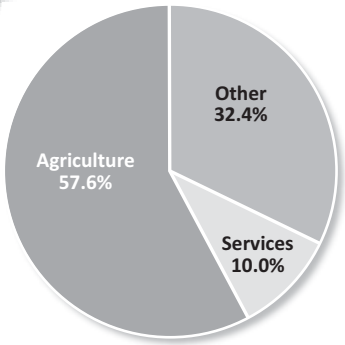
Lesotho

The Government of Lesotho piloted a cash transfer program in three districts to improve the welfare of vulnerable children and made significant efforts to prevent human trafficking through public awareness campaigns. The worst forms of child labor persist in livestock herding, domestic service, and commercial sexual exploitation. The Government has neither developed a list of hazardous activities nor enacted a national plan of action against child labor.





Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	2.2%
Attending School	5-14 yrs.	81.8%
Combining Work and School	7-14 yrs.	25.3%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Lesotho are exploited in the worst forms of child labor,[2851] many of them in agriculture, where the majority of working children are found.[2852] Children's work in agriculture may involve long hours, physically arduous tasks, dangerous tools, and a high risk of occupational injury.[2853] Children, especially boys, herd livestock.[2854] Child herders often work in cattle posts for several months, where they are isolated from their communities, exposed to extreme weather conditions, denied education, and at risk of being attacked by armed men.[2855]

Children are commonly employed as domestic servants.[2856] Many child domestics work long hours, sometimes as long as 16 hours a day, and are susceptible to sexual abuse.[2857] Children also engage in informal street vending.[2858] Children found in street vending work excessive hours without rest, are exposed to harsh weather conditions, and face physical and verbal abuse from older vendors.[2859] Some children also perform household chores without a time limit.[2860]

Other worst forms of child labor exist in Lesotho. Children are used by criminals to engage in illicit activities such as theft, drug trafficking, and dealing in stolen goods.[2861] They are vulnerable to commercial sexual exploitation.[2862] Children are also reportedly trafficked from Lesotho to South Africa for domestic service and commercial sexual exploitation.[2863]

Lesotho has the third-highest rate of HIV prevalence in the world.[2864] The HIV/AIDS pandemic contributed to a rapid increase in the number of orphans and vulnerable children (OVC) in Lesotho from 2005 to 2008.[2865] OVC, especially girls, often become primary caregivers for their family members.[2866] These vulnerable children frequently leave school and engage in the worst forms of child labor, including prostitution and domestic service, to survive.[2867]

Laws and Regulations on the Worst Forms of Child Labor

According to the Labour Code, the minimum age for employment is 15 and the minimum age for hazardous work is 18. Children age 13 to 15 may perform light

work in a home-based environment, technical school, or other institution approved by the Government.[2868] The Labour Code prohibits the employment of children at night; in mines and quarries; and in work that is likely to jeopardize their health, safety, and morals.[2869]

Gaps in the law remain. Neither the Labour Code nor any other law specifies the types of hazardous work that may cause harm to children's health, safety, and morality.[2870] The Labour Code does not extend hazardous work protections to children who are employed without a contract.[2871]

No legislation prohibits the use of children for the distribution and production of drugs, a known problem in Lesotho.[2872] Lesotho does not have laws specifically prohibiting trafficking in children for either sexual or labor exploitation. However, violators can be prosecuted under the Child Protection Act of 1980, the Sexual Offenses Act of 2003, and the Labour Code Order of 1981 as amended.[2873] The draft Children's Protection and Welfare Bill would criminalize and define child trafficking, but it has not been enacted.[2874]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Although the Government of Lesotho established coordination mechanisms for fighting trafficking, research found no evidence of a coordination mechanism to combat the worst forms of child labor.[2875] In July 2009, the Government launched the Multi-Sectoral Committee on Trafficking (MCT).[2876] The MCT comprises representatives of government ministries, NGOs, international organizations, and law enforcement. Participating ministries include the Ministry of Foreign Affairs and International Relations; the Ministry of Gender, Youth, and Sports; the Ministry of Justice and Human Rights; the Ministry of Health and Social Welfare; the Ministry of Education and Training; the Ministry of Labor and Employment; the Ministry of Home Affairs; and the Ministry of Law and Constitutional Affairs.[2877] Despite this level of participation, the MCT does not have financial resources and a finalized National Plan of Action.[2878]

The Ministry of Labor and Employment (MOLE) and the Child and Gender Protection Unit (CGPU) in the national police are responsible for enforcing child labor laws and investigating child labor violations. Weekly, MOLE inspects a sample of formal enterprises for Labor Code violations, including the use of child labor. In 2009, MOLE inspectors did not identify any child labor violations.[2879] According to ILO, the labor inspection system in Lesotho could become more efficient and effective with additional financial resources.[2880]

CGPU is responsible for enforcing laws related to hazardous and forced child labor, child prostitution, child trafficking, and the use of children for illicit activities.[2881] It has an office in each of Lesotho's 12 police districts that is staffed by three officers.[2882] During the reporting period, CGPU did not investigate any cases related child trafficking, child prostitution, or the use of children in illicit activities.[2883] The Government also did not provide any specific funding for CGPU to investigate the worst forms of child labor.[2884]

Government Policies on the Worst Forms of Child Labor

The Government of Lesotho does not have an approved policy framework for the elimination of the worst forms of child labor. The Government drafted a national action plan for the elimination of child labor in 2008, but the plan is under review in Lesotho's Cabinet and has not been adopted.[2885] During the reporting period, MCT developed a national action plan to combat human trafficking. However, in 2009, it did not present this plan to the Government for review.[2886]

The Government's National Orphans and Vulnerable Children strategic plan notes that OVC are exposed to child labor and the plan calls for improved child welfare legislation and expanded vocational training, but it does not propose any social programs to withdraw or prevent such children from engaging in exploitive labor.[2887]

In cooperation with the Government of Lesotho, the UN Development Assistance Framework promotes education for herd boys, domestic workers, and vulnerable children. It also supports youth employment and builds the Government's capacity to provide social welfare services to vulnerable children.[2888] The ILO Decent Country Work Program (DCWP) aims to create a framework for sustainable youth employment.[2889] The DCWP, however, did not include activities to target children engaged in or at risk of entering the worst forms of child labor.[2890]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In recent years, the Government of Lesotho has cooperated with donor-funded regional projects focused on education quality and access for children in or at risk of engagement in the worst forms of child labor, as well as targeted research and the development of action plans to combat the worst forms of child labor.[2891] One of these, an education project, withdrew 2,388 children and prevented 8,739 children in five countries (including Lesotho) from engaging in the worst forms of child labor.[2892]

In 2009, the Government of Lesotho managed programs that reached children engaged in or at risk of entering the worst forms of child labor. The Government's National AIDS Commission implemented a strategic plan that aims to provide education and economic strengthening services to OVC and reduce the impact of HIV/AIDS on OVC, herd boys, and girls.[2893] The Government also continued to implement its Free Primary Education program. This program aims to eliminate school fees across the country through a phased approach and provide school meals to vulnerable children.[2894] The Government also conducted extensive public campaigns to increase awareness of human trafficking.[2895]

In cooperation with UNICEF, the Government launched the Child Grants Program in 2009 to provide direct cash transfers to vulnerable households in three districts. The program aimed to improve the welfare of children burdened with poverty, food insecurity, HIV/AIDS, and poor access to public services.[2896]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Lesotho:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend labor laws to include a list of all hazardous activities prohibited for children, including the specific types of hazardous work that are likely to harm their health, safety, and morality.
- Ensure that labor laws provide protections for all children, regardless of labor contract status.
- Amend labor laws to prohibit the use of children for drug trafficking.
- Enact the Children's Protection and Welfare Bill to strengthen measures to investigate, prosecute and convict individuals involved in the trafficking of children for sexual and labor exploitation.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor that includes government efforts related to orphans and vulnerable children, education, and HIV/AIDS.
- Provide the Multi-Sectoral Committee on Trafficking with a clear mandate.
- Devote more financial resources to enforcement of child labor laws.

IN THE AREA OF POLICIES:

- Enact and implement the draft national action plans to combat child labor and trafficking.
- Articulate and implement actions to address the stated priority of child labor prevention within the national development agenda for orphans and vulnerable children.
- Assess the impact that the Decent Work Country Agenda's sustainable youth employment framework may or could have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Increase the number of children benefiting from Lesotho's policy of free primary education.
- Extend the Child Grants programs to all districts of Lesotho.

[2851] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2002. Data on children combining working and schooling are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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[2854] Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*, Ministry of Employment and Labor and ILO, Maseru, 2006, 3-5. See also ILO Committee of Experts, *Individual Direct Request*

concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Lesotho (ratification: 2001), [online] 2010 [cited August 13, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/countrylist.pl?country=Lesotho.

[2855] Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*, 5. See also UNICEF, *Humanitarian Action Lesotho* 2007; available from www.unicef.org/har07/files/countrychap_Lesotho.pdf.

[2856] U.S. Embassy - Maseru, *reporting, February 1, 2010*, paras 2 and 7.

[2857] Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*, 6. See also U.S. Embassy - Maseru, *reporting, February 1, 2010*, para 7.

[2858] U.S. Embassy - Maseru, *reporting, February 1, 2010*, paras 2, 3, and 6.

[2859] Ibid., para 6. See also Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*, 6.

[2860] ILO Committee of Experts, *Individual Direct Request C182: Lesotho (2010)*.

[2861] Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*, 3-4. See also U.S. Embassy- Maseru, *reporting, February 22, 2010*, para 1b.

[2862] U.S. Embassy- Maseru, *reporting, February 22, 2010*, para 2-4.

[2863] Ibid., para 1b. See also UNESCO, *Human Trafficking in Lesotho: Root Causes and Recommendations*, Paris, 2007, 25; available from http://unesdoc.unesco.org/images/0015/001528/152824E.pdf.

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[2867] ILO-IPEC, *SCREAM: A special module on HIV, AIDS, and Child Labour*, Geneva, 2007; available from http://www.ilo.org/ipec/Campaignandadvocacy/Scream/lang--en/index.htm. See also Government of Lesotho, *National HIV and AIDS Strategic Plan*, para 4.4.3.1.

[2868] Government of Lesotho, *Labour Code Order*, 24, (1992), sections 3, 124 (1-2) and 125 (1); available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/31536/64865/E92LSO01.htm.

[2869] Ibid., sections 125(1), 126(1), and 127(1).

[2870] ILO Committee of Experts, *Individual Direct Request C182: Lesotho (2010)*, Article 3, clause d.

[2871] Ibid.].

[2872] ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Lesotho (ratification: 2001),* [online] 2009 [cited March 18, 2010]; available from http://www.ilo.org/ilolex/english/newcountryframeE.htm.

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[2874] ILO Committee of Experts, *Individual Direct Request C182: Lesotho (2010)*. See also U.S. Embassy- Maseru, *reporting, February 22, 2010*, para 3.

[2875] U.S. Embassy- Maseru, *reporting, February 22, 2010*, para 2b.

[2876] U.S. Department of State, "Trafficking in Persons Report- 2010: Lesotho".

[2877] U.S. Embassy- Maseru, *reporting, February 22, 2010*, para 1a. See also U.S. Embassy- Maseru official, E-mail communication to USDOL official, November 10, 2010.

[2878] Government of South Africa, *Tsireledzani: understanding the dimensions of human trafficking in Southern Africa*, March 2010, para 7.4.5.5; available from http://www.hsrc.ac.za/index.php?module=pagesetter&tid=8&filter1=bibtitle^like^trafficking&filter2=abstract^like^trafficking. See also U.S. Embassy- Maseru official, E-mail communication, November 10, 2010.

[2879] U.S. Embassy - Maseru, *reporting, February 1, 2010*, para 16.

[2880] A. Sivananthiram, *Assessment of the Labour Inspection System in Lesotho; Draft conclusions and recommendations of the mission to evaluate the system of labour inspection*, Geneva, March, 2005, 7.

[2881] U.S. Embassy - Maseru, *reporting, February 1, 2010*, paras 16, 17, and 19.

[2882] UNESCO, *Human Trafficking in Lesotho*, 50. See also U.S. Embassy- Maseru official, E-mail communication, November 10, 2010.

[2883] U.S. Embassy - Maseru, *reporting, February 1, 2010*, para 20.

[2884] Ibid., para 19.

[2885] Ibid., paras 21 and 23.

[2886] U.S. Department of State, "Trafficking in Persons Report- 2010: Lesotho".

[2887] Government of Lesotho, *National OVC Strategic Plan: 2006-2011*, 6, 13-14, 108-114; available from http://www.health.gov.ls/National%20OVC%20Strategic%20Plan-%20%20a%20copy%20032007.pdf.

[2888] UN, *United Nations Development Assistance Framework; Action Plan, 2008-2012*, Maseru, Lesotho, December, 2009, 18, 20, and 21; available from http://www.ls.one.un.org/whatwedo/undaf_action_plan.php. See also Government of Lesotho, *Kingdom of Lesotho; Education Sector Strategic Plan; 2005 to 2015*, Maseru, March 2005, para 4.6.2.

[2889] ILO, *Decent Work Country Programme; Lesotho; 2006 to 2009*, 20; available from www.ilo.org/public/english/bureau/program/dwcp/download/lesotho.pdf ·.

[2890] ILO, *Decent Work Country Programme: Lesotho*, 2006, 20-21; available from www.ilo.org/public/english/bureau/program/dwcp/download/lesotho.pdf.

[2891] American Institutes for Research, *Reducing Exploitive Child Labor in Southern Africa (RECLISA)*, Project Document, Washington, DC, September 8, 2005, cover sheet, 17, 18. See also ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL)*, Final Technical Progress Report, Geneva, September, 2008, 1-4. See also U.S. Department of Labor, *Technical Cooperation Project Summary: Supporting the Timebound Program to Eliminate the Worst Forms of Child Labor in South Africa, and laying the Basis for Concerted Action Against the Worst Forms of Child Labor in Botswana, Lesotho, Namibia, and Swaziland*, August 11, 2010 2010; available from http://www.dol.gov/ilab/map/countries/south_africa.htm.

[2892] American Institutes for Research, *Reducing Exploitive Child Labor in Southern Africa (Botswana, Lesotho, Namibia, South Africa, and Swaziland) through Education*, Technical Progress Report, August, 2008, 20.

[2893] Government of Lesotho, *National HIV and AIDS Strategic Plan*, paras 4.4.2.4, 4.4.3.4, and 4.4.4.

[2894] UN General Assembly, *National report Submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Lesotho*, February 22, 2010, para 92; available from http://www.upr-info.org/-Lesotho-.html.

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[2896] UNICEF, *Lesotho cash-grants pilot programme aims to ensure vulnerable children's rights*, November 18, 2009; available from http://www.unicef.org/infobycountry/lesotho_51799.html?q=printme.

Liberia

The Government of Liberia launched youth employment programs, published research, and conducted awareness-raising campaigns to combat the worst forms of child labor. Hazardous child labor continues to exist however, especially in agriculture, mining, and rubber tapping. Liberia does not yet have a comprehensive policy to combat exploitive child labor, especially its worst forms, and does not effectively enforce its child labor laws.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Liberia, many of them in hazardous work.[2897] A number of working children are engaged in agriculture where they may work long hours, perform physically arduous tasks, use dangerous tools, and face a high risk of occupational injury. [2898] On some rubber plantations, children are commonly employed to tap rubber trees, clear brush, and carry buckets.[2899] Children work in stone cutting and the mining of natural resources, including alluvial diamonds and gold.[2900] Children are also employed as domestic servants.[2901] In such work, they may work long hours and their isolation in homes may put them at risk of physical and sexual harassment. Children transport heavy loads as porters, truck loaders, and sand baggers, and some children are employed to carry imported goods from Côte d'Ivoire into Liberia and load them onto commercial trucks.[2902] Children are also employed as domestic servants.[2903] In such work, they may work long hours and their isolation in homes may put them at risk of physical and sexual harassment. Children, especially girls, engage in prostitution.[2904] Some children are trafficked within and outside of Liberia for domestic service and exploitive labor.[2905]

Liberia was engaged in intermittent conflict from 1990 to 2003 and the long term effects leave many children vulnerable to the worst forms of child labor. This long period of war displaced entire communities and destroyed the country's political, economic, and physical infrastructure. Thousands of children were recruited by armed groups during the conflict to serve as combatants or sex slaves. Liberia remains mired in poverty. Nearly 64 percent of the entire population lives under the absolute poverty line.[2906]

Laws and Regulations on the Worst Forms of Child Labor

The Government of Liberia has laws to protect children from the worst forms of child labor. The Labor Law sets the minimum age for work at 16 years. Children under age 16 are prohibited from working during the school day and may only work for wages if the employer can demonstrate that they are attending school regularly and have a basic education.[2907] Labor recruiters are permitted to hire children between ages 16 and 18 for occupations which the Ministry of Labor determines are not harmful to children's physical and moral development.[2908] The law does not establish adequate prohibitions against the involvement of children in hazardous activities. In particular, the law does not prohibit the use of children in work that

exposes them to sexual, physical, and psychological abuse; takes place underground or in confined spaces; and involves the transport of heavy loads, all of which occur in sectors where Liberian children work. Further, the law does not provide a comprehensive list of hazardous activities in Liberia that are forbidden to children under age 18.[2909]

The Constitution of the Republic of Liberia prohibits forced and bonded labor and slavery.[2910] An Act to Ban Trafficking in Persons within the Republic of Liberia criminalizes the trafficking of children for the purposes of commercial sexual exploitation and forced labor.[2911]

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Government of Liberia has established mechanisms for monitoring issues related to the worst forms of child labor and designated institutions for child labor enforcement.

The National Commission on Child Labor (NACOMAL) is charged with monitoring child labor issues and directing policies. The commission is headed by the Ministry of Labor and includes representatives from the Ministries of Health & Social Welfare, Gender & Development, and Youth & Sports.[2912] The objectives of NACOMAL include awareness raising, reforming national child labor laws, and designing a national child labor database.[2913] However, the commission's efforts are hindered by a lack of reliable data because the national statistics office does not conduct child labor surveys and has limited capacity to collect data for strategic planning and evidenced-based policies.[2914] Serious budgetary constraints also impede the commission's efforts.[2915]

NACOMAL is also responsible for enforcing child labor laws. NACOMAL conducted two investigations in 2009; neither of these resulted in any prosecutions.[2916]

In addition to NACOMAL, the Women and Children Protection Section (WACPS) of the Liberia National Police Force contributes to the enforcement of child labor laws. WACPS has 245 investigators who are primarily trained on women's issues. However, WACPS is not responsible for child labor investigations. If WACPS investigators identify exploited children in the course of their work; they will attempt to resolve the situation.[2917] There are limited opportunities for NACOMAL and WACPS to collaborate. NACOMAL does not have permanent field staff and representatives from WACPS, the Liberian National Police Force, or the Ministry of Justice do not participate in the commission as members or observers.[2918] WACPS did not report any child labor prosecutions 2009.[2919]

Liberia also has mechanisms in place for monitoring and law enforcement of criminal violations of the worst forms of child labor. The Ministries of Justice and Labor are responsible for enforcing anti-trafficking legislation.[2920] The Government coordinates anti-trafficking activities through the National Human Trafficking Task Force.[2921] The Task Force is chaired by the Ministry of Labor with representatives from the Ministries of Justice, Foreign Affairs and Internal Affairs, the national police, and the Bureau of Immigration and Naturalization.[2922] The Task Force meets on a monthly basis.[2923] Task Force members assist the Liberian National Police with human trafficking investigations and monitor court cases.[2924] The Task Force also publishes reports that are accessible to the public.[2925] Despite the Task Force's efforts, the Government of Liberia did not prosecute any child traffickers or provide anti-trafficking training to police officers during the reporting period.[2926]

Government Policies on the Worst Forms of Child Labor

The Government of Liberia has not established a policy framework to promote the elimination of the worst forms of child labor. However, it has undertaken a Country Program Action Plan (2008-2012) with UNICEF that seeks to reduce the vulnerability of children to exploitation, including child labor and child trafficking.[2927] The plan calls for UNICEF to complete a national child labor analysis and build the capacity of Liberian institutions to prevent child trafficking and the worst forms of child labor.[2928] The plan provides indicators, targets, and sources of data to measure UNICEF's progress.[2929] The Government and UNICEF intend to conduct a midterm evaluation of the plan in 2010. The plan indicates that UNICEF will create detailed annual work plans with implementing partners that will list specific actions, inputs, and outputs.[2930]

The Government of Liberia has included child labor issues in several relevant development agendas and social policies. The United Nations Development Assistance Framework for Liberia (2008-2012) tasks ILO with reforming national labor laws in accordance with ILO conventions and assisting in the implementation of child labor policies.[2931] It also requires other UN agencies to promote youth employment and increase access to quality education.[2932] The Government's Poverty Reduction Strategy (2008-2011) recognizes the links between household income and child labor and highlights the importance of protecting children from physical, psychological, and sexual abuse.[2933] Liberia's National Social Welfare Policy prioritizes the development of action plans and policies that target child labor and child trafficking.[2934] The National Youth Policy for Liberia identifies children working in the informal sector, children living and working in the streets, and children associated with armed groups as priority target groups for assistance.[2935]

While these policies address child labor concerns, the Government does not have a national child strategy that coordinates all of its child labor activities and provides concrete targets to protect children from exploitation in hazardous work and human trafficking.[2936]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Liberia has participated in the implementation of programs to eliminate the worst forms of child labor since 2003, when it emerged from more than a decade of civil war. Most programs have sought to remediate child labor issues that were created or exacerbated by the conflict. From 2003 to 2006, the Government's National Commission on Disarmament, Demobilization, Rehabilitation, and Reintegration in collaboration with UNICEF, the UN Mission in Liberia, and other partners demobilized 10,963 child combatants.[2937] From 1998 to 2007, the Government implemented the accelerated learning program in partnership with UNICEF and other international organizations to provide primary education to children whose schooling was interrupted by armed conflict.[2938] The Government participated in the USDOL-funded $6 million Child Labor Education Initiative project in Sierra Leone and Liberia from 2005 to 2010 that was implemented by the International Rescue Committee. This 4-year project, which was launched in 2005 withdrew a total of 8,243 children and prevented a total of 21,647 children from exploitive child labor.[2939]

During the reporting period, the Government supported the UN Joint Program for Employment and Empowerment of Young Women and Men in Liberia, which aims to produce decent employment for disadvantaged youth in the informal economy and agriculture.[2940] The Government also published the National Youth Policy Action Plan, which provides youth of legal working age with training in entrepreneurship skills and linkages to business mentoring programs and cooperatives.[2941] The Government signed a memorandum of understanding with UNICEF. In this memorandum, the Government agreed to establish child protection focal points in all military barracks and design a child rights and child protection training program for all military officers and civilian staff in the Liberian Ministry of National Defense.[2942]

In partnership with UNICEF, the Government finalized a situational analysis of human trafficking in Liberia.[2943] The Government also organized media campaigns about the negative impacts of human trafficking.[2944] The Government's Truth and Reconciliation Commission (TRC) continued to investigate the individual and systematic use of child soldiers in Liberia from January 1979 to October 14, 2003 and issued its final report.[2945] The report noted that all armed groups under the TRC's review used child soldiers.[2946] While the Government's efforts to eradicate child labor increased in 2009, the scope of existing programs is insufficient to address the scope of the problem in Liberia.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Liberia:

IN THE AREA OF LAWS AND REGULATIONS:

- Include a clear prohibition against children's involvement in the worst forms of child labor.
- Define hazardous work in Liberia that is prohibited to children under 18.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a national database to monitor children's engagement and removal from the worst forms of child labor.
- Conduct national child labor surveys to inform strategic planning and evidence- based policies.
- Integrate representatives from the WACPS, Liberian National Police Force, or the Ministry of Justice into the National Commission on Child Labor.
- Develop a national database to monitor trafficking violations.

IN THE AREA OF POLICIES:

- Develop a comprehensive annual work plan to eradicate child labor and evaluate its effectiveness.

IN THE AREA OF PROGRAMS:

- Increase the scope of existing social programs to reach more children at risk of the worst forms of child labor.

[2897] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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[2899] U.S. Department of State, "Country Reports- 2009: Liberia," section 7d. See also U.S. Embassy- Monrovia, *reporting*, January 20, 2009, para 2e. See also UN Mission in Liberia, *Human Rights in Liberia's Rubber Plantations: Tapping into the Future*, Monrovia, May 2006, 44-46; available from http://unmil.org/documents/human_rights_liberiarubber.pdf..

[2900] U.S. Department of State, "Country Reports- 2009: Liberia," section 7d. See also UN Mission in Liberia, *Report on the Human Rights Situation in Liberia: January -- June 2009*, Monrovia, May 2009, para 41; available from http://unmil.org/. See also U.S. Embassy- Monrovia, *reporting, January 20, 2009*, para 2e. See also UN Security Council, *Seventeenth progress report of the Secretary-General on the United Nations Mission in Liberia*, New

York, August 15, 2008, para 19; available from http://www.unmil.org/documents/sgreports/sg17pr.pdf.

[2901] International Rescue Committee, *Countering Youth and Child Labour Through Education (CYCLE)*, Project Document, New York, August 2007, 9. See also U.S. Embassy- Monrovia, *reporting*, January 20, 2009, para 2e. See also U.S. Department of State, "Liberia," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm.

[2902] Government of Liberia and Macro International, *Liberia Demographic and Health Survey*, 17-18. See also International Rescue Committee, *Countering Youth and Child Labour Through Education (CYCLE)*, 9. See also Government of Liberia Ministry of Gender and Development official, Interview, June 26, 2006. See also Women's Refugee Commission, *Dreams Deferred*, 2-3.. See also UN Mission in Liberia, *Human Rights Situation in Liberia*, para 42.

[2903] International Rescue Committee, *Countering Youth and Child Labour Through Education (CYCLE)*, 9. See also U.S. Embassy- Monrovia, *reporting*, January 20, 2009, para 2e. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Liberia."

[2904] U.S. Department of State, "Country Reports- 2009: Liberia," section 6. See also Save the Children UK, *From Camp to Community: Liberia Study on exploitation of children*, Monrovia, May 8, 2006, 10; available from http://www.savethechildren.it/2003/download/pubblicazioni/Liberia/Liberia_sexual_exploitation_edited_LB.pdf

[2905] U.S. Department of State, "Trafficking in Persons Report- 2010: Liberia." See also UNICEF, *News note: Liberia launches its situational analysis report on human trafficking*, Monrovia, March 1, 2010; available from http://www.unicef.org/media/media_52882.html?q=printme.

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[2907] Government of Liberia, *Labor Law (Title 18 and 18A)*, (1956), section 74; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=LBR&p_classification=01.02&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY.

[2908] Ibid., 1506, para 11. See also U.S. Embassy- Monrovia, *reporting, January 20, 2009*, para 2a.

[2909] Government of Liberia, *Labor Law (Title 18 and 18A)*, section 74. See also U.S. Embassy- Monrovia, *reporting, January 20, 2009*, para 2a. See also

[2910] Government of Liberia, *Constitution of the Republic of Liberia*, (January 6, 1986), article 12; available from http://www.tlcafrica.com/constitution-1986.htm#chapter3.

[2911] Government of Liberia, *An Act to Ban Trafficking in Persons within the Republic of Liberia*, (2006).

[2912] Government of Liberia, *Ministry of Labour; National Commission on Child Labour (NACOMAL); Plan of Action 2007-2016*, Monrovia, 2007, 1-2. See also U.S. Embassy- Monrovia, *reporting, January 20, 2009*, 2b.

[2913] Government of Liberia, *Ministry of Labour; National Commission on Child Labour (NACOMAL); Plan of Action 2007-2016*, 3.

[2914] U.S. Embassy- Monrovia, *reporting, January 20, 2009*, para 2e. See also Government of Liberia and UNDP, *Liberia's Progress Towards the Millenium Development Goals* Monrovia, 2008, 8; available from http://www.undg.org/unct.cfm?module=CoordinationProfile&page=Country&CountryID=LIR.

[2915] U.S. Embassy-Monrovia, *e-mail communication to USDOL official*, November 19, 2010.

[2916] U.S. Embassy- Monrovia, *reporting, February 1, 2010*, para 2c. See also U.S. Department of State, "Country Reports- 2009: Liberia," section 7d.

[2917] U.S. Embassy- Monrovia, *reporting, February 1, 2010*, paras 2c and 2g.

[2918] Ibid., para 2c. See also Government of Liberia, *Ministry of Labour; National Commission on Child Labour (NACOMAL); Plan of Action 2007-2016*.

[2919] U.S. Embassy- Monrovia, *reporting, February 1, 2010*, para 2c.

[2920] U.S. Department of State, "Country Reports- 2009: Liberia," section 6.

[2921] U.S. Embassy- Monrovia, *reporting, February 1, 2010*.

[2922] U.S. Department of State, "Liberia," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/g/tip/rls/tiprpt/2009/123137.htm. See also U.S. Embassy- Monrovia, *reporting, February 1, 2010*, para 2b.

[2923] U.S. Embassy- Monrovia, *reporting, February 1, 2010*, para 4c.

[2924] Ibid., para 4d.

[2925] Ibid., para 2d.

[2926] U.S. Department of State, "Trafficking in Persons Report- 2010: Liberia."

[2927] UNICEF, *Country Programme of Action 2008-2012*, paras 49 and 51.

[2928] Ibid., 23 and 44.

[2929] Ibid., 42 and 44.

[2930] Ibid.

[2931] United Nations Development Group, *United Nations Development Assistance Framework for Liberia 2008-2012; Consolidating Peace and National Recovery for Sustainable Development*, May 2007, 37; available from http://www.undg.org/unct.cfm?module=CoordinationProfile&page=Country&CountryID=LIR.

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[2936] U.S. Embassy- Monrovia, *reporting, February 1, 2010*, para 2e.

[2937] UN Security General, *Children and armed conflict; Report of the Secretary General*, New York, October 26, 2006, para 56; available from http://www.un.org/Docs/journal/asp/ws.asp?m=A/61/529. See also Thomas Jaye, *Transitional Justice and DDR: The Case of Liberia*, June, 2009, 2; available from www.ictj.org/static/Publications/Jaye_Li_DDR_Liberia_ResearchBrief_2009.pdf

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[2942] UNICEF, *Memorandum of Understanding between Ministry of National Defense and United Nations Children's Fund*, Monrovia, October, 2009; available from http://www.reliefweb.int/rw/rwb.nsf/db900sid/ASAZ-7X2HZB?OpenDocument&query=memorandum%20of%20understanding'&cc=lbr.

[2943] UNICEF, *Liberia situational Analysis on human trafficking*.

[2944] U.S. Department of State, "Trafficking in Persons Report- 2010: Liberia."

[2945] Government of Liberia, *An Act to Establish the Truth and Reconciliation Commission (TRC) of Liberia*, (May 12,), article IV(4a,4e), article VII(26h-g); available from https://www.trcofliberia.org/scholarly-resources/documents/an-act-establishing-the-truth-and-reconciliation-commission-trc-of-liberia. See also U.S. Department of State, "Country Reports- 2009: Liberia," introduction.

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Macedonia

In 2009, the Government of Macedonia published a National Action Plan to Combat Trafficking of Children (2009-2012). The Government has also assembled a variety of agencies and mechanisms devoted to ending the worst forms of child labor. However, social programs addressing the unique needs of street children and child victims of human trafficking are lacking. Forced begging and child trafficking continue to be problems.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	9.9%
Attending School	5-14 yrs.	84.7%
Combining Work and School		Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Macedonia are found in some of the worst forms of child labor,[2947] particularly in informal work on the street, many of them engage in forced, exploitative, and organized begging in open markets, in the streets, and to bar patrons at night. Children who work on the street may be exposed to a variety of dangers, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements. Street children are often members of the Roma ethnic group, and many are forced by adults to beg at busy intersections, street corners, and restaurants.[2948]

Other worst forms of child labor in Macedonia include the trafficking of children, both internally and to other countries, for the purposes of forced labor in commercial sexual exploitation.[2949]

Laws and Regulations on the Worst Forms of Child Labor

The Constitution of Macedonia and the Labor Relations Act set the minimum working age at 15.[2950] Article 63 of the Labor Relations Act states that a person must be at least age 18 to engage in hazardous work and also stipulates that employees under age 18 may not work underground or underwater, engage in strenuous physical labor, or perform other jobs which may be harmful or threatening to their life or health.[2951]

Forced labor is prohibited by Article 11 of the Constitution.[2952] The minimum age for voluntary military service is age 18, and there is no compulsory military service. The Criminal Code bans prostitution and procuring for prostitution, in addition to slavery and transporting of people in slavery.[2953]

The Law on Foreigners allows foreign child victims of trafficking two months of temporary residence, known as a "contemplation period," so that they may consider whether or not they want to cooperate with the authorities. This period can be extended several times for child victims of trafficking.[2954] The issuance of residence permits is conditional upon the child victim's willingness to cooperate with authorities in the investigation and prosecution of traffickers.[2955]

Macedonian Police have established a witness protection unit. However, child victims of human trafficking are not always informed about the risks that they face, which could include psychological trauma by way of public humiliation and the potential of re-victimization.[2956]

Cooperating with authorities may include a legal obligation for trafficked children to face their traffickers in a court of law.[2957] It is concerning that children testify in order to obtain a temporary visa. This is coercive to the victim and could be damaging to their psychological health if forced to testify.

While begging itself is not illegal in Macedonia, the use of children for forced, organized, and exploitative begging is prohibited under Article 201 of the Criminal Code.[2958] Article 201 states that it is illegal for parents or guardians to coerce children into forced prostitution for their own interest, and that the parent or guardian will be held accountable for neglecting and mistreating a juvenile.[2959]

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	18
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Government of Macedonia has created the National Commission for Children's Rights (NCCR). Among other activities, the NCCR is expected to coordinate the involvement of all institutions who work to combat trafficking in human beings.[2960] Research does not indicate whether the NCCR coordinates actions to address child begging or other worst forms of child labor in Macedonia. The National Commission meets six times a year to draft policies and strategies, in addition to monitoring their implementation. The Commission has created a subgroup specifically for addressing the needs of child victims of trafficking.[2961] An action plan for the subgroup has been drafted, and the status of its current implementation is pending the biannual submission of reports to the National Commission.[2962]

The State Labor Inspectorate, a department within the Ministry of Labour and Social Policy, is responsible for workplace inspections, to monitor for labor law violations, including those regarding child labor.[2963] There are approximately 110 to 120 labor inspectors.[2964] Inspections are divided into two categories: occupational safety and health inspectors (OSH) and labor relations. In regional offices where there is only one inspector, he or she may cover the roles of both inspectors without training on appropriate occupational safety and health for children.[2965] OSH and labor relations inspectors are mandated to carry out at least 60 inspections per month.[2966] Inspectors are required to carry out inspections at least once a year within the following sectors: industrial, agriculture, trade, construction, forestry, transport, communal services, craft trade, hotel and restaurants, schools and universities, workshops, and laboratories used for professional practice. Inspections for all other premises are required once every 3 years.[2967]

During the reporting period, the Ministry of Labor and OSCE trained 110 to 120 labor inspectors on identifying labor trafficking and procedures for investigating these crimes by coordinating their activities with the National Referral Mechanism Office (NRM).[2968]

There is no nationally accessible registry of inspections that have been carried out by MLSP inspectors because the results of inspections are recorded on paper. These results are kept in regional offices, which are not shared with other regional offices.[2969]

The Government of Macedonia has established the Social Care Center and the Office of the Ombudsman, which are available to receive complaints of hazardous and forced child labor, although no official complaints were received during the year.[2970]

Within the Public Prosecutor's Office, the Organized Crime and Corruption Unit is responsible for prosecuting a variety of issues, including trafficking in children, child commercial sexual exploitation,

and the use of children in illicit activities. The office has a mandate for 13 prosecutors, although as of this reporting period only seven had been hired.[2971]

The Ministry of the Interior (MOI) is the agency responsible for enforcement of criminal laws on the worst forms of child labor, including human trafficking and forced begging. The MOI has a Border Affairs section, a monitoring and enforcement division that plays a critical role in the identification of victims at border points and is empowered to accept and process the temporary residence permits that can be issued to victims of human trafficking.[2972] Within the Organized Crime department, there are two informal sub-units of the Trafficking in Human Beings section (THB), one of which is dedicated exclusively to trafficking.[2973] The THB section includes 14 specialized police officers located in the Macedonian capital.[2974] These officers receive training on Standard Operating Procedures (SOPs) for treating victims of trafficking.[2975] However, since the THB section is located only in Skopje, local police outside of the capital may be unaware of the Standard Operating Procedures for treatment of victims of trafficking.

The Ministry of Foreign Affairs provides protection and assistance to foreign child victims of human trafficking by contacting their respective consular officials, except in cases where those children are covered by the Transnational Referral Mechanism (TRM) project of the International Centre for Migration Policy Development.[2976] The TRM works to provide comprehensive assistance to all foreign victims of trafficking in the region through the development and implementation of Standard Operating Procedures for referral and assistance at the transnational level.[2977]

Within the MOI, the police force is the primary mechanism for enforcing criminal laws on forced begging. The police force has begun a new policy of having plain clothes police officers reach out to street children and engage their families in order to find viable alternatives to forced begging.[2978]

During the reporting period, the Ministry of the Interior, with the assistance of the International Organization for Migration, began training 250 local and border police officers in an effort to increase awareness and police abilities to identify victims based on a new, more discreet victim profile and adapting police techniques to the current methods used by human traffickers.[2979] The Government also initiated trainings for police and special investigators on the implementation of standard operating procedures for victim identification.[2980]

Twelve investigations were opened on child trafficking during the reporting period.[2981] Of these 12 investigations, four cases of trafficking involving seven children were brought to the court. Two of these cases involved labor exploitation and two were a combination of labor and sexual exploitation.[2982] However, the courts did not rule on any of the trafficking cases brought forward by prosecutors in 2009.[2983]

The Ministry of Labour and Social Policy is responsible for rendering psychological, medical, and educational services, operating day centers, and protecting children and adults who have been victimized by human traffickers.[2984] Within the MLSP, the Office of the National Referral Mechanism exists to deal with the initial identification and assistance of victims of trafficking, including children. The NRM is officially charged with the task of coordinating all protection services only for domestic adult and child victims of trafficking, however, exceptions are made for foreign children who are victims of trafficking within Macedonia's borders.[2985]

Government Policies on the Worst Forms of Child Labor

In 2005, the Government of Macedonia adopted a 10-year National Action Plan for the Rights of Children in Macedonia, which outlines activities for prevention and elimination of the worst forms of child labor. This National Action Plan includes direct assistance, poverty reduction, and intervention activities, as well as provisions for the rehabilitation of children and a stipulation for better access to primary education.[2986] Nevertheless, it does not appear that the Government of Macedonia has implemented specific national policies regarding children working on the streets.

The Ministry of Labor and Social Policy, in conjunction with UNICEF, has published a National Action Plan to Combat Trafficking of Children

(NAP) in the Republic of Macedonia (2009-2012). The National Action Plan focuses on preventative measures to protect children from trafficking as well as suggesting policy and legislative solutions to the problem.[2987] However, the NAP fails to recommend structural or operational solutions that would assist in combating human trafficking and does not lay out concrete actions.[2988]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Currently, the Government funds two centers in Skopje that provide services to street children.[2989] In consultations with UNICEF and NGOs, the MOI has sought more holistic solutions to solving the forced, organized, and exploitative begging problems within the Roma minority; however there are limited programs to address the education or economic roots of the forced begging problem.[2990]

Macedonia runs a Reception Center for foreign child trafficking victims, with additional services provided by an NGO. The Government funds the Reception Center but does not fund the NGO services, which rely upon external donations.[2991] Also, because there are no centers dedicated exclusively to children, adults and children are routinely mixed together.[2992] Children, however, have different needs than adults, requiring more specialized assistance, attention, and protection.

There are 27 Centers for Social Welfare (CSW) providing reintegration services for victims of trafficking. The centers cannot accommodate all victims in a 24-hour period, leaving some victims to find their own accommodations until the Centers for Social Welfare reopen the following day.

With government financing, NGOs run two hotlines for reporting trafficking cases.[2993]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Macedonia:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Law on Foreigners to protect child victims regardless of their collaboration with government authorities during the prosecution of the human traffickers.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Broaden the scope of the Trafficking in Human Beings section's area of monitoring and enforcement to include regions outside of the capital.
- Establish training programs for local police located outside of Skopje that instruct them in the proper treatment of and conduct towards victims of human trafficking.
- Provide the inspectors of the Ministry of Labor and Social Policy with a nationally accessible computerized system and technical assistance to record inspections and utilize electronic systems while at the office and in the field.

IN THE AREA OF POLICIES:

- Develop the National Action Plan to include concrete structural or operational solutions to combat and prevent the worst forms of child labor in Macedonia.

IN THE AREA OF PROGRAMS:

- Expand programs to address the economic and educational factors behind forced, organized, and exploitative begging, particularly within the Roma community.
- Increase the capacity of the Centers for Social Welfare to reach more trafficking victims in need, and adapt services to the unique needs of child victims.

[2947] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2005-2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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[2960] Terre des Hommes, *UNICEF Guidelines-Macedonia*.

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[2966] ILO Labour Administration and Inspection Programme, *Information Resources: Macedonia*.

[2967] Ibid.

[2968] U.S. Embassy- Skopje, *reporting, March 1, 2010*.

[2969] Ibid.

[2970] Ibid.

[2971] Ibid.

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[2973] Terre des Hommes, *UNICEF Guidelines-Macedonia*.

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[2975] Ibid.

[2976] National Alliance for Children's Rights, *Alternative report of the non-governmental organizations to the state reports about the situation with the rights of the child in the Republic of Macedonia*, First Children's Embassy in the World- Megjashi, Skopje, 2009; available from http://www.childrensembassy.org.mk/default-en.asp?ItemID=652DDFC050F97641A28A40D7B61E01C8.

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[2982] Ibid.

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[2984] U.S. Department of State, "Country Reports- 2009: Macedonia."

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[2986] U.S. Embassy- Skopje, *reporting, March 1, 2010*.

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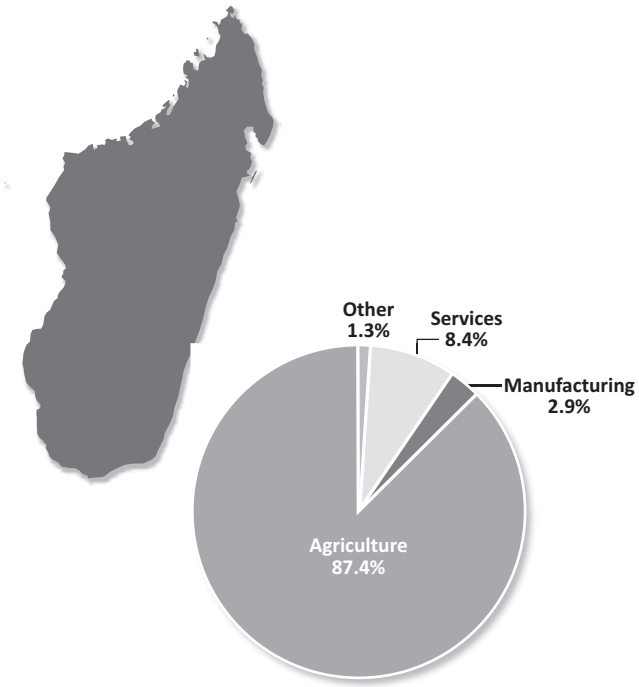
Madagascar

The Government of Madagascar has enacted laws to combat many of the worst forms of child labor. However, the worst forms of child labor persist, particularly in agricultural. Recent political instability has hampered the flow of resources to programs to combat the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	22.1%
Attending School	5-14 yrs.	69.1%
Combining Work and School		Unavailable



Prevalence and Distribution of the Worst Forms of Child Labor[2994]

Children in Madagascar are involved in the worst forms of child labor, primarily in agriculture.[2995] In rural areas, children as young as age eight are involved in the production of wine, tea, cocoa, cotton, sisal, and vanilla.[2996] Children laboring in the tea industry are known to work with fertilizer and carry up to 50 kilograms of weight on their backs. Children working in sisal production are exposed to pulmonary illness from inhaling fibers from the cutting process.[2997] Children also pick fruit from trees, herd cattle, and produce oil and copra (dried meat of the coconut).[2998] Additional risks for children in agriculture may include using dangerous machinery and tools.

In coastal areas, children work in fishing, deep sea diving, and the shrimp and oyster industry.[2999] Children fish on the open sea, and children who gather shrimp perform deep sea diving with unsafe equipment or no equipment at all.[3000]

Malagasy children are also involved in domestic service.[3001] In Madagascar, child domestic servants work an average of 12 hours per day, with some working up to 18 hours per day.[3002] Children receive little to no payment for their work, and are often isolated from the outside world.[3003] These children may develop bone deformities from carrying children while performing work.[3004] Children working as domestic servants are also vulnerable to sexual and psychological abuse from their employers.[3005]

Children as young as age 5 mine precious and semi-precious stones, including sapphires, and perform informal-sector work in and around the mines. Many child miners work in the town of Ilakaka, and most work alongside their families.[3006] Children in the mining sector work long hours and risk respiratory problems from breathing in areas with little aeration as well as frequent accidents and death, due to landslides.[3007] Children as young as age 5 also engage in salt mining and production in Tulear, where they are exposed to heavy loads, high temperatures, and water retention from overexposure to salt.[3008]

Children as young as age 3 work in granite mines and other stone quarries, performing tasks such as collecting and sorting stone blocks, cutting stone, or making and shoveling gravel.[3009] Children quarrying stone work long hours, with no security measures for safety, and face physical and verbal abuse, including the withholding of food.[3010] Children also labor in brick and gravel making.[3011]

In the informal sector, children work in welding and mechanical work, transporting goods by rickshaw, and

begging.[3012] Additionally, due to the 2009 Madagascar Coup, children have become involved in illicit activities, such as selling stolen fuel.[3013]

Children in Madagascar are engaged in commercial sexual exploitation, mostly in urban areas, including Antananarivo and Ilakaka.[3014] Due to the March 2009 coup and the current economic crisis, child sex tourism is no longer confined to small coastal towns; commercial sexual exploitation in the Atsinanana region has spread, and demand for underage girls is on the rise.[3015] While victims of child sex tourism are usually girls, boys are exploited as well.[3016] Children are often recruited by fraudulent offers of employment in the service industry, and are then forced into the commercial sex trade.[3017]

Madagascar is a source country for domestic and international trafficking.[3018] Malagasy children are mostly trafficked domestically from rural to urban areas for forced labor in commercial sexual exploitation, domestic service, mines, fishing, and agriculture.[3019] Domestic traffickers of children include taxi drivers, friends, and relatives.[3020] Girls are trafficked internationally to Lebanon for domestic service and are often recruited near airports for easy transportation.[3021]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	10
	Free Public Education	Yes

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for work and apprenticeships at 15.[3022] However, children in Madagascar are required to attend school only until age 10.[3023] This gap between compulsory education and the legal work age makes children more susceptible to involvement in the worst forms of child labor.

The Labor Code prohibits children under age 18 from employment that is immoral or hazardous, and several other laws also restrict children's work.[3024] Decree N2007-563 permits children between ages 15 and 17 to perform light work if the work does not exceed their strength, is not hazardous, and does not interfere with the child's health or physical, mental, spiritual, moral, and social development. The Decree also permits children age 14 to work when authorized by a labor inspector.[3025] Both the Decree and the Labor Code prohibit children under age 18 from performing work at night.[3026] The Decree further stipulates the weight load a child can carry by gender.[3027] Decree N2007-563 also prohibits children from working near toxic materials and pesticides, as domestic laborers, and in bars, discos, casinos, mines.[3028]

Malagasy law criminalizes the commercial sexual exploitation, trafficking of children, and the use of children to produce and disseminate pornographic materials.[3029] Forced labor is prohibited in Madagascar under both the Labor Code and Decree N2007-563.[3030] The Penal Code also allows for the extradition of Malagasy nationals and persons charged with trafficking in other countries.[3031]

The minimum age for voluntary and compulsory military service under Malagasy law is 18.[3032]

Institutional Mechanisms for Coordination and Enforcement

The National Committee to Fight Child Labor (CNLTE) is an inter-ministerial committee lead by the Ministry of Civil Services and Labor and composed of the Ministries of Education, Health, and Justice.[3033] The committee coordinates programs, provides input on legislation and regulations on child labor, and is charged with monitoring and pursuing the implementation of the National Action Plan to Fight Child Labor.[3034] The Division for the Prevention,

Abolition, and Monitoring of Child Labor (PACTE) within the Ministry of Civil Service and Labor supports the CNLTE by coordinating, monitoring, and evaluating framework activities designed to fight against child labor. The Division also conducts research and development activities to promote the fight against child labor.[3035]

Anti-trafficking efforts in Madagascar have been coordinated by the President's Inter-Ministerial Anti-Trafficking Committee, with members from the Ministries of Education, Culture, Interior, Tourism, Youth and Sports, Health, Family Planning, Foreign Affairs, Defense, and the independent anti-corruption bureau BIANCO.[3036] The committee oversees anti-trafficking work in the Ministries of Civil Services and Labor, Justice, and Population, as well as parts of the police and *gendarmerie (*a military body charged with police duties among civilian populations).[3037] However, since the 2009 coup, the Inter-Ministerial Anti-Trafficking Committee has ceased to function.[3038]

The Ministry of Civil Services and Labor is charged with enforcing child labor laws and conducting workplace inspections.[3039] The Ministry of Civil Services and Labor has 71 labor inspectors, with an additional five inspectors specifically for child labor.[3040] However, evidence indicates regional labor inspectors were largely replaced after the 2009 coup, and no information on new assignments, the number of inspectors, or regular inspections performed is available.[3041] No complaint-driven child labor inspections were carried out during the reporting period and information is unavailable on targeted inspections.[3042] The Ministry of Justice is charged with enforcing all laws pertaining to violence against children, including trafficking and the commercial exploitation of children.[3043] Inspectors from the Ministry of Civil Services and Labor and magistrates from the Ministry of Justice also enforce these laws.[3044] The Morals and Minors Brigade of the National Police Force oversees investigations related to minors, including issues of trafficking and the commercial sexual exploitation of children.[3045] The Morals and Minors Brigade employs 35 agents.[3046] The UN trained lawyers, judges, and ministry representatives on international resources to combat child labor.[3047]

The Morals and Minors Brigade's anti-trafficking data base is currently dormant due to a lack of funding and the reassignment of key personnel, however it continues to operate a hotline and work with other agencies, NGOs, and international organizations to organize victim's assistance.[3048] During the reporting period, 33 complaints regarding child trafficking were reported to the hotline. All 33 complaints were investigated, and 80% of the trafficked children were rescued. Eighteen cases were closed, but there is no evidence of prosecutions or convictions.[3049] Considering the 2007 estimate of 300,000 trafficked children in Madagascar, the number of investigations and arrests is minimal compared to the scope of the problem.[3050]

Additional cases filed during the reporting period include one case of sex tourism, one indictment for debauchery, 315 cases of corruption of a minor, and 190 arrests for corruption of a child.[3051]

Government Policies on the Worst Forms of Child Labor

In 2007, the Government adopted the Madagascar Action Plan (MAP) (2007-2012), and the National Action Plan to Eliminate the Worst Forms of Child Labor (NAP) (2004-2019). The NAP is harmonized with the larger policy framework of the MAP, and includes anti-trafficking and anti-prostitution initiatives.[3052] The MAP expressly states an objective of fighting child labor and trafficking, while the NAP identifies four categories of the worst forms of child labor in Madagascar and lays out interventions.[3053] The Government also has a National Action Plan to Fight Child Labor, which has been active for the last 15 years.[3054]

Child labor concerns have also been incorporated into national development agendas and key documents such as the Education for All Program, and the Decent Work Program (2008-2013). Madagascar's Poverty Reduction Strategy Paper (2007-2012), and United Nations Development Assistance Framework (2008-2011) do not specifically address the worst forms of child labor.[3055]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Madagascar participated in a $3.64 million regional project that ended in March 2007, and a $488 million regional project that was completed in December 2009. Both projects were funded by

France to combat the worst forms of child labor in Francophone, Africa.[3056]

As a result of the 2009 coup, funding from many international donors including the African Union, European Union, World Bank, and the United States was suspended.[3057] In some cases, this funding suspension excluded humanitarian aid.[3058]

Prior to the 2009 coup, the Government of Madagascar was participating in a 4-year global project to eliminate the worst forms of child labor. The $14.7 million project, funded by the European Commission, targeted 13 countries to withdraw and prevent children from the worst forms of child labor.[3059] Madagascar was also involved in a 3-year, French-funded, $5.3 million project, which aimed at eliminating the incidence of the worst forms of child labor in eight Francophone African countries.[3060] Madagascar was also participating in an $85 million Education for All project funded by the World Bank.[3061] Research was unable to determine if these programs were still ongoing after the 2009 coup.

The Government continues to participate in the East African Police Chiefs' Cooperation Organization to increase coordination in combating human trafficking.[3062] The Government also raises awareness on child sex trafficking by hanging posters and full-page warnings, and by providing booklets warning tourists of the consequences of sex tourism.[3063] However, amid budget cuts to public services, the education budget was slashed by 20-30%. Since the 2009 coup, there have been a number of reports that indicate school enrollment has dropped and children's engagement in work activities has increased.[3064]

A USDOL-funded, 4-year, $4.5 million project to combat the worst forms of child labor continued throughout the reporting period, despite the coup. However, the project relinquished all ties with the Government, and now works only at the local level. The project targets agriculture, commercial sexual exploitation, domestic service, mining, and quarrying.[3065] It aims to withdraw a total of 4,500 children and prevent another 4,500 children from exploitive labor.[3066]

The former Government of Madagascar participated in a 4-year USD $4.75 million Time-Bound Program funded by USDOL, which ended in June 2009.[3067] The project addressed exploitative child labor in agriculture, domestic work, stone quarrying, mining, fishing, and commercial sexual exploitation.[3068] It also participated in a 2-year, $400,000 USAID-funded, anti-trafficking project which conducted a baseline survey to assess trafficking in Madagascar, and aimed to raise awareness, build capacity of local organizations, provide social services, and facilitate legal actions to combat trafficking.[3069]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Madagascar:

IN THE AREA OF LAWS AND REGULATIONS:

- Harmonize the minimum age for work and the age for compulsory education.
- Amend the Penal Code to prohibit the use of children for illicit activities.
- Ensure that existing legislation regarding child labor is upheld despite the instability brought by the 2009 coup.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Undertake child labor inspections and, track and make publicly available information on the results of the inspections.
- Fund the existing anti-trafficking database and providing personnel to oversee operations.
- Expand efforts to investigate and prosecute trafficking cases.

IN THE AREA OF POLICIES:

- Ensure committees to combat the worst forms of child labor are operational.

[2994] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2007. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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[2996] U.S. Embassy- Antananarivo, *reporting*, February 25, 2010, 1a-11a. See also ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar- IPEC's Contribution to the National Action Plan to Eliminate Child Labour*, Project Document, Geneva, August 13, 2004, 5-8. See also U.S. Department of State, "Madagascar," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, 2010, 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm.

[2997] U.S. Embassy- Antananarivo, *reporting, February 25, 2010*, 2a. See also ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar, Project Document*, 8.

[2998] U.S. Embassy- Antananarivo, *reporting, February 25, 2010*, 5a, 10a.

[2999] ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar, Project Document*, 7. See also U.S. Department of State, "Country Reports- 2009: Madagascar," section 7d. See also U.S. Embassy- Antananarivo, *reporting, February 25, 2010*, 4a.

[3000] ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar, Project Document*, 7.

[3001] Government of Madagascar, *Informations sur le Travail des Enfants*, submitted in response to U.S. Department of Labor Federal Register Notice (2009) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Antananarivo, April 9, 2010. See also U.S. Department of State, "Country Reports- 2009: Madagascar," 7d. See also U.S. Embassy- Antananarivo, *reporting*, December 3, 2007, 3. See also Confederation Syndicale Internationale, *Rapport pour l'Examen des Poloitiques Commerciales de Madagascar par le Conseil General de l'OMC,* [2008], 7-8.

[3002] Frédérique Andriamaro, *Bulletin d'Information sur la Population de Madagascar*, 2009, 3; available from http://sites.univ-provence.fr/lped/IMG/pdf/BIP_53.pdf. See also UN Office of the High Commissioner for Human Rights, *Mise en oeurve du Pacte relatif aux Droits Civils et Politiques, La Situation des Droits de l'Homme a Madagascar*, Geneva, March 2007, 31-32; available from http://www2.ohchr.org/english/bodies/hrc/docs/ngos/omct_madagascar.pdf.

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[3004] ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar, Project Document*, 7.

[3005] Ibid.

[3006] Ibid., 6.

[3007] Ibid. See also UN Office of the High Commissioner for Human Rights, *La Situation des Droits de l'Homme a Madagascar*, 33.

[3008] ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar, Project Document*, 7.

[3009] Ibid., 6-8. See also U.S. Embassy- Antananarivo, *reporting*, February 29, 2008, 3.27.A-D. See also International Trade Union Confederation, *Les Normes Fondamentales du Travail Reconnues Internationalement a Madagascar*, April 2008, 7; available from http://www.ituc-csi.org/IMG/pdf/MADAGASCAR.final.FR.pdf. See also ILO-IPEC, *Child Labour in Stone Quarrying: the Problem*, Geneva, June 2006, 2; available from http://www.ilo.org/.

[3010] ILO-IPEC, *Child Labour in Stone Quarrying*, 2.

[3011] U.S. Embassy- Antananarivo, *reporting, March 10, 2010*, 8a, 11a.

[3012] U.S. Department of State, "Country Reports- 2009: Madagascar," section 7d. See also ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar, Project Document*, 8.

[3013] Pact Inc., "Combating Exploitive Child Labor Through Education in Madagascar Technical Progress Report," (March 31, 2010).

[3014] ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar, Project Document*, 6. See also U.S. Department of State, "Country Reports- 2009: Madagascar," section 6. See also U.S. Department of State, "Country Reports- 2009: Madagascar."

[3015] U.S. Department of State, "Madagascar (Tier 2)," in *Trafficking in Persons Report- 2009*, Washington, DC, 2009; available from http://www.state.gov/g/tip/rls/tiprpt/2009. See also Pact Inc., "Combating Exploitive Child Labor Through Education in Madagascar Technical Progress Report."

[3016] U.S. Department of State, "Trafficking in Persons Report- 2009: Madagascar."

[3017] U.S. Department of State, "Madagascar (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, 2010, 220; available from http://www.state.gov/g/tip/rls/tiprpt/2010/.

[3018] U.S. Embassy- Antananarivo, *reporting, March 10, 2010*, para 25/c and 25/D. See also U.S. Department of State, "Trafficking in Persons Report- 2009: Madagascar."

[3019] U.S. Department of State, "Trafficking in Persons Report- 2009: Madagascar." See also U.S. Embassy- Antananarivo, *reporting, March 10, 2010*, 25/B.

[3020] U.S. Department of State, "Trafficking in Persons Report- 2009: Madagascar." See also U.S. Department of State, "Country Reports- 2009: Madagascar."

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[3022] Government of Madagascar, *Labor Code*, Loi no. 2003-044, (June 10, 2004), article 100; available from http://www.droit-afrique.com/images/textes/Madagascar/Mada%20-%20Code%20du%20travail.pdf.

[3023] Ibid. See also UNESCO, *Global Monitoring Report,* [2010 [cited September 20, 2010], 338; available from http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/ED/GMR/pdf/gmr2010/gmr2010-annex-04-stat-tables.pdf.

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[3025] Government of Madagascar, *Decret N 2007 - 563*, articles 203.

[3026] Government of Madagascar, *Labor Code*, articles 101. See also Government of Madagascar, *Decret N 2007 - 563*, articles 10, 12.

[3027] Government of Madagascar, *Decret N 2007 - 563*, articles 8, 19.

[3028] Ibid., section II, article 12,16,22.

[3029] Ibid., article 13 and 15. See also Government of Madagascar, *Code Penal*, (June 17, 1972), article 346-347; available from http://droit.francophonie.org/df-web/publication.do?publicationId=2485&sidebar=true.

[3030] Government of Madagascar, *Labor Code*, article 4. See also Government of Madagascar, *Decret N 2007 - 563*, article 13 and 15.

[3031] Government of Madagascar, *Modifying and Completing Some Provisions of the Penal Code on the Fight Against Trafficking in Persons and Sexual Tourism*, Law No.2007-038, (January 14, 2008), chapter II, articles 6-8.

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[3034] Ibid.

[3035] Ibid.

[3036] U.S. Embassy- Antananarivo, *reporting, March 10, 2010*, para 4, 26/B.

[3037] Ibid.

[3038] Ibid., para 4.

[3039] U.S. Department of State, "Country Reports- 2009: Madagascar," section 7d. See also Government of Madagascar, *Reply to FRN, April 9, 2010*.

[3040] Government of Madagascar, *Informations sur le Travail des Enfants*, submitted in response to U.S. Department of Labor Federal Register Notice (2008) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Antananarivo, January 26, 2009, 2, 4. See also U.S. Embassy- Antananarivo, *reporting, February 25, 2010*, para 2c5.

[3041] Pact Inc., "Combating Exploitive Child Labor Through Education in Madagascar Technical Progress Report."

[3042] U.S. Embassy- Antananarivo, *reporting, February 25, 2010*, para 6.

[3043] U.S. Department of State, "Country Reports- 2009: Madagascar," Section 6.

[3044] U.S. Embassy- Antananarivo, *reporting, February 25, 2010*, 2C2.

[3045] U.S. Embassy- Antananarivo, *reporting, March 10, 2010*, para 2d1. See also U.S. Embassy- Antananarivo, *reporting*, March 10, 2010. See also U.S. Embassy- Antananarivo, *reporting, February 25, 2010*, Section II 2d.

[3046] U.S. Embassy- Antananarivo, *reporting, February 25, 2010*.

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[3048] U.S. Embassy- Antananarivo, *reporting, March 10, 2010*. See also U.S. Embassy- Antananarivo, *reporting, February 25, 2010*, 2C3, 2D2. See also UN Office of the High Commissioner for Human Rights, *La Situation des Droits de l'Homme a Madagascar*, 35. See also U.S. Embassy- Antananarivo, *reporting*, February 10, 2010, 26/D.

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[3050] U.S. Embassy- Antananarivo, *reporting, March 10, 2010*, 28G. See also ILO-IPEC, *Enquete Nationale sur le Travail des Enfants a Madagascar*, National Bureau of Statistics and UNICEF, 2008; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=9350.

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[3052] Government of Madagascar, *Action Plan 2007-2012*, Poverty Reduction Strategy Paper, Antananarivo, February 2007; available from http://www.imf.org/external/pubs/ft/scr/2007/cr0759.pdf. See also Sandy Wark, *Independent Mid-term Evaluation:Combating the Worst Forms of Child Labor in Madagascar (WFCL) – IPEC's contribution to the National Plan of Action to Eliminate Child Labor*, November 2007, 6-8. See also U.S. Embassy-Antananarivo, *reporting, March 10, 2010*, 29D. See also U.S. Embassy- Antananarivo, *reporting, December 3, 2007*, 2C.

[3053] Sandy Wark, *Independent Mid-term Evaluation:Combating the Worst Forms of Child Labor in Madagascar (WFCL) – IPEC's contribution to the National Plan of Action to Eliminate Child Labor*, 6-8.

[3054] U.S. Department of State, "Country Reports- 2009: Madagascar," section 7d.

[3055] UNDAF, *Plan Cadre des Nations Unies pour l'Assistance au Developpement, 2008-2011: Madagascar*, June 2007, 28; available from http://www.undg.org/unct.cfm?module=CoordinationProfile&page=Country&CountryID=MAG. See also Millennium Development Goals Monitor, *MDG Profile: Madagascar,* [online] November 1, 2007 [cited April 1, 2010]; available from http://www.mdgmonitor.org/factsheets_00.cfm?c=MDG&cd=450. See also ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar - IPEC's Contribution to the National Action Plan to Eliminate Child Labour*, Technical Progress Report-Annex 2, Geneva, March 2009, 6. See also IMF, *Poverty Reduction Strategy Paper: Madagascar*, Washington, DC, February 2007, 3; available from http://www.imf.org/external/np/prsp/prsp.asp#R. See also ILO, *Programme Pays Decent pout le Travail Decent 2008-2012*, Washington, DC, February 2008, 2,11.

[3056] ILO-IPEC Geneva official, E-mail communication to USDOL official, December 12, 2007.

[3057] Integrated Regional Information Networks, "Madagascar: Government Cuts Hit Education Hard", (February 15, 2010); available from http://www.irinnews.org/PrintReport.aspx?ReportID=88111. See also Afrol News, "EU to Keep Freezing Madagascar Aid," (June 4, 2010); available from http://www.afrol.com/articles/36256. See also Mei-Ling McNamara, "Madagascar: State of Denial," *Aljazeera*, August 29, 2010; available from http://english.aljazeera.net/programmes/peopleandpower/2010/08/201081864237806607.html. See also Reuters, "Madagascar Suspended by AU," *Strait Times*, March 20, 2009; available from http://www.straitstimes.com/Breaking%2BNews/World/Story/STIStory_352579.html.

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[3066] Ibid. See also ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar - IPEC's Contribution to the National Action Plan to Eliminate Child Labour*, Final Technical Progress Report, Geneva, July 2009, 1, 34.

[3067] USDOL, "Combating Exploitive Child Labor Through Education in Madagascar Technical Progress Report Technical Cooperation Project Summary," (2009). See also ILO-IPEC, *Combating the Worst Forms of Child Labour, July 2009 Final Technical Progress Report*, 1, 34.

[3068] USDOL, "Combating Exploitive Child Labor Through Education in Madagascar Technical Progress Report Technical Cooperation Project Summary."

[3069] USAID, *Anti-trafficking in Persons Programs in Africa: A Review*, Washington, DC, April, 2007, 61, 62; available from http://pdf.usaid.gov/pdf_docs/PDACJ521.pdf.

Malawi

The Government of Malawi has supported social programs targeting working children and their families. However, implementation of existing policies and limited enforcement has hindered the elimination of the worst forms of child labor. The Government has not passed legislation protecting children working on tenant farms. Children continue to engage in such work particularly in the tea and tobacco sectors.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	33.6%
Attending School	5-14 yrs.	79.5%
Combining Work and School	7-14 yrs	36.7%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Malawi are exploited in the worst forms of child labor.[3070] Many work on farms, including in the commercial tea and tobacco sectors. These children are exposed to verbal and physical abuse, physical injuries from carrying heavy loads, respiratory problems, and exposure to toxic fertilizers and pesticides. Nicotine absorption from handling tobacco causes illness, including Green Tobacco Sickness.[3071] Children are involved in the tenancy system, where owners loan tenants agricultural inputs and deduct the debt from future profits. Cases in which families cannot meet production quotas and repay these debts might lead to debt bondage.[3072]

Boys are also involved in the worst forms of child labor in quarrying, mining, fishing, and construction, where they carry heavy loads, work long hours, and are exposed to dangerous conditions. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of cattle.[3073]

Girls are involved in domestic service, where they may work long hours and are often abused.[3074]

Children are also exploited, and in some cases trafficked, into other worst forms of child labor, including prostitution, begging, and sex tourism.[3075] Within Malawi, boys are aso trafficked for animal herding and girls for work in restaurants, bars, and domestic service.[3076] Malawian children and children from Zambia and Mozambique are trafficked for forced labor on farms.[3077]

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act No. 6 (Republic of Malawi, 2000) sets the minimum age for employment at 14. This minimum age does not extend to work performed in vocational technical schools, training institutions, or private homes.[3078] The Employment Act sets the minimum age for hazardous labor at 18.[3079] However, the Constitution also protects children under age 16 from hazardous work.[3080] This discrepancy may lead to inconsistent enforcement of the law. While, the Act and Malawi's Constitution forbid children from engaging in hazardous labor, these laws do not define or list what types of work are banned.[3081]

Malawi has no minimum compulsory age for attending school, leaving children under age 14, who are not

required to be in school and not permitted to legally work either, vulnerable to the worst forms of chld labor.

The Employment Act and Constitution of the Republic of Malawi prohibit and punish slavery, servitude, and forced labor.[3082] There is currently no specific anti-trafficking legislation in Malawi, though trafficking can be prosecuted through child labor, forced labor, and hazardous labor provisions the Employment Act and Penal Code.[3083] The Penal Code includes protections for girls from sexual exploitation, but not boys.[3084] It criminalizes procurement, but not the sale of girls into prostitution, nor does it prohibit pornography.[3085]

The Government of Malawi finalized an updated list of hazardous tasks.[3086] The draft Tenancy Bill, which regulates labor tenancy and includes legal protections for children working in agriculture through the tenancy system has not been passed and signed into law.[3087]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor's Child Labor Unit is the primary agency coordinating efforts to combat child labor.[3088] This unit provides technical assistance to other government agencies implementing child labor laws at the district and national-level.[3089] It also provides policy planning and guidance on child labor issues, including to the Child Labor Network, of which it is a member. This Network is responsible for drafting policies, identifying resources, and harmonizing programs and activities for the elimination of the worst forms of child labor.[3090] Participating members include government, trade unions, employers, and civil society.[3091]

Malawi also has created a coordination mechanism to address human trafficking. Led by the Ministry for Gender, Children, and Community Development, the Inter- ministerial Task Force on Human Trafficking coordinates anti-trafficking efforts and partners with international and NGOs to draft national action plans to combat trafficking.[3092] The National Steering Committee on Orphans and Vulnerable Children and the National Steering Committee on Child Labor are also responsible for addressing trafficking issues specifically related to children.[3093] There is reportedly no coordination between the task force and these two committees.[3094]

The Ministry of Labor's General Inspectorate is charged with performing inspections and investigating all labor complaints, including those related to child labor.[3095] Labor officers in 29 decentralized district offices administer and coordinate labor inspection services.[3096] To report hazardous child labor, workers and district child labor protection committees are encouraged to notify these district labor offices.[3097]

By law, labor inspectors are required to visit workplaces biannually. They are to use standard forms to guide and report the results of their inspection for child labor.[3098] However, according to the ILO, these standard forms are not yet widely used and mandatory inspections do not regularly take place due to lack of resources.[3099]

In 2009, the Ministry of Labor's 160 inspectors performed 2,645 inspections.[3100] According to the Government of Malawi, child labor violations

were prosecuted in the courts, including 67 cases between January 2009 and March 2010.[3101] A Labor Inspection Policy was developed providing instruction on conducting general labor inspections and training on the use of the ILO-developed child labor law enforcement manual was provided to district government staff.[3102]

The Ministry of Gender, Children, and Community Development is the lead agency responsible for the enforcement of trafficking laws.[3103] The Ministry employs child protection workers to identify trafficking and child labor victims.[3104] The police also rescue child trafficking victims.[3105] Other agencies supporting the enforcement of child trafficking laws include the Ministry of Justice, the Ministry of Labor, and the Ministry of Local Government and Rural Development.[3106]

Government Policies on the Worst Forms of Child Labor

The draft National Child Labor Policy (2009) that provides government, civil society, and other partners with a framework to implement child labor programs and activities, still awaits Cabinet approval.[3107] However, the Government approved the National Action Plan to Combat Child Labor, which proposes concrete activities to support this and other policies to combat child labor.[3108]

The National Youth Policy (1996) includes protections for at-risk youth. The policy addresses the problem of youth unemployment and lack of education, and includes services aimed at eliminating child labor.[3109]

Malawi has mainstreamed child labor into other important development agendas. For instance, Malawi's Growth and Development Strategy 2006-2011 makes the elimination of the worst form of child labor a priority. It sets a budget for efforts to combat child labor, including for activities of the child labor unit.[3110] The government and UN-agencies in Malawi work together under the One UN Fund program. Among other things, this program seeks to enhance current UN agencies' activities to combat child labor.[3111] The government's ILO-supported Decent Work Country Program prioritizes the elimination of the worst forms of child labor and includes an indicator to monitor progress toward this end.[3112]

The Government of Malawi developed a National Child Labor Database in 2002 which identifies child laborers.[3113]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In recent years, the Government has partnered with international organizations to withdraw and prevent children from the worst forms of child labor. ILO-IPEC has implemented two USDOL-funded projects. These projects have helped strengthen child labor policies, created a child labor database monitoring system, and assisted in the drafting of codes of conduct for the elimination of child labor in the production of tea, tobacco, and other agricultural goods. To date, they have withdrawn or prevented 1,625 children from the worst forms of child labor and aim to do the same for 4,982 children by the end of 2012.[3114] The Government of Malawi is also a member of a steering committee member of the Eliminating Child Labor in Tobacco Growing (ECLT) Foundation's Integrated Child Labor Elimination Project, which intends to reduce child labor in 200 villages.[3115]

The Government is implementing the National Education Strategic Plan 2008-2017.[3116] During the reporting period, the Ministry of Education ran national campaigns to promote free primary education, trained more primary school teachers and provided incentives to teachers to take positions in rural areas.[3117] In collaboration with NGO partners, the Government developed educational infrastructure, including hostels, feeding shelters, school buildings, and improved sanitation; and built the capacity of community leaders, teachers, and government officials to combat child labor.[3118] The Government also utilizes a reference manual on child labor and education produced by the Teachers Union of Malawi.[3119]

To help victims of trafficking, the government runs a shelter providing counseling and rehabilitation for child trafficking victims and street children. The Government of Malawi conducted a child trafficking study in partnership with UNICEF.[3120]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Malawi:

IN THE AREA OF LAWS AND REGULATIONS:

- Make education compulsory for all children.
- Clarify the minimum age for hazardous work and adopt specific definitions of hazardous work prohibited to children.
- Protect children working in the tenancy system by passing the Tenancy Bill, which regulates tenant farms and protects children working on them.
- Ensure that both boys and girls are protected from sexual exploitation.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Improve coordination among key agencies and bodies responsible for combating child trafficking.
- Adopt the current ILO child labor law enforcement manual nationwide.
- Require inspectors to use newly developed data collection forms and keep records of workplace visits.
- Provide training on the Labor Inspection Policy.
- Provide resources to enable labor inspectors to conduct biannual inspections.

IN THE AREA OF POLICIES:

- Finalize and implement the draft Child Labor Policy.

[3070] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 2004. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[3071] ILO-IPEC, *Malawi: Child Labour Data Country Brief*, Geneva, January 2008; available from www.ilo.org/ipecinfo/product/download.do?type=document&id=7802. See also Plan International, *Hard work, long hours, and little pay*, 2009, 11, 31, 41, 34; available from http://plan-international.org/files/global/publications/protection/Plan%20Malawi%20child%20labour%20and%20tobacco%202009.pdf. See also ECLT Foundation, "Integrated Child Labour Elimination Program, Phase 2 Baseline Survey", [online], August, 2008 [cited April 14, 2010]; available from http://www.eclt.org/site/wp-content/uploads/2009/09/MalawiICLEP1_Baseline.pdf. See also Olivia Sterns, "Child Tobacco Farmers 'Exposed to Toxic Levels of Nicotine'", [online], September 25 2009 [cited November 24, 2010]; available from http://www.cnn.com/2009/HEAKTH/09/25/child.tobacco.picking/index.html. See also Deborah Fahy Bryceson, "Ganyu casual labour, famine and HIV/AIDS in rural Malawi: causality and casualty," *Journal of Modern African Studies* 44, no. 2 (2006).

[3072] ILO-IPEC, *Project of Support to the National Action Plan to Combat Child Labour in Malawi*, Project Document, Geneva, September 2009. See also Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*, November 2009.

[3073] U.S. Department of State, "Malawi," in *Malawi: Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2009; available from http://www.state.gov/g/drl/rls/hrrpt/2009/af/135957.htm. See also M.G. Tsoka, *Rapid Assessment of Child Domestic Labour in Malawi Volume I: Main Report*, ILO-IPEC and the University of Malawi Centre for Social Research, Zomba, January 2005; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=4727. See also Ministry of Justice, *First periodic report of Malawi on the implementation of the Convention on the Rights of the Child*, 2007, 22; available from http://www2.

ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.MWI.2.pdf. See Tsoka, *Rapid Assessment of Child Domestic Labour in Malawi*, 202. See also Kwakwarhi Mwanamai, *Malawi: Poverty afflicts children orphaned by AIDS*, UNICEF, November 5, 2005; available from www.unicef.org/infobycountry/malawi_29672.html?q=printme. ILO-IPEC, *Rapid assessment report on HIV/AIDS and child labour [stated in six selected districts of Zambia: Lusaka, Luanshya. Livingstone, Kapiri Mposhi, Katete and Chipata]*, International Programme on the Elimination of Child Labour, Lusaka, July 17, 2007, vi, x.

[3074] U.S. Department of State, "Country Reports- 2009: Malawi." See also Tsoka, *Rapid Assessment of Child Domestic Labour in Malawi*. See also Ministry of Justice, *First periodic report of Malawi on the implementation of the CRC*, 22. See Tsoka, *Rapid Assessment of Child Domestic Labour in Malawi*, 202. See also U.S. Embassy- Lilongwe, *reporting*, May 30, 2008, para 1. See also Mwanamai, *Malawi: Poverty afflicts children orphaned by AIDS*. See also ILO-IPEC, *Project of Support to the National Action Plan to Combat Child Labour in Malawi, Project Document (September 2009)*, iv.

[3075] Ministry of Justice, *First periodic report of Malawi on the implementation of the CRC*, 66.

[3076] U.S. Department of State, "Malawi (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm.

[3077] Ministry of Justice, *First periodic report of Malawi on the implementation of the CRC*, 66. See also Millennium Center for Research & Development, *Final Report: Child Trafficking in Malawi*, ILO-IPEC, September 2008, viii, 21. See also Ministry of Justice, *First periodic report of Malawi on the implementation of the CRC*, 21.

[3078] Government of Malawi, *Employment Act No.6*, (2000), articles 21, 22; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/58791/65218/E00MWIo1.htm.

[3079] Ibid.

[3080] Government of Malawi, *Constitution*, (2004); available from http://www.sdnp.org.mw/constitut/dtlindx.html.

[3081] Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*. See also Government of Malawi, *Constitution*, article 23.

[3082] Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*, 27. See also Government of Malawi, *Employment Act No.6*, articles 4(1,2). See also Integrated Regional Information Networks, "Malawi: Outrage over lenient fine for trafficking boys", IRINnews.org, [online], December 16, 2006 [cited March 18, 2010]; available from http://www.irinnews.org/Report.aspx?ReportId=56005. See also Government of Malawi, *Constitution*.

[3083] Government of Malawi, *Penal Code*, n.d., 257-269, 135-147; available from http://www.protectionproject.org [hard copy on file]. See also Government of Malawi, *Employment Act No.6*, article 4.

[3084] Government of Malawi, *Penal Code*, art 140. See also Government of Malawi, "Current Affairs: Civil Society Expresses Concern Over Laws", [online], May 6, 2010 [cited November 23, 2010]; available from http://www.malawi.gov.mw/story.php?id=141.

[3085] Government of Malawi, *Penal Code*. See also Government of Malawi, "Current Affairs: Civil Society Expresses Concern Over Laws".

[3086] U.S. Embassy- Lilongwe, *reporting*, February 1, 2010.

[3087] U.S. Embassy- Lilongwe, *reporting*, February 1, 2010, section 5(2). See also ILO-IPEC, *Country Programme to Combat Child Labour in Malawi*, Technical Progress Report, Geneva, September 2008, 77. See also ILO-IPEC, *Project of Support to the National Action Plan to Combat Child Labour in Malawi, Project Document (September 2009)*, 7.

[3088] U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, 2c: 1. 2, 4.

[3089] ILO-IPEC, *Program to Combat Child Labor in Malawi, Technical Progress Report (September 2008)*, 41, 71, 78.

[3090] U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, 2c: 6. See also Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*, 6.

[3091] U.S. Embassy- Lilongwe, *reporting, February 1, 2010*. See also Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*.

[3092] U.S. Department of State, "Trafficking in Persons Report- 2010: Malawi."

[3093] Ibid.

[3094] Ibid.

[3095] ILO, *Malawi Information Resources: Labor Adminstration and Inspection Program*, Geneva, March 2009; available from http://www.ilo.org/labadmin/info/lang--en/WCMS_112605/index.htm.

[3096] U.S. Embassy- Lilongwe, *reporting, February 1, 2010*.

[3097] Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*. See also U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, 3.

[3098] U.S. Embassy- Lilongwe, *reporting, February 1, 2010*. See also Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*, 11.

[3099] ILO, *Labor Administration and Inspection Programme*, February 22 2010; available from http://www.ilo.org/labadmin/info/lang--en/WCMS_112605/index.htm.

[3100] U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, para. 5, 6.

[3101] Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*, 11.

[3102] ILO-IPEC, *Project of Support to the National Action Plan to Combat Child Labour in Malawi*, Project of Support to the National Action Plan to Combat Child Labour in Malawi, Technical Progress Report, Geneva, March 2010. See also Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*, 11.

[3103] U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, section I:1.

[3104] U.S. Department of State, "Malawi," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009; available from http://www.state.gov/g/drl/rls/hrrpt/2008/af/119011.htm. See also U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, 2D:1.

[3105] U.S. Embassy- Lilongwe, *reporting*, February 13, 2009, section 1. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Malawi."

[3106] U.S. Department of State, "Trafficking in Persons Report- 2010: Malawi." See also U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, 2D: 1.

[3107] U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, III, B 1-3. See also ILO-IPEC, *Technical Progress Report (March 2010)*, 2-3.

[3108] ILO-IPEC, *Technical Progress Report (March 2010)*, 3.

[3109] Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*, 7.

[3110] U.S. Embassy- Lilongwe, *reporting*, January 12, 2009, section 7. See also Government of Malawi, *Malawi Growth and Development Strategy: From Poverty to Prosperity 2006-2011*, 2006, 211; available from http://planipolis.iiep.unesco.org/upload/Malawi/Malawi_PRSP_2006_2011.pdf. See also ILO-IPEC, *Technical Progress Report (March 2010)*.

[3111] ILO-IPEC, *Project of Support to the National Action Plan to Combat Child Labour in Malawi, Project Document (September 2009)*, iv. See also ILO-IPEC, *Technical Progress Report (March 2010)*.

[3112] ILO-IPEC, *Project of Support to the National Action Plan to Combat Child Labour in Malawi, Project Document (September 2009)*, iv.

[3113] UN Committee on the Rights of the Child, *Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Malawi*, March 27, 2009, 15; available from http://www.unhcr.org/refworld/country,,CRC,,MWI,,49d5f7a10,0.html.

[3114] ILO-IPEC, *Country Programme to Combat Child Labour in Malawi*, Project Document, Geneva, 2005, 2, 41, cover page. See also ILO-IPEC, *Country Programme to Combat Child Labour in Malawi*, Final Technical Progress Report, Geneva, March 2009, 1 and 26. See also ILO-IPEC, *Country Programme to Combat Child Labour in Malawi*, Project Document (Modification 2), Geneva, 2010.

[3115] See ECLT Foundation, "Quick Facts: ECLT in MALAWI, ICLEP 2", [online], [cited April 14, 2010]; available from http://www.eclt.org/activities/projects/malawi_iclep2.html. See also U.S. Embassy- Lilongwe, *reporting, May 30, 2008*, para 2.

[3116] ILO-IPEC, *Project of Support to the National Action Plan to Combat Child Labour in Malawi, Project Document (September 2009)*, 7.

[3117] ILO-IPEC, *Program to Combat Child Labor in Malawi, Technical Progress Report (September 2008)*.

[3118] Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*, 11, 12.

[3119] ILO-IPEC, *Program to Combat Child Labor in Malawi, Technical Progress Report (September 2008)*.

[3120] U.S. Embassy- Lilongwe, *reporting, January 12, 2009*, sect. 6. See also Millennium Center for Research & Development, *Child Trafficking in Malawi*, 56. See also U.S. Embassy- Lilongwe, *reporting, February 13, 2009*, section 2. See also U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, 9: 1. See also CRIDOC SECRETARIAT, *Joint Project Proposal: Enhancing Youth Participation in 16 Days of Activism against Gender Violence*, 2009; available from http://www.cwgl.rutgers.edu/16days/kit09/cal/africa/malawiCRIDOCproposal.doc.

Maldives

In November 2009, the Government criminalized the use of children in prostitution and pornography. Some reports indicate that some children work as domestic servants in private households and others are exploited in forced prostitution. There is a lack of coordination mechanisms and social programs to protect and assist children that may be engaged in these worst forms of child labor. The lack of evidence of other worst forms of child labor may be indicative of a small problem, or a hidden one.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Distribution of the Worst Forms of Child Labor

There are reports of limited numbers of children exploited in the worst forms of child labor in the Maldives, mainly as child domestics in private households.[3121] It is common for children from smaller islands, where secondary education is not available, to live with "host families" on larger islands, where they perform domestic chores in addition to attending school.[3122] Some of these children are sexually abused by their hosts or families, and some never even receive any education.[3123] The number of children moving to larger islands for an education appears to be declining as the Government of the Maldives has established more schools in the islands.[3124] Separate reports indicate that forced prostitution of girls is also a problem in the Maldives.[3125] In general, data on working children in the Maldives is scarce, making it difficult to understand the scope and nature of the issues.

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act establishes 16 as the minimum age for work, and 18 as the minimum age for work that may have a detrimental effect on a child's health, education, safety, or conduct.[3126] Minors under age 16 cannot be required to work during school hours or after 11 p.m.[3127] Research has not found evidence of laws or regulations that specify the "forms of work that may have a detrimental effect on a child's health, education, safety, or conduct" under the Employment Act.

Although the Maldivian Constitution establishes the right to education, Maldivian law does not establish an age for compulsory schooling. The absence of a compulsory education law places children under age 16 at risk of involvement in the worst forms of child labor as they are not required to be in school and are below the minimum age for work. The Employment Act and the Constitution both prohibit forced labor, and

the Constitution prohibits slavery and servitude.[3128] There is no forced conscription into the military, and the voluntary recruitment age is 18.[3129] The Child Sex Abuse (Special Provisions) Act, which was passed into law in November 2009, criminalizes the use of children for prostitution and pornography,[3130] with a penalty of up to 25 years imprisonment.[3131]

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	None
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of the Maldives has established a coordinating mechanism to combat the worst forms of child labor in domestic service and forced prostitution.

The Ministry of Health and Family's (MHF) Department of Gender and Family Protection Services enforces child labor provisions of the Employment Act.[3132] During the reporting period, the MHF employed three labor inspectors, each of whom inspects for all violations of the Act.[3133] They identified no child labor violations.[3134] Research did not identify any efforts to provide training to officials responsible for enforcing child labor laws or the number of child labor-related inspections carried out during the reporting period. A Labor Tribunal composed of lawyers and human resource professionals examines and adjudicates labor-related cases.[3135] In addition, the Maldives established a Labor Relations Authority, which began workplace inspections in September 2010.[3136]

The Ministry of Human Resources is mandated to maintain a "blacklist" of employers who violate any provision of the Employment Act, preventing them from employing new workers until violations are corrected.[3137] It is not known whether this "blacklist" has been used for violations of the child labor provisions of the Act.

Other agencies are responsible for enforcement of criminal laws regarding the worst forms of child labor. The police force's Family and Child Protection Unit has jurisdiction over cases related to child sexual exploitation, including child prostitution and pornography.[3138] Reportedly, most persons detained on Child Sex Abuse Act charges were released pending sentencing, although it is not clear what proportion of these perpetrators were charged with prostitution or pornography as opposed to other forms of child sexual abuse covered by the law.[3139]

The police force and the Department of Immigration and Emigration are charged with identifying victims of trafficking in persons. The Government provided training to these officials during the reporting period on identification of trafficking victims.[3140] No training was provided on investigation or prosecution of trafficking crimes, however, and officials did not prosecute or convict any perpetrators of trafficking.[3141]

Government Policies on the Worst Forms of Child Labor

On May 15, 2009, the Maldives became an official member state of the ILO, and the Government is collaborating with the ILO on a work plan covering a range of labor issues, which could provide a platform for efforts to combat the worst forms of child labor.[3142]

The Government's Poverty Reduction Strategy Paper includes specific goals related to increasing the capacity of the MHF to provide support services to children; improving data collection and analysis on vulnerable children; and coordinating, monitoring and evaluating child protection services provided by social service providers and NGOs.[3143] The fourth United Nations Development Program Country Program (2008-2010) sets a goal to increase income and employment

opportunities and improve health, nutrition, education, and protection status for the most vulnerable and marginalized women and youth in the Maldives by 2010.[3144]

The question of whether these poverty alleviation policies have an impact on the worst forms of child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The MHF provides general protection and rehabilitation services, such as counseling, medical treatment, and educational assistance, to vulnerable children.[3145] The Government has publicly stated that since the majority of its budget for child and family services goes to persons in need of medical support as well as staff training costs, nearly all of the government's child protection programs and services are funded by international donors.[3146]

Research found no evidence of any programs to address the worst forms of child labor for children enaged in domestic service or those that may be exploited in forced prostitution.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in the Maldives:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Employment Law or enact regulations specifying the types of work that are detrimental to children's health, education, safety, or conduct.
- Enact a compulsory education law.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordination mechanism among government agencies to combat the worst forms of child labor in domestic service and forced prostitution.
- Ensure appropriate training of officials responsible for enforcing laws related to the worst forms of child labor.

IN THE AREA OF POLICIES:

- Conduct research on the prevalence of the worst forms of child labor to determine if better targeted policies and services are necessary.
- Assess the impact that existing poverty alleviation policies may have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Develop and implement programs to address the worst forms of child labor, specifically to provide assistance to children that may be exploited in domestic service or forced prostitution.
- Provide all children with access to quality secondary school options to reduce the reliance on "host family" domestic work situations.

[3121] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[3122] U.S. Embassy- Colombo, *reporting, November 12, 2010*

[3123] U.S. Department of State, "Maldives," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136090.htm. See also U.S. Embassy- Colombo, *reporting*, February 17, 2010.

[3124] U.S. Embassy- Colombo, *reporting, November 12, 2010*

[3125] U.S. Embassy- Colombo, *reporting, February 17, 2010*.

[3126] *Employment Act*, (October 13, 2008), articles 6, 7; available from http://www.employment.gov.mv/Resources/Employment%20Act%20(English%20Translation)%20entitled%20to%20enforcement%20from%20the%20date%20of%2013th%20October%202008.pdf. See also Law Library of Congress official, E-mail communication to USDOL official, August 10, 2010.

[3127] *Employment Act*, article 9.

[3128] Ibid., article 3. See also *Constitution of the Republic of Maldives*, (2008), article 25; available from http://www.presidencymaldives.gov.mv/publications/constitution.pdf.

[3129] Coalition to Stop the Use of Child Soldiers, "Maldives," in *Child Soldiers Global Report 2008*, London, 2009; available from http://www.childsoldiersglobalreport.org/content/maldives.

[3130] Siraj Hussain, E-mail communication to USDOL official, September 23, 2010.

[3131] U.S. Department of State, "Country Reports- 2009: Maldives."

[3132] Ibid., section 7.

[3133] U.S. Embassy- Colombo, *reporting, February 17, 2010*. See also Government of Maldives, *Employment Tribunal,* [online] 2009 [cited April 7, 2010]; available from http://www.employmenttribunal.gov.mv/index_en.html. See also U.S. Embassy- Colombo, *reporting, February 17, 2010*.

[3134] U.S. Embassy- Colombo, *reporting, February 17, 2010*.

[3135] Ibid. See also Government of Maldives, *Employment Tribunal*. See also U.S. Embassy- Colombo, *reporting, February 17, 2010*.

[3136] U.S. Embassy- Colombo, *reporting, November 12, 2010*

[3137] U.S. Department of State, "Country Reports- 2009: Maldives," section 7.

[3138] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Maldives*, CRC/C/MDV/CO/3, Geneva, July 13, 2007; available from http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/432/55/PDF/G0743255.pdf?OpenElement.

[3139] U.S. Department of State, "Country Reports- 2009: Maldives."

[3140] U.S. Department of State, "Maldives," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/g/tip/rls/tiprpt/2009/123137.htm.

[3141] U.S. Embassy- Colombo, *reporting, February 17, 2010*.

[3142] U.S. Embassy- Colombo, *reporting, February 17, 2010*. See also ILO, *The Republic of Maldives becomes 183rd ILO member State*, Press Release, Geneva, May 18, 2009; available from http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Press_releases/lang--en/WCMS_106306/index.htm.

[3143] Government of Maldives, *Poverty Reduction Strategy Paper*, Male, January, 2008; available from http://planipolis.iiep.unesco.org/upload/Maldives/Maldives_PRSP_2008.pdf.

[3144] United Nations Development Program, *UNDP Country Programme Maldives (2008-2010)*, July, 2007; available from http://www.undp.org/asia/country_programme.html.

[3145] UN Committee on the Rights of the Child, *Written Replies by the Government of Maldives Concerning the List of Issues Received by the Committee on the Rights of the Child Relating to the Consideration of the Second and Third Combined Periodic Report of Maldives*, CRC/C/MDV/Q/3/Add.1, Geneva, March 5, 2007, para. 2 (g); available from http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/408/24/PDF/G0740824.pdf?OpenElement. See also UN Committee on the Rights of the Child, *Consideration of Reports of States Parties (continued): Maldives*, CRC/C/SR.1391, Geneva, January 30, 2009, para. 3; available from http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/403/89/PDF/G0940389.pdf?OpenElement.

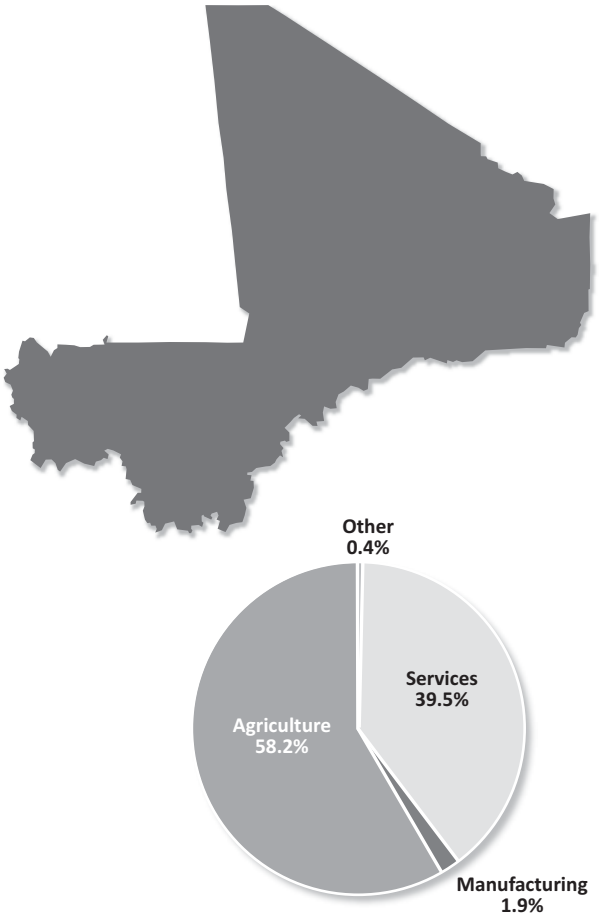
[3146] UN Committee on the Rights of the Child, *Written Replies- 2007: Maldives*.

Mali

The Government of Mali dramatically increased the number of labor inspectors during the reporting period. However, the Government conducted only one labor inspection. Children continue to perform worst form of child labor, especially in agriculture and domestic service. The laws in place to combat the worst forms of child labor are not harmonized, and gaps and inconsistencies make children vulnerable to exploitation.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	72.6%
Attending School	5-14 yrs.	44.8%
Combining Work and School	7-14 yrs	20.5%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Mali are exploited in the worst forms of child labor,[3147] many of them in domestic service and agriculture.[3148] Children in agriculture may begin work as young as age 4, and are involved in the production of rice. Although evidence is limited, there is reason to believe that the worst forms of child labor are also used in the production of cotton.[3149] By age 10, some children work with chemical fertilizers and dangerous tools. Children in agriculture are also exposed to pesticides, and are prone to injury and fatigue due to long hours and exposure to the environment.[3150] Children involved in domestic service work long hours, receive low and irregular pay, and may be subject physical or sexual abuse.[3151]

The commercial sexual exploitation of children remains a problem in Mali, especially for girls, who work as vendors in hotels, restaurants, bars, and mines.[3152] Some children, including street children, work as porters, vendors, or garbage scavengers.[3153] Children working on the streets are exposed to a variety of dangers, including exposure to bad weather, traffic accidents, mistreatment, and physical and sexual abuse.[3154]

Children work in quarries. Children as young as age 5 are also exploited in mining.[3155] In small-scale gold mines, children are involved in all mining activities, including extracting material from underground passages.[3156] Children do extraction work in holes from 3-12 meters deep, and sometimes treat gold with mercury.[3157] In gold mines, children work long hours in unhealthy and dangerous conditions, risking injury, asphyxia, and exposure to diseases. They also perform work that surpasses their physical and mental capabilities.[3158]

Other worst forms of child labor exist in Mali. Children, especially of the Tamachek community, continue to be subject to hereditary slavery in certain parts of Mali. These children may be forced to work

as domestic or agricultural laborers. [3159] Additionally, children, primarily of Songhai ethnicity, work in debt bondage in the northern salt mines of Taudenni.[3160]

In Mali, it is a traditional practice to send boys, called *talibe,* to Koranic teachers to receive education, which may include a vocational or apprenticeship component.[3161] While some boys receive lessons, many are forced by their teachers to beg or work in fields and surrender the money that they have earned. For example, *talibes* from Mali and from bordering countries, such as Burkina Faso, are exploited in rice fields where some farmers pay teachers directly for the boys' labor.[3162] Children as young as age 7 perform forced labor as *talibes* in Mali. These children may be punished if they do not remit enough money to their teachers.[3163]

Mali is a source, transit, and destination country for children trafficked for forced labor and commercial sexual exploitation.[3164] Children are trafficked internally to the central regions to work in agriculture, including rice fields.[3165] Girls are also trafficked into domestic service, while boys have been trafficked within Mali to work in gold mining and begging.[3166] Malian children are trafficked to Senegal and Guinea for forced labor in gold mines.[3167] Children in Mali are also trafficked to Côte d'Ivoire to work as domestic servants, in mines, and on plantations, especially on cotton and cocoa farms.[3168] Likewise, Malian boys are trafficked to Mauritania for forced begging, while Malian girls are trafficked there for domestic service and prostitution.[3169] Boys from other countries, such as Niger, Guinea, and Burkina Faso are trafficked to Mali for forced begging.[3170] Thousands of girls from Nigeria are trafficked to Mali for forced prostitution.[3171]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for work at 14. However, children under age 14 may work with the approval of the Minister of Labor.[3172] The minimum age for hazardous work is 18, including hazardous work in agriculture. During the reporting period, the Government of Mali issued a decree with an updated list of hazardous work.[3173] However, the list does not include domestic service or work performed in the informal sector. Moreover, the Labor Code and the decree are not harmonized. For example, the decree provides a list of establishments, such as mines, in which children under age 18 may not be employed. However, the Labor Code only limits the hours when a child may be employed in such work; it does not prohibit work in those specific places.[3174] Both the Code's and the Decree's list of hazardous work allows children ages 14 and older to partake in some hazardous activities.[3175] Nonetheless, the Labor Code bans the employment of any child under age 18 in any work that presents dangers or harms the morality of the child.[3176]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Further inconsistencies exist in the legal framework regarding penalties to be applied for violations of criminal activities related to the worst forms of child labor. The Child Protection Code provides protection for children under age 18.[3177] The Penal Code establishes criminal penalties. However, the Penal Code does not provide consistent and adequate penalties for many of the prohibitions enumerated in the Child Protection Code. For example, the Penal Code only provides penalties for those recruiting and enlisting children under age 15 into the armed forces, even though the Child Protection Code extends this prohibition to all children under age 18.[3178] The Child Protection Code outlaws begging and the Penal Code provides for punishment of this activity. However, the Penal Code only punishes those who are begging, not those who are forcing others to beg.[3179]

The Penal Code prohibits the trafficking of children.[3180] The Penal Code also forbids the debauching of children, including third party involvement in prostitution or sexual slavery (pimping).[3181] However, prostitution is legal in Mali and inciting a child into prostitution is an offense only applicable to girls, not boys.[3182] Furthermore, provisions of the Penal Code are not applied to prostitution cases without proof of pimping.[3183] The Penal Code also makes the child criminally liable for their involvement in prostitution.[3184]

Although the Penal Code bans slavery, no penalties are outlined for the offense.[3185] Forced labor is prohibited under the Labor Code. However, the punishment for forced labor is only a fine and/or imprisonment for a period of 15 days to 6 months.[3186]

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor, Civil Service and State Reform has overarching responsibility for coordinating the Government of Mali's efforts to combat the worst forms of child labor.[3187] The Ministry for the Advancement of Women, Children, and the Family (MPWCF) is the lead agency for anti-trafficking matters, and is charged with leading the inter-ministerial committee which addresses this issue. The committee is comprised of 13 ministries and civil society groups.[3188]

Child labor laws are enforced by the Ministry of Labor, Civil Service, and State Reform. The Ministry's labor inspectors receive and investigate complaints, and perform surprise labor inspections in the formal labor sector.[3189] A variety of mechanisms are in place to report child labor violations.[3190] During the reporting period, the Government of Mali increased its number of labor inspectors to 52, which represents more than a 500 percent increase from the eight labor inspectors who were employed in 2007.[3191] During the reporting period, labor inspectors received four in-country trainings. Additionally, inspectors were sent to trainings at a training center in Cameroon, as well as to an international training center in Italy.[3192] The Government conducted one labor inspection during the reporting period, yielding a discovery of eight underage girls working as prostitutes in a bar. The girls were placed in the care of NGOs, and the bar was issued a fine.[3193] The number of inspections (one) carried out during the reporting period is insignificant compared to the magnitude of the problem in Mali.

The Ministry of Internal Security, through its Morals Brigade of the National Police, is the principal agency handling cases of the commercial sexual exploitation of children.[3194] However, there is no mechanism for reporting complaints related to the trafficking or commercial sexual exploitation of children, and the police lack equipment and funding to enforce existing laws in these areas effectively.[3195]

The MPWCF is the lead agency for combating trafficking, and coordinates the repatriation of trafficking victims, in collaboration with the Ministries of Justice, Territorial Administration, and Labor and Civil Services.[3196] Police received some anti-trafficking training in 2007; however, there is no evidence of such training during the reporting period.[3197] There is no formal system for identifying victims of trafficking, and no trafficking cases were prosecuted during the reporting year.[3198] The Malian Government works with NGOs and foreign Governments to operate centers that help to return trafficked children to their families.[3199] However, Mali does not have a system in place for transferring detained victims to NGOs.[3200]

Incidents during the reporting period demonstrate gaps in the Government's ability to process child trafficking cases. In one case, the MPWCF lacked the resources to transport children who had been rescued from a trafficker; thus NGOs and diplomatic missions were asked to provide the transportation costs.[3201] Several trafficking arrests were made during the reporting period. However, in five of the six arrests, the accused were released, some without explanation.[3202] In the sixth arrest, a man stopped for crossing the border with eight undocumented children was detained, but the children were returned to the man shortly thereafter.[3203] These examples suggest a lack of thorough investigation and documented decision making regarding suspected cases of trafficking.

During the reporting period, the Government of Mali did not take action on all five pending cases of traditional slavery. Moreover, of the five pending cases and one new case, only one child was released from slavery. The other children were returned to their owners, or still await verdicts.[3204] Since the Penal Code does not provide penalties for slavery, prosecutors

must rely on Criminal Code article 242, which bans individuals from entering into liberty-depriving contracts and agreements.[3205] NGOs in Mali argue that these laws are not sufficient to prosecute cases of hereditary slavery, and there are reports that many government officials do not acknowledge the existence of hereditary slavery.[3206]

Government Policies on the Worst Forms of Child Labor

The National Plan for the Elimination of Child Labor (PANETEM) formulated in 1997, is currently being updated and reviewed.[3207] Despite updates and modifications, the plan itself has not yet been adopted.[3208] Nevertheless, a program of action for the design of PANETEM was launched during the reporting period.[3209] The National Steering Committee on Child Labor, created in 1999, was charged with monitoring and directing national action plans on child labor. This group involves 43 members from key ministers as well as NGOs and Civil Society members.[3210] However, no money has been budgeted for the National Action Plan; ministries are expected to fund initiatives through existing funding.[3211] Various other commissions have been designated to work on child labor policy, including: The National Program Against Child Labor, The Project Against Child Trafficking, the Support Project for TBP-Mali, and the Project Against Child Labor Through Education.

Child labor concerns have been explicitly incorporated in the Poverty Reduction Strategic Plan (2007-2011).[3212] Policies concerning the trafficking of children for exploitative labor were also strengthened during the reporting period by the adoption of the Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa under ECOWAS. This agreement explicitly targets, among others, victims of exploitative labor and hazardous child labor. The inclusion of begging as a possible purpose of trafficking within this policy appropriately reflects the regional need to combat this growing problem.[3213] The policy agreement builds on the framework developed under the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions; under the multilateral border agreement among Mali, Burkina Faso, Senegal, and Côte d'Ivoire, and under bilateral trafficking agreements, including those with Côte d'Ivoire (2000), Burkina Faso (2004), Senegal, (2004) and Guinea (2005).[3214]

The Government of Mali has also worked with the UN to formulate a Development Assistance Framework which addresses child protection, including support for children who are victims of trafficking, and increased access to social services, including education, for vulnerable children.[3215]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Mali has participated in donor-funded projects that affect child labor. From 1990 to 2005, the World Bank implemented a $652.8 million project to improve policy dialogue and access to education[3216] The Malian Government also participated in a USDOL-funded project, that ended in 2007, which provided educational opportunities to children, including those trafficked for exploitive labor and those in domestic service.[3217]

The Government of Mali currently participates in a USDOL-funded, 4-year, $3.5 million Timebound preparatory project. The Timebound Program aims to integrate child labor into the national strategy framework to reduce poverty.[3218] The project has increased data about child labor and demonstrated several successful pilot programs aimed at withdrawing or preventing the worst forms of child labor in agriculture, mining, domestic service, trafficking, and the commercial sexual exploitation of children.[3219]

Mali participates in three regional projects to combat the worst forms of child labor: a 4-year, nine-country, French-funded, $5.3 million regional project which aims to contribute to the abolition of child labor in West Africa;[3220] a 2-year, eight-country, $2.8 million anti-trafficking project funded by Denmark; and a 4-year, $5.1 million, four-country project funded by Spain.[3221] Additionally, the Government of Mali participates in a 4-year, $14.7 million project funded by the European Commission to combat child labor through education in 12 countries globally.[3222]

During the reporting period, Mali participated in an NGO-sponsored trafficking awareness-raising campaign that targeted at risk children and their parents.[3223] It focused on trafficking in the agricultural, mining, and quarrying sector, as well as the trafficking

of girls in urban areas and in the informal economy.[3224] The campaign is implemented by regional offices using workshops and radio broadcasts.[3225]

USAID continues to implement a 5-year, $30 million education project which aims to improve basic education.[3226]

The Government of Mali has generally relied on NGOs and international organizations to provide social programs for vulnerable children.[3227] While the Government of Mali has tried to increase access to education, schools in the country lack sufficient space to serve all eligible children.[3228]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Mali:

IN THE AREA OF LAWS AND REGULATIONS:

- Ensure children under age 14 are not permitted to work.
- Harmonize the legislative framework for addressing the worst forms of child labor, including: the Child Protection Code, the Penal Code, the Labor Act, and the Hazardous Child Labor Decree.
- Criminalize and provide appropriate penalties for all worst forms of child labor, especially slavery and forced labor, including forced begging and commercial sexual exploitation.
- Ensure that both girls and boys are protected from prostitution and are not punished for being forced into it.
- Amend the Labor Code to prohibit children under age 18 from working in all hazardous conditions.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase the number of child labor inspections.
- Develop effective and integrated monitoring and reporting mechanisms.
- Strengthen measures to investigate, prosecute, and convict individuals involved in the trafficking of children for sexual and labor exploitation, including by:
    - Providing sufficient funds so investigators are able to travel, transport victims to safety, and arraign traffickers.
    - Increasing training for law enforcement officers, judges, and prosecutors.
    - Providing mandatory minimum sentences for violations.
    - Introducing a mechanism, such as a hotline, for reporting such crimes.

IN THE AREA OF POLICIES:

- Finalize, enact, and fund an updated National Action Plan to Eliminate the Worst Forms of Child Labor.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to prevent children's involvement in exploitive child labor, including by:
    - Developing and implementing effective model programs to withdraw children from the worst forms of child labor and provide them with access to quality education.
    - Mainstreaming child labor elimination strategies into existing education, health, and social services.

[3147] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[3148] UCW, *Comprendre le Travail des Enfants au Mali*, Rome, May 2009. See also ILO-IPEC, *Support for the Preparation of the Mali Time-Bound Programme*, Technical Progress Report, Geneva, September 3, 2008. See also U.S. Embassy- Bamako, *reporting*, February 3, 2010, 2A.

[3149] ILO-IPEC, *Support for the Preparation of the Mali Time-Bound Programme*, Project Document, Geneva, September 1, 2006, 5.

[3150] Ibid., 6.

[3151] UCW, *Comprendre le Travail des Enfants au Mali*, 25, 26. See also U.S. Department of State, «Mali (Tier 2 Watch List),» in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm. See also UN Human Rights Council, *Compilation Prepared by the Office High Commissioner for Human Rights, in accordance with paragraph 15(b) of the Annex to Human Rights Council Resolution 5/1 - Mali,*, Mali, April 2008, sections 2 and 5; available from http://www.unhcr.org/refworld/docid/48abd56a0.html. See also ILO-IPEC, *MALI TBP Project Document*, 6.

[3152] ILO-IPEC, *Programme International pour l'Abolition du Travail des Enfants*, Technical Progress Report: Annex I, Geneva, September 1, 2007, 13 and 14. See also Minstere de la Promotion de la Femme de l'Enfant et de la Famille and UNICEF, *Etude sur les connaissances, attitudes, et pratiques en matiere des droits de l'enfant et de la femme au Mali*, Report, Bamako, April, 2009, 44 and 45. See also U.S. Department of State, «Trafficking in Persons Report- 2010: Mali.» See also ILO-IPEC, *Rapport: Volet Pays Mali: Etude transfrontaliere sur le travail des enfants dans les sites d'orpaillage du BF, du Mali, et du Niger* Mali, August 2009, 63.

[3153] See Integrated Regional Information Networks, "Mali: Children scrape by on scrap", IRINnews.org, [online], April 7, 2008 [cited April 1, 2010]; available from http://www.irinnews.org/PrintReport.aspx?ReportId=77641. See also ILO-IPEC, *MALI TBP Project Document*, 7.

[3154] ILO-IPEC, *MALI TBP Project Document*, 7.

[3155] ILO-IPEC, *Etude transfrontaliere sur le travail des enfants dans les sites d'orpaillage*, 1, 2, 6, 45-47 and 60. See also U.S. Department of State, "Mali," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6c and d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/af/135964.htm.

[3156] ILO-IPEC, *Etude transfrontaliere sur le travail des enfants dans les sites d'orpaillage*, 2, 6, 45-47 and 60. See also U.S. Department of State, "Country Reports- 2009: Mali," section 6c and d.

[3157] ILO-IPEC, *MALI TBP Project Document*, 6.

[3158] ILO-IPEC, *Etude transfrontaliere sur le travail des enfants dans les sites d'orpaillage*, 2. See also ILO-IPEC, *MALI TBP Project Document*, 7. See also ILO-IPEC, *Etude sur les questions du genre, le travail des enfants et les pires formes de travail des enfants dans les mines et carrieres: Kenieba et Bougouni (Mali)*, Preliminary Report, Mali, November 2009, 25.

[3159] Programme des Nations Unie pour le Developpement, *Rapport final de l'etude actualisee de la situation des droits humains au regard des objectifs du CSCRP*, Bamako, July 2007, 18. See also U.S. Embassy- Bamako, *reporting, February 3, 2010*. See also U.S. Department of State, "Country Reports- 2009: Mali," section 6c and d. See also Integrated Regional Information Networks, "Mali: Thousands still live in slavery in north", IRINnews.org, [online], July 14, 2008 [cited February 12, 2010]; available from http://www.unhcr.org/refworld/docid/487f10be1a.html. See also U.S. Embassy- Bamako, *reporting*, February 19, 2010, 3d.

[3160] U.S. Department of State, "Country Reports- 2009: Mali," section 6. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Mali."

[3161] Integrated Regional Information Networks, "Mali: Urbanisation fuelling begging on streets of capital", IRINnews.org, [online], January 22, 2008 [cited March 15, 2010]; available from http://www.irinnews.org/PrintReport.aspx?ReportId=76375. See also ILO-IPEC, *Termes de reference: Etude sur l'exploitation des enfants mendiants au Mali*, Mali, April 2008. See also Peter Easton, "Education and Koranic Literacy in West Africa," *IK Notes* no. 11 (August 1999), 1 and 3; available from http://www.worldbank.org/afr/ik/iknt11.pdf. See also U.S. Department of State, "Country Reports- 2009: Mali."

[3162] ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Mali (ratification: 2000),* [online] 2008 [cited February 5, 2010]; available from http://www.ilo.org/ilolex/english/newcountryframeE.htm. See also Winrock International, *Spotlight on ENDA, Mali,* [online] July 2005 [cited February 16, 2010]; available from http://circle.winrock.org/news/ml-ENDA.cfm.

[3163] IOM, *Traditional Practices Being Abused to Exploit Children in West Africa, Warns IOM,* [online] 2006 [cited March 19, 2010]; available from http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007. See also M. Hamadou Tolo, *Etude sur la traite des enfants au Mali et au Senegal: Dimensions internes, phenomenes transfrontaliers, role et responsabilites du secteur prive*, Bamako, June 2007, 37.

[3164] U.S. Department of State, "Trafficking in Persons Report- 2010: Mali." See also M. Hamadou Tolo, *Etude sur la traite des enfants au Mali et au Senegal*, 7. See also U.S. Department of State, «Country Reports- 2009: Mali.» See also U.S. Embassy- Bamako, *reporting, February 19, 2010*, 3B.

[3165] M. Hamadou Tolo, *Etude sur la traite des enfants au Mali et au Senegal*, 68 and 69. See also ILO-IPEC, *Mali Technical Progress Report- September 2008*, 9.

[3166] U.S. Department of State, "Country Reports- 2009: Mali." See also U.S. Embassy- Bamako, *reporting, February 19, 2010*.

[3167] U.S. Department of State, "Trafficking in Persons Report- 2010: Mali."

[3178] Ibid. See also U.S. Embassy- Bamako, *reporting (16:36)*, January 7, 2009, para 14. See also U.S. Department of State, "Mali (Tier 2 Watch List)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/g/tip/rls/tiprpt/2009.

[3169] M. Hamadou Tolo, *Etude sur la traite des enfants au Mali et au Senegal*, 7.

[3170] U.S. Department of State, "Trafficking in Persons Report- 2010: Mali." See also U.S. Department of State, "Niger (Tier 3)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/g/tip/rls/tiprpt/2009.

[3171] British Broadcasting Corporation, "Thousands of Nigerian Women Found in Mali Slave camps", [online], September 29, 2010 [cited September 29, 2010]; available from http://www.bbc.co.uk/news/world-africa-11438341.

[3172] Government of Mali, *Loi no 92-020 portant Code du Travail*, (September 23, 1992), article 187; available from http://www.assemblee-nationale.insti.ml/codesetlois/18-travail.pdf.

[3173] ILO-IPEC, *Support for the Preparation of the Mali Time-Bound Programme*, Technical Progress Report, Geneva, March 1, 2009. See also Government of Mali: Minster of Labor Civil Service and State Reform, *Arrete no. 9-0151-MTFPRE/DG du 4 fevrier 2009 copmletant la liste des travux dangereux interdits aux enfants de moins de 18 ans*, (Ferbuary 4, 2009). See also, Government of Mali, *Code du Travail*, Article D.189-14.

[3174] Government of Mali, *Code du Travail*, Article D.189.14-16. See also Government of Mali, *Ministerial Order No. 09/0151/MTFPRE-SG of 04.02.09 completing the list of hazardous labour banned for children under the age of 18*, (December 2008).

[3175] Government of Mali, *Code du Travail*, articles 187 and 189.14. See also Government of Mali, *Hazardous Labor List*.

[3176] Government of Mali, *Code du Travail*, article 189.14-16.

[3177] Government of Mali, *Loi no 02-062/P-RM portant Code de protection de l'enfant*, (June 5, 2002); available from http://www.justicemali.org/doc107.htm.

[3178] Government of Mali, *Code pénal Loi N° 01-079 du 20 Aout 2001*, (August 20, 2001), article 31.23; available from http://www.justicemali.org/code%20penal.pdf.

[3179] Ibid., article 193.

[3180] Ibid., article 244.

[3181] Government of Mali, *Premier Rapport du Mali sur la mise en ouvre de la charte africaine des droits et du bien - etre de l'enfant (1999-2006)*, (September 2007), 16, 17. See also Government of Mali, *Code Pénal*, article 31.19, 29, 225, 226.

[3182] ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Mali (ratification: 2000),* [online] 2010 [cited August 30, 2010]; available from http://www.ilo.org/ilolex/english/newcountryframeE.htm. See also Government of Mali, *Code Pénal*, 229.

[3183] U.S. Embassy- Bamako, *reporting, February 3, 2010*, 2C12 and 2D2. See also Government of Mali, *Code Pénal*.

[3184] ILO Committee of Experts, *Direct Request C182: Mali (2010)*.

[3185] Government of Mali, *Code Pénal*, chapitre 1, article 29.

[3186] Government of Mali, *Code du Travail*, L. 6 and L. 314.

[3187] Ibid., article 3. See also Government of Mali, *Primature: Ministre du Travail, de la Fonction Publique et de la Réforme de l'Etat,* [online] [cited March 15, 2010]; available from http://www.primature.gov.ml/index.php?option=com_ministere&details=oui&id=21.

[3188] U.S. Embassy- Bamako, *reporting, February 19, 2010*, 4B.

[3189] U.S. Embassy- Bamako, *reporting (16:36), January 7, 2009*, B4.

[3190] U.S. Embassy- Bamako, *reporting, February 3, 2010*, 2C2.

[3191] Ibid. See also ILO Committee of Experts, *Direct Request, Labour Inspectorate Convention, 1947 (No. 81) Mali (ratification: 1964),* [online] 2006 [cited February 5, 2010]; available from http://www.ilo.org/ilolex/english/

newcountryframeE.htm. See also U.S. Embassy- Bamako, *reporting, February 3, 2010*, 2C4 and 2C5.

[3192] U.S. Embassy- Bamako, *reporting, February 3, 2010*, 2C14. See also U.S. Embassy- Bamako, *reporting (14:36)*, January 7, 2009, para 5.

[3193] U.S. Embassy- Bamako, *reporting, February 3, 2010*, 2C7 and 2C12.

[3194] Ibid., 2C1, 2D1.

[3195] Ibid., 2C12 and 2D2.

[3196] U.S. Department of State, "Country Reports- 2009: Mali." See also U.S. Department of State, "Trafficking in Persons Report- 2010: Mali." See also U.S. Embassy- Bamako, *reporting, February 3, 2010*, 2D1.

[3197] U.S. Embassy- Bamako, *reporting, February 19, 2010*, 6K.

[3198] Ibid., 6H, 5E.

[3199] U.S. Department of State, "Country Reports- 2009: Mali."

[3200] U.S. Department of State, "Trafficking in Persons Report- 2010: Mali." See also U.S. Embassy- Bamako, *reporting, February 19, 2010*, 6C and 6E.

[3201] U.S. Embassy- Bamako, *reporting, February 3, 2010*.

[3202] U.S. Department of State, "Trafficking in Persons Report- 2010: Mali." See also U.S. Department of State, "Country Reports- 2009: Mali."

[3203] U.S. Department of State, "Country Reports- 2009: Mali."

[3204] U.S. Department of State, "Trafficking in Persons Report- 2010: Mali."

[3205] Ibid.

[3206] Ibid. See also UN Human Rights Committee, *Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant: Concluding observations of the Human Rights Committee - Mali*, Mali, April 2003; available from http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/CCPR.CO.77.MLI.En?Opendocument. See also Integrated Regional Information Networks, "Thousands Still Live in Slavery in Northern Mali", [online], July 14, 2008 [cited September 30, 2010]; available from http://www.worldpress.org/Africa/3198.cfm. See also Brian Handwerk, "Kayaking to Timbuktu, Writer Sees Slave Trade, More," (2002); available from http://news.nationalgeographic.com/news/2002/12/1206_021205_salakkayak.html.

[3207] Government of Mali: Minster of Labor Civil Service and State Reform, *Note Technique Conceptuelle: Plan d'Action National Pour l'Elimination du Travail des Enfants*, Bamako, April 2009. See also U.S. Embassy- Bamako, *reporting, February 3, 2010*, 2E1.

[3208] ILO-IPEC, *Support for the Preparation of the Mali Time-Bound Programme*, Technical Progress Report, Geneva, September 30, 2009, 7-8. See also ILO-IPEC, "Note Technique: En Vue de l'Elaboration d'un Plan d'Action pour l'Elimination du Travail des Enfants au Mali," (2009), 1-2.

[3209] ILO Committee of Experts, *Direct Request C182: Mali (2010)*.

[3210] U.S. Department of State, "Country Reports- 2009: Mali." See also U.S. Embassy- Bamako, *reporting (16:36), January 7, 2009*, para 10.

[3211] U.S. Embassy- Bamako, *reporting, February 19, 2010*, 2E3.

[3212] ILO-IPEC, *Mali Technical Progress Report- September 2008*. See also ILO-IPEC, *Support for the Preparation of the Mali Time-Bound Programme*, Technical Progress Report, Geneva, March 3, 2008.

[3213] ECOWAS, *Regional Policy On Protection And Assistance To Victims Of Trafficking In Persons In West Africa*, Accra, April 3, 2009.

[3214] ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 8 and 11. See also Government of Mali, *Mali: Report Under African Charter*, 50.

[3215] Gouvernement de la Republique du Mali and Systeme des Nations Unies au Mali, *Plan cadre des Nations Unies pour l'Aide au Développement PNUAD 2008-2012*, Bamako, 2007; available from http://www.undg.org/docs/6950/mali%20UNDAF%202008-2012.pdf.

[3216] World Bank, *Case Study: Mali*, 2007; available from http://www.worldbank.org/oed/education/mali.html.

[3217] CARE, "A Better Future for Mali's Children: Combating Child Trafficking through Education: Project Document," (2003), 32. See also CARE, *International Child Labor Program Final Report: Combating Child Trafficking through Education in Mali*, January 2008, 4.

[3218] ILO-IPEC, *MALI TBP Project Document*, 20.

[3219] Ibid. See also ILO-IPEC, *Mali Technical Progress Report- March 2009*. See also ILO-IPEC, *Mali Technical Progress Report- September 30, 2009*, 9-14. See also ILO-IPEC, *MALI TBP Project Document*, 27-33.

[3220] ILO-IPEC Official, "E-mail Communication," (July 17, 2010).

[3221] ILO-IPEC Official, "E-mail Communication," (July 17, 2010).

[3222] ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*, Geneva, 2008; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=8511. See also Official, "E-mail Communication."

[3223] U.S. Embassy- Bamako, *reporting*, June 11, 2009.

[3224] ILO Committee of Experts, *Direct Request C182: Mali (2010)*.

[3225] U.S. Embassy- Bamako, *reporting, February 19, 2010*, 7A.

[3226] USAID, *Education Program* [2010 [cited July 26, 2010]; available from http://www.usaid.gov/ml/en/education.html.

[3227] U.S. Embassy- Bamako, *reporting, February 3, 2010*.

[3228] Integrated Regional Information Networks, "Mali: Students left behind in race for education MDG", IRINnews.org, [online], February 6, 2009 [cited March 16, 2010]; available from http://www.irinnews.org/Report.aspx?ReportId=82801. See also ILO-IPEC, *Support for the Preparation of the Mali Time-Bound Programme*, Technical Progress Report, Geneva, September 24, 2009, 5.

Mauritania

The Government developed a national strategy and a 3-year plan of action for the protection of children. However, the Government does not enforce child labor laws and its social programs do not sufficiently address the needs of vulnerable children. As a result, children continue to engage in the worst forms of child labor in agriculture, as well as indentured servitude in remote areas of the country.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Mauritania are exploited in the worst forms of child labor,[3229] many of them in agriculture. In rural areas, children commonly perform activities such as farming (e.g., rice, beans, and vegetables), where they are exposed to carrying heavy loads and dangerous tools and chemicals.[3230] Children herd and care for animals (e.g., goats) and risk injury and exposure to diseases from animals. In addition, children work in the fishing sector, where they are at risk of injury and drowning. Some children also burn wood to produce charcoal and risk injury due to burns.[3231]

In cities such as Nouakchott, Nouadhibou, Kiffa, and Rosso, children are engaged in the worst forms of child labor in the informal sector, including activities such as street vending, garbage collection, delivery of various goods, transporting people via donkey carts, and apprenticeships to mechanics.[3232] Mostly boys engage in these activities, and many work more than 8 hours a day, 6 days a week and are subject to carrying heavy loads and handling toxic materials.[3233] Some apprentices are beaten and forced to work for many years by their master.[3234]

Some male street children are former Koranic students, or *talibes*.[3235] Traditionally, families send boys to Koranic teachers to receive education, which should involve work or an apprenticeship. However, some Koranic teachers, or *marabouts,* force *talibes* to beg for more than 12 hours a day without adequate food or shelter.[3236] Most *talibes* in Mauritania are between the ages of 6 and 10 and come from the Pulaar tribes in the southern part of the country.[3237]

Girls, many of whom are between the ages of 7 and 12, may work as domestic servants in urban households for 6 to 10 hours a day. Many work without pay and some are beaten and sexually abused.[3238] Many domestic servants in Mauritania come from the Senegal River Valley and Assaba and work in Nouakchott.[3239]

In Mauritania, children continue to be exploited in indentured servitude and slave-like practices in remote areas of the country, including places where the economy persists on traditional labor and barter arrangements.[3240] These children are used in activities such as animal husbandry and herding (e.g., with goats, camels, and other animals).[3241]

Mauritania is a source and destination country for trafficked children.[3242] Reports indicate that children

are trafficked within Mauritania for forced labor in agriculture, construction, herding, domestic labor, and fishing.[3243] In addition, children are trafficked by street gang leaders for selling drugs and stealing—girls for domestic labor and sexual exploitation, boys for camel jockeying, and *talibes* for forced begging.[3244] However, more recently, there have not been reports of trafficking of boys for camel jockeying.[3245] *Talibes* are trafficked from Senegal, Mali, Guinea, and Guinea-Bissau to Mauritania for forced begging.[3246] Girls are trafficked from Senegal and Mali for domestic service.[3247]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 14. However, if a child has not completed the required 9 years of education, the child may be restricted from employment until such education is complete.[3248] At age 12, children may perform light work in establishments where their family members are employed, provided that they have

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

the Ministry of Labor's authorization and maintain their schooling.[3249] According to the Labor Code, children under age 16 are prohibited from night work.[3250] The Labor Code also bans children under age 18 from work that is dangerous, beyond their strength or is likely to harm their safety, health, or morals.[3251] However, the Government lacks a hazardous labor list.

The Penal Protection Code for Children establishes penalties for the sexual exploitation of a child.[3252] The Penal Protection Code for Children also states that inciting a child to beg, or giving authority to another person to do so, is punishable.[3253] However, the law does not prohibit the use of children in illicit activities.

Law 2007-048 and Law 025/3003 prohibits forced and compulsory labor, as well as slavery and trafficking in persons.[3254] The minimum age for both voluntary and compulsory recruitment into the military is 18.[3255]

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Mauritania has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Social Affairs, Family, and Children has primary responsibility for both child labor policy and enforcement of all child labor laws, including the worst forms of child labor.[3256]

The Government of Mauritania has 60 labor inspectors who are responsible for following up on child labor violations.[3257] During the reporting period, the Government did not undertake any investigations, prosecutions, convictions, or sentences related to the worst forms of child labor.[3258]

The Direction of the Judiciary Protection of Children under the Ministry of Justice and the Special Brigade for Minors under the Ministry of the Interior also undertake activities that protect children and enforce laws, including the worst forms of child labor.[3259] Information on enforcement activities were not identified through research.

Government Policies on the Worst Forms of Child Labor

With funding and technical support from UNICEF, the National Children's Council of the Ministry of Social Affairs, Family, and Children established a national strategy and 3-year plan of action (2009-2011) for the protection of children.[3260] The strategy and action plan aim to strengthen the legal system; increase access to

social services for vulnerable children; and establish a system to coordinate, monitor, and evaluate service provision.[3261] In addition, the Poverty Reduction Strategy Paper (2006-2010) includes plans to increase access to quality education for all children.[3262] The question of whether these policies have an impact on the worst forms of child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the Government continued to provide support, such as technical support by government officials, to a center for vulnerable children located in Noaukchott. It provided shelter for 270 children in 2009, many of whom were *talibes*.[3263] The Government also participated in awareness-raising campaigns on child domestic labor.[3264] Additionally, it continued to participate in a regional project funded by the United Arab Emirates that seeks to return child camel jockeys to their home countries, and to reintegrate them into acceptable childhood activities.[3265]

Although the Government has participated in programs for vulnerable children and child jockeys, research found limited evidence that it has carried out programs to assist children involved in agriculture, domestic service, the informal sector, street work, or children in indentured servitude.

Based on the reporting to above, the following actions would advance the reduction of the worst forms of child labor in Mauritania:

IN THE AREA OF LAWS AND REGULATIONS:

- Draft and adopt a hazardous labor list, in accordance with international standards.
- Draft and adopt a law that prohibits the use of children in illicit activities, in accordance with international standards.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Take all necessary measures to effectively enforce child labor and anti-trafficking laws, including investigation, prosecution, and conviction of individuals.

IN THE AREA OF POLICIES:

- Assess the impact that existing policies may have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Institute programs to address the worst forms of child labor in agriculture, domestic service, informal sectors, and other sectors where children work, as well as children in indentured servitude.

[3229] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[3230] U.S. Embassy- Nouakchott, *reporting*, February 11, 2010, para 3. See also Haimoud Ramdan, *La lutte contre la Précarité des Enfants en Mauritanie*, Université de Nouakchott, 17. See also Le Quotidien de Nouakchott official, Interview with USDOL consultant, May 15, 2008, 65.

[3231] U.S. Embassy- Nouakchott, *reporting, February 11, 2010*, para 3. See also Ramdan, *La lutte contre la Précarité des Enfants*, 17. See also Le Quotidien de Nouakchott official, Interview, May 15, 2008, 65.

[3232] Bechir Fall, *Enquete sur le Travail des Enfants et Opportunities d'Insertion a Nouakchott-Version Provisoire*, Ministry of Public Works and Employment and UNICEF, December 2006, 24, 27-28.

[3233] Ibid.

[3234] Ibid., 29-30, 33. See also SOS-Esclaves official, Interview with USDOL consultant, May 8, 2008, 13.

[3235] U.S. Embassy- Nouakchott, *reporting*, November 30, 2007, para 12. See also U.S. Department of State, "Mauritania," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, sections 6 and 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm. See also Conventions on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention*, June 17, 2009, 16-17; available from http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/430/16/PDF/G0943016.pdf?OpenElement.

[3236] U.S. Embassy- Nouakchott, *reporting, November 30, 2007*, para 12. See also U.S. Department of State, "Country Reports- 2009: Mauritania," sections 6 and 7d. See also Conventions on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention*, 16-17.

[3237] U.S. Embassy- Nouakchott, *reporting, February 11, 2010*, para 3. See also Ba Samba Hamady, *Rapport Narratif de l'enquête Participative sur la Situation des « almuube » à Nouakchott*, Association Enfants et Développement en Mauritanie, Save The Children, Communidad de Madrid, November 2006, 12.

[3238] U.S. Department of State, "Country Reports- 2009: Mauritania," section 7d. See also Fall, *Enquete sur le Travail des Enfants et Opportunities d'Insertion a Nouakchott*, 19-20. See also de l'enfance et de la Famille Ministère des Affaires Sociales and UNICEF, *Etude sur le Trafic, la Traite et les Pires Formes de Travail des Enfants en Mauritanie: Rapport Final*, January 10, 2010, 57.

[3239] Ministère de la Justice official, Interview with USDOL consultant, May 7, 2008, 27.

[3240] U.S. Department of State, "Mauritania (Tier 3)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/g/tip/rls/tiprpt/2009.

[3241] Ibid.

[3242] Ibid.

[3243] Ibid. See also Association Enfants Developpement en Mauritanie official, Interview with USDOL consultant, May 12, 2008, 53.

[3244] U.S. Department of State, "Trafficking in Persons Report- 2009: Mauritania." See also U.S. Department of State, "Country Reports- 2009: Mauritania."

[3245] U.S. Embassy- Nouakchott official, E-mail communication to USDOL official, June 29, 2009.

[3246] U.S. Department of State, "Trafficking in Persons Report- 2009: Mauritania." See also Hamady, *Rapport Narratif de l'enquête Participative sur la Situation des « almuube »*, 12. See also Association Enfants Developpement en Mauritanie official, Interview, May 12, 2008, 53.

[3247] U.S. Department of State, "Trafficking in Persons Report- 2009: Mauritania."

[3248] Government of Mauritania, *Code du travail*, Loi No. 2004-017, (July 2004), article 153; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=MRT&p_classification=01.02&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY. See also Government of Mauritania, *Loi n° 2001-054 du portant obligation de l'enseignement*, (July 19, 2001), article 1.

[3249] Government of Mauritania, *Code du travail*, articles 153 and 154.

[3250] Ibid., articles 155 and 164.

[3251] Ibid., article 247. See also ILO NATLEX National Labor Law Database, *Arreté no. 239 du 17 septembere 1954*, accessed October 11, 2006; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=MRT&p_classification=04&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY.

[3252] Government of Mauritania, *Ordonnance 2005-015 portant protection penale de l'enfant*, (December 5, 2005), articles 24-27.

[3253] Ibid., 42.

[3254] Government of Mauritania, *Code du travail*, article 5. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Mauritania (ratification: 2001),* [online] 2005 [cited December 16, 2010]; available from http://www.ilo.org/ilolex/english/newcountryframeE.htm. See also Government of Mauritania, *Loi n° 2007- 048 portant incrimination de l'esclavage et réprimant les pratiques esclavagistes*, (December 17, 2007), articles 1-3; available from http://appablog.wordpress.com/2008/01/24/mauritanie-texte-de-la-loi-anti-esclavagiste-adoptee-par-les-deputes-mauritaniens/. See also Government of Mauritania, *Loi n° 025/3003 portant repression de la traite des personnes*, (2003), articles 1-3.

[3255] Coalition to Stop the Use of Child Soldiers, "Mauritania," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.child-soldiers.org/home.

[3256] U.S. Embassy- Nouakchott, *reporting, February 11, 2010*, para 2c7.

[3257] Ibid., para 2d20. See also Ministere des Affaires Sociale de l'Enfance et de la Famille and UNICEF, *Strategie Nationale de Protection des Enfants en Mauritanie et Plan d'Action 2009-2013*, August 13, 2009, 25-27.

[3258] U.S. Embassy- Nouakchott, *reporting*, February 10, 2010, para 17.

[3259] U.S. Embassy- Nouakchott, *reporting, February 11, 2010*, para 2c11.

[3260] Conventions on the Rights of the Child, *Written Replies by the Government of Mauritania*, April 22, 2009, 4-5; available from http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/417/29/PDF/G0941729.pdf?OpenElement.

[3261] Ministere des Affaires Sociale de l'Enfance et de la Famille and UNICEF, *Strategie Nationale de Protection des Enfants en Mauritanie et Plan d'Action*, 51-55.

[3262] IMF, *Poverty Reduction Strategy Paper: Mauritania*, Washington, DC, May 2009; available from http://www.imf.org/external/np/prsp/prsp.asp#R. See also Government of Mauritania, *Programme National de Developpement de Secteur Educatif 2001-2010*, 2001; available from http://www.educationfasttrack.org/media/library/Mauritania_Education_Plan.pdf.

[3263] U.S. Embassy- Nouakchott, *reporting, February 11, 2010*, 2d20.

[3264] Ibid., para 36.

[3265] Ibid.

Mauritius

The Government of Mauritius has strengthened its legal framework to combat the worst forms of child labor and has implemented many programs to prevent and assist victims of commercial sexual exploitation and trafficking. The worst forms of child labor continue to exist, however, in the commercial sexual exploitation of children. Gaps remain in the Government's efforts to coordinate policy related to the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Distribution of the Worst Forms of Child Labor

Children in Mauritius are involved in the some of the worst forms of child labor[3266], including commercial sexual exploitation.[3267] Girls as young as 10 have been found in prostitution in Mauritius.[3268] Girls are exploited in both local and tourism-linked prostitution, including by prostitution rings and business persons offering other forms of employment and then exploiting them as prostitutes instead.[3269] Some sex workers have also been reported to sell their sons into prostitution.[3270]

There have been limited reports of child trafficking in Mauritius.[3271]

Although anecdotal evidence suggests that the incidence of child labor in Mauritius is low, children are involved in agriculture, domestic service, and street hawking.[3272] Agricultural work may involve using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides. Child street hawkers may be exposed to a variety of hazards, which could include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements. Child domestic work commonly involves long hours of work and can expose children to physical and sexual exploitation by their employers.

Laws and Regulations on the Worst Forms of Child Labor

The Government of Mauritius has laws to protect children against the worst forms of child labor in both the formal and informal sectors. According to the Employment Rights Act, a child by definition is under the age of 16, while the term "young person" refers to those age 16 to 18.[3273] The Employment Rights Act sets the minimum age for work at 16.[3274]

Any work which is harmful to the health and safety of the person is prohibited for persons less than age 18, with the exception of those age 16 to 17 who have been trained and are under adequate supervision. The Occupational Safety and Health Code provides a specific list of prohibited hazardous work conditions.[3275]

The Mauritian constitution prohibits forced labor and slavery.[3276] The Child Protection Act forbids causing, inciting, or allowing any child to engage in prostitution or child pornography and provides punishment for violation of the law.[3277] Acting as an accomplice to child prostitution is also illegal and punishable under the law.[3278] Additionally, the Penal Code prohibits sexual intercourse with a female under the age of 16.[3279]

The Government of Mauritius expanded its legal framework by enacting the Combating Trafficking in Persons Act, Act No. 2 of 2009, which provides a comprehensive framework to combat trafficking in persons.[3280] The Trafficking in Persons law provides a maximum of 15 years of imprisonment for offenders of trafficking laws, including those who knowingly aid traffickers.[3281] In addition to clearly establishing the trafficking of children as a criminal offense, the Combating Trafficking in Persons Act establishes a requirement for Internet service providers to inform the police of any information, which suggests or alludes to trafficking on its server. Failure to report such matters is a criminal offense.[3282]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence of coordinating mechanisms to combat child labor in Mauritius. The Ministry of Gender Equality, Child Development and Family Welfare is the lead agency for implementing anti-trafficking policies.[3283]

The Ministry of Labor, Industrial Relations, and Employment (MOLIRE) enforces child labor laws. All regular labor inspections include monitoring for child labor.[3284] Other agencies have enforcement responsibilities as well including the Office of the Ombudsperson for Children refers cases, which require investigation to the Child Development Unit (CDU). The CDU and the Minors' Brigade of the Police Force investigate reported child labor violations.[3285]

In 2009, MOLIRE employed 30 field officers and 9 trainee officers in its Inspection and Enforcement Division. MOLIRE offers ongoing training in all aspects of labor inspections.[3286]

Data on the number of inspections conducted in 2009 is unavailable.[3287] The extent to which inspections were carried out in agriculture is also unavailable.

The Government has indicated that once a child labor violation has been discovered, child employment is stopped, surprise follow-up visits are conducted to the employment site and prosecution is initiated by the Occupational Safety and Health division of MOLIRE.[3288] However, no child labor violations were reported as a result of MOLIRE inspections during the reporting period.[3289]

The Mauritian Police Force, and in particular its Minors' Brigade, is the main agency charged with enforcing laws regarding other worst forms of child labor, including trafficking, pornography, and prostitution. The Police Force maintains a database of trafficking cases and allegations.[3290] The CDU also refers cases of child prostitution to the Minors' Brigade for investigation, while the Minors' Brigade refers children to the CDU for social assistance. [3291]

Several other entities are involved in anti-trafficking efforts, including: the Criminal Investigation Division, the Office of the Ombudsperson for Children, the State Law Office, and the Prime Minister's Office.[3292]

All new recruits of the Mauritian Police Force undertake training on the commercial sexual exploitation of children.[3293] The Mauritian Police Force has also conducted a series of trainings for police station officers, as well as specialized units such as the Police Prosecutor's Unit, the Criminal Investigation Unit, and the Passport and Immigration Office regarding the commercial sexual exploitation of children, child abuse, and trafficking in persons.[3294] In addition, the Ministry of Gender Equality, Child Development, and Family Welfare assisted in training police officers on the commercial sexual exploitation of children.[3295] During the reporting period, officers

in the Minors' Brigade received five training sessions on the best practices for combating human trafficking. Students at the police training school, 182 senior police officers, and 70 government officials also received anti-trafficking training.[3296] Additionally, 70 government officials received training on the commercial sexual exploitation of children.[3297]

The Minors' Brigade, in coordination with the National Children's Council, conducts crackdown operations that target areas such as arcades, bus terminals, water fronts and other areas frequented by truant students.[3298] Since January 2008, 500 crackdowns have been carried out in areas common to truant students.[3299] The Government uses these crackdowns to track and counsel adults who are using their children for child labor.[3300] Crackdowns by child welfare and law enforcement officials are also conducted in areas frequented by students at high risk for trafficking.[3301]

In 2009, three cases of child trafficking were reported to the authorities. The children received government funding and assistance. Further, a woman was sentenced to 10 years in prison for subjecting two under age Mauritian girls to prostitution.[3302] Her two sons were sentenced to 3 years in prison for sexual relations with a child under 16.[3303] During the reporting period, nine cases of child prostitution were reported to the Ministry of Gender Equality, Child Development and Family Welfare.[3304] As of the writing of this report, there was no information on the status of these cases. Also during the reporting period, one investigation of pimping was completed and one adult was prosecuted for the commercial sexual exploitation of three girls.[3305] Cases generally take 18 to 24 months from arrest to sentencing, and sentences reflect standards established by legislation.[3306]

During the reporting period, there were reports of Mauritian nationals involved in child sex tourism in Madagascar. However, the Mauritian Government did not take action to address this specific problem.[3307]

Government Policies on the Worst Forms of Child Labor

The Government has a policy focused on the commercial sexual exploitation of children. Beginning in 1997, the Government, in conjunction with UNICEF and WHO, commissioned studies which identified the commercial sexual exploitation of children as a problem. The Government created a National Plan of Action to address this issue in 2003.[3308] The plan focuses on awareness raising, data collection, the provision of education and psychosocial services for victims, and indicators for monitoring the incidence of the commercial sexual exploitation of children.[3309] The Government of Mauritius has taken action under this plan by conducting awareness-raising and police training.[3310]

The Government of Mauritius is working with UNDP to develop a poverty reduction strategy.[3311] The Government has also implemented other policies, including a 2009 12-year strategy plan for education and human resources, as well as the National Policy Paper on the Family. The question of whether these policies have an impact on the worst forms of child labor does not appear to have been addressed.[3312]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

From 2005 to 2009, the Government of Mauritius implemented a public sensitization campaign to make young people aware of the dangers of commercial sexual exploitation.[3313] Over the last two years, the Ministry of Tourism published and distributed 3,000 pamphlets on the commercial sexual exploitation of children to members in the tourism industry, including tour operators and hotels.[3314] The Government also runs a program, started in 2003, that provides education to parents on understanding children's rights. The program is piloted in 16 primary schools and has planned expansions to involve child care centers.[3315]

Mauritius provides services to victims of commercial and sexual exploitation. Child welfare officers take victims to the hospital and work in conjunction with the police officer to obtain a statement. Medical and psychological services are available in public clinics.[3316] The CDU works in coordination with the Police Department and other agencies to provide 24-hour legal and psychological support to sexually exploited and vulnerable children.[3317] The CDU also maintains two hotlines for reporting child abuse and takes custody of child trafficking victims, ensuring the children receive schooling, health and psychological care while in its custody.[3318] However, school reintegration for child victims has proven difficult.[3319] For example, children victims were not reintegrated

into schools due to negative social attitudes, strict regulations, and a lack of guidance and support.[3320]

The Government of Mauritius funds local NGOs to run a public education campaign on the issue of the commercial sexual exploitation of children and to provide child victims with shelter. It also operates a drop-in center, through which it provides educational and counseling services.[3321] During the reporting period, the center counseled six girls who were engaged in prostitution.[3322] However, not all identified victims received comprehensive protective services due to overcrowding and a lack of shelter facilities.[3323]

Additionally, the Child Protection (Amendment) Act of 2008 established a child mentoring scheme to provide distressed children, including those involved in or at risk for engaging in prostitution, with support and rehabilitation. However, during the reporting period the Government did not utilize these services to assist children engaged in or at risk of prostitution.[3324]

The Government, in coordination with the UNDP, is also conducting a general poverty reduction program which is focusing efforts on increasing attendance at schools.[3325] Increasing access to school could reduce the incidence of child labor by providing alternatives to working children. The program, among other things, provides transitional and educational support to vulnerable households, provides capacity building for employability skills, and strengthens the capacity of training institutions.[3326] The program has contributed to poverty reduction by focusing on 30 schools in deprived regions.[3327] As a preventative measure, the Government is also developing a process to direct students who have dropped out of school to vocational training, literacy and numeracy programs, and has increased efforts, such as school feeding programs and free school supplies, to ensure that children are at school as a preventative measure.[3328]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Mauritius:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a formal coordinating body to facilitate the efforts of the multiple agencies tasked with combating the trafficking of children for labor exploitation.
- Make publicly available data on child labor inspections and the results of those inspections.

IN THE AREA OF POLICIES:

- Assess the impact that the National Action Plan on commercial sexual exploitation has on the worst forms of child labor.
- Develop national policy to address all worst forms of child labor
- Consider how child labor concerns can be included in development plans currently being drafted.

IN THE AREA OF PROGRAMS:

- Assess the impact that poverty reduction and education programs may have on addressing the worst forms of child labor.
- Improve existing programs to withdraw and prevent children from involvement in commercial sexual exploitation and provide sufficient services to victims.

[3266] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[3267] U.S. Embassy- Port Louis, *reporting*, January 29, 2010, para 2.

[3268] U.S. Embassy - Port Louis, *reporting*, January 29, 2010, para 3. See also, ECPAT International, *Report on the Status of Action Against Commercial Sexual Exploitation of Children: Mauritius*, 2007; available from http://www.ecpat.net/A4A_2005/PDF/AF/Global_Monitoring_Report-MAURITIUS.pdf.

[3269] U.S. Embassy- Port Louis, *reporting, January 29, 2010*, para 2 and 3. See also, United Nations Economic Commission for Africa: Africa Center for Gender and Social Development, *Gender Based Violence: Situational Analysis*, 2009; available from http://www.ggp.up.ac.za/gender_equality/course_material/2009/bayard%202.doc. See also, ECPAT International, *Report on the Status of Action*. See also, U.S. Embassy - Port Louis, *reporting, January 29, 2010*.

[3270] U.S. Embassy - Port Louis, *reporting*, February 18 2010, para 25d.

[3271] ECPAT International, *Report on the Status of Action*, 12. See also, U.S. Embassy - Port Louis, *reporting, January 29, 2010*.

[3272] U.S. Embassy - Port Louis, *reporting, January 29, 2010*, 14. See also, U.S. Embassy- Port Louis, *reporting*, January 15, 2009.

[3273] Government of Mauritius, *Employment Rights Act of 2008*, (February 2, 2009); available from http://supremecourt.intnet.mu.

[3274] Ibid.

[3275] Government of Mauritius, *The Occupational Safety and Health Act 2005*, (October 28, 2005); available from http://www.gov.mu/portal/sites/legaldb/files/occupational%20safety%20&%20health%20act%202005.doc.

[3276] Government of Mauritius, *Constitution of the Republic of Mauritius*, (March 12, 1968), chapter 2, article 6; available from http://www.gov.mu/portal/site/AssemblySite/menuitem.ee3d58b2c32c60451251701065c521ca/. See also U.S. Embassy- Port Louis, *reporting*, January 15, 2009, para 6.

[3277] See also U.S. Embassy- Port Louis, *reporting, January 15, 2009*, para 6. See also, Government of Mauritius, *Written communication*, Update to the Response submitted in response to U.S. Department of Labor Federal Register Notice (December 19, 2009) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor." Washington, DC, February 19, 2009, section 15. See also, Interpol, "National Laws: Mauritius," (2009); available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaMauritius.asp.

[3278] ECPAT International, *Report on the Status of Action*, 19.

[3279] Interpol, *Legislation of Interpol member states on sexual offences against children: Mauritius*, August 3, 2007; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaMauritius.pdf.

[3280] Government of Mauritius, *The Combating Trafficking in Persons Act 2009*, (May 8, 2009); available from http://www.gov.mu/portal/goc/assemblysite/file/Act209.pdf.

[3281] Ibid.

[3282] Government of Mauritius, *The Child Protection (Amendment) Act*, No. 34, (December 6, 2005); available from http://supremecourt.intnet.mu/Entry/dyn/GuestGetDoc.Asp?Doc_Idx=2977961&Mode=Html&Search=No. See also, ECPAT International, *Report on the Status of Action*, 20.

[3283] U.S. Embassy - Port Louis, *reporting, February 18, 2010*, para 26B. See also, U.S. Embassy - Port Louis, *reporting, January 29, 2010*.

[3284] U.S. Embassy - Port Louis, *reporting*, January 15, 2010, para 5. See also, Ministry of Women's Rights- Child Development- Family Welfare and Consumer Protection, *Mauritius National Progress Report of the Special Session of the General Assembly on Children: A World Fit for Children*, December 2006, . See also, Government of Mauritius, *Written communication Update on the Response to U.S. Department of Labor Federal Register Notice (February 19, 2009)*, para 2b.

[3285] ILO Committee of Experts, *Observation, Minimum Age Convention, 1973 (No. 138) Mauritius (ratification: 1990)*, online, 2008; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1393&chapter=3&query=Mauritius%40ref%2BObservation%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0. See also ILO Committee of Experts, *Observation, CEACR 2007/78th Session Minimum Age Convention, 1973 (No. 138) Mauritius (ratification: 1990)*.

[3286] Government of Mauritius, *Written communication Update on the Response to U.S. Department of Labor Federal Register Notice (February 19, 2009)*.

[3287] Mauritius Save the Children Fund, *Report of Non Governmental Organisations Mauritius*, June 1, 2005 2005; available from http://www.crin.org/docs/Mauritius_SCM_NGO_Report.doc.

[3288] Government of Mauritius, *Written communication Update on the Response to U.S. Department of Labor Federal Register Notice (February 19, 2009)*, para 2b.

[3289] U.S. Embassy - Port Louis, *reporting, January 29, 2010*, para 2.

[3290] Government of Mauritius, *Written communication Update on the Response to U.S. Department of Labor Federal Register Notice (February 19, 2009)*, section 2b.

[3291] U.S. Embassy - Port Louis, *reporting, February 18, 2010*, para 26D.

[3292] Ibid.

[3293] ECPAT International, *Report on the Status of Action*., p. 23.

[3294] Government of Mauritius, *Written communication Update on the Response to U.S. Department of Labor Federal Register Notice (February 19, 2009)*., para 2d.

[3295] Ibid., para 2d.

[3296] U.S. Department of State, "Trafficking in Persons Report- 2010." See also, U.S. Embassy - Port Louis, *reporting, February 18, 2010*., para 27F and 28K

[3297] U.S. Embassy - Port Louis, *reporting, February 18, 2010*., para 27F.

[3298] Government of Mauritius, *Written Communication April 30, 2010*, Washington, DC, April 30, 2010.

[3299] Ibid.

[3300] Ibid.

[3301] U.S. Department of State, *Angola (Tier 2)*, Washington, DC, June 14, 2010; available from http://www.state.gov/documents/organization/142981.pdf.

[3302] U.S. Embassy - Port Louis, *reporting, February 18, 2010*., para 27 E and 28G. See also, U.S. Embassy - Port Louis, "E-mail communication to USDOL official," (October 22, 2010).

[3303] Louis, "E-mail communication to USDOL official."

[3304] U.S. Embassy - Port Louis, *reporting, January 29, 2010*., para 5.

[3305] U.S. Department of State, "Trafficking in Persons Report- 2010." See also, U.S. Embassy - Port Louis, *reporting, January 29, 2010*. ECPAT International, *Report on the Status of Action*., p. 19.

[3306] U.S. Embassy- Port Louis, *reporting, January 29, 2010*.

[3307] U.S. Department of State, "Trafficking in Persons Report- 2010."

[3308] Ministry of Women's Rights- Child Development- Family Welfare and Consumer Protection, *National Progress Report*.

[3309] ECPAT International, *Report on the Status of Action*, 13.

[3310] Government of Mauritius, *Written communication Update on the Response to U.S. Department of Labor Federal Register Notice (February 19, 2009)*.

[3311] UNDP, *Acheiving the MDGs and Reducing Human Poverty*, 2010; available from http://un.intnet.mu/undp/html/mauritius/povertyred.htm.

[3312] Government of Mauritius Ministry of Women's Rights Child Development Family Welfare and Consumer Protection, *National Policy Paper on the Family*, 2010. See also, Government of Mauritius, *Education and Human Resources National Strategy Plan 2008-2020,* [online] 2009 [cited June 10 2010]; available from http://www.gov.mu/portal/goc/educationsite/file/EHRSP%202008-2020.pdf.

[3313] Government of Mauritius, *Written Communication January 19, 2010*, Washington, DC, January 19, 2010. See also, ECPAT International, *Report on the Status of Action*, 16.

[3314] U.S. Embassy - Port Louis, *reporting, February 18, 2010*, para 29A.

[3315] ECPAT International, *Report on the Status of Action*, 16.

[3316] U.S. Department of State, "Trafficking in Persons Report- 2010."

[3317] ECPAT International, *Report on the Status of Action*, 15. See also, U.S. Embassy - Port Louis, *reporting, February 18, 2010*, para 26D and 26F. See also, Government of Mauritius, *The Combating Trafficking in Persons Act 2010*, (June 14, 2010); available from http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm.

[3318] U.S. Embassy - Port Louis, *reporting, January 29, 2010*, para 4. See also, U.S. Embassy- Port Louis, *reporting*, November 17, 2009, para 4.

[3319] ECPAT International, *Report on the Status of Action*, 13 and 14.

[3320] Ibid.

[3321] U.S. Embassy - Port Louis, *reporting, January 15, 2010*, para 7.

[3322] U.S. Department of State, "Trafficking in Persons Report- 2010."

[3323] Ibid.

[3324] Ibid. See also, U.S. Embassy - Port Louis, *reporting, January 29, 2010*.

[3325] U.S. Embassy- Port Louis, *reporting, January 29, 2010*. See also, Government of Mauritius, *Written communication*, Update to the Response submitted in response to U.S. Department of Labor Federal Register Notice (December 19, 2008) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor." Washington, DC, January 19, 2010. See also, UNDP, *Acheiving the MDGs and Reducing Human Poverty*.

[3326] Executive Board of the United Nations Development Programme and of the United Nations Population Fund, *Draft country programme for the Republic of Mauritius (2009-2011)*, 2008, p. 4; available from http://un.intnet.mu/undp/downloads/info/Country%20Programme%20Documents/Mauritius/CPD_2009-2011_Mauritius_Final.pdf.

[3327] Ibid.

[3328] U.S. Embassy- Port Louis, *reporting, January 29, 2010*, para 7, 8 and 10.

Moldova

The Government of Moldova has strengthened its legal framework to provide protections for children in the worst forms of child labor, especially those in vagrancy, begging and illicit activities, and work in the informal sector. The Government also signed a Memorandum of Understanding with the ILO to address this issue, and completed the first survey in three years that provides more up-to-date statistics on the number of children involved, as the basis for making progress on the problem. A National Action Plan on the Prevention and Elimination of the Worst Forms of Child Labor for 2011-2015 is currently being considered by the government, with ILO support. Children continue to be involved in the worst forms of child labor in agriculture and on the streets. Although policies and programs to combat such child labor are being formulated, they have yet to be fully implemented.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	30.1%
Attending School	5-14 yrs.	82.2%
Combining Work and School	7-14 yrs.	31.8%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children are engaged in the worst forms of child labor in Moldova in agriculture and on the streets.[3329] A 2009-2010 Moldovan National Child labor survey, commissioned by the Government of Moldova to help address the problem, estimated that 109,000 children were engaged in child labor, mostly in small businesses and agricultural labor. A 2007 ILO report noted that two-thirds of rural children had worked on farms by age 14, although it was not known how many of such children were engaged in worst forms of child labor. An older ILO report notes that school directors, farms, and agricultural cooperatives had signed contracts to have students help with the harvest during the high season in autumn.[3330] Children's work in agriculture may involve using dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides.

Children work on the streets in Moldova.[3331] They also work at factories and in carpentry.[3332] These children may be exposed to a variety of risks, including severe weather, harsh working conditions, dangerous machines and tools, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Moldovan girls are trafficked abroad for commercial sexual exploitation.[3333] Children, mostly girls, are also trafficked internally from rural areas to the capital, Chisinau.[3334]

A 2006 UNICEF report stated that the migration of adults in search of work has left approximately

40,000 children parentless.[3335] These children often lack proper supervision and are at greater risk of labor and sexual exploitation.[3336] Both forced labor and forced prostitution are reportedly especially common in the secessionist region of Transnistria in northeastern Moldova. Children from Moldova are exploited for both labor and commercial sexual exploitation. However, it is unclear how many victims are children.[3337]

Laws and Regulations on the Worst Forms of Child Labor

The law sets the minimum age for employment at 16.[3338] In certain cases, children who are age 15 can work with parental or legal authorization, if the work will not interfere with their education, health, or development.[3339] The Government has approved a list of hazardous work forbidden for children under age 18, including underground work, well drilling; metal work; work demanding "dynamic effort" or psychological exertion, and work which presents risk of injury from machinery, electric shock, extreme temperatures, or chemical or biological agents.[3340]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

The Constitution prohibits forced labor and the exploitation of minors.[3341] The law prohibits trafficking in children for labor and sexual exploitation and lays out penalties for the use of children in the worst forms of child labor.[3342]

In January 2009, a new provision of the Law on Labor Force Migration came into force, which is designed to ensure better protection and care of children left behind by migrant parents working and living abroad.[3343] Also in January 2009, a Law on Occupational Safety and Health came into force; it includes child laborers in the category of vulnerable groups that should be protected against specific risks in workplaces.[3344] In May 2009 a new version of the Code on Contraventions came into force, which establishes fines for parents or legal guardians who violate children's rights to care and education and whose children enter vagrancy, begging, and illicit activities.[3345]

Institutional Mechanisms for Coordination and Enforcement

The National Steering Committee (NSC) on the Elimination of Child Labour was established by the Government of Moldova in 2004 to address and coordinate all child labor issues. In collaboration with the ILO, the National Steering Committee ensures that all responsible government agencies work pursue objectives and targets set for programs to the eliminate exploitative child labor.[3346]

The Labor Inspection Office (LIO) is the division inside the Ministry of Labor, Family and Social Protection that is responsible for enforcing all labor laws in the Republic of Moldova. Within the LIO, the Child Labor Monitoring Unit (CLMU) enforces laws as they specifically pertain to child labor.[3347] The LIO employs 81 labor inspection officers. They are posted in 10 offices throughout the country, and investigate all types of labor violations, including those related to child labor.[3348] The availability of training, the number of inspectors, and amount of financial resources dedicated to child labor enforcement is unknown.

Members of the CLMU identify and withdraw working children, raise awareness among employers on the risks of child labor, train labor inspectors, and enforce of child labor laws.[3349] The law permits child labor inspections for both legally registered workplaces

and persons, thus covering informal worksites. Inspectors are also allowed to seek assistance from local public administrators to suspend licenses of employers who repeatedly neglect labor inspection recommendations.[3350] During the first seven months of 2009, labor inspectors visited 14 enterprises where 45 persons under age 18 were employed. They found that nine of the 45 were employed in violation of child labor laws and fined seven employers as a result.[3351]

The Government created the National Committee for Combating Trafficking in Persons (NCCTIP) in November of 2009 and tasked it with taking concrete action in investigating and opening cases against traffickers. Led by the Deputy Prime Minister, the NCCTIP includes the Ministers of the Interior, Justice, Labor, Family and Social Protection; as well as the Prosecutor General and the Director of the Center for Combating Trafficking in Persons.[3352] The Ministry of Justice is responsible for prosecuting criminal violations involving trafficking in human beings, including children. At a meeting of the NCCTIP in November 2009, the Minister of Justice reported that the courts handed down convictions in 57 TIP-related cases in the first ten months of the year.[3353] The courts reached convictions in all four cases involving child trafficking.[3354]

The Center to Combat Trafficking in Persons (CCTIP) is the Moldovan Government's principal anti-trafficking agency. It operates a task force to coordinate the country's law enforcement efforts. CCTIP keeps statistics on cases opened and transmitted to prosecutors and courts, but not statistics on decisions delivered by the courts or judgments executed, which are kept by the Prosecutor's Office and the Ministry of Justice, respectively.[3355] The Government of Moldova does not, however, maintain a central database of these statistics on trafficking cases.

Government Policies on the Worst Forms of Child Labor

A Strategy on the Referral System for Protection and Assistance of Victims and Potential Victims of Trafficking (2009-2011) has been in effect since February 2009.[3356]

In March 2009, the Government of Moldova also approved the National Youth Strategy and its Plan of Action for 2009-2013 (Law No. 25-XVI).[3357] The Government of Moldova was one of 49 states which agreed to the Agenda 2020 objectives of the European Cultural Convention of the Council of Europe, which facilitates youth employment, access to education and information, and develops health and social protection services.[3358] The Government allocated $25,000 to implement the agenda and is expected to report annually to parliament on its implementation.[3359] Considering the scope of the Agenda 2020, this level of funding may be insufficient. The question of whether these policies have an impact on the worst forms of child labor does not appear to have been addressed.

In August 2009, the Government of Moldova signed a Memorandum of Understanding (MOU) with ILO-IPEC.[3360] As part of this agreement, the Government will seek to prohibit and eliminate child labor, with priority given to the worst forms, by increasing awareness of and integrating the elimination of child labor into relevant national social and economic development policies and programs. In particular, the MOU stipulates the formulation of policies and programs that will specifically target young girls, children in hidden work situations, and other groups of children with special vulnerabilities and needs.[3361] In conjunction with the ILO, the Government of Moldova has drafted a comprehensive National Policy and Plan of Action to address the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Moldova has participated in a number of donor-funded projects across multiple sectors to combat child labor and address employment and migration issues. From 2006 to 2009, the Government participated in a USDOL-funded $3.5 million, regional project to combat trafficking and other worst forms of child labor in Central and Eastern Europe. The project withdrew and prevented children from exploitative labor in Albania, Bulgaria, Moldova, Romania, and Ukraine.[3362]

The Moldovan Government, through its Center for Combating Trafficking in Persons, is working in conjunction with NGOs that operate a victim referral system to assist victims. In 2009, this program assisted 66 child labor victims. The referral system has been described as a model for other countries dealing with trafficking.[3363]

The National Center for Child Abuse Prevention has been implementing educational, legal, and psychological assistance programs in Moldova since 1997. Within the first nine months of 2009, children were prevented from engaging in hazardous work on the streets and at third party farms, and protected from trafficking.[3364] There are government hotlines for reporting labor violations, including child labor issues.[3365]

The Government of Moldova and the NGO La Strada are participating in a $320,000, USDOS-funded project to train local government officials, improving protection and assistance for trafficking victims. The project supports the authorities in developing a monitoring system to assess the implementation of the National Referral Mechanism. It also organizes trainings for various government agencies that help to identify, assist, and protect trafficked persons.[3366] The Government of Moldova is also participating in a 2-year, $900,000 project for the prevention and elimination of the worst forms of child labor in Central and Eastern Europe, funded by the German Government.[3367]

The Ministry for Labor, Family, and Social Protection is responsible for reintegrating children who have been used in criminal activities and are at risk of trafficking. The Ministry is also responsible for consolidating Moldova's child labor programs, developing and implementing policies to protect and assist children and victims.[3368] In 2008, the Ministry for Labor, Family, and Social Protection launched district-level directorates to better meet these responsibilities.[3369]

Moldova and the ILO launched the country's first Decent Work Country Program (DWCP) from 2006-2007 in order to lay the foundations for ILO contributions towards the country's development. One of the outcomes of the 2006-2007 DWCP was the establishment of local implementation units on child labor in five areas: Chisinau, Balti, Orhei, Ungheni, and Sangerei. Reportedly, these units have had continued success in combating human trafficking and other worst forms of child labor throughout the country.[3370] The second DWCP launched in 2008 aims to make improvements in the labor market, social protection, and the elimination of worst forms of child labor. The program also plans to undertake surveys on labor migration, the entry of young people into the labor market, and the prevalence of child labor in the Moldovan economy.[3371] One of the desired outcomes of the program will be to strengthen the multi-disciplinary Child Labour Monitoring System (CLMS) to identify, withdraw, refer, and track children involved in the worst forms of child labor, as well as generate data and statistics to support policymakers in making informed decisions. The CLMS will continue to focus on the worst forms of child labor and hazardous child labor. It aims to ensure that direct services be provided to children at risk in sectors that have not been sufficiently targeted for services, including agriculture, street working, and human trafficking.[3372]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Moldova:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Conduct targeted child labor investigations in the agriculture sector to prevent the use of children during the high harvest season.

IN THE AREA OF POLICIES:

- Expand and improve policies to prevent children's involvement in exploitative child labor, including by:
  - Increasing funding for the annual implementation of the Council of Europe's Agenda 2020 youth policy objectives and including specific child labor objectives.
  - Implementing the MOU with ILO-IPEC to develop policies and programs that specifically addresses the worst forms of child labor.
  - Assessing the impact that the National Youth Strategy and its Plan of Action for 2009-2013 and the Agenda 2020 may have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to prevent children's involvement in exploitative child labor, including by:
  - Implementing public information campaigns to change attitudes of the customary employment of children, especially during the agriculture season;
  - Implementing social programs that specifically target children working in agriculture, street work, and other sectors.

[3329] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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Mongolia

The Government of Mongolia participates in several programs to eliminate the worst forms of child labor. However, children continue to engage in dangerous work in agriculture and related activities such as herding and artisanal mining. There are gaps in the legal framework for prosecuting criminal offenders, specifically regarding trafficking.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	9.7%
Attending School	5-14 yrs.	79.1%
Combining Work and School	7-14 yrs	11.3%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor[3373]

Children are engaged in the worst forms of child labor in Mongolia, most commonly in the agricultural sector, including herding.[3374] Herding exposes children to extreme cold, exhaustion, wild animal attack, assault from competing herders, and accidents.[3375]

Many children mine gold, coal, and fluorspar both on the surface and underground.[3376] In mining, children often dig holes, enter tunnels up to 10 meters deep, and transport heavy materials. This situation occurs largely if not exclusively in the informal, artisanal mining sector, and is not associated with formal in-country mining activities.[3377]

Children also perform informal work as traders, porters, rag pickers, and horse jockeys.[3378] Child rag pickers work in dump sites where they are exposed to unhygienic conditions, extreme weather, and health problems caused by inhaling smoke from burning garbage.[3379] Child porters often carry loads exceeding their own weight or pushcarts weighing up to one ton.[3380]

Worst forms of child labor such as child prostitution and child trafficking also exist in Mongolia. Child prostitution including child sex tourism is a growing problem.[3381] There are instances where girls are trafficked internally and forced into prostitution in saunas and massage parlors.[3382] Girls are also trafficked to China, Macau, Malaysia, and South Korea for sexual exploitation and forced labor.[3383]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Law sets the minimum age for employment at 16, but allows children at age 15 to work with the permission of a parent or guardian. Under certain conditions children as young as 14 may participate in vocational education for up to 30 hours.[3384] The Labor Law specifically states that it applies to work performed under a labor contract, thus failing to cover most working children in Mongolia, who work without a formal contract.[3385]

Order No. 107 List of Jobs Prohibited to Minors 2008, issued by the Ministry of Social Welfare and Labor (MOSWL), lists locations, professions, and conditions of work for which it is prohibited to employ minors under the age of 18, including some forms of hazardous agriculture and mining, or as load carriers, horse breakers or trainers, or at garbage dump sites.[3386] The Order does not specify whether it is applicable only to children working under an employment

contract or whether it is applicable to all children, even if in informal work situations. The 2002 Criminal Code and the 1996 Law on the Protection of the Rights of the Child (Child Rights Law) prohibit forced labor and the use of children in exploitive activities such as begging.[3387]

Human trafficking and child trafficking are also prohibited by law. Article 113 of the Criminal Code, amended in 2007 specifically prohibits trafficking and prescribes stringent penalties.[3388] The Supreme Court's interpretation of this law, however, stipulates that victims who know they are destined for sex work cannot be classified as trafficked and, therefore, the Court has allowed judicial officials to prosecute trafficking offenders under the lesser offense of forced prostitution.[3389]

The Criminal Code prohibits sexual intercourse with those under the age of 16, involving children in prostitution, inducing others to engage in prostitution by force or threat, and running brothels.[3390]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

A National Steering Committee on Child Labor was re-established in 2006 under the Ministry of Social Welfare and Labor (MOSWL), to promote child labor policies, mainstream child labor issues into national agendas, and mobilize the effort against child labor.[3391] This Committee has promoted tripartite partnership in combating child labor and initiated awareness campaigns.[3392]

The enforcement of child labor laws is conducted by the Labor Inspectorate. The Inspectorate includes 90 inspectors within the country's General Agency for State Inspection.[3393] This body's mandate includes investigating occupational safety, hygiene, and social security as well as child labor nationwide.[3394]

In 2009, MOSWL, along with ILO-IPEC, trained labor inspectors on child labor issues.[3395] The trainings included information on the definition of child labor, its many forms, and how to conduct child labor inspections.

Three major sector-based inspections on child labor took place in 2009 in construction, mining, and street vending.[3396] As a result, 80 children were removed from rural artisanal mining, provided medical treatment, and enrolled in school.[3397] During the reporting period, 193 child labor violations were found. One hundred thirty-three of these cases were resolved through consultation, but no penalties were imposed.[3398]

There is no centralized agency charged with criminal enforcement of child trafficking, sexual exploitation, and prostitution.[3399] However, MOSWL is responsible for coordinating the National Plan of Action on Commercial Sexual Exploitation and Trafficking of Children and Women.[3400] In 2009, MOSWL worked with UNICEF to train 720 social workers to deal with the sale and prostitution of children and their use in pornography.[3401] The National Legal Institute also developed a training curriculum for police, prosecutors, attorneys, and judges for addressing child labor, including commercial sexual exploitation.[3402] Eleven cases of human trafficking were opened from January through August 2009, although the results of these cases were unavailable at the time of this writing.[3403]

Victims of human trafficking are sometimes prosecuted for crimes committed as a direct result of their victimization.[3404] In 2009, two child victims of trafficking were convicted of defamation after

filing charges against their trafficker. The girls were sentenced to two years in prison.[3405] Victim protection is weak and the Government does not provide direct assistance, even to victims who assist in the prosecution of their traffickers.[3406]

Government Policies on the Worst Forms of Child Labor

In 2008, the Government began implementing the third phase of its National Program of Action for the Development and Protection of Children (NPADPC).[3407] This program provides a framework for all national efforts to address children's issues, and specifically includes the elimination of the worst forms of child labor as an objective.[3408] Strategies for achieving this objective include expanding training on child labor, conducting national research, working to reduce poverty, improving child labor monitoring systems, and taking urgent action in specific sectors such as mining.[3409] Objective 12 of the NPADPC is to protect children against violence in accordance with international standards including enlisting domestic and international cooperation to prevent trafficking and commercial sexual exploitation of children.[3410]

Although the NPADPC incorporates the relevant worst forms of child labor and articulates specific actions to take, it remains unclear whether this policy is effectively implemented. An ILO report found that the resources allocated to the relevant components of the NPADC were not adequately tracked, and the monitoring of objectives is weak.[3411]

The National Development Strategy calls for supporting child laborers through education, vocational training, and health services.[3412] The State Policy on Population Development also includes eliminating the worst forms of child labor as an objective.[3413]

The National Plan of Action on Commercial Sexual Exploitation and Trafficking of Children and Women incorporates actions against child trafficking and sexual exploitation.[3414] The Programme on Development of Small-Scale Mining also addresses child labor in key areas. In June 2009, the Government adopted The State Policy on Herders which clarifies the conditions and criteria for engaging children in herding to eliminate worst forms of child labor in that sector.[3415]

In January 2009, MOSWL, the Confederation of Mongolian Trade Unions, and the Mongolian Employers Federation signed an MOU to create a social partnership to prevent the use of child labor as a means of cheap labor. This action was taken to ensure that the most vulnerable were protected during the global economic crisis.[3416]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In May 1999, even before ratifying ILO Convention 182, the Government of Mongolia signed an MOU with ILO-IPEC which started a program to combat child labor.[3417] This initiative was designed to improve knowledge about child labor in Mongolia, assist in designing child labor policy, promote the development of child labor legislation, and support direct action for child laborers.[3418] The $570,000 USDOL-funded program targeted 1,500 children for withdrawal and prevention from child labor in mining, prostitution, and herding and provided services to 2,091 children over the life of the project.[3419] A $1 million second phase of the support program was implemented from 2002 until 2005.[3420]

From 2005 through 2009, the Government implemented the Child Money Program, a social assistance program which gave cash allowances to poor families on the condition that they met certain criteria. For the first year of the program, eligible families had to remove children from harmful forms of child labor, however this requirement was subsequently lifted and the program has ended.[3421]

The Government of Mongolia implemented a USDOL-funded $2.9 million ILO-IPEC project from 2005 through 2010—Support to the Government's Sub-program to Eliminate the Worst Forms of Child Labor: Time-Bound Measures through 2010.[3422] As a part of this program, the Government of Mongolia launched community-based child labor monitoring systems to address child labor in the informal sector.[3423] The project targeted mining, herding, child domestic labor, prostitution, and the informal sector.[3424] By the end of the implementation period, the project had withdrawn and prevented 5,316 children from child labor and 503 girls from commercial sexual exploitation.[3425] Project evaluations note that the program has been effective in

establishing mechanisms for policy coordination and building local government capacity to eliminate child labor.[3426]

The Government is also participating in sector-specific projects focused on children in mining and in human trafficking. Three projects funded by the Swiss Agency for Development and Cooperation, ILO-IPEC, and the United Nations Population Fund combat child labor in mining. These projects have provided educational services for 390 child miners.[3427]

During the reporting period, the Government cooperated with USDOS programs to combat trafficking in persons through strategic litigation, the training of stakeholders, victim services, and raising general awareness.[3428]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Mongolia:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend labor legislation to eliminate exceptions and provide protections to all children, particularly in agriculture and other informal sectors.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Impose penalties on child labor violations in accordance with the law.
- Provide protection and direct assistance to victims of human trafficking.

IN THE AREA OF POLICIES:

- Conduct a comprehensive evaluation of the National Program of Action for the Development and Protection of Children to ensure its full and effective implementation.

[3373] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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[3376] Ibid., 3. See also ILO, World Bank, and UNICEF, *UCW Report-Mongolia 2009*, 40.

[3377] ILO, World Bank, and UNICEF, *UCW Report-Mongolia 2009*, 40.

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[3389] U.S. Department of State, "Trafficking in Persons Report- 2010: Mongolia."

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[3391] ILO, World Bank, and UNICEF, *UCW Report-Mongolia 2009*, 82.

[3392] Ibid.

[3393] U.S. Embassy- Ulaanbaatar, *reporting, March 10, 2010*.

[3394] Ibid.

[3395] Ibid.

[3396] Ibid.

[3397] Ibid.

[3398] Ibid.

[3399] Ibid.

[3400] Ibid. See also ILO, World Bank, and UNICEF, *UCW Report-Mongolia 2009*.

[3401] UN Committee on the Rights of the Child, *Summary record of the 1460th (Chamber A) meeting, Fifty-third session* Geneva, January 13, 2010, para. 19; available from http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/401/18/PDF/G1040118.pdf?OpenElement.

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[3409] Government of Mongolia, *National Programme of Action for the Development and Protection of Children 2002-2010*, Ulaanbaatar, December 2002, 19; available from http://www.unicef.org/mongolia/UNICEFNPAEng.pdf.

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[3412] Ibid.

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[3415] ILO-IPEC, *Support to the Proposed National Sub-programme to Eliminate the Worst Forms of Child Labour: Time-Bound Measures* Technical Progress Report, Geneva, September 2009, 3.

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[3419] Ibid., 5.

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[3427] ILO Committee of Experts, *Individual Direct Request concerning Minimum Age (Underground Work) Convention, 1965 (No. 123) Mongolia (ratification: 1981),* [online] 2009 [cited February 17, 2010], part IV; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23145&chapter=9&query=Mongolia@ref&highlight=&querytype=bool&context=0.

[3428] U.S. Department of State Office to Monitor and Combat Trafficking in Persons (G/TIP), *U.S. Government Funds Obligated in Fiscal Year 2009 for Anti-Trafficking in Persons Projects*, 2010; available from http://www.state.gov/g/tip/rls/reports/2010/137248.htm. See also U.S. Department of State Office to Monitor and Combat Trafficking in Persons (G/TIP), *reporting*, October 28, 2009.

Montenegro

The Government of Montenegro has established a legal framework to prevent the worst forms of child labor. However, there is no list of hazardous tasks or occupations prohibited for children, and gaps remain in the monitoring and enforcement of laws, as well as the development of government policies on the worst forms of child labor. Children continue to work on the street, in forced organized begging, and construction. Roma children are particularly vulnerable to this kind of exploitation.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	12.9%
Attending School	5-14 yrs.	87.8%
Combining Work and School	7-14 yrs.	87.7%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Montenegro, particularly Roma children, are exploited in the worst forms of child labor.[3429] These children work on the streets, in the construction sector, and are engaged in forced, organized begging in order to provide financial support for their families.[3430] Children working on the streets may be exposed to a variety of dangers, including severe weather, harsh working conditions, dangerous machines and tools, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Montenegrin children, primarily poor women and young girls, are trafficked for forced labor and commercial sexual exploitation. Montenegro is largely a transit country for trafficking victims en route to other countries, and to a lesser extent, a source and destination country for human trafficking victims. Children are also subjected to forced prostitution in Montenegro.[3431]

In some farming communities, young children also work in agriculture.[3432] This work may involve harmful activities, such as using potentially dangerous machinery and tools, carrying heavy loads, and applying toxic pesticides.

Laws and Regulations on the Worst Forms of Child Labor

The Labor Law of 2006 establishes the minimum age for work at 15, and the minimum age for hazardous work at 18.[3433] However, there is no list of hazardous tasks or occupations that are prohibited to children.

The Constitution guarantees children special protection from psychological, physical, economic, and any other kind of exploitation or abuse. It also explicitly bans forced labor.[3434]

Articles 209 and 210 of the Criminal Code prohibit the enabling or procurement of a child for sexual acts and the recruitment, sale, and incitement of persons for the purposes of prostitution. The Criminal Code stipulates greater penalties for those who perpetrate this act against a minor.[3435] Articles 444 and 445 of the Criminal Code explicitly ban trafficking in children for the purposes of labor and commercial

sexual exploitation, forced prostitution or begging, pornography, and organ harvesting, as well as trafficking in children for adoption.[3436]

In late 2009, the Montenegrin Parliament passed the Law on Labor Inspection, which empowers labor inspectors to suspend or shut down employers who have violated labor laws.[3437] An amendment to the Labor Law, passed in 2008, authorizes labor inspectors to issue monetary penalties for violation of labor provisions.[3438]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Office of the National Anti-Trafficking Coordinator is the major entity responsible for overseeing efforts to combat human trafficking, including trafficking of children. It regularly reports on the progress being made concerning these issues.[3439] However, research found no evidence of a coordinating mechanism to combat other worst forms of child labor.

Montenegro has other institutional mechanisms in place to protect children. In July 2009, the Deputy Ombudsman for Children's Rights was appointed specifically to address issues concerning children.[3440] The Council on Child Rights was also formed at this time, and it has begun to meet on an ad hoc basis. However, the Council on Child Rights has no systematic work program.[3441] Furthermore, it is unknown whether the Deputy Ombudsman and the Council on Child Rights have any role or responsibilities for addressing child labor in particular.

The Ministry of Labor and Social Welfare's, Labor Inspectorate is responsible for enforcing child labor laws.[3442] It has 40 inspectors who are responsible for monitoring conditions in workplaces throughout the country.[3443] In 2009, the Labor Inspectorate conducted over 13,000 labor inspections and found approximately 8,000 violations of labor standards.[3444] However, it did not disclose whether any of these violations involved children. Furthermore, there is no central database for child labor inspections, violations reported, and penalties imposed.[3445]

The Government of Montenegro does not provide awareness or victim identification training to the officials who are charged with enforcing child labor laws.[3446] In addition, the Government does not appear to provide the Labor Inspectorate with a national registry of enterprises in Montenegro.

Government agencies involved in enforcing anti-trafficking laws include the Chief State Prosecutor, Montenegrin courts, the Ministry of the Internal Affairs and the Police Directorate, as well as the Ministries of Health, Justice, Labor and Social Welfare, and Education.[3447] Anti-trafficking efforts within the Police Directorate are led by the organized crime department of the criminal police.[3448] The Government of Montenegro has established a unified system for collecting data on law enforcement through the Office of the National Anti-Trafficking Coordinator. The Montenegrin courts, Chief State Prosecutor, and the Police Directorate all contribute information to this database.[3449]

The Government of Montenegro investigated and prosecuted 14 suspects in cases that involved trafficking charges in 2009, although it is unknown how many of these cases involved children. Out of these 14 suspects, 11 were convicted by Montenegrin courts.[3450] The Government also arrested and initiated prosecutions against 10 Roma adults for allegedly organizing and forcing their own relatives, young Roma children, to beg on the streets.[3451]

In Montenegro, there have been allegations that some police officers are facilitating forced prostitution of

children.[3452] In February 2010, three police officers were arrested and charged for abuse of their authority for their suspected involvement in the forced prostitution of young girls.[3453]

Government Policies on the Worst Forms of Child Labor

As part of the Strategy Paper on Poverty Reduction and Social Inclusion, the Government developed the National Strategy for Social and Child Protection 2008-2012 to ensure the essential rights of the most vulnerable groups of society, including Roma and their children.[3454] Additionally, the Government has adopted an Action Plan for the Decade of Roma Inclusion 2005-2015 and the Strategy for the Improvement of the Status of the RAE (Roma, Ashkali, and Egyptian) Population in Montenegro. These strategies aim to improve the living standards for Roma and others.[3455] The Government allocated approximately $500,000 dollars for the first year of the strategy and pledged to allocate 0.2 percent of its total budget each year in order to finance activities prescribed by the strategy.[3456] The question of whether these strategies have an impact on the worst forms of child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Montenegro funds the Center for Children and Youth, which provides temporary assistance for child victims of trafficking and organized begging, including psychological care, legal aid, and vocational training.[3457] The National Anti-Trafficking Coordinator's Office funds the center in Podgorica, an expense which accounted for approximately two-thirds of the annual anti-trafficking budget of 123,000 Euro (approximately $168,000) in 2009.[3458]

The Government also sponsors public awareness campaigns and education initiatives for the Roma population, as well as general public awareness campaigns, public service announcement, and conferences on human trafficking.[3459] However, the Government of Montenegro lacks programs that target children who engage in potentially hazardous agricultural work or those engaged in construction activities.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Montenegro:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Law to include a list of hazardous activities and occupations prohibited to children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Provide the Labor Inspectorate with a national registry of enterprises that operate within Montenegro's borders.
- Provide the Labor Inspectorate with the funding to create a national database of case involving violations of child labor law.
- Provide victim assistance and identification training to all relevant officers and government agents who are involved in efforts to combat the worst forms of child labor.

IN THE AREA OF POLICIES:

- Incorporate and streamline the elimination of the worst forms of child labor into all government policies pertaining to children, and in particular, the Roma minority.
- Assess the impact that social policies may have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Implement programs that specifically address the problem of children working in agriculture and construction activities.

[3429] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and children combining work and school are from 2005. Data on school attendance are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[3430] U.S. Embassy- Podgorica, *reporting*, February 5, 2010. See also U.S. Department of State, "Montenegro," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136048.htm.

[3431] U.S. Department of State, "Montenegro (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/documents/organization/143187.pdf.

[3432] U.S. Department of State, "Country Reports- 2009: Montenegro."

[3433] ILO NATLEX National Labor Law Database, *Labor Law 2008*, accessed January 25, 2010; available from http://www.gov.me/files/1227178179.doc.

[3434] ILO NATLEX National Labor Law Database, *Constitution of the Republic of Montenegro*, accessed July 19, 2010; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=MGO&p_classification=01.01&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY.

[3435] ILO NATLEX National Labor Law Database, *Criminal Code of the Republic of Montenegro 2004*, accessed September 29, 2010; available from http://www.legislationonline.org/documents/action/popup/id/4168/preview.

[3436] Ibid.

[3437] ILO NATLEX National Labor Law Database, *Law on Labor Inspection 2008*, accessed January 25, 2010; available from http://www.ilo.org/dyn/natlex/docs/MONOGRAPH/81588/88702/F642528465/MGO81588.pdf.

[3438] U.S. Embassy- Podgorica, *reporting, February 5, 2010*.

[3439] U.S. Embassy- Podgorica, *reporting*, March 4, 2010.

[3440] Ibid.

[3441] Ibid.

[3442] U.S. Embassy- Podgorica, *reporting, February 5, 2010*.

[3443] Ibid.

[3444] U.S. Department of State, "Trafficking in Persons Report- 2010: Montenegro."

[3445] Labor Administration and Inspection Program, *Labor Inspection Country Profile: Montenegro,* [online] July 1, 2009 cited; available from http://www.ilo.org/labadmin/info/lang--en/WCMS_114178/index.htm.

[3446] U.S. Department of State, "Country Reports- 2009: Montenegro."

[3447] Ibid.

[3448] Ibid.

[3449] U.S. Embassy- Podgorica, *reporting, March 4, 2010*.

[3450] U.S. Department of State, "Trafficking in Persons Report- 2010: Montenegro."

[3451] Ibid.

[3452] Ibid. See also U.S. Department of State, "Country Reports- 2009: Montenegro."

[3453] Ibid.

[3454] U.S. Embassy- Podgorica, *reporting, February 5, 2010*.

[3455] Ibid.

[3456] Ibid.

[3457] U.S. Department of State, "Country Reports- 2009: Montenegro." See also U.S. Department of State, "Trafficking in Persons Report- 2010: Montenegro."

[3458] U.S. Embassy- Podgorica, *reporting, March 4, 2010*.

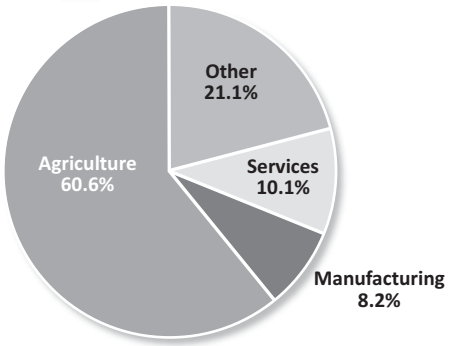
[3459] U.S. Embassy- Podgorica, *reporting*, January 13, 2009. See also U.S. Department of State, "Country Reports- 2009: Montenegro."

Morocco

The Government of Morocco has implemented campaigns to raise awareness about child labor and launched initiatives to reduce poverty as a means to combat the worst forms of child labor. However, many children continue to perform exploitative work, particularly in agriculture and domestic service, some under conditions of involuntary servitude. Legislative and enforcement gaps leave children working in private residences and on farms unprotected.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	7-14 yrs.	13.2%
Attending School		Unavailable
Combining Work and School	7-14 yrs.	0.9%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Morocco are exploited in the worst forms of child labor,[3460] mostly in agriculture.[3461] Children working in agriculture may use potentially dangerous machinery and tools, carry heavy loads, and apply harmful pesticides.

Tens of thousands of young girls are sent to work as live-in domestic servants, often before their 10th birthday.[3462] Parents often sell their girls or receive payment in exchange for their daughters' servitude.[3463] These *petites bonnes* ("little maids") often face conditions of involuntary servitude including long hours with no breaks, physical, verbal, and sexual abuse, withheld wages, and even restrictions on their movement.[3464] Frequently these children are sent from rural villages to more urban areas and are unable to contact their families or find their way home.[3465] Most *petites bonnes* are denied an education and illiteracy rates are especially high among this population.[3466]

Children also work in auto mechanics, carpentry, and construction, where they may use dangerous tools and equipment, be exposed to chemicals, dust, and high levels of noise, and face ergonomic dangers from lifting heavy objects or performing repetitive movements.[3467] Children work with artisans in the informal sector, producing textiles and carpets.[3468] Children in Morocco are often sent to be artisan apprentices, many of them under the age of 12.[3469] Some Moroccan boys are subject to involuntary servitude as apprentices for mechanics, artisans, and in the construction industry.[3470]

Street children are a growing concern in Morocco, with thousands on the streets of Casablanca, Marrakech, Fès, and Mèknes.[3471] Street children in Morocco engage in diverse forms of work including selling cigarettes, begging, shining shoes, washing cars, and working as packers in ports, and are exploited through prostitution and illicit activities.[3472] These children living and working on the streets face a high risk of economic or sexual exploitation, violence, and drug abuse.[3473]

Other children in Morocco are victims of commercial sexual exploitation. Child prostitution has been reported principally in Azrou, Beni Mellal, and Mèknes, and in the cities of Tangier, Agadir, Marrakech, Rabat, and Casablanca.[3474] Former child domestic servants are especially likely to engage in prostitution.[3475] Moroccan boys and girls are exploited for sex tourism, especially in Tangiers, Agadir, Marrakech, and El Hajeb, popular tourist sites that attract customers from the Persian Gulf and Europe.[3476]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code of 2004 establishes the minimum age of employment at age 15 and limits the number of hours that children under age 16 can work, specifically during the night.[3477] However, the Labor Code makes exceptions for minors to work beyond nighttime restrictions in seasonal or time-sensitive agricultural activities.[3478] The Labor Code also prohibits hazardous activities for children under age 18.[3479] During the reporting period, the Ministry of Employment and Professional Training (MOEPT) began to update its list of occupations that qualify as "hazardous work" for children.[3480]

The Labor Code does not apply to businesses with less than 5 employees or to work in private residences.[3481] Domestic servants are also specifically excluded from the Labor Code.[3482] The Ministry of Labor (MOL) and the Ministry of Social Development, Family and Solidarity (MOSDFS) have drafted legislation, which has not yet been validated, that would better protect domestic servants and substantially increase penalties for employers who use child domestic workers.[3483]

Forced or compulsory child labor is prohibited in the Labor Code and Penal Code.[3484]

The commercial sexual exploitation of children, including pornography and prostitution, is prohibited under the Moroccan Penal Code. In addition, the Penal Code criminalizes inciting, procuring, or facilitating the prostitution of a minor.[3485] An amendment to the Penal Code also forbids sex tourism.[3486]

Morocco does not have a specific trafficking in persons law, but child trafficking can be prosecuted using articles from the Penal Code and Immigration Law.[3487]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Social Development, Family and Solidarity (MOSDFS) is the focal coordinating body for child labor efforts in Morocco.[3488] MOSDFS oversees the National Plan of Action for Children (PANE) in cooperation with other ministries.[3489]

The Ministry of Employment and Professional Training (MOEPT) is responsible for enforcing the Labor Code and implementing child labor laws.[3490] The MOEPT employs 412 general labor inspectors nationwide, of which 45 concentrate on children's issues, and receive 14 weeks of specialized training on child labor. The majority of inspectors, up to 330, have received some training on child labor issues.[3491] The law enables inspectors and police to bring charges against employers of children under age 15, or those employing children of working age in prohibited activities.[3492] In the first 6 months of 2009, labor inspectors issued 94 warnings and 39 fines to businesses for employing children under age 15, and issued 616 warnings and 19 fines to businesses for employing children between the ages of 15 and 18. No convictions resulted in prison terms, and the amounts of the fines levied are not known.[3493] The vast informal sector of Morocco, where many children

are subjected to the worst forms of child labor, is not monitored by labor inspectors which results in a lack of protection for these children.[3494] For instance, there is no institutional mechanism for monitoring child labor on family farms or in private residences, where the majority of exploited children in Morocco work.

The Ministry of the Interior (MOI) is responsible for enforcing Penal Code legislation against prostitution and trafficking.[3495] In addition, the Ministry of Justice (MOJ) is responsible for prosecuting criminal offenses such as commercial sexual exploitation of children and child trafficking.[3496] The most recent available statistics on criminal investigations and prosecutions show that in 2008, there were 203 cases of facilitating the prostitution of a minor, leading to 193 prosecutions. Another 160 cases of directly prostituting a minor were investigated, leading to 239 prosecutions. The MOJ reports that in 2009, 10 foreigners were prosecuted for crimes such as inciting a minor for prostitution and the violent rape of a minor, with sentences ranging from one month to two years in prison.[3497]

Government Policies on the Worst Forms of Child Labor

The Government is currently carrying out the broad National Plan of Action for Children (PANE) 2006-2015, which focuses on children's health, protection, and education. The PANE includes the issue of child labor and pilot programs focusing on street children and domestic child labor.[3498]

The issue of child labor has been mainstreamed into Government policies and programs such as the King's 2005 National Initiative for Human Development (NIHD). The NIHD serves as a framework to reduce poverty through improved education and health facilities, access to electricity and drinking water, attention to the needs of girls and women, and income and employment initiatives such as microfinance. Reducing child labor is one of the goals of the initiative.[3499]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As part of the PANE, Inqad, a national pilot program implemented through MOSDFS, is tasked with combating domestic child labor through judicial reform and cooperation with efforts by civil society.[3500] Inqad activities include national awareness raising campaigns on the dangers of using domestic servants.[3501] MOSDFS is also piloting the "INDIMAJ" program, as set forth in the PANE, to provide services to street children.

Livelihood projects implemented under the NIHD have resulted in improved employment, housing, and access to education and medical services for Moroccans.[3502] The question of whether these projects have an impact on the worst forms of child labor does not appear to have been addressed.

Previously, the Government of Morocco participated in a USDOL-funded 5-year, $3.1 million project to withdraw and prevent 7,334 children from child labor, with an emphasis on the domestic service sector.[3503] The Government also participated in a 5-year, $2.25 million project to eliminate child labor in rural areas of Morocco, funded by USDOL. Project activities included establishing non-formal schools in rural areas not served by the public school system and providing transportation and access to dormitories for secondary students to attend distant schools. Through this initiative, 11,662 children were withdrawn or prevented from child labor.[3504]

The Government of Morocco participated in an IPEC 4-year, $5 million regional project to combat child labor in Francophone Africa, funded by the Government of France. Morocco has also participated in a 6-year, $600,000 ILO-IPEC project to combat child labor in Morocco, funded by the Government of Belgium.

The Government is currently participating in a $3 million USDOL-funded, 3-year project to combat the worst forms of child labor through direct education services. To date, the project has withdrawn or prevented 7,885 children from the worst forms of child labor. Government agencies have collaborated with this project. The Ministry of Social Development, Family and Solidarity contributed by supporting an awareness-raising campaign against child domestic servitude, with support also through the Ministry of Religious Affairs.[3505]

Morocco is currently participating in a 3-year, $700,000 project to fight gender-based violence through empowerment of women and girls in Morocco, funded by UNDP in collaboration with ILO-IPEC. This project addresses girls who are victims of trafficking and other worst forms of child labor.[3506]

The Government and ILO-IPEC contributed a total of $337,758 in 2009 to organizations implementing projects to combat child labor, raise awareness, and provide direct services to victims. In addition, the Government regularly hosts committees and conferences with civil society and the private sector that address child labor.[3507]

Although the Government of Morocco has participated in a number of programs to address some of the worst forms of child labor, research found no evidence that it has carried out programs specifically to assist children involved in agriculture.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Morocco:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend legislation to protect children working family farms.
- Adopt legislation to protect domestic workers and to prevent children under the legal working age from domestic servitude.
- Amend the Labor Code to apply labor laws to all employers.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Create a mechanism to monitor, enforce, and protect children working in domestic services and the informal sector.

IN THE AREA OF PROGRAMS:

- Develop targeted programs to address children working in agriculture.
- Expand programs to prevent and eliminate children's involvement in exploitive child labor in domestic service.

[3460] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children are from 1999. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[3461] U.S. Department of State, "Morocco," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d.; available from http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136075.htm. See also U.S. Consulate- Casablanca, *reporting*, February 1, 2010, para 3, 5.

[3462] Human Rights Watch, *Inside the Home, Outside the Law*, December 2005, section I; available from http://www.hrw.org/en/reports/2005/12/19/inside-home-outside-law-0. See also Human Rights Watch, *Morocco: 'Hidden' Children Face Abuse,* [online] December 20, 2005 [cited November 19, 2010]; available from http://hrw.org/english/docs/2005/12/21/morocc12278_txt.htm. See alsoILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001),* [online] 2010 [cited September 23,

2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=799&chapter=3&query=Morocco%40ref%2BObservation%40ref%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0. See also International Trade Union Confederation (ITUC), *Internationally Recognised Core Labour Standards in Morocco: Report for the WTO General Council Review of the Trade Policies of Morocco (Geneva, 24 to 26 June 2009)*, International Trade Union Confederation (ITUC), Geneva, 2009, 7; available from http://www.ituc-csi.org/IMG/pdf/WTO_report_Morocco_Final_EN.pdf.

[3463] U.S. Department of State, "Country Reports- 2009: Morocco," section 7d. See alsoILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001)*. See also U.S. Consulate- Casablanca, *reporting*, February 22, 2010, 6.

[3464] Human Rights Watch, *Morocco: 'Hidden' Children Face Abuse*. See also U.S. Department of State, "Morocco (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/documents/organization/143187.pdf. See also Human Rights Watch, *Inside the Home, Outside the Law*. See also ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001),* [online] 2008 [cited November 19, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=10389&chapter=6&query=Morocco%40ref&highlight=&querytype=bool&context=0.See also International Trade Union Confederation (ITUC), *Internationally Recognised Core Labour Standards in Morocco*, 7. See also U.S. Consulate- Casablanca, *reporting, February 22, 2010*, 7.

[3465] ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001)*. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Morocco." See also Human Rights Watch, *Morocco: 'Hidden' Children Face Abuse*. See also U.S. Consulate- Casablanca, *reporting, February 22, 2010*, 7.

[3466] Human Rights Watch, *Morocco: 'Hidden' Children Face Abuse*. See also Human Rights Watch, *Inside the Home, Outside the Law*. See also U.S. Consulate- Casablanca, *reporting, February 22, 2010*, 7.

[3467] U.S. Consulate- Casablanca, *reporting*, February 1, 2010, para 3-5. See also U.S. Department of State, "Country Reports- 2009: Morocco," section 7d. See also Promoting and Protecting the Interests of Children who Work (PPIC-Work), *Hazard Assessment and Mitigation in the Workplace, Instructor's Manual*, Canadian International Development Agency, November 2009, 35; available from http://www.ppic-work.org/download/manuals/Hazard_Assessment_and_Risk_Mitigation_Instructors_manual_Nov09.pdf.

[3468] U.S. Department of State, "Country Reports- 2009: Morocco," section 7d. See also U.S. Consulate- Casablanca, *reporting, February 1, 2010*, para 3-5.

[3469] U.S. Department of State, "Country Reports- 2009: Morocco," section 7d.

[3470] U.S. Department of State, "Trafficking in Persons Report- 2010: Morocco." See also U.S. Consulate- Casablanca, *reporting, February 22, 2010*, 4.

[3471] Imane Belhaj, "Shelters for Morocco's Street Children Are a Drop in an Ocean," *Magharebia*, March 14, 2008; available from http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/reportage/2008/03/14/reportage-01.

[3472] International Society for Prevention of Child Abuse and Neglect (ISPCAN), "Street Children in Morocco: Analysis of the Situation," *The Link, The Official Newsletter of the International Society for Prevention of Child Abuse and Neglect (ISPCAN)* 15, no. 3 (Winter 2006); available from http://www.ispcan.org/documents/LINK/ISPCAN.Link15.3.English.pdf. See also Buy Pascale Harter, *Child glue sniffing rises in Morocco* [2004 [cited August 10 2010]; available from http://news.bbc.co.uk/2/hi/africa/4113441.stm.

[3473] International Society for Prevention of Child Abuse and Neglect (ISPCAN), "Street Children in Morocco: Analysis of the Situation." See also Buy Pascale Harter, *Child glue sniffing rises in Morocco*

[3474] U.S. Consulate- Casablanca, *reporting*, January 21, 2009, para 12. See also U.S. Consulate- Casablanca, *reporting, February 22, 2010*, 5.

[3475] U.S. Consulate- Casablanca, *reporting*, February 13, 2009, section 6 para 23c.

[3476] U.S. Department of State, "Trafficking in Persons Report- 2010: Morocco." See also U.S. Consulate- Casablanca, *reporting, February 22, 2010*, 6. See also ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001)*.

[3477] Government of Morocco, *Le nouveau code de travail*, Dahir n. 1-03-194 du 14 rejec 1424 (11 septembre 2003) portant promulgation de la loi n. 65-99 relative au Code du travail, (May 6, 2004), article 143 and 172; available from http://www.maroc.ma/NR/rdonlyres/9A951844-BCA6-4468-9EFD-7460E229E00F/0/codedetravail.pdf. See also U.S. Department of State, «Country Reports- 2009: Morocco,» section 7d.

[3478] Government of Morocco, *Le nouveau Code du travail*, article 172 and 173.

[3479] Ibid., articles 179-181.

[3480] U.S. Consulate- Casablanca, *reporting, February 1, 2010*, para 5.

[3481] Management Systems International official, E-mail communication to USDOL official, September 23, 2009. See also Government of Morocco, *Le nouveau Code du travail*, article 4.

[3482] U.S. Consulate- Casablanca, *reporting, February 1, 2010*.

[3483] Ibid. See also ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001)*.

[3484] Government of Morocco, *Le nouveau Code du travail*, articles 10, 12. See also U.S. Department of State, «Trafficking in Persons Report- 2010: Morocco.» See also UN Committee on the Rights of the Child (CRC), *Initial Reports of States Parties Due in 2004, Morocco*, online, July 15, 2005, para 40; available from http://www.unhcr.org/refworld/publisher,CRC,STATEPARTIESREP,MAR,43f305590,0.html. See also ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001)*.

[3485] U.S. Consulate- Casablanca, *reporting, February 22, 2010*, 10. See also U.S. Department of State, "Country Reports- 2009: Morocco." See also UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties Due in 2000: Morocco*, prepared by Government of Morocco, pursuant to Article 44 of the Convention on the Rights of the Child, February 12, 2003, articles 641-645; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/22c537968b14bcfbc1256d2d0037f5b4/$FILE/G0340393.pdf. See also UN Committee on the Rights of the Child (CRC), *Initial Reports of States Parties, Morocco*, para 23-26.

[3486] ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001)*.

[3487] U.S. Department of State, "Trafficking in Persons Report- 2010: Morocco." See also U.S. Consulate-Casablanca, *reporting, February 22, 2010*, 9. See also U.S. Department of State, "Country Reports- 2009: Morocco," section 6. See also UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties: Morocco*, articles 660-662. See also UN Committee on the Rights of the Child (CRC), *Initial Reports of States Parties, Morocco*, para 23. See also ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001)*.

[3488] U.S. Consulate- Casablanca, *reporting, February 22, 2010*, section 26 A-B.

[3489] U.S. Consulate- Casablanca, *reporting, February 1, 2010*.

[3490] Ibid., section 6, 2c1. See also U.S. Department of State, "Country Reports- 2009: Morocco," section 7d.

[3491] U.S. Consulate- Casablanca, *reporting, February 1, 2010*, section 6, 2c5.

[3492] U.S. Department of State, "Country Reports- 2009: Morocco," section 7d. See also U.S. Consulate-Casablanca, *reporting, February 1, 2010*, section 6, 2c6.

[3493] U.S. Consulate- Casablanca, *reporting, February 1, 2010*, section 6, 2c6.

[3494] Ibid., section 6, 2c5. See also U.S. Consulate-Casablanca, *reporting, February 13, 2009*, section 8e.

[3495] U.S. Consulate- Casablanca, *reporting, February 1, 2010*, section 6, 2c1. See also U.S. Department of State, "Country Reports- 2009: Morocco," section 7d.

[3496] U.S. Consulate- Casablanca, *reporting, February 1, 2010*, section 7.

[3497] Ibid.

[3498] Ibid., section 9. See also ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001)*.

[3499] U.S. Consulate-Casablanca, *reporting, February 1, 2010*, section 8. See also Fadoua Jouti, *People First: The National Initiative for Human Development*, 2009; available from http://www.emuni.si/Files//Denis/Conferences/EMUNI_ReS/2009/Proceeding/AlAkhawayn/Jouti.pdf. See also Kristyn Schomp, *Child Labour and Microfinance in Morocco: Using Microfinance to Reduce Child Labour and the case of the Al Amanda Microfinance Institution*, School for International Training, 2007, 21; available from http://digitalcollections.sit.edu/cgi/viewcontent.cgi?article=1154&context=isp_collection.

[3500] U.S. Consulate- Casablanca, *reporting, February 1, 2010*. See also ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001)*. See also Family and Solidarity Government of Morocco: Ministry of Social Development, *Programmes: Enfance*, 2009; available from http://www.social.gov.ma/fr/index.aspx?mod=3&rub=14.

[3501] U.S. Consulate- Casablanca, *reporting, February 1, 2010*. See also ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001)*.

[3502] Central Intelligence Agency, "Morocco," in *The World Factbook* Washington, D.C., 2009; available from https://www.cia.gov/library/publications/the-world-factbook/geos/mo.html. See also Jouti, *People First: The National Initiative for Human Development*. See also Schomp, *Child Labour and Microfinance in Morocco: Using Microfinance to Reduce Child Labour and the case of the Al Amanda Microfinance Institution*.

[3503] U.S. Department of Labor, *Evaluation Summary: ADROS: Combating Child Labor Through Education in Morocco*, 2008; available from https://www.dol.gov/ilab/projects/europe_mena/Morocco_ADROS_feval_sum.pdf.

[3504] U.S. Department of Labor, *Technical Cooperation Project Summary: Combating Child Labor in Morocco by Creating an Enabling National Environment and Developing Direct Action against Worst Forms of Child Labor in Rural Areas* 2008; available from http://www.dol.gov/ilab/projects/europe_mena/Morocco_IPEC_CLOSED.htm.

[3505] Management Systems International, *Combating Child Labor through Education in Morocco (Dima Adros)*, Technical Progress Report, Rabat, March 31, 2010.

[3506] ILO-IPEC official, E-mail communication, July 17, 2010. See also MDG Achievement Fund, *MDGF-1707: Programme for the fight against gender-based violence through the empowerment of women and girls in Morocco* 2007; available from http://sdnhq.undp.org/opas/en/proposals/suitable/204.

[3507] U.S. Consulate- Casablanca, *reporting, February 1, 2010*, section 9.

Mozambique

The Government of Mozambique has participated in donor-funded projects to withdraw or prevent children from engaging in the worst forms of child labor. However, gaps remain in its legal framework. Children can leave school as early as age 12. The law does not define hazardous work. Complaints of child trafficking routinely go uninvestigated. Current social protection programs raise awareness but do not address sectors where the majority of children work in hazardous conditions, such as agriculture.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Mozambique are exploited in the worst forms of child labor,[3508] many of them in agriculture. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of cotton, cashews, coconuts, copra (dried coconut meat), tea, and sugar.[3509] Children also produce tobacco on farms and small plots known as *machambas*. Children's work in agriculture may involve activities that are unsafe or unhealthy, such as using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides.[3510]

Children in Mozambique also herd livestock and perform domestic labor in third party homes. Child domestic labor may involve long hours of work, activities that risk their health and safety, and vulnerability to physical and sexual exploitation.[3511] Children in Mozambique work on the streets, vending items and collecting scrap metal. Risks they may face include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.[3512] Children also work in restaurants and informal bars known as *barracas*.[3513] Some girls employed in *barracas* also engage in prostitution.[3514]

Another worst form of child labor that occurs in Mozambique is the trafficking of children. Children are trafficked internally and to South Africa and Swaziland for commercial sexual exploitation and forced labor in agriculture, manual work, and domestic service.[3515] Girls from Zimbabwe and Malawi are also trafficked to Mozambique for commercial sexual exploitation and forced domestic service. Boys are trafficked within the country and to South Africa to work on farms and in mines.[3516]

In 2009, there were an estimated 1.2 million orphaned children in Mozambique, many having lost their parents to HIV/AIDS.[3517] In Mozambique, orphaned children are particularly vulnerable to engaging in the worst forms of child labor.[3518]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Law establishes the minimum age for employment at 15 and the minimum age for hazardous work at 18.[3519] However, children between 12 and 15 may work with the approval of the Ministries of Labor, Health, and Education; these children are issued legal documents establishing the conditions under which they are allowed to work.[3520] In addition, since children may leave school at 12, those from ages 12 to 14 are more vulnerable to begin working before they are legally eligible, and thus to be drawn into the worst forms of child labor.[3521]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

The Labor Law also restricts the conditions under which minors between 15 and 18 may work and commits employers to provide for their education and professional training. Minors under age 18 are not permitted to work in unhealthy, dangerous, or physically taxing occupations; they must undergo a medical examination and be paid at least minimum wage.[3522] However, the law does not prohibit children between the ages of 15 and 18 from working at night.[3523] In addition, while the Labor Law upholds international conventions, such as ILO Convention 182, it does not specifically identify hazardous labor for children or define the worst forms of child labor.[3524]

The Constitution prohibits forced labor.[3525] The Penal Code, Decree No. 417/71, and Act No. 6/99 provide penalties for child prostitution.[3526] Act 3/97 prohibits the use of children in the transport and sale of illegal drugs.[3527] The Penal Code also prohibits the trafficking of persons out of the country for sexual exploitation, but does not prohibit internal trafficking or trafficking for forced labor.[3528] Although the Trafficking in Persons Law covers these gaps, the Government has not enacted implementing regulations, which are required before a law can be enforced.[3529] The Law on Military Service sets the age for military conscription at 19 and voluntary recruitment at 18, which can be lowered in times of war.[3530]

Institutional Mechanisms for Coordination and Enforcement

To coordinate information on the worst forms of child labor, the Government uses the inter-agency commission on social issues led by the Ministry of Women and Social Action (MIMAS). This commission includes other ministries such as the Ministries of Labor (MITRAB), Justice, Education, Health, and Interior.[3531] MIMAS receives less than 1 percent of the total government budget and relies on international organizations for office supplies and technical support; therefore, the sustainability and effectiveness of this commission is likely to be limited.[3532]

The MITRAB is the federal agency responsible for enforcing child labor laws.[3533] Within the MITRAB, the Labor Inspection Office employs 130 labor inspectors who primarily inspect commercial establishments, even though the Labor Law covers home work, domestic service, and work in rural areas.[3534] As most children do not work in commercial establishments, but rather in small-scale agriculture, they may not be protected by enforcement efforts. Reportedly, this office routinely lacks vehicles to conduct inspections.[3535] In 2008, the most recent period for which such data are available, 5,000 inspections were conducted, during which more than 8,000 infractions were found, but only 30 percent were prosecuted. It is unknown whether any of these cases were related to child labor.[3536]

The Anti-Trafficking Brigade within the Ministry of the Interior and the police's Child Protection Units are responsible for enforcing criminal laws relating to the

worst forms of child labor, including trafficking.[3537] In Mozambique, there are 184 help desks located in police stations called *gabinetes de atendimento* where trafficking victims can file complaints and get assistance.[3538] Although the Government created a hotline to receive reports of trafficking in persons in 2009, it did not investigate these complaints.[3539] During the reporting period, the police and border guards received training on how to identify trafficking cases and assist victims.[3540]

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address the worst forms of child labor. However, Mozambique signed the Community of Portuguese Speaking Countries (CPLP) Declaration against child labor, which calls for a CPLP Plan of Action and sets the goal to eliminate the worst forms of child labor by 2016.[3541] The Government also adopted the Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children in the Southern African Development Community (SADC) at an Inter-Ministerial Conference in 2009.[3542]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In Mozambique, social programs specifically designated to eliminate child labor are a recent development with the majority of interventions being internationally donor-funded initiatives. In the past, many child-centered interventions only indirectly contributed to the elimination of child labor, such as programs targeting children affected by HIV/AIDS.[3543] However, the Government did participate in a 3-year, $3 million project funded by USDOL, which withdrew or prevented 2,177 children from engaging in exploitative work in agriculture, domestic work, street work, and commercial sexual exploitation.[3544]

Currently, the Government mainly combats the worst forms of child labor through awareness raising. For instance, Mozambique participated in a $3.46 million, 9-year Global Campaign to Raise Awareness and Understanding on Child Labor, funded by Italy through March 2009.[3545] The Government also raised awareness on trafficking in communities throughout Mozambique during the reporting period.[3546]

Other efforts to combat the worst forms of child labor include the 2-year, $300,000 project to strengthen trafficking legislation in collaboration with the NGO Rede Came and the 4-year regional projected funded by Brazil at $200,000 to combat the worst forms of child labor in Lusophone countries in Africa.[3547]

However, the Government is not currently involved in social programs to eliminate the worst forms of child labor in sectors where the majority of children work, such as in agriculture and domestic service.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Mozambique:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Law to prohibit children from working at night, to identify hazardous labor for children, and to define the worst forms of child labor.
- Raise the compulsory education age to 15.
- Amend the Penal Code to prohibit all forms of trafficking, including internal trafficking and trafficking for forced labor.
- Adopt implementing regulations for the Trafficking in Persons Act.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Allocate sufficient resources to the Ministry of Women and Social Action to coordinate information on the worst forms of child labor.
- Allocate sufficient resources to the Labor Inspection Office and target sectors such as agriculture with a high incidence of child labor.
- Investigate complaints of child trafficking.
- Gather and make publicly available information about enforcement.

IN THE AREA OF POLICIES:

- Adopt and implement a National Action Program on the Elimination of Child Labor.
- Make available to the public information about the implementation of national policies to combat child labor.

IN THE AREA OF PROGRAMS:

- Develop social protection programs that assist children working in sectors such as agriculture and domestic service.

[3508] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[3509] U.S. Embassy- Maputo, *reporting*, February 6, 2010. See also U.S. Department of State, "Country Reports on Human Rights Practices- 2010," Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/af/135967.htm. See also American Institutes for Research, *RECLAIM: Reducing Exploitive Child Labor in Mozambique*, Project Document, September 2005, 4.

[3510] U.S. Embassy- Maputo, *reporting, February 6, 2010*, para 2. See also U.S. Department of State, "Mozambique," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, 2010, section 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/af/135967.htm. See also U.S. Embassy- Maputo, *reporting*, January 16, 2009. See also American Institutes for Research, *RECLAIM, Project Document (September 2005)*, 4.

[3511] Rui Benfica, Julieta Zandamela, Arlindo Miguel, and Natércia de Sousa, *The Economics of Smallholder Household in Tobacco and Cotton Growing Areas of the Zambezi Valley of Mozambique* Ministry of Agriculture, August, 2005, 15; available from http://www.aec.msu.edu/fs2/mozambique/wps59E.pdf. See also Save the Children UK, *Visitors from Zimbabwe: A Preliminary Study Outlining the Risks and Vulnerabilities Facing Zimbabwean Children who have Crossed Illegally into Mozambique*, May 24, 2006, 8-9; available from http://

www.reliefweb.int/library/documents/2006/sc-zim-24may.pdf. See also UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties due in 2001: Mozambique*, prepared by Government of Mozambique, pursuant to Article 44 of the Convention on the Rights of the Child, March 23, 2009, para 356; available from http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/412/30/PDF/G0941230.pdf?OpenElement.

[3512] U.S. Embassy- Maputo, *reporting, January 16, 2009*, para 3.

[3513] Integrated Regional Information Networks, "Mozambique: Exploitation and abuse awaits Zimbabwe's migrants", IRINnews.org, [online], May 25, 2006 [cited April 18, 2010]; available from http://www.irinnews.org/report.aspx?ReportId=39621. See also Save the Children UK, *Visitors from Zimbabwe*, 9.

[3514] Save the Children UK, *Visitors from Zimbabwe*, 7 and 9. See also Integrated Regional Information Networks, "Mozambique: New bridge puts children at risk", IRINnews.org, [online], November 7, 2006 [cited January 30, 2009]; available from http://www.irinnews.org/report.aspx?ReportId=61502.

[3515] UNODC, *Global Report on Trafficking in Persons*, February 2009; available from http://www.unodc.org/documents/Global_Report_on_TIP.pdf. See also Integrated Regional Information Networks, "Exploitation and abuse awaits Zimbabwe's migrants". See also U.S. Department of State, "Mozambique (Tier 2 Watch List)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 10, 2010. http://www.state.gov/documents/organization/143187.pdf. See also U.S. Department of State official, E-mail communication to USDOL official, January 22, 2009. ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation: Mozambique*, 2007, 12; available from http://www.ecpat.net/A4A_2005/PDF/AF/Global_Monitoring_Report-MOZAMBIQUE.pdf. See also The United Nations Office on Drugs and Crime (UNODC) and the Southern African Development Community (SADC), *Situational Assessment of Human Trafficking: A 2005 situational assessment of human trafficking in the SADC region: A survey of South Africa, Zimbabwe and Mozambique*, December, 2007, 37-46; available from http://www.ungift.org/docs/ungift/pdf/knowledge/3332_UNODC_Situational_Assessment_HT.pdf.

[3516] U.S. Embassy- Maputo, *reporting*, February 26, 2009, para 1. See also ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation: Mozambique*.

[3517] UNICEF, *Child Protection,* [online] 2009 [cited April 7, 2010]; available from http://www.unicef.org/mozambique/protection.html. See also UNICEF, *Providing care and support for orphaned and vulnerable children,* [online] 2009 (estimated) [cited April 7, 2010]; available from http://www.unicef.org/mozambique/hiv_aids_2971.html.

[3518] UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties*, para 358.

[3519] *Lei n.º 23/2007 Lei do Trabalho*, Lei n.º 23/2007, (October 2007); available from http://www.mitrab.gov.mz/Documentos/Legislacao/Lei%20do%20Trabalho.pdf.

[3520] *Labour Law*, (October 2007), articles 248 and 249; available from http://www.arbitrationmz.com/data/docs/Labour_Law_nr_232007.eng.pdf.

[3521] *Lei do Trabalho*. See also UNESCO, *EFA Global Monitoring Report 2009: Overcoming inequality: why governance matters*, Oxford University Press, Paris, 2008, 298; available from http://unesdoc.unesco.org/images/0017/001776/177683e.pdf.

[3522] *Mozambique Labour Law*, article 276. See also U.S. Department of State, "Mozambique," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2008/af/119015.htm.

[3523] *Lei do Trabalho*.

[3524] Ibid., article 13.

[3525] *Constitutição da República*, (November 2, 1990), article 84(3); available from http://www.mozambique.mz/pdf/constituicao.pdf.

[3526] Government of Mozambique, "Legislation of Interpol Member States on Sexual Offences against Children," 2006; available from http://www.interpol.int/public/children/sexualabuse/nationallaws/default.asp. See also *Notas Explicativas [regarding the Penal Code]*, (August 31, 2006), sec II arts 391-394 available from http://www.portaldogoverno.gov.mz/Legisla/legisSectores/judiciaria/codigo_penal.pdf.

[3527] ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Mozambique (ratification: 2003),* [online] 2009 [cited April 7, 2010]; available from http://www.ilo.org/ilolex/english/iloquery.htm.

[3528] *Notas Explicativas*, sec IV, article 405A. See also ILO Committee of Experts, *CEACR: Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Mozambique (ratification: 2003) Submitted: 2006,* [online] 2006 [cited April 7, 2010]; available from http://www.ilo.org/ilolex/english/iloquery.htm.

[3529] Maputo News, *Crime: Human Trafficking Law for Mozambique*, May 2008; available from http://maputo.wantedinafrica.com/news/news.php?id_n=4445. See also U.S. Embassy- Maputo, *reporting*, February 22, 2010, para 3. See also U.S. Embassy- Maputo, *reporting, February 6, 2010*, para 3.

[3530] Coalition to Stop the Use of Child Soldiers, "Mozambique," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.child-soldiers.org/regions/country?id=145.

[3531] U.S. Embassy- Maputo, *reporting, February 6, 2010*, para 7.

[3532] Ibid., para 8.

[3533] Ibid., para 1. See also U.S. Department of State, "Country Reports- 2009: Mozambique."

[3534] U.S. Embassy- Maputo, *reporting, February 6, 2010*, para 4-5. See also *Lei do Trabalho*, article 3.

[3535] U.S. Embassy- Maputo, *reporting, February 6, 2010*, para 4-5.

[3536] U.S. Embassy- Maputo, *reporting, February 6, 2010*, para 5.

[3537] Ibid., para 6. See also UNODC, *Global Report*, 125.

[3538] UNODC, *Global Report*, 125.

[3539] U.S. Embassy- Maputo, *reporting, February 6, 2010*, para 6.

[3540] UN Committee on the Rights of the Child, *Written Replies by the Government of Mozambique to the List of Issues (CRC/C/MOZ/Q/2) Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Second Periodic Report of Mozambique (CRC/C/MOZ/2)** September 29, 2009, para 52; available from http://tb.ohchr.org/default.aspx.

[3541] ILO, *Come and join a Round Table discussion on the Ministerial Declaration and Plan of Action against child labour of the Community of Portuguese Speaking countries, ILC, Palais des Nations, Room XI, 8th June 2006, 6:15 - 7:45 pm*, Geneva, 2006; available from http://www.ilo.org/ipecinfo/product/editSearchProduct.do.

[3542] UN Committee on the Rights of the Child, *Written Replies by the Government of Mozambique*, para 43. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Concluding observations of the Committee on the Rights of the Child: Mozambique*, November 4, 2009, para 86; available from http://tb.ohchr.org/default.aspx.

[3543] UNICEF, *Country Programme 2002-2006,* [online] [cited September 24, 2010]; available from http://www.unicef.org/mozambique/overview_2127.html.

[3544] American Institutes for Research, *RECLAIM, Project Document (September 2005)*, 1-4, 7. See also American Institutes for Research, *RECLAIM: Reducing Exploitive Child Labor in Mozambique*, Final Report, September 2008, 6.

[3545] ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008. See also ILO-IPEC Geneva official, E-mail communication to USDOL official, April 16, 2009.

[3546] UN Committee on the Rights of the Child, *Written Replies by the Government of Mozambique*, para 52.

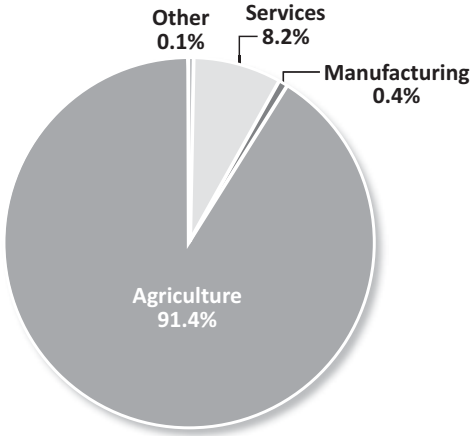
[3547] USDOS, *USG FUNDS OBLIGATED IN FY 2008 FOR TIP PROJECTS*, 2009; available from http://www.state.gov/documents/organization/121804.pdf. See also ILO-IPEC Geneva official, E-mail communication to USDOL official, July 17, 2010.

Namibia

The Government of Namibia conducted targeted investigations of child labor in the agriculture sector. However, children continue to be exploited as domestic servants and work in harmful conditions in agriculture. Significant gaps remain in the legal framework to protect children against the worst forms of child labor and social programs do not sufficiently address the needs of children working as domestic servants or in agriculture.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working children	6-14 yrs.	14.7%
School attendance	6-14 yrs.	91.6%
Combining Work and School	7-14 yrs	13.8%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Namibia,[3548] with approximately half of all working children being exploited as domestic servants.[3549] Such children may collect firewood and water, walking long distances and carrying heavy loads.[3550] Reports indicate that some children are vulnerable to being overworked and may suffer physical and sexual abuse by their employers.[3551] Children also work in agriculture, which may involve risky activities such as dangerous machinery and tools, heavy loads, and harmful pesticides.[3552] Children raise livestock and herd cattle in isolated areas. Children also produce charcoal, repair motor-vehicles, and unload goods for truck drivers, including chemicals.[3553]

Children as young as 12, including street children, are exploited in prostitution in the capital, coastal towns, and along main transport routes.[3554] Children are also coerced by adults to commit crimes, including theft and property crimes.[3555]

Namibia is a source, destination, and transit country for trafficked children. A 2009 qualitative assessment of human trafficking in Namibia conducted by the Ministry of Gender Equality and Child Welfare identified only a small number of child trafficking victims.[3556] However, it was beyond the scope of the assessment to account for all trafficking victims in Namibia. Although evidence is limited, there is reason to believe that children are trafficked for many purposes, including domestic service, commercial sexual exploitation, agricultural labor, cattle herding, and charcoal production.[3557] Children are also trafficked to South Africa and possibly Angola for commercial sexual exploitation.[3558]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Act sets the minimum age for work at 14.[3559] The Constitution sets the minimum age for hazardous work at 15 and prohibits children from employment that is likely to harm their physical health or mental, spiritual, moral, or social development; or

would interfere with their education.[3560] The Labor Act also prohibits children age 14 and 15 from working in any mine, industrial, or construction setting, and from engaging in night work, unless authorized by the Minister of Labor.[3561] However, the law does not specify other hazardous occupations and activities in which children should not be employed such as domestic service. In addition, there are no specified penalties against employers of child laborers, and as authorized by the Labor Act, the Minister of Labor can identify special tasks in which children may enter hazardous work at age 14.[3562]

The Constitution and Labor Act prohibit slavery and forced labor and provide penalties for violators of those provisions.[3563] The Prevention of Organized Crime Act of 2004 prohibits both domestic and international trafficking in persons and the recruitment, harboring, transportation, transfer, and receipt of persons for the purposes of commercial sexual exploitation and forced labor.[3564] The Government recently launched a public consultation on the Child Care and Protection Bill to address child trafficking, but the bill has yet to be adopted by the National Assembly.[3565]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	15
	Compulsory Education Age	15
	Free Public Education	Yes

The Combating of Immoral Practices Act, as amended in 2000, prohibits parents or guardians from offering their female child for prostitution.[3566] This law prohibits parents or guardians, but not other persons, from offering a child for prostitution. It also does not prohibit the recruitment, use, or sale of a child in prostitution, or benefiting from the proceeds of child prostitution.[3567]

According to the ILO, there are no laws in Namibia which prohibit the use of children in the sale, production, and transport of drugs.[3568] Namibia's ratification of the CRC Optional Protocol on Armed Conflict prohibited conscription into the armed forces and set the minimum age for voluntary military service at age 18.[3569]

Institutional Mechanisms for Coordination and Enforcement

In 2005, the Government established the Participatory Advisory Committee on Child Labor (PACC) to coordinate information on child labor. The PACC includes several government ministries, businesses, organized labor, and international organizations and is supposed to meet on a monthly basis.[3570] In practice, the PACC meets irregularly and shares information only on an ad-hoc basis.[3571]

The Ministry of Labor and Social Welfare's Labor Inspectorate enforces child labor laws and tracks cases of the worst forms of child labor.[3572] The Labor Inspectorate has 36 labor inspectors who are trained to identify the worst forms of child labor. Two inspectors dedicated solely to child labor inspections are based in Windhoek.[3573] During the reporting period, the Inspectorate identified 111 instances of child labor by conducting random, three-week long inspections in the agriculture sector.[3574]

In 2009, the Inspectorate's budget was $65,000 to cover all operating costs, including child labor and forced labor inspections. At the time of reporting, Inspectorate officials claimed the budget was inadequate and that they lacked the necessary resources for a more expansive labor inspection regime.[3575]

In 2009, the President of Namibia made public statements denouncing the use of children for labor on communal land and called on the Government ministries to collaborate in investigations of practices of child labor in eight of Namibia's 13 regions.[3576] To

assist law enforcement officials and investigators in this effort, the ILO with support from the Government conducted training workshops on child labor in six of Namibia's 13 regions.[3577]

The Ministry of Gender Equality and Child Welfare (MGECW) and the Woman and Child Protection Unit, an inter-ministerial organization operating within the Ministry of Safety and Security (but effectively run by the police), are respectively responsible for therapeutic counseling and enforcement of criminal laws regarding the worst forms of child labor, including trafficking and commercial sexual exploitation. The MGECW employs 49 social workers throughout the country to provide counseling and referral services to victims of trafficking.[3578] The Woman and Child Protection Unit employs 89 officers who are available to investigate possible trafficking cases and assist victims of sexual assault.[3579] The Namibian Government spent $10,000 on other direct efforts to combat child trafficking in 2009.[3580] To date, there have been no prosecutions or convictions for violations of trafficking laws in Namibia.[3581]

Government Policies on the Worst Forms of Child Labor

The National Development Plan (2007-2012) has as one of its objectives: to harmonize all laws and policies on child labor, ensure that existing child labor laws are enforced, and expand the scope of inspections to include agriculture, domestic service, and the informal economy.[3582] Child labor concerns are also included in: the National Policy on Orphans and Vulnerable Children (OVC), the National Gender Policy (1997), the Education for All National Plan (2001-2015), and the Education and Training Sector Improvement Program (2006-2011).[3583]

In addition, the Government currently participates in a USDOL-funded project that has as one of its objectives, the creation of a stand-alone national action plan targeted specifically on the worst forms of child labor.[3584]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government recently placed a priority on anti-trafficking interventions, with most nationally sponsored initiatives in this realm. For instance, the Ministry of Home Affairs and Immigration set up an office in the maternity ward at Katutura State Hospital to ensure that every child born receives a birth certificate in an attempt to combat the trafficking of children. Universal birth registration for children documents a child's existence, increases their chances to access education, and improves the likelihood of being found if trafficked.[3585] The Government launched a toll-free hotline in 2009 that is operated by the Namibian police for reporting crimes, including child trafficking.[3586] It also created a national database to record statistics on trafficking and child labor and conducted awareness-raising about gender-based violence and human trafficking.[3587] In addition, the Government is currently rehabilitating 13 buildings to be used as shelters for victims of gender-based violence, trafficking, and the worst forms of child labor.[3588]

International-donor-funded anti-trafficking initiatives include the Government's Zero Tolerance Campaign for Gender Based Violence and Human Trafficking in partnership with USAID, which conducted a baseline study to assess the existence, extent, nature, and impact of human trafficking in Namibia.[3589] The Government also participated in several regional conferences to combat the trafficking of children associated with the 2010 FIFA World Cup.[3590]

Additionally, the Government continued to participate in the 4-year, $4.7 million, USDOL-funded regional project to support the implementation of national child labor action plans. This project aims to withdraw and prevent 8,400 children in Southern Africa from engaging in exploitive labor, particularly in agriculture and adult-coerced criminal activity.[3591]

While the Government implements programs to combat the worst forms of child labor, its efforts do not sufficiently target areas where the majority of children work, such as domestic service and agriculture.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Namibia:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Act to include more specific language on the types of hazardous occupations and activities in which children should not be employed, and to set the minimum age for any such work at 18.
- Amend the Labor Act to provide sanctions against employers of child laborers and to prohibit the inclusion of children in hazardous work at age 14 with the Minister of Labor's permission.
- Amend the Combating of Immoral Practices Act to prohibit any person offering a child, including male children, for prostitution and from recruiting, using, selling, and benefiting from the proceeds of male and female child prostitution.
- Prohibit the use of children in the sale, production, and transport of drugs. Seek swift passage of the revisions to the Child Care and Protection Bill to better address child trafficking.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure the Participatory Advisory Committee on Child Labor (PACC) meets on a regular basis to facilitate the exchange and dissemination of information on child labor and to improve the coordination of its work plan.
- Consider the adequacy of enforcement budgets for the Labor Inspectorate and to combat the trafficking of children.
- Expand labor inspection coverage to all geographic areas where the worst forms of child labor are prevalent.
- Provide training to the Ministry of Gender Equality and Child Welfare employees and the Police's Women and Child Protection Unit on the worst forms of child labor to improve the likelihood of successful prosecutions and conviction of offenders.

IN THE AREA OF POLICIES:

- Continue efforts to develop a national action plan targeted specifically at eliminating the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to prevent children's involvement in the worst forms of child labor, including by developing appropriate social protection programs for the withdrawal and prevention of children working in domestic service and agriculture.

[3548] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 1999. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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[3551] ILO-IPEC, *Implementation Plan of the Programme Towards the Elimination of the Worst Forms of Child Labour in Namibia, 2004-2007*, Geneva, 2005, 6-7; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=4511. See also Government of Namibia, *Namibia Child Activities Survey*, 51, 62.

[3552] Government of Namibia, *Namibia Child Activities Survey*, 51, 62. See also U.S. Embassy- Windhoek, *reporting*, January 16, 2009, para 3.

[3553] U.S. Embassy- Windhoek, *reporting*, February 05, 2010, section 1, para 2, section 2, para 3. See also ILO-IPEC, *Implementation Plan of TECL, Phase I* 8-9. See also U.S. Embassy- Windhoek, *reporting, January 16, 2008*, para 3. See also U.S. Embassy- Windhoek, E-mail communication to USDOL official, June 21, 2010. See also

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[3557] U.S. Embassy- Windhoek, *reporting, February 19, 2010*, para 3. See also U.S. Embassy-Windhoek, *reporting*, February 12, 2009, para 4. See also ILO-IPEC, *TECL, Phase II, Project Document*, 23. See also Africa News, "Namibia 'Slavery' Threatens San", July 26, 2007 [cited January 05, 2010]; available from http://allafrica.com/stories/200707260811.html. See also Africa News, "Namibia: Human Trafficking Mirrors Society's Underbelly", allAfrica.com, [online], February 6, 2009 [cited December 31, 2009]; available from http://allafrica.com/stories/printable/200902060690.html. See also U.S. Department of State, "Trafficking in Persons Report-2010: Namibia." See also Government of the Republic of Namibia, *Baseline on Human Trafficking*, 11.

[3558] U.S. Embassy- Windhoek, *reporting*, January 16, 2009, para 5. See also U.S. Embassy- Windhoek, *reporting, February 19, 2010*, para 3, 6. See also ILO-IPEC, *TECL, Phase II, Project Document*, 23.

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[3560] Government of Namibia, *Constitution* (February 1990), article 15; available from http://www.servat.unibe.ch/law/icl/wa00000_.html.

[3561] Government of Namibia, *Labor Act* 13-14.

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[3563] Government of Namibia, *Constitution of the Republic of Namibia, 1990*, article 9. See also Government of Namibia, *Labor Act* chapter 2, section 4.

[3564] Government of Namibia, *Prevention of Organized Crime Act*, No. 289, (December 19, 2004), 8, 15; available from http://www.parliament.gov.na/acts_documents/228_act_29_of_2004.pdf. See also U.S. Embassy- Windhoek, *reporting, February 19, 2010*, para 13.

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[3567] International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Botswana, Lesotho, Namibia, South Africa and Swaziland*, 17. See also Government of the Republic of Namibia, *Baseline on Human Trafficking*, 43.

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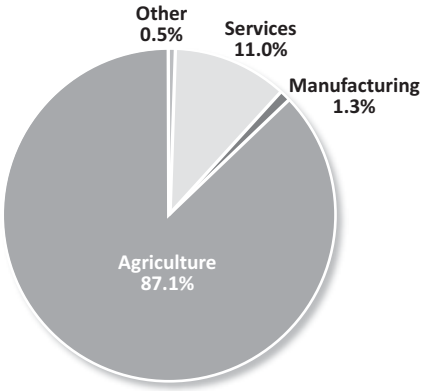
Nepal

The Government of Nepal has improved access to schooling as a means to combat the worst forms of child labor. Despite these efforts, the worst forms of child labor remain a significant problem. Nepal's lack of compulsory education, low minimum working age, and inadequate enforcement of labor laws contribute to children performing dangerous work in a number of sectors, most commonly in agriculture, and children continue to be trapped in bonded labor.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	39.6%
Attending School	5-14 yrs.	69.2%
Combining Work and School		Unavailable

Prevalence and Distribution of the Worst Forms of Child Labor[3592]

Children are exploited in the worst forms of child labor in Nepal; more than three quarters of them are engaged in agriculture, which may expose them, to occupational safety risks including dangerous machinery and tools, heavy loads, and harmful pesticides.[3593] Children also work in the production of bricks where they often work in dust-filled environments, carry loads of bricks on their heads, and suffer back injuries.[3594] Children are also found in mining and stone breaking, where dangers include falling off steep hillsides and working in unstable tunnels at risk of collapse. These children also risk eye and hand injuries while breaking rocks.[3595] In the construction sector, children operate heavy machinery and may face dangers due to a lack of proper safety precautions.[3596] Child rag pickers and recyclers in Nepal are exposed to sharp glass, metal objects, and dangerous chemicals, and work long hours often in both the early morning and late evening collecting items to recycle.[3597]

Children endure unsafe conditions in the carpet sector where they often inhale harmful dust, are exposed to harmful chemicals, and work in cramped spaces. The duties children perform in the carpet sector can include wool spinning, thread rolling, wool dying, carpet weaving, trimming, and carpet washing.[3598] Children also are subject to long hours in poor lighting and cramped working conditions in zari (embroidered textile) production.[3599] Child porters carry heavy loads for long hours and are vulnerable to injuries.[3600] Children in Nepal also work as domestics, in shops and restaurants, transportation and in the entertainment sector exposed to health and safety risks that may include dangerous machinery, mental or physical abuse, and working long hours well into the night.[3601]

Other worst forms of child labor in Nepal include bonded labor. There are two kinds of child bonded laborers in Nepal: *Kamaiyas,* who are born into a family legacy of bonded labor and other bonded child laborers, who commonly come from large, landless families.[3602] As bonded laborers, children work in carpet-weaving, domestic service, rock breaking, brick manufacturing, and embroidery of textiles.[3603] Bonded child laborers can also be exploited as commercial sex workers.[3604]

Nepali children are also vulnerable to being trafficked. They are trafficked to India to work in embroidery and

garment industries and metal workshops. Some also serve as domestics or are forced to beg.[3605] Nepal is also a source country for children trafficked to India and the Middle East for commercial sexual exploitation. Internal trafficking occurs for commercial sexual exploitation and involuntary servitude as domestic servants or factory workers.[3606]

In February 2010, the Communist Party of Nepal-Maoist released the last of the 3,000 individuals who had been recruited as children, often forcibly, to serve in combat and in various battlefield support functions.[3607] While there has been a reduction in children's involvement in armed conflict, children continue to perform criminal roles in criminal organizations in the Terai area.[3608]

In July 2009 the Government released a report on child labor based on data from the 2008 Labor Force Survey which reported a reduction in the number of children working in hazardous conditions.[3609]

Laws and Regulations on the Worst Forms of Child Labor

The Child Labour (Prohibition and Regulation) Act of 2000, establishes the minimum age for work at 14 and the minimum age for hazardous work at 16. Penalties for violating the law include imprisonment.[3610] However the Government has yet to finalize a list defining hazardous work.[3611] Additionally, the absence of compulsory education laws may push children into the worst forms of child labor.

Nepali law also prohibits forced or compulsory labor. The Kamaiya Labor (Prohibition) Act of 2002 forbids keeping or employing any person as a bonded laborer and cancels any unpaid loans or bonds between creditors and Kamaiya (bonded) laborers.[3612]

Finally, the Government has laws against trafficking and sexual exploiting children and involving children in illicit activities. The Trafficking in Person and Transportation Control Act prohibits trafficking in persons and prostitution and prescribes imprisonment for violations.[3613] Another law, the Children's Act punishes persons who use children under age of 16 in immoral activities, including taking and distributing pornographic photographs. [3614] This law also protects children under age 16 from involvement in "immoral professions" and in the sale, distribution, or trafficking of alcohol and drugs. [3615] However children age 16 and 17 are vulnerable under the law. They are the ones who may face criminal penalties if found in activities such as prostitution and the sale of drugs. Further, there is no prohibition against taking of pornographic photographs of children age 16 and 17.[3616] The voluntary military recruitment age in Nepal is 18.[3617]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	16
	Compulsory Education Age	No
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Steering Committee and a high-level inter-ministerial committee coordinate child labor eradication efforts. The National Steering Committee is headed by the Ministry of Labor and Transport Management (MoLTM) and is comprised of other Government departments. However, these committees have not met in two years.[3618]

The National Human Rights Commission's Office of the National Rapporteur on Trafficking is responsible for monitoring the government's response to trafficking and the effectiveness of its anti-trafficking policies.[3619]

The MoLTM is the primary federal agency responsible for enforcing child labor laws.[3620] In 2009, the MoLTM employed only 10 labor inspectors nationwide.[3621] These inspectors must handle all types of labor code violations.[3622] They also lack the authority to monitor the types of non-traditional establishments where many child laborers are found. These include home-based enterprises and non-registered establishments in the informal and agricultural sectors.[3623] All 10 labor inspectors received basic training for enforcement in the formal sector.[3624] The Department of Labor, which houses the labor inspectorate, is the part of the MoLTM with the smallest annual budget ($127,000).[3625] It carried out 1,198 inspections from July 2008 to July 2009.[3626] MoLTM does not maintain records on the types of labor inspections it conducts or the sanctions imposed. Therefore it is unclear whether child labor violations were found or perpetrators punished.[3627]

At the local level, District Child Welfare Boards (DWCBs) have some limited legal authority to enforce child labor laws and may level civil fines.[3628] These DCWBs are the entities that receive complaints of forced child labor violations. However, the Government maintains no data on the number of cases reported.[3629]

The Ministry of Land Reform and Management is responsible for enforcing laws against bonded labor laws in agriculture.[3630] During the reporting period, in accordance with the Kamaiya Prohibition Act, the Government provided rehabilitation services to 4,870 adult Kamaiyas (bonded laborers).[3631]

The Ministry of Home Affairs and the Ministry of Law's Office of the Attorney General are responsible for anti-trafficking enforcement.[3632] Women and Children's Service Centers (WCSC) at the district level investigate crimes against women and children including trafficking.[3633] However, as of February 2010, they employed only 56 investigators nationwide. From January 2008 to February 2009, 139 trafficking cases were reported and 68 people were arrested and prosecuted for trafficking offenses.[3634] Information on the number of child trafficking victims was unavailable as the government does not disaggregate cases of child trafficking victims.

The National Rapporteur on Trafficking is tasked with monitoring the enforcement of laws related to the commercial sexual exploitation of children at the national level.[3635] In 2009, the Supreme Court ordered the formation of district-level Monitoring and Action Committees to investigate reports of commercial sexual exploitation, including the exploitation of children.[3636]

Government Policies on the Worst Forms of Child Labor

MoLTM's National Master Plan on Child Labor, 2004-2014, calls for eliminating the worst forms of child labor by 2009 and all forms of child labor by 2014. The Government is currently in the process of revising this plan but does not plan to adjust its goal of eliminating all forms of child labor by 2014.[3637]

The Government also has a National Plan of Action to Combat Trafficking.[3638] Forty-one women's police units, in conjunction with NGOs, help provide referral services to trafficking victims including girls. NGOs have also received limited funding to provide rehabilitation, medical care, and legal services to trafficking victims.[3639] The Government provided financial assistance to raise awareness on trafficking in 26 high-risk districts.[3640]

In August 2009, the Government approved its School Sector Reform Plan, which aims to expand access to education and provide alternative schooling, and non-formal education. Out-of-school children (which include child laborers) are the primary beneficiaries identified in the plan.[3641] The National Planning Commission's 2007 Interim Three-Year Plan addresses hazardous child labor through a social awareness and re-integration campaign. It addresses child labor by expanding education opportunities to working children, and providing skills training to youth over age 14 who may be especially vulnerable.[3642] However, the Government allocated a mere $68,000 to address the hazardous child labor eradication portion of the plan.[3643]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Nepal relies largely on donor funding for programs to address the worst forms of child labor. In June 2001, the Government of Nepal became the first country in South Asia and one of the first three countries in the world to launch a Time-Bound Program (TBP) to end the worst forms of child labor.[3644] The Nepal TBP was largely financed by USDOL.[3645] The TBP provided education services and other support to withdraw and prevent children from exploitive work in the following sectors: porters, recyclers/rag-pickers, domestic servants, carpet factory workers, mine/quarry workers, former bonded laborers, brick factory workers, transport workers, restaurant-entertainment workers, and children affected by the civil war. The program also achieved important advancements in raising public awareness and successfully advocated for legislative reforms.[3646]

The Government is participating in two additional projects funded by USDOL. First, the 3-year, $4.25 million, New Path New Steps, runs through December 2012.[3647] This project provides new learning and employment opportunities for exploited and at-risk children and aims to withdraw 8,000 children and prevent 7,000 children from commercial sexual exploitation, domestic service, brick factories, mining, portering, and the embroidered textile sectors.[3648]

The Government is also participating in a USDOL-funded project to assist former child bonded laborers and their families, which concludes in December 2010. This project aims to withdraw 3,000 children and prevent 6,600 children from exploitive labor.[3649] The Government is also participating in a UNICEF funded $550,000 two-and-a-half-year project to support efforts to withdraw 1,000 children from the worst forms of child labor through skills development, awareness raising, and improved enforcement.[3650]

Through an UNICEF-funded project, the Government is also providing rehabilitation assistance to children formerly associated with the Maoist rebel forces. Each former child soldier is entitled to receive $140 and access to rehabilitation services which may include formal schooling, vocational training, health education training, and small business training.[3651]

Since 2001, the Government has rescued and rehabilitated freed Kamaiya bonded laborers, some of whom are children, providing them with land, home construction materials, and livelihood training. In 2009, the Government provided rehabilitation services and support to 4,870 former Kamaiyas,[3652] However not all freed Kamaiyas have received these services.[3653]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Nepal:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the following laws so that they are in line with ILO Convention 182:
  - Raise the minimum age for entry into hazardous work from ages 16 to 18 and finalize the list of hazardous work as prescribed by ILO Convention 182 on the Worst Forms of Child Labor.
  - Legally define a child as any person under age 18 years so that all children are equally protected under the law.
- Establish a compulsory education age for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish routine meeting schedules for the National Steering Committee on child labor per requirements in the National Master Plan.
- Increase the number of labor inspectors responsible for child labor and devote more resources to enforcement of child labor laws.
- Address the gap in child labor enforcement in home-based enterprises and non-registered establishments in the informal and agricultural sectors.
  - Enhance data collection on the worst forms of child labor to include:
  - Aggregate complaints/reports on child labor made to the District Welfare Boards at a national level;
  - Maintain records on type of labor inspections the MoLVT conducts;
  - Disaggregate data collected by district level WDO's to identify the number of child trafficking victims.

IN THE AREA OF POLICIES:

- Allocate adequate funding to implement the revised National Master Plan on Child Labor, 2004-2014.

IN THE AREA OF PROGRAMS:

- Undertake an in-depth study on the trafficking in children to assess its scope and root causes to develop effective monitoring strategies, and adopt measures to prevent and eliminate it.
- Expand existing programs to assist Kamaiya bonded child laborers.

[3592] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 1999. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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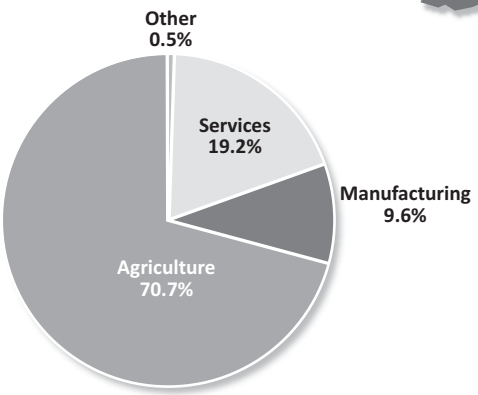
Nicaragua

The Government of Nicaragua has strengthened its policy framework to address the worst forms of child labor by signing collaboration agreements with the mining industry and coffee producers. However, dangerous child labor continues to exist, especially in agriculture. There are gaps in the enforcement of child labor laws and in programs that address exploitative child labor in some agricultural and informal sectors.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	8.4%
Attending School	5-14 yrs.	84.9%
Combining Work and School	7-14 yrs	7.0%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Nicaragua are exploited in the worst forms of child labor, especially in agriculture where they often carry heavy loads, use dangerous tools, and are exposed to dangerous pesticides and fertilizers.[3654] Children in the agricultural sector work in the production of crops such as coffee, bananas, sugarcane, and tobacco.[3655] Children also work long hours under risk of physical injury in stock breeding, crushing stone, extracting pumice, mining for gold, and collecting mollusks and shellfish.[3656] In addition, children work in street sales where they are exposed to a variety of dangers, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.[3657] Children also work as domestic servants in third-party homes, where they may work long hours and are often subjected to abuse. Some children engage in construction, where they may carry heavy loads and use dangerous tools.[3658] Children may also work in transport where they may be isolated from their families and have an elevated risk of physical injury by riding on the exterior of vehicles or entering and exiting moving vehicles.[3659] A significant number of children work in the informal sector, and some are engaged in garbage dump scavenging.[3660] Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of oranges, African palm, sugarcane, fireworks, cigars, bread and pornography.[3661]

Children are also exploited in prostitution.[3662] Nicaragua is a source and transit country for minors trafficked for sexual exploitation.[3663] Some children are trafficked within Nicaragua for sex tourism, which is reportedly on the rise, and to work as domestic servants.[3664] Persons without legal identification documents are at an increased risk of trafficking, and UNICEF has indicated that over a third of children have not been formally registered with the Government.[3665] Undocumented Nicaraguan boys are recruited to work without pay on farms in Costa Rica.[3666] Children, especially girls, from poor rural areas are among the most vulnerable to trafficking. The victims are often deceived with promises of good

jobs and then forced to work as prostitutes in urban areas or neighboring countries.[3667] The Government reports that trafficking was linked to organized crime, including prostitutes and brothel owners who recruit trafficking victims, and that trafficking is a significant problem.[3668] The Government believes that the lack of economic opportunities, increased regional trade, semi-porous borders, and the development of communications technology have been factors contributing to the recruitment of children and youth into sexual exploitation and trafficking.[3669]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at age 14.[3670] Children ages 14 to16 must have parental permission and be under the supervision of the Ministry of Labor (MOL) in order to work.[3671] Minors are prohibited from engaging in work that may interfere with their schooling or that endangers their health and safety, such as work in mines, garbage dumps, and night entertainment venues.[3672] The law imposes fines for violators and allows inspectors to close establishments employing children.[3673] The labor code includes requirements for employers who contract adolescents to work in their homes to facilitate and promote the education of those adolescent workers.[3674] In June 2010, in consultation with civil society organizations, employers' and workers' groups, the MOL published an updated list of types of work that are harmful to the health, safety, and morals of children, applicable to both the informal and formal sectors.[3675]

The Constitution prohibits forced labor, slavery, and indentured servitude.[3676] The Constitution was amended in 1995 to prohibit military conscription. The minimum legal age for entry into the Armed Forces is 18.[3677]

The Penal Code increased penalties related to the commercial sexual exploitation of children, including penalties for the procurement or recruitment of children under age 18 for prostitution.[3678] Promoting, filming, or selling child pornography is prohibited.[3679] The Penal Code also prohibits trafficking of persons and imposes increased penalties for trafficking of children under age 18.[3680]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Commission for the Progressive Eradication of Child Labor and Protection of the Young Worker (CNEPTI), which is within the MOL, has been the primary institution that sets the priorities on child labor policy.[3681] CNEPTI consists of a consortium of government agencies and NGOs to address child labor issues in the country through awareness-raising strategies and coordination of direct action programs.[3682] However, CNEPTI has not officially convened since September 2009.[3683]

The MOL is responsible for enforcing labor laws.[3684] The MOL's Inspector General's Office is responsible for inspecting all child labor violations.[3685] The Child Labor Inspections Unit (CLU) is dedicated to training, regulating, and integrating child labor issues into labor inspections.[3686] The CLU works with the Nicaraguan National Police (NNP), Ministry of Family, and the Human Rights Attorney for Children to enforce child labor laws.[3687]

CNEPTI receives revenues from fines that are used to raise awareness and protect minors.[3688] The CLU held three workshops in 2009 for merchants, coffee farmers and school directors that covered child labor laws and

prevention.[3689] The Ministry of Family administers a general hotline to report the welfare of children, including the exploitation of children.[3690] In 2009, the MOL had 92 total inspectors, of which two were dedicated to conducting child labor investigations; 476 child labor inspections were conducted in various locations and sectors throughout the country that resulted in 91 children being removed from work.[3691]

The Ministry of Government is responsible for combating trafficking, operating an anti-trafficking unit, leading the National Coalition against Trafficking in Persons (NCATIP), and supporting a national protocol to repatriate children and adolescents who have been victims of trafficking.[3692] Nonetheless, a 2009 evaluation of a USDOL-funded project found that institutional weakness among some of the agencies that participate in the NCATIP could hinder the effectiveness of the protocol.[3693] The Public Ministry's Gender Unit has two national-level prosecutors and 35 department-level prosecutors who prosecute cases of child exploitation, including child trafficking, commercial sexual exploitation, and the use of children in illegal activities.[3694] There is no available information on the number of prosecutions or convictions for child exploitation cases.[3695]

The NNP maintains a national hotline for reporting child trafficking.[3696] In 2009, there were two convictions for child trafficking.[3697] The Government provides limited shelter and services to child trafficking victims, but international organizations and NGOs are the principal service providers assisting trafficking victims.[3698]

Government Policies on the Worst Forms of Child Labor

The Government's National Time-Bound Program was developed to create a coordinated policy led by CNEPTI for the elimination of the worst forms of child labor.[3699] CNEPTI has been developing a Roadmap for the Elimination of the Worst Forms of Child Labor by 2015 in Nicaragua that will replace the previous strategic plan to end all forms of child labor; however, the Roadmap has not yet been officially launched.[3700] The MOL has collaboration agreements with the Mining Chamber and Mining Union, and with coffee plantations to prevent and eliminate the worst forms of child labor.[3701]

The Government's Policy on Special Protection for Children and Adolescents includes special protections for victims of commercial sexual exploitation and trafficking in persons.[3702] As a member of the Central American Parliament Commission on Women, Children, Youth, and Family, the Government is participating in a regional Plan to Support the Prevention and Elimination of Human Trafficking and Commercial Sexual Exploitation of Children and Adolescents.[3703]

The Government provides oversight to the 10-year National Action Plan for Children and Adolescents, which supports children's rights.[3704] The National Program for Decent Work in Nicaragua (2008-2011) supports efforts to eliminate the worst forms of child labor by 2015 as outlined in the Hemispheric Agenda and includes specific provisions for assistance to CNEPTI and the National Commission against Commercial Sexual Exploitation.[3705] Additionally, the Government of Nicaragua's poverty reduction strategy incorporates policy actions to eradicate child labor.[3706] The concrete action plans needed to realize the child labor objectives have not yet been fully articulated.

The Government is striving to achieve the Millennium Development and Education for All goals by 2015 and has received support in its poverty reduction strategies from the World Bank and USAID that has contributed to improved educational access, attendance, and quality in primary schools.[3707] Secondary schools have not been targeted as a priority and secondary school attendance remains low.[3708]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Nicaragua has participated in the implementation of programs to eliminate the worst forms of child labor. Since 2001, the Government has participated in several USDOL-funded projects that aimed to eliminate child prostitution in Leon, exploitative child labor in Managua's main garbage dump, on coffee plantations, and in farming and stockbreeding.[3709] CNEPTI has been effective in raising awareness about the negative effects of exploitative child labor, supporting national child labor surveys, involving children and adolescents in cultural and rights-based programs, and coordinating direct action programs in various sectors where the worst forms of child labor occur.[3710]

The *Plan Cosecha de Café* (Coffee Harvest Plan) supported by CNEPTI aims to develop an integral approach to assist children whose parents work in the coffee harvest; it has resulted in producers agreeing to support educational alternatives on the coffee plantations.[3711] The MOL has been collaborating with coffee producers, other government ministries, and civil society organizations to achieve a child-labor free coffee harvest in the Department of Jinotega. The Ministry has identified the need to extend these strategies to reach more children who work; however, the lack of resources hinders progress in this area.[3712] The Government of Nicaragua is participating in a USDOL-funded, 3-year $5 million initiative that aims to withdraw and prevent 10,045 children from exploitative labor primarily in the coffee-growing Departments of Madriz and Jinotega through the provision of education and training opportunities.[3713] The project has worked to generate awareness-raising among parents and business owners about the hazards of child labor, commitments among coffee plantation owners to eliminate child labor in their production processes, construction of new schools on coffee plantations, and support for the provision school materials.[3714]

First Lady Rosario Murillo, in coordination with the Ministries of Family, Health, Education, and Government, oversees a child labor initiative called Program Amor (Love) that targets 25,000 street children and their families primarily in Managua, to provide education for children and vocational training for parents.[3715] Additionally, a project funded by USDOS provides shelter and medical assistance to child trafficking victims, in addition to conducting awareness-raising activities for families on trafficking.[3716]

The Government conducts a birth registration campaign with assistance from the United Nations Population Fund that targets many undocumented children in rural areas and indigenous communities along the Atlantic Coast to facilitate their access to social services and to reduce vulnerability to trafficking.[3717]

The Government participated in regional projects to combat the worst forms of child labor, including a project that built the capacity of Government and civil society organizations to combat the commercial sexual exploitation of children and child trafficking through the creation and strengthening of legislative prohibitions, national plans of action, and repatriation protocols.[3718] Another regional project focused on strengthening regional cooperation, legislation, policies, and institutions to reduce child labor through the provision of education.[3719] The Government participates in a 4-year, $8.4 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.[3720]

Despite these efforts, current programs do not appear to be sufficient to address the extent of the worst forms of child labor in Nicaragua, particulary in the production of tobacco, crushed stone, and pumice.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Nicaragua:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Dedicate greater resources to the enforcement of child labor laws, including in the informal sector.
- Enforce the labor laws regarding domestic workers and raise awareness about employers' obligation to promote the education of adolescent workers.
- Increase the role of CNEPTI to address the worst forms of child labor, including the frequency of meetings.
- Enhance efforts to fight child trafficking, including improving coordination and information sharing among actors involved in national, bilateral and regional anti-trafficking campaigns, raising awareness, increasing resources to victims, and expanding birth registration campaigns nationwide.

IN THE AREA OF POLICIES:

- Develop concrete action plans that pursue the child labor objectives included in the Hemispheric Agenda and poverty reduction strategy.
- Officially launch and implement the Roadmap for the Elimination of the Worst Forms of Child Labor by 2015 in Nicaragua.

IN THE AREA OF PROGRAMS:

- Increase resources to improve attendance in secondary education.
- Expand awareness raising and other strategies to reduce the demand for child sex tourism and commercial sexual exploitation.
- Apply good practices and strategies undertaken to eliminate child labor in the coffee sector to other sectors, including by raising awareness and partnering with business owners in specific sectors to eliminate child labor in their production processes.
- Develop programs to address the worst forms of child labor in the production of tobacco, crushed stone, pumice and other sectors with a high incidence of hazardous child labor.

[3654] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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Niger

The Government of Niger supported limited programs to reduce the worst forms of child labor, such as providing services to street children. Gaps remain in legislation, policies, and programs to address the worst forms of child labor. Children continue to be exploited in hazardous work in agriculture, including the raising of animals, and the mining of gold, gypsum, and salt.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	66.2%
Attending School	5-14 yrs.	31.1%
Combining Work and School	7-14 yrs	24.9%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Niger are exploited in the worst forms of child labor,[3721] many of them in agriculture and raising animals.[3722] Such children may carry loads that are too heavy for their small stature and work long hours, putting them at greater risk of injury. Children work in dangerous conditions in mines and quarries, including in the production of salt, gypsum, and gold where they break rocks, extract, process, and hoist ore, and transport heavy loads.[3723] Interviews of approximately 400 children in mining sites, conducted in 2009, found that 38 percent of these children reported having been the victim of an accident at the work site.[3724]

Children, especially girls, working in domestic service and street vending, are at risk of physical or sexual harassment.[3725] Children work in manufacturing and maintenance, including welding, carpentry, and metal work.[3726] Children also work in slaughterhouses, which exposes them to health and safety risks.[3727]

In urban areas, street children are prevalent; they are found begging or performing tasks such as dishwashing and portering. [3728] Such children risk injury from activities such as carrying heavy loads as porters or from accidents caused by proximity to vehicles while begging in the street.

Some children in Niger work in conditions of forced labor. In some cases, this stems from the traditional practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component.[3729] Some boys are forced by their teachers to beg and surrender the money that they have earned or perform manual labor, including in agriculture.[3730] In addition, traditional forms of caste-based servitude still exist in parts of Niger among nomadic populations.[3731] Slaves, including children, are often forced to work long hours as shepherds, agricultural workers, or domestic servants.[3732] Girls who work as domestic servants are sometimes pressed into prostitution. Commercial sexual exploitation of children also exists near the border with Nigeria and along the main highway.[3733]

Niger serves as a source, transit, and destination country for children trafficked for forced labor and commercial sexual exploitation.[3734] Children are trafficked internally for forced labor in mines, agricultural labor, begging, and domestic service, as well as for commercial sexual exploitation.[3735] Children from Benin and Mali are trafficked to Niger for

exploitive labor, including working in mines, on farms, and on the streets as menial laborers.[3736] Children are trafficked through Niger to Europe or North Africa.[3737] Nigerien children are trafficked to work as beggars or manual laborers in Nigeria, Mali, and Burkina Faso.[3738]

In 2009, after Niger's President dissolved the National Assembly and the Constitutional Court, granting himself emergency powers, many donor nations suspended development assistance to Niger, which remains one of the least developed nations.[3739] In addition, a failed harvest and food crisis prompted many rural Nigeriens to leave their villages to seek food and work, which increased the risk to rural children of being trafficked into the worst forms of child labor. [3740]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 14, including for apprenticeships, while the minimum age for hazardous labor is set at 16. This law also requires that no child or apprentice be employed in work that exceeds his or her strength and that employers guarantee certain minimum sanitary conditions.[3741] However, Decree No. 67-126/MFP/T of September 1967, which authorizes children who are age 16 to work in certain hazardous activities, does not adequately address the related safety concerns by requiring training, instruction, supervision, and other necessary protections for this group of workers.[3742] Education is only compulsory until age 12, leaving a gap before the legal working age of 14, which puts children in that group at risk of falling into the worst forms of child labor.[3743]

The Minister of the Interior issued a circular prohibiting the use of children in mining in several regions of Niger.[3744] Through the labor and penal codes, Niger prohibits and provides criminal penalties for forced and bonded labor.[3745] The 2003 Loi n° 2003-025 amended the Penal Code to criminalize slavery and provide appropriate penalties (up to 30 years imprisonment) for such acts, and includes specific reference to children under 18 who might be put into such a situation by parents or guardians.[3746] Nigerien law also specifically prohibits inciting a person to beg, but such acts, categorized as a misdemeanor, may be punished by a fine and up to 1 year of imprisonment.[3747] However, these restrictions and penalties do not appear sufficient to deter forced begging, which is a prevalent form of forced child labor in Niger.

Since 2006, Niger has been reviewing a draft law against trafficking but had not yet adopted it, as of the end of the reporting period.[3748] Nonetheless, traffickers of children may be prosecuted under the Penal Code which criminalizes kidnapping.[3749] The Penal Code also defines and sets penalties for several components of commercial sexual exploitation, but does not capture all such crimes. It criminalizes carnal knowledge of children under the age of 13, facilitating prostitution and owning a brothel, but it does not directly criminalize prostitution. Such crimes might be considered offenses under the prohibition against indecency, but this is not clear from the law.[3750] The lack of legislation criminalizing all forms of commercial sexual exploitation leaves children vulnerable and unprotected.[3751]

In February 2010, a military junta seized power and suspended the Constitution, along with some of the governing institutions discussed in this report.[3752] Although this did not affect the laws discussed above, the impact on the country's child labor efforts at this point is not known.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	16
	Compulsory Education Age	12
	Free Public Education	Yes

Institutional Mechanisms for Monitoring and Enforcement

Niger established a national child labor steering committee which coordinates efforts to reduce worst forms of child labor.[3753] This steering committee, established through the Ministry of Community Development in 2006, includes representatives from eight ministries, as well as representatives from NGO and UN agencies.[3754]

The Ministry of Labor is charged with enforcing labor laws, including those provisions governing hazardous labor for children under age 18. It has nine regional labor inspectorates and approximately 100 inspectors who are responsible for investigating and enforcing all elements of the Labor Code, including child labor.[3755] Inspectors conduct both routine and complaint-based inspections in the formal sector.[3756] According to the ILO Committee of Experts, the labor inspectorate acutely lacks both human and material resources, although each regional inspection service does have a vehicle to visit worksites.[3757]

While the Ministry of Labor handles hazardous work, responsibility for other worst forms of child labor is divided. The Ministries of Interior, Justice, and the Promotion of Women, and the Protection of Children share the responsibility for problems such as trafficking, slavery, and sexual exploitation. [3758] Since 2004, Nigerien authorities investigated at least 8 cases of caste-based slavery, including the enslavement of children.[3759] During the reporting period, law enforcement officials arrested several traffickers connected to the trafficking of at least 112 children. At least two of these traffickers were subsequently released without charges, while others were charged under laws related to kidnapping.[3760]

Government Policies on the Worst Forms of Child Labor

In March 2000, Niger adopted a National Action Policy (NAP) against Child Labor, which provided a framework for some actions, but did not address child labor in the rural sector.[3761] The Government worked with stakeholders to update this NAP. In November 2009, an updated NAP was reviewed and validated by a group of experts. To date, however, the updated NAP has yet to be adopted.[3762] The government developed an action plan in 2007 to target the exploitation of children by religious instructors, but this has reportedly not been implemented due to a lack of funding.[3763] Child labor concerns have been incorporated in the following national development agendas and policy documents: Accelerated Development and Poverty Reduction Strategic Plan (2008-2012) and the draft United Nations Development Assistance Framework Workplan 2009-2013.[3764]

The Ministry of Labor and National Institute of Statistics conducts surveys related to the worst forms of child labor, with the support of partners such as UNICEF and ILO-IPEC. However, Niger does not appear to have published comprehensive data related to the worst forms of child labor since 2000, impeding its ability to appropriately target and prioritize policies and programs.[3765]

Niger also established a National Committee to Combat Forced Labor and Discrimination in 2006. It undertook a pilot study to assess slavery and child labor in preparation for a national action plan; but has not finished developing this plan.[3766] A NAP to combat the sexual exploitation of children was adopted by the Government in 2006.[3767] Niger has also developed several draft NAPs, which provide overarching, sectoral frameworks, including a NAP for child protection and survival, and a NAP against the trafficking of children.[3768] However, these draft plans have not yet been adopted.

During the reporting period the Government adopted the Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa under ECOWAS. This agreement explicitly targets, among others, victims trafficked for the purpose of exploitive labor and hazardous child labor. Begging was included as a form of exploitation, reflecting the regional need to combat this growing problem.[3769] The agreement builds on the framework developed under the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.[3770] In 2009, the Government of Niger also participated in the launch of the African Union Commission Initiative against Trafficking Campaign, which focuses on ensuring that the fight against trafficking is a priority development goal across the continent.[3771]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Niger has been delivering social programs, which provide services for children engaged in the worst forms of child labor since at least 2001. For example, the Government has been providing services to street children via the National Committee for Combating the Phenomena of Street Children, under the leadership of the Ministry for the Promotion of Women and Protection of Children.[3772] As part of this effort, the Ministry of Labor also supports a vocational training program for street children.[3773] UNICEF is also working with the Government to reduce the number of children working on the street by providing non-formal education to former street vendors.[3774] Since 2006, Niger has a national unit to target programs to combat begging.[3775]

Additionally, the Government of Niger worked to combat child labor via a French-funded regional project, which ended in December 2009, and included vocational training and apprenticeship programs.[3776] The Government is participating in a 4-year, USDOL-funded regional project that runs through January 2010, to withdraw 1,500 children and prevent 2,500 children from hazardous artisanal gold mining in Niger and Burkina Faso.[3777]

The National Commission for Human, Rights and Civil Liberties is gathering information related to customary slavery in Niger, including of children.[3778]

Across Niger, the scale of social protection programs and services aimed at preventing the worst forms of child labor does not match the scope of the problem, which has been heightened by deepening poverty during the reporting period.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Niger:

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the Labor Code to raise the minimum age for hazardous work to 18 and define the specific hazardous occupations that are illegal for children. Increase the minimum age for compulsory education to at least 14.
- Amend the Penal Code to provide stiffer penalties for all acts of forced labor, including forced begging.
- Enact legislation criminalizing all forms of commercial exploitation of children and providing appropriate penalties.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase resources to carry out inspections on the worst forms of child labor.

IN THE AREA OF POLICIES:

- Adopt and implement the updated National Action Plan (NAP) to Combat Child Labor and adopt other relevant draft NAPs, such as those addressing child survival and trafficking in persons.
- Conduct and make publicly available research on the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Expand programs and increase resources for social programs to prevent and withdraw children from the worst forms of child labor, particularly in agriculture.

[3721] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported here, which may or may not include the worst forms of child labor. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[3722] Government of Niger: National Institute of Statistics, *Enquête Pilote sur le Travail des Enfants*, May, 2008, 13.

[3723] ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Niger (ratification: 2000),* [online] 2008 [cited February 5, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=10394&chapter=6&query=%28Niger%29+%40ref&highlight=&querytype=bool&context=0. See also ILO-IPEC, *Etude transfrontaliere sur le travail des enfants dans le secteur de l'orpaillage traditionnel au Burkina Faso, au Mali, et au Niger*, December 2009, 5, 11, and 31. See also ILO-IPEC, *Child Labour in Salt Mining: The Problem,* [online] June 2006 [cited February 5, 2010];available from http://www.ilo.org/ipec/areas/Miningandquarrying/MoreaboutCLinmining/lang--en/index.htm. See also Ali Ramadan Sekou Maina, *Rapport Niger: Etude Transfrontaliere sur le travail des enfants dans le secteur de l'orpaillage traditionnel au Burkina, au Mali et au Niger*, ILO-IPEC Research Report, December 2009, 31. See also ILO-IPEC and Government of Niger: National Institute of Statistics, *Enquête Base sur le Travail des Enfants sur les Sites d'Orpaillage de Komabangou et M'banga*, October 2009, 20.

[3724] Ali Ramadan Sekou Maina, *Etude Transfrontaliere: Rapport Niger*, 11, 31, and 35.

[3725] Government of Niger- National Institute of Statistics, *Enquête Pilote sur le Travail des Enfants*, May 2008, 13. See also UNICEF, *Aichatou's story: New skills protect a former street vendor from exploitation in Niger,* [online] November 17, 2008 [cited February 22, 2010]; available from http://www.unicef.org/girlseducation/niger_46412.html?q=printme.

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[3727] U.S. Embassy- Niamey, *reporting, June 15, 2009*, para 3.

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[3761] ILO-IPEC, *Prevention and Elimination of Child Labour in Mining in West Africa*, Technical Progress Report: Response to Donor Comments (Annex B), Geneva, September 15, 2009, 62.

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[3778] Government of Niger- National Institute of Statistics, *Enquête Pilote sur le Travail des Enfants*. See also Integrated Regional Information Networks, «New slavery study welcomed». See also Catholic Relief Services, *Combating Exploitive Child Labor through Education in Niger*, Technical Progress Report, September 15, 2008, 8.

Nigeria

During the reporting period, Nigeria took steps to combat the trafficking of children, and three more states ratified the Federal Child Rights Acts. However, forced and hazardous child labor in farm work and quarries remain a pressing issue, as does the high level of trafficking of children for labor exploitation. The Government's lack of a policy framework to combat all worst forms of child labor, and gaps and contradictions in the legal framework, undermine efforts to combat the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Nigeria are exploited in the worst forms of child labor,[3779] particularly in agriculture. In rural areas, most children work in farming, including children as young as age 4 and the majority of these children report work-related injuries.[3780] Some may use dangerous tools to cultivate cassava.[3781] Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of tobacco. [3782] Children also work on cocoa plantations and small farms, where they spray pesticides and apply fertilizer without protective gear, and sometimes work under conditions of forced labor.[3783]

In urban areas, many children work in the streets as vendors, porters, and scavengers.[3784] A growing number of children, including girls, are also both living and working in the streets in these jobs and as beggars.[3785] Such work in the streets exposes children to severe weather, vehicular accidents, and the need to carry heavy loads. Children also risk exposure to dangerous conditions while working in sand harvesting and fishing.[3786] One study surveyed children working in river communities in Nigeria, which primarily included children in fishing, and found that 70 percent reported having been injured at work at least once in the previous year.[3787] Children also risk injury or death working, sometimes in forced labor, in mines and quarries, especially in granite and gravel production.[3788]

In Nigeria, it is traditional to send boys, called *almajirai*, to Koranic teachers to receive an education, which may include a vocational or apprenticeship component.[3789] While some boys receive lessons, others are forced by their teachers to beg and surrender the money they earn; such boys may go without adequate food or shelter.[3790] Reports suggest that some *almajirai* children in Nigeria may be deliberately scarred or injured to arouse sympathy and thus encourage donations.[3791] The number of *almajirai* in urban areas is reportedly on the rise.[3792]

Girls are also exploited in domestic service, where they risk sexual and physical abuse.[3793] Commercial sexual exploitation of children, especially girls, also occurs in some Nigerian cities, including Port Harcourt and Lagos; and there are reports of girls in some Nigerian refugee camps being subject to prostitution.[3794]

Nigeria is a source, transit, and destination country for child trafficking.[3795] Children in Nigeria are trafficked internally for work in domestic service, agriculture, street-peddling, and begging.[3796] Children are also trafficked for work in the worst forms of child labor from Nigeria to multiple countries in West and Central Africa, as well as to the U.K. and Saudi Arabia.[3797]

Children are trafficked into Nigeria from the Central African Republic and Liberia for work in agriculture, domestic service, vending, and mining.[3798] They are trafficked from Togo for the same jobs and for commercial sexual exploitation.[3799] Chadian children are trafficked to Nigeria to herd cattle, while children from Niger are trafficked to Nigeria to beg and perform manual labor.[3800] Beninese boys are also trafficked into Nigeria to work in granite mines and gravel quarries.[3801]

Laws and Regulations on the Worst Forms of Child Labor

In Nigeria, legislative power to protect children is reserved for its states. However, the Federal Government has the authority to establish labor standards.[3802] The Federal Labour Act is in force in all 36 states of Nigeria and sets a minimum age of employment at 12. Nigeria's Labour Act establishes an exception to its minimum age law permitting children at any age to do light work in domestic service or work alongside a family member in agriculture or horticulture.[3803] Nigeria also has a Federal Child Rights Act, which states must adopt for it to be force in that state's territory. During the reporting period, three states ratified this legislation, bringing the total number of states to 23, although some states still need to take additional steps for it to be in force.[3804] Where it is in force, the Child Rights Act raises the minimum age to 14 and supersedes the Labour Act.[3805]

The Child Rights Act also prohibits the worst forms of child labor, including the forced labor of children and use of children for prostitution or in armed conflict. Additionally, it prohibits the use of children, including the *almajirai,* in street hawking and begging.[3806] States may also enact additional provisions to bolster protection for working children within their territory. Certain states within Nigeria have taken this step, and closed gaps in the law.[3807] For example, the Abia State Child's Rights Law (2006) prohibits domestic service outside of the home or family environment to all children under age 18.[3808]

However in states that have not adopted the Child Rights Act, there may be no state-level law protecting children from worst forms of child labor, leaving them vulnerable to exploitation.[3809] Such states may also continue to have a minimum age of 12, with no provision to protect children of any age from light work in domestic service or agriculture and horticulture.[3810]

Neither Nigeria's Labour Act nor its Child Rights Act lays out a comprehensive list of hazardous activities prohibited to children nor do they establish a clear minimum age for hazardous work.[3811]

The Labour Act sets different age thresholds for various hazardous activities. For example, a youth age 15 or older may work in industries or on vessels when they are run by family members.[3812] The law prohibits youth under age 16 from being employed underground or working with machines, but explicitly permits children age 16 to 18 to perform these hazardous activities.[3813] However, the same law forbids the employment of young persons under age 18 in work injurious to their health, safety, or morals.[3814]

Nigeria's framework of laws is inconsistent and contradictory, introducing gaps that may make children vulnerable to worst forms of child labor. While the Child Rights Act applies appropriately stringent penalties, the penalties for violating the hazardous labor provisions from the Labour Act may not be stiff enough to deter violations.[3815] For example, for such violations, the Labour Act imposes only minimal fines (with a maximum fine of $0.80).[3816]

The Constitution of Nigeria prohibits forced labor, slavery, or servitude.[3817] The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act (2003), which applies throughout Nigeria, prohibits trafficking, prostitution, pornography, drug trafficking, and the forced or compulsory recruitment of children into armed conflict.[3818] Nigerian law punishes such offenses appropriately with fines and imprisonment.[3819]

However, some of the states that apply *Shari'a* may treat children as offenders rather than victims. For

example the *Shari'a* Penal Code of the state of Zamfara defines an offender as anyone who "does any obscene or indecent act in a private or public place, or acts or conducts himself/herself in an indecent manner."[3820] Treating child victims of commercial sexual exploitation runs counter to internationally-accepted standards for the treatment of such children.[3821]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Nigeria has established a coordinating mechanism to combat the worst forms of child labor. However, Nigeria does have a National Agency for Prohibition of Trafficking in Persons which coordinates the fight against trafficking.

The Federal Ministry of Employment, Labor, and Productivity is principally responsible for ensuring that Federal labor laws are enforced. Its inspections department is charged with enforcing the Labour Act, including those provisions related to child labor.[3822] Labor inspectors reportedly number 550 and are deployed to all 36 states, as well as the Federal Territory of Abuja.[3823] In 2009, the Government of Nigeria reportedly conducted 1,500 inspections, of which 150 specifically concerned child labor. Of the 150 child labor investigations, 50 resulted in additional investigations, but none of these child labor cases led to a prosecution, conviction, fine, or penalty.[3824] Although working onboard seafaring vessels is explicitly permitted to children age 15 and above, there were no inspectors responsible for conducting inspections on these vessels, creating a gap in the child labor enforcement framework.[3825]

At the state level, all 36 states have specific ministries responsible for children's affairs.[3826] States may also undertake other measures which aid in the enforcement of labor provisions. For example, Ondo State reports having established a Child Labor Monitoring System in cocoa plantations.[3827]

The National Police Force bears the primary responsibility for enforcing laws against forced labor and commercial sexual exploitation, particularly prostitution.[3828] However, the National Police are not educated on state laws; and such laws may be the only one protecting children from a particular worst form of child labor within a specific state. This limits the capacity of the National Police to enforce laws protecting children from the worst forms of child labor.[3829] States are prohibited from having their own police forces; however, some which enforce *Shari'a* are permitted to have religious boards (*Hisbah).* They enforce laws, including those against prostitution but do not have the power to arrest or detain.[3830] Except for those cases linked to trafficking, there are no statistics available for the number of investigations, prosecutions, or convictions related to forced labor, commercial sexual exploitation, or other worst forms of child labor.

The National Agency for Prohibition of Trafficking in Persons (NAPTIP), which has some 555 employees, is responsible for enforcing anti-trafficking legislation.[3831] NAPTIP staffed 22 units in those states with the worst trafficking problems.[3832] From January to July 2010, the most recent period for which such statistics are publicly available, NAPTIP reported that it had rescued 260 children age 1 to 17.[3833] The National Police Force and the Nigerian Immigration Service also have anti-trafficking units responsible for combating trafficking, while other agencies, such as the National Drug Enforcement Agency help identify traffickers and their victims.[3834]

Government Policies on the Worst Forms of Child Labor

The draft Nigeria Child Labor Policy and related draft National Action Plan were prepared in 2005-2006, but have never been officially adopted. Nevertheless, the Ministry of Labor reports that components of the draft National Child Labor Policy are being implemented.[3835]

Nigeria also has an approved Decent Work Plan which includes elements, such as vocational training for youth, that link with the fight against the worst forms of child labor.[3836]

The Government of Nigeria has a National Plan of Action on Trafficking in Persons (2008), which provides government entities and NGOs a coordination framework for research, protection, prevention, and prosecution. Along with this plan, the Government has a National Policy on Protection and Assistance to Trafficked Persons in Nigeria, which provides for services to trafficking victims, such as protection and rehabilitation.[3837]

Policies concerning the trafficking of children for exploitive labor were strengthened during the reporting period by the adoption of the ECOWAS Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa, which includes a focus on sectors, such as begging.[3838] The agreement builds on the framework developed under the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions. Nigeria's policies related to trafficking of children are also based on a multilateral agreement with Liberia, Burkina Faso, Guinea, Niger, Mali, Benin, and Côte d'Ivoire; bilateral trafficking agreements, including those with Benin, Britain, Spain, and Italy; and the Libreville Common Platform Declaration to Combat Trafficking in West and Central Africa.[3839] As part of its efforts to work with Benin, Nigeria takes part in a joint committee to combat child trafficking, which is implementing a 2009-2010 Joint Action Plan to combat the trafficking of children from Zakpota, Benin to Abeokuta, Nigeria, for labor in stone quarries.[3840]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Since 2000, Nigeria has partnered with the ILO and SIMPOC to obtain initial data about the prevalence of child labor, including child prostitution and child begging.[3841] From 2002-2006, the Government of Nigeria participated in a USDOL-funded project in support of actions to reduce hazardous child labor in commercial agriculture.[3842] Since 2007, the Ministry of Labor has been working to develop codes of conduct for various sectors, including mining, construction, and fishing; and in 2008, Nigeria conducted a national survey to identify the prevalence and nature of child labor; although results from this survey do not appear to be publicly available.[3843]

The Government of Nigeria is participating in a 4-year regional project, (2009-2013), funded by USDOL at $7.95 million, which aims to establish a national action plan to eliminate the worst forms of child labor and institute a formal list of hazardous labor for children in Nigeria.[3844] The Government continues to target hazardous child labor in agriculture through its participation in the USAID-supported Sustainable Tree Crops Program. This program incorporates child labor issues into its teachings on pest and quality management, raising awareness on particularly hazardous aspects of agricultural work for children.[3845] In addition, Terre des Hommes continues to implement activities aimed at reducing child labor in granite quarries and gravel pits, including by working with local government officials among others to repatriate children forced to work there.[3846]

During the reporting period, the Government of Nigeria raised awareness on exploitive child labor through its Labor Ministry and supported a similar effort with a focus on trafficking through NAPTIP.[3847] Since 2001, the Government of Nigeria has been partnering with the IOM, specifically targeting minors, as part of programs to build capacity, provide direct services, and raise awareness on trafficking. Similarly, Nigeria has been collaborating with UNODC since 2002 on programs aimed at reducing trafficking of both adults and minors.[3848]

During the reporting period, Nigeria supported efforts to increase birth registration as a targeted part of reducing the trafficking of children.[3849] NAPTIP, with the support of the American Bar Association—Rule of Law Initiative, has launched a database to connect its regional offices and improve its data collection.[3850] Nigeria continues to operate shelters for trafficking victims and reunite or repatriate trafficked children.[3851] Eight such shelters are operated by NAPTIP, and each of these locations supports a local hotline. However, there is no national hotline to report suspected cases of trafficking.[3852]

NGOs and states also run programs to address trafficking. NGOs support shelters to which government officials may send rescued children; however, due to a lack of resources during the reporting period, these shelters were only able to care for a very limited number of victims.[3853] States have taken steps to prevent trafficking. For example, 26 states have established anti-trafficking networks to raise awareness.[3854]

Nigeria has a program to withdraw street children, including those who have been trafficked into street hawking, and provide them with educational or vocational skills development.[3855] With the assistance of UNICEF and NGOs, some state education agencies also support nonformal education efforts aimed at street children. This effort includes using a radio program to provide educational lessons.[3856]

Despite the many projects across Nigeria, the scale of such programs is not sufficient to reach all Nigerian children engaged in or vulnerable to the worst forms of child labor, especially children in begging, mining, domestic service, and hazardous agriculture.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Nigeria:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labour Act to make the minimum age, and provisions related to light work, conform to international standards.
- Publish a comprehensive list of hazardous activities prohibited to minors.
- Strengthen penalties for child labor violations.
- Ensure that those states applying S*hari'a* as the Penal Code do not blame child victims for commercial sexual exploitation.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a mechanism to coordinate and monitor efforts to combat the worst forms of child labor.
- Collect and make statistics on child labor enforcement publicly available.
- Take all necessary measures to enforce labor laws and other laws related to the worst forms of child labor.

IN THE AREA OF POLICIES :

- Update and adopt the draft National Child Labor Policy and establish a National Action Plan to target all worst forms of child labor.
- Continue to collect and make publicly available data on the prevalence of working children.
- Establish and expand programs to provide services to children working in agricultural, begging, domestic service, and mining.

[3779] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[3780] See also B.O. Lawal and O. Akintayo, "Children Participation in Vegetable Production and Associated Hazards in Oyo State: Nigeria: Implications for Poverty Alleviation and Extension," *Journal of Applied Sciences Research,,* 3, no. 6 (October 13, 2007), 447-448; available from http://www.insipub.com/jasr/2007/444-449.pdf.

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Oman

The Government of Oman has improved the Ministry of Manpower's enforcement capacity by increasing the number of labor inspectors. However, gaps remain regarding enforcement of child labor laws, and the absence of a compulsory age for education hinders efforts to address the worst forms of child labor. Children reportedly continue to work in the informal agriculture and fishing sectors, where they may be exposed to occupational health and safety risks.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor[3857]

There is limited evidence regarding the worst forms of child labor in Oman.[3858]

Children reportedly work in the informal economy, particularly in agriculture and fishing.[3859] There is a lack of information on the kinds of dangerous work children perform, and these children may be exposed to unsafe and unhealthy activities.

Camel racing is a part of the Bedouin cultural heritage, and traditionally young boys have participated as jockeys on a voluntary basis, which could involve the risk of injury during a race.[3860] There were no reports in 2009 of boys under 18 working as camel jockeys.[3861]

Because of limited data, it is difficult to ascertain whether child prostitution, pornography, or trafficking exists in Oman. In 2009, the Government reported that the sale of children, child prostitution, and child pornography was not a "perceptible problem."[3862] However, the UN Committee on the Rights of the Child has raised concerns about the possibility that some children may be trafficked among migrant workers entering Oman.[3863]

Laws and Regulations on the Worst Forms of Child Labor

According to Oman's Labor Law and the Sultan's Royal Decree No. 35/2003, the minimum age for admission to work is 15.[3864] However, for certain hazardous occupations the minimum age for work is 18.[3865]

The Government has identified 43 hazardous occupations, including camel jockeying, that are prohibited for children under age 18, but the full list of occupations has not been made available to the ILO.[3866] As of 2007, camel jockeys have been required to register in person with the Omani Camel Racing Federation and show proof of age by submitting a birth certificate, photographs, and a passport.[3867]

Oman's labor law also governs hours and conditions of employment under which juveniles may work.[3868] The labor law bars juveniles from working between 6 p.m. and 6 a.m., or for more than 6 hours per day.[3869] The Minister of Manpower (MOM) has the authority to determine the occupations and industries in which juveniles may work and what the minimum age of employment in these occupations should be.[3870]

Royal Decree No. 126/2008 prohibits the trafficking of children.[3871] Inciting a child to carnality or prostitution is punishable by imprisonment under Article 220 of the Penal Code.[3872] Article 224 of the Penal Code also makes it a crime for a person to produce, possess, or distribute obscene pictures or other pornographic objects.[3873]

In Oman, children receive free primary education, but attending school is not compulsory under the law.[3874] In 2008, UNESCO estimated that 28 percent of the primary school age children in Oman were out of school.[3875] Thus, some children under age 15 may be more susceptible to engagement in the worst forms of child labor.[3876]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research was inconclusive in regard to whether the Government of Oman has established a coordinating mechanism to combat the worst forms of child labor in Oman.

The Ministry of Manpower (MOM) has the responsibility for monitoring employer compliance with the labor laws, including laws on child labor.[3877] Omani labor law (Royal Decree 25/2003) applies to all companies with a license from the Government to conduct business.[3878] In practice, enforcement of the labor law often does not extend to the informal sectors, such as agriculture, fishing, and small family businesses, where children may work.[3879] In general, compliance with child labor laws is monitored during routine labor inspections by the labor inspectorate. Monitoring can also be triggered by complaints registered directly with the MOM or through information sharing on labor cases between the MOM and Royal Oman Police (ROP).[3880] The Government operates a 24-hour hotline to allow citizens to report claims of labor abuses, including trafficking. However, in 2009, there were no reports of complaints related to child labor.[3881]

In 2009, to improve its monitoring and enforcement capacity, the MOM hired over 180 new labor inspectors.[3882] The Government partnered with ILO to train 180 labor inspectors on trafficking victim identification during inspections of private companies.[3883]

In 2009, MOM inspected 2,226 businesses.[3884] No information was available to indicate whether child labor violations were found.[3885]

Royal Decree 126/2008 directs the Ministry of Foreign Affairs (MFA) to spearhead the Government's efforts to combat trafficking,[3886] and established the National Committee to Combat Human Trafficking (NCCHT).[3887] The committee includes representatives from the Ministries of Manpower, Justice, Social Development, the Public Prosecutor, and the Royal Oman Police.[3888] The committee met regularly during the current reporting period.[3889] The NCCHT was made responsible for establishing a comprehensive program for combating trafficking, including programs to collect and report trafficking statistics and to care for and rehabilitate victims.[3890]

In 2009, the Government indicted and convicted accused traffickers and imposed sentences including imprisonment with fines of $26,000.[3891] The 2009 indictments and convictions did not include cases of trafficking involving underage children.[3892]

Government Policies on the Worst Forms of Child Labor

The Government has formulated a National Plan to Combat Human Trafficking[3893] as called for under Royal Decree 126/2008. Action programs have been developed as a result of this decree as outlined below.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government has implemented a number of programs and initiatives to address human trafficking.[3894] The Government has provided legal assistance, shelter, and psychological care to sex trafficking victims; distributed brochures in numerous languages that highlighted the rights and services workers are entitled to, the assistance available to trafficking victims and information on how to report trafficking crimes. It also launched a Web site and provided information on pertinent legislation and other matters relating to trafficking.[3895] These efforts contribute to preventing child trafficking. In 2009, no child trafficking complaints were reported.[3896]

The Government has not conducted an in-depth study on sexual exploitation and trafficking of children to determine the extent to which this is a problem in Oman.[3897] At the same time, there is a lack of information on the kinds of hazardous work children perform in agriculture and fishing.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Oman:

IN THE AREA OF LAWS AND REGULATIONS:

- Make publicly available the list of all hazardous occupations and jobs prohibited for children under age 18.
- Establish a compulsory age for school that is consistent with the minimum age for employment.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure that mechanisms exist to coordinate policy and guide programs on the worst forms of child labor.
- Establish mechanisms to inspect all sectors, including small-scale agriculture, and fishing sectors for child labor violations.
- Track and report on child labor violations uncovered in labor inspections.
- Ensure that enforcement efforts to prevent child labor violations in camel racing are being undertaken and report on the results.

IN THE AREA OF PROGRAMS:

- Conduct a national survey to determine the extent and nature of child labor in Oman and use the results of the survey to formulate, monitor, and evaluate anti-child labor laws, policies and programs.
- Based on the evidence, establish specific programs targeted at preventing the worst forms of child labor, particularly in small-scale agriculture and fishing.

[3857] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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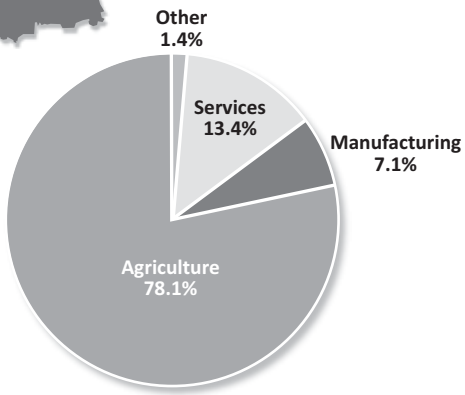
Pakistan

The Government of Pakistan participates in several projects that aim to eliminate the worst forms of child labor; however, children are still engaged in the worst forms of child labor in agriculture and are often subjected to bonded labor. Significant gaps remain in the legal framework and enforcement efforts to address the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	16.4%
Attending School	10-14 yrs.	64.9%
Combining Work and School		Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor[3898]

Children in Pakistan are exploited in the worst forms of child labor, primarily in agriculture, where they may engage in unsafe and unhealthy activities such as the use of dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides.[3899] Children also work in manufacturing where, in the glass bangle sector, they are exposed to high temperatures and toxic chemicals.[3900] Children are also found working in carpet weaving, informal construction, transport, leather tanning, deep-sea fishing, and the surgical instrument industry each of which has been classified by the Government as hazardous.[3901]

Children in urban areas are often employed as domestic servants where they may be vulnerable to sexual abuse.[3902]

Children of Afghan refugees, who live along the borders of Pakistan, are especially susceptible to street work including rag picking and collecting waste.[3903] Children working on the streets are exposed to a variety of dangers, which may include exposure to severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Other worst forms of child labor also exist in Pakistan including forced child labor, child trafficking, child soldiering, and using children in illegal activities. Some children are forced to work as bonded laborers in the brick industry, carpet weaving, agriculture, and coal mining.[3904] Often, bonded laborers are unable to pay their debts. Their movements may be restricted by armed guards and they may be subject to violence or being resold.[3905]

Child trafficking continues to be a problem with children kidnapped, rented, or sold to work in agriculture, domestic service, prostitution, or as beggars.[3906] Girls who are sold into forced marriages are sometimes subsequently trafficked internationally for prostitution.[3907] Despite concerted efforts to eliminate the practice, there is evidence that boys are still trafficked to the Gulf States to work as camel jockeys.[3908]

There are reports of children being used by non-state militant groups in armed conflict.[3909] Non-state groups kidnap children or coerce parents into giving away

their children to spy, fight, or die in suicide attacks.[3910] Reports indicate that children as young as age 11 are recruited by pro-Taliban insurgents and trained as suicide bombers.[3911]

Children along the border with Afghanistan are used in illegal smuggling operations. These children carry heavy loads of small arms, drugs, and household goods across the border.[3912] Occasionally these children have dangerous encounters with law enforcement, and some children have been shot and killed by border police.[3913]

Laws and Regulations on the Worst Forms of Child Labor

Under the 1991 Employment of Children Act, children of any age may be employed, provided that those under the age of 14 are not employed in occupations or processes deemed hazardous by the Government.[3914] Among the four occupations and 34 processes considered hazardous for children are manufacturing, mixing, and applying pesticides and insecticides; working at railway stations or ports; carpet weaving; construction; working in the glass bangle industry; and manufacturing of cement, explosives, and other products that involve the use of toxic substances.[3915] Brick making, a sector in which many child laborers work, including some bonded child laborers, is not specifically included on the list of prohibited hazardous occupations or processes. Further, the list of hazardous labor only prohibits occupations and processes for children under the age of 14, leaving children age 15 to 17 unprotected from dangerous or harmful work.

Bonded labor, forced labor, and human trafficking are prohibited by law. The Bonded Labor System Abolition Act (BLAA) of 1992 eliminates the liability of bonded laborers to repay their debt and frees property tied to this debt.[3916] Part II of The Constitution of Pakistan outlaws all forms of forced labor.[3917] The Prevention and Control of Human Trafficking and Smuggling Ordinance 2002 prohibits the trafficking of children internationally for exploitive activities.[3918] Sections 17 through 23 of the Government of Pakistan's Emigration Ordinance apply to the prosecution of internal trafficking cases.[3919]

The purchase or sale of a person for the purpose of prostitution is outlawed by the Pakistan Suppression of Prostitution Ordinance 1961.[3920] Pakistan's laws do not specifically prohibit child pornography, but the Penal Code outlaws the circulation of any "obscene material."[3921]

Pakistan does not have military conscription. The minimum voluntary recruitment age is 17.[3922]

During the reporting period, initial efforts were made to enhance Pakistan's legal framework against the worst forms of child labor. In 2009, the Ministry of Social Welfare drafted the Child Protection Bill 2009 to criminalize child seduction, child pornography, cruelty to children, internal child trafficking and child abuse.[3923] A draft Employment and Services Conditions Act 2009 has also been developed that would, if enacted, make it unlawful to employ children under the age of 14 in any sector.[3924] The Government also formed a committee to hold nationwide, multi-stakeholder consultations to draft amendments to strengthen the 1992 Bonded Labor Abolition Act.[3925]

However, the Government of Pakistan has yet to adopt any of the draft legislation.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	No
	Minimum Age for Hazardous Work	14
	Compulsory Education Age	14

Institutional Mechanisms for Coordination and Enforcement

The Child Labor Unit of the Federal Ministry of Labor collaborates with Provincial Labor and Manpower Departments, workers' and employers' organizations,

NGOs, and ILO to provide analysis and to facilitate implementation of child labor policy.[3926] Child Labor Resource Cells (CLRC) conduct research, build capacity, and coordinate child labor activities at the provincial level.[3927]

In 2009, the Ministry of Social Welfare began to implement its Child Protection Management Information System (CPMIS). It collects data from police, child protection agencies, detention centers, and other organizations regarding child trafficking, family care, sexual exploitation, violence against children, and juvenile justice.[3928] Data from the CPMIS is not yet available and therefore, the monitoring system's effectiveness can not be assessed.[3929]

Local vigilance committees are responsible for supervising the implementation of the BLAA, assisting in rehabilitating bonded laborers, and helping them achieve the objectives of the law.[3930] The committees include the deputy commissioner of each district, representatives from the police, judiciary, municipal authorities, workers, and employers.[3931]

District magistrates are authorized to implement the BLAA; however, their positions have since been eliminated.[3932] Furthermore, feudal landlords affiliated with political parties or acting as local officials use their influence to protect their involvement in bonded labor. These circumstances contrive to hamper the effectiveness of BLAA enforcement and as yet, there have been no convictions under the Act.[3933]

Provincial departments of labor and labor courts perform inspections in industrial areas and markets to identify child labor violations and pursue legal action against employers.[3934] The number of inspectors or inspections completed nationwide is unknown. However, in Khyber Pakhtunkhwa Province (formerly known as the North West Frontier Province), which has the highest ratio of working children among all Pakistani provinces, 808 child labor inspections were carried out in industrial and commercial establishments including shops, hotels, restaurants, markets, and mechanic shops.[3935] NGOs and child protection centers report that police and labor inspectors cooperate with them and refer children to protective services.[3936] In the same province, the Provincial Department of Labor initiated 151 child labor prosecutions in 2009, and decided 89 cases resulting in warnings and fines being assessed against offenders.

In the provinces of Sindh and Punjab, the Departments of Labor held trainings for labor officers and inspectors on the worst forms of child labor, child exploitation, and forced child labor. The Punjab Government also developed a training kit for labor inspection officers on child labor issues.[3937]

According to the ILO, inspections do not take place in establishments employing less than 10 people, which is where most child labor occurs. Further, the All Pakistan Federation of Trade Unions reports that labor inspection responsibilities have been transferred to local bodies which are often headed by industrialists or feudal lords, and the inspectorates are therefore, subservient to them.[3938] These constraints in the labor inspection system reduce the likelihood of reported child labor violations, making prosecution, conviction, and punishment of violators unlikely.[3939]

The Anti-Trafficking Unit of the Federal Investigation Agency (FIA) is the lead agency responsible for enforcing transnational trafficking-related laws.[3940] FIA has approximately 700 officers to investigate all federal crimes, including child trafficking.[3941] The FIA carried out 649 trafficking investigations in 2009 and convicted 385 people under the Prevention and Control of Human Trafficking and Smuggling Ordinance 2002.[3942] At least three of these were child traffickers. FIA cooperates with other governments on trafficking cases, operates a hotline for victims, and publishes information on anti-trafficking efforts on its website.[3943] In 2009, FIA offered anti-human trafficking training to 250 officials and police in four cities with topics including child labor trafficking victim identification, interviewing, and case investigation.[3944]

Government Policies on the Worst Forms of Child Labor

The Government of Pakistan's 2000 National Policy and Plan of Action to Combat Child Labor (NPPA) highlights three objectives: to withdraw children from hazardous occupations, rehabilitate child laborers, and eliminate all forms of child labor.[3945] It outlines a national action plan for combating child labor that includes awareness raising, the establishment of child

labor resource centers, conducting surveys to expand knowledge on child labor, strengthened enforcement, expanded education facilities, and poverty alleviation measures.[3946] The policy outlines resources to be allocated to implement the policy, including Rs. 100 million ($1.16 million) from the Government and a fixed yearly contribution by the quasi-governmental education assistance agency, Pakistan Bait-ul-Mal, and the non-profit Islamic educational trust, the Iqra Fund.[3947]

In 2008, the Government of Pakistan's National Action Plan for Children was adopted.[3948] One goal of this plan is to prohibit, restrict, and regulate child labor with a view to its ultimate elimination.[3949] The plan lays out 14 key strategies and actions including harmonizing work between government agencies, NGOs, and donors; promoting research on child labor issues; developing non-formal education for child laborers; providing micro-credit for families of child laborers; and conducting national surveys on child labor. The policy also addresses child trafficking and outlines key objectives for its elimination.[3950] It is unclear whether funding has been allocated for these objectives or if they have been implemented at the local level.

Both of the aforementioned plans mandate child labor surveys; however such surveys have not been conducted since 1996.[3951] The lack of recent data hampers the Government's ability to develop policies, determine programs' impacts, or plans for future child labor initiatives.[3952]

The Federal Investigation Agency has a National Action Plan for Combating Human Trafficking. This plan lays out prevention, prosecution, and protection strategies for ending human trafficking including child trafficking.[3953] It provides for awareness-raising efforts, service provider training, data collection, and the establishment of victims' shelters. The plan also outlines which ministry, agency, or unit is responsible for each action. It does not, however, allocate funding to any given action item.

The Government of Pakistan has incorporated the elimination of the worst forms of child labor into other development and poverty reduction policies. The Government's current Poverty Reduction Strategy Paper reiterates the commitment to the NPPA and incorporates the reduction of child labor in its target-setting process.[3954] The 2001 National Policy and Plan of Action for the Abolition of Bonded Labor and Rehabilitation of freed Bonded Laborers address the issue of exploitive child labor.[3955] The Labor Policy 2002 also endorses the NPPA and establishes a Government commitment to increase the minimum age for work in hazardous labor to 18.[3956] This specific commitment on increasing the age for work in hazardous labor, however, has yet to be implemented.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Since 2000, the Government has participated in a number of donor-funded projects to combat child labor, focused on specific sectors where it occurs, such as soccer ball manufacturing, tanneries, rag picking, the production of surgical instruments, coal mining, seafood, and glass bangle industries.[3957] A USDOL-funded project in the soccer ball industry focused on implementing a social protection program as well as increasing the capacity of partner organizations including government agencies.[3958]

During the reporting period, the Government continued to administer National Centers for Rehabilitation of Child Labor to remove children age 5 to 14 from hazardous labor and provide them with education, clothing, and a stipend.[3959] There are 292 centers, which have provided services to over 15,000 students nationwide.

The Government specifically targets bonded laborers for support services and programming. The Ministry of Labor has provided legal services to bonded laborers in the Khyber Pakhtunkhwa Province and Punjab since 2005.[3960] These services were expanded to Balochistan and Sindh provinces in 2009. The project has an annual budget of $21,000 and has benefited over 700 bonded laborers, including children.[3961]

The Punjab Provincial Government continued implementation of its $1.4 million project (launched at the end of 2008) aimed at eliminating bonded labor in brick kilns. This project to date has helped nearly 6,000 bonded laborers obtain national identity cards and has provided $140,000 in no-interest loans to help free laborers from debt.[3962] The Sindh provincial government has continued to implement its $116,000

project (launched at the end of 2005), which provided state-owned land for housing camps and constructed 75 low-cost housing units for freed bonded laborer families.

Given the magnitude of the bonded labor situation in Pakistan, the resources allocated to these programs are insufficient to properly address the problem.

Currently the Government is participating in a $6.8 million project to combat worst forms of child labor.[3963] The project, which works in many informal sectors with bonded and forced child labor, includes a national survey on child labor, and strategies to raise awareness and mainstream child trafficking and child labor initiatives into national policies. The Government makes in-kind contributions and dedicates personnel to the project.

The Government also participates in a 3-year $1.5 million USDOL-funded project to provide education and training programs for children in Balakot, Khyber Pakhtunkhwa Province who were left vulnerable to hazardous child labor by the earthquake of October 8, 2005.[3964] The project targets 500 children for withdrawal and 2,000 children for prevention from hazardous work. As of March 2010, 3,607 children had been withdrawn or prevented from exploitive child labor as a result of this project.[3965]

Additionally, the Government participates in a USDOL-funded 4-year, $4.4 million project to eliminate child labor in smuggling, automobile workshops, construction, embroidery, agriculture, and street vending.[3966] The project targets 15,000 children for withdrawal and prevention from exploitive labor through education and vocational training opportunities.

While the Government of Pakistan has a number of initiatives to address the worst forms of child labor, projects focused on street work and agriculture are insufficient to address the scope of the problem. In addition, there is no evidence of programs specifically targeting child domestics, who may work long hours and are at risk for physical and sexual exploitation by their employer.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Pakistan:

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt the draft Employment and Services Conditions Act of 2009 to prohibit children below age 14 from working.
- Revise the 1991 Employment of Children Act to prohibit children under the age of 18 from engaging in hazardous work and include brick making as a prohibited occupation for children.
- Adopt the draft Child Protection Bill to criminalize child seduction, child pornography, cruelty to children, internal child trafficking and child abuse.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Provide the provincial Departments of Labor the authority to perform labor inspections in establishments with fewer than 10 workers.
- Reassign implementation authority for the Bonded Labor Abolition Act from the district magistrate to an active government agency.
- Create centralized mechanisms for child labor inspection and BLAA enforcement in an effort to limit local officials' influence over interference with enforcement efforts.

IN THE AREA OF POLICIES:

- Conduct sectoral surveys on areas with a high-incidence of child labor to increase the knowledge base in these areas, inform policy and program planning, and determine the impact of interventions.

IN THE AREA OF PROGRAMS:

- Target government programs to reach children working in the most prevalent worst forms of child labor including street work, agriculture, and domestic service.
- Expand government programs that target bonded child laborers and ensure that there are protected from further exploitation and abuse.

[3898] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 1999-2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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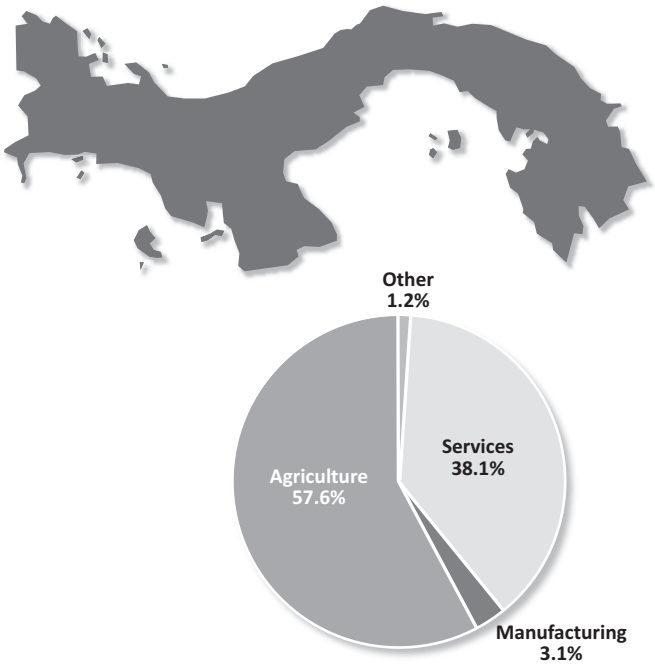
Panama

The Government of Panama has a strong policy framework to combat the worst forms of child labor. However, gaps remain in legal prohibitions on some worst forms of child labor. In addition, children continue to engage in the worst forms of child labor in agriculture and urban informal work.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	5.1%
Attending School	6-14 yrs.	93.8%
Combining Work and School	7-14 yrs	3.1%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor[3967] in Panama, many of them in agriculture, where they are exposed to pesticides, often carry heavy loads, and work in extreme weather conditions. Some children cultivate coffee and to lesser extent, sugarcane. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of melons, tomatoes, and onions.[3968] The rate of child labor among indigenous children is approximately three times the national rate.[3969] Children from indigenous communities frequently migrate with their families for agricultural work, sometimes crossing into Costa Rica.[3970]

In urban areas, children work on the streets selling goods, shining shoes, washing cars, and assisting bus drivers. These activities often carry the risk of illness and injury as they require high physical exertion and exposure to densely transited areas with the risk of auto accidents.[3971]

In addition, many children, mostly girls of indigenous or Afro-Panamanian descent, work as domestic servants, where they are vulnerable to physical, psychological, or sexual abuse. According to the most recent child labor census published in 2009, approximately 3,700 children and adolescents work in domestic service.[3972]

Children are also victims of commercial sexual exploitation, particularly in rural areas and in the city of Colon. In addition, some girls are trafficked within the country for the purpose of forced labor in domestic service.[3973]

Laws and Regulations on the Worst Forms of Child Labor

Panama's Constitution, Family Code, and Labor Code set the minimum age for employment at 14.[3974] According to the Labor Code, however, children who have not completed primary school may not begin work until they reach age 15.[3975] Similarly, the Law on Education notes that children under the age of 15 cannot work or participate in other activities that deprive them of their right to attend school regularly.[3976] The Constitution specifically prohibits children from engaging in domestic service before they reach age 14.[3977] While the Family and Labor Codes allow children to begin light work in agriculture at age 12, the Agriculture Code prohibits children under the age of 14 from working in agriculture.[3978] CEACR has noted that neither the Family nor the Labor Codes provides clear regulations for the conditions under which children age 12 to 14 may engage in light work.[3979]

Various laws and an executive decree govern hazardous work by children. The Family Code and the Labor Code prohibit children less than age 18 from certain activities and types of hazardous work, including work in venues where alcohol is sold, in public transport, with electricity, with toxic substances, and underground.[3980] Panama adopted Decree No. 19, a comprehensive list of hazardous work for children, in 2006, which provides 29 additional hazardous types of work prohibited for children under age 18, including work underwater or on ships, with pesticides, involving exposure to extreme weather conditions, with heavy equipment or dangerous tools, involving carrying heavy loads, in the transport of goods or people, and in trash recycling.[3981] Both the Labor Code and Penal Code establish penalties for employing children in hazardous or illegal occupations.[3982]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Legislation that increased penalties for commercial sexual exploitation of children went into effect in May 2008. While the Penal Code prohibits soliciting and paying for prostitution with a minor, there is no prohibition on benefiting from the proceeds of child prostitution or operating a brothel that employs children.[3983] The Penal Code provides comprehensive prohibitions against child pornography, including its production, distribution, possession, or promotion. Child sex tourism is also prohibited.[3984] Trafficking of minors domestically and internationally for sexual purposes is punishable with prison and fines. However, trafficking for the purpose of forced labor is not prohibited.[3985] In addition, while Panamanian law prohibits the use of children in illicit activities, it does not establish penalties for violations.[3986]

Institutional Mechanisms for Coordination and Enforcement

The Committee for the Eradication of Child Labor and the Protection of Adolescent Workers (*Comité para la Erradicación de Trabajo Infantil y la Protección del Trabajador Adolescente,* CETIPPAT) coordinates various efforts to combat child labor, including the implementation of the country's National Plan of Action. CETIPPAT comprises 27 institutions, businesses, and NGOs, and it is led by the First Lady. Members include the Ministries of Labor (*Ministerio de Trabajo y Desarollo Laboral,* MITRADEL), Education, Health, and Agriculture, as well as representatives from international, workers' and employers' organizations.[3987] In addition, the National Commission for the Prevention of Crimes of Sexual Exploitation (*Commissión Nacional para la Prevención de Delitos de Explotación Sexual,* CONAPREDES) coordinates government efforts to combat the commercial sexual exploitation of children (CSEC), and is led by the Office of the Attorney General. Members of the CONAPREDES include the Ministries of Labor, Education, Social Development, and Health, as well as representatives from civil society organizations, universities, and international organizations.[3988] CONAPREDES met once during the reporting period.[3989]

The Ministry of Labor is charged with enforcement of child labor laws. During the reporting period, the Government of Panama established the National Bureau against Child Labor and for the Protection of Adolescent Workers within the MITRADEL, replacing the previous department charged with the enforcement of child labor laws.[3990] MITRADEL employed 150 labor inspectors, four of whom are dedicated exclusively to child labor issues. All labor inspectors were trained to identify child labor violations.[3991] Complaints related to child labor may be filed through MITRADEL's general labor hotline or in-person at one of the MITRADEL offices.[3992] In 2009, MITRADEL had a budget of approximately $500,000 to combat

child labor. The total amount of funding allocated to all government institutions to combat child labor was approximately $4.5 million.[3993]

During the reporting period, MITRADEL carried out 1,102 child labor inspections in the formal sector, and confirmed 72 cases of the worst forms of child labor in agriculture, car washes, landfills, and fishing, among others.[3994] Because of inspections, 436 children were referred to services provided by CETIPPAT. Sanctions were imposed on seven businesses for violation of child labor laws.[3995] MITRADEL also inspected 11 coffee farms and identified 16 children working. The employers received guidance on child labor laws as a result.[3996] MITRADEL provided trainings on child labor to government officials, including 130 labor inspectors during the reporting period.[3997] MITRADEL coordinates with Child and Adolescent Courts and the National Secretariat for Childhood, Adolescence, and Family to refer cases of children found in exploitive work outside of the formal economy.[3998]

The Panamanian National Police Sex Crimes Unit is responsible for investigating trafficking cases. The Department of Judicial Investigations also operated a unit of three staff dedicated to investigating CSEC and trafficking in persons for sexual exploitation.[3999] There are 14 attorneys specializing in the prosecution of CSEC and trafficking cases nationwide. During the reporting period, the Government investigated seven cases of commercial sexual exploitation of children, resulting in one conviction.[4000]

During 2009, MITRADEL provided training to its labor inspectors to identify CSEC cases. In addition, law enforcement officers, prosecutors, and judges received training on trafficking issues.[4001] In 2008, the Government established a special trafficking victims unit inside the National Immigration Office. This unit provides protection and legal assistance to trafficking victims and oversees prevention efforts, such as education campaigns.[4002]

Government Policies on the Worst Forms of Child Labor

In 2009, Panama continued implementation of its National Plan for the Eradication of Child Labor and the Protection of Young Workers (2007-2011). The goal of the plan is to eliminate the worst forms of child labor by 2015 and eradicate all illegal child labor by 2020. The National Plan is administered through CETIPPAT. The plan aims to raise awareness, strengthen national legislation, improve the quality of life of families, reintegrate former child workers into the educational system, and produce systems to monitor working children, and it makes specific reference to the needs of indigenous children.[4003] During 2009, Panama adopted the Roadmap towards the Elimination of Child Labor which aims to achieve the goals of the National Plan to eliminate the worst forms of child labor by 2015 and all child labor by 2020 through strengthening anti-poverty, health, and educational programs and policies.[4004]

During the reporting period, CONAPREDES implemented a National Plan of Action against CSEC (2008-2010), which aims to increase capacity victim identification, raise awareness, improve public policy, strengthen legislation, and ensure victim assistance.[4005]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the Government's Institute for Human Resources, Capacity Building, and Vocational Training provided scholarships to child laborers,[4006] and operated eight student centers around the country to ensure that children in remote areas could attend secondary school.[4007] The Institute of Vocational Training for Human Development provided skills training to parents of child workers to reduce families' reliance on child labor, investing a total of $156,546 in the program.[4008] The National Secretariat of Children, Adolescents, and Family implemented programs to detect children in commercial sexual exploitation and engage private sector entities to combat child labor.[4009]

The Government provided shelter and other services and funded NGOs to assist child victims of CSEC and trafficking.[4010] The CONAPREDES carried out awareness-raising activities on the commercial sexual exploitation of children for members of civil society and government officials. The CONAPREDES also implemented a monitoring system of government actions as part of the National Plan of Action against CSEC.[4011] Although the Government of Panama has implemented programs to address commercial sexual

exploitation, research found no evidence that it has carried out programs to assist children involved in agriculture and urban informal work.

The Government continued to participate in a 4-year $3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.[4012]

In recent years, the Government has implemented social programs to combat poverty among the most vulnerable and increase children's and families' access to basic and vocational education. For example, a conditional cash transfer program called *Red de Oportunidades* (Network of Opportunities) provides cash transfers to families depending on their participation in health and education services. The program also offers training to beneficiaries to improve income generation opportunities.[4013] The question of whether this program has an impact on the worst forms of child labor does not appear to have been addressed. In addition, although the Government of Panama has implemented programs to address the commercial sexual exploitation of children, research found no evidence that it has carried out programs to assist children involved in agriculture and urban informal work.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Panama:

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the Penal Code to explicitly prohibit trafficking in persons for the purpose of forced labor.
- Revise the Penal Code to establish penalties for the use of children for illicit activities.
- Establish clear regulations for the conditions under which children between the ages 12 and 14 may engage in light agricultural work to ensure they are not exposed to hazardous labor.
- Amend the Penal Code to eliminate gaps in existing laws related to child prostitution.

IN THE AREA OF PROGRAMS:

- Assess the impact that the national conditional cash transfer program, *Red de Oportunidades,* may have on addressing the worst forms of child labor, and consider whether families with children in or at risk of entering the worst forms of child labor need to be specifically targeted by the program.
- Develop social programs to address the worst forms of child labor in agriculture and urban informal work.

[3967] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2003. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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[3969] Instituto Nacional de Estadística y Censo, "Cuadro 2. POBLACIÓN DE 5 A 17 AÑOS DE EDAD EN LA REPÚBLICA, POR SEXO, SEGÚN ÁREA Y EDAD: ENCUESTA DE TRABAJO INFANTIL, OCTUBRE DE 2008", [online], 2008; available from http://www.contraloria.gob.pa/inec/Publicaciones/05-03-26/cuadro2.pdf.

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[3973] U.S. Department of State, "Panama (Tier 2 Watch List)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm. See also U.S. Department of State, "Country Reports- 2009: Panama," section 6.

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[3975] Government of Panama, *Código de Trabajo*, article 117(2).

[3976] Government of Panama, *Ley Orgánica de Educación*, 10,113, (September 24, 1946), article 46; available from http://www.asamblea.gob.pa/busca/index-legispan.asp.

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[3981] Government of Panama, *Decreto Ejecutivo Número 19: Que aprueba la lista del trabajo infantil peligroso, en el marco de las peores formas del trabajo infantil*, 25,569, (June 12, 2006); available from http://www.asamblea.gob.pa/legispan/PDF_NORMAS/2000/2006/2006_548_0012.pdf.

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[3999] U.S. Department of State, "Country Reports- 2009: Panama," section 6. See also U.S. Embassy- Panama, *reporting, February 23, 2010*.

[4000] U.S. Embassy- Panama, *reporting, February 23, 2010*. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Panama."

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Papua New Guinea

The Government's National Plan of Action for Decent Work calls for the elimination of child labor. Children are found working on coffee and tea farms, and as street vendors and indentured domestic servants. The lack of free education combined with the absence of compulsory education laws may make children vulnerable to the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Papua New Guinea are exploited in the worst forms of child labor.[4014] In rural areas, children work in agriculture, including on tea and coffee farms.[4015] Children's work in agriculture commonly involves harmful activities, such as using dangerous machinery and tools, carrying heavy loads, and applying toxic pesticides.

In urban areas, children work as street vendors.[4016] Children working on the streets risk a variety of dangers, such as severe weather, accidents caused by proximity to vehicles, and vulnerability to criminals.

A large number of children are engaged in domestic service in Papua New Guinea. Some of these children are held in indentured servitude in order to pay off family debts.[4017] Child domestic labor commonly involves long hours of work and dangerous activities, and may expose children to physical and sexual exploitation by their employer.

Children in Papua New Guinea are also involved in other worst forms of child labor, such as prostitution. These children typically work in bars or nightclubs. Children are also exploited through the production of pornography[4018] and are trafficked internally for domestic service and commercial sexual exploitation.[4019]

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act sets the minimum working age at 16, and the minimum age for hazardous work is 18.[4020] There is no specific list of hazardous work prohibited for children, although the Act states generally that children may not be engaged in employment in "industrial undertakings," the fishing industry, or under circumstances that are injurious or likely to be injurious.[4021] Children between ages 16 and 17 may work between 6:00 p.m. and 6:00 a.m. only if the other workers are members of their family. Children age 11 to 18 may work in family businesses by obtaining medical clearance, parental permission, and a work permit.[4022] A permit will not be issued for work if considered harmful to children's health or their physical, mental, or spiritual development is affected.[4023] Street trading by children of any age between the hours of 8:00 p.m. and 6:00 a.m. or at any time on a Sunday is prohibited by the Child Welfare Act.

The Constitution prohibits forced labor.[4024] The Criminal Code prohibits the indecent treatment of boys younger than 14, indecent treatment and

defilement of girls younger than 16, and the abduction, kidnapping, or procurement of girls below age 18 for sexual exploitation.[4025]

Children below age 18 cannot be charged with prostitution.[4026] Obtaining or procuring a child for commercial sexual exploitation is a criminal offense.[4027]

A new Child Protection and Rights Act, the Lukautim Pikinini (Child) Act of 2009, came into force in April 2010, replacing the previous Child Welfare Act.[4028] The Act makes criminal certain forms of harmful child labor.[4029] The Criminal Code specifically prohibits the trafficking of children for commercial sexual exploitation and slavery.[4030]

There is no compulsory military service in Papua New Guinea; the minimum age for voluntary military service is 18, or 16 with parental approval.[4031]

The lack of free education combined with the absence of compulsory education laws may leave some children without legal protection from the worst forms of child labor.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	None
	Free Public Education	No

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Papua New Guinea has established a coordinating mechanism to combat the worst forms of child labor.

The Department of Labor and Industrial Relations is responsible for enforcing child labor laws,[4032] while the Office of the Director for Child Welfare in the Department of Community Development is responsible for implementing the Lukautim Pikinini (Child) Act.[4033]

No information could be obtained on the financial resources available for labor law enforcement, the number of inspectors, the mechanism for filing formal child labor complaints, or whether any child labor inspections are carried out.[4034] Senior staff in the Department of Community Development have noted the lack of technical competence and coordination among enforcement agencies as contributing factors to poor child labor law enforcement.[4035]

Government Policies on the Worst Forms of Child Labor

The National Plan of Action for Decent Work calls for the elimination of child labor.[4036] The Government is also working with NGOs such as the Papua New Guinea Children's Foundation and People Against Child Exploitation to implement the National Action Plan against Commercial Sexual Exploitation of Children 2006-2011.[4037]

Furthermore, the lack of official data and other statistical information does not allow for an accurate assessment of the full nature and extent of the worst forms of child labor in Papua New Guinea.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Since March 2008, the Government has participated in a 4-year, $19.5 million, 11-country project by the European Commission and ILO-IPEC to combat child labor. The project aims to withdraw children engaged in child labor, improve government capacity to implement and enforce child labor laws and policy, and to work with social partners and civil society.[4038]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Papua New Guinea:

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt a more specific list of hazardous occupations and activities forbidden for children.
- Establish a compulsory school age for all children.
- Consider the adequacy of legal protection for young children working in family businesses and all children in domestic service.
- Amend legislation to provide boys age 14 and older and girls age 16 and older with legal protection from indecent treatment.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Make available enforcement data on the worst forms of child labor.
- Establish a coordinating mechanism to combat the worst forms of child labor.
- Establish clear lines of responsibility for conducting child labor inspections and provide training to inspectors so they can effectively perform their duties.

IN THE AREA OF POLICIES:

- Consider policies focused specifically on the elimination of the worst forms of child labor in agriculture, domestic service, and commercial sexual exploitation.
- Provide free education to children up to the minimum working age.

IN THE AREA OF PROGRAMS:

- Consider implementing or expanding social programs that aim to eliminate the worst forms of child labor especially in agriculture, domestic service, and commercial sexual exploitation.

[4014] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[4015] Department of Community Development official, Interview with USDOL consultant, June 20, 2006. See also Department of Labor and Industrial Relations officials, Interview with USDOL consultant, June 26 2006. See also U.S. Embassy- Port Moresby, *reporting* February 23, 2009. See also Child Labor Information Bank, *Child Labor by Industry or Occupation: Papua New Guinea*, accessed May 12, 2010; available from http://www.endchildlabor.org/db_infoBank.cfm.

[4016] Department of Community Development official, Interview, June 20, 2006. See also U.S. Embassy- Port Moresby, *reporting*, July 14, 2008.

[4017] UN Committee on the Rights of the Child, *Consideration of Reports Submitted By States Parties Under Article 44 of the Convention, Concluding Observations: Papua New Guinea*, CRC/C/15/Add.229, February 26, 2004, para 57. See also U.S. Department of State, "Papua New Guinea," in *Country Reports on Human Rights Practices 2008* Washington, DC, February 25, 2009, section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm. See also U.S. Department of State, "Papua New Guinea (Tier 3)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from http://www.state.gov/g/tip/rls/tiprpt/2008/#.

[4018] UN Committee on the Rights of the Child, *Concluding Observations, February 26, 2004*, para 59. See also U.S. Department of State, "Country Reports- 2008: Papua New Guinea," section 5 and 6d. See also Child Labor Information Bank, *Child Labor by Industry or Occupation: Papua New Guinea*. See also U.S. Embassy- Port Moresby, *reporting, February 23, 2009*. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Papua New Guinea (ratification: 2000),* [online] [cited June 11, 2008]; available from www.ilo.org/ilolex/. See also

UNICEF, UNESCAP, and ECPAT, *Child Sexual Abuse and Commercial Sexual Exploitation of Children in the Pacific: A Regional Report*, 2006, 34, 38.

[4019] U.S. Department of State, "Trafficking in Persons Report- 2008: Papua New Guinea." See also UNICEF, UNESCAP, and ECPAT, *Child Sexual Abuse and Commercial Sexual Exploitation of Children in the Pacific*, 40. See also U.S. Department of State, "Country Reports- 2008: Papua New Guinea," section 5.

[4020] ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182)* Geneva, 2006. See also U.S. Department of State, "Country Reports- 2008: Papua New Guinea," section 6d. See also The Law Library of Congress, *Child Labor Papua New Guinea*, February 2008.

[4021] The Law Library of Congress, *Child Labor Papua New Guinea*.

[4022] U.S. Department of State, "Papua New Guinea," in *Country Reports on Human Rights Practices 2009*, Washington, DC, March 11, 2010, section 7c; available from http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136005.htm. See also The Law Library of Congress, *Child Labor Papua New Guinea*.

[4023] U.S. Embassy- Port Moresby, *reporting, February 23, 2009*.

[4024] *Constitution of the Independent State of Papua New Guinea*, (1975). See also U.S. Department of State, "Country Reports- 2008: Papua New Guinea," section 6c.

[4025] ILO Committee of Experts, *Direct Request C182: Papua New Guinea*.

[4026] The Protection Project, *Papua New Guinea*; available from http://www.protectionproject.org/papua.doc. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention*. See also U.S. Embassy- Port Moresby, *reporting, February 23, 2009*.

[4027] U.S. Embassy- Port Moresby, *reporting, February 23, 2009*.

[4028] U.S. Embassy official, E-mail communication to USDOL official, 2010.

[4029] *Lukautim Pikinini (Child) Act 2009*, subsections 94-96.

[4030] U.S. Department of State, "Papua New Guinea," in *Trafficking in Persons Report- 2010*, *Trafficking in Persons Report- 2010: Papua New Guinea*, Washington, DC, June 14, 2010; available from http://www.state.gov/documents/organization/143188.pdf.

[4031] Coalition to Stop the Use of Child Soldiers, "Papua New Guinea," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.child-soldiers.org/library/global-reports.

[4032] U.S. Department of State, "Country Reports- 2009: Papua New Guinea."

[4033] U.S. Embassy official, E-mail communication, April 26, 2010.

[4034] U.S. Embassy- Port Moresby, *reporting, February 23, 2009*.

[4035] U.S. Embassy official, E-mail communication, April 26, 2010.

[4036] ILO-IPEC, *Combating Child Labour in Asia and the Pacific: Progress and Challenges*, 2005, 27.

[4037] PNG Children's Foundation Inc., PACE, and UNICEF, *The National Action Plan Against Commercial Sexual Exploitation of Children in Papua New Guinea (July 2006-June 2011)*, 2006, 5. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Papua New Guinea." See also U.S. Embassy- Port Moresby, *reporting, February 23, 2009*.

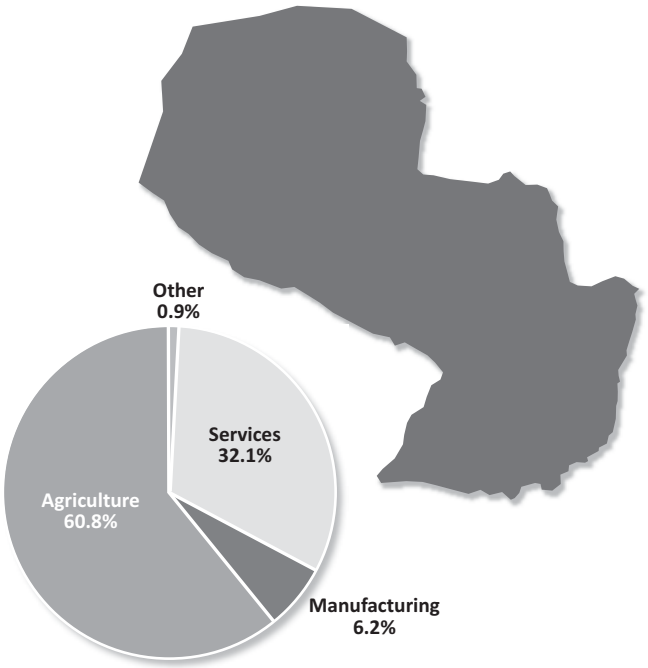
[4038] EuropeAid, *EC and ILO launch project to tackle child labour in African, Caribbean and Pacific countries,* [Press Release] June 10, 2008 [cited January 26, 2009]; available from http://ec.europa.eu/europeaid/where/acp/documents/ec_tackle_pressrelease_en.pdf. See also ILO, *Tackling child labour through education--Fiji and Papua New Guinea,* [online] October 21, 2008 [cited November 29, 2010]; available from http://www.ilo.org/asia/info/lang--en/WCMS_099948/index.htm.

Paraguay

The Government has implemented cash transfers conditioned on children's removal from work. However, resource constraints hamper the enforcement of child labor laws. In addition, children continue to work in agriculture and domestic service where they may face a variety of occupational health and safety risks.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	15.3%
Attending School	5-14 yrs.	90.3%
Combining Work and School	7-14 yrs	12.1%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor[4039] in Paraguay, including agriculture and domestic service. Children, primarily boys and many of indigenous descent, work in agriculture including in the production of cotton. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of soy, sesame, wheat, tobacco, manioc, peanuts, beans and stevia (a plant-based sweetener).[4040] Working children in agriculture might engage in unsafe and unhealthy activities such as using dangerous tools, carrying heavy loads, and applying harmful pesticides.

Children, again primarily boys, also work in the production of limestone, as well as in the manufacturing, construction, and transportation sectors where dangers might arise from work involving heavy loads, vehicular accidents, and exposure to toxic dust.

Children also work as street vendors and in markets, where they are exposed to a variety of risks to their safety and health, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.[4041] Children, primarily girls and many of indigenous descent, work as *criadas*, or child domestic servants, and often do not receive salaries despite promises of room, board, and financial support for schooling. Child domestic workers are also sometimes subject to sexual exploitation.[4042]

In the Chaco region of the country, indigenous children work raising cattle, a potentially dangerous activity, and sometimes they work under conditions of debt bondage. Children in Paraguay are trafficked for commercial sexual exploitation and forced domestic service from rural to urban areas, including Asuncion, Encarnacion, and Ciudad del Este.[4043] Adolescent girls are trafficked to Argentina for commercial sexual exploitation. Child pornography is also a problem.[4044] Children, primarily underage girls, are also trafficked to Spain, Brazil, Chile, and Bolivia.[4045] In addition, children are also found working as drug smugglers along the border with Brazil.[4046]

Laws and Regulations on the Worst Forms of Child Labor

The Child and Adolescent Code establishes 14 as the minimum age for work. The Government, however, has not yet adopted regulations governing the nature and conditions of the light work that are permitted for children between the ages of 12 and 14.[4047] A List of Work Endangering Children Decree 4951 prohibits

children under age 18 from working in 26 broad classifications of work including operating dangerous machinery, working with toxic substances, selling alcoholic beverages, working underground, and carrying heavy loads. Research has not identified all of the legal provisions that sanction violations of the Decree or which Ministries are charged with enforcing the provisions of the Decree.[4048] The Labor Code establishes fines for employing children under age 18 in hazardous forms of work.[4049]

The Penal Code prohibits commercial sexual exploitation of children and adolescents, including recruiting, facilitating, and benefitting economically from child prostitution.[4050] It also prohibits child pornography, including its production, distribution, and possession.[4051] Both the Constitution and the Penal Code prohibit slavery, forced labor, or analogous conditions. The Penal Code establishes penalties for forced labor.[4052]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

July 2009 revisions to the Penal Code increased penalties for the international trafficking of persons. Penalties are higher when a child is trafficked.[4053] Current legislation does not comprehensively prohibit internal trafficking for forced labor and commercial sexual exploitation.[4054]

The law establishes 18 as the minimum age for conscription into the military.[4055] No legislation to prohibit the recruitment of children for illicit activities, such as drug trafficking, could be identified.

Institutional Mechanisms for Coordination and Enforcement

The National Commission to Prevent and Eradicate the Exploitation of Children (CONAETI) is responsible for making and implementing child labor policies in Paraguay. It includes representatives from the Ministries of Labor, Health and Social Welfare, and Education and Culture as well as the Children's and Adolescents' Secretariat, Social Action Secretariat, Women's Secretariat, and civil society.[4056]

The Ministry of Justice and Labor is responsible for inspecting workplaces for child labor. It can issue fines against employers found employing children in work prohibited by the Labor Code. The Ministry of Justice and Labor employs 43 labor inspectors, who each inspect for all types of labor violations.[4057] During the reporting period, the Ministry of Justice and Labor had just one vehicle and few other resources to enforce labor laws.[4058] Officials inspected eight brick-making factories and found instances of child labor in six.[4059] Information was not available on whether the Ministry of Justice and Labor penalized those in violation of child labor laws in this case.

The Public Ministry is responsible for prosecuting criminal violations of child labor laws. It has a unit staffed by two prosecutors specializing in human trafficking and sexual exploitation of children. The Public Ministry also acts on referrals from the Ministry of Justice and Labor and the Child and Adolescent Secretariat in cases of hazardous and criminal child labor law violations.[4060] The National Police operates a unit that investigates cases of trafficking and the commercial sexual exploitation of children. The unit employs 33 staff and operates in six cities.[4061] The Women's Secretariat and the Child and Adolescent Secretariat have offices dedicated to combating trafficking of children. The Women's Secretariat, the Child and Adolescent Secretariat, and the Public Ministry maintain hotlines to report cases of trafficking and the commercial sexual exploitation of children.[4062] During the reporting period, the Government's Inter-institutional Roundtable to

Combat Trafficking Persons conducted several trainings on trafficking issues for relevant government officials.[4063]

The Government opened 119 trafficking cases during the reporting period involving at least 30 minors. The Public Ministry worked with the Women's Secretariat to provide assistance to 30 child trafficking victims.[4064] The Government indicted 47 suspected traffickers, whose victims included children, and convicted two suspects during the period.[4065]

Government Policies on the Worst Forms of Child Labor

CONAETI approved a new National Plan of Action against Child Labor which took effect in January 2010. CONAETI also developed intra- and interdepartmental guides to address child labor violations.[4066]

In 2009, the Government of Paraguay signed an agreement with MERCOSUR member countries to coordinate labor inspections, share good practices, and conduct trainings of labor inspectors on issues including child labor, human trafficking, and forced labor.[4067] In addition, MERCOSUR carries out the *Niño Sur* ("Southern Child") initiative to defend the rights of children and adolescents in the region. The initiative aims to raise awareness of commercial sexual exploitation, improve country legal frameworks, and exchange best practices to tackle issues related to victim protection and assistance.[4068]

Paraguay's National Tourism Office is part of the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism. The Group, whose members also include Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Peru, Suriname, Uruguay, and Venezuela, conducts prevention and awareness-raising campaigns.[4069]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In recent years, the Government of Paraguay has operated two programs to combat poverty and prevent/remove children in or at risk of the worst forms of child labor. One is *Programa Abrazo* (Program Hug). This program is for children and adolescents in urban areas engaged in informal work, and it provides cash transfers to families conditioned on their children's school attendance and withdrawal from work. The program also operates 14 centers in five cities in Paraguay providing education and training, nutritional support, and access to health services.[4070] To date, the program has helped approximately 8,600 households and 30,000 children below 14.[4071] The second program serves the Chaco region. It is also a cash transfer program conditioned on families' withdrawal of children from child labor and education and health requirements. That program helps 700 families and approximately 1,300 children younger than age 14.[4072]

Efforts to address child labor are also found in education and anti-trafficking programs. For example, the Ministry of Education and Culture continues to require that all schools gather information on the working status of children. In addition, the Ministry has implemented teacher trainings on child labor issues.[4073]

The Government has also participated in a number of international-donor-funded projects to eradicate the worst forms of child labor in Latin America. During the reporting period, USDOL funded a $6.75 million, 4-year project to promote collaboration across four countries, Bolivia, Brazil, Ecuador, and Paraguay to combat the worst forms of child labor among socially excluded populations, including children of indigenous and Afro-descent. It began in 2009 and aims to withdraw 3,600 children from and prevent another 3,000 children from entering the worst forms of child labor through education interventions.[4074] The Government also participated in donor-funded initiatives and worked with local NGOs to combat child trafficking. The Government worked with the IDB in a $1.2 million regional project to combat the trafficking and sexual exploitation of children in municipalities of Argentina, Brazil, Paraguay, and Uruguay. The project aims to strengthen local organizations and governments that work in prevention, detection, and victim assistance.[4075] The Government also provided some funding to NGOs to assist trafficking victims in Asuncion and Ciudad del Este, which furnish short-term legal, medical, and psychological services.[4076]

The Government of Paraguay has initiated a range of programs to combat child labor and its causes. However, although the Government has implemented programs to address child labor in urban informal work, research found no evidence that the current programs reach children working in agriculture and domestic service.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Paraguay:

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the Penal Code to prohibit trafficking in persons within the national territory.
- Adopt legislation prohibiting the use of children in illicit activities, such as drug smuggling.
- Establish regulations to govern the types and conditions of light work allowed for children between the ages of 12 and 14.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase resources available to the Ministry of Justice and Labor in the form of vehicles, personnel, and training to conduct child labor inspections.
- Publicize the legislation which establishes sanctions for violations of the Decree 4951, the List of Work Endangering Children.

IN THE AREA OF PROGRAMS:

- Expand successful cash transfer programs to reach more families and children affected by child labor.
- Create and expand social programs to reach children working in domestic service and agriculture.

[4039] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[4040] U.S. Embassy- Asunción, *reporting*, July 23, 2008, 76. See also ILO, Cooperación Española, and el Desarme y la Libertad Movimiento por La Paz, *El Trabajo Infantíl en Canindeyu, Paraguay*, Geneva, 2005, 20; available from http://white.oit.org.pe/ipec/boletin/documentos/ti_rural_py.pdf. See also ILO-IPEC, *Sembrando Futuro,* [July 2004 [cited May 3, 2010]; available from http://white.oit.org.pe/ipec/alcencuentros/interior.php?notCodigo=502.

[4041] ILO-IPEC and Roberto Cespedes, *Infancia y adolescencia trabajadora de Paraguay*, 2006, 49-51, 83; available from http://white.oit.org.pe/ipec/documentos/estadisticas_py_07.pdf. See also Secretaría de Acción Social and ILO, *Impacto de los programas TEC en el trabajo infantil*, 2007, 22; available from http://white.oit.org.pe/ipec/documentos/tmc_paraguay.pdf. See also Ministerio de Trabajo y Justicia, "MJT descubre explotación de niños en caleras y canteras de Vallemí", [online], 2009; available from http://www.mjt.gov.py/prensa/2009/setiembre/mjt-descubre-explotacion-de-ninos-en-caleras-y-canteras-de-vallemi.

[4042] ILO-IPEC, *Trabajo Infantíl Doméstico en Brasil, Colombia, Paraguay y Perú*, Lima, 2004, 57, 73, and 103; available from http://white.oit.org.pe/ipec/boletin/documentos/perfil_de_trabajo_infantil_vol_1_material_de_trabajo_4_conte.pdf. See also UN Forum on Indigenous Issues, *Mission to Paraguay*, 2009, 16; available from http://www.un.org/esa/socdev/unpfii/documents/UNPFII_Mission_Report_Paraguay_EN.pdf.

[4043] ILO-IPEC, *Project to combat the worst forms of child labor through horizontal cooperation in South America*, Project Document, 2009, 14. See also Martha Casal Cacharrón, *Un Día te Dejan de Mirar y Te Perdés: Verdades y Desafíos de la Explotación Sexual Comercial de la Infancia y Adolescencia*, ILO-IPEC, Asunción, 2007, 76; available from http://white.oit.org.pe/ipec/documentos/verdades_desafios_py.pdf.

[4044] U.S. Department of State, "Paraguay (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm. See also ILO-IPEC, *Un Día te Dejan de Mirar y Te Perdés: Verdades y Desafíos de la Explotación Sexual Comercial de la Infancia y Adolescencia*, 2007; available from http://white.oit.org.pe/ipec/documentos/verdades_desafios_py.pdf. See also

Paraguay.com, "Ediles denuncian inacción de Evanhy ante pornografía infantil", 2010; available from http://www.paraguay.com/nacionales/ediles-denuncian-inaccion-de-evanhy-ante-pornografia-infantil-24703. See also Vivaparaguay.com, "PRIMER CONDENA POR PORNOGRAFÍA INFANTIL EN PARAGUAY ", March 31, 2010; available from http://www.vivaparaguay.com/new/index.php?option=com_content&view=article&id=23750:primer-condena-por-pornografia-infantil-en-paraguay&catid=4:nacionales&Itemid=7.

[4045] Cacharrón, *Un Día te Dejan de Mirar y Te Perdés*. See also ILO and IOM, *La trata de Personas en el Paraguay*, Buenos Aires, 2005; available from http://www.oimconosur.org/archivos/buscador.php?archivo=75. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Paraguay."

[4046] ILO-IPEC, *Collection of good practices and lessons learned related to the prevention and elimination of commercial sexual exploitation (CSE) of girls, boys and adolescents: INCOME GENERATION*, Asunción, 2005, 35-36; available from http://white.oit.org.pe/ipec/documentos/genera_ingre_py_br_eng.pdf.

[4047] ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Paraguay (ratification: 2004),* [online] 2006 [cited February 4, 2009]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21629&chapter=9&query=Paraguay@ref&highlight=&querytype=bool&context=0.

[4048] Government of Paraguay, *El Listado de Trabajo Infantil Peligroso*, Decree 4951, (March 22, 2005); available from http://www.presidencia.gov.py/decretos/D4951.pdf. See also Government of Paraguay, *Código del Trabajo*, No. 213, (June 15, 1993), article 122; available from http://www.senado.gov.py/leyes/. See also Government of Paraguay, *Código de la Niñez y la Adolescencia*, 1680, (May 30, 2001), articles 63-66; available from http://www.senado.gov.py/leyes/ups/leyes/26031680.doc.

[4049] Government of Paraguay, *Que Modifica, Amplia y Deroga Artículos de la Ley 213/93, Código del Trabajo*, (August 22, 1994), article 389; available from http://www.senado.gov.py/leyes/ups/leyes/2648Ley496.DOC.

[4050] Government of Paraguay, *Código de la Niñez y la Adolescencia*, article 31. Government of Paraguay, *Que Modifica Varias Disposiciones de la Ley Nº 1.160/97, Código Penal*, 3440, articles 129a and 139; available from http://www.diputados.gov.py:1006/busquedaleyes/2008%5CD11707.pdf.

[4051] Government of Paraguay, *Que Modifica Varias Disposiciones de la Ley Nº 1.160/97, Código Penal*, article 140.

[4052] Government of Paraguay, *Constitución Política de la República del Paraguay*, (June 20, 1992), articles 10, 54; available from http://www.senado.gov.py/leyes/?pagina=ley_resultado&id=2865. See also Government of Paraguay, *Que Modifica Varias Disposiciones de la Ley Nº 1.160/97, Código Penal*, article 129c.

[4053] Government of Paraguay, *Que Modifica Varias Disposiciones de la Ley Nº 1.160/97, Código Penal*, articles 129b and 129c.

[4054] Ibid. See also U.S. Embassy- Asunción, *reporting*, February 17, 2010. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Paraguay."

[4055] ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Panama (ratification: 2000),* [online] 2006 [cited May 6, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21894&chapter=9&query=%28C182%29+%40ref+%2B+%28Panama%29+%40ref&highlight=&querytype=bool&context=0.

[4056] U.S. Embassy- Asunción, *reporting*, February 18, 2010.

[4057] Ibid.

[4058] Ibid.

[4059] Ibid.

[4060] Ibid.

[4061] Ibid.

[4062] Ibid. See also Secretaría Nacional de la Niñez y Adolescencia, *Explotación Sexual de niños, niñas y adolescentes,* [online] [cited May 6, 2010]; available from http://www.snna.gov.py/?categoria=63&t=explotacion-sexual-de-ninos-ninas-y-adolescentes.

[4063] U.S. Embassy- Asunción, *reporting, February 18, 2010*.

[4064] U.S. Embassy- Asunción, *reporting, February 17, 2010*.

[4065] U.S. Embassy- Asunción, *reporting, February 18, 2010*.

[4066] Ibid.

[4067] MERCOSUR, *Plan Regional de Inspección del Trabajo del Mercosur*, Asunción, July 2, 2009.

[4068] Comité Argentino de Seguimiento y Aplicación de la Convención Internacional de los Derechos del Niño, *Iniciativa Niñ@ Sur, una Instancia Regional que se Afirma,* [online] [cited February 5, 2010]; available from http://www.casacidn.org.ar/news_abril/nota1.html. See also U.S. Embassy- Asunción, *reporting, February 18, 2010*.

[4069] Ministry of Tourism, *Ecuador Asume Liderazgo en Suramérica para la Protección de Menores Jóvenes,* [online] November 26, 2008 [cited February 5, 2010]; available from http://www.turismo.gov.ec/index.php?option=com_content&task=view&id=885&Itemid=43.

[4070] Secretaría Nacional de la Niñez y Adolescencia, *Programa Abrazo,* [online] [cited May 6, 2010]; available from http://www.snna.gov.py/?categoria=40&t=programa-abrazo. See also U.S. Embassy- Asunción, *reporting, February 18, 2010*. See also Secretaría de Acción Social and ILO, *Impacto de los programas TEC en el trabajo infantil*, 8-10.

[4071] Secretaría de Acción Social and ILO, *Impacto de los programas TEC en el trabajo infantil*, 8-10.

[4072] Secretaría de Acción Social, *¿Que es el Programa ÑOPYTYVÔ?,* [online] 2009 [cited May 6, 2010]; available from http://www.sas.gov.py/xhtml/DGPSyDH/dgpsydh_dnopytyvo.html. See also U.S. Embassy- Asunción, *reporting, February 18, 2010*. See also Secretaría de Acción Social and ILO, *Impacto de los programas TEC en el trabajo infantil*, 12.

[4073] U.S. Embassy- Asunción, *reporting, February 18, 2010*.

[4074] ILO-IPEC, *Project to combat the worst forms of child labor through horizontal cooperation in South America*, 5-8, 61.

[4075] IDB, *La Trata y el Tráfico de Niños y Adolescentes para fines Explotación Sexual,* [online] [cited May 3, 2010]; available from http://www.iadb.org/projects/Project.cfm?language=Spanish&PROJECT=RG%2DT1266.

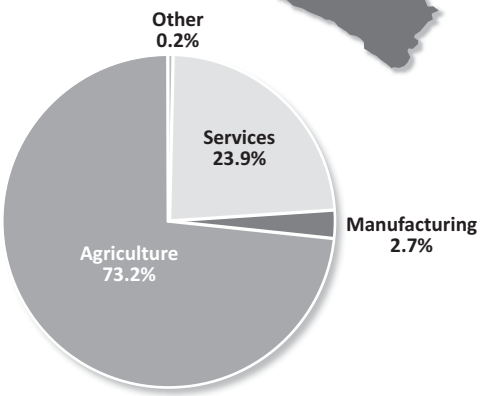
[4076] U.S. Embassy- Asunción, *reporting, February 17, 2010*.

Peru

The Government of Peru has comprehensive prohibitions on the commercial sexual exploitation of children and child trafficking. However, gaps remain in social protection programs for the prevention and elimination of child labor, which do not reach some of the most vulnerable children. In addition, the worst forms of child labor persist in many sectors, especially in agriculture and urban informal work.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	6-14 yrs.	22.3%
Attending School	5-14 yrs.	96.6%
Combining Work and School	7-14 yrs	22.9%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor[4077]

Children are exploited in the worst forms of child labor in Peru, many in agriculture where they work long hours, perform difficult tasks, and are exposed to dangerous chemicals. For example, children work in the production of coca, cotton, rice, coffee, and sugarcane. They also work in the production of gold, working in mines where they are exposed to chemicals such as lead and arsenic.[4078] Children, mainly girls, work in domestic service in both rural and urban areas where they are vulnerable to physical and sexual abuse.[4079] In urban areas, children produce bricks and fireworks, activities in which they are exposed to harmful chemicals and extreme heat, and carry heavy loads. Children also work as street vendors and street performers, beggars, bus assistants, shoe shiners, car washers, and scavengers in garbage dumps. These types of urban informal activities can involve work with toxic substances, and carry the risk of injury as they often require high physical exertion and exposure to densely-transited areas.[4080]

Children in Peru are exploited in other types of activities constituting the worst forms of child labor. For example, according to an ILO study, girls who work in the mining industry are often sexually exploited.[4081] Forced child labor is a problem in informal gold mines, cocaine production, and transportation. Some Peruvian children, especially girls from the poorest areas of Peru, are trafficked into commercial sexual exploitation and domestic service through false offers of employment.[4082] Peruvian children are also trafficked internationally for commercial sexual exploitation and forced labor. Drug traffickers and the narco-terrorist group Shining Path (*Sendero Luminoso*—SL) use children to grow food crops and coca, as well as to transport drugs and precursor chemicals.[4083] There are also credible reports that SL is using child soldiers in the Apurimac-Ene River Valley (VRAE). Child sex tourism is a problem, particularly in Iquitos, Madre de Dios, and Cuzco.[4084] There have reportedly been some cases of Bolivian families selling or renting their children to work in agriculture and mining in Peru. Reports also indicate that children are recruited to transport drugs across the border between Peru and Bolivia.[4085]

Laws and Regulations on the Worst Forms of Child Labor

The Law of Minor Children sets the general minimum age for employment at 14 and places some restrictions on the ability of children ages 14 and above to work legally. The minimum age for employment in nonindustrial agricultural work is 15; for work in the industrial, commercial, and surface mining sectors is 16; and for work in the industrial fishing sector is 17.[4086]

The Law of Minor Children prohibits night work for children under age 15 and requires children under age 18 to receive a permit from the Ministry of Labor in order to work.[4087] The Government adopted a list of hazardous occupations for children under age 18 which includes 26 types of hazardous activities, which are prohibited under the Law of Minor Children, such as night work, and work in industrial mining and fishing.[4088]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	15
	Compulsory Education Age	14
	Free Public Education	Yes

Peru's Constitution and other legislation prohibit all forms of compulsory labor, including forced labor, debt bondage, and servitude.[4089] Peru's Penal Code prohibits the prostitution of children, including selling, recruiting, using, and benefiting economically from the crime. The Penal Code also prohibits child pornography, including its production, sale, use, and possession.[4090] The Law against Trafficking in Persons and Illegal Migrant Smuggling prohibits all forms of trafficking in persons and penalties increase significantly for child trafficking.[4091] The Military Service Law sets the minimum age at 18 and above, and prohibits forced recruitment into the armed services or any defense or armed groups.[4092] Peru's Decree 22095 prohibits the recruitment of children for the production, sale, and trafficking of illicit drugs.[4093]

Institutional Mechanisms for Coordination and Enforcement

The Government of Peru operates a National Commission for the Prevention and Eradication of Child Labor (CPETI), which is led by the Ministry of Labor and meets once a month for the purpose of coordinating government actions against child labor. Members of CPETI include the Ministry of Education, the Ministry of Justice, Ministry of Foreign Affairs, Ministry of the Interior, and the Ministry of Health, among others.[4094]

The Ministry of Labor's Office of Labor Protection for Minors is charged with enforcing child labor laws. The Ministry of Labor employs 412 inspectors who have been generally trained on child labor issues, and 68 of these inspectors specialize in child labor enforcement.[4095] Municipal-level child protection offices coordinated with the Ministry of Labor to document complaints of violations of child labor laws, and referred cases to relevant social protection and legal services.[4096] Information was not available on the number of inspections conducted which revealed instances of child labor or on the number of sanctions for violations of child labor law.

Other agencies are responsible for enforcing criminal laws regarding the worst forms of child labor. The Peruvian National Police's Trafficking Investigation Unit, which employs 32 police officers, is charged with investigating cases of trafficking in persons and the commercial sexual exploitation of children. In addition, the Labor Administrative Authority (*Autoridad Administrativa de Trabajo*) has the authority to levy fines against employers who are guilty of trafficking minors.[4097] The Ministry of the Interior maintains a hotline to receive reports of trafficking in persons.[4098] In 2009, anti-trafficking officials

received training from a number of local NGOs and government ministries on detecting, investigating, and tracking trafficking cases.[4099] The National Police have an annual budget of approximately $12,000 for investigating trafficking cases, which according to the Ministry of the Interior represents a significant limitation on investigating trafficking cases.[4100] During the reporting period, the Peruvian National Police's Trafficking Investigation Unit investigated 137 cases of trafficking in persons affecting 185 victims, 113 of whom were minors, a significant increase over last period. Seven trafficking cases involving minors resulted in six convictions during the reporting period.[4101] In the area of commercial sexual exploitation of children, 24 cases were opened; however, there is no information on convictions during the reporting period.[4102] Despite the Government's increased efforts to investigate child trafficking, law enforcement efforts did not reach many areas where trafficking is common, including in the Amazon region and highlands. In addition, while no formal referral system exists for child trafficking victims to social and legal services, authorities could refer child victims to government-operated children's homes for basic shelter and care.[4103]

Government Policies on the Worst Forms of Child Labor

The Government of Peru has a National Plan for the Prevention and Eradication of Child Labor and a National Committee to Prevent and Eradicate Child Labor. The Plan, established in conjunction with the National Plan of Action for Children, focuses on three strategic goals: preventing and eradicating child labor among children under age 14, preventing and eradicating the worst forms of child labor among children under age 18, and protecting the wellbeing of adolescent workers between ages 14 and 18.[4104]

There are also some sector-focused policies that aim to reduce the worst forms of child labor. The Ministry of Women and Social Development (MIMDES) has a National Plan against Commercial Sexual Exploitation of Boys, Girls and Adolescents. The Plan has four strategic components: establish and strengthen institutions, increase awareness about commercial sexual exploitation of children, establish a system to monitor and penalize perpetrators, and develop a system to support victims.[4105] The Ministry of Education adopted a policy directive "0086-2008-ED" in 2008 that sets standards for tutoring activities in public schools, which includes a goal of combating child labor, especially the worst forms, including work in mines, quarries, brick factories, trash sorting, fireworks production, and work as street vendors and domestic service.[4106]

The Government of Peru and other associates and member governments of MERCOSUR are carrying out the *Niño Sur* ("Southern Child") initiative to protect the rights of children and adolescents in the region. The initiative aims to raise awareness of commercial sexual exploitation, improve country legal frameworks, and exchange best practices to tackle issues related to victim protection and assistance.[4107] Peru's Ministry of Trade and Tourism is part of the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism, which conducts prevention and awareness-raising campaigns to combat the commercial exploitation of children in Latin America. The Joint Group was created in 2005 and includes Ministries of Tourism from Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Suriname, Uruguay, and Venezuela.[4108]

The Government of Peru has adopted the 2006-2010 United Nations Development Assistance Framework, which, among other goals, aims to build government capacity to combat child labor through effective policies and programs.[4109]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In recent years, the Government of Peru has implemented national anti-poverty and employment training programs. The Government's *Juntos* (Together) Program provides cash transfers to the poorest and most vulnerable households in 14 of the country's 26 departments, and has an annual budget of $170 million. *Juntos* reaches a total of over 420,000 households in rural areas of Peru, and conditions transfers on beneficiaries' participation in health and education services.[4110] However, the cash transfers are not conditioned on withdrawal of children from child labor. In addition, the Ministry of Labor operates the Construyendo Peru (Building Peru) program which offers temporary work and technical training to low-income households, and requires beneficiaries to commit to withdrawing children from child labor. During the 2009 calendar year, the *Construyendo Peru*

program budget totaled $37.3 million.[4111] The Ministry of Labor's *Mi Empresa* (My Business) program trains households on entrepreneurship skills and increasing family income. In addition, the Ministry of Labor runs a *PROJoven* (Pro-Youth) program which provides vocational instruction and on-the-job training to children and youth between the ages of 16 to 24 from low-income households.[4112] There is no available information on the impact of these national anti-poverty and employment programs on children's school attendance and participation in child labor.

The Government also implements the *Programa Educadores de Calle* (Street Educators), which aims to connect working children and their families to educational and social services with the goal of withdrawing them from exploitive work and improving family welfare.[4113] The program has been in operation for 17 years, and the program reports that it has withdrawn 58,000 children since its inception.[4114]

The Government participated in donor-funded efforts to combat child labor. For example, it took part in a 4-year, USDOL-funded project to combat child labor which targeted 5,250 children for withdrawal and 5,250 children for prevention from exploitive work in the urban informal sector in Lima, Callao, Trujillo, and Iquitos.[4115] The Government also participates in a 4-year regional project to eradicate child labor in Latin America, funded by the Government of Spain.[4116] In recent years, the Government took part in USDOL-funded projects to combat child labor in mining, commercial sexual exploitation, and domestic labor. These projects worked with local civil society organizations and Government institutions to build their capacity to combat child labor. One project assisted the national Government in the development of the National Commission and the National Plan against Child Labor.[4117]

Although the Government of Peru has implemented programs to address the worst forms of child labor through the Educadores de la Calle program, research has found no evidence that there are programs to assist children working in agriculture, mining, domestic work, and commercial sexual exploitation. Evidence also indicates that existing programs do not reach many children working in urban informal work given the magnitude of child laborers in this sector.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Peru:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase the scope of child labor inspections to detect the worst forms of child labor, including hazardous work.
- Make publicly available the number of child labor inspections carried out and resulting sanctions/penalties imposed.
- Allocate sufficient resources to law enforcement agencies to investigate and prosecute cases child trafficking.
- Develop a structured system to refer child victims of trafficking to social and legal services.

IN THE AREA OF PROGRAMS:

- Create social programs to reach children working in hazardous agriculture, domestic service, and commercial sexual exploitation.
- Expand social programs to reach children working in the urban informal sector.
- Implement the Directive 0086-2008-ED, to reinsert child laborers into the education system through both formal and informal programs.
- Carry out assessment of impact of cash transfer program and employment training programs on children's school attendance and participation in child labor.
- Implement awareness-raising measures in border areas to prevent the child trafficking and the sale of children to work in agriculture and the recruitment of children for transporting drugs.

[4077] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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[4084] U.S. Department of State, "Trafficking in Persons Report- 2010: Peru." See also U.S. Embassy- Lima, *reporting, February 12, 2010*.

[4085] U.S. Embassy- Santiago, *reporting* February 25, 2010 See also U.S. Embassy- La Paz, *reporting*, February 1, 2010 See also U.S. Department of State, "Trafficking in Persons Report- 2010: Peru."

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[4087] Government of Peru, *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes*, 27337, (August 2, 2000), articles 53, 54; available from http://www.acnur.org/biblioteca/pdf/01163.pdf.

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[4091] Government of Peru, *Ley contra la Trata de Personas y el Tráfico Ilícito de Migrantes*, Law No. 28950, (January 16, 2007), articles 153 and 153-A; available from http://white.oit.org.pe/ipec/documentos/ley_trata_peru_06.pdf.

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[4098] U.S. Department of State, "Trafficking in Persons Report- 2010: Peru."

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[4100] Ibid. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Peru."

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Philippines

The Government of the Philippines strengthened its legal and policy framework to combat the worst forms of child labor by creating anti-child pornography legislation and granting labor inspectors the authority to close businesses violating child labor laws. The worst forms of child labor continue to exist, especially in agriculture and domestic service. Significant gaps remain in child labor laws and enforcement efforts, and existing social protection programs are not sufficient to prevent and eliminate the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	15.3%
Attending School	5-14 yrs.	79.6%
Combining Work and School	7-14 yrs	11.3%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Philippines are exploited in the worst forms of child labor,[4118] many of them in agriculture where they often work long hours, perform physically arduous tasks, use dangerous tools, and face a high risk of occupational injury. Children work in the production of bananas, coconuts, corn, rice, rubber, sugarcane, tobacco, and other fruits and vegetables.[4119] Children are also commonly employed as domestic servants or *kasambahays*.[4120] Many child domestics work long hours, and their isolation in homes makes them susceptible to sexual harassment and physical abuse. Domestic workers are sometimes subjected to forced labor. Children are also involved in compressor mining to extract gold, which requires them to dive into pools of mud with an oxygen tube.[4121] Deep-sea fishing is another pursuit in which children participate in two different dangerous activities. They dive from platforms to cast and retrieve nets in deep waters and they drag nets alongside boats, which can result in falls, drowning, and injuries from the nets such as burns and entanglement.[4122] In addition, boys and girls work in home-based manufacturing industries that range from making fireworks to fashion accessories. This work can be harmful because children, particularly migrant children, work longer hours than allowed with no supervision.[4123] Rural to urban migration has swollen the ranks of the urban poor, adding to the number of children who may be found living, working, scavenging, and begging on the streets, and exposed to multiple dangers including criminal elements and severe weather.[4124]

Children's exploitation in the prostitution, pornography, and sex tourism industries is also a significant problem in the Philippines.[4125] In addition, children, primarily girls, are trafficked from rural to urban areas for forced domestic service and commercial sexual exploitation.[4126] Children are known to be involved in illicit activities, such as the production and trafficking of drugs.[4127] There are no reports of children in the government armed forces in the Philippines but child soldiering is a problem among anti-government and terrorist organizations. The Moro Islamic Liberation Front has made commitments to stop the recruitment and use of children as child soldiers, but the current status of children in its ranks

is unclear.[4128] The Abu Sayyaf Group and the New People's Army, two terrorist organizations, continue to recruit and use child soldiers.[4129]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for work at 15 and the minimum age for hazardous work at 18.[4130]

Republic Act No. 9231, An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, provides for the protection from and removal of children working in the worst forms of child labor, including forced labor; child trafficking, prostitution, pornography; and the use of a child for illicit activities. It also provides stringent penalties for violations of the act.[4131] Republic Act No. 9775, Anti-Child Pornography Act of 2009, protects children against pornography and specifies penalties for violations.[4132] Republic Act No. 9775 establishes strict penalties for persons responsible for the production, distribution, and publication of child pornography, including internet service providers and content hosts.[4133] Republic Act No. 9208, Anti-Trafficking in Persons Act prohibits trafficking in persons, including children.[4134]

During the reporting period, the Government of the Philippines made changes to its legal framework that provide the Department of Labor and Employment (DOLE) broader authority in regards to enforcing child labor laws and setting penalties for child pornography.[4135] For example, DOLE's Department Circular No.3, series of 2009 providing for the Guidelines on the Procedure for Closure of Business, Firm, or Establishment under RA 9231 states DOLE regional directors have the authority to shut down workplaces found in violation of child labor laws, including the immediate closure of firms where the work may cause a child imminent physical or mental harm, especially establishments in which child prostitution occurs.[4136]

While the recent legal changes were important, two significant gaps remain. First, children in the Philippines are required to attend school only until the age of 11. This standard makes children ages 12 to 14 particularly vulnerable to the worst forms of child labor as they are not required to be in school and are not legally permitted to work. Second, child domestic workers also lack adequate legal protections. The Domestic Workers Bill, commonly known as the *Batas Kasambahay,* has been introduced to Congress repeatedly, but it has yet to be enacted.[4137]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

To coordinate efforts to combat child labor, the Government has established the National Child Labor Committee (NCLC), which is headed by DOLE and comprised of approximately 10 other departments, including the Departments of Education (DepEd), Health (DOH), Justice (DOJ), and Social Welfare and Development (DSWD).[4138] NCLC is intended to promote information sharing at the national level, and this monitoring mechanism has been replicated at the regional, local, and village levels.[4139]

The Inter-Agency Council Against Trafficking (IACAT) coordinates, monitors, and oversees ongoing implementation of efforts to combat child trafficking.[4140] The Department of Justice (DOJ) is the chair of the IACAT, which is comprised of other government agencies including DSWD and NGOs.[4141] IACAT did not receive any budgeted, line-item funding from the National Government for FY 2009 and

FY 2010, but did receive funding from the Office of the President and PAGCOR, a government-controlled corporation created to regulate the gaming industry in the country.[4142]

DOLE is also the primary government agency responsible for the enforcement of child labor laws. It employs 208 labor and employment officers nationwide, who have numerous responsibilities related to the monitoring and enforcement of the labor code. Approximately 153 of them have inspection authority, and these officers monitor for child labor violations as part of their general labor law compliance inspections.[4143] While DOLE conducts regular trainings for its labor inspectors on child labor, the Government acknowledges that the limited number of labor inspectors makes it difficult to enforce child labor laws.[4144] The number of sites inspected dropped from 26,169 in 2008 to 4,670 in 2009.[4145] The Government attributes this decline to the financial crisis. Inspectors found violations in more than half of the establishments inspected, 2,954 out of 4,670. Only three, however, were child labor-related violations.[4146] The small number of child labor violations uncovered during the period relative to the scope and prevalence of child labor points to an insufficient number of labor inspections in sectors where children are known to work.

In addition to DOLE's labor inspections, DOLE also leads an innovative community-based mechanism for detecting, monitoring, and reporting children working in abusive and hazardous situations through the *Sagip Batang Manggagawa* (SBM-"Rescue the Child Laborers") Quick Action Teams (QAT). The SBM-QAT is composed of DOLE; DSWD; DOH; DepEd; DOJ; Philippine Information Agency; Philippine National Police (PNP); and the Department of the Interior and Local Government.[4147] Other civil society groups are also part of the team, including Barangay (Village) Councils for the Protection of Children; school officials; social service departments of hospitals; labor groups; and other NGOs.

From January to December 2009, SBM-QAT conducted 16 removal operations involving 79 children engaged in exploitive labor.[4148] These children were referred to DSWD for rehabilitation and reintegration. However, it is unclear what activities the children were involved in or whether subsequent legal action was taken against their employers under Philippine law. Additionally, reports indicate that SBM-QATs lack sufficient logistical supplies to carry out their mission.[4149]

The Philippine National Police (PNP) is the principal enforcement agency for child trafficking and commercial sexual exploitation.[4150] There is no centralized hotline to report trafficking cases.[4151]

In 2009, the PNP reported 154 cases of child trafficking under investigation, and the National Bureau of Investigations (NBI) reported 189 cases of both adult and child trafficking under investigation.[4152] The NBI does not disaggregate data by adults and children, so it is unclear how many of those cases involved minors, or whether the same cases were counted by both agencies. Children are trafficked for both sex and labor in the Philippines, but convictions have been limited to cases of trafficking for sex. In 2009, the Philippine Government convicted eight individuals in five cases of sex trafficking involving minors.[4153] Four of these eight convictions were initiated by NGOs, not the Government of the Philippines. In September 2009, a case filed by an NGO resulted in the conviction of two offenders. Each of the offenders was sentenced to life in prison and fined $40,000.[4154]

Government Policies on the Worst Forms of Child Labor

The Philippine National Strategic Framework for Plan Development for Children, 2000-2025, also known as "Child 21," and the Philippine Program against Child Labor (PPACL) Strategic Framework 2007-2015 serve as the primary government policy instruments to prevent and eliminate child labor in the Philippines. Child 21 sets out broad goals to achieve improved quality of life for Filipino children by 2025, and the PPACL lays out the blueprint for reducing the incidence of child labor by 75 percent by 2015.[4155] To achieve this blueprint, PPACL identifies five strategic directions that aim to prevent, protect, and reintegrate children from the worst forms of child labor.[4156] To translate this strategic framework into action, the Plan of Action (2008-2010) was developed to identify concrete programs, projects, and activities with specific indicators as benchmarks.[4157]

In the Philippines, child labor has also been mainstreamed into the following national development agendas under the United Nations frameworks: Millennium Development Goals (2015), Medium Term Philippine Development Plan or MTPDP (2004-2010), Philippine Decent Work Common Agenda (2010), Education for All National Plan (2004-2015), Basic Education Reform Agenda, and United Nations Development Assistance Framework Workplan (2011).[4158] For example, the MTPDP includes measures for reducing the incidence of child labor, especially in hazardous occupations. In the plan, the Philippine Government specifically pledges to strengthen monitoring systems of child protection laws; develop "social technologies" to monitor child trafficking and pornography; and implement programs for children in armed conflict.[4159]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of the Philippines has participated in donor-funded projects to combat the worst forms of child labor in agriculture, mining and quarrying, fashion manufacturing, deep-sea fishing, domestic work, commercial sexual exploitation, garbage scavenging, and child trafficking in commercial sexual exploitation and forced labor.

In June 2002, the Philippines became the first country in Southeast Asia and fourth country in the world to launch a Timebound Program (TBP) and commit to a 75 percent reduction of the worst forms of child labor by 2015. The Philippine TBP has largely been financed in two phases from 2002 through 2013, for a total of approximately $22.4 million in USDOL donor funding.[4160] Under the first phase, USDOL funded two projects between 2002 and 2008 totaling over $11 million which provided education services and other supports to withdraw and prevent children from exploitive work.[4161] In addition, both projects achieved important advancements in raising public awareness and successfully advocated for legislative reforms.[4162]

With continued funding from the United States, the Philippines is currently participating in second phases of both of these projects. A followup USDOL-funded $6.6 million project from 2007 to 2011 will withdraw 18,303 children and prevent 12,097 children from the worst forms of child labor.[4163] Another followup USDOL-funded $4.8 million project from 2009 to 2013 will withdraw and prevent 9,350 children from the worst forms of child labor through the provision of educational and non-educational services.[4164] While these projects are important for the elimination of the worst forms of child labor, they can be sustained only if the Philippines integrates them into its existing social protection programs for children.

Although the Philippines has yet to adopt the measures necessary to ensure the long-term success of these internationally supported initiatives, it is taking some steps to target children in or at-risk of exploitive labor under the auspices of its own social protection programs. For example, in February 2010, DOLE issued a memo to the regional offices requiring them to allocate 5 percent of the Workers Income Augmentation Program (WINAP) funds for the implementation of the DOLE Child Labor Prevention and Elimination Program in specific sectors.[4165] DOLE's Project Angel Tree provided 7,199 child laborers with educational assistance in 2009.[4166] DOLE's *Kabuhayan para Sa Magulang ng Batang Manggagawa* (KASAMA), or Livelihood for Parents of Child Laborers program, provides funds to parents, guardians, and older siblings of working children in exchange for the removal of those children from exploitive child labor.[4167] In another project, the Philippine Government also specifically targets poor families with children engaged in labor or those with children at risk of becoming laborers to receive benefits through a conditional cash transfer (CCT) program to provide health care and educational subsidies. In 2009, CCTs were awarded to 692,798 households.[4168] The Government is also providing school nutrition programs to children at risk of becoming laborers, including those who also receive CCT benefits.[4169]

DOLE's Youth Education-Youth Employability program provides disadvantaged youth, such as former child laborers, with the resources to pursue post-secondary education through either academic or vocational courses.[4170]

The DepEd has likewise created a comprehensive Alternative Learning System program that offers non-formal education to all out-of-school children, including child laborers, and also offers them

opportunities to attain education equivalency. While education equivalency has been difficult for many child laborers due to insufficient preparation, this avenue continues to be an option for child laborers to gain access to formal institutions, such as higher education or workforce development institutions.[4171]

While the Government made efforts to reach vulnerable children and combat child labor, the existing resources and number of social programs are insufficient to reach the large number of children engaged in or at risk of the worst forms of child labor in the country.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Philippines:

IN THE AREA OF LAWS AND REGULATIONS:

- Increase the age of compulsory schooling to match the minimum age for work.
- Enact the Domestic Workers Bill (*Batas Kasambahay*), which would extend legal protections to domestic workers.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase the number of labor inspectors responsible for child labor and devote more resources to enforcement of child labor laws, including by:
- Targeting the number of inspections in sectors where children work.
- Providing logistical supplies to the *Sagip Batang Manggagawa* Quick Action Teams (SBM-QATs).

IN THE AREA OF PROGRAMS:

- Expand social programs and dedicate additional resources to prevent children's involvement in the worst forms of child labor.

[4118] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2001. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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Russia

The Government of Russia implemented a national fund that provides social welfare assistance to the country's significant population of homeless and orphaned children, many of whom are engaged in unhealthy and unsafe work on the streets. However, the Government has not designated an agency or other body to coordinate national action and policy to combat the worst forms of child labor. Street children continue to engage in illegal and dangerous work, including commercial sexual exploitation and the drug trade.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Russia are exploited in the worst forms of child labor.[4172] Many of them beg or work in the informal sector on the streets of major cities.[4173] Older estimates set the number of street children, which may include children who spend daylight hours on the streets as well as homeless children, from 690,000 to as many as 5 million.[4174] In 2010, the Public Chamber's Commission on Social Questions and Demographic Policies estimated that approximately 560,000 children are homeless; many of these children are at risk of labor exploitation. Children working on the street perform potentially dangerous activities including repairing cars, carrying heavy loads, and collecting trash (which may contain toxic or injurious materials). They also engage in illegal activities such as prostitution, pornography, and selling drugs or stolen goods.[4175] Homeless and orphaned children are particularly vulnerable to involvement in criminal activities in the informal economy.[4176] Children from neighboring countries also engage in exploitive work in Russia.[4177]

In rural areas, children primarily work in agriculture.[4178] This work may involve risks to their safety and health, such as using potentially dangerous machinery and tools, carrying of heavy loads, and applying harmful pesticides.

Commercial sexual exploitation of children, especially in the large cities, remains a concern.[4179] Moscow and St. Petersburg are hubs of child trafficking and child commercial sexual exploitation. Children are trafficked internally to these cities and other regions of the country, and from Moldova, Ukraine, Belarus and Kazakhstan, and forced into begging or prostitution.[4180] Both girls and boys are trafficked for prostitution, child sex tourism, and pornography.[4181]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age of employment at 16, with exceptions for 15-year-olds who have completed general education and children under age 14 working in the performing arts, if such work will not harm their health or moral development.[4182] Children under age 18 are prohibited from engaging in night work, dangerous work, underground work, or work that may be harmful to their health or moral development. This includes carrying heavy loads

and the production, transportation, and sale of toxic substances (including tobacco, alcohol, and drugs).[4183] Russia's minimum age for both voluntary and compulsory military recruitment is age 18.[4184]

The Constitution prohibits forced labor and the Criminal Code explicitly outlaws the engagement of a known minor in slave labor.[4185] Section 127 of the Criminal Code prohibits the purchase, sale, recruitment, transportation, harboring, and receiving of a person for the purpose of exploitation, with higher penalties imposed when the victim is a known minor. It is punishable under the Criminal Code to involve a minor in a crime.[4186] Involving a minor in prostitution, and creating or circulating pornography depicting a known minor, are also punishable under the Criminal Code.[4187] However, Russian law does not criminalize the possession of child pornography, nor does it provide a definition of the term "child pornography".[4188] This may hamper enforcement efforts because of a lack of clear guidance regarding what can be prosecuted as child pornography.

During the reporting period, the Government strengthened criminal punishments available for child sexual exploitation and child pornography by lengthening maximum sentences within the legal guidelines.[4189]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research has found no evidence that the Government of Russia has established a coordinating mechanism to combat the worst forms of child labor.

The Federal Labor and Employment Service (FLES) is responsible for enforcing child labor laws.[4190] In 2008, the most recent period for which statistics are available, 10,000 child labor violations were reported by FLES. According to this agency, victims often worked in hazardous conditions for low pay, and were most commonly found in industry, agriculture, and trade.[4191] Fines totaling $52,000 were paid by employers who violated child labor laws.[4192]

The Ministry of Internal Affairs (MIA) has responsibility for investigating crimes with respect to the worst forms of child labor.[4193] Within MIA, the Criminal Investigation Department investigates severe crimes against children and the Public Security Police Service investigates sex crimes against children, including prostitution and pornography.[4194] The Public Prosecutor is charged with prosecuting violations identified by these two agencies. During the reporting period, a small number of law enforcement personnel were trained on trafficking issues.[4195]

For the first half of 2009, the most recent period for which data is available, the MIA registered 159 crimes involving the production and distribution of pornography. Official data is not available on either child trafficking investigations or the number of prosecutions or convictions for this or other crimes relating to the worst forms of labor.

In 2009, the ILO Committee of Experts examined the Russian Federation's compliance with the provisions of Convention 182, noting that the Government had repeatedly failed to provide information on the impact of its efforts to prevent child trafficking as required of signatories to the Convention. The ILO has reiterated concerns expressed by the UN Committee on the Rights of the Child over the increasing number of street children in Russia, who are vulnerable to trafficking and labor exploitation.[4196]

Government Policies on the Worst Forms of Child Labor

In 2009, the Russian Government created a new federal office to protect children's rights, the Office of the Children's Ombudsman. Regional ombudsmen had already been established in 23 of Russia's 87 provinces; in 2009 their numbers were increased to 28. Since 2006, regional legislatures have made appointments to their ombudsmen offices, expanding the authority of the offices and giving them parliamentary status.[4197] These offices are charged with publicly advocating for the needs of vulnerable children, and focus on the plight of street children and orphans.

The Government continues to implement a flagship child welfare policy "Children of Russia". Research found no evidence to determine whether this policy impacts the worst forms of child labor.[4198] Because the Government does not collect and analyze national statistics on child labor, current policy and programming may not be sufficiently targeting populations in need, such as rural children engaged in or at risk of hazardous labor in agriculture.

Russia has engaged in multilateral discussions on cross-border trafficking policy. In September 2009, Russia and other members of the Commonwealth of Independent States (CIS) agreed on recommendations to modernize their regional cooperation strategy to combat human trafficking. These recommendations are to be adopted in the CIS 2010-2014 anti-trafficking plan.[4199]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In the past, Russia has participated in projects led by international organizations that focused either on assessing the nature of the street child phenomenon and referring such children to social service programs or improving overall quality of and access to primary education.[4200]

The Government has also cooperated with international organization projects to prevent and provide assistance to victims of child trafficking. One such program, an IOM project (funded in 2007 by the European Commission, USDOS and the Government of Switzerland) operated three Information and Consultative Centers and one Rehabilitation Center to prevent trafficking and assist victims. The project also coordinated referrals to law enforcement and relevant federal agencies, and provided training to government personnel. The centers, which served vulnerable youth and other at-risk groups, closed at the end of 2009 when they could not secure financial support from the Government.[4201]

At the local level, the St. Petersburg Government Commission on Issues of Minors and Protection of their Rights manages a working group that meets regularly to address trafficking and child sexual exploitation. During the reporting period, the city expanded the number of facilities that provide shelter and social rehabilitation to homeless children. The St. Petersburg Government Commission also set up a subcommittee on minors in each district.[4202]

In 2009, the Government of Russia continued the Fund for Children's Support, a child welfare program it initiated the previous year, allocating approximately $21 million (with an additional $162 million from regional governments, industry, and NGOs). Among other goals, the Fund is intended to support social programs to assist orphans and to provide for the social rehabilitation of disadvantaged children, including homeless children.[4203] The Fund implemented 58 regional programs in 2009.[4204]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Russia:

IN THE AREA OF LAWS AND REGULATIONS:

- Criminalize possession of child pornography.
- Codify a legal definition of child pornography.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Gather and report timely statistics on the investigation and prosecution of violations of the worst forms of child labor.

IN THE AREA OF POLICIES:

- Collect data on the nature and prevalence of child labor to guide the design of policy and programming.
- Assess the impact that the Children of Russia policy may have on addressing the worst forms of child labor.
- Formalize the agreement made with migrant-sending countries in the CIS to adopt a new joint cooperation strategy to combat trafficking in persons.

IN THE AREA OF PROGRAMS:

- Build on the groundwork laid by the IOM's consultative and rehabilitation centers by creating a similar mechanism within the federal government to coordinate information and case referrals among relevant agencies and provide assistance to trafficking victims.
- Consult with the Minors Committee of the City of St. Petersburg to identify lessons learned in service provision to trafficked children and facilitate replication of its program in other areas across the country where trafficking is prevalent.

[4172] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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Rwanda

The Government of Rwanda has strengthened its legal framework against the worst forms of child labor by raising the minimum age for hazardous work from 16 to 18 and passing a Ministerial Order listing the prohibited worst forms of child labor. Despite these efforts, Rwanda has not devoted sufficient resources to enforce its child labor laws effectively. This contributes to the large number of children who work in hazardous conditions, especially in agriculture and domestic service.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	6.1%
Attending School	5-14 yrs.	82.9%
Combining Work and School	7-14 yrs	6.1%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Rwanda, including in agriculture.[4205] Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of potatoes, corn, beans, sorghum, bananas, rice, and sugar. Children also produce tea. Such work may involve using tools, carrying heavy loads, and applying harmful pesticides.[4206] Limited evidence suggests that children herd livestock, sometimes working long hours outside.[4207] Children are also found working in domestic service.[4208] Child domestics are vulnerable to sexual and other forms of abuse by their employers and may work long hours.[4209]

There is reason to believe that children produce charcoal and work as porters.[4210] They also engage in heavy manual labor such as brick making, digging, and mining.[4211] Children in rural Kigali also mine sand in dirty water, exposing themselves to waterborne diseases.[4212] In Nachonga, Gasabo District, Gikongoro, and Rulindo, children working in quarries risk eye and lung damage from stone dust.[4213] In Rwanda, an estimated 7,000 children live and work on the streets. Some beg, sell goods, and collect garbage. These children are vulnerable to a variety of dangers, which may include severe weather, accidents caused by proximity to vehicles, and exposure to criminal elements.[4214]

Prostitution and trafficking also occur in Rwanda. Older women sometimes coerce girls to provide sexual services in exchange for cash, protection, and living quarters.[4215] Loosely structured prostitution networks recruit children from secondary schools.[4216] Girls are known to be trafficked internally into domestic servitude and prostitution.[4217] Children are also trafficked to Uganda, Tanzania, and Kenya for forced agricultural labor, commercial sexual exploitation, and domestic servitude.[4218] In a few isolated cases, children have been trafficked into Rwanda.[4219]

Unlike in past years, there was no indication in 2009 that the National Congress for the Defense of the People (CNDP) recruited Congolese boys from Rwanda-based refugee camps, as well as Rwandans from nearby towns, into forced labor and soldiering in the Democratic Republic of the Congo.[4220]

Laws and Regulations on the Worst Forms of Child Labor

The Government of Rwanda's 2009 Labor Law sets the minimum age for work at 16 and raised the minimum age for hazardous work from 16 to 18. This law prohibits children under age 18 from night work and work which is difficult, unsanitary, or dangerous.[4221] It also prohibits children from working in the worst forms of child labor, which are defined as in ILO Convention 182 to include: slavery or similar practices, forced or bonded labor, the use or recruitment of children into armed conflict, illicit activities, or prostitution, and any work whose nature is detrimental to the health, security, or morals of a child.[4222] The 2010 Ministerial Order on the worst forms of child labor prohibits children from working at industrial institutions and in domestic service, mining and quarrying, construction, brick making, and applying fertilizers and pesticides.[4223] In addition to the national laws, some districts have bylaws against hazardous child labor, sanctioning employers and parents for violations.[4224]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	✓

Penalties for violations of the Labor Law provisions on worst forms of child labor and hazardous work are stringent, with up to 20 years incarceration and fines.[4225] While the Labor Law offers some protection to workers in the informal sector, these protections do not extend to child laborers.[4226]

The Law Relating to Rights and Protection of the Child against Violence prohibits slavery, child rape, recruiting, using, or profiting from child prostitution, and using children in pornographic publications or for illicit activities.[4227] The Labor Law and Law Relating to the Rights and Protection of the Children against Violence also prohibit children under age 18 from military service and armed combat.[4228]

Institutional Mechanisms for Coordination and Enforcement

The National Advisory Committee on Child Labor coordinates government efforts relating to the worst forms of child labor and is responsible for reviewing child labor laws, advocating for the inclusion of child labor policies in national development plans, overseeing the implementation of child labor interventions, and conducting field visits to assess child labor and raise awareness.[4229] This group meets quarterly and includes representatives from the Ministry of Public Service and Labor (MIFOTRA), the Rwandan National Police (RNP), the National Human Rights Commission, the Ministry of Youth (MINIYOUTH), the Ministry of Education (MINEDUC), the Ministry of Gender and Family Promotion (MIGEPROF), the Ministry of Local Government, Community Development and Social Affairs (MINALOC), the Ministry of Sports and Culture (MINISPOC), the Rwanda Demobilization and Reintegration Commission (RDRC), Rwandan trade unions, the International Labor Organization (ILO), UNICEF, the Private Sector Federation (PSF), and Winrock International.[4230] At the village level, 149 Local Child Labor Committees (LCLCs) monitor incidents of child labor.[4231]

To enforce child labor laws, MIFOTRA also employs 30 labor inspectors, one per district; however, some are constrained by a lack of transportation and resources. They are supervised by the district authorities and work with the RNP.[4232] There is also one labor inspector at the national level supervised by the Directorate General in charge of labor. MIFOTRA trains labor inspectors at least twice a year to identify and investigate child labor violations.[4233] MIFOTRA employees also visit labor inspectors to assess their

performance at least every six months.[4234] Several times a year, labor inspectors train employers and local authorities on child labor issues.[4235] Even though the Labor Law does not cover children working in the informal sector, the Government reports that the criteria for conducting inspections is based on whether the type of work may harm the child's health, physical and mental development, morals, and education.[4236] Inspections can be conducted without prior notice and labor inspectors may issue warnings, which must be corrected by the offender within seven days. Otherwise, the labor inspector may ask the authorities to close the institution under investigation temporarily.[4237] In 2009, labor inspectors issued warnings to people illegally employing children; however, information is not yet available on the number of inspections conducted or whether child labor cases were managed efficiently and appropriate penalties applied.[4238]

Within villages, citizens can report instances of child labor to the local volunteer officer in charge of social affairs.[4239] If the officer cannot resolve the problem, it may be referred to the village leader, who in turn may contact the police. In Rwanda, the district authorities' personal performance contracts include targets for increasing school enrollment, thereby reducing child labor.[4240] District authorities in Gakenke, using local bylaws, detained 350 children working in a market and advised the parents to send their children to school.[4241]

The RNP enforces criminal laws relating to the worst forms of child labor. Within the Criminal Investigation and Scientific Police of the RNP, there is a Child Protection Unit with a network of investigators throughout the country responsible for cases of child abuse, including the use of children in commercial sexual exploitation and trafficking.[4242] In collaboration with MIGEPROF, the RNP established a gender desk at its headquarters to respond to complaints of gender-based violence. The RNP also operates a free hotline to report incidences of gender-based violence, which is also used for reporting child abuse, including child labor.[4243]

Some trafficking cases are referred to the RNP by the Directorate General of Immigration and Emigration.[4244] The Government trains the RNP specifically in sex crimes, crimes against children, and preventing transnational child trafficking; however some officials lack awareness and training on how to handle internal trafficking cases.[4245] In addition, there have been indications that some members of the RNP are not sensitized to the needs of child trafficking victims, and that some children found engaged in commercial sexual exploitation were detained in Kigali's Gikondo transit center for several months without being charged for a crime.[4246] At the time of reporting, the Government was investigating two possible cases of transnational child trafficking.[4247]

Immigration and customs officers assist with the enforcement of child trafficking laws. These officials collaborate with their counterparts in the neighboring countries of Uganda, Tanzania, Burundi, and the Democratic Republic of Congo.[4248] Standard procedure requires these officials to question all adults seeking to cross the border with children and to show written proof that they have permission from the children's parents or guardian.[4249]

Government Policies on the Worst Forms of Child Labor

The Government has developed a National Policy for the Elimination of Child Labor and a 5-year Action Plan, which it plans to finalize after the publication of the national child labor survey.[4250]

The 2003 National Policy for Orphans and Other Vulnerable Children includes strategies to address the worst forms of child labor by improving working conditions, providing support to needy families, and strengthening the education system.[4251] In 2007, the Government adopted the National Strategic Plan of Action for Orphans and Other Vulnerable Children in Rwanda (NSP) which provides a more detailed framework to achieve the objectives of the National Policy for Orphans and Other Vulnerable Children.[4252] The services offered to orphans and vulnerable children (OVCs) include health care, shelter, education, psychological support, and livelihood enhancement. However, due to the sheer magnitude of the problem, three-fourths of OVCs have not received government assistance.[4253]

Rwanda has also made policy commitments to combat the worst forms of child labor in its National Employment Policy and Economic Development and Poverty Reduction Strategy (2008-2012) (EDPRS).[4254] The Government of Rwanda also adopted the Nine Years Basic Education (9YBE) policy, mandating that

the first nine years of basic education are free and compulsory.[4255] It is too early to determine the impact this policy may have on child labor.

In addition, Rwanda has adopted the Multilateral Cooperation Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.[4256] As part of this agreement, the Government of Rwanda has committed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement. As indicated above, Rwanda has protocols for addressing cross border trafficking in persons, but further information was not identified on the extent to which the Government has implemented these protocols.[4257]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The majority of past government interventions to combat the worst forms of child labor were limited to children involved in armed conflict.[4258] In 2009, the Rwandan Demobilization and Reintegration Commission (RDRC) continued to support these efforts by operating a rehabilitation center in Muhazi for former child combatants.[4259] The RDRC also raised public awareness of child soldier issues in an effort to make communities more welcoming to children returning from involvement in armed conflict.[4260]

The Government also continued to operate a rehabilitation center, which offers psychosocial counseling, education, and reintegration services to over 200 street boys. The Government also partnered with private organizations to support 35 childcare institutions across the country that provided shelter, basic needs, and rehabilitation for approximately 2,600 street children.[4261]

During the reporting period, the Government of Rwanda, with partners, initiated a high-profile public campaign to discourage intergenerational sex and sexual procurement. The Government also built over 3,000 classrooms to accommodate additional students.[4262] It is too early to determine whether the additional classrooms will have an impact on the worst forms of child labor.

The Government also participated in the 4-year Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) project, which withdrew or prevented 32,823 children (7,372 in Rwanda) from exploitive labor in HIV/AIDS-affected areas of these four countries through the provision of educational services.[4263]

In 2009, the Government began participating in the project Rwanda Education Alternatives for Children (REACH), which was funded by USDOL at $4.5 million from September 2009 to March 2013.[4264] The project aims to withdraw 4,800 children and prevent 3,500 children from exploitive child labor, particularly in the agricultural sector, by providing educational services, strengthening child labor and education policies, and ensuring the sustainability of these efforts.[4265]

During the reporting period, the Government, in partnership with the RNP, UN Children's Fund, UN Development Fund for Women, and UN Population Fund, established a center to provide gender-based violence victims, including child domestics, with free medical, psychosocial support, and police assistance.[4266] In addition, the MIFOTRA raised public awareness of the worst forms of child labor through radio shows, television announcements, and skits.[4267] Despite these initiatives, Rwanda's social programs are not sufficient to tackle the scope of the problem.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Rwanda:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Law to cover children working in the informal sector.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Improve measures to investigate, prosecute, and convict individuals involved in the worst forms of child labor, including by:
  - Increasing resources and the capacity of labor inspectors.
  - Increasing training among enforcement officials on internal child trafficking.
  - Providing training to RNP employees on the rights of trafficking victims, specifically underage girls engaged in prostitution.
  - Making information publicly available on child labor investigations and prosecutions.

IN THE AREA OF POLICIES:

- Finalize, ratify, and implement the National Policy for the Elimination of Child Labor and 5-year Action Plan on child labor.

IN THE AREA OF PROGRAMS:

- Develop additional social protection programs to assist vulnerable and orphaned children and children working on the streets.

[4205] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010. Data provided are from 2008. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report. See also World Vision, KURET (Kenya, Uganda, Rwanda, and Ethiopia Together) Final Report: Baseline study and situational analysis of child labor and education in HIV/AIDS affected Communities in Rwanda, Project Document, November, 2005, 12. See also Winrock International, Rwanda Education Alternatives for Children (REACH), Project Document, 2010, 17.

[4206] Winrock International, Rwanda Education Alternatives for Children (REACH), 17. See also U.S. Embassy- Kigali, reporting, February 16, 2010, 1a. See also U.S. Department of State, Country Reports on Human Rights Practices- 2009 Rwanda, Washington, DC, March 11, 2010, 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/af/135971.htm.

[4207] U.S. Embassy- Kigali, reporting, February 16, 2010, 1d. See also Timothy Kisambira, Child Labor is a Threat to Rwanda's Vision 2020, [2009 April,10 [cited June 4, 2010]; available from http://www.eac.int/gender/index.php?option=com_content&view=article&id=57&catid=57. See also Winrock International, Rwanda Education Alternatives for Children (REACH), 4, 17.

[4208] U.S. Department of State, Country Reports- 2009: Rwanda. See also World Vision, KURET, Study of Child Labor in Rwanda.

[4209] U.S. Department of State, "Rwanda," in Country Reports on Human Rights Practices- 2009, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/af/135971.htm. See also Kisambira, Child Labor is a Threat to Rwanda's Vision 2020. See also U.S. Embassy- Kigali, reporting, February 18, 2009.

[4210] J. Buyinza, "Rwanda: Child Labor to Be Stamped Out," *New Times* (Kigali), February 3 2008; available from http://allafrica.com/stories/200802030013.html. See also U.S. Embassy- Kigali, *reporting, February 16, 2010*, 2a.1. See also Hilarie Ntawulishira, "Rwanda: School or Work: Do

the Poor Have a Choice?," *Africa Files/ Syfia Great Lakes*, November 7, 2007; available from http://www.africafiles.org/article.asp?ID=16388. See also Karen Tietjen, *Combating Exploitive Child Labor through Education in Kenya, Uganda, Rwanda and Ethiopia Together Project: Rwanda Country Report*, Independent Midterm Evaluation, March, 2007, 5; available from http://www.dol.gov/ilab/programs/ocft/tcp/KURET-report2.pdf.

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[4212] World Vision, *KURET (Kenya, Uganda, Rwanda, and Ethiopia Together) Final Report: Baseline study and situational analysis of child labor and education in HIV/AIDS affected Communities in Rwanda*, Project Document, November, 2005, 38. See also Dan Ngabonziza, "Rwanda; Memories of Life as a Child Laborer," *The New Times*, July 6, 2008; available from http://allafrica.com/stories/printable/200807070852.html. See also Kisambira, *Child Labor is a Threat to Rwanda's Vision 2020*.

[4213] Kisambira, *Child Labor is a Threat to Rwanda's Vision 2020*. See also Buyinza, "Rwanda: Child Labor to Be Stamped Out."

[4214] Human Rights Watch, *Swept Away: Street Children Illegally Detained in Kigali, Rwanda*, New York, May 14, 2006, 3; available from http://www.hrw.org/en/reports/2006/05/14/swept-away. See also UN General Assembly, *UN General Assembly Protection of the rights of the child*, New York, November 24, 2009; available from http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/566/79/PDF/N0956679.pdf?OpenElement. See also Government of Rwanda, *A Situation Analysis of Orphans and Other Vulnerable Children in Rwanda*, 2008, 22; available from www.dol.gov/ilab/programs/ocft/20090602/rwanda08.pdf. See also U.S. Embassy- Kigali, *reporting, February 16, 2010*, para 2a.1.

[4215] U.S. Department of State, "Country Reports- 2009: Rwanda," section 7d. See also U.S. Department of State, "Rwanda (Tier 2) " in *Trafficking in Persons Report- 2010*, Washington, DC, June 2010, 282-283; available from http://www.state.gov/documents/organization/143188.pdf. See also U.S. Embassy- Kigali, *reporting, February 18, 2009*, 23a, c.

[4216] U.S. Department of State, "Trafficking in Persons Report- 2010: Rwanda," 282-283.

[4217] U.S. Department of State, "Country Reports- 2009: Rwanda," section 6.

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[4219] U.S. Department of State, "Trafficking in Persons Report- 2010: Rwanda," 282-283.

[4220] Ibid. See also U.S. Embassy- Kigali, *reporting (TIP)*, February 16, 2010, para 30b.

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[4222] Ibid., article 1, 4, 6, 8, 72, 167.

[4223] Government of Rwanda, *Ministerial Order determining the list of worst forms of child labour, their nature, categories of institutions that are not allowed to employ them and their prevention mechanisms*, No. 06 (July 13,), article 4-8. See also U.S. Department of State, "Country Reports- 2009: Rwanda," section 7d.

[4224] U.S. Department of State, "Trafficking in Persons Report- 2010: Rwanda," 282-283. See also Martina Nicolls and Lou Witherite, *Independent Final Evaluation of the Combating Exploitive Child Labor Through Education in Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) Project*, October 7, 2009, 30.

[4225] Government of Rwanda, *Law regulating Labour in Rwanda*, article 168.

[4226] Ibid., article 3. See also ILO Committee of Experts, *CEACR: Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No.182) Rwanda (ratification: 2000),* [online] 2010 [cited June 9, 2010]; available from http://www.ilo.org/ilolex/english/newcountryframeE.htm.

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[4228] Government of Rwanda, *Law Relating to Rights and Protection of the Child Against Violence*, 2001, April 04, article 19; available from http://www.adh-geneva.ch/RULAC/pdf_state/Law-27-2001-Protection-Child-Against-Violence.pdf. See also Government of Rwanda, *Law regulating Labour in Rwanda*, article 72.

[4229] U.S. Embassy- Kigali, *reporting, February 16, 2010*, 2c.2.

[4230] Ibid., 2c.2

[4231] Martina Nicolls and Lou Witherite, *Independent Final Evaluation of the Combating Exploitive Child Labor Through Education in Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) Project*, 24-25.

[4232] Government of Rwanda, *Ministerial Order determining the modalities of functioning of the labour inspector*, No. 7, (July 13,), article 2-3. See also Ministry of Public Service and Labour, *Strategies Issues Paper: Structure, Programmes and Budget for the Ministry of Public Service and Labour 2009-2012*, Kigali, June 2008, 5, 10; available from http://www.mifotra.gov.rw/lang/en/about.pdf. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Rwanda," 282-283. See also U.S. Embassy- Kigali, *reporting, February 16, 2010*, para 2c.1-2, 14.

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[4234] U.S. Embassy- Kigali, *reporting, February 16, 2010*, 2 C 14.

[4235] U.S. Department of State, "Trafficking in Persons Report- 2010: Rwanda," 282-283.

[4236] ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No.182) Rwanda (ratification: 2000),* [online] 2010 [cited June 9, 2010]; available from http://www.ilo.org/ilolex/english/newcountryframeE.htm.

[4237] Government of Rwanda, *Ministerial Order determining the modalities of functioning of the labour inspector*, article 7-8.

[4238] U.S. Department of State, "Trafficking in Persons Report- 2010: Rwanda," 282-283. See also U.S. Embassy- Kigali, *reporting, February 16, 2010*, 2c.

[4239] U.S. Embassy- Kigali, *reporting, February 16, 2010*, section 2c.3.

[4240] Ibid., 2e. See also U.S. Embassy- Kigali official, E-mail communication to USDOL official, October 21, 2010.

[4241] U.S. Department of State, "Trafficking in Persons Report- 2010: Rwanda," 282-283.

[4242] U.S. Embassy- Kigali, *reporting, February 16, 2010*, section 2d.1, part I and II. See also Government of Rwanda, *Rwanda National Police: Child Protection Unit,* [online] [cited August 26, 2010]; available from http://www.police.gov.rw/spip.php?article26&var_recherche=child. See also Government of Rwanda, *Rwanda National Police: The Criminal Investigation and Scientific Police* [online] [cited August 26, 2010]; available from http://www.police.gov.rw/spip.php?article29&var_recherche=child.

[4243] U.S. Embassy- Kigali, *reporting, February 16, 2010*, section 2c.3. See also Government of Rwanda, *Rwanda National Police: RNP Strategies,* [online] [cited August 26, 2010]; available from http://www.police.gov.rw/spip.php?article31&var_recherche=child.

[4244] U.S. Embassy- Kigali, *reporting, February 16, 2010*, 2d.1.

[4245] U.S. Department of State, "Trafficking in Persons Report- 2010: Rwanda," 282-283. See also U.S. Embassy- Kigali, *reporting, February 16, 2010*, 2d.12. See also Government of Rwanda, *Rwanda National Police: RNP Strategies*.

[4246] U.S. Department of State, "Trafficking in Persons Report- 2010: Rwanda," 282-283.

[4247] U.S. Embassy- Kigali, *reporting, February 16, 2010*, 2d.1.

[4248] Ibid., 2d.4.

[4249] U.S. Embassy- Kigali, *reporting, February 18, 2009*, 26h.

[4250] U.S. Embassy- Kigali, *reporting, February 16, 2010*, para 2f.

[4251] Government of Rwanda, *National Policy for Orphans and Other Vulnerable Children*, Kigali, 2003, 19-20; available from www.unicef.org/southafrica/SAF_resources_ovcrwanda.doc. See also Government of Rwanda, *A Situation Analysis of Orphans and Other Vulnerable Children in Rwanda*, 5.

[4252] Government of Rwanda, *A Situation Analysis of Orphans and Other Vulnerable Children in Rwanda*, 4, 5, 6.

[4253] Ibid., XX, XIX.

[4254] Government of Rwanda, *National Employment Policy*, MIFOTRA, Kigali, December 2007, 22; available from http://www.mifotra.gov.rw/documents/Policies/National%20Employment%20Policy.pdf. See also Government of Rwanda, *Economic Development and Poverty Reduction Strategy, 2008-2012*, September 2007, 61; available from http://planipolis.iiep.unesco.org/upload/Rwanda/Rwanda_EDPRS_2008-2012.pdf.

[4255] Government of Rwanda, *Nine Years Basic Education Implementation, Fast Track Strategies*, Ministry of Education, November 2008; available from http://www.mineduc.gov.rw/IMG/pdf/9_year_B_E.pdf.

[4256] Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006.

[4257] ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006.

[4258] ILO-IPEC, *Regional Programme on the Prevention and Reintegration of Children Involved in Armed Conflicts in Central Africa (Phase I: Identification of a Strategy for Concerted Action)*, Project Document, Geneva, June, 2001. See also ILO-IPEC, *Prevention of Child Recruitment and Reintegration of Children Associated with Armed Forces and Groups: Strategic Framework for Addressing the Economic Gap*, Geneva, 2007; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=6965.

[4259] U.S. Department of State, "Trafficking in Persons Report- 2010: Rwanda," 282-283. See also U.S. Embassy-Kigali, *reporting, February 16, 2010*, 2f.1.

[4260] Integrated Regional Information Networks, "Rwanda: Turning Ex-Child Soldiers into Able Citizens", IRINnews.org, [online], September 30, 2008 [cited April 27, 2010]; available from http://www.irinnews.org/PrintReport.aspx?ReportId=80668.

[4261] U.S. Department of State, "Country Reports- 2009: Rwanda." See also Fred Ndoli, "Rwanda: 300 Ex-Street Children Given Vocational Training", allafrica.com, [online], February 10, 2010 [cited October 21, 2010]; available from http://allafrica.com/stories/201002100066.html.

[4262] Government of Rwanda, *Budget Execution Report - 2009/10*, Ministry of Education.

[4263] World Vision, *KURET 2009 Compiled Final*, Technical Progress Report, June 30, 2009.

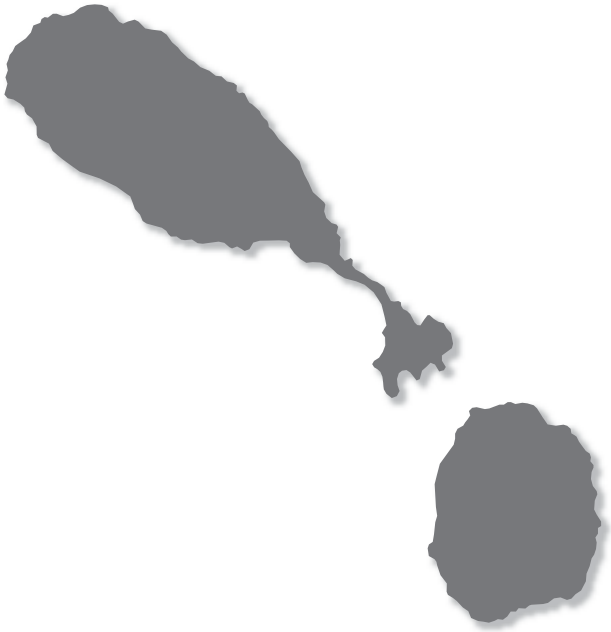
[4264] U.S. Department of Labor, *ILAB, OCFT Project Status - Africa*, 2010; available from http://www.dol.gov/ilab/projects/sub-saharan_africa/project-africa.htm#.

[4265] Jennifer Fierberg, *Prevent Child Labor in Rwanda through Education,* [May 10, 2010 [cited June 4, 2010]; available from http://www.ngonewsafrica.org/2010/05/rwanda-prevent-child-labor-in-rwanda.html. See also USDOL, *Rwanda Education Alternatives for Children (REACH)*, Technical Cooperation Project Summary, 2009. See also USDOL, "U.S. Department of Labor awards nearly $59 million to eliminate exploitive child labor in 19 countries," *PR Newswire* (Washington, DC), 2009; available from http://www.prnewswire.com/news-releases/us-department-of-labor-awards-nearly-59-million-to-eliminate-exploitive-child-labor-in-19-countries-62402067.html.

[4266] U.S. Embassy- Kigali, *reporting (TIP), February 16, 2010*, para 26c.

[4267] U.S. Embassy- Kigali, *reporting, February 16, 2010*.

Saint Kitts and Saint Nevis



Saint Kitts and Nevis does not appear to have a significant child labor problem; however, children work in agriculture and as domestic servants may be vulnerable to worst forms abuses. Gaps in legislation do not adequately protect some children from being employed in hazardous conditions.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor[4268]

Children in Saint Kitts and Nevis may be vulnerable to the worst forms of child labor, particularly in agriculture where they assist with livestock farming and vegetable production.[4269] Children's work in agriculture commonly involves the use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides.

Children are also found working as domestic servants in other households, which is an acceptable practice in the Saint Kitts and Nevis society.[4270] Child domestic labor commonly involves long hours of work and exposes children to risks of physical and sexual exploitation by their employer.

Laws and Regulations on the Worst Forms of Child Labor

The Employment of Women, Young Persons, and Children Act, and the Employment of Children (Restriction) Ordinance, as amended by Act. No 19 of 2002 set the minimum age for employment at 16, including for admission to employment that is likely to harm their health, safety, or morals.[4271] Children ages 16 and 17 appear to lack legal protection from employment in hazardous conditions.

ILO	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
UN	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
UN	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	16
	Compulsory Education Age	16
	Free Public Education	Yes

The Constitution explicitly prohibits forced or slave labor.[4272] Trafficking is also prohibited and

criminalized by a comprehensive anti-trafficking legislation enacted in August 2008.[4273] The penalties for any elements of trafficking offenses, including controlling and restricting movement of a person, range from 20 years to life in prison.[4274]

Violators procuring children for prostitution may also be prosecuted under the Probation and Child Welfare Board Act, 1994 which prohibits non-accidental injury to be inflicted on a child by a caretaker, including sexual abuse or activities of a sexual nature.[4275]

Institutional Mechanisms for Coordination and Enforcement

Although the worst forms of child labor do not appear to be significant, research found no evidence that the Government of Saint Kitts and Nevis has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Labor is the lead agency responsible for the enforcement of laws regarding the worst forms of child labor. It has 11 labor inspectors responsible for investigating all labor violations, including those related to children.[4276] During recent years, there have been no reported complaints, inspections, prosecutions or violations related to the worst forms of child labor in Saint Kitts and Nevis.[4277]

The police force takes the lead in any trafficking investigation and refers suspected cases of child trafficking to the Ministry of Social Development which oversees child abuse cases.[4278] There have been no investigations conducted or cases prosecuted.[4279]

Government Policies on the Worst Forms of Child Labor

While the worst forms of child labor do not appear to be a significant problem in Saint Kitts and Nevis, research found no evidence that the Government has established a policy framework to combat the existing worst forms of child labor, including children working as domestic servants and children assisting in agriculture.[4280]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research found no evidence of any programs to address child labor. However, the Government has participated in two IOM seminars on human trafficking, including a seminar for Caribbean law enforcement officials and a seminar on Mixed Migratory Flows in the Caribbean.[4281] Topics covered included identification of victims, interview techniques, direct assistance, child trafficking, and a review of national responses.[4282]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Saint Kitts and Nevis:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend current laws to increase the minimum age for hazardous employment to 18 and to define work that is hazardous for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.

IN THE AREA OF POLICIES:

- Adopt policies to address the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Implement programs to address the worst forms of child labor.

[4268] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[4269] U.S. Embassy- Bridgetown, *reporting*, February 5, 2010, section 1.

[4270] Ibid. See also U.S. Department of State, "Saint Kitts and Nevis," in *Country Reports on Human Rights Practices - 2009*, Washington, D.C., March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136124.htm.

[4271] ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Saint Kitts and Nevis (ratification: 2000) Submitted: 2009,* [on line] [cited July 1, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23539&chapter=9&query=Saint+Kitts%40ref&highlight=&querytype=bool&context=0.

[4272] Federation of Saint Kitts and Nevis, *The Saint Christopher and Nevis Constitution Order 1983*, 1983; available from http://pdba.georgetown.edu/constitutions/kitts/kitts83.html.

[4273] U.S. Department of State, "Saint Kitts and Nevis," in *Country Reports on Human Rights Practices - 2008*, Washington, D.C. , February 25, 2009; available from http://www.state.gov/g/drl/rls/rls/hrrpt/2009/wha/136124.htm. See also IOM, "Counter-Trafficking Activities in St. Kitts and Nevis An Overview of 2008," (2009); available from http://www.iom.int/unitedstates/ct/PDFs/Building%20Capacity/2008/St.%20Kitts%20and%20Nevis-%20Activities%20Summary%202008.pdf.

[4274] U.S. Department of State, "Country Reports- 2009: Saint Kitts and Nevis."

[4275] ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Saint Kitts and Nevis (ratification: 2000) 2009*.

[4276] U.S. Embassy- Bridgetown, *reporting, February 5, 2010*.

[4277] Ibid.

[4278] Ibid.

[4279] Ibid.

[4280] Ibid.

[4281] IOM, "Counter-Trafficking Activities in St. Kitts and Nevis An Overview of 2008."

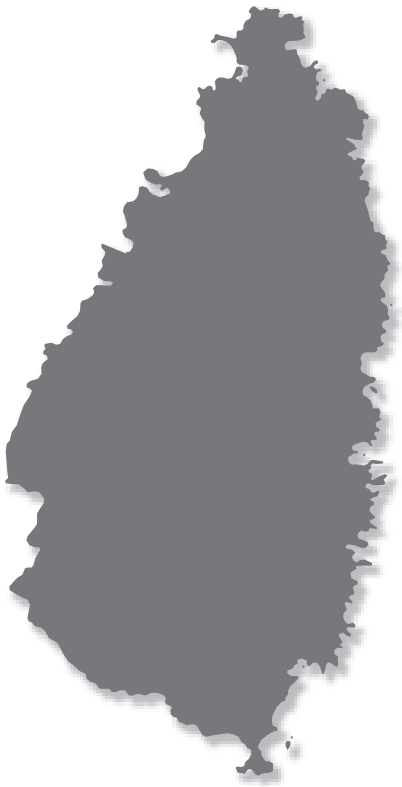
[4282] Ibid.

Saint Lucia

The Government of Saint Lucia has strengthened its legal framework by enacting a new anti-trafficking law. However, gaps remain in its efforts to protect children from the worst forms of child labor, in particular regarding the minimum age for work law, and in data collection and research. Although there is limited information on the prevalence of hazardous child labor, there are reports that children work in the banana harvest and the informal sector. It is not clear whether the lack of evidence of the worst forms of child labor is indicative of a small problem, or a hidden one.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Although there is limited information on the prevalence of the worst forms of child labor in Saint Lucia,[4283] there are reports that children in rural areas help harvest bananas where they may be at risk of carrying heavy loads and exposure to harmful pesticides.[4284]

The Government has indicated that child labor appears to be an issue in the informal sector, although additional details on the specific types of work are unavailable.[4285]

Laws and Regulations on the Worst Forms of Child Labor

The Employment of Women, Young Persons, and Children Law, Saint Lucia Revised Ordinances of 1957 sets the minimum age for employment at 14.[4286] In 2006, the Government proposed Labour Code No. 37, to increase the minimum age for employment to age 15 years.[4287] The legislation has not been enacted by Parliament.[4288]

The Education Act No. 41 of 1999 makes it an offense to employ a child between the ages of 5 and 15 during the school year.[4289] The Occupational Health and Safety Act prohibits the employment of persons under age 18 in industrial undertakings.[4290] It also lists certain types of work that are prohibited.[4291] However, it is unclear whether or not there are prohibitions in hazardous work in other sectors of the economy.

The Constitution prohibits slavery, servitude, or forced labor.[4292]

The Criminal Code bans the procurement of any male or female under age 18 for prostitution or for the purpose of sexual relations.[4293] In 2010, the Government enacted the Counter-Trafficking Act No. 7 to define hostage taking, migrant smuggling, participation in organized criminal group and sexual exploitation of children as offenses.[4294] The Counter-Trafficking Act is intended to give effect to implementation of the Protocol to Prevent, Suppress, and Punish trafficking in persons.[4295]

Saint Lucia does not have a military force. Instead, the police force is responsible for the security of the country. The minimum age for recruitment to the police force is 18.[4296]

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	No

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Saint Lucia has established a coordinating mechanism to address child labor in agriculture or the informal sector. The Government of Saint Lucia has established a National Coalition against Trafficking in Persons consisting of the Gender Relations Divisions, the Human Services Division, the Police, and the Immigration Service.[4297]

The Department of Labor of the Ministry of Labor Relations, Public Service, and Cooperatives is responsible for enforcing child labor statutes.[4298] The Government has seven labor inspectors to cover all aspects of labor violations including child labor.[4299] These inspectors conduct spot investigations and check records to verify compliance with the law. Inspectors are empowered to take legal action against employers found to have employed underage workers. There have been no cases filed to date.[4300]

Anti-trafficking enforcement is among the responsibilities of the Police Department. It refers suspected cases of child trafficking to the Child Welfare Board, which oversees child abuse cases.[4301]

Government Policies on the Worst Forms of Child Labor

Research found no evidence that the Government of Saint Lucia has any policies to specifically address the worst forms of child labor.[4302] However, the Government has recognized the need to conduct solid research and statistical analysis to obtain more information on the prevalence of the worst forms of child labor; such research has not been undertaken to date.[4303]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Although the Government of Saint Lucia has implemented programs to address trafficking of children, research found no evidence that it has carried out programs to assist children involved in agriculture or the informal sector. The Government works with organizations such as the Organization of American States (OAS), the Inter-American Commission of Women, and IOM to address, prevent, and combat the issue of trafficking in persons.[4304] In 2010, the Government of Saint Lucia participated in an OAS training to increase awareness of trafficking among enforcement agencies.[4305] The program trained 40 Saint Lucian law enforcement officials in areas such as distinction between trafficking and smuggling as well as victim identification and assistance and protection.[4306]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Saint Lucia:

IN THE AREA OF LAWS AND REGULATIONS:

- Increase the minimum age for work to 15.
- Ensure prohibitions on hazardous work in sectors other than industrial undertakings.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat all worst forms of child labor, including hazardous child labor in agriculture and the informal sector.

IN THE AREA OF POLICIES:

- Conduct a comprehensive study to assess the nature and extent of worst forms of child labor in the country.

IN THE AREA OF PROGRAMS:

- Use the results of the study on the worst forms of child labor to assess the need for social programs to assist children working in agriculture and the informal sector.

[4283] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[4284] U.S. Department of State, "Saint Lucia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136125.htm See also UNICEF, *A Study of Child Vulnerability in Barbados, St. Lucia and St. Vincent and the Grenadines*, November 2006; available from http://www.unicef.org/barbados/cao_resources_vulnerability.pdf.

[4285] ILO Programme for the Promotion of the Declaration, *Country Baseline Under the ILO Declaration Annual Review (2000-2010): Saint Lucia*, 2010; available from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_cl_lca.pdf.

[4286] Ibid.

[4287] ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Saint Lucia (ratification: 2000),* [online] 2010 [cited July 13, 2010]; available from http://bravo.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25301&chapter=9&query=Saint+Lucia%40ref&highlight=&querytype=bool&context=0. See also ILO Declaration Experts and ILO Governing Body, *The Effective Abolition of Child Labor: Country Baseline Under the ILO Declaration Annual Review (2000 - 2010) Saint Lucia*, 2010; available from http://natlex.ilo.ch/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_091263.pdf.

[4288] ILO Declaration Experts and ILO Governing Body, *Saint Lucia*. See also M. G. George, "Labour Code to be implemented," *The voice*, April 20th, 2010; available from http://www.thevoiceslu.com/local_news/2010/april/20_04_10/Labour_Code_to_be_implemented.htm.

[4289] ILO Programme for the Promotion of the Declaration, *Country Baseline: Saint Lucia*. See also Government of Saint Lucia, *Education Act No. 41 of 1999*; available from http://planipolis.iiep.unesco.org/upload/Saint%20Lucia/Saint%20Lucia%20Education%20Act%201999.pdf.

[4290] ILO Declaration Experts and ILO Governing Body, *Saint Lucia*. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Saint Lucia (ratification: 2000) Submitted: 2010,* [online] [cited July 13, 2010]; available from http://bravo.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25301&chapter=9&query=Saint+Lucia%40ref&highlight=&querytype=bool&context=0

[4291] ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Saint Lucia (ratification: 2000) 2010*.

[4292] Government of Saint Lucia, *The Saint Lucia Constitution Order of 1978*; available from http://pdba.georgetown.edu/Constitutions/Lucia/Luc78.html.

[4293] Government of Saint Lucia, *Criminal Code*, 2004.

[4294] Caribbean Financial Action Task Force, *Mutual Evaluation of Saint Lucia: First Follow-up Report*, May 27, 2010; available from http://www.cfatf-gafic.org/downloadables/Follow-Up_reports/Saint_Lucia_1st_Follow-up_Report_(Final)_English.pdf. See also Government of Saint Lucia, *Report to the 11th Session of the Regional Conference on Women in Latin America and the Caribbean*, June 2010; available from http://www.eclac.org/mujer/noticias/paginas/6/38906/SaintLucia.pdf.

[4295] Caribbean Financial Action Task Force, *Mutual Evaluation of Saint Lucia*.

[4296] Coalition to Stop the Use of Child Soldiers, "Saint Lucia," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf. See also ILO Committee of Experts, *Individual Direct Request C182: Saint Lucia (2010)*.

[4297] U.S. Department of State, "Country Reports- 2009: Saint Lucia."

[4298] U.S. Embassy- Bridgetown, *reporting*, February 5, 2010.

[4299] Ibid.

[4300] Ibid.

[4301] Ibid.

[4302] U.S. Department of State, "Country Reports- 2009: Saint Lucia."

[4303] ILO Programme for the Promotion of the Declaration, *Country Baseline: Saint Lucia*.

[4304] Government of Saint Lucia, *Report to the 11th Session of the Regional Conference on Women in Latin America and the Caribbean*.

[4305] Caribbean Net News, "OAS to train officials in St. Lucia and St. Vincent to combat trafficking in persons," (2010); available from http://www.caribbeannetnews.com/news-23106--38-38--.html.

[4306] Ibid.

Saint Vincent and the Grenadines

Saint Vincent and the Grenadines does not appear to have a significant child labor problem; however, children are found working in agriculture and are possibly victims of commercial sexual exploitation. Significant gaps in the law and a lack of policy to combat the worst forms of child labor provide insufficient protection, which result in children being vulnerable to exploitation.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor[4307]

In Saint Vincent and the Grenadines, some children are found working in the worst forms of child labor, mainly in the harvesting of bananas on farms where they may be at risk of carrying heavy loads and applying harmful pesticides.[4308]

There have been unsubstantiated reports of a small number of trafficking victims, including children who are trafficked internally for the purposes of commercial sexual exploitation. However, the full extent of trafficking in Saint Vincent and the Grenadines is unknown.[4309]

Laws and Regulations on the Worst Forms of Child Labor

The Employment of Women, Young Persons and Children (EWYP) Act, sets the minimum age for employment, including hazardous work, at 14.[4310] Children below the age of 18 are prohibited from being employed at night.[4311]

The Act also authorizes the Governor-General to establish regulations regarding the health, welfare, and safety of young persons and children; however, regulations do not exist to prohibit specific occupations or conditions hazardous for children.[4312]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	14
	Compulsory Education Age	16
	Free Public Education	Yes

The Constitution of Saint Vincent and the Grenadines prohibits forced or slave labor.[4313] There are no laws that specifically address trafficking, though related

offenses may be prosecuted under provisions in the Penal Code. For example, kidnapping or detaining a woman against her will for the purpose of prostitution is an offense punishable with up to 14 years in prison.[4314]

A person convicted of causing or encouraging the prostitution of children under the age of 15 may be incarcerated for up to 7 years.[4315]

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Saint Vincent and the Grenadines has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Labor is responsible for the enforcement of child labor laws.[4316] Within the Ministry, there are five officers responsible for monitoring all labor issues and complaints including child labor. During the reporting period, no inspections were conducted related to child labor nor were there any reports of child labor complaints.[4317]

The Police Force is responsible for investigating trafficking in persons cases and referring the cases to the Ministry of Social Development.[4318]

Government Policies on the Worst Forms of Child Labor

Although the worst forms of child labor do not appear to be substantial in Saint Vincent and the Grenadines, research found no evidence of any policies to address existing child labor, including children working in agriculture and trafficked for commercial sexual exploitation.[4319]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In 2010, the Children Against Poverty bridging program was launched with a total of 56 participating primary schools to develop children's skills through a fun-filled curriculum.[4320] A team of over 200 trained personnel including teachers, Ministry Officials, Police Officers, and Community Health Officers were the facilitators. The project goal was to use education as a means of breaking the cycle of poverty.[4321] The Ministry of Education also operates five Multi-purpose Centers offering full-time technical/vocational education to children age 15-17 to prevent school dropouts.[4322] The question of whether these programs have an impact on the worst forms of child labor does not appear to have been addressed.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Saint Vincent and Grenadines:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Employment of Women, Young Persons, and Children Act to make 18 the minimum age for engaging in hazardous work.
- Issue regulations to define a list of hazardous occupations and working conditions prohibited to children under the age of 18.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor, particularly in agriculture.

IN THE AREA OF POLICIES:

- Conduct a rigorous study to assess whether the worst forms of child labor are indicative of a small problem or of a hidden problem that requires further follow up.
- Use the information obtained from the study to develop a national plan of action to address the worst forms of child labor, particularly for children in agriculture.

IN THE AREA OF PROGRAMS:

- Assess the impact that existing programs may have on addressing the worst forms of child labor.

[4307] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[4308] U.S. Embassy- Bridgetown, *reporting*, February 05, 2010.

[4309] U.S. Department of State, "St. Vincent and the Grenadines (Tier 2 Watch List)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/documents/organization/123357.pdf.

[4310] ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Saint Vincent and the Grenadines (ratification: 2006) Submitted: 2010,* [on line] [cited September 3, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=24850&chapter=9&query=Saint+Vincent+and+the+Grenadines%40ref&highlight=&querytype=bool&context=0. See also International Trade Union Confederation (ITUC), *Internationally Recognised Core Labour Standards in the Organisation of Eastern Caribbean States (OECS)*, Geneva, 2007; available from http://www.ituc-csi.org/IMG/pdf/OECS_report_final_carr_EN.pdf.

[4311] ILO Committee of Experts, *Individual Direct Request, Minimum Age Convention, 1973 (No. 138) Saint Vincent and the Grenadines (ratification: 2006) 2010*

[4312] ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Saint Vincent and the Grenadines (ratification: 2001) Submitted: 2010,* [online] [cited September 7, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25353&chapter=9&query=Saint+Vincent+and+the+Grenadines%40ref&highlight=&querytype=bool&context=0.

[4313] *Constitution of Saint Vincent and the Grenadines*, 1979; available from http://pdba.georgetown.edu/Constitutions/Vincent/Stvincent79.html.

[4314] Government of Saint Vincent and the Grenadines, *Criminal Code of Saint Vincent and the Grenadines*.

[4315] U.S. Department of State, "Trafficking in Persons Report- 2009." See also Government of Saint Vincent and the Grenadines, *Criminal Code of Saint Vincent and the Grenadines*.

[4316] U.S. Embassy- Bridgetown, *reporting, February 05, 2010*.

[4317] U.S. Department of State, "Saint Vincent and the Grenadines," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136126.htm. See also U.S. Embassy- Bridgetown, *reporting, February 05, 2010*.

[4318] U.S. Embassy- Bridgetown, *reporting, February 05, 2010*.

[4319] Ibid.

[4320] NBC Radio - SVG, *CAP Bridging Program Officially Launched Today,* [2010 [cited September 7, 2010]; available from http://www.nbcsvg.com/profiles/blogs/cap-bridging-program.

[4321] Ibid.].

[4322] UNICEF, *A Study of Child Vulnerability in Barbados, St. Lucia and St. Vincent and the Grenadines*, November 2006; available from http://www.unicef.org/barbados/cao_resources_vulnerability.pdf.

Samoa

The Government has instituted compulsory education for children under age 15. Children work in agriculture and as street vendors and domestic servants. There is no legal entitlement to free education and there is no evidence of policies or social programs specifically targeted at addressing the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Samoa are exploited in the worst forms of child labor.[4323] Children in rural areas work on village farms and plantations.[4324] Work in agriculture commonly involves harmful activities, such as the use of potentially dangerous machinery and tools, carrying heavy loads, and the application of harmful pesticides.

Children work as street vendors in Apia, Samoa's capital, and in a few other locations, including the international airport.[4325] Children working on the streets are commonly exposed to a variety of hazards, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Children are also employed in domestic service.[4326] Domestic labor by children may involve long work hours, which often prevent children from attending school, and exposure to physical and sexual exploitation by their employers.

The lack of official data and other information does not allow for an accurate assessment of the full nature and extent of the worst forms of child labor in Samoa.

Laws and Regulations on the Worst Forms of Child Labor

The Labor and Employment Act of 1972 sets the minimum age for employment at 15. The Act permits children under age 15 to engage in "safe and light work suited to the capacity of the child" and prohibits them from working with dangerous machinery, in any occupation or place where working conditions are likely to harm their physical or moral health, or on any vessel not under the personal charge of a parent or guardian. The Act treats anyone age 15 and over as an adult worker. The Act covers only establishments of fixed location, so that work that may take place at no set location (such as street vending) is effectively not regulated by the Act.[4327]

The Samoan Constitution prohibits forced or compulsory labor, but an exception to this provision is given for work or service required by Samoan custom.[4328] Research did not identify the specific work activities that would fall under "Samoan custom."

The Crimes Ordinance Act prohibits inducing a female of any age into sexual relations through fraudulent means.[4329] Soliciting or procuring a female of any age for prostitution, or benefiting from the earnings thereof, is also punishable under the Act.[4330] Also prohibited is the abduction or detention of any

female child under age 16, with the intent to have sexual relations.[4331] There is no specific criminal provision regarding child pornography; however, child pornography cases can be prosecuted under a provision of the Penal Code that prohibits the distribution or exhibition of indecent matter.[4332] Provisions of the Crimes and Ordinance Act are insufficient to provide adequate protection to boys against commercial sexual exploitation.

There is no comprehensive law prohibiting trafficking in persons, but kidnapping any person with the intent to transport him/her out of the country, or hold the individual for service, is a crime punishable under the Crimes Ordinance Act. Furthermore, no person under age 16 may give consent to "being sent or taken out" of Samoa.[4333]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	15
	Compulsory Education Age	14
	Free Public Education	No

The new Education Act of 2009 makes education compulsory for children under age 15.[4334] The parents or legal guardian of a compulsory school-aged child who fails to ensure that the child attends school is subject to a fine.[4335] The Act further stipulates that if a child under age 15 is not in school and is involved in street vending, the parents or legal guardians may be fined a larger amount.[4336] However, there is no legal entitlement to free education. Some families may find schooling costs prohibitive or may need to have children pay their own way. In either case, a child may work and risk exposure to the worst forms of child labor.

As there are no armed forces maintained by the Government of Samoa, there is no minimum age for conscription.[4337]

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Samoa has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Commerce, Industry, and Labor (MCIL) is the primary government agency designated to enforce laws related to hazardous or forced child labor. The Ministry of Women, Community, and Social Development and the Ministry of Education may be called upon to help with investigations.[4338]

Inspectors from the MCIL investigate complaints of violations of the Labor and Employment Act, including complaints of child labor violations and refer them to the Ministry of Police and the office of the Attorney General for enforcement.[4339] There are 8 inspectors from MCIL assigned to carry out varied inspections, but none focuses specifically on child labor.[4340] No information was identified on the number of enforcement actions or the number of violations found during the reporting period.

Although there is no law prohibiting trafficking in persons, trafficking-related investigations are conducted by the Transnational Crimes Unit of the Ministry of Police.[4341]

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address the worst forms of child labor in Samoa.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research has not found evidence of any programs by the Government specifically intended to address the worst forms of child labor prevalent in Samoa, nor did the government collect information on exploitive child labor in 2009.[4342]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Samoa:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labour Act to provide specific protections against hazardous work activities for all children under age 18.
- Amend provisions in the Crime and Ordinance Act prohibiting the commercial sexual exploitation of children to apply to both boys and girls under age 18.
- Ensure appropriate legal protection for children involved in street vending.
- Prohibit all forced labor.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Make accessible data on the number and type of inspections related to the worst forms of child labor.
- Establish a coordinating mechanism to combat the worst forms of child labor.

IN THE AREA OF POLICIES:

- Establish policies to address relevant worst forms of child labor in Samoa.
- Ensure free education to children up to the minimum compulsory school age.

IN THE AREA OF PROGRAMS:

- Conduct studies to better understand the extent and nature of the worst forms of child labor in agriculture, domestic service, and street vending with a view to identifying legal, policy, and program initiatives needed.
- Develop and implement programs to address relevant worst forms of child labor in Samoa, including children working under exploitive conditions in agriculture, street work, and domestic service.

[4323] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[4324] U.S. Embassy- Apia, *reporting*, March 5, 2010. See also U.S. Department of State, "Samoa," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136007.htm.

[4325] U.S. Embassy- Apia, *reporting, March 5, 2010*.

[4326] Ibid.

[4327] U.S. Department of State, "Samoa," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119055.htm.

[4328] Government of Samoa, *Constitution of the Independent State of Western Samoa 1960*, (January 1, 1962), article 8(1) and 8(2d); available from http://www.paclii.org/ws/legis/consol_act/cotisows1960535/.

[4329] Government of Samoa, *Crimes Ordinance 1961*, (December 16, 1961), article 55; available from http://www.paclii.org/ws/legis/consol_act/co1961135/.

[4330] Ibid., article 58L-M.

[4331] Ibid., article 83B.

[4332] Ibid., article 43. See also U.S. Department of State, "Country Reports- 2009: Samoa."

[4333] Government of Samoa, *Crimes Ordinance*, article 83A(1).

[4334] U.S. Embassy- Apia, *reporting, March 5, 2010*. See also Government of Samoa, *Education Act 2009*, (2009); available from http://www.paclii.org/ws/legis/num_act/ea2009104/.

[4335] Government of Samoa, *Education Act 2009*.

[4336] U.S. Embassy- Apia, *reporting, March 5, 2010*.

[4337] Coalition to Stop the Use of Child Soldiers, "Pacific Islands: Cook Islands, Niue, Samoa," in *Child Soldiers Global Report 2008*, London, 2008, 263; available from www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

[4338] U.S. Embassy- Apia, *reporting, March 5, 2010*.

[4339] U.S. Embassy- Apia official, E-mail communication to USDOL official, February 16, 2009. See also U.S. Embassy- Apia, *reporting*, December 2, 2007.

[4340] U.S. Embassy- Apia, *reporting, March 5, 2010*.

[4341] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports of State Parties due in 1996: Samoa*, February 16, 2006, para 197(c); available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/7a53d58f695d3bf1c125715c0037ae04/$FILE/G0640507.pdf.

[4342] U.S. Embassy- Apia, *reporting, March 5, 2010*.

São Tomé and Príncipe

The Government of São Tomé and Príncipe has established some laws to protect children from the worst forms of child labor. Children in São Tomé and Príncipe continue to work in agriculture. Gaps remain in the country's legal framework and enforcement system, as well as in social programs to protect children from labor exploitation.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	15.4%
Attending School	5-14 yrs.	68.8%
Combining Work and School	7-14 yrs	13.7%

Prevalence and Sectoral Distribution of Worst Forms of Child Labor

Children in São Tomé and Príncipe are involved in the worst forms of child labor.[4343] Some children work in agriculture.[4344] Children working in agriculture may use dangerous machinery and tools, carry heavy loads, and apply harmful pesticides.

Children in São Tomé and Príncipe are also victims of commercial sexual exploitation.[4345] Children also engage in street vending and domestic service.[4346] Children working in the streets may face severe weather conditions, accidents caused by proximity to vehicles, and vulnerability to criminal elements. Child domestic labor commonly involves long hours of work and may expose children to physical and sexual exploitation by their employers. Although some children attend school and assist their parents with light tasks, many rural students stop attending school after the fourth grade due to the relative high cost of sending their children to far-away schools, which may leave them vulnerable to the worst forms of child labor.[4347] There were no reports that children were trafficked to, from, or within the country during the reporting period.[4348]

Laws and Regulations on the Worst Forms of Child Labor

The Law on Individual Labor Contracts sets the minimum age for work in São Tomé and Príncipe at 14, and the minimum age for hazardous work at 18.[4349] However, there is no list of hazardous occupations. The law also establishes limits on working hours for children under age 18. Specifically, it states that children are prohibited from working more than seven hours per day and 35 hours per week.[4350] The law prohibits forced or compulsory labor.[4351]

The Criminal Code contains provisions prohibiting trafficking in persons.[4352] The Civil Code includes provisions against child prostitution.[4353] However, because these laws define a child as under the age of 16, young people (age 16 to 17) may legally engage in prostitution and the worst forms of child labor.[4354]

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of São Tomé and Príncipe has established a coordinating mechanism to combat the worst forms of child labor.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

The Department of Labor Inspection within the Ministry of Labor, Solidarity and Family Affairs is responsible for enforcing labor laws, including those regarding exploitive child labor. The Department lacks basic equipment, including vehicles and computers, as well as personnel.[4355] The Department of Labor Inspection uses teams composed of members from other government agencies, such as the Police and Ministry of Social Work, to carry out the enforcement of all labor laws, including those pertaining to child labor.[4356] The Government intermittently employs 14 labor inspectors.[4357]

Although complaints regarding the worst forms child labor may be lodged with the Department of Labor Inspection or the Police, there were no complaints during the reporting period. Inspections that occurred during the period did not involve child labor.[4358] It is unknown whether inspections were conducted in sectors in which children work, such as agriculture.[4359]

The Criminal Police Investigation Unit, the Department of Labor Inspection, and social workers are responsible for investigating trafficking of children.[4360] During the reporting period no complaints were filed regarding such issues. Statistics on investigations, arrests, and convictions for such crimes are unavailable.[4361]

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to combat child labor om Sao Tome and Principe.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government has participated in a Multilateral Cooperative Agreement with 23 other African countries to combat trafficking in persons especially women and children.[4362] The Government of São Tomé and Príncipe manages three shelters for street children where they receive education and training.[4363] However, research found no evidence of programs targeted to children working in agriculture, domestic service, or to children engaged in commercial sexual exploitation.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Sao Tomé and Príncipe:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the law to:
  - Define a child as any person under age 18.
  - Protect children between the ages of 16 and 17 from engaging in commercial sexual exploitation.
  - Develop a list of hazardous occupations prohibited for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Strengthen the enforcement of child labor laws by:
  - Creating permanent positions for labor inspectors in the Ministry of Labor's Department of Labor Inspection.
  - Providing adequate resources to ensure that there is an effective enforcement system.

IN THE AREA OF POLICIES:

- Adopt policies to address the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Establish programs that address the worst forms of child labor observed in Sao Tomé and Príncipe: agriculture, domestic service, and commercial sexual exploitation.

[4343] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[4344] U.S. Embassy- Libreville, *reporting*, March 10, 2010.

[4345] UN Committee on the Rights of the Child, *Concluding Observations: São Tomé and Príncipe*, CRC/C/15/Add.235, July 1, 2004; available from http://tb.ohchr.org/default.aspx?country=st.

[4346] U.S. Department of State, "Sao Tome and Principe," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/af/135972.htm. See also U.S. Embassy- Libreville, *reporting*, March 12, 2010, para 2a1.

[4347] U.S. Department of State, "Country Reports- 2009: Sao Tome and Principe." See also U.S. Embassy- Libreville, *reporting, March 12, 2010*. See also U.S. Embassy-Libreville official, E-mail communication to USDOL official, November 18, 2010.

[4348] U.S. Department of State, "Country Reports- 2009: Sao Tome and Principe," section 6. See also U.S. Embassy-Libreville, *reporting, March 10, 2010*.

[4349] Government of São Tomé and Príncipe, *Regime Jurídico das Condições Individuais de Trabalho*, (June 11, 1992), articles 128 and 129; available from http://www.legis-palop.org/index.php?option=com_docman&task=cat_view&gid=62&Itemid=76&limitstart=10.

[4350] Ibid., articles 134-136, 147. See also U.S. Department of State, "Country Reports- 2009: Sao Tome and Principe."

[4351] U.S. Department of State, "Sao Tome and Principe," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 6c; available from http://www.state.gov/g/drl/rls/hrrpt/2008/af/119020.htm. See also Government of São Tomé and Príncipe, *Constitução Política da República Democrática de São Tomé e Príncipe*, (January 25, 2003), article 32; available from http://www.gov.st/data/filestorage/docs/constistp.pdf.

[4352] U.S. Department of State, "Country Reports- 2009: Sao Tome and Principe," section 6. See also UN Committee on the Rights of the Child, *Initial Reports of States Parties due*

in 1993: São Tomé and Príncipe, prepared by Government of São Tomé and Principé, pursuant to Article 44 of the Convention on the Rights of the Child, December 1, 2003, para 35; available from http://tb.ohchr.org/default.aspx?country=st.

[4353] UN Committee on the Rights of the Child, *Initial Reports: São Tomé and Príncipe*, para 400. See also U.S. Embassy- Libreville official, E-mail communication to USDOL official, March 31, 2009.

[4354] UN Committee on the Rights of the Child, *Initial Reports: São Tomé and Príncipe*, para 35, 401. See also UN Committee on the Rights of the Child, *Concluding Observations: São Tomé and Príncipe*, para 53.

[4355] U.S. Embassy- Libreville, *reporting, March 12, 2010*, para 2c1 and 2c4.

[4356] Ibid., para 2c1 and 2c5.

[4357] Ibid., para 2c5.

[4358] Ibid., para 2c3 and 2c6.

[4359] U.S. Department of State, "Country Reports- 2009: Sao Tome and Principe," section 6e.

[4360] U.S. Embassy- Libreville, *reporting, March 12, 2010*, para 2d1.

[4361] Ibid., para 2d1, 2d3-2d12.

[4362] ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006.

[4363] National Assemby of São Tomé and Príncipe, *Programa do XIII Governo*, July 2008; available from http://www.parlamento.st/. See also U.S. Department of State, "Country Reports- 2009: Sao Tome and Principe," section 6.

Senegal

The Government of Senegal continues to participate in several large scale programs to combat the worst forms of child labor. There appears to be little inspection or enforcement activity, however, and children remain engaged in begging and dangerous work in agriculture, fishing, and mining.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	30.0%
Attending School	5-14 yrs.	47.9%
Combining Work and School	7-14 yrs	16.9%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor[4364]

Children in Senegal are exploited in the worst forms of child labor. Many working children are engaged in agriculture and fishing, which puts them at risk of occupational dangers.[4365] Children's work in agriculture may involve unhealthy and unsafe activities, such as the use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides. Fishing in Senegal potentially exposes children to explosives, which are commonly used to kill large amounts of fish.[4366]

Children also work as domestic servants in Senegal, where they may be exposed to long hours of work and physical and sexual exploitation by their employer.[4367] Some girls in Senegal begin work as domestic servants as young as age 6.[4368]

Children mine gold and salt.[4369] They also work in rock quarries. They are exposed to unsafe and unhealthy working conditions such as carrying heavy loads, sifting through dirt using mercury to attract precious metals, and working without protective gear.[4370]

Other dangerous work performed by children takes place in the construction industry, at automobile repair shops, in metal and wood work, and at dumpsites.[4371]

Child prostitution occurs in Dakar, in tourist areas, and in other urban areas.[4372] Children are recruited or trafficked into prostitution by pimps and private brothel and hotel owners. Some children are prostituted by their parents.[4373] In addition, children displaced from the South of Senegal, where a 22 year rebellion has taken place often migrate to Dakar and Ziguinchor for prostitution, providing sexual services

to soldiers near the Senegal-Gambia and Senegal-Guinea Bissau borders.[4374]

The practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in Senegal.[4375] These boys, called *talibes*, are sometimes forced by their teachers, to beg on the streets for food or money and to surrender their earnings.[4376] *Talibes* are often trafficked from rural areas to major cities within Senegal, as well as from The Gambia, Guinea-Bissau, Mali, and Guinea. Senegalese children are also trafficked to The Gambia and Mauritania for forced begging by religious teachers.[4377] Many of these children beg in dangerous and unhealthy conditions, are physically abused, and are known to work from 6 a.m. until after dark.[4378] Although evidence is limited, there is reason to believe that *talibes* in the Casamance region are used to gather cashews and mangos, and to harvest oranges. These children are exposed long working hours and to land mines left in the fields from a 27 year conflict in the region.[4379] In Thies, *talibes* collect garbage from homes, sometimes carrying very heavy loads.[4380]

Other forms of trafficking in addition to trafficking of boys for forced begging occur in Senegal.[4381] Girls are trafficked to Senegal for the purpose of forced begging on behalf of the blind. These girls work in difficult conditions, and may be vulnerable to abuse.[4382] Young girls are trafficked from villages in Fatick, Louga, Kaolack, Kolda, Ziguichor, Thies, Saint Louis, and Djourbel to urban centers for domestic service, and are trafficked to many of the same cities for commercial sexual exploitation.[4383] Girls are also trafficked to neighboring countries, Europe and the Middle East for sexual exploitation and from Liberia, Ghana, Sierra Leone, and Nigeria into Senegal for the same purpose.[4384]

Laws and Regulations on Child Labor

The Labor Code sets the minimum age for employment, including apprenticeships, at 15.[4385] Arrêté ministériel n° 3750 and 3751 prohibit children from working in hazardous conditions and identify circumstances in which children under age18 cannot work or can only work under certain conditions.[4386] An exception within these laws allows boys under age 16 to work in underground mines and quarries if they are doing "light work."[4387] Arrêté ministériel n° 3749 prohibits activities considered to be worst forms of child labor and includes, among others, forced labor, slavery, prostitution, begging for a third party, drug trafficking, scavenging garbage, slaughtering animals, work with dangerous products, and work that imperils the health, safety, or morality of children.[4388]

Senegalese laws require children to attend school through age 12, while the minimum age for children to work is 15. This standard makes children ages 13 to 15 particularly vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum age for work.[4389]

The Constitution bans forced labor.[4390] Military recruits must be age 18 or older.[4391]

The Penal Code prohibits the procurement of a person into prostitution, or acting as an intermediary for prostitution. If the crime involves a minor younger than age 13, sentences are more severe.[4392] Law n° 2005-06 prohibits all forms of trafficking and provides stringent penalties.[4393] The Penal Code forbids third party begging, unless the begging is done on behalf of a family member, blind person, or for collecting alms per religious tradition.[4394] The existence of these exceptions to the prohibition against third party begging provides a loophole that can be exploited by religious leaders and the blind who are using children for third party begging.[4395]

	C138, Minimum Age	Yes
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Intersectoral Committee, chaired by the Ministry of Labor, coordinates efforts against child labor.[4396] The committee is comprised of employers' organizations, 20 ministries, religious leaders, international agencies and governors from various regions.[4397] The Ministry of Labor (MOL) also has a Child Labor Unit to maintain a database for child labor, and assure monitoring and evaluation of child labor activities. However, the Unit has no budget, no office space, and the Unit's work is carried out through part-time contributions of MOL staff whose primary responsibilities are elsewhere.[4398] The Ministry of Family coordinates another national committee against child labor. This duplication of efforts leads to problems with the coordination of efforts.[4399]

The MOL is responsible for enforcing child labor laws through the Labor Inspections Office and the use of social security inspectors.[4400] During the reporting period there were 67 inspectors and 80 controllers charged with carrying out labor inspections. Labor inspectors monitor and enforce minimum age and all other labor laws in the formal wage sector, which includes state-owned corporations, private enterprises, and cooperatives.[4401] If an incident of child labor is found during an inspection, the inspector informs the business owner that the child should be removed from work. If the child is not removed within the specified timeframe, the case is turned over to a local tribunal for adjudication.[4402] According to the MOL, there were no child labor violations in the formal wage sector in 2009. Labor inspectors reportedly lack transportation to undertake inspections.[4403] As this process does not penalize violators on their first offense, it may not deter employers from exploiting children in the workplace.

The Ministry of Justice leads anti-trafficking and child begging enforcement efforts in Senegal.[4404] Additionally, the Minors' Brigade under the Interior Ministry Special Commissariat, and the local police and gendarmerie work to combat -sex tourism. However, the Minors' Brigade only has a presence in Dakar, while, the commercial sexual exploitation of children is widespread throughout tourist areas outside of Dakar.[4405]

During the reporting period, a human trafficking network that sent girls from Senegal to Morocco for domestic work was dismantled. The alleged traffickers were released without charges.[4406] Two religious teachers were arrested for the abuse and forced begging of *talibes*. One was jailed and the other awaits trial.[4407] Although these arrests indicate positive steps towards addressing forced begging, the investigation into the issue of forced begging is lacking compared to the magnitude of the problem of exploited *talibes*.

Government Policies on Child Labor

The Government has been developing a national action plan on child labor since 2003. However, the plan has not yet been adopted by the Government of Senegal.[4408] The Government developed a National Action Plan on Trafficking in Persons which implements trafficking prevention and awareness campaigns, and aims to enhance law enforcement and victim protection. However, the action plan is still awaiting cabinet approval.[4409]

The Government has integrated child labor issues into several relevant development policies, including its United Nations Development Assistance Framework (2007-2011);[4410] the Ten-Year Education and Training Program (2000-2015), which aims to provide universal quality primary education to all children by 2015;[4411] the Poverty Reduction Strategy Paper (2006-2010), which promotes better conditions for *talibes* and focuses on social protection and risk management for vulnerable groups, including children;[4412] and its National Social Protection Strategy (2005-2015), which classifies children as a specific vulnerable group and includes provisions for their protection against harmful practices, exploitation, and violence.[4413]

In 2006, the Government adopted the Multilateral Cooperative Agreement to Combat Trafficking in Persons, and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.[4414] Commitments under the Multilateral Cooperative Agreement include investigation and prosecution of trafficking offenders; rehabilitation and reintegration of trafficking victims; and assisting fellow signatory countries to implement these measures.[4415]

During the reporting period, the Government adopted the Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa under ECOWAS. This agreement explicitly targets, among others, victims of exploitative labor and hazardous child labor. The Policy identifies begging as a possible outcome of trafficking, reflecting the need to combat this growing problem with regional strategies.[4416]

Social Programs to Eliminate the Worst Forms of Child Labor

From 2003 to 2007, the Government participated in a USDOL funded project to implement the National Timebound Program to Combat Child Labor that withdrew and prevented children from exploitation in the worst forms of child labor in agriculture, fishing, and domestic work.[4417]

The Government continues to operate its toll-free child protection hotline, which received 9,545 calls during the reporting period.[4418] The Government also runs the Ginndi Center, a shelter for destitute children.[4419] The Ginndi Center, in collaboration with the IOM, repatriated or reintegrated 223 child trafficking victims. The Government assisted 108 street children through their Open Center for Education (AEMO) office branch in Mbour and in partnership with UNICEF, started a pilot project in the departments of Guédiawaye and Ziguinchor focused on the social protection of street children.[4420]

In 2009, the Government carried out 43 micro-projects to sensitize the Senegalese people on the existence of the Anti-Trafficking in Persons Law, and trained border security forces, journalists, and government agents on human trafficking issues.[4421]

The Government of Senegal currently participates in three multi-million dollar projects to eliminate the worst forms of child labor: a 4-year $5.1million regional Spanish-funded project, a 2-year $2.8 million Denmark-funded project that targets trafficked children in West Africa, and a 3-year $1.78 million UN-funded project to ameliorate the conditions of at-risk children in Senegal.[4422]

The Government coordinates several programs targeting *talibes*, including projects which provide awareness raising, training for Koranic teachers, and shelter for *talibes*.[4423] Two prominent efforts are two pilot projects which provide food and educational services to *talibes*, and an $8.0 million Japan- funded project to withdraw and prevent *talibes* from forced work.[4394]

The Government is currently participating in a 3 year $7.9 million USDOL-funded regional project designed to strengthen ECOWAS' Child Policy and Strategic Plan of Action and develop programs focusing on child trafficking as it pertains to the strategic plan.[4425]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Senegal:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the law to prohibit all instances of children forced to beg.
- Amend the law to ensure that the minimum age for hazardous work, including admission to work in underground mines, quarries, and other mineral extraction plants is 18 years for both girls and boys.
- Raise the compulsory schooling age to align it with the minimum age for admission in employment

IN THE AREA OF MONITORING AND ENFORCEMENT:

- Clarify responsibilities of key government agencies in coordinating efforts to combat the worst forms of child labor to avoid duplication of effort.
- Fund, staff and provide sufficient resources to the Child Labor Unit.
- Amend the enforcement process to allow for the prosecution of first-time offenders of child labor laws.
- Expand specialized police units such as the Minors Brigade and the police unit dedicated to sex tourism to extend outside of Dakar.
- Expand efforts to investigate forced begging and take action on abuses performed by religious teachers
- Consider the adequacy of existing inspection and enforcement activities, particularly with regard to coverage of those areas where child labor is most prevalent.

IN AREA OF POLICIES:

- Adopt the Child Labor Policy National Action Plan.
- Approve and adopt the National Action Plan for Trafficking in Persons.

IN AREA OF PROGRAMS:

- Expand existing social programs to target more children involved in or at risk of entering the worst forms of child labor.

[4364] The statistics in the chart to the left are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[4365] U.S. Embassy - Dakar, *reporting*, March 10, 2010, 2a. See also Government of Senegal, *Enquete Nationale sur le Travail des Enfants - ENTES - 2005: Rapport National d'analyses*, August, 2007, 75-76, 79.

[4366] U.S. Embassy- Dakar, *reporting*, February 23, 2009, para 6.

[4367] USAID, *Study on the Practice of Trafficking in Persons in Senegal*, USAID, 2004; available from http://www.childtrafficking.com/Docs/moens_2004_study_practice_trafficking_senegal_4.pdf. See also, ILO-IPEC, *Project of Support for the Implementation of the Timebound Programme in Senegal*, IPEC Evaluation, Geneva, December 2007.

[4368] USAID, *Study on the Practice of Trafficking in Persons in Senegal*, 26.

[4369] ILO, "In their own words...Senegal: Famara regrets leaving school to mine gold", ILO.org, [online], June 2006 [cited January 23, 2009]; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=4175. See also ILO, "In their own words...How Awa dreads salt season", ILO.org, [online], June 2006 [cited January 23, 2009]; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=4170. See also ILO, *Child labour in salt mining: The problem*, June 2006; available from http://www.ilo.org/ipecinfo/product/download.do;jsessionid=0a038009ce955b2d1476aae475d8e07d5a095d4550f. See also U.S. Embassy - Dakar, *reporting, March 10, 2010*, para 1a, 1d. See also, U.S. Embassy- Dakar, *reporting, February 23, 2009*.

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[4371] U.S. Embassy- Dakar, *reporting*, February 23, 2009, para. 3. See also CONAFE, *Rapport complementaire elabore par la CONAFE-SENEGAL au Comite des Nations Unies pour les Droits de l'Enfant*, Dakar, February 2006, 19-21. See also Kristoffel Lieten Godefroid Nimbona, *Child Labour Unions: AEJT Senegal*, 2007, 23, 38. See also U.S. Embassy- Dakar, *reporting*, March 08, 2010, para 27c. See also Government of Senegal, *Rapport National d'analyses*, 75-76. See also, ILO-IPEC, *Support to the Timebound Programme Elimination of the Worst Forms of Child Labour*, Project Document, Geneva, September 12, 2003, v-vi and 24. See also, Hamadou Tidiane SY, "Dakar's Mbeubeuss Landfill: More Than Meets the Eye", idrc.ca, [online], June 2008 [cited February 25, 2010]; available from http://www.idrc.ca/en/ev-126835-201-1-DO_TOPIC.html.

[4372] USAID, *Study on the Practice of Trafficking in Persons in Senegal*, 21-23.

[4373] Ibid., 22-23.

[4374] Ibid., 22.

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[4377] U.S. Embassy- Dakar, *reporting, March 08, 2010*, para 25b. See also Integrated Regional Information Networks, "Guinea-Bissau - Senegal: Child trafficking on the decline say local authorities", IRINnews.org, [online], October 15, 2008 [cited December 2, 2010]; available from http://www.irinnews.org/Report.aspx?ReportId=80928. See also Delap Emily, *Begging for Change*, 9. See also, U.S. Department of State, "Senegal," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm. See also, U.S. Department of State, "Mauritania (Tier 3)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/documents/organization/123357.pdf. See also, USAID, *Study on the Practice of Trafficking in Persons in Senegal*, 34.

[4378] U.S. Embassy - Dakar, *reporting*, March 10, 2010. See also IOM, *Traditional Practices Being Abused to Exploit Children in West Africa, Warns IOM,* [online] 2006 [cited January 26, 2009]; available from http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007. See also Delap Emily, *Begging for Change*, 10, 12. See also, USAID, *Study on the Practice of Trafficking in Persons in Senegal*, 28.

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[4394] USAID, *Study on the Practice of Trafficking in Persons in Senegal*, 34. See also, Government of Senegal, *Code penal 1965*.

[4395] USAID, *Study on the Practice of Trafficking in Persons in Senegal*.

[4396] U.S. Embassy - Dakar, *reporting, March 10, 2010*, para 2b and 2c. See also ILO-IPEC, *Senegal IPEC Evaluation - December 2007*.

[4397] ILO-IPEC, *Senegal IPEC Evaluation - December 2007*.

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[4399] ILO-IPEC, *Senegal IPEC Evaluation - December 2007*.

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[4401] U.S. Embassy- Dakar, *reporting, February 23, 2009*, para 9. See also U.S. Embassy- Dakar, *reporting, March 08, 2010*, para 27c. See also U.S. Embassy - Dakar, *reporting, March 10, 2010*, para 2c.

[4402] U.S. Embassy - Dakar, *reporting, March 10, 2010*, 2C.

[4373] Ibid.

[4404] U.S. Embassy- Dakar, *reporting, March 08, 2010*, 26D.

[4405] U.S. Embassy- Dakar, *reporting*, February 19, 2009, para 24b. See also U.S. Embassy- Dakar, *reporting, March 08, 2010*, para 26b. See also U.S. Embassy - Dakar, *reporting, March 10, 2010*, para 2d. See also, USAID, *Study on the Practice of Trafficking in Persons in Senegal*.

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[4414] ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006; available from http://www.ceeac-eccas.org/img/pdf/Multilateral_Agreement_Trafficking-1184251953.doc.

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[4416] ECOWAS Commission, *Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa*, prepared by ECOWAS, 2009.

[4417] U.S. Embassy- Dakar official, E-mail communication to USDOL official, March 30, 2009. See also U.S. Embassy- Dakar, *reporting, February 19, 2009*, para 24b. See also, ILO-IPEC, *Support to the Timebound Programme Elimination of the Worst Forms of Child Labour: Projet d'amélioration des conditions d'apprentisage dans le secteur informel et lutte contre la pauvreté, Bonnes Pratiques*, Annex to Technical Progress Report, Geneva, September 2006. See also, ILO-IPEC, *"Project Support for the Implementation of a Time Bound Programme (TBP) in Senegal*.

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[4419] U.S. Embassy - Dakar, *reporting, March 10, 2010*, para 2d.

[4420] Ibid., para 2d, 2f.

[4421] U.S. Embassy- Dakar, *reporting, March 08, 2010*, para 26b. See also U.S. Embassy - Dakar, *reporting, March 10, 2010*, para 2f.

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Serbia

The Government of Serbia has a legal and policy infrastructure to combat trafficking. However, the use of street children—notably ethnic Roma—in forced and organized begging remains a serious problem. The worst forms of child labor are particularly prevalent in the informal sector, and the Government of Serbia needs to increase its efforts in monitoring and evaluating the impact that its policies and programs have on children in the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	6.0%
Attending School	5-14 yrs.	92.5%
Combining Work and School	7-14 yrs	6.7%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Serbia are exploited in the worst forms of child labor,[4426] many of them in begging. Roma children, poor children, and children living in foster homes are the most vulnerable to the worst forms of child labor.[4427]

Roma children begging and selling narcotics are among children working in the streets. Street children often sell small goods and wash car windows.[4428] Children working on the streets are exposed to a variety of dangers, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Children engage in prostitution. Serbia is also a destination, transit, and source country for the trafficking of children for the purposes of sexual and labor exploitation. Many children are trafficked from Eastern Europe and Central Asia to Western European countries.[4429]

To a lesser extent, children work on farms.[4430] Children's work in agriculture commonly involves the use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides.

Laws and Regulations on the Worst Forms of Child Labor

The Constitution prohibits work for children under 15. There is also a provision that prohibits hazardous work for children under 18;[4431] however, the provision does not provide a specific list of hazardous activities or occupations.

The Constitution bans slavery or positions similar to slavery, including express prohibitions on human trafficking and forced labor.[4432] The Criminal Code of Serbia further prohibits child prostitution, trafficking and enslavement of children.[4433] The Law on the Protection Program for Participants in Criminal Proceedings of 2006 regulates the protection and assistance to victims of human trafficking, including children.[4434]

During the reporting period, the Criminal Code was amended to provide for tougher sentences for traffickers.[4435] It has been reported that Serbia also amended legislation to include punishment for producing, showing, obtaining, and possession

of pornographic materials involving minors. This includes any use of computer networks for sex crimes against minors.[4436]

The Law on Foreigners was amended to allow victims of human trafficking to obtain temporary visas.[4437]

The Criminal Code does not specifically prohibit the use, procuring or offering of a child for the production and trafficking of drugs and other illicit activities.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Although the Government of Serbia has established the Agency for Coordination and Protection of Trafficking Victims, research found no evidence of a coordinating mechanism to combat other worst forms of child labor.[4438]

The Labor Inspectorate within the Ministry of Labor and Social Policy is responsible for the enforcement of child labor and other labor laws. It employs 300 labor inspectors to enforce all labor issues, including child labor.[4439]

Data on inspections conducted could not be obtained. However, in 2009 the Inspectorate recorded 10 child labor law violations, some of which were reported in the construction industry.[4440] Other sources report cases of children working night shifts, which is generally prohibited by law. In one instance, an underage worker between 15 and 18 years of age was injured and later died.[4441] Charges were pressed in all known instances of labor law violations,[4442] but it is not known whether penalties were assessed.

The Ministry of Internal Affairs leads in the enforcement of anti-trafficking laws. Every local police station has an anti-trafficking unit.[4443] Furthermore, both state and border police have full-time units.[4444] Additionally, the Service for Fighting Organized Crime (SBPOK) has an Anti-Trafficking Department and works with INTERPOL to share information regarding instances of child trafficking.[4445] Training is provided to a variety of government officials on how to recognize, investigate, and prosecute trafficking, and how to provide victims assistance.[4446]

For 2009, the Government of Serbia reported more than 50 investigations into trafficking offenses. These efforts resulted in the conviction of 40 out of 42 alleged offenders.[4447] There were 127 recorded trafficking victims, of which 59 were minors.[4448] Of the total 127 victims, 112 are known to have been referred to service providers by the Agency for the Coordination and Protection of Trafficking Victims.[4449]

Government Policies on the Worst Forms of Child Labor

A National Plan of Action for Children (NPA) was adopted in 2004. It seeks poverty reduction, quality education, and better health for all children, and protection of children from abuse, exploitation, and violence.[4450] The NPA has not been allocated resources by the Central Government. Some communities have used it as a framework to create mechanisms to protect children, and funding has been provided in some municipal budgets.[4451]

The Government of Serbia has been implementing a poverty reduction strategy with the ambitious goal of reducing half of the poverty in Serbia by the end of 2010 through targeting the poorest and most vulnerable social groups for financial assistance and protection.[4452]

The Government has also implemented policies that focus on social protection for Roma children, including the 2005-2015 Roma Decade Framework, which focuses on social protection for Roma children.[4453]

The Youth Employment Policy and Action Plan for 2009-2011, a result of the 2007-2011 Youth Employment Partnership (YEP) project, seeks to help youth obtain productive employment.[4454]

The question of whether the above policies have an impact on the worst forms of child labor does not appear to have been addressed.

In April 2009, the Government of Serbia adopted a National Action Plan to Combat Trafficking for 2009-2011. The Government is also implementing a Strategy for Fighting Human Trafficking from 2006 that seeks specifically to protect victims of child trafficking.[4455]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Child Allowance Program provides cash benefits to poor families conditional on school enrollment for children age 7 and older.[4456]

Through the 2007-2011 Youth Employment Partnerships (YEP) project, the Government of Serbia finances the National Employment Service (NES), which implements, monitors, and evaluates active labor market programs targeting unemployed youth who are registered with offices in Subotica, Bor, Kraljevo, Novi Pazar, and Pozarevac.[4457]

The Ministry of Education project, "Assistance to Roma Children in Education," seeks to encourage regular attendance of Roma children at school by focusing on and developing language and learning skills.[4458]

The question of whether any of the programs have an impact on the worst forms of child labor does not appear to have been addressed.

All social service centers in the country are required to provide 24-hour access for child victims of trafficking.[4459] In addition, the Government provides free access to social and medical care for foreign and domestic trafficking victims and provides them with witness/victim protection services.[4460]

In 2008, the Government sold postage stamps to raise funds for a rehabilitation center for victims of human trafficking. The Agency for the Coordination of the Protection of Trafficking Victims has continued to use monies earned from the sale of these stamps to finance its own activities and NGOs that provide services to human trafficking victims.[4461] There are hotlines devoted to human trafficking; one run by the Ministry of Internal Affairs, the other by the NGO Astra.[4462]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Serbia:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the legal framework specifying the types of hazardous work prohibited for children under the age of 18.
- Amend the Criminal Code to specifically prohibit the use, procuring, or offering of a child for the production and trafficking of drugs and other illicit activities.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat all worst forms of child labor.

IN THE AREA OF POLICIES:

- Assess the impact that existing policies may have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Assess the impact that existing programs may have on addressing the worst forms of child labor.

[4426] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and children combining working and schooling are from 2005. Data on school attendance are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[4427] U.S. Embassy- Belgrade, *reporting*, February 9, 2010.

[4428] ILO Committee of Experts, *Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Serbia (ratification: 2003),* [online] 2008 [cited March 1, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21906&chapter=9&query=%28C182%29+%40ref+%2B+%28Serbia%29+%40ref&highlight=&querytype=bool&context=0. See also U.S. Embassy- Belgrade, *reporting, February **XX**, 2010*.

[4429]*Serbia (2008)*.

[4430] Ibid. See also U.S. Embassy- Belgrade, *reporting, February 22, 2010*.

[4431] Government of Serbia, *Constitution of the Republic of Serbia*, (September 30, 2006); available from http://www.venice.coe.int/docs/2006/CDL(2006)089-e.asp.

[4432] Ibid.

[4433] Government of Serbia, *Criminal Code*, (February 28, 2006); available from http://www.osce.org/documents/html/pdftohtml/18196_en.pdf.html.

[4434] ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

[4435] U.S. Embassy- Belgrade, *reporting, February, 2010*.

[4436] ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

[4437] U.S. Embassy- Belgrade, *reporting, February 9, 2010*.

[4438] ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

[4439] U.S. Embassy- Belgrade, *reporting, February 9, 2010*.

[4440] ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

[4441] Ibid.].

[4442] Ibid.].

[4443] U.S. Embassy- Belgrade, *reporting*, February 22, 2010.

[4444] Ibid.

[4445] ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

[4446] U.S. Embassy- Belgrade, *reporting, February 22, 2010*.

[4447] ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

[4448] Ibid.]. See also U.S. Embassy- Belgrade, *reporting, February 9, 2010*.

[4449] ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

[5450] Ibid.].

[4451] Ibid.].

[4452] Ibid.].

[4453] Ibid.].

[4454] Ibid.].

[4455] Ibid.].

[4456] Ibid.].

[4457] Ibid.].

[4458] Ibid.].

[4459] Ibid.].

[4460] U.S. Embassy- Belgrade, *reporting, February 22, 2010*.

[4461] U.S. Department of State, "Serbia (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/documents/organization/143188.pdf.

[4462] ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

Seychelles

There is no evidence of the worst forms of child labor in the country. Notwithstanding the absence of a demonstrated problem, the National Statistics Bureau began training officers in 2009 to help establish official statistics and documentation on human trafficking. Legal provisions protect girls better than boys, and children working in international trade zones less than in other areas.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence of the worst forms of child labor in the country.[4463] Notwithstanding the absence of a demonstrated problem, the National Statistics Bureau began training officers in 2009 to help establish official statistics and documentation on human trafficking.[4464]

Laws and Regulations on the Worst Forms of Child Labor

The Constitution of the Republic of Seychelles sets the minimum age for work at 15 and provides for a higher minimum age for employment deemed dangerous, unhealthy, or otherwise harmful to normal childhood development.[4465] The Conditions of Employment Regulations, 1991 specify that children under age 18 are prohibited from engaging in certain types of employment and night work, though children ages 15 to 17 may do so with the approval of a Competent Officer.[4466] The Government has not developed a comprehensive list of hazardous work prohibited to children under age 18.[4467]

The International Trade Zone (Conditions of Employment) Order 17 governs employment conditions in international trade zones. It too prohibits the employment of children younger than age 15.[4468] It does not contain any provision prohibiting children from engaging in hazardous work.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

The Constitution provides for freedom from slavery, servitude, and forced or obligatory labor.[4469] The Penal

Code Act criminalizes the prostitution and sexual exploitation of children.[4470] Specific provisions prohibit the trafficking of girls, domestically or internationally, for the purposes of prostitution and make it illegal to procure or detain any girl against her will, with the intent to engage in sexual conduct or for the purposes of prostitution. These provisions do not cover boys.[4471] Other provisions prohibit anyone from benefiting from the procurement or exploitation of any person for the purposes of prostitution and make it illegal to recruit or exploit persons under age 21 for the same purposes.[4472] The Penal Code also prohibits the production or possession of indecent material of a child, or exhibition of indecent material to a child.[4473]

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor. The National Council for Children, a government-funded NGO, advocates for children's interests and rights through awareness-raising activities and by providing training and counseling.[4474]

The Ministry of Employment and Human Resource Development is the primary agency responsible for investigating and enforcing child labor laws. During the reporting period, the Ministry reported no cases of child labor that required investigation, nor were any children found working in key sectors.[4475]

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor. It is noted, however, that the Government has or is developing other social policies that may help prevent this phenomenon. The Government is implementing a National Plan of Action on Social Development for Seychelles 2005-2015, which strives, in part, to prevent the exploitation of children by providing education on children's rights and improving the quality of child protection services.[4476] During the reporting period, the Seychellois National Assembly approved the establishment of a Social Welfare Task Force, which will consider policies to address social issues.[4477]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor. The Government has implemented some programs to protect children from exploitation and provide them with social services. The Government works to fund child welfare initiatives including the Children's Homes Foundation, which provides housing for orphans and children from families facing financial difficulties, and the Children's Fund, which targets children most in need.[4478] The Government also provides subsidized bus fares for needy students.[4479]

Based on the reporting above, the following actions would advance the prevention of the worst forms of child labor in Seychelles:

IN THE AREA OF LAWS AND REGULATIONS:

- Develop a comprehensive list of hazardous employment prohibited to all children under age 18.
- Amend International Trade Zone (Conditions of Employment) Order 17 to ensure that child labor laws are consistent with other national laws on the employment of children.
- Amend the Penal Code to prohibit the trafficking of boys, and the procuring or detainment of boys, for the purposes of prostitution.

IN THE AREA OF POLICIES:

- Consider expanding the work of the National Statistics Bureau to collect data on all worst forms of child labor.

[4463] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[4464] U.S. Embassy- Port Louis, *reporting*, February 18, 2010.

[4465] Government of Seychelles, *Constitution of the Republic of Seychelles*, (June 18, 1993), article 31; available from http://www.cmseducation.org/wconsts/seychelles.html.

[4466] Government of Seychelles, *Conditions of Employment Regulations, 1991*, SI. 34 of 1991, articles 21 and 22; available from http://www.employment.gov.sc/Documents/Employment%20Act%20Reg-Electronic.pdf.

[4467] ILO Committee of Experts, *Direct Request concerning Minimum Age Convention, 1973 (No. 138) Seychelles (ratification: 2000),* [online] 2010 [cited July 23, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=24839&chapter=9&query=Seychelles%40ref&highlight=&querytype=bool&context=0. See also ILO Committee of Experts, *Direct Request concerning the Worst Forms of Child Labor Convention, 1999 (No. 182) Seychelles (ratification: 1999),* [online] 2010 [cited July 23, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25342&chapter=9&query=Seychelles%40ref&highlight=&querytype=bool&context=0.

[4468] Government of Seychelles, *International Trade Zone (Conditions of Employment) Order, 1997*, SI. 13 of 1997, (February 10), article 17; available from http://www.siba.net/index.php?s=file_download&id=36.

[4469] Government of Seychelles, *Constitution*, article 17.

[4470] Government of Seychelles, "Seychelles," in *Legislation of Interpol Member States on Sexual Offences against Children*, 2006; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaSeychelles.pdf.

[4471] Ibid.

[4472] Ibid.

[4473] Ibid.

[4474] U.S. Embassy- Port Louis, *reporting, February 18, 2010*. See also National Council for Children, *Services,* [online] [cited November 10, 2010]; available from http://www.ncc.sc/p/services.

[4475] U.S. Department of State, "Seychelles," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7; available from http://www.state.gov/g/drl/rls/hrrpt/2009/af/135974.htm.

[4476] Government of Seychelles, *National Plan of Action on Social Development, 2005-2015*, Social Development Division, Ministry of Health and Social Services, 2006, 49, 50; available from http://un.intnet.mu/undp/downloads/seychelles/NPASD.doc.

[4477] Office of the President of the Republic of Seychelles, *The State House Newsletter*, 1, 2010; available from http://www.statehouse.gov.sc/index.php?option=com_filecabinet&view=files&id=9&Itemid=74.

[4478] U.S. Embassy- Port Louis, *reporting*, March 25, 2010. See also Children's Homes Foundation, *What We Do,* [online] March 17, 2008 [cited November 11, 2010]; available from http://www.childhomesfoundation.org.sc/pages/Homes.aspx. See also Seychelles NATION, *President Extends Special Fund for School Children,* [online] January 18, 2010 [cited August 3, 2010]; available from http://www.nation.sc/imprimer.php?art=18283.

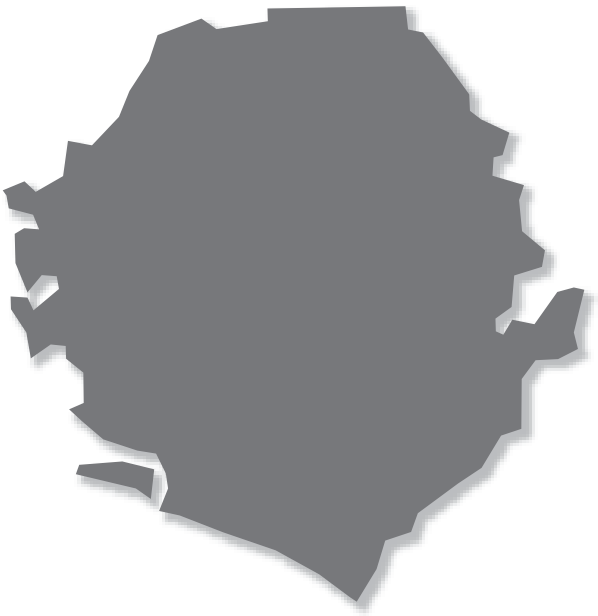
[4479] U.S. Embassy- Port Louis, *reporting, March 25, 2010*.

Sierra Leone

The Government of Sierra Leone participates in donor-funded social protection programs for the elimination of the worst forms of child labor. However, the worst forms of child labor continue to exist especially in agriculture, mining, fishing, and domestic work. Significant gaps remain in the enforcement of child labor laws.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	58.5%
Attending School	5-14 yrs.	67.8%
Combining Work and School	7-14 yrs	44.0%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Sierra Leone are exploited in the worst forms of child labor,[4480] many of them in agriculture, mining, fishing, and domestic work. Children's work in agriculture may expose them to long working hours, dangerous tools, and arduous tasks.[4481]

Children in Sierra Leone labor in alluvial diamond mining areas.[4482] Several thousand children, mainly boys, toil in an environment that threatens their health and safety. They work long hours, sometimes six to seven days a week, in harsh conditions. They are vulnerable to accidents and diseases and are exposed to collapsing mine pits.[4483] The children report injury and illness due to the hazardous activities they perform.[4484] Some children as young as age 10 transport heavy bags of gravel on their heads in the mining areas and work from dawn to dusk.[4485] The majority of children laboring in a primary diamond mining area of Sierra Leone—the Kono district—are boys between ages 10 and 17. These boys work in dangerous conditions, with boys age 14 to 17 working in the mines collecting diamonds. Younger children age 5 to 13 generally engage in petty trade and perform other supportive roles around the mines for relatives without pay.[4486] Children in Sierra Leone are also found crushing stones in granite quarries under unsafe and unhealthy labor conditions, including carrying heavy loads and working long hours.[4487]

Children in Sierra Leone work in the fishing industry. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of snapper, mackerel and herring.[4488] Fishing may expose children to the risk of drowning.

Children also engage in domestic work and petty vending.[4489] Adults use street children to sell various items, steal, and beg.[4490] Street children engage in commercial sexual exploitation in large cities like Freetown and Bo.[4491] Some are vulnerable to trafficking and other exploitive practices.[4492]

In various countries, including Sierra Leone, parents practice the tradition of sending children to Koranic teachers to receive education, which may include a vocational or apprenticeship component. While some boys receive lessons, others are forced to beg and surrender the money that they have earned or perform manual labor, including in agriculture.[4493]

Sierra Leone is a source, transit, and destination country for children and women trafficked for the purpose of forced labor and commercial sexual exploitation.[4494] The majority of the trafficked victims are children from rural provinces or refugee

communities who are trafficked to urban and mining areas.[4495] Sierra Leonean women and children are also trafficked to other West African countries, notably Guinea, Cote d'Ivoire, Liberia, Nigeria, Guinea-Bissau, and The Gambia for forced labor and commercial sexual exploitation. They are also trafficked to North Africa, the Middle East, and Europe for domestic servitude and sexual exploitation.[4496] Children from Nigeria are also trafficked to Sierra Leone for forced begging, forced labor, and sexual exploitation.[4497]

Laws and Regulations on the Worst Forms of Child Labor

The Child Rights Act, enacted in 2007, sets the minimum age for employment at 15. In addition, children must be age 15 or have completed basic education (whichever is later) before entering into an apprenticeship in either the formal or informal sector. Children are also prohibited from performing night work, between the hours of 8:00 p.m. and 6:00 a.m.[4498]

The law also prohibits children under age 18 from being employed in hazardous work, defined as work that is dangerous to a child's health, safety, or morals. The law identifies specific activities as hazardous, including seafaring, mining and quarrying, carrying heavy loads, working in bars, operating machines, and working in environments where chemicals are produced or used.[4499]

Sierra Leone's Child Rights Act contains provisions drawn from the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child with some local adaptations. The National Child Rights Act supersedes all other existing national laws and adopts the international definitions of the child as any person below age 18.[4500] Any person who violates the age restrictions within the Child Rights Act could face two years of imprisonment and/or a fine.[4501]

Forced and compulsory labor by children is prohibited by law.[4502] The Child Rights Act prohibits commercial sexual exploitation of children below age 18,but does not criminalize procuring or offering a child for the production of pornography. The Anti-Human Trafficking Act also criminalizes all forms of human trafficking.[4503] The age for voluntary recruitment or conscription into the armed forces is 18.[4504]

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research has found no evidence that the Government of Sierra Leone has established a coordinating mechanism to combat the worst forms of child labor specifically; however, the Ministry of Social Welfare, Gender and Children's Affairs' (MOSWGCA) Child Protection Unit has the primary responsibility for protecting children. The Government has established a task force, lead by the Family Support Unit of the Sierra Leone Police (SLP), to coordinate anti-trafficking efforts and an Inter-Ministerial Committee on Trafficking co-chaired by the Ministry of Justice and MOSWGCA.[4505] It includes the Ministries of Education, Internal Affairs, Information, Labor, Health, Foreign Affairs, Local Government, Youth, and Tourism.[4506] District labor officers are responsible for initial investigations and enforcement of child labor provisions in The Child Rights Act at the district level, and the District Councils are responsible for the enforcement in the informal sector.[4507] These district-level labor officers and District Councils have limited punitive powers. However, many local community leaders and chiefs have enacted their own bylaws to punish and deter violations with varying success.[4508]

At the national level, the Ministry of Labor enforces child labor laws and employs 10 labor inspectors to

investigate child labor abuses.[4509] The Ministry of Mineral Resources is also charged with enforcing regulations against the use of child labor in mining activities.[4510] By law, the Ministry of Mineral Resources is supposed to refuse and revoke the licenses of those in the sector using underage labor. It has never used the revocation provision of the law. The Ministry of Mineral Resources has 300 to 400 monitors in the field, who, while not specifically tasked, sometimes intervene if child labor is found.[4511]

According to USDOS, the Government did not effectively enforce laws against child labor, as well as forced and bonded child labor. However, according to NGOs and government officials, there is a noticeable decline in the prevalence of child labor due to the passing of the Child Rights Act.[4512] Reports indicate that child labor remains pervasive in the artisanal mining sector.[4513]

No information has been identified regarding mechanisms of criminal law enforcement with respect to the worst forms of child labor. During the reporting period, there were no prosecutions for child labor violations; instead, mediation is generally conducted at the time of the violation.[4514]

Government Policies on the Worst Forms of Child Labor

In 2007, the Task Force set up by the Government of Sierra Leone created a National Plan of Action, which is currently in force, and, in 2009, the Government signed the regional Policy on the Protection and Assistance to Trafficked Persons approved by ECOWAS.[4515]

Sierra Leone is one of 24 countries to adopt the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, especially Women and Children, in West and Central African Regions.[4516] As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government agreed to investigate and prosecute trafficking offenders, to rehabilitate and reintegrate trafficking victims, and to assist fellow signatory countries to implement these measures under the Agreement.[4517]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Sierra Leone has participated in programs to eliminate the worst forms of child labor.[4518] Since 2005, the Government has participated in the 4-year, $6 million DOL-funded regional project in Sierra Leone and Liberia, which aims to withdraw 8,243 children and prevent an additional 21,647 children in both countries by improving access to quality education.[4519] The project works with the Ministry of Education, Youth, and Sports (MEYS) to support marginalized and disaffected children and youth by providing them with educational or skills training opportunities, school materials, uniforms, and tuition vouchers. The program also mobilizes and sensitizes communities to child labor.[4520]

With support from international organizations, the Government of Sierra Leone continued to participate in training sessions and awareness-raising campaigns on trafficking during the reporting period.[4521]

The Government of Sierra Leone also continued to participate in a 2-year, $324,000 project funded by USDOS to provide training on trafficking and to strengthen victim referral networks.[4522] In addition, the Government is participating in a 4-year, $23.8 million project, funded by the EU to combat child labor through education in 11 countries, including Sierra Leone.[4523] One of the project's key objectives is strengthening the capacity of national and local authorities to implement and enforce child labor policies.[4524]

The Government's investment in social programs is minimal, and it relies heavily on donor funding to address the worst forms of child labor. These programs are too limited to address the scope of child labor in Sierra Leone, particularly among children working in agriculture, mining, fishing, and domestic work.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Sierra Leone:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Child Rights Act to include child laborers in industrial undertakings in commerce and agriculture.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Increase Ministry of Labor efforts to enforce worst forms of child labor laws.
- Task the monitors of the Ministry of Mineral Resources to enforce child labor laws in artisanal mining.
- Prosecute offenders of violations of the child labor laws.

IN THE AREA OF POLICIES:

- Fund and implement the National Plan of Action on the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Develop and provide funding for specific social programs to eliminate the worst forms of child labor in agriculture, mining, fishing, and domestic work.

[4480] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and children combining working and schooling are from 2005 Data on school attendance are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report

[4481] International Confederation of Free Trade Unions ICFTU, *Internationally Recognized Core Labour Standards in Sierra Leone: Report for the WTO General Council Review of the Trade Policies of Sierra Leone*, Geneva, 2005; available from http://www.icftu.org/www/pdf/clssierraleone2005.pdf.

[4482] U.S. Department of State, "Sierra Leone," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, 2010, section 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm. See also A. Hatløy M. Bøås, *Living in a material world*, Fafo Institute for Applied Social Science, Oslo, 2006, 49; available from http://www.fafo.no/pub/rapp/515/515.pdf. See also L. Gberie, *War and Peace in Sierra Leone: Diamonds, Corruption and the Lebanese Connection*, Partnership Africa Canada, Ottawa, November 2002, 20; available from http://action.web.ca/home/pac/attach/sierraleone2002_e.pdf. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Sierra Leone second report*, CRC/C/SLE/2, Geneva, September 8, 2006, articles 88, 320, and 322; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0d28ce8b8d49b955c12572610029584b/$FILE/G0644130.pdf.

[4483] Afrol News, "Child labour affects 72% of Sierra Leone's Children," *Afrol News*, February 9, 2010.

[4484] U.S. Department of State, "Country Reports- 2009: Sierra Leone," section 7d. See also M. Bøås, *Living in a material world*, 56-59, 61-63, 65. See also International Rescue Committee, *Child Labor and Education in Sierra Leone: Needs and Resource Assessment in Targeted Communities*, New York, June 2006, 12. See also UN, *Economic and Social Council: Advisory Services and Technical Cooperation in the Field of Human Rights*, E/CN.4/2006/106, February 15, 2006, section 10.

[4485] Lansana Fofana, "Sierra Leone: Child Miners - Legacy of Conflict", Allafrica.com May 7, 2009 [cited May 20, 2010]; available from http://allafrica.com/stories/printable/200905080020.html.

[4486] M. Bøås, *Living in a material world*, 50, 63, 70. See also Office of the UN Secretary General, *Children and*

Armed Conflict: Report of the Secretary-General, A/58/546, Geneva, October 30, 2003, section 40; available from http://www.essex.ac.uk/armedcon/story_id/000161.pdf. See also U.S. Embassy- Freetown official, E-mail communication to USDOL official, July 14, 2009.

[4487] MACRO International, *In-Country Research: Summaries of Goods Researched*, In-Country Research and Data Collection on Forced Labor and/or Child Labor in the Production of Goods, 2008.

[4488] MACRO International, *In-Country Research: Site Visit Notes*, In-Country Research and Data Collection on Forced Labor and/or Child Labor in the Production of Goods, 2008. See also MACRO International, *In-Country Research: Summaries of Goods Researched*. See also MACRO International, *In-Country Research: Interview Type 2*, In-Country Research and Data Collection on Forced Labor and/or Child Labor in the Production of Goods, 2008. See also U.S. Department of State, "Country Reports- 2009: Sierra Leone," section 7d.

[4489] ICFTU, *Core Labour Standards* sections III. See also UN Committee on the Rights of the Child, *Consideration of Report: Sierra Leone*, sections 88, 320, and 322.

[4490] U.S. Department of State, "Country Reports- 2009: Sierra Leone," section 7d. See also UN Committee on the Rights of the Child, *Consideration of Report: Sierra Leone*, sections 88, 320, and 322. See also International Rescue Committee IRC, *Countering Youth and Child Labour through Education (CYCLE)*, Project Document, New York, August 2007, 9.

[4491] U.S. Department of State, "Country Reports- 2009: Sierra Leone," section 6.

[4492] Ibid.

[4493] Peter Easton, Mark Peach, Ibrahima Lalya Bah, ElHadj Bella Doumboula, and Mohammed Lamine Barry., *Research Studies Series no. 8, International Working Group on Nonformal Education of the Association for the Development of Education in Africa,* , International Working Group on Nonformal Education of the Association for the Development of Education in Africa, May, 1997; available from http://www.adeanet.org/wgnfe/publications/abel/abel2.html [hard copy on file]. See also Peter. Easton, *"Education and Koranic Literacy in West Africa*, August, 1999; available from http://www.worldbank.org/afr/ik/iknt11.pdf.

[4494] U.S. Department of State, "Sierra Leone (Tier 2)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/g/tip/rls/tiprpt/2009.

[4495] Ibid.

[4496] Ibid.

[4497] Ibid.

[4498] Government of Sierra Leone, *Child Rights Act 2007*, (June 7, 2007), sections 125-127, 128, 134-135; available from http://www.sierra-leone.org/Laws/2007-7p.pdf.

[4499] Ibid.

[4500] UNICEF, *Sierra Leone Approves the National Child Rights Bill*, Freetown, June 7, 2007; available from http://www.unicef.org/media/media_39951.html:q=printme.

[4501] Government of Sierra Leone, *Child Rights Act 2007*, part VIII, 131(1), 54.

[4502] U.S. Department of State, "Country Reports- 2009: Sierra Leone," section 7c.

[4503] Government of Sierra Leone, *The Anti-Human Trafficking Act*, Vol CXXXVI, No 44, (August 18, 2005), Part II 2.1; available from http://www.sierra-leone.org/Laws/2005-7p.pdf.

[4504] Government of Sierra Leone, *Report on the Implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed conflicts*, Freetown, August 2007, article 2; available from www.essex.ac.uk/armedcon/story_id/000811.doc.

[4505] U.S. Embassy- Freetown, *reporting*, February 12, 2010, para 14.

[4506] Ibid.

[4507] U.S. Embassy- Freetown, *reporting*, January 27, 2009.

[4508] Ibid.

[4509] U.S. Department of State, "Country Reports- 2009: Sierra Leone," section 7d. See also U.S. Embassy-Freetown, *reporting, February 12, 2010*, para 5.

[4510] U.S. Embassy- Freetown, *reporting, January 27, 2009*.

[4511] Ibid.

[4512] Ibid.

[4513] Ibid.

[4514] Ibid., para 10.

[4515] U.S. Embassy- Freetown, *reporting*, April 7, 2010, para 5D.

[4516] Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006.

[4517] ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 5-13; available from http://www.ceeac-eccas.org/img/pdf/Multilateral_Agreement_Trafficking-1184251953.doc.

[4518] U.S. Embassy- Freetown, *reporting, February 12, 2010*.

[4519] IRC, *CYCLE, Project Document*, 1-2, 23.

[4520] International Rescue Committee, *Countering Youth and Child Labour through Education (CYCLE)*, Technical Progress Report, New York, September 2008.

[4521] U.S. Embassy- Freetown, *reporting, February 12, 2010*.

[4522] U.S. Embassy- Freetown, *reporting*, September 30, 2008, para 1. See also U.S. Department of State, *Fiscal Year 2008 Anti-Human Trafficking Programs*, Washington, DC, November 3, 2008; available from http://www.state.gov/g/tip/rls/rpt/111540.htm.

[4523] ILO-IPEC Geneva official, E-mail communication to USDOL official, December 15, 2008. See also ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*, Geneva, 2008; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=8511.

[4524] ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*

Solomon Islands

Commercial sexual exploitation of boys and girls continues to be a problem in the Solomon Islands, particularly in association with fishing and logging industries. Significant gaps remain in the laws against the worst forms of child labor and in the enforcement of those laws.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in the Solomon Islands are exploited in the worst forms of child labor.[4525] Both boys and girls are engaged in commercial sexual exploitation associated with the logging, tourism, and fishing industries in areas near logging camps, on fishing boats, and in Honiara, the capital city.[4526] Girls are trafficked within the Solomon Islands to logging camps for commercial sexual exploitation and boys and girls are brought by their parents to foreign and local fishing ships for commercial sexual exploitation with fishermen.[4527] Children are also involved in the sale and production of illegal homebrewed alcohol.[4528] Although research is limited, there are reports that children are also used in pornography.[4529]

Laws and Regulations on the Worst Forms of Child Labor

The Labour Act permits children as young as age 12 to work. Children under age 15 are prohibited from working in industry or on ships and children under age 16 from working in underground mines.[4530] The Solomon Islands does not have a law prohibiting all children through age 17 from hazardous work nor is there a comprehensive list of hazardous occupations in place in the country. Children between ages 16 and 18 are barred from working in mines or on ships without a medical certificate and at night without specific written permission from the Commissioner of Labor.[4531] The absence of a compulsory education law places children at risk of involvement in the worst forms of child labor.[4532] The Constitution prohibits slavery and forced labor.[4533]

There are no government armed forces in the Solomon Islands.[4534] The law allows that if needed, forces can be drawn from the Solomon Islands Police Force which has a minimum recruiting age of 18.[4535]

The Penal Code criminalizes production, possession, and distribution of pornography.[4536] Selling or hiring minors under age 15 and girls under age 18 for prostitution is punishable as a criminal offense.[4537]

Some general provisions in the Penal Code against prostitution, kidnapping, and abduction could be applied to prosecute sex and labor trafficking.[4538] Prostitution laws do not cover boys between the ages of 15 and 18; therefore they may leave boys without legal protections concerning commercial sexual exploitation.

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	12
	Minimum Age for Hazardous Work	15
	Compulsory Education Age	None
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Although the extent of government coordination of efforts to combat child labor is unclear, the Ministry of Labor hired a desk officer to work on ILO labor standards and child labor issues.[4539] The Commissioner of Labor, the head of the Labor Division in the Ministry of Commerce, Industry, Labor, and Immigration, is responsible for enforcing child labor laws.[4540] Information was not identified on the number of labor inspectors, enforcement actions, or the number of violations found during the reporting period. Sources, including the Government, note that lack of sufficient capacity and resources has prevented meaningful enforcement of the laws.[4541]

While there is some awareness of the problem of commercial sexual exploitation of children, the Government is severely limited in its institutional capacity to address the issue.[4542] The Solomon Islands Police Force, in partnership with the Australian-led Regional Assistance Mission to the Solomon Islands Participating Police Force, appears to be the only body responsible for enforcing laws related to trafficking and commercial sexual exploitation.[4543] Research did not identify information regarding enforcement actions against commercial sexual exploitation of children.

Government Policies on the Worst Forms of Child Labor

Although research found no evidence of child labor specific policies in the Solomon Islands, the Government signed its first Decent Work Program with the ILO for the period 2009-2010.. This program's priorities include promoting decent employment for youth and making progress towards eliminating child labor.[4544]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research found no evidence of any social programs by the Government of the Solomon Islands to address the worst forms of child labor.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Solomon Islands:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Act [1996 Edition] to increase the minimum ages for employment and hazardous work to 14 and 18, respectively, and institute a list of hazardous occupations.
- Institute a law requiring all children to attend school through the age of 14.
- As part of the ongoing review of the Penal Code 1963:
  - Amend laws to prohibit the prostitution of boys under age of 18.
  - Ensure that laws contain comprehensive protections against the trafficking of children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Make information on inspections and investigations regarding the worst forms of child labor publicly available.
- Ensure that enforcement agencies have adequate resources and the capacity to effectively enforce worst forms of child labor laws.

IN THE AREA OF POLICIES:

- Implement strategies for the elimination of child labor under the Decent Work Program.

IN THE AREA OF PROGRAMS:

- Initiate programs to address the worst forms of child labor, particularly the commercial sexual exploitation of children.

[4525] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[4526] UNICEF Pacific, *Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A Regional Report*, Suva, 2008; available from http://www.unicef.org/pacificislands/Small_CESEC.pdf. See also Solomon Islands Department of Home Affairs official, Interview with USDOL official, June 20, 2006. See also Tania Herbert, *Commercial Sexual Exploitation of Children in the Solomon Islands: A Report Focusing on the Presence of the Logging Industry in a Remote Region*, Christian Care Center of the Church of Melanesia, Honiara, July 2007; available from http://www.melanesiangeo.org/resources/Solomons%20Child%20Explotation.pdf. See also Solomon Islands Port Authority official, Interview with USDOL consultant, June 28, 2006. See also Rory Callinan, "Generation Exploited," *Time* 167, no. 13 (March 27, 2006); available from http://www.time.com/time/magazine/article/0,9171,1174745,00.html.

[4527] U.S. Department of State, "Solomon Islands (Special Cases)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from http://www.state.gov/documents/organization/105660.pdf. See also Herbert, *Logging Industry: Solomon Islands*. See also Callinan, "Generation Exploited."

[4528] Solomon Islands Central Magistrate's Court official, Interview with USDOL consultant, June 23, 2006. See also Solomon Islands Police official, Interview with USDOL consultant, September 3, 2006.

[4529] Callinan, "Generation Exploited." See also UNICEF Pacific, *Commercial sexual exploitation in the Pacific*. See also Solomon Islands National Council of Women official, Interview with USDOL consultant, June 23, 2006.

[4530] Government of Solomon Islands, *Labour Act (Chapter 73)*, (1996 Edition), articles 46-48; available from http://www.paclii.org.

[4531] Ibid., article 49.

[4532] Ibid., article 46.

[4533] Government of Solomon Islands, *Constitution of Solomon Islands*, (July 7, 1978), article 6; available from

http://www.paclii.org/sb/legis/consol_act/c1978167/. See also International Trade Union Confederation, *Internationally Recognised Core Labour Standards in the Solomon Islands: Report for the WTO General Council Review of the Trade Policies of the Solomon Islands*, Geneva, May 6 and 8, 2009; available from http://www.ituc-csi.org/IMG/pdf/WTO_report_Solomon_final0509.pdf.

[4534] Coalition to Stop the Use of Child Soldiers, "Solomon Islands," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/content/solomon-islands.

[4535] Salote Austin, Osborn Cains, Anafia Norton, Penelope Taylor, Marie Wernham, and Freida, *Protect Me with Love and Care: A Baseline Report for the Solomon Islands*, UNICEF Pacific, Suva, November, 20009; available from http://www.unicef.org/pacificislands/UNICEF_Solomon_Report1.pdf.

[4536] Government of Solomon Islands, *Penal Code (Chapter 26)*, (Revised 1996), article 173; available from http://www.paclii.org/sb/legis/consol_act/pc66/.

[4537] Ibid., articles 149-150.

[4538] Ibid., articles 144, 248, 250. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Solomon Islands."

[4539] ILO, *Country Baseline under the ILO Declaration Annual Review (2000-2009): Solomon Islands: The effective abolition of child labour*, Status Report, Geneva, 2009; available from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_091263.pdf.

[4540] U.S. Department of State, "Solomon Islands," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136009.htm.

[4541] International Trade Union Confederation, *Review of Trade Policies of the Solomon Islands*. See also Solomon Islands Ministry of Labor official, Interview with USDOL consultant, June 12, 2006. See also ILO, *Country Baseline: Solomon Islands, Status Report*. See also U.S. Department of State, "Country Reports- 2009: Solomon Islands."

[4542] Callinan, "Generation Exploited."

[4543] Ibid. See also Herbert, *Logging Industry: Solomon Islands*.

[4544] ILO, *Fact Sheet: Solomon Islands*, Status Report, Bangkok, 2010; available from http://bravo.ilo.org/asia/whatwedo/publications/lang--en/docName--WCMS_120549/index.htm.

Somalia

The collapse of the Central Government in Somalia in 1991 and ensuing instability and violence in the country have hindered efforts to address the worst forms of child labor. There is currently no minimum age for employment, no compulsory education, and no infrastructure for monitoring or combating child labor. Children engage in the worst forms of child labor in agriculture and continue to be recruited by armed groups, including the Transitional Federal Government's armed forces, for use in armed conflict.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	39.8%
Attending School	5-14 yrs.	48.9%
Combining Work and School	7-14 yrs	20.2%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Somalia,[4545] many of them in agriculture, including herding.[4546] Children's work in agriculture commonly involves using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides.

Children also work on the streets selling cigarettes, washing cars, and shining shoes.[4547] Street work often exposes children to severe weather, accidents caused by proximity to vehicles, and vulnerability to criminals. Children are also forced in to prostitution, break rocks for gravel, work in quarries, and perform construction.[4548]

Armed groups and militias, including al-Shabaab and Hizbul Islam systematically recruit children, while the Transitional Federal Government continues to recruit and use children in military operations. Some of the conscripted children plant roadside bombs, operate checkpoints, and are trained to conduct assassinations.[4549]

It is believed that Somalia is a source, destination, and transit country for child trafficking.[4550] Children are reportedly trafficked for forced labor and sexual exploitation by armed militias. There have also been reports that children are trafficked from Somalia to Djibouti, Malawi, and Tanzania for prostitution and exploitive labor, and to South Africa for prostitution.[4551]

Laws and Regulations on the Worst Forms of Child Labor

Three distinct entities have concurrently governed Somalia since 1991: the self-declared Republic of Somaliland in the northwest; and the semi-autonomous region of Puntland in the northeast; and iterations of a southern Central Government, the most recent of which is the Transitional Federal Government (TFG) in Mogadishu.[4552] The pre-1991 Labor Code establishes the minimum age for employment at 15.[4553] Additionally the pre-1991 Labor Code prescribes different minimum ages for certain hazardous activities. For example, 16 was the minimum age for employment in construction and age 18 for work on a vessel or underground.[4554] However, it is unclear whether the Labor Code still applies because the 2004

TFG charter requires the government to establish a minimum age for employment.[4555] This legal gap leaves children unprotected under the law from the worst forms of child labor.

The 2004 TFG Charter prohibits forced labor and military service for children under 18.[4556] It also prohibits child prostitution.[4557]

Due to the collapse of the Central Government in 1991, Somalia lacks a clear legal framework on child labor. Efforts to address and prevent exploitive child labor are hampered by basic problems including the fact that it is unclear if there is currently a minimum age for employment, there is no list of hazardous activities prohibited to children, no age for compulsory education, and no free education for children. Additionally none of the regions have laws that specifically prohibit human trafficking.[4558]

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	No
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	None
	Free Public Education	No

Institutional Mechanisms for Coordination and Enforcement

Research did not find evidence that any agency in the three government entities is charged with coordinating efforts to combat child labor.

In all three regions of Somalia, the Ministries of Labor, Justice, Interior, and Security are responsible for enforcing laws relating to worst forms of child labor.[4559] However, the governing entities do not enforce child labor laws, and children are actively exploited through military recruitment, including by the TFG.[4560]

There was no funding provided to agencies for inspections and no inspectors were employed to enforce child labor laws.[4561]

In addition research found no evidence of an institutional infrastructure to provide enforcement, investigations, or reporting on child trafficking, commercial sexual exploitation of children, and the use of children in illicit activities.[4562]

The TFG has, however, formed a presidential commission to investigate allegations of child recruitment, and used African Union doctors and military officials to oversee recent recruitment drives.[4563]

Government Policies on the Worst Forms of Child Labor

The Transitional Federal Government has taken steps to end child recruitment for military operations, including signing an anti-recruitment pledge with the UN Special Representative of the Secretary General for Children and Armed Conflict.[4564]

Research found no evidence that Somalia has a comprehensive policy or plan to address all forms of exploitive child labor. Authorities in all regions did not provide funding or non-monetary support for policies or plans to address child labor.[4565]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research found no evidence that any governing structure in Somalia has developed any program to sufficiently combat the worst forms of child labor.[4566]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Somalia:

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt legal framework on child labor that includes a minimum age for work and a list of hazardous work activities.
- Adopt laws prohibiting human trafficking.
- Establish an age for compulsory education.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Provide needed funding for agencies responsible for enforcement of child labor laws and hire labor inspectors.
- Immediately cease the recruitment of children for military service
- Enforce the prohibitions laid out in the Transitional Federal Government Charter of 2004 on forced labor and military service for children under age 18.
- Establish an infrastructure to address criminal worst forms of child labor.

IN THE AREA OF POLICIES:

- Develop a comprehensive policy and action plan to combat the worst forms of child labor.
- Develop a comprehensive policy and action plan on the use of child soldiers.
- Make education free to all children.

IN THE AREA OF PROGRAMS:

- Develop programs to prevent and address children's involvement in the worst forms of child labor, particularly the use of children in armed conflict.

[4545] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[4546] U.S. Embassy- Nairobi, *reporting*, Nairobi, March 1, 2010. See also U.S. Department of State, "Somalia," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009; available from http://www.state.gov/g/drl/rls/hrrpt/2008/af/119024.htm.

[4547] U.S. Department of State, "Country Reports- 2008: Somalia." See also Integrated Regional Information Networks, "Somalia: Conflict, drought force more children onto Hargeisa streets", IRINnews.org, [online], October 22, 2008 [cited February 4, 2010]; available from http://www.irinnews.org/Report.aspx?ReportId=81052. See also U.S. Embassy- Nairobi, *reporting, March 1, 2010*, para 2.

[4548] U.S. Department of State, "Somalia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/af/135976.htm. See also U.S. Department of State, "Country Reports- 2008: Somalia," sections 5 and 6d. See also U.S. Embassy- Nairobi, *reporting, March 1, 2010*, para 2.

[4549] UN Security Council, *Report of the Secretary-General on Children and Armed Conflict*, S/2009/158, March 26, 2009, 20; available from http://daccess-ods.un.org/TMP/3496331.html. See also UN Security Council, *Report of the Secretary-General on Children and Armed Conflict in Somalia*, S/2008/352, May 30 , 2008, para 21, 23, 25; available from http://www.mineaction.org/downloads/1/

S2008352.pdf. See also U.S. Department of State, "Country Reports- 2008: Somalia," section 1G. See also U.S. Embassy- Nairobi, *reporting, March 1, 2010*, para 2. See also U.S. Department of State, "Somalia (Special Cases)," in *Trafficking in Persons Report - 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/142763.htm. See also Coalition to Stop the Use of Child Soldiers, "Somalia," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.child-soldiers.org/regions/country?id=196. See also UN News Service, "UN identifies most persistent users of child soldiers in armed conflicts", [online], May 21, 2010 [cited September 22, 2010]; available from http://www.un.org/apps/news/story.asp?NewsID=34778&Cr=coomaraswamy&Cr1#. See also Jeffrey Gettleman, "U.N. Voices Concern on Child Soldiers in Somalia," *The New York Times* (New York City), June 16, 2010; available from http://www.nytimes.com/2010/06/17/world/africa/17somalia.html?_r=1&pagewanted=print. See also Jeffrey Gettleman, "Children Carry Guns for a U.S. Ally, Somalia," *The New York Times* (New York City), June 13, 2010; available from http://www.nytimes.com/2010/06/14/world/africa/14somalia.html?pagewanted=print. See also BBC News, "Alarm over Somalia's child soldiers", [online], July 29, 2009 [cited September 22, 2010]; available from http://news.bbc.co.uk/2/hi/8173079.stm.

[4550] U.S. Department of State, "Trafficking in Persons Report - 2010: Somalia." See also Integrated Regional Information Networks, "Tragic Cargo- Part One", IRINnews.org, [online], June 8, 2006 [cited February 4, 2010]; available from http://www.irinnews.org/PrintReport.aspx?ReportId=59251.

[4551] U.S. Department of State, "Trafficking in Persons Report - 2010: Somalia." See also U.S. Department of State, "Country Reports- 2008: Somalia," section 5.

[4552] U.S. Department of State, "Country Reports- 2008: Somalia," introduction. See also U.S. Department of State, "Trafficking in Persons Report - 2010: Somalia."

[4553] The Government of Somalia, *Law No. 65 of 18 October 1972 to promulgate the Labour Code*, 1972, Article 93; available from http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_127639.pdf.

[4554] Ibid., Article 94.

[4555] Transitional Federal Government of Somalia, *Transitional Federal Charter for the Republic of Somalia*, 2004, article 18; available from http://www.iss.co.za/AF/profiles/Somalia/charterfeb04.pdf.

[4556] Ibid., articles 18(4) and 26(d).

[4557] U.S. Department of State, "Country Reports- 2009: Somalia."

[4558] U.S. Department of State, "Trafficking in Persons Report - 2010: Somalia." See also U.S. Department of State, "Country Reports- 2009: Somalia."

[4559] U.S. Embassy- Nairobi, *reporting, March 1, 2010*, para 4.

[4560] UN Security Council, *Report of the Secretary-General on Children and Armed Conflict*, 20. See also U.S. Department of State, "Country Reports- 2009: Somalia."

[4561] U.S. Embassy- Nairobi, *reporting, March 1, 2010*.

[4562] Ibid., para 5.

[4563] U.S. Department of State official, Email communication to USDOL official, November 18, 2010.

[4564] Ibid.

[4565] U.S. Embassy- Nairobi, *reporting, March 1, 2010*.

[4566] Ibid., para 6.

South Africa

The Government enacted new regulations concerning hazardous child labor and established a national child labor coordinating mechanism. Children continue to work in agriculture. The Government's child social protection system has limited resources to assist children engaged in and vulnerable to the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in South Africa are exploited in the worst forms of child labor,[4567] many in agriculture.[4568] Children's work in agriculture can involve long hours, dangerous tools, physically arduous tasks, and exposure to pesticides.[4569] Child labor is found more frequently in the informal economy.[4570] Children are also employed as domestic servants, in many cases working long hours and isolated in homes where they are susceptible to abuse and sexual harassment.[4571] Children are employed in taverns and liquor stores to clean, stock supplies, prepare food, and serve alcohol, work which can increase their access to alcohol, and put them at risk of physical and sexual abuse from adults.[4572] Children in South Africa also scavenge in landfills and dumpsites for recyclable materials.[4573] This work involves long hours and carrying heavy loads in the midst of dangerous machinery, moving vehicles, and burning toxins.[4574] Children in rural areas often spend hours each day fetching water for their families, and hauling heavy loads over long distances.[4575]

Some children in South Africa are exploited in prostitution.[4576] Some children are also forced by adults to commit robberies, including armed robbery, and sell drugs.[4577] Criminal gangs have compelled children to search abandoned mines for gold.[4578]

South Africa remains a country of origin, transit, and destination for children trafficked for sexual exploitation and forced labor.[4579] Children from Lesotho, Malawi, Mozambique, Swaziland, Thailand, and China are trafficked to South Africa for prostitution.[4580] Children from Mozambique, Malawi, and Zimbabwe are trafficked to South Africa for agricultural work.[4581] South African girls are also trafficked internally and out of the country for prostitution and domestic service.[4582] South African boys are trafficked internally for farm work and street vending.[4583]

Laws and Regulations on the Worst Forms of Child Labor

According to the Basic Conditions of Employment Act 75 of 1999(BCEA), the minimum age for work is 15 and the minimum age for hazardous work is 18.[4584] Employers may hire children under the age of 15 to work in the performing arts with permission from the South African Department of Labor (SADOL).[4585] In January 2010, SADOL published new regulations containing a list of exploitive [hazardous] activities that are prohibited for children under 18.[4586] These

activities include the production and sale of alcohol, mining, scavenging in garbage dumps, and exposure to hazardous substances.[4587] The regulations prohibit the employment of children in work that takes place in cold, hot, or noisy environments; involves respiratory hazards, elevated spaces, the lifting of heavy objects, or piecework; or interferes with a child's access to nutrition, health care, or education.[4588] The regulations also provide guidelines for the employment of children in work that requires overnight separation from parents or guardians.[4589]

The Children's Amendment Act prohibits the use of children for slavery, slave-like practices, trafficking, commercial sexual exploitation, and illicit activities.[4590] The act was signed into law by President Thabo Mbeki in March 2008 and was officially implemented on April 1, 2010.[4591] The Criminal Law Amendment Act 32 of 2007 defines and criminalizes human trafficking for sexual exploitation.[4592]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	No

On May 7, 2009, the President signed into law the Child Justice Act No. 75 of 2008.[4593] This act was implemented on April 1, 2010.[4594] The Act allows for the diversion of child offenders from the formal criminal justice system to alternative forms of justice such as victim-offender mediation and family councils.[4595] It calls for the creation of one-stop child justice centers and for the prosecution of adults who use children for illicit activities.[4596] When an adult has compelled a child to commit a crime, the Child Justice Act requires court officials to consider this when determining the child's placement in the justice system.[4597]

In September 2009, the Government of South Africa ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.[4598]

Institutional Mechanisms for Coordination and Enforcement

The Government established the Intersectoral Committee on Child Labor in 2009 to coordinate efforts to combat the worst forms of child labor. The committee is chaired by SADOL and members include representatives from commercial agriculture, trade unions, government, and SAPS.[4599] In 2009, the committee met in March, August, and November.[4600]

SADOL and SADOJ are responsible for enforcing child labor laws.[4601] SADOL inspectors identify suspected cases of child labor and human trafficking and forward evidence to SADOJ for follow-up.[4602] Depending on the type of offense, child labor violations are tried in either a criminal or labor court.[4603] SADOL and SADOJ do not report statistics on the number of child labor cases opened, closed, or resolved, or the number of convictions made.[4604] SADOL publishes statistics on the number of inspections conducted and the number of labor complaints received and addressed, but it does not disaggregate its data by child labor violations.[4605] According to the Government, SADOL inspectors have difficulty accessing farms to assess compliance with national labor laws, including prohibitions against child labor.[4606] Although they have legal authority, inspectors frequently do not enter farms without an invitation because they are afraid that farmers will treat them as intruders given the high rate of violent crimes against commercial farmers.[4607]

The National Prosecution Authority (NPA) prosecutes human trafficking cases.[4608] The Sexual Offenses and Community Affairs Unit (SOCA) within NPA leads a Trafficking in Persons Task Team, which is composed of the Departments of Labor, Home Affairs, Justice, and Social Development, and other representatives of national law enforcement.[4609] The goals of the team include developing a national strategy against

human trafficking for sexual exploitation; promoting interagency collaboration; preparing operating procedures for new trafficking legislation; and organizing training on human trafficking issues.[4610] The Human Trafficking Desk within SAPS seeks to monitor and evaluate efforts to investigate trafficking crimes; trains human trafficking investigators; and refers human trafficking cases to provincial SAPS units.[4611] Despite these efforts, the Government reports that it does not gather systematic data on human trafficking cases and that prosecutors and investigators lack sufficient training on how to identify human trafficking situations.[4612]

Government Policies on the Worst Forms of Child Labor

The National Child Labor Program of Action for South Africa, Phase II, 2008-2012 (CLPA) is the Government's primary policy instrument to prevent and eliminate child labor in South Africa.[4613] It calls for activities across the Government and the promotion of new laws against the worst forms of child labor.[4614] It also includes a list of indicators to monitor the Government's efforts against child labor.[4615]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

From 1998 to 2003, the Government collaborated with ILO-IPEC to collect child labor statistics, and from 2000 to 2003, collaborated with ILO-IPEC on a detailed analysis of the country's child labor policies.[4616] The Government participated in a regional child labor project from 2004 to 2008 funded by USDOL. This 4-year, $9 million project increased educational opportunities for vulnerable children, piloted a scholarship program for working children, and reviewed South Africa's trafficking legislation.[4617] Over its lifetime, the project rescued 11,127 children from the worst forms of child labor in five countries, including South Africa.[4618] The Government also participated in a 4.5-year, $5 million, regional project funded by USDOL that conducted research on the extent of child labor in specific sectors, drafted a monitoring plan for the Government's Child Labor Plan of Action, and protected 5,421 children from exploitive labor.[4619]

In 2009, the Government participated in a $4.75 million regional project funded by USDOL in three countries, including South Africa. In South Africa, the project conducts awareness campaigns on child labor; assists SADOL with technical support in implementing CLPA; and targets 4,200 children for withdrawal and prevention from the worst forms of child labor, including hazardous work in agriculture.[4620]

During the reporting period, the Government of South Africa promoted social programs that impact the worst forms of child labor. The Government provided direct cash transfers to the households of vulnerable children to alleviate poverty.[4621] The Government implemented a no-fee school program that covers the poorest 40 percent of primary schools.[4622] EU, ILO, and IOM funded anti-trafficking planning and awareness-raising activities; and the Government-operated *Thuthuzela* Care Centers that provide medical services, counseling, and legal support to victims of sexual exploitation.[4623]

The Government has identified constraints on its capacity to offer social protection for children. For example, birth certificates are required to qualify for services, yet more than 20 percent of babies are not registered by their first birthday.[4624] Also, the child protection system lacks the financial resources and skilled staff to assist the majority of children who need care.[4625]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in South Africa:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Report on the number of child labor cases opened, closed, and resolved and the number of convictions.
- Provide sufficient training and systems for law enforcement personnel to identify worst forms of child labor, including human trafficking cases.
- Establish and enforce appropriate procedures to allow for labor inspections in all regulated areas.
- Collect systematic data on human trafficking cases.

IN THE AREA OF POLICIES:

- Make education freely available to all children.

IN THE AREA OF PROGRAMS:

- Implement programs to ensure that all children have birth certificates.
- Allocate resources to better support children in the social protection system.

[4567] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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[4622] Government of South Africa, *Situation Analysis of Children*, 73.

[4623] IOM, *EYE on Human Trafficking*, Pretoria, February 22, 2010, 5; available from http://iom.org.za/site/. See also Government of South Africa, *Understanding the Dimensions of Human Trafficking*, ii. See also South African Law Reform Commission, *South African Law Reform Commission Project 131*, paras 1.12 and 1.16.

[4624] Government of South Africa, *Situation Analysis of Children*, 99.

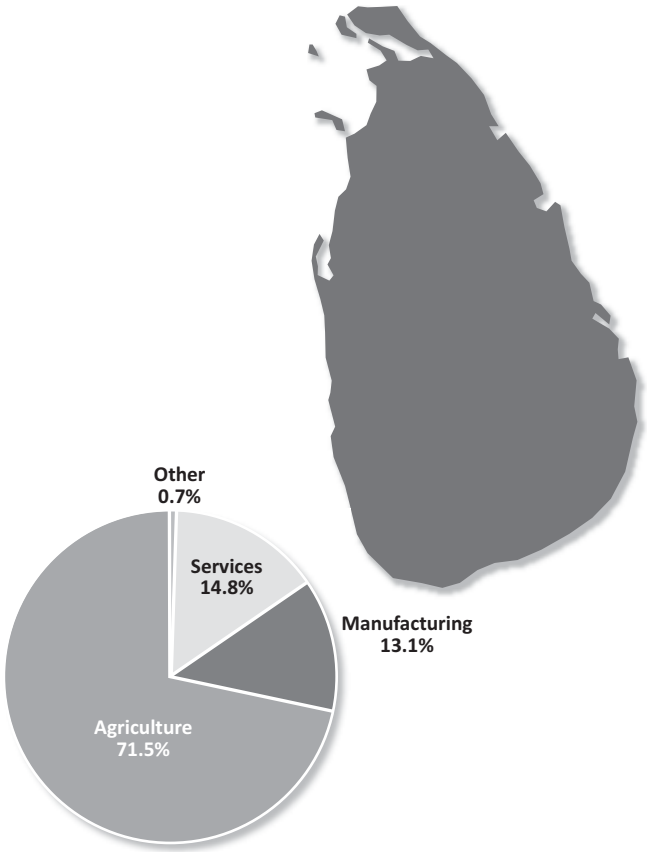
[4625] Ibid., 101.

Sri Lanka

The Government of Sri Lanka has taken steps to address some common worst forms of child labor in the country through programs focused on plantation workers and former child soldiers and has published a National Action Plan to Eliminate the Worst Forms of Child Labor by 2016. However, draft regulations specifying occupations prohibited to children have yet to be published. Children continue to be involved in the worst forms of child labor in agriculture.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor[4626]

Some children in Sri Lanka are exploited in the worst forms of labor, including in agriculture.[4627] Some children's work in agriculture could involve the use of potentially dangerous machinery and tools, carrying of heavy loads, and applying harmful pesticides. In some cases children are also employed in domestic service, a largely unregulated sector in which children may work long hours and are vulnerable to physical and sexual abuse.[4628]

There are also reports that children in Sri Lanka also perform dangerous work in the tile and fishing industries, construction, and mining.[4629] In tile manufacturing children work long hours, carry heavy loads, and experience breathing problems, fatigue, and body pain.[4630] Children in the fisheries sector work long hours, often at night.[4631]

Child trafficking is also an issue in Sri Lanka. Children are trafficked to the Middle East and Singapore, where they are subjected to forced labor and sexual exploitation.[4632] Children are also internally trafficked for domestic service, exploitive labor, and commercial sexual exploitation. There are reports of children below the age of 12 being kidnapped to work in fireworks or fish-drying factories.[4633] Trafficked children often come from rural areas or Internally Displaced Persons (IDP) camps, and some are lured by the promise of employment in the garment industry.[4634] The prostitution of children is reported to be of concern, particularly in the coastal areas.[4635] Boys are among those exploited in prostitution.[4636]

In May of 2009, Sri Lanka's 26-year long internal conflict ended. Until that point, children had been involved in both para-military and military activities, including performing a variety of activities for the Liberation Tigers of Tamil Eelam (LTTE), an armed terrorist opposition group.[4637] From 2003 to May 2009, UNICEF recorded more than 6,000 cases of children recruited by the LTTE. Forced recruitment of children into the LTTE surged in the months prior to the end of the hostilities, and children were used on the frontlines to dig bunkers, collect weapons from killed soldiers, and protect senior leadership.[4638] Additionally, the pro-

government Tamil Makkai Viduthlai Pulikal (TMVP), a former LTTE faction and registered political party, was reported to recruit, sometimes forcibly, children as soldiers.[4639] In 2008, the Government of Sri Lanka, TMVP, and the United Nations signed a Tri-Partite Agreement Action Plan to stop the recruitment and arrange for the release of child soldiers.[4640] In May 2009, the Government of Sri Lanka officially declared victory over the LTTE opposition group, the entire leadership of the LTTE was destroyed, and hostilities ceased. The Government has demonstrated its commitment by adopting a zero tolerance policy toward the recruitment of child soldiers and by rehabilitating the child soldiers who were recruited or forcibly conscripted by the LTTE.[4641]

Laws and Regulations on the Worst Forms of Child Labor

A 1999 amendment to the Employment of Women, Young Persons, and Children Act of 1956 sets the minimum age for employment at 14.[4642] A second amendment (2006) sets the minimum age for employment in hazardous work at 18.[4643] Children ages 14 and 15 may work nine hours per day and children ages 16 and 17 may work ten hours per day.[4644] The minimum age for employment at sea is 15.[4645] Children under 14 may be employed by their own parents in agricultural work or as part of training activities.[4646]

The 2006 amendment to the Employment of Women, Young Persons and Children Act of 1956 enabled the Ministry of Labor Relations and Manpower to publish a list of hazardous occupations. Accordingly, the Government of Sri Lanka published a draft list of 49 hazardous occupations, 40 of which were to be unconditionally prohibited and 9 of which were to be conditionally prohibited for children ages 14 to18.[4647] In 2009, the Government drafted regulations to prohibit these hazardous forms of child labor, but the draft has not yet been sent to Parliament for approval.[4648]

The Penal Code, Amendment Act No. 16 of 2006, prohibits forced labor, debt bondage, and all forms of slavery.[4649] In addition, the Penal Code prohibits the trafficking of children.[4650]

The Penal Code, Amendment Acts No. 22 of 1995 and No. 29 of 1998, prohibit sexual violations against children below 18 years, particularly with regards to child pornography, child prostitution, and the trafficking of children.[4651]

The Penal Code 2006 Amendment also prohibits the recruitment of children below 18 years in armed conflict.[4652]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Child Protection Authority (NCPA) is charged with monitoring and coordinating action to protect children.[4653] This body's mandate includes formulating policies on child abuse and exploitation and coordinating groups that combat them. It also monitors research, coordinates resource mobilization, and monitors implementation of the law and investigations.[4654] This group treats child labor as a form of abuse along with sexual exploitation and child conscription.[4655]

The Department of Labor, within the Ministry of Labor Relations and Manpower, and the NCPA are responsible for enforcing child labor laws.[4656] The Department of Labor's labor inspectorate employs 314 labor officers to enforce all labor laws, including those on child labor. In 2009, 240 labor officers, police officers, and probation officers were trained on

child labor issues.[4657] The Department of Labor and the NCPA coordinate efforts with the Women and Children's Bureau of the Sri Lanka Police to enforce child labor laws.

Complaints of child labor violations can be made via two hotlines, one with the Women and Children's Bureau of the Sri Lanka Police and the other with the Ministry of Child Development and Women's Empowerment. During the reporting period, these hotlines received 140 complaints of child labor involving children below 14. Nine led to cases being filed. There is no data available on the number of children removed from labor exploitation, convictions or penalties. However, research suggests it takes approximately two years for child labor cases to be resolved.[4658]

The NCPA is the lead agency responsible for preventing child trafficking.[4659] The NCPA operates under the Ministry of Child Development and Women's Empowerment and the Women and Children's Bureau of the Department of Police to enforce child trafficking violations.[4660] In 2009, the Sri Lankan Police trained 859 officers on human trafficking issues.[4661]

Complaints of trafficking violations can be made via the Women and Children's Bureau of the Sri Lanka Police and the Ministry of Child and Development and Women's Empowerment. From January to November 2009, there were 38 trafficking investigations by the Women and Children's Bureau of Sri Lanka Police and ten investigations by NCPA, although it is possible that both agencies conducted investigations of the same cases.[4662] NCPA is reported to have rescued 11 child trafficking victims and conducted 20 arrests. NCPA filed ten cases but it is unknown whether these cases are closed or resolved.[4663]

Although the 2006 Penal Code Amendment prohibits the use of child soldiers, no prosecutions are known to have taken place.[4664]

Government Policies on the Worst Forms of Child Labor

The Government of Sri Lanka has established policies specifically focusing on child protection and mainstreamed child labor issues into the national development framework. The Government implemented a National Action Plan (NAP) for Children (2004-2008).[4665] It budgeted $124.6 million to implement the policy with $2 million allocated for child labor programs.[4666] A new NAP (2010-2014), prepared by the Ministry of Finance, will also include an action plan to eliminate child labor.[4667] The new NAP has not yet been published.[4668]

The Government's key development plan, *Mahinda Chintana* – A Vision for New Sri Lanka (2006-2016) includes government policies on combating child labor.[4669] The policies outlined in *Mahinda Chintana* encourage parents to keep children in school rather than sending them to work. A key part of the *Mahinda Chintana* is the Roadmap to 2016 – From Commitment to Action, Elimination of the Worst Forms of Child Labor, which aims to eliminate the worst forms of child labor by 2016. The road map includes plans for institutional capacity building of programs for planning, delivery and reporting of child labor, awareness raising, resource centers, and integrated enforcement and monitoring systems. To date, the Government has only released a concept note of this plan.[4670]

The Roadmap also provides social protection for at-risk children and specifically focus on the plantation sector where child labor is prevalent.[4671] To this end, the policy outlines five key strategies for eliminating child labor, including poverty reduction through minimum wage standards and safety networks for migrant workers and their families; strict enforcement of minimum age employment legislation especially in the informal sector; and rehabilitation of child soldiers.[4672] However, the policy does not lay out specific programs for implementing these initiatives.

The 2007 Youth Employment Policy & National Action Plan also emphasizes access to quality education and recognizes the issue as an important means for addressing child labor.[4673]

The Government has also developed policies regarding certain specific types of the worst forms of child labor. The National Plan of Action to Combat Trafficking in Children for Sexual and Labour Exploitation emphasizes reforming and enforcing laws, strengthening institutions, and conducting research, as well as prevention, rescue, protection and reintegration of trafficked children.[4674]

In 2009, the Ministry of Disaster Management and Human Rights developed the National Action Plan of the National Framework Proposal for Reintegration of Ex-combatants into Civilian Life in Sri Lanka. This policy focuses on both adult and child combatants and targets 15,000 participants.[4675] Its goal is rehabilitation of combatants who need psychosocial support for a period of up to three years. Youth will also be given educational opportunities and access to sports, art, theatre, and music.[4676]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

From 1997 through 2001, Sri Lanka participated in 15 donor-funded projects in support of the National Programme on Child Labor, focusing on the prevention and reintegration of former child workers.[4677] Since 2001, six new programs have been initiated, some specifically targeting child trafficking, child domestic labor, and child soldiers.[4678]

Currently, the Ministry of Education (MOE) has programs for vulnerable children working in plantations. These children receive educational services, including additional classes for secondary students in plantation areas.[4679] In the plantation province of Sabaragamuwa, the ILO collaborates with district governments in a Youth Employment Project which benefits youth at risk of entering worst forms of child labor.[4680]

Between 2008 and 2009, the Department of Census and Statistics conducted a Child Labor Survey with technical support from the ILO.[4681] The survey is intended to be a key component in preventing worst forms of child labor as it is designed to inform further program and policy initiatives. However, the survey results have yet to be released.[4682]

The Government of Sri Lanka has also created rehabilitation and reintegration programs for former child soldiers.[4683] Specifically, it provided two residential educational and vocational training facilities for 556 child ex-combatants. These facilities offer catch-up education classes and allow family visits to reintegrate the children into the community. Of these ex-combatants, 180 appeared for their grade 11 equivalency exams in December 2009.[4684]

The Government Road Map for eliminating the worst forms of child labor specifically targets child trafficking and commercial sexual exploitation, and this effort is headed by the National Child Protection Agency.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Sri Lanka:

IN THE AREA OF LAWS AND REGULATIONS:

- Approve the draft regulations prohibiting child labor in occupations on the hazardous list.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Prosecute individuals suspected of recruiting and using children in armed conflict

IN THE AREA OF POLICIES:

- Finalize and publish the National Action Plan for Children (2010-2014) and implement its recommendations.
- Finalize specifics regarding programs to be implemented under the Roadmap to 2016 on the Worst Forms of Child Labor in line with the *Mahinda Chintana*.

IN THE AREA OF PROGRAMS:

- Finalize and publish National Child Labour Survey results.
- Establish and/or further continue programs targeting children involved in hazardous work in the agriculture, tile, fishing, domestic service, and commercial sexual exploitation sectors.

[4626] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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[4628] U.S. Department of State, "Sri Lanka," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6d.

[4629] U.S. Embassy - Colombo, *reporting*, February 8, 2010.. See also University of Colombo Social Policy Analysis & Research Center, *Situation Report on Child Labour*, March 2008 2008.

[4630] Social Policy Analysis & Research Center, *Plantation, Fire-Works Industry, Tile Industry, Coir Industry & Fishery*, 70.

[4631] Ibid., 102.

[4632] U.S. Embassy- Colombo, *reporting*, February 16, 2009, paras 9-12.See also U.S. Embassy- Colombo, *reporting*, February 17, 2010, para. 11.

[4633] U.S. Embassy- Colombo, *reporting, February 16, 2009*, paras 7, 8, 10, 12.See also U.S. Department of State, "Sri Lanka," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from www.state.gov/g/tip/rls/tiprpt/2010/142761.htm.

[4634] U.S. Embassy- Colombo, *reporting, February 16, 2009*, para. 12.

[4635] U.S. Department of State, "Country Reports- 2009: Sri Lanka.".

[4636] U.S. Embassy- Colombo, *reporting, February 16, 2009*. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Sri Lanka." See Also ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children Sri Lanka*, Bangkok, 2006, 11; available from http://www.ecpat.net/A4A_2005/PDF/South_Asia/Global_Monitoring_Report-SRI_LANKA.pdf.

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[4644] U.S. Embassy - Colombo, *reporting*, February 8, 2010.

[4645] Government of Sri Lanka, *Employment of Women, Young Persons, and Children Act of 1956* No. 47 (November 7, 1956), part II, 9.(1); available from http://www.labourdept.gov.lk/Legislations/Emplof%20WomYouPersonsChi.pdf. See also U.S. Embassy - Colombo, *reporting*, February 8, 2010.

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[4647] U.S. Embassy - Colombo, *reporting, February 8, 2010*.

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[4658] Ibid.

[4659] Ibid.

[4660] U.S. Embassy - Colombo, *reporting, February 17, 2010*.

[4661] U.S. Embassy- Colombo, *reporting, February 17, 2010*, 9.

[4662] U.S. Embassy - Colombo, *reporting, February 8, 2010*.

[4663] Ibid.

[4664] Coalition to Stop the Use of Child Soldiers, *Sri Lanka Issues Concerning the Protection of Children Post Armed Conflict*, 8.

[4665] U.S. Embassy - Colombo, *reporting, February 8, 2010*.

[4666] National Planning Department, *National Plan of Action for the Children of Sri Lanka, 2004-2008*, Government of Sri Lanka Ministry of Finance and Planning, Colombo, 2004, 125-126; available from http://www.humanitarianinfo.org/srilanka/docs/National_Plan.pdf.

[4667] U.S. Embassy - Colombo, *reporting, February 8, 2010*.

[4668] Ibid.

[4669] Ibid.

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[4678] Ibid.].

[4679] U.S. Embassy - Colombo, *reporting, February 8, 2010*.

[4680] Ibid.

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[4684] Ibid.

Suriname

The Government of Suriname has strengthened legislation against commercial sexual exploitation of children. Nevertheless, the worst forms of child labor in Suriname continue in the agricultural sector. Gaps remain in the enforcement of child labor laws and establishment of policies and social programs to eliminate the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor[4685]

Children in Suriname are exploited in the worst forms of child labor, particularly in agriculture. Children harvest fruit and rice where they may work with dangerous tools, risk exposure to pesticides and chemical fertilizers, and carry heavy loads. Children are also employed in fishing, where they are exposed to risks of drowning, injury, and use of sharp tools. Children also work in mining and logging.[4686]

Children are also involved in prostitution and are trafficked both internally, particularly between Paramaribo and mining camps in Suriname's interior and across the country's borders.[4687] Adolescent girls are most likely to be trafficked for sex.[4688]

Laws and Regulations on the Worst Forms of Child Labor

Suriname's Labor Code of 1963 sets the minimum age for employment at 14[4689] and prohibits children under the age of 18 from performing hazardous work.[4690] Children age 14 to 17 are prohibited from working between 7:00 p.m. and 6:00 a.m.[4691] Minors under the age of 15 are not allowed to work on boats.[4692]

The Safety Act prohibits young persons under the age of 18 from engaging in work activities that may be injurious to their health and safety.[4693] The Preparatory Working Group of the National Commission on Child Labour (PWGCCL) created a draft decree containing a list of hazardous work prohibited to children.[4694] However, this draft has not yet been adopted by the Surinamese Government.

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

Article 15 of the Constitution bans forced labor.[4695] Article 307 of the Penal Code prohibits trafficking in persons.[4696] Prostitution is illegal,[4697] and in July 2009, the Criminal Code was amended with specific penalties against child prostitution and a prohibition on child pornography, including a minimum of ten years imprisonment.[4698]

School is compulsory until the age of 12, but children cannot legally work until the age of 14. Children between these ages are vulnerable to the worst forms of child labor.

Institutional Mechanisms for Coordination and Enforcement

In November 2009, the National Commission for the Eradication of Child Labor (NCECL) was established by the Preparatory Working Group of the Commission on Child Labour (PWGCCL). The NCECL recommends additional laws and improves those that already exist in order to ensure accordance with international labor standards, including on the worst forms of child labor.[4699] The Commission consists of officials from the ministries of labor, social affairs, and education, and individuals from labor unions, NGOs, and the private sector.[4700] The Anti-trafficking Working Group is led by the Chief Prosecutor and coordinates the Government's anti-trafficking efforts. This body also works with other countries in the region for this purpose.[4701]

The Ministry of Justice and Police (MJP) and Ministry of Labor, Technology and Environment (MLTE) are jointly responsible for enforcement of child labor and related laws.[4702] The Youth Affairs Police is also responsible for issues relating to any persons under the age of 18.[4703]

The Ministry of Labor, Technology and Environment's Department of Labor Inspection has 75 inspectors and 25 more new inspectors in training.[4704] The Department of Labor Inspection is responsible for workplace inspections for issues of health and safety conditions and child labor, and inspector visits were carried out within the private sector, primarily in urban areas.[4705] The police generally have responsibility for investigating worst forms of child labor issues in the informal sector.[4706]

The Special Anti-trafficking Police Unit (a six-person unit) raids brothels twice a month to determine whether minors are being trafficked or involved in prostitution.[4707] The Trafficking in Persons Police Unit (TIPPU) investigates reports and allegations of trafficking in persons, including those involving children.[4708] A child trafficking case is usually resolved within 6 to 9 months.[4709] Children who have been trafficked are typically referred to the Foundation Against Trafficking in Persons, which is a private organization comprised of local NGOs that provides shelter services for trafficked victims.[4710]

There were three convictions for trafficking in minors during the reporting period.[4711] However, the sentences of two years, 1.5 years, and 9 months respectively were not equivalent to the Penal Code standard of 5 to 20 years imprisonment for trafficking in persons for sexual exploitation and for labor exploitation and the sentences were not fully served.[4712]

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address the worst forms of child labor.[4713]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Suriname participated in a regional project to combat the worst forms of child labor in the Caribbean, which was funded by the Government of Canada.[4714] The project's outcomes included a sub-regional workshop on combating child labor in indigenous communities in Suriname and the formation of a national steering committee on child labor.[4715] Although the Government of Suriname participated in a regional project to address the worst forms of child labor, research found no evidence that it has carried out programs to assist children in agriculture specifically.

The Ministry of Social Affairs administers a welfare and daycare system for indigent children to prevent them from seeking employment.[4716] Vocational programs have also been supported by the government to provide dropouts and older children with an alternative to child labor. The Ministry of Education

and Community Development (MOECD) requested a reformulation of the Program for Improving Basic Education, which was implemented in 2004.[4717] Funded by a loan from the Inter-American Development Bank, the project aims to improve basic education and reduce student dropout rates in Suriname's education system. The question of whether these programs have an impact on the worst forms of child labor does not appear to have been addressed.[4718]

Suriname also took part in a regional initiative to raise awareness of trafficking in persons, funded by IOM.[4719] The Maxi Linder Foundation, an NGO funded by the Government, provides resources for victims of trafficking for prostitution, including children.[4720] The Child and Youth Hotline, called the "1-2-3 Hotline," is a simple number that children can dial to report instances of abuse and trafficking.[4721]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Suriname:

IN THE AREA OF LAWS AND REGULATIONS:

- Define hazardous types of work prohibited to children through adoption and publication of the draft hazardous decree.
- Raise the compulsory education age to 14, the established minimum age for work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure that those convicted for trafficking children for sexual exploitation and labor exploitation are given the appropriate punishment equivalent to the Penal Code standard.

IN THE AREA OF POLICIES:

- Adopt policies to address the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Assess the impact that existing programs may have in addressing the worst forms of child labor.
- Expand and develop social programs to assist children engaged in or at risk of entering the worst forms of child labor, in particular children working in agriculture.

[4685] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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[4687] U.S. Department of State, "Suriname," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm.

[4688] U.S. Embassy- Paramaribo, *Trafficking in Persons reporting, February 19, 2010*.

[4689] Clive Pegus, "A Review of Child Labour Laws of Suriname- A Guide to Legislative Reform," *ILO Subregional Office for the Caribbean* (June 2005).

[4690] Ibid.

[4691] U.S. Embassy- Paramaribo, *reporting*, February 19, 2010.

[4692] Ibid.

[4693] Clive Pegus, "A Review of Child Labour Laws of Suriname- A Guide to Legislative Reform."

[4694] ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No.182) Suriname (ratification: 2006),* [online] 2010 [cited August 10, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25337&chapter=9&query=Suriname%40ref&highlight=&querytype=bool&context=0.

[4695] Government of Suriname, *Constitution of the Republic of Suriname*, (October 30, 1987); available from http://pdba.georgetown.edu/Constitutions/Suriname/english.html.

[4696] Clive Pegus, "A Review of Child Labour Laws of Suriname- A Guide to Legislative Reform."

[4697] U.S. Department of State, "Suriname," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136127.htm.

[4698] Ibid. See also U.S. Embassy- Paramaribo, *reporting, February 19, 2010*.

[4699] Ibid.

[4700] U.S. Department of State, "Country Reports- 2009: Suriname."

[4701] Ibid.

[4702] U.S. Embassy- Paramaribo, *reporting, February 19, 2010*.

[4703] Ibid.

[4704] Ibid.

[4705] U.S. Department of State, "Country Reports- 2009: Suriname."

[4706] Ibid.

[4707] Ibid.

[4708] U.S. Embassy- Paramaribo, *Trafficking in Persons reporting, February 19, 2010*. See also U.S. Embassy- Paramaribo, *reporting, February 19, 2010*.

[4709] U.S. Embassy- Paramaribo, *reporting, February 19, 2010*.

[4710] U.S. Department of State, "Country Reports- 2009: Suriname." See also ILO Committee of Experts, *Direct Request C182: Suriname (2010)*.

[4711] U.S. Embassy- Paramaribo, *reporting, February 19, 2010*. See also U.S. Department of State, "Country Reports- 2009: Suriname."

[4712] U.S. Embassy- Paramaribo, *reporting, February 19, 2010*.

[4713] U.S. Embassy- Paramaribo, *reporting*, March 3, 2009.

[4714] ILO, *ILO in the Caribbean Projects Archive,* [online] July 27, 2009 [cited August 11, 2010]; available from http://www.ilocarib.org.tt/portal/index.php?option=com_content&task=view&id=1116&Itemid=1015#clcaribbean. See also ILO-IPEC Geneva official, E-mail communication to USDOL official, December 12, 2007.

[4715] Ibid.

[4716] Clive Pegus, "A Review of Child Labour Laws of Suriname- A Guide to Legislative Reform."

[4717] IDB, *Program for Improving Basic Education*, Project Profile, March 11, 2010; available from http://www.iadb.org/projects/project.cfm?id=SU-L1019&lang=en. See also ILO Committee of Experts, *Direct Request C182: Suriname (2010)*.

[4718] IDB, *Improving Basic Education, Project Profile*.

[4719] U.S. Department of State, "Country Reports- 2009: Suriname."

[4720] Ibid. See also U.S. Embassy- Paramaribo, *Trafficking in Persons reporting, February 19, 2010*.

[4721] U.S. Department of State, "Country Reports- 2009: Suriname." See also U.S. Embassy- Paramaribo, *reporting, February 19, 2010*.

Swaziland

The Government of Swaziland has strengthened its legal framework to combat the worst forms of child labor by signing into law the Trafficking and People Smuggling Prohibition Act. However, the Government has not effectively enforced its child labor laws or developed adequate social protection programs for the prevention and elimination of exploitive child labor, especially for children working in agriculture, herding, and domestic service.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	9.6%
Attending School	5-14 yrs.	74.3%
Combining Work and School	7-14 yrs	8.9%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Swaziland, many of them working in agriculture.[4722] Swaziland has one of the world's highest HIV/AIDS prevalence rates, affecting almost a quarter of the population. As a result, there are over 100,000 orphans who are at risk of entering into the worst forms of child labor.[4723]

Children are employed to pick cotton and harvest sugarcane. Children working in agriculture may perform physically arduous tasks and risk occupational injury and disease from exposure to dangerous tools, insecticides, and herbicides.[4724] Information about the worst forms of child labor in Swaziland is limited; however, reports indicate that in addition to agriculture, working children are primarily engaged in herding in remote locations, and domestic service.[4725] Child domestics may work long hours and be subjected to physical and sexual exploitation by their employer.[4726]

Children also work as porters, transporting heavy loads in self-made carts, and as bus attendants and taxi conductors, collecting fees and calling out routes while climbing in and out of moving vehicles.[4727] Children working on the streets as traders and hawkers may be exposed to a variety of hazards, such as severe weather, accidents caused by proximity to automobiles, and vulnerability to criminal elements.[4728] Children also work 14-hour days in textile factories.[4729]

Children's exploitation in illicit activities and commercial sexual exploitation is also a problem in Swaziland. Children distribute alcohol in liquor outlets, where they are exposed to sexual harassment.[4730] Reports suggest that children may also grow, manufacture, and sell drugs, and may engage in commercial sexual exploitation at truck stops, bars, and brothels.[4731] Boys often migrate to Swaziland to work in commercial agriculture, market vending, herding, and portering. Some of these boys subsequently become victims of forced labor as their employers reportedly do not allow them to leave.[4732]

Another worst form of child labor that occurs in Swaziland includes the trafficking of children. Anecdotal evidence suggests that Swaziland is a source, destination, and transit country for child trafficking for the purposes of domestic servitude,

sexual exploitation, and forced labor in agriculture.[4733] Swazi girls are trafficked internally into the cities of Mbabame and Manzini and to South Africa and Mozambique for domestic service and commercial sexual exploitation.[4734]

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act of 1980 sets the minimum age for employment in an industrial undertakings at 15, but it does not set a minimum age for other sectors. As most working children in Swaziland are not employed in industrial undertakings, many are therefore, left unprotected by the law.[4735] The law distinguishes between a child—under the age of 15—and a young person—between ages 15 and 18.[4736] A child may not work more than 4 hours continuously or 6 hours a day. The employment of a child or young person in places mainly used for the sale and consumption of alcohol, places where their morals may be impaired, work underground, and in dangerous or unhealthy places, is prohibited.[4737] Despite the above protections, the Employment Act does not address or specify the types of work considered to be hazardous or a worst form of child labor.[4738]

Children are required to attend school until age 12. This standard makes children ages 12 to 15 particularly vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum age for work.[4739]

The Crimes Act criminalizes prostitution. The draft Sexual Offenses and Domestic Violence bill aims to specifically prohibit child prostitution and provide more stringent penalties; however, the bill has yet to be enacted.[4740] The General Pornography Act prohibits pornography.[4741] There is no evidence that laws in Swaziland prohibit the use, procuring, or offering of a child for illicit activities.[4742]

In 2009, the Government of Swaziland made changes to its legal framework by signing into law the Trafficking and People Smuggling (Prohibition) Act. This act covers both internal and international forms of trafficking and provides stiff penalties for violators, including up to 25 years' imprisonment for the trafficking of children for any purpose.[4743] The act also provides provisions for victim compensation through the surrender of convicted offenders' moveable property.[4744]

The Constitution prohibits slavery and forced labor, but under the Swazi Administration Order No. 6 of 1998, the Government may demand compulsory work from its citizens for cultivation, road construction, and anti-soil erosion works with stringent penalties for non-compliance. It is unclear whether children are engaged in Government-sponsored compulsory work.[4745] The Umbutfo Swaziland Defense Force Act sets the minimum age for conscription and voluntary recruitment into the military at 18.[4746]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	None
	Compulsory Education Age	12
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Program Advisory Committee on Child Labor (PACC) is charged with developing a national policy to address the worst forms of child labor, with the Ministry of Enterprise and Employment as its Secretariat. It is unclear whether PACC convened or carried out activities during the reporting period.[4747] At the local levels, community-based child labor committees are responsible for coordinating and monitoring activities to combat child labor.[4748]

In July 2009, the Prime Minister established the Inter-Agency Task Force for the Prevention of People Trafficking and People Smuggling to coordinate the implementation of the recent trafficking legislation. The Task Force includes representatives from multiple government and law enforcement agencies including UNICEF, UNDP, and NGOs, and began developing a national plan of action and various operating procedures.[4749] The Task Force meets regularly and will submit quarterly reports to the Prime Minister's office.[4750]

The Ministry of Enterprise and Employment, the Department of Social Welfare under the Deputy Prime Minister's Office, and the police services are the federal agencies designated to enforce child labor laws.[4751] It is unknown how many labor inspectors are responsible for the enforcement of labor laws, including those related to child labor, or if they receive training. However, child labor issues are included on the routine labor inspection questionnaire.[4752] While complaints regarding child labor can be made to the abovementioned entities, reports indicate that records regarding child labor complaints do not exist.[4753] In addition, at the time of reporting, the Government did not conduct investigations into child labor violations.[4754]

Within the Royal Swaziland Police Service, the Domestic Violence, Child Protection, and Sexual Offenses Unit is responsible for, among other things, the enforcement of criminal laws relating to the worst forms of child labor, including trafficking. Since anti-trafficking legislation did not exist until late 2009, no trafficking prosecutions or convictions were recorded and the Government did not provide training to law enforcement officials on this issue during the reporting period.[4755] The Government also established a Sexual Offenses Unit to combat sexual violence against children and women and provide services to victims.[4756]

Government Policies on the Worst Forms of Child Labor

The 2008 National Strategy and Action Plan towards the Elimination of Child Labor in Swaziland serves as the primary policy framework for the prevention and elimination of child labor. This plan aims to eradicate the worst forms of child labor by 2015 and includes specific roles for the Ministry of Education and the Ministry of Enterprise and Employment to ensure its implementation in national institutions.[4757] However, the Government has not made it a policy to collect data on the worst forms of child labor.

In 2010, in response to a lawsuit by the Ex-Miners' Association, the Government launched a program to provide free primary education to all children, thereby reducing barriers to education for children vulnerable to the worst forms of child labor. This program will initially register students in the first and second grades, with higher grades included in the future.[4758] The Government also integrated child labor concerns into its National Plan of Action for Orphans and Vulnerable Children (2006-2010), which provides children in this population with counseling and psycho-social support; access to shelter; and protection from exploitation, including trafficking; and supports their enrollment in school.[4759]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In Swaziland, the lion's share of past child-centered activities focused on assisting orphans and vulnerable children affected by HIV/AIDS.[4760] Social programs designed to eliminate child labor have been limited and primarily financed through two USDOL-supported regional child labor projects in Southern Africa, which ended in 2008: the RECLISA and TECL I projects.[4761] The $5 million TECL I project assisted in the development of a national action plan on child labor, and the $9 million RECLISA project withdrew and prevented 2,030 children from the worst forms of child labor. When the RECLISA project ended, the Government assumed responsibility for the education and support of the project's beneficiaries.[4762]

Current efforts to eliminate the worst forms of child labor focus on anti-trafficking initiatives. The Government launched its Red Light 2010 Campaign to combat the trafficking and sexual exploitation of children leading up to and during the FIFA 2010 World Cup.[4763] In addition, the Swaziland Action Group Against Abuse (SWAGAA) in partnership with World Hope South Africa began the first of a series of workshops throughout Swaziland to educate people on

human trafficking and preventative measures.[4764] Despite the initiatives described here, the Government is not currently involved in social programs to eliminate the worst forms of child labor in sectors where the majority of children work, such as in agriculture, herding, and domestic service. In addition, as the Government has not partnered with international organizations, it may miss opportunities to develop and execute externally funded projects to eliminate the worst forms of child labor.[4765]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Swaziland:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Employment Act to prohibit the worst forms of child labor, include a list of hazardous occupations, and extend its protections to children working in non-industrial undertakings.
- Raise the compulsory education age to 15.
- Enact the Sexual Offenses and Domestic Violence bill to further protect children from commercial sexual exploitation and prostitution.
- Enact legislation to prohibit the use, procuring, or offering of a child for illicit activities.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Strengthen measures to investigate, prosecute, and convict individuals involved in the worst forms of child labor, which includes:
  - Developing a system to record child labor complaints.
  - Providing law enforcement officers, judges, and prosecutors with training on child labor laws and the newly enacted Trafficking and People Smuggling Prohibition Act.

IN THE AREA OF POLICIES:

- Continue to phase in positive efforts to provide free primary education in 2010 as a way to reduce educational attainment barriers to vulnerable populations, including child laborers.
- Collect data on the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to combat the worst forms of child labor, which includes:
  - Developing appropriate social protection programs for the elimination of child labor in agriculture, herding, and domestic service.
  - Partnering with international organizations to further strengthen child labor legislation and the execution of projects for the prevention and elimination of exploitive child labor.

[4722] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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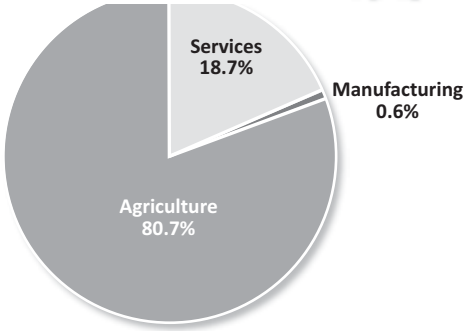
Tanzania

The Government of the United Republic of Tanzania has strengthened its legal and policy framework to combat the worst forms of child labor, including by instituting the Zanzibar National Action Plan for the Elimination of Child Labor and adopting the Anti-Trafficking Law. However, enforcement remains weak and funding to sustain current efforts has not been made available. Unsafe and unhealthy child labor in agriculture and mining continues to exist, and children are still trafficked and involved in prostitution.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	27.9%
Attending School	5-14 yrs.	75.4%
Combining Work and School	7-14 yrs	24.2%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor[4766]

The United Republic of Tanzania ("Tanzania") includes Mainland Tanzania and the semi-autonomous archipelago of Zanzibar. Children in Tanzania are found in the worst forms of child labor, particularly in agriculture and fishing. On Mainland Tanzania, children work in the cultivation of coffee, sisal, tea, timber, cloves, and tobacco, where they work with dangerous tools, are exposed to pesticides and chemical fertilizers, and carry heavy loads.[4767] Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of sugarcane and seaweed farming.[4768] Children in Mainland and Zanzibar are engaged in fishing, including fishing Nile Perch, where they are exposed to risks of injury such as being entangled in nets and using sharp tools to clean fish. Children in fishing camps are also susceptible to sexual exploitation.[4769]

Children in Tanzania work in artisanal mines and stone quarries, including in the production of tanzanite, where they crush stones with dangerous tools, carry heavy loads, and some engage in sex work.[4770] In urban areas, children are exposed to dangers working in bars and scavenging for scrap metal and other items to sell.[4771] In Zanzibar, children work in the tourism industry, as guides and street vendors, sometimes for long hours. Girls, including those employed as cleaners in tourist hotels, have been exploited in prostitution.[4772]

Trafficking for forced labor and commercial sexual exploitation is a problem in Tanzania. Girls employed as domestic servants, sometimes by force, work long hours, and may be sexually harassed. Girls who flee abusive households may be exploited as prostitutes.[4773] Poor rural children in particular are trafficked internally for forced labor and commercial sexual exploitation.[4774] Orphans are particularly vulnerable to trafficking.[4775] Some children are reportedly trafficked to South Africa, Saudi Arabia, and Europe for domestic service and prostitution, and some Tanzanian girls are coerced into prostitution in tourist areas.[4776]

Laws and Regulations on the Worst Forms of Child Labor

The Constitution stipulates which laws in Tanzania apply to the entire United Republic; labor laws are not among them. Mainland Tanzania and Zanzibar therefore have separate legal regimes governing child labor.[4777] Mainland Tanzania is subject to the Employment and Labor Relations Act No 6. 2004, which prohibits the employment of children under age 14, except in the case of light work, and prohibits children under age 18 years from working in hazardous environments. The law also establishes criminal penalties for anyone using illegal child labor or forced labor.[4778] The Government maintains a list of the worst forms of child labor, which was updated during the reporting period but has yet to be finalized and officially published.[4779]

The Sexual Offences and Provisions Act 1998 includes penalties for procuring a child less than age 18 for sexual abuse, for indecent exhibition, or for sexual intercourse.[4780] The Penal Code also punishes those knowingly living off the earnings of prostitution.[4781]

The Child Act, passed in 2009, harmonizes all Mainland laws pertaining to children.[4782] The law prohibits the employment of children in exploitive labor in the formal and informal sectors, and prohibits forced child labor, children in hazardous work, and the sexual exploitation of children.[4783] The Act includes a list of hazardous activities from which children in Mainland Tanzania are prohibited.

While Mainland Tanzania has a strong legal framework, the Employment and Labor Relations Act does not apply to individual members of the Tanzanian Peoples Defense Forces, the Police Force, the Prisons Service, and the National Service.[4784]

Zanzibar is governed by the Zanzibar Employment Act No 11, which prohibits child labor, including the worst forms of child labor. However, the law does not include a list of hazards or specify hazardous work within sectors in which the use of children is forbidden.[4785] The Penal Code of Zanzibar reportedly includes provisions relating to the worst forms of child labor and the Zanzibar Guidelines Against Child Labor defines both child labor and hazardous work.[4786] However, the content of these guidelines was not located through research and the comprehensiveness of such definitions cannot be evaluated in this report.

In addition to the Mainland and Zanzibar legal frameworks on child labor, some districts have incorporated restrictions against child labor into their individual by-laws, focusing on child labor specific to economic activities in their district.[4787]

During the reporting period, the Anti-Trafficking in Persons Act 2008 came into effect and is applicable to both Mainland Tanzania and Zanzibar.[4788] The law covers all aspects of trafficking in persons and considers trafficking of children to be "severe trafficking," a criminal offense with heavier penalties.[4789]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Prime Minister's Office Regional Administration and Local Government (PMORALG) is the chair of the National Intersectoral Committee on Child Labor. With representation from various government ministries and non-governmental organizations, it coordinates action to bring attention to child labor issues[4790] and strengthen local structures to eliminate child labor.[4791] District-level entities also report on

the prevalence of working children and current village and district-level child labor interventions to the PMORALG; however regional governments are not involved.

In Mainland Tanzania, the Ministry of Labor, Employment, and Youth Development is responsible for the enforcement of child labor laws.[4792] There are a total of 90 labor officers in Tanzania.[4793] Their training includes a child labor component.[4794] As the lead agency on child labor issues, this Ministry works closely with the Ministries of Community Development, Gender, and Children; Home Affairs; Education; Agriculture; and Health and Social Welfare and the PMORALG.[4795] The Ministry of Labor maintains a separate Child Labor Unit; however there were only three staff members in the Child Labor Unit and limited funding available.[4796] Each region also has one or more labor officers responsible for enforcing labor laws, including those for child labor. There are no labor officers at the district level.[4797]

Labor inspectors coordinate with social welfare officers to provide services to children withdrawn from the worst forms of child labor.[4798] The Labor and Economic Social Council, under the Department of Labor within the Ministry of Labor, Employment and Youth Development also assists.[4799] Community development officers and social welfare officers, responsible for monitoring child labor at the district and village levels, report to the PMORALG.[4800]

Zanzibar has its own Ministry of Labor, which is responsible for enforcing the archipelago's child labor laws.[4801] In Zanzibar, the Ministry of Labor, Youth Development, Women, and Children; the Commission for Mediation and Arbitration; and the labor court are responsible for enforcing labor laws.[4802] The Labor Commission, under the Ministry of Labor, is responsible for matters related to labor inspections.[4803]

Throughout Tanzania, at the district and community level, child labor committees identify and monitor children engaged in exploitive child labor.[4804] Child labor cases are usually resolved by district courts, with children engaged in exploitive labor referred to social welfare officers for services and support.

While district courts have jurisdiction over child labor cases, the Commission for Mediation and Arbitration (CMA), responsible for other types of labor violations, can also mediate and arbitrate child labor law violations that have been reported to them[4805] or send them to district courts.[4806] The distance and cost of traveling to district courts may deter rural inhabitants from taking complaints to them.[4807] At the ward level, ward tribunals can also mediate labor disputes.

The police investigate cases of child labor reported to police stations and in some cases, refer them to labor officers or solicit the assistance of social welfare officers.[4808] There were no child labor cases, violations, or prosecutions in 2009.[4809]

The Interpol Office of Transnational Crimes within the police force includes the position of an officer responsible for trafficking. An independent trafficking desk was also established.[4810] Trafficking cases, including child trafficking, can be reported through Interpol and NGO hotlines. Government officials, social workers, prosecutors, police, and immigration officers received training on trafficking and trafficking victims' assistance.[4811] The government assisted NGOs in identifying 250 trafficking victims; however, there were no prosecutions during the reporting period (though one person was fined $220 under the Penal Code).[4812]

Government Policies on the Worst Forms of Child Labor

The National Action Plan for the Elimination of Child Labor was released in June 2009.[4813] The plan highlights key stakeholders and ministries responsible for child labor interventions, and proposes strategies including poverty alleviation, capacity building for enforcement and protection mechanisms, and monitoring and evaluation to combat the worst forms of child labor.[4814] Zanzibar also has a National Action Plan for the Elimination of Child Labor (NAP) (2009), which gives authority to the Zanzibar Child Labor Steering Committee, composed of key officials from various implementing agencies responsible for child labor, to provide policy guidance for the NAP. The Steering Committee also exchanges information with the National Intersectoral Coordinating Committee

in Mainland Tanzania.[4815] District labor officers are responsible for overseeing the implementation of the NAPs in individual districts, in partnership with education officers, social welfare officers, and women and child welfare officers.[4816]

In addition to child labor specific policies, the National Strategy for Growth and Reduction of Poverty 2005-2010 includes child labor and child trafficking and considers child laborers among the most vulnerable populations.[4817] The policy commits the government to reducing the percentage of children engaged in child labor to less than 10 percent by 2010; links former child laborers to educational alternatives; and aims to increase primary school enrollment, attendance, and completion for child laborers and other vulnerable children.[4818] The Government of Tanzania has not yet passed the draft NSGRP II.[4819] The Zanzibar Strategy for Growth and Poverty Reduction includes a sub-indicator for child labor as well as the implementation of the National Guidelines on Child Labor as a key activity.[4820] These poverty reduction plans contribute to the Government of Tanzania's National Development Vision of 2025.[4821]

Tanzania's new anti-trafficking law includes provisions to establish an Anti-Trafficking Committee responsible for promoting, defining and coordinating policy to prevent trafficking.[4822]

A number of other government policies target child labor, including: the National Costed Plan of Action for Most Vulnerable Children 2007-2010, targeting child laborers among its most vulnerable children; the National Employment Policy (2007), requiring the Government and partners to provide child labor guidelines and programs; the United Republic of Tanzania Child Development Policy, prohibiting the worst forms of child labor; the Zanzibar Child Protection Policy, supporting the Government's commitment to the Convention on the Rights of the Child; and the National Social Protection Framework, identifying child labor as a coping mechanism for families with economic risks and proposing strategies to improve sustainable livelihoods.[4823]

The Government has focused on training as a means to address child labor and developed a number of policies and created institutions to support this effort, including: the Zanzibar Vocational Education and Training Policy (2005), providing government and private job training and preparation to youth; a Ministry of Education-managed alternative education program assisting adults and children who have dropped out of school; the Mainland Tanzania Complimentary Basic Education and Training (COBET) program, which targets child laborers and provides child labor components in its curricula; and the Vocational Education and Training Authority (VETA), which provides skills and entrepreneurship training to rural populations and incorporates child labor targets.[4824]

Children involved in or at risk of becoming involved in child labor are identified by Most Vulnerable Children Committees, which operate at the ward and village levels.[4825] The Ministry of Labor, however, has established child labor committees in 16 districts where it has scaled up its activities in coordination with USDOL-funded projects.[4826] Districts are guided by the District Framework for Interventions on Child Labor in Tanzania, which outlines a strategic approach in district-based action against child labor.[4827] Districts must integrate child labor into individual district development plans and budgets, and many do this through the promotion of enrolment and retention in basic education and the targeting of vulnerable households in poverty reduction initiatives.[4828] Some district child labor committees have their own budgets for child labor activities.[4829]

The Government has also prioritized data collection, both through the Integrated Labor Force Survey, 2006 and the Zanzibar Labor Force Survey, which identify child laborers, specify economic activities in which children participate, and include hazards facing these children.[4830] Data collected from these surveys were used to develop policies specific to child labor. In collaboration with Understanding Children's Work (UCW), the Government is conducting a preliminary analysis of the situation of children and youth.[4831]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Following its adoption of ILO Convention 182 on September 12, 2001, the Government of Tanzania has worked with ILO-IPEC on two USDOL-funded projects to support the convention's implementation. The first ended in 2006 and withdrew or prevented 35,000 children from engaging in the worst forms of child labor. The second continued efforts to

eliminate the worst forms of child labor in commercial agriculture, domestic service, mining, fishing, and prostitution in mainland Tanzania. It ended in December 2009 and withdrew or prevented 22,000 children from exploitive child labor in Mainland Tanzania and in Zanzibar.[4832] Another USDOL-funded project, which ended in 2006, piloted a child labor monitoring system to coordinate national child labor elimination efforts at the local government level; however, the monitoring system has not been implemented in every region in Tanzania.[4833]

This project also established radio-based curriculum and awareness raising activities, which the Ministry of Education and Vocational Training continues to operate in learning centers.[4834] Another USDOL-funded project ended in November 2010 and aims to withdraw 5,145 children and prevent 5,270 children in agriculture from the worst forms of child labor through government monitoring and class inspection, payment to COBET teachers in selected districts, and in-kind contributions, including office space.[4835] Child labor has also been prioritized in Tanzania's Decent Work Country Program assisted by the ILO.[4836] USDOL is currently funding a $1.71 million project, Strengthening Labor Law Compliance, which supports the labor inspection component of the ILO's child labor projects.[4837]

The Government has promoted nationwide enrolment in basic education, which involves community mobilization coupled with increased budgetary allocation and abolition of school fees to ensure that enrolment covers children from poor, vulnerable families.[4838]

The National Empowerment Fund supports poverty reduction efforts at the region/district level, channeled through financial institutions in the rural areas. The Tanzania Social Action Fund provides funding grants and a conditional cash transfer program to vulnerable populations, including children.[4839] The question of whether the Government's basic education program and National Empowerment Fund have an impact on the worst forms of child labor does not appear to have been addressed.

The Government plans to establish an anti-trafficking fund to trace families of victims of human trafficking, including young girls lured to foreign countries that end up in commercial sexual exploitation.[4840] The Government of Tanzania currently contributes the majority of funds to the East African Regional Training Academy for immigration officials, which provides instruction in anti-trafficking.[4841]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Tanzania:

IN THE AREA OF LAWS AND REGULATIONS:

- Update the Employment and Labor Relations Act to include members of the Tanzanian Peoples Defense Forces, the Police Force, the Prisons Service, and the National Service, which are currently not bound by any provisions in the law, including those on child labor.
- Establish a list of hazardous work and prohibited hazardous activities for children in Zanzibar.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase funding for labor officers and ensure that labor inspectors receive training and resources to conduct child labor focused inspections.
- Increase the number of child labor cases tried through the justice system through district courts or resolved through the Commission for Mediation and Arbitration (CMA). Provide legal aid, transportation, or other assistance to help poor families to access district courts.

IN THE AREA OF POLICIES:

- Realize the commitments proposed in the draft National Strategy for Growth and Reduction of Poverty 2005-2010 by passing a new plan with similar child labor objectives.

IN THE AREA OF PROGRAMS:

- Expand the pilot child labor monitoring system to all districts in Tanzania. Ensure that all labor inspectors have access to this data, and share with police to strengthen enforcement.
- Assess the impact that the Government's basic education program and National Empowerment Fund have on addressing the worst forms of child labor.

[4766] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2005-2006. Data on children combining work and school are from 2001. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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[4768] ILO-IPEC, *Support for the Timebound Program: Phase II, Project Document (September 2005)*, xi.

[4769] USDOL, *Trip Report of Site Visit by U.S. Department of Labor Officials to Tanzania: May 15-28*, Washington, DC, May, 2010. See also Government of Tanzania, *Key Findings on Child Labour in Tanzania: Based on the Analysis of Findings of the Integrated Labour Force Survey, 2006*, Dar es Salaam, January, 2009, 13. See also Revolutionary Government of Zanzibar, *National Action Plan for the Elimination of Child Labour 2009-2015*, prepared by Youth Ministry of Labour, Women and Children Development, 2009, 3. See also Basic Education Coalition, "International Basic Education Update- Tanzania: Too Much Work, Too Little School," (2008); available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf. See also ILO-IPEC, *Support for the Time-Bound Programme on the Worst Forms of Child Labour in Tanzania- Phase II*, Project Document, Geneva, September 2005, 46-47.

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[4772] USDOL, *Trip Report of Site Visit to Tanzania*.

[4773] U.S. Department of State, "Tanzania (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from http://www.state.gov/documents/organization/105659.pdf. See also U.S. Embassy- Dar es Salaam, *reporting, January 30, 2009*, para 1. See also U.S. Embassy- Dar es Salaam, *reporting, February 9, 2010*, 2A.

[4774] U.S. Department of State, "Tanzania," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2009; available from http://www.state.gov/g/drl/rls/hrrpt/2009/af/135957.htm. See also Government of Tanzania, *National Action Plan for the Elimination of Child Labor*, Ministry of Labour, Employment and Youth Development, Dar es Salaam, June, 2009, 4. See alsoILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) United Republic of Tanzania (ratification: 2001),* [online] 2007 [cited February 13, 2010]; available from http://www.oit.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=2876&chapter=16&query=(Tanzania-Tanganyika)%40ref%2BRequest%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Concluding Observations: United Republic of Tanzania*, CRC/C/TZA/CO/2, June 21, 2006; available from http://tb.ohchr.org/default.aspx?country=tz. See also U.S. Department of State, "Country Reports- 2009: Tanzania," section 6. See also U.S. Embassy- Dar es Salaam, *reporting, February 9, 2010*.

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[4793] U.S. Embassy- Dar es Salaam, *reporting, February 9, 2010*.

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[4795] Ibid., 2c-4.

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Thailand

The Government of Thailand launched its National Policy and Plan to Eliminate the Worst Forms of Child Labor and has undertaken wide-ranging activities to implement its Anti-Trafficking law. However, hazardous child labor continues to exist in agriculture and seafood processing, particularly for migrant children. Resource constraints and some legal gaps remain as impediments to government efforts.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	13.0%
Attending School	5-14 yrs.	96.3%
Combining Work and School	7-14 yrs	14.4%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Thailand are exploited in the worst forms of child labor,[4842] primarily in agriculture. Children work producing crops such as sugarcane. In addition, although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of rice, cassava, corn, rubber, and oranges, and harvesting seeds.[4843] These children risk working long hours, excessive sun exposure, and using dangerous tools.

Children also work at gas stations, entertainment venues, markets, and restaurants. They are exposed to excessive work hours, night work, and high levels of noise, dust, and smoke.[4844]

Children work in fishing, where they may spend long periods at sea, work long hours, carry heavy loads, and face the risk of physical abuse. Children process fish and seafood, including shrimp, and they are exposed to long and late hours; foul smelling, dangerous, dirty, and damp working conditions; and a lack of safety equipment.[4845]

Children, primarily girls, work in domestic service where they face long hours of work, the inability to leave the employer's home, as well as physical and sexual abuse by their employers.[4846] Children also work in construction and manufacturing. In garment manufacturing, children are mostly found in factories along the Burmese border where they are faced with excessive work hours and exposure to dangerous machinery and chemicals.[4847]

Street children are present in urban centers where they engage in vending and begging. Such children work long hours, are subject to physical and sexual abuse, and are at risk of being forced into the commercial sex industry.[4848]

Ethnic minority, stateless, and migrant children are most at risk for engaging in the worst forms of child labor, especially in the informal sector.[4849]

Children in Thailand are exploited in prostitution and pornography.[4850] The Office of the National Commission of Women's Affairs estimated that there are between 22,500 and 40,000 Thai nationals under age 18 engaged in prostitution, representing 15 to 20 percent of the total prostitute population in Thailand.[4851] Estimates are not available for non-Thai national children being exploited in prostitution.

Thailand remains a source, transit, and destination country for children who have been trafficked for labor or commercial sexual exploitation, including sex tourism.[4852] Girls are trafficked from Burma, Cambodia, China, Laos, and Vietnam to Thailand for commercial sexual exploitation.[4853] Migrants and members of northern Thailand's ethnic hill tribes are particularly vulnerable to trafficking.[4854]

Children migrate alone or with their families and they may subsequently be subjected to forced labor in agriculture, construction, garment factories, commercial fisheries (including shrimp), deep-sea fishing, and domestic service in private households.[4855]

There are also reports of children being used by separatist groups in southern Thailand to carry out armed attacks.[4856]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Protection Act (LPA) sets the minimum age for employment at 15, the minimum age for hazardous employment at 18, and outlines penalties for violations, including up to one year in prison.[4857] The LPA outlines certain prohibited activities for children, such as work involving hazardous chemicals, the operation of heavy equipment, work underground, or work in places where alcohol is sold.[4858] The Child Protection Act prohibits the employment of children in a way that might cause them physical or mental harm or hinder their development, prohibits the use of children for begging, committing crimes, or any type of exploitation, and imposes stricter fines than the LPA.[4859] However, a more specific list of hazardous occupations and exploitive activities for children has not been published.

The LPA excludes from coverage certain sectors where children work, such as agriculture, sea fishing, and domestic work.[4860] To partially address this gap with regard to agriculture, a separate Ministerial regulation was issued to provide some LPA protections to child workers. Such protections include a minimum age of 15 for employment, except that children older than age 12 who are on school vacation and have received parental permission may undertake work that is not hazardous in nature.[4861] Despite the protections for children under age 15, there is no evidence that the regulation also provides LPA protections to children age 16 to 17 regarding the number of hours worked, the permissible times for work, prohibition on overtime, or hazardous activities. Currently, there are no protections for children working as domestic servants.[4862] Although the Government of Thailand generally has a solid legislative framework to protect children, the protections for children working in agriculture, fishing and domestic work are weak.

The Constitution and the Child Protection Act prohibit forced labor.[4863] The minimum voluntary age for military recruitment is 18, while the age for compulsory recruitment is 20.[4864] The Prevention and Suppression of Prostitution Act, B.E. 2539 and the Anti-Trafficking in Persons Act prohibit all forms of prostitution and trafficking of children for the purpose of sexual exploitation or forced labor.[4865]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

During the reporting period, the Government passed a Cabinet Resolution allowing migrant children to register and stay in Thailand with their registered parents.[4866] The Government passed a similar resolution in 2004 to allow children to register with their parents. However, since that time, children accompanied their parents without registration documentation and were at greater risk of being exploited in the worst forms of child labor because

their illegal status made it unlikely that they would seek other legal protections.[4867] The Government also improved the regulatory framework for implementing the Anti-Trafficking in Persons Act, through a series of regulations that included improvements to victim protection and assistance.[4868]

Institutional Mechanisms for Coordination and Enforcement

During the reporting period, the Government approved the National Committee to Eliminate the Worst Forms of Child Labor, and province-based women- and child-labor protection centers to coordinate implementation of initiatives to combat child labor.[4869] The committee is chaired by the Ministry of Labor (MOL), with representatives from over 15 additional government bodies and from employer associations, worker associations, and other civil society groups.[4870]

The Anti-Trafficking in Persons Committee, chaired by the Prime Minister, and its subcommittee, the Coordinating and Monitoring of Anti-Trafficking in Persons Committee, chaired by the Deputy Prime Minister, are Thailand's main trafficking coordinating mechanisms. These committees have multiple subcommittees dedicated to specific topics, such as data collection and implementing the national anti-trafficking policy.[4871] The various committees meet regularly.[4872]

The Department of Labor Protection and Welfare (DLPW) in the MOL conducts labor inspections, including for child labor.[4873] For the period October 2009 to September 2010, the DLPW allocated approximately $3.1 million for labor inspections.[4874]

Each labor inspector inspects for all labor law violations and receives annual training related to child labor.[4875] In 2009, the MOL employed 678 labor inspectors to cover 389,561 workplaces, an insufficient amount to adequately monitor the number of workplaces as recognized by the Government. The DLPW recently began prioritizing inspections of small factories, as well as workplaces with concentrations of migrant laborers and laborers age 15 to 17 due to higher numbers of reports of hazardous labor among these populations.[4876] Labor inspectors do not speak migrant or ethnic minority languages, which may impede their ability to protect the most vulnerable children.[4877]

In 2009, the DLPW labor inspections identified 3,648 children working in 405 workplaces, although the vast majority of these children were not found working in violation of the LPA.[4878] These cases were resolved without court proceedings. In addition to the 405 DLPW-initiated inspections, the DLPW responded to and reportedly resolved 226 complaints of child labor for children age 15 to 17.[4879] According to the Government, a violation or case is "resolved" when it has been successfully processed in accordance with the appropriate regulation or law.[4880] Although the MOL collects information on the number of child labor investigations, it does not routinely collect data on penalties, fines, convictions or assistance to victims for child labor investigations.[4881]

In an effort to supplement existing inspections by the DLPW and to expand efforts to identify cases of hazardous child labor, the Government has tasked other government agencies and collaborated with non-governmental agencies to monitor and inspect for child labor. Additionally, the DLPW established Child Labor Protection Networks to help monitor workplaces, refer cases of illegal child labor to DLPW inspectors, and to raise awareness on labor rights and duties.[4882] The various inspection entities are expected to develop a monthly inspection plans and to coordinate to avoid redundancy of inspections.[4883]

The principal enforcement agency for other worst forms of child labor is the Anti-Human Trafficking Division (AHTD) of the Royal Thai Police. The AHTD, formerly the Children, Juveniles and Women Division, is a specialized division tasked with enforcing laws related to human trafficking.[4884] The Government organized a number of trainings for enforcement agents during the reporting period on the operational guidelines for implementing the anti-trafficking act.[4885]

The AHTD investigated 134 trafficking cases between June 2008 and November 2009, but it is unknown how many cases involved children because inspection data are not disaggregated by age or gender. In addition, the

Office of the Attorney General initiated 17 trafficking prosecutions in fiscal year 2009, out of 19 cases it received.[4886] During the reporting period, the Anti-trafficking in Persons Committee initiated planning for a comprehensive trafficking database though it has not yet been finalized or implemented.[4887]

Government Policies on the Worst Forms of Child Labor

The National Policy and Plan (NPP) to Eliminate the Worst Forms of Child Labor (2009-2014) is Thailand's comprehensive policy framework to address the Worst Forms of Child Labor. It is designed to protect both Thai and non-Thai children. It was launched on July 24, 2009 in a one-day national workshop and in subsequent provincial workshops.[4888] The strategy includes targets and measures to guide implementation and monitor results, including on removing and preventing children from the worst forms of child labor, developing and effectively enforcing relevant legislation, and strengthening capacity, amongst others.[4889] In order to operationalize the women and child labor protection centers and implement the NPP, MOL requested approximately $709,000 for fiscal year 2011, but was allocated less than $100,000.[4890]

It is government policy to provide free education for all children, regardless of their legal status. This policy may be particularly critical to assisting ethnic minority, stateless, and migrant children who are the most vulnerable to exploitive labor.[4891] However, the question of whether this policy has an impact on the worst forms of child labor does not appear to have been addressed.

During the reporting period, the Government extended the entitlement of free education from 12 to 15 years.[4892] However, despite these positive steps, there are concerns about the effectiveness and implementation of the policies. Factors such as burdensome student documentation/registration requirements, class instruction limited only to Thai language, and lack of appropriate guidance and follow up for teachers limit the effective provision of education for migrant and ethnic minority children.[4893]

Thailand has a National Policy on Prevention and Resolution of Domestic and Cross-Border Trafficking in Children and Women 2005-2010.[4894] Additionally, a series of agreements dating from 2003 and 2004 between law enforcement, domestic agencies, and local NGOs provide further guidelines for the treatment of trafficked persons and has led to increased domestic coordination on such efforts.[4895] The Government has bilateral agreements with Laos, Cambodia, and Vietnam to combat trafficking through regular meetings with partner governments. Implementation of each agreement is overseen by individual country subcommittees of the Coordinating and Monitoring Anti-trafficking in Persons Performance Committee. During the reporting period, the Government signed a new such agreement with Burma.[4896]

The Government plans to carry out a national survey to better understand the specifics of the child labor problem, but has not yet implemented the study.[4897]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In the mid-1990's, Thailand's efforts to combat the worst forms of child labor began with a focus on child prostitution and trafficking. From 2001 to 2008, Thailand participated in a regional trafficking project that helped build the knowledge base and lay the foundation for current anti-trafficking efforts.[4898] Since then, the Government has expanded its focus and now participates in a $3.5 million, USDOL-funded project to eliminate child labor in agriculture, fishing, seafood processing, services, and domestic work. There is a special emphasis on migrant and trafficked children. This project played a critical role in designing the NPP and aims to rescue 5,000 from the worst forms of child labor in these sectors.[4899]

During 2009, the Government also dispatched mobile units to government agencies and local communities to provide public education programs on the worst forms of child labor, including training on relevant laws and penalties.[4900] In collaboration with the Thai Frozen Food Association, the Government conducted a number of seminars and trainings for shrimp and seafood processing factories to raise awareness on child labor issues.[4901] The Department of Public Welfare and the Department of Skill Development provided vocational training to improve children's skills and to prevent them from entering work prematurely and from engaging in illegal activities.[4902]

The Government operates two hotlines to receive complaints about labor violations, including trafficking and other forms of child labor.[4903] Operators receive complaints in Thai or English, languages not spoken by many migrants who may be in need of assistance. Once a complaint is received, it is registered and forwarded on to the appropriate agency or office for follow up.[4904] The Government also operates 109 "one-stop" crisis centers to assist women and child victims of violence and exploitation.[4905]

The Ministry of Social Development and Human Security Bureau of Anti-Trafficking in Women and Children provides services to trafficking victims, including shelter with separate facilities for males and females and a special facility for males under age 18.[4906]

Along with Burma, Cambodia, China, Laos, and Vietnam, Thailand is a signatory to the Coordinated Mekong Ministerial Initiative against Trafficking. The members have a Sub-Regional Plan of Action for 2008-2010 and monitor achievement annually against established targets and indicators of progress.[4907]

While the Government has undertaken selected programs to assist children engaged in or at risk of the worst forms of child labor, social programs and services to children engaged in exploitive labor in agriculture, fish/seafood processing, and domestic service, especially migrant children, are not sufficient to address the extent of the problem and the lack of legal protections for children working in these sectors.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Thailand:

IN THE AREA OF LAWS AND REGULATIONS**:**

- Amend legislation to extend protections to all children working in the worst forms of child labor in agriculture, fishing, and domestic service.
- Draft a more specific list of hazardous occupations and activities for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure that there are a sufficient number of labor inspectors to adequately monitor workplaces and that the inspectors speak migrant or ethnic minority languages in areas where these groups constitute large portions of the labor force.
- Collect data on child labor penalties, fines, convictions, and assistance to victims as a result of child labor investigations.
- Use the planned anti-trafficking database to disaggregate data on trafficking victims—including in trafficking investigations and prosecutions—by age and gender.

IN THE AREA OF POLICIES:

- Consider budgetary priorities with a view to fully funding the Ministry of Labor's request for the National Policy and Plan to Eliminate the Worst Forms of Child Labor.
- Undertake the planned national child labor survey.
- Eliminate factors that limit the ability for migrant children to access education.

IN THE AREA OF PROGRAMS:

- Strengthen efforts to assist migrant and ethnic minority children engaged in or at risk of the worst forms of child labor, including by hiring hotline operators that speak ethnic minority and migrant languages.
- Initiate social programs to serve all children working in at or risk of the worst forms of child labor in agriculture, fishing, seafood processing, and domestic service.

[4842] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2005-2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[4843] Jaranya Wongprom, Thanjak Yenbamrung, Niramon Srithongchai, Nisit Sakayapan, and Moontri Sawai, *Assessing the Situation of Selected Worst Forums of Child Labour in Udon Thani Province*, Research and Development Institute, Khon Kaen University, supported by IPEC, June 2006, 2, 21, 36-38. See also ILO-IPEC, *Support for National Action to Combat Child Labor and its Worst Forms in Thailand*, Project Document, Geneva, September 30, 2006, 10-11.

[4844] Surapone Ptanawanit and Saksri Boribanbanpotkate, *Assessing the Worst Forms of Child Labour in Selected Provinces of Thailand: Chiang Rai, Tak, Udon Thani, Songkla, and Pattani*, Bangkok, February 22, 2007, 13, 31,32, 33,35, 54. See also ILO, *Out of Work and Into School: Our Development Challenge*, Bangkok, 2006, 37. See also U.S Embassy- Bangkok, *reporting*, February 21, 2008.

[4845] Surapone Ptanawanit and Saksri Boribanbanpotkate, *Assessing the Worst Forms of Child Labour in Selected Provinces of Thailand*. See also ILO, *The Mekong Challenge: Underpaid, Overworked and Overlooked - The Realities of Young Migrant Workers in Thailand*, Bangkok, 2006, xxi. See also Solidarity Center, *The True Cost of Shrimp*, 2008, 18. See also ILO-IPEC, *Support for National Action, Project Document (September 30, 2006)*, 11. See also U.S. Embassy- Bangkok, *reporting*, March 4, 2010.

[4546] ILO, *Underpaid, Overworked and Overlooked*, xxi-xxiii. See also ILO-IPEC, *Support for National Action, Project Document (September 30, 2006)*. See also U.S. Department of State, "Thailand," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 10, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136010.htm.

[4847] Surapone Ptanawanit and Saksri Boribanbanpotkate, *Assessing the Worst Forms of Child Labour in Selected Provinces of Thailand*, 13, 29, 31. See also U.S Embassy-Bangkok, *reporting, February 21, 2008*. See also Federation of Trade Unions-Burma Migrants Section, *The Mekong Challenge: Working Day and Night, The Plight of Migrant Child Workers in Mae Sot, Thailand*, ILO, Bangkok, 2006; available from http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/workingdayandnight-english.pdf. See also ILO, *Out of Work and Into School: Our Development Challenge*, 37. See also U.S. Department of State, "Country Reports- 2009: Thailand."

[4848] Surapone Ptanawanit and Saksri Boribanbanpotkate, *Assessing the Worst Forms of Child Labour in Selected Provinces of Thailand*, 13, 29, 31. See also UNICEF, *Begging Some Difficult Questions,* [online] April 2007 [cited December 29, 2008]; available from http://www.unicef.org/thailand/reallives_6619.html. See also Friends-International, *The Nature and Scope of the Foreign Child Beggar Issue (especially as related to Cambodian Child Beggars) in Bangkok*, October 2006; available from http://www.friends-international.org/resources/thailand/UNAIP-Report.pdf. See also U.S. Department of State, "Country Reports- 2009: Thailand," section 6, 7d.

[4849] U.S. Embassy- Bangkok, *reporting, March 4, 2010*. See also ILO-IPEC, *Support for National Action, Project Document (September 30, 2006)*.

[4850] UN Human Rights Council, *Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography*, prepared by Juan Miguel Petit, pursuant to Implementation of General Assembly Resolution 60/251 of 15 March 2006 Entitled "Human Rights Council", March 15, 2007, 53-55; available from http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/119/21/PDF/G0711921.pdf?OpenElement. UNICEF, *Begging Some Difficult Questions*. See also ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children*, Bangkok, 2006; available from http://www.ecpat.net/A4A_2005/PDF/EAP/Global_Monitoring_Report-THAILAND.pdf.

[4851] ILO Committee of Experts, *Individual Observation, Worst forms of Child Labour Convention, 1999 (No. 182) Thailand (ratification: 2001),* [online] 2009]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11127&chapter=6&query=%28C182%29+%40ref+%2B+%28Thailand%29+%40ref+%2B+%23YEAR%3D2009&highlight=&querytype=bool&context=0.

[4852] U.S. Department of State, "Thailand (Tier 2 watchlist)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm. See also ECPAT International, *Global Monitoring Report on CSEC*, 11-12. See also UN Human Rights Council, *Report of the Special Rapporteur*, 53.

[4853] U.S. Department of State, "Country Reports- 2009: Thailand." See also ECPAT International, *Global Monitoring Report on CSEC*, 12.

[4854] U.S. Department of State, "Trafficking in Persons Report- 2010: Thailand." See also ECPAT International, *Global Monitoring Report on CSEC*, 12. See also U.S. Embassy- Bangkok, *reporting*, June 9, 2008.

[4855] U.S. Embassy- Bangkok, *reporting, June 9, 2008*. See also UN Human Rights Council, *Report of the Special Rapporteur*, 53. See also ILO, *Underpaid, Overworked and Overlooked*. See also Federation of Trade Unions-Burma Migrants Section, *The Plight of Migrant Child Workers in Mae Sot, Thailand*.

[4856] Child Rights Information Network, "Thailand: Training of 'child soldiers' condemned", Crinmail 952, [online], January 29, 2008 [cited February 12, 2010]; available from http://www.crin.org/email/crinmail_detail.asp?crinmailID=2583. See also U.S. Embassy- Bangkok, *reporting, March 4, 2010*. See also Coalition to Stop the Use of Child Soldiers, "Thailand," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

[4857] Government of Thailand, *Labour Protection Act*, (1998), chapter 4, sections 44, 45, 49-50, 148; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_isn=49727.

[4858] Ibid., chapter 4, section 49.

[4859] Government of Thailand, *Child Protection Act*, (2003), article 26, 78.

[4860] Government of Thailand, *Labour Protection Act*, chapter 1, section 22.

[4861] Ibid., section 22. See also ILO NATLEX National Labor Law Database, *Ministerial Regulation No. 9 issued under the Labour Protection Act*, accessed February 12, 2010; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_isn=53169. See also U.S. Embassy- Bangkok, *reporting*, January 30, 2009. See also David Taijgman, *Extending Labour Law to All Workers: Promoting Decent Work in the Informal Economy in Cambodia, Thailand and Mongolia*, ILO, Bangkok, January 1, 2006. See also ILO, *Minister Opens Discussions on Extending Protection to Millions of Informal Economy Workers,* [online] June 30, 2005 [cited February 12, 2010]; available from http://www.ilo.org/asia/info/public/pr/lang--en/WCMS_BK_PR_135_EN/index.htm.

[4862] ILO, *Domestic Workers in Thailand: their Situation, Challenges and the Way Forward*, Bangkok, 2010, 24.

[4863] Government of Thailand, *Constitution*, (2007), section 38. See also Government of Thailand, *Child Protection Act*, article 26 (5).

[4864] Coalition to Stop the Use of Child Soldiers, "Thailand."

[4865] Government of Thailand, *Prevention and Suppression of Prostitution Act*, B.E. 2539, (1996). See also Government of Thailand, *Anti-Trafficking in Persons Act*, (June 2008), chapter 6, sections 52-53.

[4866] U.S. Embassy- Bangkok, *reporting, March 4, 2010*.

[4867] Ibid.

[4868] Ibid.

[4869] Ibid. See also ILO-IPEC, *Support for National Action to Combat Child Labor and its Worst Forms in Thailand*, Technical Progress Report, March 5, 2010.

[4870] Government of Thailand, *National Policy and Plan to Eliminate the WFCL*, 2009.

[4871] Government of Thailand, *Thailand's Efforts in the Prevention and Suppression of Human Trafficking in 2009*, March 31, 2010. See also U.S. Embassy- Bangkok, *reporting, March 4, 2010*.

[4872] Government of Thailand, *Thailand's Efforts in the Prevention and Suppression of Human Trafficking (March 31, 2010)*.

[4873] Government of Thailand, *Thailand's Efforts in the Prevention and the Elimination of Child Labour in 2009*, February 23, 2010. See also U.S. Embassy- Bangkok, *reporting, March 4, 2010*.

[4874] Government of Thailand, *Thailand's Efforts in the Prevention and the Elimination of Child Labour (February 23, 2010)*, 6-8. See also U.S. Embassy- Bangkok, *reporting, March 4, 2010*.

[4875] ILO-IPEC, *Support for National Action, Technical Progress Report (March 5, 2010)*.

[4876] Government of Thailand, *Thailand's Efforts in the Prevention and the Elimination of Child Labour (February 23, 2010)*. See also U.S. Embassy- Bangkok, *reporting, March 4, 2010*.

[4877] U.S. Embassy- Bangkok official, E-mail communication to USDOL official, November 17, 2010.

[4878] Government of Thailand, *Thailand's Efforts in the Prevention and the Elimination of Child Labour (February 23, 2010)*. See also U.S. Embassy- Bangkok, *reporting, March 4, 2010*.

[4879] Government of Thailand, *Thailand's Efforts in the Prevention and the Elimination of Child Labour in 2009*, hard copy submitted to USDOL February 23, 2010, 2010. See also U.S. Embassy- Bangkok, *reporting, March 4, 2010*.

[4880] U.S. Embassy- Bangkok official, E-mail communication to USDOL official, July 2, 2010.

[4881] U.S. Embassy- Bangkok, *reporting, March 4, 2010*.

[4882] Government of Thailand, *Thailand's Efforts in the Prevention and the Elimination of Child Labour in 2009*.

[4883] Ibid.

[4884] U.S. Embassy- Bangkok, *reporting, March 4, 2010*. See also Government of Thailand, *Thailand's Efforts in the Prevention and the Elimination of Child Labour in 2009*.

[4885] Government of Thailand, *Thailand's Efforts in the Prevention and Suppression of Human Trafficking (March 31, 2010)*. See also U.S. Embassy- Bangkok, *reporting, March 4, 2010*.

[4886] U.S. Embassy- Bangkok, *reporting, March 4, 2010*.

[4887] Ibid.

[4888] ILO-IPEC, *Support for National Action to Combat Child Labor and its Worst Forms in Thailand*, Technical Progress Report, August 31, 2009, 5. See also U.S. Embassy-Bangkok, *reporting, March 4, 2010*.

[4889] Government of Thailand, *Thailand's Efforts in the Prevention and the Elimination of Child Labour in 2009*.

[4890] ILO-IPEC, *Support for National Action, Technical Progress Report (March 5, 2010)*. See also U.S. Embassy-Bangkok official, E-mail communication to USDOL official, September 23, 2010.

[4891] ILO-IPEC, *Support for National Action, Project Document (September 30, 2006)*.

[4892] Government of Thailand, *Thailand's Efforts in the Prevention and the Elimination of Child Labour (February 23, 2010)*. See also ILO-IPEC, *Support for National Action, Technical Progress Report (August 31, 2009)*.

[4893] U.S. Department of State, "Country Reports- 2009: Thailand," section 2. See also Integrated Regional Information Networks, "Thailand: Burmese Children MIssing out on Education", IRINnews.org, [online], June 15, 2009 [cited May 20, 2010]; available from http://www.irinnews.org/Report.aspx?ReportId=84844. See also VSO International, *Migrant Schools: a Human Rights Perspective*, 2009; available from http://www.vsointernational.org/Images/migrant-schools-a-human-rights-perspective_tcm76-23048.pdf.

[4894] Government of Thailand, *Thailand's Efforts in the Prevention and Suppression of Human Trafficking (March 31, 2010)*. See also Government of Thailand, *Thailand's Efforts in the Prevention and Suppression of Trafficking in Persons*, Washington, DC, March 11, 2008.

[4895] U.S. Embassy- Bangkok, *reporting, January 30, 2009*, question 16.

[4896] U.S. Embassy- Bangkok, *reporting, March 4, 2010*.

[4897] ILO-IPEC, *Support for National Action, Technical Progress Report (March 5, 2010)*.

[4898] ILO-IPEC, *The Mekong Sub-regional Project to Combat Trafficking in Children and Women (ILO-TICW),* [online] October 19, 2009 [cited May 3, 2010]; available from http://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=59.

[4899] ILO-IPEC, *Support for National Action, Project Document (September 30, 2006)*.

[4900] Government of Thailand, *Thailand's Efforts in the Prevention and the Elimination of Child Labour (February 23, 2010)*, 8-9.

[4901] Government of Thailand, *Thailand's Efforts in the Prevention and Elimination of Child Labor: Shrimp, Garments, Sugarcane, and Pornography*, December 9, 2009.

[4902] Government of Thailand, *Thailand's Efforts in the Prevention and the Elimination of Child Labour (February 23, 2010)*. See also U.S. Embassy- Bangkok, *reporting, March 4, 2010*.

[4903] U.S. Embassy- Bangkok, *reporting, March 4, 2010*.

[4904] Ibid. See also U.S. Embassy- Bangkok official, E-mail communication, July 2, 2010.

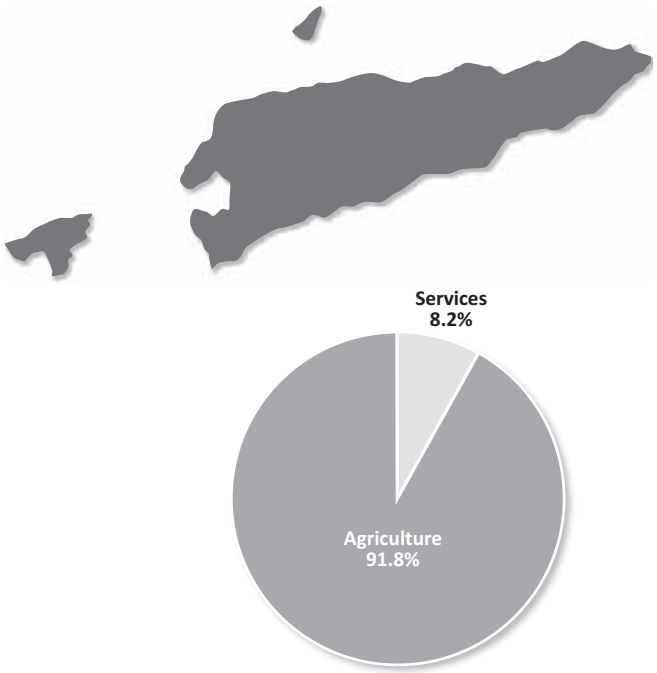
[4905] Government of Thailand, *Thailand's Efforts in the Prevention and the Elimination of Child Labour (February 23, 2010)*, 9. See also U.S. Embassy- Bangkok, *reporting, March 4, 2010*.

[4906] U.S. Embassy- Bangkok, *reporting, March 4, 2010*. See also Government of Thailand, *Thailand's Efforts in the Prevention and Suppression of Human Trafficking (March 31, 2010)*.

[4907] UNIAP, *COMMIT: The Coordinated Mekong Ministerial Initiative Against Trafficking,* [online] [cited March 1, 2010]; available from http://www.no-trafficking.org/commit_how.html.

Timor-Leste

The Government of Timor-Leste ratified ILO Convention 182 and established a Child Labor Commission. Children continue to perform exploitive work in agriculture, primarily cultivating and processing coffee. There is little evidence of inspection or enforcement activity against the worst forms of child labor.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	85.2%
Attending School	10-14 yrs.	86.3%
Combining Work and School	7-14 yrs.	5.4%

Prevalence and Distribution of the Worst Forms of Child Labor

Children in Timor-Leste are exploited in the worst forms of child labor,[4908] many of them in agriculture.[4909] Within agriculture, children primarily work cultivating and processing coffee.[4910] Children working in agriculture may be exposed to hazards while using potentially dangerous machinery and tools, carrying of heavy loads, and applying harmful pesticides. Additionally, children work in fishing where they may be at risk of drowning and exposure to the elements.[4911]

Children are found working in the streets where they participate in a variety of activities such as selling fruit, vegetables, fuel, newspapers, mobile phone cards, and DVDs.[4912] Children working as street vendors may be exposed to severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements. Children are also engaged in domestic work, primarily working for their immediate and extended families and adoptive families. However, a small percentage works for third parties where they may be exposed to long hours of work and to physical and sexual exploitation.[4913] Children also work in construction.[4914]

In a few cases, particularly in rural areas, families are forced to have their children work as indentured servants in order to settle outstanding debts.[4915]

Finally, there is limited evidence documenting trafficking of children for sexual purposes, particularly prostitution.[4916] In these cases, children are often lured to Dili from rural areas.[4917]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 15, although children working in family-owned businesses or vocational schools are exempt.[4918] It is illegal for any children between the ages of 15 and 18 to perform work that jeopardizes their health, safety, or morals. Sections 2 and 11 of the Labor Code specify the ages and scope of work which is permissible for minors.[4919] However, the absence of a compulsory education age may place children at risk of involvement in the worst forms of child labor.

The law forbids compulsory labor at any age.[4920] Trafficking in persons is prohibited, and the law provides for specific penalties for those who traffic minors.[4921]

The minimum age for compulsory and voluntary recruitment into military service is 18.[4922]

During the reporting period in June 2009, Timor-Leste ratified ILO Convention 182.[4923]

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	None
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

In Timor-Leste, the Ministry of Labor and Community Reinsertion, and specifically the National Division of Social Services within this Ministry, is responsible for national coordination on worst forms of child labor issues.[4924]

The government's anti-trafficking efforts are coordinated by an inter-agency Trafficking Working Group which is chaired by the Ministry of Foreign Affairs and includes the Ministries of Justice, Labor, Social Solidarity, the Victims Protection Unit of the National Police, and the Office for the Promotion of Gender Equality.[4925]

The Secretary of State for Vocational Training and Employment, the National Police of Timor-Leste, and the Ministry for Social Solidarity are the agencies responsible for enforcing child labor laws.[4926] There are eight labor inspectors; none specifically dedicated to child labor.[4927] There is no mechanism for filing complaints about child labor violations.[4928] During the reporting period, there were no child labor prosecutions or convictions in the country.[4929]

The Ministry of Defense and Security oversees the Immigration Police, Border Police, and the National Police Force, all of which work to enforce laws against trafficking. During the reporting period, IOM confirmed seven cases of trafficking, although it is unclear whether these cases were adults or children.[4930]

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address child labor.[4931] During the reporting period, the Government established a Child Labor Commission with support from the ILO and the Government of Brazil that aims to design and develop policies on child labor.[4932]

Social Programs to Eliminate the Worst Forms of Child Labor

The Government has participated in international and local NGO programs to assist street children.[4933] However, the Government's limited programs have not been sufficient to address the scope and magnitude of child labor in the country, in particular in agriculture where child labor is most prevalent.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Timor-Leste:

IN THE AREA OF LAWS AND REGULATIONS:

- Review exemptions in labor legislation to ensure adequate protections for all children involved in family owned businesses and vocational education.
- Establish a compulsory age for schooling that is equivalent to or greater than the minimum age for work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Create a mechanism to file child labor complaints.
- Ensure that resources and staffing support inspection and enforcement activities, and track such activity

IN THE AREA OF POLICIES:

- Support the newly created Child Labor Commission as it develops plans to combat the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Assess the effectiveness of programs to assist street children and consider establishing programs to combat other worst forms of child labor, particularly in agriculture.

[4908] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2001. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[4909] ILO, *Rapid Assessment on Child Labor in Timor Leste*, Jakarta, December 2007, 10. See also U.S. Embassy- Dili, *reporting*, February 4, 2010. See also U.S. Embassy- Dili, *reporting*, February 12, 2008, para 19.

[4910] U.S. Embassy- Dili, *reporting, February 12, 2008*.

[4911] Ibid., para 2. See also ILO, *Rapid Assessment on Child Labor in Timor Leste*, 10.

[4912] U.S. Embassy- Dili, *reporting, February 12, 2008*, para 16.

[4913] ILO, *Rapid Assessment on Child Labor in Timor Leste*.

[4914] U.S. Embassy- Dili, *reporting, February 12, 2008*. See also ILO, *Rapid Assessment on Child Labor in Timor Leste*.

[4915] U.S. Department of State, "Timor-Leste," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136011.htm.

[4916] U.S. Department of State, "Timor-Leste (Tier 2)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 2009; available from http://www.state.gov/g/tip/rls/tiprpt/2009/123139.htm. See also ILO, *Rapid Assessment on Child Labor in Timor Leste*. See also U.S. Department of State, "Timor-Leste," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2009; available from http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136011.htm.

[4917] U.S. Department of State, "Trafficking in Persons Report- 2009: Timor-Leste."

[4918] U.S. Department of State, "Country Reports- 2009: Timor-Leste." See also Government of East Timor, *Labour Code*, (May 1, 2002), section 11.

[4919] Government of East Timor, *Labour Code*. See also ILO, *Rapid Assessment on Child Labor in Timor Leste*, 23.

[4920] Government of East Timor, *Constitution of the Democratic Republic of East Timor*, (2002), section 50. See also Government of East Timor, *Labour Code*.

[4921] Government of East Timor, *Immigration and Asylum Act*, No. 9, (2003), article 81. See also U.S. Department of State, "Timor-Leste (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm.

[4922] Coalition to Stop the Use of Child Soldiers, "Timor-Leste," in *Child Soldiers Global Report 2008*, London, 2008. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by State Parties*, February 14, 2008.

[4923] U.S. Embassy- Dili, *reporting, February 4, 2010*. See also ILO, *Ratifications by Country*, accessed September 20, 2010; available from http://www.ilo.org/ilolex/english/newratframeE.htm.

[4924] ILO, *Rapid Assessment on Child Labor in Timor Leste*, 23.

[4925] U.S. Embassy- Dili, *reporting*, February 13, 2009.

[4926] U.S. Embassy- Dili, *reporting, February 4, 2010*, para 2C.

[4927] Ibid. See also ILO, *Rapid Assessment on Child Labor in Timor Leste*.

[4928] U.S. Embassy- Dili, *reporting, February 4, 2010*, para 2C.

[4929] Ibid.

[4930] U.S. Embassy- Dili, *reporting, February 13, 2009*.

[4931] U.S. Embassy- Dili, *reporting, February 4, 2010*, para 2E.

[4932] Ibid., para 2H and 2F. See also ILO-IPEC official, E-mail communication to USDOL official, July 17, 2010.

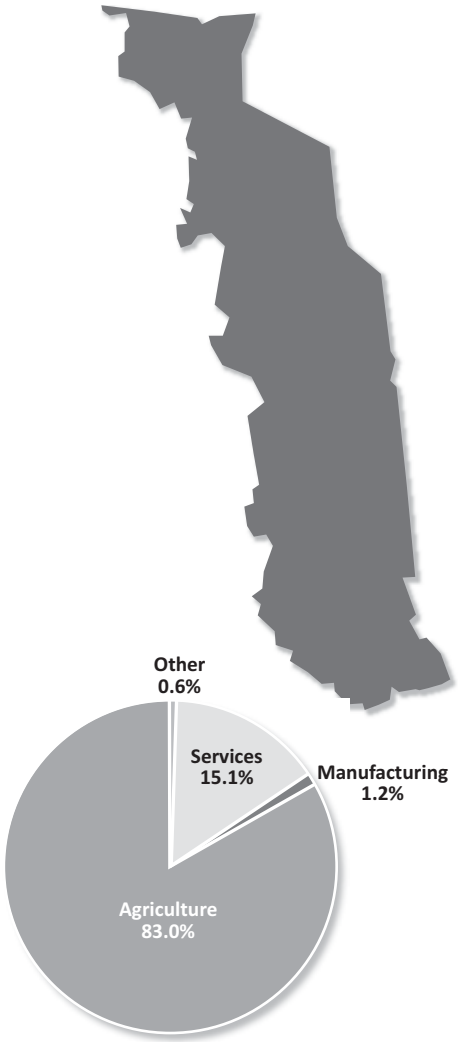
[4933] ILO, *Rapid Assessment on Child Labor in Timor Leste*, 55.

Togo

The Government of Togo has established regional child labor committees and mainstreamed child labor concerns into its Education for All Program, Poverty Reduction Strategy Paper, and United Nations Development System Framework. Despite such efforts, Togo does not have a current National Action Plan on Child Labor and has not committed the necessary resources to enforce its child labor laws. It did not conduct any formal investigations of child labor during the reporting period, although many children continue to work in the worst forms of child labor, particularly in hazardous agriculture and domestic service.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	32.7%
Attending School	5-14 yrs.	72.4%
Combining Work and School	7-14 yrs	27.2%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Togo,[4934] including in agriculture and domestic service. Roughly half of all working children raise livestock and are engaged in agriculture, harvesting goods such as cotton, cocoa, and coffee.[4935] Children working in agriculture may perform physically arduous tasks and risk occupational injury and disease from exposure to dangerous tools, insecticides, and herbicides.[4936] Approximately one-third of working children are employed as domestic servants. The majority are girls age 5 to 14. Child domestics may work long hours and be subjected to physical and sexual exploitation by their employer.[4937] Children earn money performing a variety of other activities which could pose risks to their health and well-being. Such work includes capturing crabs, often times at night. Children also work in the streets as porters and small-scale traders. Street work exposes children to a variety of risks, which may include inclement weather, vehicular accidents, and exploitation by criminals.[4938]

Children in Togo work in rock quarries, transporting heavy loads of stones, and extracting sand used for construction.[4939] Children do electrical work and repair cars, sometimes without protective gear.[4940] Children are also involved in prostitution, and in the sex tourism industry in Lome.[4941]

Children in Togo are also found in other activities constituting the worst forms of child labor, such as forced begging. The practice of sending Muslim boys to Koranic teachers to study the Koran, which may include a vocational or apprenticeship component, is a tradition in certain communities in Togo, and is especially common in Togo's Savanes region.[4942] While

some of these boys receive lessons, others are forced by their teachers to perform manual labor, including agricultural work that may pose health and safety risks.[4943]

Children in Togo are trafficked for forced labor in domestic service and commercial sexual exploitation.[4944] In the Maritime, West, Central, and Kara regions, girls are frequently trafficked for domestic service, market work, portering, and commercial sexual exploitation.[4945] The customary practice of "amegbonovi" or "confiage," which involves sending a child to a relative or friend for school, may place children at risk of exploitation by internal trafficking of children.[4946] Children are also trafficked from Togo's central and northern villages to other African nations, chiefly Nigeria, where they work on plantations, in stone quarries, markets, and homes.[4947] Some Togolese boys are trafficked to Côte d'Ivoire for forced labor in fishing and construction.[4948] Children are also trafficked to Benin, Burkina Faso, Ghana, Niger, Gabon, the Republic of Congo, and Europe.[4949]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code of 2006 sets the minimum age for employment at 15.[4950] Law 1464 sets the minimum age for certain industrial and technical employment, including most hazardous work, at 18.[4951]

The Labor Code and Law 1464 also prohibit excessive work hours and night work for children, as well as forced and obligatory labor, and the worst forms of child labor as defined in ILO Convention 182.[4952] However, these laws do not establish penalties for employing children in hazardous child labor or work at night.[4953] The Labor Code does not define forced and obligatory labor, and does not impose penalties sufficient to deter it. Violators can receive three to six months' imprisonment, a fine, or both.[4954]

An additional law, the Child Code of 2007 further defines the worst forms of child labor, stiffens penalties for noncompliance with the minimum age law, and prohibits the commercial sexual exploitation of children, including child pornography, child sex tourism, and the use of children in illicit activities.[4955] The Law for the Repression of Child Trafficking and the Child Code prohibit the trafficking of children for the purposes of commercial sexual exploitation, forced labor, and slavery, and establish penalties for violations.[4956]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

In 2001 the Government created the National Steering Committee for the Prohibition and Elimination of the Worst Forms of Child Labor to coordinate and supervise national efforts to combat the worst forms of child labor. The Child Labor Unit of the Ministry of Labor (MOL) acts as its secretariat.[4957] The National Steering Committee's responsibilities include promoting child labor legislation, mobilizing resources, and collecting data. However its actions to date have been limited to evaluating and approving NGO action programs to eliminate child labor. Members of the National Steering Committee attribute this shortcoming to their lack of financial resources.[4958] Its secretariat, the Child Labor Unit, is supposed to be staffed by a labor inspector, a sociologist, a jurist, an occupational physician, and a statistician; however this unit has only one staff member and is not allocated a budget.[4959]

In 2009, the MOL established child labor committees in each of the five regions of Togo to coordinate child

labor efforts and raise awareness. These committees include representatives from several ministries, the National Council of Employers, the National Committee for Children, unions, and NGOs.[4960] Reportedly the regional child labor committees do not coordinate their efforts or share information with the National Steering Committee.[4961]

The National Committee for the Reception and Social Reinsertion of Trafficked Children (CNARSEVT) is the focal point for trafficking information and statistics. The MOL Child Labor Unit is responsible for assisting CNARSEVT.[4962] Reports indicate that CNARSEVT has not been able to effectively track trafficking cases, is ill-equipped, lacking ink to print documents and access to the Internet to easily share them, and is not provided with timely and accurate statistics from Togolese ministries. Despite these obstacles, this Committee assisted local officials in the repatriation of 52 trafficked children during the reporting period.[4963]

The MOL with its 26 labor inspectors is also responsible for inspecting work conditions throughout Togo.[4964] At the local level, parent and student associations and village development committees also monitor the child labor situation.[4965] The Ministry of Social Action and National Solidarity (MASSN) is in charge of enforcing laws related to the worst forms of child labor and maintains two social workers on-call 24 hours a day to assist trafficking victims.[4966] In 2009, the MASSN held a workshop on how to identify victims of trafficking and provided training in Kara and Lome to lawyers, paralegals, magistrates, police, and notaries on the Child Code.[4967]

The police "Brigade de Protection des Mineurs," (Child Protection Unit) and immigration officials work with the MASSN to investigate criminal violations relating to the worst forms of child labor.[4968] The Child Protection Unit, which consists of five police, two social service agents, a nurse, eight prison guards, and one psychologist, manages child trafficking cases and with the assistance of the Ministry of Justice, refers trafficking victims to appropriate services.[4969] In some cases, the Child Protection Unit lacks resources to conduct investigations, and must respond to calls in taxis and personal cars at their own expense.[4970]

During the reporting period, the Government did not conduct any formal child labor investigations. Although 13 traffickers were arrested and 10 were in prison awaiting sentences, it is unclear whether these cases involved the trafficking of children.[4971] In Togo, there is no reporting system for trial court convictions in the interior of the country.[4972] Furthermore, knowledge of the different laws protecting children among law enforcement personnel varies from region to region. The Maritime and Savanes regions' staff do not have copies of many child labor laws to guide law enforcement personnel.[4973]

Government Policies on the Worst Forms of Child Labor

The Government is currently drafting the National Action Plan on Child Labor, so the existing National Strategy on Eliminating Child Labor through Education, Training, and Apprenticeship (2006) is the primary government policy instrument to prevent and eliminate child labor in Togo.[4974] This strategy addresses root causes of child labor such as poverty, weak education institutions, and the lack of access to education due to high school fees and associated costs.[4975] Implemented by ILO-IPEC, this strategy supports universal basic education and education reform, and strengthens the capacity of parents and teachers to combat exploitive child labor through awareness raising. The strategy includes specific interventions to assist working children and promotes education, but does not target sectors in which children are engaged in the worst forms of child labor nor include programs to withdraw children from exploitive labor.[4976]

Togo also has a National Plan of Action on Child Trafficking, which calls for legal and health services, including feeding and psychosocial support for child trafficking victims, and awareness raising activities for local communities and border officials. The plan prioritizes the education of children and improving of livelihoods for families; and calls for the establishment of structures to monitor the trafficking of children.[4977]

During the reporting period, the Government adopted the Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa under

ECOWAS. This agreement explicitly targets, among others, victims of exploitive labor and hazardous child labor and also includes provisions to combat the trafficking of children for begging purposes.[4978] The agreement builds on the framework developed under the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.[4979]

Child labor concerns are mainstreamed into Togo's Education for All Program, Poverty Reduction Strategy Paper, and United Nations Development System Framework (2008-2012).[4980]

The establishment of child labor policies and the inclusion of child labor as a priority in development goals are important accomplishments; however, the policies mentioned do not have concrete action plans with precise timeframes and estimated costs, limiting their ability to combat the worst forms of child labor.[4981]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Togo has participated in the implementation of programs to eliminate child labor through a longstanding partnership with ILO-IPEC primarily to combat the trafficking of children.[4982] From October 1999 to December 2007, the Government's efforts to eliminate child labor have largely been implemented by internationally-sponsored initiatives including the DOL-funded Combating Child Trafficking in Togo through Education (COMBAT) and Combating Trafficking in Children for Labor Exploitation in West and Central Africa (LUTRENA) projects in support of the National Plan of Action on Child Trafficking. The COMBAT and LUTRENA projects withdrew and prevented a combined total of more than 17,000 children from trafficking into exploitive child labor and other worst forms of child labor.[4983]

The current 4-year, USDOL-funded $5 million CECLET project, launched in 2007 supports the Government's past efforts by aiming to withdraw 4,000 children and prevent 6,000 children from exploitive child labor in urban informal sectors, domestic service, hazardous rural agriculture, trafficking, and commercial sexual exploitation.[4984] Similar initiatives to combat the worst forms of child labor include the 4-year, $5.3 million regional project funded by the Government of France which provides educational services, including vocational training, as an alternative to early work and the worst forms of child labor.[4985] The Government is also involved in a 2-year, $ 2.8 million regional program to combat trafficking in children for labor exploitation in West Africa funded by the Government of Denmark. Togo also participated in the World Day against Child Labor and assisted IPEC in its campaign to raise awareness.[4986]

The Government was also involved in several initiatives to combat the trafficking of children. For instance, the Government, in cooperation with Terres des Hommes, contributed to an ongoing project to prevent child trafficking, and rehabilitate and reintegrate victims.[4987] The MASSN established a toll-free hotline staffed by government personnel to report cases of violence against children, including trafficking. The number "ALLO 111" received over 1300 calls in 2009 and is jointly funded by Togo Telecom, private cell phone companies, UNICEF, and NGOs.[4988] Furthermore, in December 2009, the Government announced the creation of a fund to provide medical, psychological, and legal services for the indigent, including victims of trafficking.[4989]

In 2009, Togo also signed bilateral and multilateral agreements to prevent trafficking in persons through better border monitoring with the governments of Ghana, Benin, and Nigeria. These agreements also include repatriation for victims and extradition of traffickers to their country of nationality.[4990]

However, Togo's social programs to combat trafficking and the worst forms of child labor do not match the scope of the problem and rely largely on NGOs and international organizations for implementation; as a result, many of these interventions may not be sustainable.[4991]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Togo:

IN THE AREA OF LAWS AND REGULATIONS:

- Establish penalties for violations of the laws governing hazardous child labor and children working at night.
- Clearly define forced and obligatory labor.
- Include sufficient penalties for violations of forced labor provisions.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Promote coordination and information-sharing between the regional child labor committees and the National Steering Committee.
- Develop case tracking procedures information-sharing guidelines for ministries involved in the National Committee for Receiving and Socially Rehabilitating Victims of Child Trafficking.
- Provide the Child Labor Unit, National Steering Committee, and the National Committee for Receiving and Socially Rehabilitating Victims of Child Trafficking with sufficient financial and human resources to implement their mandate and carry out daily tasks.
- Strengthen measures to investigate, prosecute, and convict individuals involved in the worst forms of child labor, including by:
- Providing regular training for personnel charged with the enforcement of child labor laws.
- Providing child labor enforcement agencies with adequate resources to conduct investigations.
- Creating a system for reporting court convictions from trials in the interior of the country.
- Ensuring that all law enforcement personnel have access to child labor law reference materials and are aware of the different laws protecting children.

IN THE AREA OF POLICIES:

- Ratify and implement the National Action Plan on Child Labor.
- Strengthen the National Strategy on Eliminating Child Labor through Education, Training and Apprenticeship, and National Plan of Action on Child Trafficking, including by:
- Addressing the unique situation of children working in the worst forms of child labor.
- Developing timeframes and budgets for each intervention.

IN THE AREA OF PROGRAMS:

- Ensure that the Government's social protection programs to combat the worst forms of child labor are sufficient to promote the long-term sustainability of project initiatives.

[4934] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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[4983] USDOL, *Combating Trafficking in Children for Labor Exploitation in West and Central Africa, Phases 1 & 2 (LUTRENA)*, Technical Cooperation Project Summary, 2007. See also USDOL, *Combating Child Trafficking in Togo through Education (COMBAT)*, Technical Cooperation Project Summary, 2006.

[4984] ILO-IPEC, *Combating Exploitative Child Labour through Education, Project Document (September 2008)*, i, 34-35.

[4985] ILO-IPEC, *La Formation Professionnelle et l'Apprentissage: Une alternative au travail precoce et aux pires formes de travail des enfants en afrique francophone*, January, 2009; available from www.ilo.org/ipecinfo/product/viewProduct.do?productId=9330. See also ILO-IPEC official, E-mail communication to USDOL official, September 1, 2010. See also ILO-IPEC official, E-mail communication to USDOL official, July 17, 2010.

[4986] ILO-IPEC, *Action against child labor: IPEC Highlights 2008*, Geneva, 2009; available from http://www.ilo.org/public/libdoc/ilo/P/09322/09322(2008)highlights.pdf. See also ILO-IPEC, *Combating Exploitative Child Labour in Togo through Education*, Technical Progress Report, Geneva, September 2, 2009. See also ILO-IPEC official, E-mail communication, September 1, 2010. See also ILO-IPEC official, E-mail communication, July 17, 2010.

[4987] Terre des Hommes, *INFO Togo: Combating Child Trafficking and Exploitation: Special Medical Treatment,* [online] [cited December 31, 2009]; available from http://www.tdh.ch/website/doc_dnld.nsf/bf25ab0f47ba5dd785256499006b15a4/94345df3990ab24cc1257608004adde0/$FILE/tdh_info_togo_2009_en.pdf.

[4988] U.S. Department of State, "Trafficking in Persons Report- 2009: Togo," 284. See also U.S. Embassy- Lome, *reporting*, January 23, 2009. See also U.S. Embassy- Lome, *reporting, February 18, 2010*, section 6f.

[4989] U.S. Embassy- Lome, *reporting, February 18, 2010*, section 6c.

[4990] Ibid., section 4d.

[4991] U.S. Department of State, "Trafficking in Persons Report- 2010: Togo."

Tonga

The Government of Tonga increased the compulsory school age to 18. There are anecdotal reports of children engaged in farming and fishing. There are gaps in the legal framework to protect children against labor exploitation as the Government has not yet set a minimum age for employment. The lack of evidence of worst forms of child labor may be an indicator of a small or hidden problem.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is little available information about the extent and nature of the worst forms of child labor in Tonga.[4992] However, there are anecdotal reports that children engage in farming and fishing.[4993] Children engaged in agriculture may be exposed to chemicals, injured by dangerous machinery or tools, and suffer physical harm from repetitive motions and carrying excessively heavy loads, while children involved in fishing are at risk of injuries and drowning.

There have also been reports of foreign fishing crews soliciting girls for sexual exploitation.[4994]

Laws and Regulations on the Worst Forms of Child Labor

There is no legislation that specifies a minimum age for work or hazardous forms of work.[4995]

The Constitution of Tonga prohibits forced or compulsory work, including slavery.[4996] The Criminal Offenses Act prohibits the owning and/or operating of a brothel, pimping, and soliciting a prostitute in a public place. The *Act* also prohibits the abduction of girls under age 14, and the procurement or attempt at procurement of any girl under age 21 for prostitution either within or outside the country.[4997] However, the Act does not prohibit the abduction of boys, nor procurement or the attempt to procure boys for prostitution. Without specifically addressing gender, Tonga's Transnational Crimes Act does prohibit the

ILO	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
UN	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
UN	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	None
	Minimum Age for Hazardous Work	None
	Compulsory Education Age	18
	Free Public Education	Yes

trafficking and attempt at trafficking of both adults and minors across Tonga's borders.[4998] The Tonga law also explicitly prohibits child pornography.[4999]

There is no military conscription in Tonga. The minimum age for voluntary service is age 18, but with parental approval. Children as young as age 16 can join the military in non-combat positions.[5000]

No other legal restrictions on the work that children may perform could be identified.

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Tonga has established a mechanism to coordinate government efforts to combat worst forms of child labor.[5001] Tonga does not have any labor inspectors; complaints regarding prohibited worst forms of child labor are handled by the Ministry of Labor or the Ministry of Police.[5002] No official statistics are available on the number of investigations into prohibited worst forms, but the head of the police force's domestic violence unit estimates that two or three investigations are conducted each year.[5003] The Department of Immigration, Ministry of Police, Crown Law Office, Tonga Defense Services, resident embassies, and high commissions share information related to criminal matters, including human trafficking.[5004]

Government Policies on the Worst Forms of Child Labor

Research found no evidence that the worst forms of child labor are a direct focus of government policies.[5005]

Among its objectives, the Strategic Development Plan Eight (2006-2009), aimed to improve educational standards for children and youth.[5006] This appears to be a long-standing objective. The Ministry of Education's 1996 Strategic Plan sought to increase the compulsory school age to 17 by 2010, and to establish universal access to quality education up to that age.[5007] The Government has raised the compulsory school age to 18.[5008]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research found no evidence that the Government of Tonga has established programs to combat the worst forms of child labor.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Tonga:

IN THE AREA OF LAWS AND REGULATIONS:

- Establish a minimum age for employment and a higher minimum age for hazardous work.
- Define hazardous occupations and activities forbidden for children.
- Amend legislation to include boys as victims in prohibitions on abduction and procuring or attempting to procure a child for prostitution.
- Increase the minimum age for military service to 18.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish enforcement mechanism for prohibitions on forced and compulsory labor.
- Ensure enforcement capacity for any new child labor laws enacted.
- Maintain records of investigations into prohibited worst forms of child labor.

IN THE AREA OF POLICIES:

- Conduct a study to better identify the extent and nature of the worst forms of child labor in Tonga.
- In the area of social programs:
- Use the results of the study to consider whether the worst forms of child labor require a dedicated policy and program focus.

[4992] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[4993] U.S. Embassy- Suva, *reporting*, February 2, 2010. See also U.S Department of State, "Tonga," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136012.htm.

[4994] U.S Department of State, "Country Reports- 2009: Tonga," section 6.

[4995] U.S. Embassy- Suva, *reporting*, December 10, 2007, para 5A. See also U.S Department of State, "Country Reports- 2009: Tonga," section 7d.

[4996] Government of Tonga, *Constitution of Tonga*, (1988), article 2; available from http://www.paclii.org/to/legis/consol_act/cot238/.

[4997] Government of Tonga, *Criminal Offenses Act*, (1988), articles 80, 81, 125, 126, and 129; available from http://www.paclii.org/to/legis/consol_act/co136/.

[4998] Government of Tonga, *Transnational Crimes Act*, (2006), articles 24-26.

[4999] International Centre for Missing and Exploited Children, *Child Pornography: Model Legislation and Global Review*, 2008, 30; available from http://www.icmec.org/en_X1/English__5th_Edition_.pdf.

[5000] Government of Tonga, *Tonga Defence Services Act 1992*, article 25; available from http://legislation.to/Tonga/DATA/PRIN/1992-017/TongaDefenceServicesAct1992.pdf. See also Coalition to Stop the Use of Child Soldiers, "Tonga," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

[5001] U.S. Embassy- Suva, *reporting, December 10, 2007*, section 5b.

[5002] U.S. Embassy- Suva official, E-mail communication to USDOL official, September 9, 2010.

[5003] Ibid.

[5004] U.S. Embassy- Suva, *reporting*, February 2, 2009, para 24B.

[5005] U.S. Embassy- Suva, *reporting, February 2, 2010*.

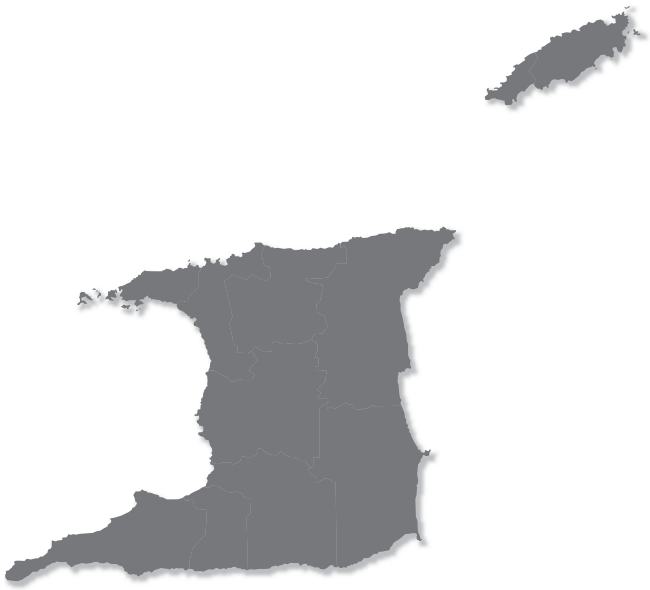
[5006] Government of Tonga, *Strategic Development Plan Eight 2006-2009: Looking to the Future Building on the Past*, 2006, 5, 46, 100, 106, 108, and 109; available from http://www.sprep.org/att/IRC/eCOPIES/Countries/Tonga/13.pdf.

[5007] UNESCO, "Tonga," in *Education for All 2000 Assessment: Country Reports*, Geneva, 2000; available from http://www.unesco.org/education/wef/countryreports/tonga/rapport_3.html.

[5008] U.S. Embassy- Suva official, E-mail communication, September 9, 2010. See also U.S. Embassy- Suva, *reporting, December 10, 2007*.

Trinidad and Tobago

The Government of Trinidad and Tobago has participated in some programs to assist child trafficking victims. Even though it appears that the worst forms of child labor are not a widespread problem in Trinidad and Tobago, some children engage in agricultural and domestic service work. There are significant gaps in legislation to protect children from the worst forms of child labor.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	3.5%
Attending School	5-14 yrs.	97.0%
Combining Work and School	7-14 yrs.	3.4%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor[5009]

Available information indicates that the worst forms of child labor are not a large problem in Trinidad and Tobago. However, some children are found in the worst forms of child labor, particularly in the small-scale agricultural sector, which commonly involves activities such as the use of potentially dangerous machines, tools, pesticides, and carrying heavy loads. Children also perform domestic service, which may involve long hours, and the risk of physical and sexual exploitation.[5010]

Trinidad and Tobago is a destination, source, and transit country for trafficked children, including children forced into prostitution.[5011]

Laws and Regulations on the Worst Forms of Child Labor

Trinidad and Tobago's Miscellaneous Provisions (Minimum Age for Admission to Employment) Act, 2007 sets the minimum age for employment at private and public enterprises at 16.[5012] It also prohibits children under age 18 from working between 10:00 p.m. and 5:00 a.m., except in family enterprises.[5013] Current law sets no minimum age for hazardous work.[5014]

School is only compulsory through age 12, 4 years before children are legally permitted to work. Children who are not in school, and cannot work legally may be vulnerable to the worst forms of child labor.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	None
	Compulsory Education Age	12
	Free Public Education	Yes

The Constitution prohibits forced or compulsory labor of children.[5015] The Sexual Offences Act and the Children Act prohibit child prostitution and the commercial sexual exploitation of children.[5016] Traffickers can be prosecuted under laws that pertain to kidnapping, procurement of sex, prostitution, slavery, and indentured servitude. Trinidad and Tobago has no compulsory military service. The minimum age for recruitment to the armed forces is 18; however, children between the ages of 16 and 18 willing to join the armed forces may do so with written approval from a parent or guardian.[5017]

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Trinidad and Tobago has established a coordinating mechanism to combat the worst forms of child labor, although the Children's Authority is responsible for ensuring the well-being of the children, including those engaged in child labor.[5018] The Ministry of Labor and Small and Micro-Enterprise (MLSME), the Ministry of the People and Social Development, the police, and the family courts are responsible for monitoring and enforcing child labor laws.[5019]

The Labor Inspectorate Unit of the MLSME investigates child labor violations in the workplace. It enforces hazardous child labor laws through the Occupational Safety and Health Authority, and forced child labor laws together with the Ministry of the People and Social Development.[5020] During the reporting period it employed 19 inspectors.[5021] The inspectors received training on forced child labor and on the prosecutorial process from the Cipriani Labor College and the International Organization for Migration. The Labor Inspectorate Unit conducted 1,236 labor-related inspections during the reporting period and found no cases of child labor.[5022]

The police services handle crimes, such as trafficking of children for commercial sexual exploitation and selling drugs.[5023] No criminal cases were filed and no one was tried or convicted of trafficking offenses during the reporting period.[5024]

If cases of child labor are found, they are referred to family courts, which are responsible for hearing cases related to violations of child labor laws.[5025]

During the reporting period, the Government also established a multi-agency task force to enact legislation criminalizing human trafficking and to educate and train key stakeholders. For example, hotel workers have been trained to recognize victims and law enforcement officials have received training on identifying victims and providing them with legal and social services.[5026]

Government Policies on the Worst Forms of Child Labor

The Ministry of the People and Social Development continued implementing a 4-year (2006-2010) National Plan of Action for Children, which includes specific goals for combating commercial sexual exploitation of children and exploitative child labor.[5027]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Until 2008, Trinidad and Tobago participated in a regional project to combat the worst forms of child labor in the English and Dutch-speaking Caribbean.[5028] During the reporting period, the Government contracted with an NGO to remove and rehabilitate child laborers from landfill sites.[5029]

The Public Sector Investment Program received funding for 2010 to create a comprehensive public awareness campaign focusing on child labor and using data from a survey of children.[5030]

The Government also worked with IOM to increase awareness of human trafficking, formulate legislation to criminalize it, and to develop a coalition with local NGOs to confront it.[5031] The Ministry of the People and Social Development, UNICEF, private enterprises, and the Trinidad and Tobago Coalition Against Domestic Violence, ran Childline Services, a program that can be accessed by young persons at risk of or victims of exploitation or trafficking.[5032]

Research found no evidence of social programs to combat child labor in the two sectors which it most commonly occurs: agriculture and domestic work.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Trinidad and Tobago:

IN THE AREA OF LAWS AND REGULATIONS:

- Legally specify a minimum age for hazardous employment.
- Raise the age of compulsory education to 16, the established minimum age for work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.

IN THE AREA OF POLICIES:

- Collect data on the nature and incidence of the worst forms of child labor to guide policy and enforcement.

IN THE AREA OF PROGRAMS:

- Implement programs to address the worst forms of child labor, including in agriculture and domestic service.
- Expand programs to combat child trafficking.

[5009] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[5010] U.S. Embassy- Port of Spain, *reporting*, February 17, 2010. See also U.S. Embassy- Port of Spain, *reporting*, April 9, 2010.

[5011] U.S. Department of State, "Trinidad and Tobago," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/.

[5012] Government of the Republic of Trinidad and Tobago, *Miscellaneous Provisions (Minimum Age for Admission to Employment) Act, 2007*, No.3 of 2007, Fifth session, Eighth Parliament (February 26, 2007); available from http://www.ttparliament.org/legislations/a2007-03.pdf.

[5013] U.S. Department of State, "Trinidad and Tobago," in *Country Reports on Human Rights Practices- 2009*, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136128.htm. See also U.S. Embassy- Port of Spain, *reporting, February 17, 2010*.

[5014] ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Trinidad and Tobago (ratification: 2003),* [online] 2009 [cited March 4, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23559&chapter=9&query=Trinidad+and+Tobago%40ref&highlight=&querytype=bool&context=0. See also ILO, *National Legislation on Hazardous Work,* [online] 2009 [cited July 15, 2010]; available from http://www.cinterfor.org.uy/public/spanish/region/ampro/cinterfor/temas/youth/legisl/oit/tabla/index.htm.

[5015] Government of the Republic of Trinidad and Tobago, *The Constitution of the Republic of Trinidad and Tobago with Reforms through 2000*, (August 1, 1976); available from http://pdba.georgetown.edu/Constitutions/Trinidad/trinidad76.html.

[5016] Government of the Republic of Trinidad and Tobago, *Sexual Offences Act (with amendments)*, (November 11, 1986); available from http://rgd.legalaffairs.gov.tt/Laws2/Chs._10-13/11.28/11.28.htm. See also U.S. Embassy- Port of Spain, *reporting, February 17, 2010*.

[5017] Coalition to Stop the Use of Child Soldiers, "Trinidad and Tobago," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/content/trinidad-and-tobago.

[5018] Government of the Republic of Trinidad and Tobago, *Act No. 14 of 2008: An Act to amend the Children's Authority Act, 2000*, (September 26, 2008); available from http://www.ttparliament.org/legislations/a2008-14.pdf.

[5019] U.S. Embassy- Port of Spain, *reporting*, February 17, 2010.

[5020] U.S. Embassy- Port of Spain, *reporting, February 17, 2010*. See also U.S. Department of State, "Trinidad and Tobago," in *Country Reports on Human Rights Practices-2008*, Washington, DC, February 25, 2009; available from http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119175.htm.

[5021] U.S. Embassy- Port of Spain, *reporting, February 17, 2010*. See also U.S. Department of State, "Country Reports-2009: Trinidad and Tobago."

[5022] Ibid.

[5023] U.S. Embassy- Port of Spain, *reporting, February 17, 2010*.

[5024] Ibid.

[5025] U.S. Embassy- Port of Spain, *reporting*, February 18, 2009.

[5026] U.S. Embassy- Port of Spain, *reporting, April 9, 2010*. See also U.S. Embassy- Port of Spain, *reporting, February 17, 2010*.

[5027] Trinidad and Tobago Ministry of Social Development, "Caribbean Sub-Regional Meeting to Assess the Implementation of the Programme of Action of the International Conference on Population and Development (ICPD) - 15 Years after its Adoption" (St. John's, Antigua and Barbuda, 2009); available from http://www.cepal.org/celade/noticias/paginas/6/37126/ICPD15_CR_TrinTob.pdf. See also U.S. Embassy- Port of Spain, *reporting, February 17, 2010*.

[5028] ILO, *IPEC Action Against Child Labour 2008-2009: IPEC Progress and Future Priorities*, 2010; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=12813.

[5029] U.S. Embassy- Port of Spain, *reporting, February 17, 2010*.

[5030] Ibid.

[5031] Camille Bethel, "Group Holds Human Trafficking Awareness Workshops," *Trinidad and Tobago Express*, June 3, 2008; available from http://www.trinidadexpress.com/index.pl/article_news?id=161332536.

[5032] Broken Child, *ChildLine- Trinidad and Tobago,* [online] 2008 [cited July 6, 2010]; available from http://www.brokenchild.org/forum/viewtopic.php?f=77&t=318. See also Ministry of Social Development and UNICEF, *Greetings by the Honourable Anthony Roberts Minster of Social Development at the Official Launch of Childline-Trinidad and Tobago Services Hosted by UNICEF*, 2008.

Tunisia

The Government of Tunisia has established a legal framework to protect children from the worst forms of child labor. However, the Tunisian Government has not published a list of hazardous work for children and the use of children in domestic service remains a problem.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor[5033]

In Tunisia, children are exploited in the worst forms of child labor, many in domestic service. Some children, mostly girls, work as domestic servants, which puts them at risk of physical, psychological, and sexual abuse.[5034] Anecdotal reports indicate that children may work in the agricultural sector, where they may be exposed to chemicals, injured by dangerous machinery or tools, and suffer physical harm from repetitive motions and carrying excessively heavy loads.[5035] Children also work in mechanics shops and as street vendors of flowers, cigarettes, and other small items.[5036] Street vending may expose children to dangers such as road accidents, air pollution, and extreme weather. There have been reports of girls trafficked internally for domestic servitude.[5037]

Laws and Regulations on the Worst Forms of Child Labor

Tunisia's Labor Code sets the minimum age for employment at 16 with some exceptions. The Labor Code and Child Protection Code bar children under the age of 18 from hazardous work. The Labor Code gives the Ministry of Social Affairs the authority to determine which jobs fall under this category.[5038] The Ministry has not published a list of hazardous occupations as required under ILO Convention 182; therefore, it is unclear which types of work are excluded.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

Law No. 89-23 prohibits forced labor.[5039] The Child Protection Code outlaws children's participation in wars or armed conflicts and prostitution. The Child Protection Code sets the age for voluntary military service at 18,[5040] and Act No. 51-1989 sets the

minimum age for compulsory recruitment at 20.[5041] The law does not specifically prohibit trafficking, although traffickers may be prosecuted under laws against forced labor, prostitution, participation in armed conflict, or displacement.[5042]

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Tunisia has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Social Affairs, Solidarity, and Tunisians Abroad is responsible for enforcing child labor laws, including laws on hazardous labor, through its labor inspectors.[5043] No information was available on the number of inspectors, their funding or the number of inspections carried out.

The Tunisian General Union of Labor may also perform work inspections where the Union operates and can submit complaints to the Government. The Ministry of Women, Family, Children, and Senior Citizens' Affairs (MWFCSCA) is likewise empowered to conduct inspections.[5044] Additionally, the Child Protection Code establishes a Child Protection Delegation within the MWFCSCA to enforce the Code in each of the 24 governorates of the country.[5045] The delegates may receive and investigate complaints from or involving children. Since its creation in 2006, the Delegation has received over 10,000 complaints, though it is unclear how many of those complaints were filed in the reporting period.[5046] Based on the volume of complaints received, the number of delegates is not sufficient to handle all the complaints. It is not clear from the available evidence how these agencies coordinate.

Research has found no evidence that the Government has established a lead agency for enforcing anti-trafficking laws. The Government did not provide training in identifying victims of trafficking to any officials, including those responsible for enforcing laws under which traffickers may be punished.[5047] As a result of this lack of training and effort, trafficking victims, including children, may remain unidentified.[5048]

Information on the prosecution of worst forms of child labor is limited; however some enforcement efforts have been reported. In April 2009, a Tunisian woman was convicted of engaging a girl age 7 in domestic servitude and physically abusing her; the woman was sentenced to 3 years in prison.[5049]

Government Policies on the Worst Forms of Child Labor

Tunisia issued a 2004-2015 plan to promote quality education and healthy development for boys and girls.[5050] The question of whether this policy has an impact on the worst forms of child labor does not appear to have been addressed.[5051]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In 2004, the World Bank approved a $130 million loan to the Government for the second phase of an Education Quality Improvement Project designed to facilitate the Ministry of Education's efforts to promote primary and secondary education. This project aims to boost school enrollment and completion rates for children age 6 to 18 and was set to end in September 2010.[5052] Though this program does not target child labor, it may provide benefits to working children.

In 2008, the Government of Tunisia worked with UNICEF to draft a report on street children, which they indicated would be released in early 2009; however, the Government has not yet published the findings.[5053]

Research found no evidence of programs to address child labor, including as domestic servants.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Tunisia:

IN THE AREA OF LAWS AND REGULATIONS:

- Publish a list of hazardous occupations for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Make data publicly available on the number of inspectors as well as the number and results of inspections of child labor violations.
- Increase the number of Child Protection Delegates.
- Designate agencies to enforce anti-trafficking legislation, and provide training on the identification of child victims of trafficking.

IN THE AREA OF POLICIES:

- Assess the impact that the 2004-2015 plan may have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Implement programs to specifically address the worst forms of child labor, including domestic service.
- Release the 2008 report on street children in order to develop appropriately targeted social programs.

[5033] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[5034] U.S. Embassy- Tunis, *reporting*, February 8, 2010, section 2A-1. See also U.S. Department of State, "Tunisia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6, 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136081.htm.

[5035] U.S. Embassy- Tunis, *reporting, February 8, 2010*.

[5036] Ibid. See also U.S. Embassy- Tunis, *reporting*, February 10, 2009, para 4.

[5037] U.S. Department of State, "Country Reports- 2009: Tunisia," section 6. See also U.S. Department of State, "Tunisia," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm.

[5038] Government of Tunisia, *Code du travail, 1996*, Loi no. 66-27, (April 30, 1966), article 58; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/44414/65029/F96TUN01.htm. See also Government of Tunisia, *Loi No. 95-92, 1995, Relative à la publication du Code de la protection de l'enfant*, (November 9, 1995), article 20; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/42904/64989/F95TUN01.htm.

[5039] Government of Tunisia, *Loi no. 89-23 du 27 février 1989 portant supression de la peine des travaux forcés*, accessed January 27, 2010; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=TUN&p_classification=03&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY. See also U.S. Department of State, «Tunisia,» in *Country Reports on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 6c; available from http://www.state.gov/g/drl/rls/hrrpt/2007/100607.htm.

[5040] Government of Tunisia, *Loi No. 95-92, 1995*, article 3,18, 20, 25.

[5041] Coalition to Stop the Use of Child Soldiers, "Tunisia," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

[5042] U.S. Embassy- Tunis, *reporting*, February 18, 2010, section 5-A.

[5043] Government of Tunisia, *Code du travail*, article 170, 171. See also U.S. Embassy- Tunis, *reporting, February 18, 2010*, section 2C-1.

[5044] U.S. Embassy- Tunis, *reporting, February 8, 2010*, section 2C-1.

[5045] Government of Tunisia, *Loi No. 95-92, 1995*, article 28.

[5046] Save the Children Sweden, *Child Rights Situation Analysis for MENA Region*, August 2008, 121; available from http://sca.savethechildren.se/Documents/Resources/Child%20Rights%20Situation%20Analysis%20for%20Middle%20East%20and%20North%20Africa.pdf.

[5047] U.S. Embassy- Tunis, *reporting, February 18, 2010*, section 5B, 7K.

[5048] U.S. Department of State, "Trafficking in Persons Report- 2010: Tunisia."

[5049] U.S. Embassy- Tunis, *reporting, February 18, 2010*, section 2A, 2C. See also U.S. Embassy- Tunis official, E-mail communication to USDOL official, April 15, 2010.

[5050] Management Systems International, *Combating Child Labor Through Education in Morocco (Project Adros): Technical Progress Report*, Rabat, March 31, 2004, 8. See also UNICEF, *Investing in the Children of the Islamic World: Achievements*, 2004; available from http://www.unicef.org/policyanalysis/files/Achievements.pdf.

[5051] Management Systems International, *Project Adros: Technical Progress Report*, 8. See also UNICEF, *Investing in the Children*.

[5052] Sereen Juma, "Tunisia: World Bank Supports Efforts to Improve Teaching, Learning in Schools", WorldBank.org, [online], March 10, 2004 [cited July 29, 2010]; available from http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/TUNISIAEXTN/0,,contentMDK:20175801~menuPK:64282138~pagePK:41367~piPK:279616~theSitePK:310015,00.html. See also World Bank Projects Database, *Education Quality Improvement Program (EQIP) Phase 2*, July 29, 2010; available from http://www.worldbank.org.

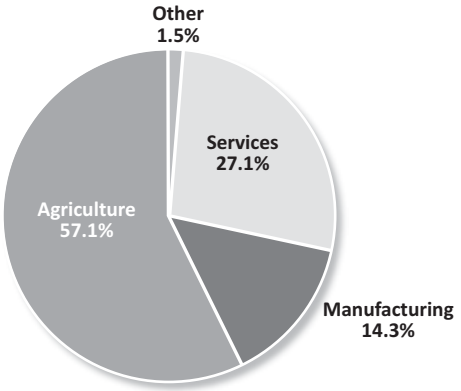
[5053] U.S. Embassy- Tunis, *reporting, February 10, 2009*.

Turkey

The Government of Turkey has committed to eliminating the worst forms of child labor by 2014, and has put in place a policy framework and labor inspection system; however, many children continue to be engaged in the worst forms of child labor, particularly in agriculture and the informal sector, due to gaps in legislation and the current government's program focus on human trafficking.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	6-14 yrs.	2.6%
Attending School	6-14 yrs.	92.4%
Combining Work and School	7-14 yrs.	1.5%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

In Turkey, children are engaged in the worst forms of child labor[5054], most often in the agriculture and forestry sectors, producing cotton and cut logs. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of livestock, onions, tea, processed mussels, dried sliced tomatoes, bricks, leather goods/accessories and footwear.[5055] They often work long hours and are involved in activities such as using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides.[5056]

According to Government reports, children are also exploited in street work.[5057] As of December 2009, 8,298 children were found to be working on the streets.[5058] There were reports of parents forcing their children to shine shoes, sell tissues and food, and beg.[5059] Children working on the streets may be exposed to severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Children also work in small-scale carpentry and manufacturing and boys are often employed in auto repair shops.[5060]

Trafficking is also a problem. The country is a destination and, to a lesser extent, transit country for women and children trafficked primarily for commercial sexual exploitation.[5061]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Act establishes the minimum age for work at 15 and prohibits children under 16 from working more than 8 hours per day.[5062] Children under 16 are prohibited from employment in arduous or dangerous work.[5063] Seasonal agricultural work, dangerous conditions in small- and medium-sized enterprises, and child labor in the streets are classified as the worst forms of child labor in Turkey.[5064] Decree number 25425 on the fundamentals and principles of the employment of children and young workers (April 2004) lays out the list of hazardous labor prohibited to people under the age of 18.[5065] Available information does not reveal the specific occupations included on either the list of prohibited hazardous labor or the list of arduous and dangerous work allowed for children over age 16.

A number of sectors are not covered by the labor laws, including agricultural enterprises employing

50 or fewer workers, small shops employing up to three persons, and domestic service. Article 4 of the Labor Act of Turkey specifically exempts activities and employment relationships in those sectors from the provisions of the Labor Act.[5066] Many children are known to work in these sectors, especially small agricultural enterprises. This leaves children vulnerable to hazardous labor conditions without legal protection.

In addition to barring children from hazardous work, Turkey prohibits forced or compulsory labor.[5067] Article 227 of the New Turkish Penal Code prohibits prostitution under the age of 21 years and the sexual exploitation of children in the production of pornography.[5068] Article 80 of the Turkish Penal Code outlaws trafficking for sexual exploitation and forced labor for both adults and children.[5069] The voluntary military recruitment age in Turkey is 18 with compulsory recruitment at 19.[5070]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Disadvantaged Groups Department (DGD) of the Ministry of Labor and Social Security (MOLSS) is the primary agency coordinating and collaborating across the Government on child labor issues.[5071] It coordinates efforts of the Ministry of Education, the Social Services and Child Protection Institution, the Ministry of the Interior, the Ministry of Justice, and non-governmental organizations (NGOs).[5072] The DGD acts as the secretariat of the National Guidance Committee, which monitors child labor and the activities of the Government to combat the problem. Representatives from the Government, labor unions, and NGOs participate in the committee.[5073]

Within the Ministry of Foreign Affairs, an ambassadorial-level official serves as coordinator of the Government's Task Force on Human Trafficking. This task force also includes officials from six ministries, as well as representatives from NGOs, the IOM, and each municipality.[5074]

MOLSS conducts labor enforcement in workplaces that are covered by the labor law, including medium- and large-scale industrial and service sector enterprises.[5075] MOLSS inspectors are responsible for enforcing the child labor laws and are instructed to prioritize complaints alleging child labor.[5076] There are 627 labor inspectors and 70 deputy inspectors operating in Turkey with 285 inspectors assigned to cases of occupational health and safety including cases of hazardous child labor.[5077] As of January 2009, all inspectors had been trained in child labor issues, including how to identify underage children in the workplace.[5078]

In the first 6 months of 2009, there were 8,508 occupational health and safety inspections revealing 2,764 cases of child labor.[5079] Inspections focusing on specific sectors were also conducted in 2009 including inspections of construction sites and underground mines; however, the reports of these inspections have not yet been released.[5080]

The Commission on Child Laborers Working on the Streets investigates instances of child street labor and proposes intervention programs.[5081]

Complaints about hazardous child labor can be made by phone to a hotline operated by the Social Services Institution or to the Web site of the Prime Minister's Office Communications Center.[5082] According to the Prime Minister's Social Services and Child Protection Institution, as a result of calls to this hotline, 740 parents were given notifications that they had committed a crime for making their children work in the streets. Of those, 151 were punished.[5083]

The Turkish National Police (TNP) employs 3,500 officers tasked with addressing children's issues.[5084] However, these officers handle all issues related to the treatment and protection of children, and do not have a specific unit focused on child labor exploitation.[5085] The TNP also investigates cases of human trafficking and reports capturing 246 and arresting 178 suspected traffickers in 2009.[5086] The Ministry of Justice reports convicting 23 suspects for human trafficking violations in 2009. It is unclear whether these convictions were for child or adult trafficking.[5087]

The Ministry of Justice, TNP, and MOLSS provide anti-human trafficking training for employees.[5088] Turkish National Police officers received training in six cities with judges and prosecutors participating in training focused on victim identification and interviewing.[5089]

Government Policies on the Worst Forms of Child Labor

The Government of Turkey developed a National Timebound Policy and Program Framework in 2004 which aims to eliminate the worst forms of child labor by 2014. The policy prioritizes reducing poverty, improving the quality and accessibility of education, and increasing social awareness and sensitivity to the problem.[5090] It also sets the roles of each participating agency and highlights the need to coordinate across services. It identifies the worst forms of child labor in Turkey including street work, the informal urban economy, seasonal commercial agricultural labor, domestic labor, and rural labor.[5091] The policy articulates objectives, indicators, outputs, target groups, activities, and responsibilities for the elimination of the worst forms of child labor. However, no new programs directly carrying out the country's timebound program have been implemented since 2006.[5092]

The Ninth Development Program, the National Program to Harmonize with the EU Acquis for membership, the 2007 Erdogan Government Program, and the Rural Development Program all briefly mention child labor.[5093] The Government did not prioritize elimination of the worst forms of child labor in these development plans.[5094]

In March 2009, Turkey signed the Council of Europe Convention on Action against Trafficking in Human Beings.[5095] The Prime Minister's Office approved the Second National Action Plan against Trafficking in Persons in June 2009, which will complement an ongoing EU project aimed at ensuring the sustainability of the fight against trafficking.[5096] As a part of this plan, the Ministry of Foreign Affairs is spearheading a multi-agency effort to create a comprehensive plan for addressing trafficking in persons, which would include identifying an agency or NGO responsible for each aspect of trafficking.[5097] The plan will propose legislation that, if approved, would empower the Ministry of Finance to allocate money to these individual ministries or NGOs for their work on trafficking.[5098]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Turkey has participated in donor-funded projects to combat child labor in street work, the informal urban economy, and seasonal agriculture. A USDOL-funded project that ended in 2007 worked to build government and civil society's capacity to combat child labor through education and withdrew 5,661 and prevented 7,448 children from the worst forms of child labor through education and vocational training.[5099]

In a budget speech before parliament in 2009, the Minister of Labor noted that the MOLSS had plans to initiate new programs to target the worst forms of child labor from 2009-2013.[5100] However, research did not reveal any ongoing or new programs directly addressing the reduction of exploitive child labor during the reporting period.[5101]

In an effort to reduce poverty, the Government created a cash transfer program under the direction of the Social Assistance Solidarity Directorate and through the Social Assistance Solidarity Foundations. One of the conditions for families to participate in the program is for children between ages 6 and 15 to attend primary education.[5102] While this program is not directly aimed at withdrawing children from worst forms of child labor, it may influence parents to take children out of work to attend school. Available information does not include the funding or scope of this cash transfer program.

To assist victims of human trafficking, the Ministry of Justice provides free legal services to foreign victims who choose to remain in Turkey to testify against traffickers.[5103] Foreign trafficking victims may apply

for humanitarian visas to remain in Turkey for up to 6 months and may apply for renewal for an additional 6 months.[5104] The Ministry of Foreign Affairs also supports shelters for trafficking victims in Ankara and Istanbul; however, the $20,000 provided during the reporting period was insufficient and the shelters continue to rely on external donor funding.[5105] In November 2009 the IOM and a local NGO set up a third anti-trafficking shelter in Antalya with the facility donated by the municipality.[5106]

The Government instituted a trafficking awareness campaign in 2009.[5107] This campaign was internationally televised in collaboration with Russia and Moldova, which targeted both victims and traffickers. The Government also partnered with the IOM and other NGOs to raise awareness of the issue.[5108]

The Government does not currently implement programs to assist children in hazardous labor in agriculture or street work.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Turkey:

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the Labor Act to ensure that child labor provisions apply to small-scale agriculture and small businesses.
- Amend the Labor Act to protect child domestic workers.

IN THE AREA OF POLICIES:

- Renew the Timebound Policy and Program for the Elimination of the Worst Forms of Child Labor.
- Mainstream exploitive child labor policies into poverty reduction strategies and action plans and provide resources for these activities.
- Provide adequate funding for anti-trafficking policy implementation and victim assistance programs.

IN THE AREA OF PROGRAMS:

- Renew effective expired social programs in support of the country's Timebound Program.
- Implement programs specifically addressing the most prevalent worst forms of child labor such as hazardous work in agriculture and street work.
- Provide adequate funding to shelters for human trafficking victims.

[5054] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 1999. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[5055] U.S. Embassy- Ankara, *reporting*, March 30, 2010. See Also IMPAQ International, *Combating Exploitative Child Labor through Education in Turkey*, Project Document, Columbia, MD, May 17, 2005.

[5056] IMPAQ International, *Combating Exploitative Child Labor through Education in Turkey*, 7-8. [5] Ibid.

[5057] U.S. Embassy- Ankara, *reporting, March 30, 2010*, 2.

[5058] U.S. Embassy- Ankara, *reporting, March 30, 2010*.

[5059] U.S. Department of State, "Turkey," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136062.htm. See also U.S. Department of State, "Turkey," in *Country Reports on Human Rights Practices- 2008*, February 25, 2009, section 6c; available from http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119109.htm.

[5060] U.S. Department of State, "Country Reports- 2009: Turkey," section 6d. See also U.S. Embassy- Ankara, *reporting, March 30, 2010*.

[5061] U.S. Department of State, "Turkey (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/documents/organization/142979.pdf. See also U.S. Department of State, "Turkey (Tier 2)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/documents/organization/123365.pdf.

[5062] U.S. Department of State, "Country Reports- 2009: Turkey," section 6d. See also U.S. Department of State, "Country Reports- 2008: Turkey," section 6d.

[5063] Government of Turkey, *Labor Act of Turkey, Law No. 4857*, (May 22, 2003), article 85; available from http://www.ilo.org/public/english/region/eurpro/ankara/legislation/law4857.htm.

[5064] U.S. Embassy- Ankara, *reporting*, December 14, 2007.

[5065] ILO Comittee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Turkey (ratification: 2001),* [online] 2009 [cited November 30, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23560&chapter=9&query=Turkey%40ref&highlight=&querytype=bool&context=0.

[5066] U.S. Department of State, "Country Reports- 2008: Turkey," section 6d. See also Government of Turkey, *Labor Act*, article 4.

[5067] U.S. Department of State, "Country Reports- 2009: Turkey." See also U.S. Department of State, "Country Reports- 2008: Turkey," section 6c.

[5068] Government of Turkey, "Turkey," in *Legislation of Interpol Member States on Sexual Offenses Against Children*, 2006; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaTurkey.pdf.

[5069] U.S. Department of State, "Trafficking in Persons Report- 2010: Turkey." See also U.S. Department of State, "Trafficking in Persons Report- 2009: Turkey." See also U.S. Embassy- Ankara, *reporting*, April 7, 2010, 2 and 4.

[5070] Coalition to Stop the Use of Child Soldiers, "Turkey," in *Child Soldiers Global Report 2008*, London, 2008, 342; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

[5071] U.S. Embassy- Ankara official, E-mail communication to USDOL official, October 23, 2010.

[5072] U.S. Embassy- Ankara, *reporting, March 30, 2010*.

[5073] Ministry of Labor and Social Security, *Views of the Government of Turkey Regarding 2008 Child Labor Review in the Production of Certain GSP-Eligible Hand-Loomed or Hand-Hooked Carpets*, February 14, 2008.

[5074] U.S. Department of State, "Country Reports- 2009: Turkey," section 6.

[5075] Ibid., section 6d.

[5076] U.S. Embassy- Ankara, *reporting, January 23, 2009*.

[5077] U.S. Embassy- Ankara, *reporting, March 30, 2010*.

[5078] U.S. Embassy- Ankara, *reporting, January 23, 2009*.

[5079] U.S. Embassy- Ankara, *reporting, March 30, 2010*.

[5080] Ibid.

[5081] ILO-IPEC, *Combating the Worst Forms of Child Labor in Turkey- Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labor in Turkey (2004-2006)*, Technical Progress Report, TUR/03/P50/USA, Geneva, March 2005, 2, 3.

[5082] U.S. Embassy- Ankara, *reporting, March 30, 2010*.

[5083] Ibid.

[5084] U.S. Embassy- Ankara, *reporting, January 23, 2009*.

[5085] Ibid.

[5086] U.S. Embassy- Ankara, *reporting, April 7, 2010*, 5.

[5087] Ibid., 5-6.

[5088] Ibid., 4 and 6.

[5089] U.S. Department of State, "Country Reports- 2009: Turkey."

[5090] U.S. Embassy- Ankara, *reporting, March 30, 2010*. See also ILO-IPEC Turkey, *2.1 Time bound National Policy and Programme (BP),* [online] [cited June 16, 2010]; available from http://ilo-mirror.library.cornell.edu/public/english/region/eurpro/ankara/programme/ipec/tbp.htm.

[5091] ILO-IPEC, *Combating the Worst Forms of Child Labor in Turkey- Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labor in Turkey (2004-2006)*, Project Document, TUR/03/P50/USA, Geneva, 2003.

[5092] U.S. Embassy- Ankara, *reporting, March 30, 2010*.

[5093] Ibid.

[5094] Ibid., 4.

[5095] U.S. Embassy- Ankara, *reporting*, March 26, 2009.

[5096] U.S. Embassy- Ankara, *reporting*, December 16, 2009.

[5097] U.S. Embassy- Ankara, *reporting, March 26, 2009*. See also U.S. Embassy- Ankara, *reporting, January 23, 2009*.

[5098] Ibid.

[5099] U.S. Department of Labor, *Combating the Worst Forms of Child Labor in Turkey - Supporting the Timebound National Policy and Program for the Elimination of the Worst Forms of Child Labor in Turkey*, Technical Cooperation Project Summary, Washington, DC.

[5100] U.S. Embassy- Ankara, *reporting, January 23, 2009*.

[5101] U.S. Embassy- Ankara, *reporting, March 30, 2010*.

[5102] Ibid., 5.

[5103] U.S. Department of State, "Country Reports- 2009: Turkey." See also U.S. Department of State, "Country Reports- 2008: Turkey," section 5.

[5104] Ibid.

[5105] U.S. Department of State, "Trafficking in Persons Report- 2010: Turkey." See also U.S. Department of State, "Trafficking in Persons Report- 2009: Turkey."

[5106] U.S. Embassy- Ankara, *reporting*, March 16, 2010.

[5107] U.S. Embassy- Ankara, *reporting, April 7, 2010*.

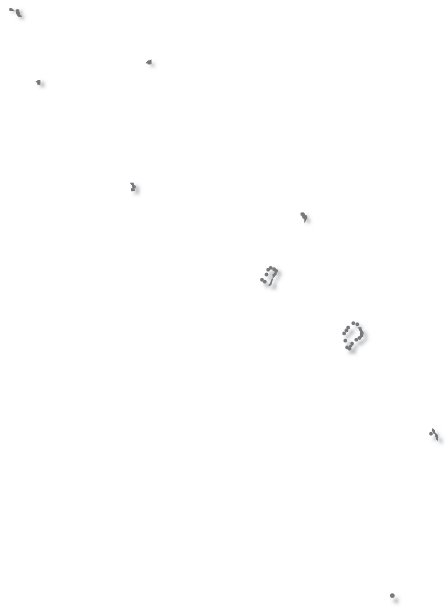
[5108] Ibid.

Tuvalu

The Government of Tuvalu initiated efforts to ratify ILO Convention 182 on the elimination of the worst forms of child labor. However, significant gaps exist in its legislative framework, in particular insufficient restrictions on hazardous work for children. Children in Tuvalu likely work in fishing and agriculture.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor[5109]

Children in Tuvalu are likely exploited in the worst forms of child labor in agriculture and fishing, although no available sources describe these practices in detail.[5110] Children's work in agriculture commonly involves use of potentially dangerous machinery and tools, carrying heavy loads, and the application of harmful pesticides. Sharp fishing equipment poses a danger to child fishermen, who also risk drowning.

Members of the international community have raised concerns that children in Tuvalu may be exploited in commercial sexual activities and prostitution in particular, although the Government denies that this is a significant problem.[5111] The economic transition underway, moving Tuvalu from a subsistence-based to a monetized-based economy, may lead some children to engage in commercial sexual activities in order to gain access to currency, as has occurred in other nations in the Pacific region.[5112]

Tuvaluan children who live on outer islands, are members of large families, are disabled, or do not have access to land, are some of the most disadvantaged members of society; their low socioeconomic status elevates this population's vulnerability to the worst forms of child labor.[5113]

Laws and Regulations on the Worst Forms of Child Labor

The Employment Ordinance sets the minimum age for paid employment at 14, and prohibits children below age 15 from performing hazardous labor.[5114] The Employment Ordinance allows employers to hire a child to work in agricultural production, aboard a ship, or during the night starting at age 16 with certain restrictions.[5115] There are no protections for other types of work for children age 16 to 17. Other sections of the law define the terms of apprenticeships for workers below age 18 and place restrictions on recruiting children to work.[5116]

Children in Tuvalu are legally permitted to work in unhealthy environments, where they risk exposure to dangerous substances, temperatures, or noise levels, and are allowed to operate dangerous machinery, equipment; and tools. The law allows a child as young as age 14 to enter a 5-year apprenticeship without providing for adequate legal protections: no restrictions are placed on the type of work that a child apprentice may perform, and these trainees may lawfully live away from their families, increasing the child's vulnerability to exploitation.[5117]

The Employment Ordinance also empowers the Labor Minister to exclude any industry from child labor laws by notice, although there is no information as to whether the country's Labor Minister has exercised this authority.[5118]

The punishment for flouting child labor laws may not be sufficient to deter employers. Violators need only pay a $50 fine.[5119]

The Penal Code prohibits employers and others from enslaving a child, forcing a child to work, or otherwise constraining a child's movement.[5120] The Code establishes punishments for child prostitution and trafficking minors for sexual purposes—punishing clients, facilitators, and beneficiaries of the trade as well as the young person's consenting guardian(s).[5121] Tuvalu does not have the legal ability to prosecute a person who prostitutes a boy over age 15 or provide for his safe removal, whereas the Government has protective statutes in place when the victim is female.[5122]

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	15
	Compulsory Education Age	15
	Free Public Education	Yes

Tuvaluan sentences for all sexual offenses designate maximum but not minimum sentences, which could lead to light sentences that are not commensurate with the gravity of the crime.[5123]

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Tuvalu has established a coordinating mechanism to combat the worst forms of child labor.

The enforcement of child labor issues principally rests with the Department of Labor, which is part of the Ministry of Foreign Affairs and External Trade, Environment, and Labor.[5124] There is no recent information on the number of employees currently working in the department. However, ILO reporting indicates that the Labor Office, like many other parts of the Tuvalu administration, has limited institutional capacity, preventing it from carrying out its duties in an efficient and transparent manner.[5125] The Ministry of Foreign Affairs and External Trade, Environment, and Labor are not involved in any initiatives to enforce child labor regulations. In addition there has never been a prosecution for child labor in Tuvalu.[5126]

An additional challenge faced by the Labor Office is a lack of information and data concerning child labor and child labor in its worst forms hindering the ability to target and measure enforcement efforts.[5127]

Assisted by immigration officers, Tuvalu Police Force is the primary agency responsible for enforcing efforts to combat child trafficking.[5128] When the court has reasonable cause to suspect that a female child is being subjected to commercial sexual exploitation, it may issue the Tuvalu Police Force a warrant to search the premises and arrest the accused individual(s). No similar search provision is evident for boys in similar circumstances.[5129] When a case of commercial sexual exploitation of a minor goes to trial, the court may appoint a guardian for the girl victim, but, males lack this protection.[5130]

The judicial system lacks reliable information on the prevalence of child prostitution.[5131]

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address child labor.[5132]

The Government does not collect data on the worst forms of child labor. However, through its 2009 national budget, the Government requested that the National Statistics Office provide up to date information on the country's labor force, and a UN agency is lending financial assistance to launch Tuvalu's first labor force survey.[5133] It is unclear whether a child labor module will be included in the survey.[5134]

During the reporting period, the Tuvaluan Government worked with the ILO on a 2-year Decent Work Country Program (DWCP).[5135] Among its many goals, the DWCP hopes to strengthen the country's labor laws, support the ratification of ILO Convention 182, and improve labor market monitoring systems.[5136] The Government of Tuvalu has also requested assistance from the ILO to align its labor laws with current international labor standards, including the CRC.[5137]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Tuvalu, supported by its longstanding partnerships with international organizations and foreign aid agencies, has implemented numerous programs that alleviate some of the underlying causes of child labor.[5138] Through the national education policy, Education for Life, in place since 1988, the Government has made strides towards providing free and universal primary education.[5139] The Tuvalu Department of Education has prioritized increasing access to education for children from vulnerable populations, specifically targeting students from low socioeconomic backgrounds, urban areas, isolated communities, as well as girls, children with disabilities, and school dropouts who are at the greatest risk of being subjected to the worst forms of child labor.[5140] The above programs may provide benefits to working children.

Despite the above programs, research found no evidence of any programs specifically to address child labor.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Tuvalu:

IN THE AREA OF LAWS AND REGULATIONS:

- Expand the type of labor and worksites considered hazardous for children and raise the minimum age for hazardous work to 18.
- Eliminate the discretion to exclude industries from child labor laws.
- Create punishments for the commercial sexual exploitation of children and unlawful employment of children commensurate with the nature of the crime.
- Eliminate gender discrimination in laws relating to the prosecution of commercial sexual exploitation perpetrators and safe removal of child victims.
- Provide more structure and protection for underage apprentices in regards to types of work and nature of worksite.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Institute measures to increase the transparency and effectiveness of Tuvalu government agencies in combating the worst forms of child labor.
- Compiling national statistics on child labor enforcement, including cases reported, investigated, prosecuted, and closed.
- Increase punishments for employing or facilitating the commercial exploitation of children or violating national child labor laws to reflect the gravity of the crimes.

IN THE AREA OF POLICIES:

- Adopt policies to address the worst forms of child labor.
- Conduct regular surveys on the nature and prevalence of the worst forms of child labor in Tuvalu.

IN THE AREA OF PROGRAMS:

- Implement programs to address the worst forms of child labor.

[5109] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[5110] U.S. Embassy- Suva, *reporting*, December 9, 2007, section 6e. See also Economic Planning and Industries Tuvalu Ministry of Finance, *Household Income and Expenditure Survey (HIES) 2004/2005*, September 2006, 53-54; available from http://www.ilo.org/dyn/lfsurvey/lfsurvey.list?p_lang=en&p_country=TV. See also ILO and Government of Tuvalu, *Decent Work Country Programme: Tuvalu*, 2009, 5-6; available from http://www.ilo.org/asia/whatwedo/publications/lang--en/docName--WCMS_120556/index.htm. See also Office of the High Commissioner for Human Rights, *Compilation Prepared by the Office of the High Commissioner for Human Rights, in Accordance with Paragraph 15(b) of the Annex to Human Rights Council Resolution 5/1* United Nations, October 6, 2008, 4; available from http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/163/27/PDF/G0816327.pdf?OpenElement. See also United Nations Development System - Fiji and Samoa, *United Nations Development Assistance Framework for the Pacific Subregion (2008-2012)*, May 2007, 4; available from http://www.undp.org.ws/Portals/12/pdf/RC/UNDAF_document.pdf.

[5111] Committee on the Elimination of Discrimination against Women, *Concluding Observations of the Committee on the Elimination of Discrimination against Women: Tuvalu*, United Nations, 2009, 8; available from http://ap.ohchr.org/documents/dpage_e.aspx?c=191&su=189. See also UN Committee on the Elimination of Discrimination against Women, "Consideration of Reports Submitted by States Parties Under Article 18 of the Convention (*continued*) - Combined Initial and Second Perioidic Reports of Tuvalu " (paper presented at the 896th Meeting, New York, 29 July 2009), 4; available from http://www2.ohchr.org/english/bodies/cedaw/docs/SR/CEDAW-C-SR-897.pdf.

[5112] Government of Tuvalu and the UN Development Programme, *Tuvalu Millennium Development Goals Report 2006*, Funafuti, Tuvalu, 2006, 4; available from http://planipolis.iiep.unesco.org/format_liste1_en.php?Chp2=Tuvalu. See also UNESCAP and ECPAT International UNICEF, *Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A Regional Report*, UNICEF Pacific, 2006, 11 and 23-24; available from http://www.unicef.org/pacificislands/partners_10989.html.

[5113] UN Office of the United Nations Resident Coordinator, *United Nations Development Assistance Framework - Tuvalu (2003-2007)*, Suva, Fiji, May 2002, 8-9; available from http://www.undg.org/index.cfm?P=234&f=T. See also Government of Tuvalu and the UN Development Programme Fiji Multi-Country Office, *Country Programme Action Plan (CPAP) 2008-2012 between The Government of Tuvalu and the United Nations Development Programme Fiji Multi-Country Office*, 2007, 2; available from http://www.undp.org/asia/country_programme/CPAP/KIRIBATI_CPAP_2008-2012.pdf.

[5114] Government of Tuvalu, *Employment Ordinance*, (April 22, 1966), articles 74-75, and 84-85; available from http://www.paclii.org/tv/legis/consol_act/eo202/.

[5115] Ibid., articles 77, 79, 83-87.

[5116] Ibid., articles 43-44, 60,and 91-101.

[5117] Ibid., articles 91-98.

[5118] Ibid., article 83.

[5119] Ibid., article 90.

[5120] Government of Tuvalu, *The Constitution of Tuvalu*, (1 October 1986), articles 17-18 and 26; available from http://tuvalu-legislation.tv/cms/index.php/legislation/current/all-by-category.html. See also Government of Tuvalu, *Penal Code*, (October 18, 1965), articles 132, 136, 140, 143, 145-146, and 241-249; available from http://www.tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/1965/1965-0007/PenalCode_1.pdf. See also Government of Tuvalu, *Employment Ordinance*, article 43.

[5121] Government of Tuvalu, *Penal Code*, articles 131-149, 160.

[5122] Ibid., articles 140-149.

[5123] Committee on the Elimination of Discrimination against Women, *Concluding Observations of the CEDAW*, 8. See also Government of Tuvalu, *Penal Code*, articles 128-149, 157-158, and 160.

[5124]ILO and the Government of Tuvalu, *Decent Work Country Programme: Tuvalu*, 11.

[5125] Ibid., 6, 11. See also Office of the High Commissioner for Human Rights, *Compilation Prepared by the Office of the High Commissioner for Human Rights*, 6. See also UN Office of the United Nations Resident Coordinator, *United Nations Development Assistance Framework*, 4, 6. See also United Nations Development System - Fiji and Samoa, *UNDAF for the Pacific Subregion (2008-2012)*, 12.

[5126] U.S. Embassy- Suva, *reporting*, February 3, 2010, section 1.

[5127] ILO and Government of Tuvalu, *Decent Work Country Programme: Tuvalu*, 6.

[5128] U.S. Embassy- Suva, *reporting*, January 8, 2009, para 24. See also Tuvalu Ministry of Finance, *Household Income and Expenditure Survey* 18-19 and Table 5A.

[5129] Government of Tuvalu, *Penal Code*, articles 143 and 147.

[5130] Ibid., article 144.

[5131] Committee on the Elimination of Discrimination against Women, *Concluding Observations of the CEDAW*, 8. See also Government of Tuvalu and the Committee on the Elimination of Discrimination against Women, *Responses to the list of issues and questions with regard to the consideration of the combined initial and second periodic report*, United Nations, August 13, 2009, 10; available from http://tb.ohchr.org/default.aspx?country=tv.

[5132] U.S. Embassy- Suva, *reporting, February 3, 2010*, section 1. See also U.S. Embassy- Suva, *reporting, December 9, 2007*, 6d.

[5133] ILO and Government of Tuvalu, *Decent Work Country Programme: Tuvalu*, 5-6 and 16-17.

[5134] Ibid.

[5135] Ibid., 4.

[5136] Ibid., 10-17.

[5137] Ibid., 10. See also Committee on the Elimination of Discrimination against Women, *Concluding Observations of the CEDAW*, 2-3.

[5138] U.S. Embassy- Suva, *reporting, February 3, 2010*, section 1.

[5139] Government of Tuvalu and the UN Development Programme, *Tuvalu MDG Report 2006*, 12-13.

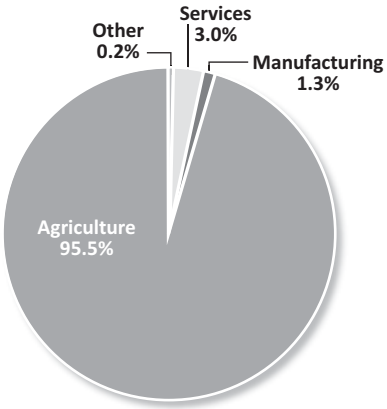
[5140] Tuvalu Department of Education, *Strategic Plan, 2006-2010*, 2006, 4; available from http://planipolis.iiep.unesco.org/format_liste1_en.php?Chp2=Tuvalu.

Uganda

The Government of Uganda continues to implement policy initiatives and some programs for the prevention and elimination of the worst forms of child labor, including for children affected by war. However, significant gaps remain in the Governments law enforcement efforts. In addition, there continue to be reports of forced child labor in the agriculture, fishing, and domestic labor sectors.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	31.1%
Attending School	5-14 yrs.	84.2%
Combining Work and School	7-14 yrs.	35.3%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor[5141]

Approximately 31.1 percent of children age 5 to 14 were estimated to be working in Uganda. That same year, 84.2 percent of children age 5 to 14 were attending school. While attendance appears to be high, the reality is that many children combine school and work. Approximately 35.3 percent of children age 5 to 14 were estimated to be both working and studying.[5142]

Children in Uganda are exploited in the worst forms of child labor, many of them in crop farming and commercial agriculture, including in the production of tea, sugarcane, tobacco, rice, vanilla, and coffee.[5143] Children also cut and burn trees to produce charcoal.[5144] Children work in fishing and caring for livestock.[5145] Children who work in these agriculture-related sectors do so under dangerous conditions, including working long hours and carrying heavy loads.[5146] In addition, according to the 2005-2006 Understanding Children's Work Study in Uganda, children in rural areas are three times more likely to work than children in urban areas and child participation in work is highest in the eastern and central geographical regions.[5147]

Other worst forms of child labor exist in the urban informal sector, where children work long hours selling small items on the streets. Children working on the streets are exposed to a variety of risks, which may include severe weather, accidents caused by proximity to automobiles, and vulnerability to criminal elements. Children also risk exposure to dangerous activities and exploitation while working in bars, restaurants, and in brick making and laying.[5148] Children in Uganda are also exploited in the worst forms of child labor in cross-border trading with the Democratic Republic of Congo, Sudan, Rwanda, and Kenya by undertaking activities in the transportation and loading of goods.[5149]

Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of salt, stone, and pornography.[5150] Children in Uganda also work as domestic servants. Child domestic labor commonly involves long hours of work and dangerous activities, while often exposing children to physical and sexual exploitation by their

employer.[5151] Some children as young as age 10 are victims of commercial sexual exploitation.[5152]

Uganda is a source and destination country for the trafficking of children. Children are trafficked internally for sexual exploitation, and forced labor, and children, specifically Karamojong children, are sold at cattle markets.[5153] Children are trafficked for forced labor in fishing, agriculture, and domestic labor.[5154] Ugandan children are also trafficked to European and East African countries for commercial sexual exploitation and forced labor.[5155] In addition, there are reports that Ugandan children are trafficked to Pakistan, Egypt, Turkey, the United Arab Emirates, Saudi Arabia, and Iraq for labor exploitation.[5156] Children from the Democratic Republic of the Congo, Rwanda, Kenya, Tanzania, and Burundi are trafficked to Uganda for commercial sexual exploitation and agricultural work. Children are also trafficked from India to Uganda for commercial sexual exploitation.[5157]

There were no reports of abduction or recruitment of new child soldiers in Uganda by the Government of Uganda People's Defense Forces (UPDF) or the Lord's Resistance Army (LRA).[5158] However, it is unclear whether the LRA has released all of the Ugandan children within their ranks and whether they have completely ceased using children in a combat capacity, given that up to 40,000 previously abducted children are reportedly still missing, and there are reports of ongoing abductions by the LRA in the Democratic Republic of the Congo, and southern Sudan.[5159]

Laws and Regulations on the Worst Forms of Child Labor

The Government of Uganda has several laws to protect children from the worst forms of child labor. According to the Employment Act, the minimum age for admission to work in Uganda is 14.[5160] The law states that no child under age 18 years may be employed in hazardous work or between 7 p.m. and 7 a.m.[5161] The Government of Uganda has drafted, but not adopted, a hazardous child labor list. In addition, the gap between the minimum age for compulsory education and work may contribute to the involvement of children in the worst forms of child labor, as they are not required to be in school and are below the minimum age for work.

The Government of Uganda has other laws to protect children from the worst forms of child labor. According to the Constitution, the law prohibits slavery and forced labor.[5162] While trafficking in persons is not a specific violation under Ugandan law, related offenses such as abduction and detention of a person for sexual intent, trading in slaves, and "defilement" (defined as having sex with a girl under age 18), can receive the death penalty.[5163] Prostitution is illegal in Uganda, as is the procurement and pimping of a prostitute. However laws regarding the procurement and pimping of a prostitute are only applicable to female victims, as are laws regarding the defilement of a child.[5164] This leaves a gap in legislation, allowing male victims to remain unprotected. The minimum age for voluntary military service in Uganda is 18 and there is no conscription for the military.[5165]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Gender, Labor, and Social Development (MGLSD) is the lead agency for monitoring and combating child labor and trafficking through a variety of strategies, including policy reform and victim assistance.[5166]

The MGLSD has two units responsible for children's issues: the Orphan and Vulnerable Children's Unit (OVCU) and the Child Labor Unit (CLU).[5167] The mandate of the OVCU is to provide a framework for and provide services to orphans, vulnerable children, and their families. The OVCU largely focuses on children affected by HIV/AIDS.[5168] The CLU serves as a resource for labor inspectors, and is responsible for working with organizations like the ILO to implement awareness raising and prevention campaigns. The CLU is also charged with developing the National Child Labor Action Plan.[5169] The Government has a Child Labor Steering Committee, which includes representatives from the Ministries of Gender and Labor, Agriculture, Education and Sports, Local Governments, and other Stakeholders including national and international organizations. However, the committee lacks the resources to communicate and coordinate regularly with each other and their respective organizations.[5170] During the reporting period, the Government also created an inter-ministerial Anti-Sacrifice and Trafficking in Persons task force (ATSP), which is charged with drafting policy and implementing public information campaigns, as well as managing and investigating trafficking cases.[5171]

The MGLSD is also the lead agency in charge of enforcing child labor and trafficking laws in Uganda.[5172] It has 60 child labor inspectors that investigate child labor issues.[5173] However, the MGLSD's child labor inspection and child trafficking protection efforts were hampered by lack of funding and staff.[5174] Although information on the number of inspections carried out in the reporting period are unavailable, most of the inspections took place at formal work places. Reportedly, a lack of resources and staff inhibits monitoring and inspection in rural worksites.[5175] The Government of Uganda provided training for district labor inspectors.[5176] However, there is no information on the scope or quality of the training. A complaint system for child labor has been established by the ILO, in coordination with the MGLSD. However, both the MGLSD and the Uganda Police Force are unable to provide statistics on the number of calls received regarding child labor and trafficking complaints, and there were no reported cases of child labor violations at the national level.[5177] Given the extent of the child labor problem in the country, this may be due to a lack of awareness about the issue or the mechanism for filing complaints.

The Ministry of Internal Affairs is the lead agency for enforcing anti-trafficking laws, with oversight of the Ugandan Police Force and the Criminal Investigation Division.[5178] Additionally, the Ministry of Justice and the Directorate for Public Prosecutions is charged with prosecuting trafficking cases.[5179] In addition, a lack of resources and court backlogs create obstacles to the convictions of traffickers. The Uganda Police Force has a Child and Family Protection Unit (CFPU) which has 200 officers who manage complaints regarding child protection issues.[5180] The CFPU reports managing over 31 child labor complaints during the reporting period.[5181] However, its capacity to conduct enforcement efforts and to monitor is constrained by lack of resources.[5182] In addition to the CFPU, the ATSP is also charged with investigating trafficking crimes at the national, regional, and local level. However, the ATSP lacks sufficient communications equipment and vehicles. This severe lack of resources hampers the ability of ATSP to perform its duties.[5183] A lack of systematic reporting of crimes from the police force creates difficulties for ATSP monitoring the incidence of trafficking in Uganda.[5184] In addition to the CPFU and the ATSP, the Uganda Human Rights Commission is responsible for reporting and investigating human rights abuses.[5185]

Along with investigations, the CFPU, also provides trainings to local police regarding children's rights, and on measures to identify and prevent trafficking.[5186] Research indicates that specialized anti-trafficking training was provided to 150 new law enforcement officials during the reporting period.[5187] All incoming police officers are required to partake in a one-day trafficking response course provided by the CPFU.[5188] Additionally during the reporting period, a two-week anti-trafficking training was provided by the U.S. to 28 Ugandan Police Force and immigration officials.[5189]

While, ATSP's mandate also covers the use of children in illicit activities and the use of children in commercial sexual exploitation, there are no special units in Uganda that specifically deal with these two issues.[5190]

During the reporting period, there was some prosecution of trafficking crimes, including investigations, some arrests, a pending trial, and issuance of a fine. In other cases, however, there is no evidence of sanctions placed on the perpetrators of crimes.[5191] The small number of prosecutions,

however, and the issuance of a fine for such a serious crime, suggest that insufficient resources and commitment are dedicated to the problem.[5192]

Government Policies on the Worst Forms of Child Labor

The Government of Uganda has developed a National Action Plan for the Elimination of Child Labor, with support from ILO-IPEC.[5193] In addition, the Government of Uganda cooperates with the UN and its partners regarding implementation of another action plan, the signed January 2009 action plan, which follows the recommendations of the Security Council Working Group on Children and Armed Conflict. The action plan aims to raise awareness, release and reintegrate child recruits, and enforce laws on children associated with armed forces.[5194] According to the UN, the Government of Uganda's participation in the action plan to date has been "effective," by monitoring military recruitment processes and undertaking verification visits to the North, to ensure that children are not being recruited into armed forces.[5195]

Child labor concerns have also been mainstreamed into the following national development agendas and key documents: Millennium Development Goals (2015), United Nations Development Assistance Framework (2006-2010), and National Education Development Plan (2004-2015).[5196] Research has not uncovered the extent or degree to which these plans have been implemented.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Uganda has participated in the implementation of programs to eliminate the Worst Forms of Child Labor.

The Government of Uganda participated in several USDOL-funded projects that have ended, including: two regional projects that totaled $8,301,486, implemented by ILO-IPEC, and targeted children affected by HIV/AIDS; and a $1,196,262 project implemented by ILO-IPEC that provided educational alternatives to vulnerable youth. Research indicates that initiatives started under these projects are being carried on by the Government of Uganda, including through ongoing USDOL-funded projects.

The Government of Uganda is participating in a USDOL-funded, 4-year, $4.79 million Project of Support for the Preparatory Phase of the Uganda National Action Plan for the Elimination of Child Labor.[5197] This project, implemented by ILO-IPEC, aims to withdraw and prevent 8,138 children from exploitive child labor in agriculture, commercial sexual exploitation, fishing, domestic work, construction, mining, quarrying, and the urban informal sector.[5198]

The Government participates in a 4-year, $5.5 million project funded by USDOL and implemented by the International Rescue Committee (IRC) and the Italian Association for Volunteers in International Service titled Livelihoods, Education and Protection to End Child labor (LEAP).[5199] The LEAP project aims to contribute to the prevention and elimination of child labor in Northern Uganda and the Karamoja region through awareness raising and improving access to and quality of education. The project aims to withdraw and prevent 11,275 children from exploitive labor.[5200]

The Government of Uganda participated in the 4-year Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) project, which was funded by USDOL at $14.5 million and World Vision at $5.9 million. Implemented by World Vision, in partnership with the IRC and the Academy for Educational Development, the project withdrew and prevented a total of 32,823 children from exploitive labor in HIV/AIDS-affected areas of these four countries through the provision of educational services.[5201] Despite these important projects that have been implemented using external donor funding, Government supported efforts still fall short of reaching the large numbers of children in the worst forms of child labor in Uganda.

The Governments of Uganda, the Central African Republic, the Democratic Republic of the Congo, and southern Sudan continued to coordinate joint military operations to rescue abductees by the LRA, during the reporting period.[5202] During the year, the Government of Uganda took steps to protect and support child trafficking victims that had been demobilized from the LRA, including provision of services such as shelter and education. However, Government of Uganda efforts to provide services to other types of child trafficking are lacking.[5203]

At a regional and policy level, the Government of Uganda participates in the East African Police Chiefs Cooperation Organization (EAPCCO) to strengthen regional cooperation and capacities among East

African law enforcement authorities. The project is funded with $38 million by the UNDOC, and funding partners.[5204] Research indicates that the success of this project has yet to be determined.[5205]

Also during the reporting period, the Government of Uganda participated in an anti-trafficking project funded by the USDOS at $500,000, which trained 178 law enforcement officers on identification, prevention, and protection of child trafficking victims.[5206] The Government of Uganda continues awareness-raising activities on trafficking and commercial sexual exploitation through radio, billboards, and other programs.[5207]

The Government of Uganda supports programs that help Karamojong children, including removing them from the streets of Kampala and placing them in shelters.[5208] The Government of Uganda continues its support for NGO-run shelters that provide medical care, psychological, and other services to vulnerable children.[5209] During the reporting period, the Government of Uganda established a hotline for trafficking victims.[5210] Also, with assistance support from NGOs, the Government provides support to returning children who had been abducted by armed forces; research indicates that these Government efforts have been somewhat successful.[5211] However, given the magnitude of the concerns, these efforts are not sufficient to address the problem.

The Government has also partnered with the ILO to implement a campaign to stop modern-day slavery. The campaign uses posters, stickers, and pamphlets to distribute messages, and provides contact information for police reporting and NGO hotlines. However, no reported calls were received by the police during the reporting period.[5212]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Uganda:

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt a law codifying the draft list of hazardous activities prohibited to children, and verify that penalties for violations are sufficiently severe.
- Formally adopt the anti-trafficking law, which should include sufficiently severe penalties for violations involving children.
- Adopt legislation that raises the age for compulsory education and commiserates with the minimum age for work.
- Adopt legislation that expands the definition of the crime of "defilement" to include boys as well as girls.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Take all necessary measures to effectively enforce child labor and trafficking laws, including by:
  - Providing sufficient funding to relevant Departments and Ministries.
  - Increasing the number of labor inspectors.
  - Increasing training for law enforcement officers, judges, and prosecutors.
- Provide the Child Labor Steering Committee with adequate funding and resources to ensure effective communication and coordination between relevant agencies.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to prevent children's involvement in exploitive child labor, including by:
  - Working with donors to scale up efforts.
  - Drawing on successful models that have been implemented in existing child labor projects.
  - Implementing projects that target forced child labor and child trafficking (in addition to children affected by war), as well as social programs that address the root causes of trafficking and exploitation of children from the Karamoja region.
- Raise awareness on and enhance complaint hotline mechanisms to ensure that child labor and child trafficking cases are reported, investigated, and data is recorded.

[5141] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2005-2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[5142] UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank Surveys, *Child Economic Activity and School Attendance Rates*, March 25, 2008.

[5143] U.S. Department of State, "Uganda," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm.

[5144] Development Research and Training, *Final Report: Children's Holliday Work in Gulu and Lira Districts*, KURET (Kenya, Uganda, Rwanda, Ethiopia Together), May 2007, 23; available from http://www.kuret.or.ug/Articles/reports/Final%20holiday%20activity%20report.pdf [hard copy on file]. See also Annan Jeannie, Christopher Blattman, and Roger Horton, *The State of Youth and Youth Protection in Northern Uganda: Findings from the Survey for War Affected Youth*, Survey for War Affected Youth (SWAY), September 2006, 29; available from http://chrisblattman.com/documents/policy/sway/SWAY.Phase1.FinalReport.pdf. See also ILO-IPEC, *A Report on Child Labour in General Agriculture in Uganda*, Geneva, 2006, section 6.5.3.

[5145] ILO-IPEC, *Child Labour in General Agriculture*, IX. See also ILO-IPEC, *Child Labor Baseline Survey*, October 2009, xii; available from http://www.ilo.org.

[5146] ILO-IPEC, *Child Labour in General Agriculture*, IX, IV.

[5147] Uganda Bureau of Statistics, *Understanding Children's Work in Uganda: Country Report*, ILO-IPEC and UCW, August 2008, section 7; available from http://ucw-project.org/pdf/publications/Uganda.pdf.

[5148] ILO-IPEC, *Report of the Sectoral Study on Child Labour and the Urban Informal Sector in Uganda*, Geneva, June 2004, iv-v, 36-37; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=703. See also U.S. Department of State, "Country Reports- 2009: Uganda," section 7d. See also Elizabeth Stites, Darlington Akabwai, Dyan Mazurana, and Priscillar Ateyo, *Angering Akujů: Survival and Suffering in Karamoja: A Report on Livelihoods and Human Security in the Karamoja Region of Uganda*, Tufts University, Medford, December 2007, 32; available from https://wikis.uit.tufts.edu/confluence/download/attachments/14553663/Stites--Angering+Akuju--Survival+and+Suffering+in+Karamoja.pdf?version=1. See also U.S. Embassy- Kampala, *reporting*, February 16, 2010, para 2a.

[5149] ILO-IPEC, *Child Labour and Cross Border Trade in Uganda*, Geneva, June 2004, v, viii, 3; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=701.

[5150] U.S. Department of State, "Country Reports- 2009: Uganda," section 7d. See also ILO-IPEC, *Child Labour Wages and Productivity: Results from Demand-Side Surveys*, SIMPOC, Geneva, May 2007, 8; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=7065. See also ILO-IPEC, *Report of the Sectoral Study on Child Labour and Commercial Sex Exploitation of Children in Uganda*, Geneva, June 2004, 46, 48; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=702. See also World Vision, *Situation of Child Labor and Education in East Africa: A Baseline Study and Situational Analysis for Kenya, Uganda, Rwanda, and Ethiopia Together*, Washington, DC, February 2, 2006, table 10.

[5151] U.S. Department of State, "Country Reports- 2009: Uganda," section 7d. See also ILO-IPEC, *Child Labour Wages and Productivity Survey Report*, 7.

[5152] ILO-IPEC, *Child Labour and Commercial Sex Exploitation* 46, 48. See also World Vision, *KURET Project, Baseline Study*, table 10.

[5153] Save the Children, *A Chronic Emergency: Child Protection Issues Among Communities in Karamoja Region*, Kampala, 2006, sections 8.11, 10.1. See also U.S. Department of State, "Uganda (Tier 2)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/g/tip/rls/tiprpt/2009/index.htm. See also U.S. Department of State, "Trafficking in Persons Report- 2009: Uganda."

[5154] U.S. Department of State, "Trafficking in Persons Report- 2009: Uganda."

[5155] Ibid.

[5156] U.S. Department of State, "Country Reports- 2009: Uganda," section 5.

[5157] U.S. Department of State, "Trafficking in Persons Report- 2009: Uganda." See also U.S. Embassy- Kampala, *reporting*, February 25, 2010, para 25d.

[5158] U.S. Department of State, "Country Reports- 2009: Uganda," section 5. See also UN Office of the Special Representative of the Secretary-General for Children in Armed Conflict, *Developments on Uganda*, March 26, 2009; available from http://www.un.org/children/conflict/english/uganda.html.

[5159] UN Security Council, *Additional Report of the Secretary-General on Children and Armed Conflict in Uganda*, S/2008/409, June 23, 2008, 1; available from http://daccessdds.un.org/doc/UNDOC/GEN/N08/376/76/PDF/N0837676.pdf?OpenElement. See also U.S. Department of State, "Country Reports- 2009: Uganda," section 5.

[5160] Government of Uganda, *The Employment Act, 2006*, (June 8, 2006), act 6, 32 (1-3); available from http://www.ilo.org/dyn/natlex/docs/SERIAL/74416/76582/F1768664138/UGA74416.pdf.

[5161] Ibid., act 6, part I (2), 32 (1-5).

[5162] Government of Uganda, *Constitution*, (1995), chapter 4, article 25; available from http://www.ulii.org/ug/legis/consol_act/cotrou19950364/.

[5163] Government of Uganda, *Penal Code*, (June 15, 1950), chapter XIV, articles 126, 129, 134, chapter XXIV article 250; available from http://www.ulii.org/ug/legis/consol_act/pca195087/.

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[5168] Ministry of Gender, Labour, and Social Development, *National Orphans and Other Vulnerable Children Policy*, Kampala, May 2004, 7; available from http://www.worlded.org/docs/Publications/hiv/ovc_policy.pdf.

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[5171] U.S. Embassy- Kampala, *reporting, February 25, 2010*. See also U.S. Department of State, "Country Reports- 2009: Uganda."

[5172] U.S. Department of State, "Country Reports- 2009: Uganda," section 5. See also U.S. Embassy- Kampala, *reporting, February 16, 2010*.

[5173] U.S. Department of State, "Country Reports- 2009: Uganda."

[5174] Ibid., section 7d. See also U.S. Department of State, "Trafficking in Persons Report- 2009: Uganda." See also U.S. Embassy- Kampala, *reporting, February 16, 2010*, para 2c.

[5175] U.S. Embassy- Kampala, *reporting, February 16, 2010*, para 2c.

[5176] U.S. Department of State, "Country Reports- 2009: Uganda," section 7d.

[5177] U.S. Embassy- Kampala, *reporting, February 16, 2010*.

[5178] U.S. Embassy- Kampala, *reporting, February 25, 2010*.

[5179] Ibid.

[5180] U.S. Embassy- Kampala, *reporting, February 16, 2010*, para 2c.

[5181] U.S. Embassy- Kampala official, E-mail communication to USDOL official, August 13, 2010.

[5182] U.S. Embassy- Kampala, *reporting, February 25, 2010*, para 26f.

[5183] Ibid. See also U.S. Department of State, "Country Reports- 2009: Uganda."

[5184] U.S. Embassy- Kampala, *reporting, February 25, 2010*.

[5185] U.S. Department of State, "Country Reports- 2009: Uganda," section 5.

[5186] U.S. Embassy- Kampala, *reporting, February 25, 2010*.

[5187] Ibid.

[5188] Ibid., para 27f.

[5189] Ibid.

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[5191] U.S. Embassy- Kampala, *reporting, February 25, 2010*.

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[5193] ILO-IPEC, *Project of Support for the Preparatory Phase of the Uganda National Action Plan for the Elimination of Child Labour*, Project Document, Geneva, September 26, 2008, i. See also ILO-IPEC, *Project of Support for the Preparatory Phase of the Uganda National Action Plan for the Elimination of Child Labour*, Technical Progress Report, Geneva, September 2009.

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[5198] Ibid., 30-31, 46-48.

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[5201] World Vision, *Kenya, Uganda, Rwanda, and Ethiopia Together (KURET)*, Project Document, Washington, DC, July 18, 2005, i, 2, 9. See also World Vision, *Kenya, Uganda, Rwanda, and Ethiopia Together (KURET)*, Final Report, Washington, DC, June 2009, 4, 59.

[5220] U.S. Embassy- Kampala, *reporting, February 25, 2010*, para 27g.

[5203] U.S. Department of State, "Trafficking in Persons Report- 2009: Uganda."

[5204] UNODC, *Promoting the Rule of Law and Human Security in Eastern Africa: Regional Programme 2009-12*, December, 2009, 3; available from http://www.unodc.org/documents/easternafrica//regional-ministerial-meeting/Eastern_Africa_Regional_Programme_Final_Draft.pdf.

[5205] U.S. Embassy- Kampala official, E-mail communication, August 13, 2010.

[5206] U.S. Embassy- Kampala, *reporting, February 16, 2010*, para 2c and 2d.

[5207] U.S. Department of State, "Country Reports- 2009: Uganda," section 7d.

[5208] Ibid., section 5.

[5209] U.S. Embassy- Kampala, *reporting, February 25, 2010*, para 25b.

[5210] U.S. Department of State, "Trafficking in Persons Report- 2009: Uganda."

[5211] U.S. Department of State, "Country Reports- 2009: Uganda," section 5. See also U.S. Embassy- Kampala official, E-mail communication, August 13, 2010.

[5212] U.S. Embassy- Kampala, *reporting, February 16, 2010*.

Ukraine

The Government of Ukraine has implemented a policy framework to eliminate some of the worst forms of child labor, including child trafficking and commercial sexual exploitation. However, hazardous child labor persists in agriculture, and children are subjected to forced prostitution and pornography. Furthermore, social programs do not address the most prevalent worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	15.1%
Attending School	5-14 yrs.	95.8%
Combining Work and School	7-14 yrs.	2.8%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Ukraine are exploited in the worst forms of child labor,[5213] many of them in agriculture.[5214] Such work may involve harmful activities, such as using potentially dangerous machinery and tools, carrying of heavy loads, and applying toxic pesticides. Children also engage in street work,[5215] where they may be exposed to severe weather, criminal elements, and accidents caused by proximity to vehicles.

Children work in informal surface coalmines, mining and sorting the coal, and carrying and loading the coal onto trucks.[5216] These informal mines lack safety measures and children are at risk of injury.[5217]

Children in Ukraine are also found in commercial sexual exploitation including prostitution, pornography, and sex tourism.[5218] According to Ukrainian and international law enforcement authorities, a large amount of child pornography on the Internet comes from Ukraine.[5219]

Trafficking of children also occurs, with children trafficked for sexual and labor exploitation both within Ukraine and internationally.[5220] Trafficked children are often forced to work as beggars or prostitutes.[5221] Homeless, orphan, and poor children are at a high risk of trafficking and are targeted by recruiters for child pornography.[5222]

Laws and Regulations on the Worst Forms of Child Labor

The Labour Code sets the minimum age for employment at 16, but children who have reached the age of 15 can perform "light" work with the permission of a parent, but the law does not clearly define the term.[5223] The Constitution, the Labour Code, and the Workers' Protection Act prohibit children under age 18 from working in hazardous conditions.[5224] The Ministry of Health published a list of prohibited hazardous work in 1994.[5225]

However, children who have reached the age of 14 can work in the occupations and processes cited as hazardous if they do so as a part of vocational technical training, work no more than 4 hours per day, and observe strict sanitary and health norms.[5226]

Article 150 of the Criminal Code outlaws the exploitation of children.[5227] Articles 304 and 309 of the *Code* criminalize engaging children in criminal

activities, including the production, purchase, storage, or transportation of drugs.[5228] Article 302 outlaws using children in prostitution.[5229]

Forced labor is prohibited in the Constitution.[5230] Article 149 of the Criminal Code prohibits trafficking in persons, both for sexual service and labor. This article is applicable to both internal and international trafficking.[5231] The Code increases penalties for trafficking if the victim is a minor.[5232]

The compulsory military recruitment age is 18.[5233]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	17
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Steering Committee (NSC) to combat child labor is chaired by the Ministry of Labor and Social Policy (MOLSP) and comprises seven ministries along with representatives from workers' and employers' organizations, NGOs, and youth government associations.[5234] The NSC is responsible for overseeing interagency task forces on childhood protection, demographic development, and child trafficking.[5235]

The Ministry of Family, Youth, and Sport is responsible for coordinating efforts to combat human trafficking at the national level.[5236] At the *oblast* (provincial) level, *Oblast* Coordination Councils led by the Departments of Family, Youth, and Sports coordinate efforts against trafficking.[5237]

There are six agencies responsible for enforcing hazardous child labor laws, including the MOLSP, the Ministry of the Interior's Criminal Police for Juvenile Affairs (CPJA), the Ministry of Family, Youth, and Sport, the Prosecutor General's Office, and the Security Service of Ukraine.[5238] The Child Labor Division, under the State Labor Inspectorate in the MOLSP, is the lead agency responsible for enforcement of child labor laws.[5239] The Ministry of Family, Youth, and Sport, along with the Police Department for Juvenile Affairs, works to identify children involved in the worst forms of child labor in the informal sector.[5240]

The Government employs 860 labor inspectors.[5241] In 2009, it trained 27 regional labor inspectorates, police officers, and social service providers, on topics including child labor.[5242] During the reporting period, over 20,000 labor inspections were conducted, revealing 347 cases of child labor,[5243] and 682 victims of child labor received assistance.[5244]

Criminal Police for Juvenile Affairs (CPJA) is charged with enforcing laws against child trafficking and commercial sexual exploitation of children. The Counter-Trafficking Department of the Ministry of Interior also works to enforce anti-trafficking laws.[5245] The CPJA employs 600 officers. The CPJA trained its officers on identifying trafficked children, documenting trafficking in persons, and handling referrals.[5246] Two hotlines accept reports of child trafficking.[5247] In October, the Government opened an additional hotline to take reports of sexual exploitation of minors on the Internet.[5248] In 2009, there were 279 reported cases of human trafficking with 42 child victims identified.[5249] However, most convicted traffickers do not receive jail time.[5250]

In October 2009, the Cabinet of Ministers provided the Ministry of the Interior an additional $117,500 for enforcement of laws against child trafficking and commercial sexual exploitation, and violence against children.[5251] Still, the Counter-Trafficking Department reports that funding is insufficient to cover transportation, fuel, and translation costs, while the CPJA reports an insufficient training budget.[5252]

Government Policies on the Worst Forms of Child Labor

In 2006, the Government of Ukraine approved a document entitled Concept of National Programme/ National Action Plan on UN Convention of the Rights of a Child for 2006-2016, which included provisions for assistance to vulnerable children, life skills training, and better legislation for child rights protection.[5253] In March 2009, the Government of Ukraine enacted the corresponding National Action Plan (NAP) to Implement the UN Convention on the Rights of the Child. The plan outlines action steps for putting laws into practice which protect children's rights.[5254] Chapters 4.6 and 4.7 of the NAP address child labor and exploitation, and call for the development of a child labor monitoring system. The NAP allocated approximately $8,000 for this monitoring system as well as earmarking special funds to combat trafficking, sexual exploitation, and violence against children.[5255]

The Government has also enacted the National Plan on Combating Human Trafficking 2007-2010.[5256] It involves training government officials in trafficking and child labor issues and developing programs for rehabilitating child trafficking victims.[5257] The Plan calls for approximately $292,000 to be allocated for these activities over the four years of the project, and as of January 1, 2010, approximately $82,000 had been spent.[5258] An assessment in 2008 revealed that programs to combat trafficking had been adopted at the *oblast* level; coordinating councils had been put in place to monitor human trafficking and were meeting regularly; and centers were in operation which provided social and psychological assistance to human trafficking victims.[5259]

The Government's State Program to Combat Child Homelessness and Neglect (2006-2010) identifies child homelessness as a factor contributing to the worst forms of child labor and aims to identify and support at-risk families.[5260]

Research found no evidence of policy on other worst forms of child labor relevant to Ukraine, particularly children engaged in exploitative work in agriculture.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Ukraine has participated in donor-funded projects to combat child labor in commercial sexual exploitation, rural forced labor, and street labor. A USDOL-funded project that ended in 2006 rescued 3,126 children from hazardous labor through educational initiatives and provided 1,530 parents of ex-working children employment and social services counseling.[5261] The program also raised awareness of child labor through an extensive media campaign, which included training 30 journalists who gained expertise on child labor and who continued to report on the issue.[5262]

During the reporting period, the Government of Ukraine participated in a $3.5 million, USDOL-funded regional project that worked to reduce and eliminate trafficking and other worst forms of child labor in six European countries.[5263] The project rescued 267 children from commercial sexual exploitation and 1,178 children from other worst forms of child labor through educational and vocational training services.[5264] Additionally, because of the project, a nationwide child labor monitoring system was mainstreamed into the National Action Plan to Implement the UN Convention on the Rights of the Child.[5265]

The Government also cooperated with NGOs to prevent trafficking in persons and assist victims of trafficking. The Government provided newspaper and television advertising space for anti-trafficking awareness campaigns, as well as offices, transportation, and equipment for anti-trafficking training sessions.[5266] In an effort to prevent human trafficking, the Ministry of Foreign Affairs operated five centers to provide information to citizens regarding their rights while traveling in foreign countries.[5267]

While the Government has taken steps to implement anti-human trafficking programs, research found no evidence that it has carried out programs to assist children involved in exploitative child labor in agriculture, mining, or street work.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Ukraine:

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the law to prohibit children under age 18 from working in hazardous occupations or conditions.
- Amend the *Labor Code* to clearly define the term "light work" as it applies to children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Adopt policies to address all worst forms of child labor.
- Strictly enforce anti-human trafficking laws to ensure violators serve appropriate jail sentences.
- Increase funding to counter-trafficking efforts to provide for necessary transportation, translation, and training costs.

IN THE AREA OF POLICIES:

- Adopt policies to address all worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Develop and implement programs to address the worst forms of child labor in agriculture, street work, and mining.
- Raise awareness of commercial sexual exploitation of children in pornography and provide programs which address victims' needs.

[5213] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2005. Data on children combining working and schooling are from 1999. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[5214] ILO-IPEC, *Combating Worst Forms of Child Labour, Including Trafficking in Children in Ukraine 2001-2009*, Kyiv, 2009, article 43; available from http://www.ilo.org/public/english/region/eurpro/budapest/download/fund/ipec_ukraine.pdf. See also U.S. Department of State, "Ukraine," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from www.state.gov/g/drl/rls/hrrpt/2009/eur/136063.htm.

[5215] ILO-IPEC, *Combating Worst Forms of Child Labour*, 2. See also U.S. Embassy- Kyiv, *reporting*, February 1, 2010, section 2A.

[5216] British Broadcasting Corporation, "European Press Review", news.bbc.co.uk, [online], February 5, 2003 [cited November 12, 2010]; available from http://news.bbc.co.uk/2/hi/europe/2727549.stm. See also ILO, *World Day Against Child Labour 2005: "Kopankas" in Ukraine: Sending children to the "family mine"*, 2005; available from http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Feature_stories/lang--en/WCMS_075562/index.htm. See also ILO-IPEC, *Combating Worst Forms of Child Labour*, 2. See also U.S. Embassy- Kyiv, *reporting*, May 08, 2008.

[5217] ILO, *World Day Against Child Labour 2005*.

[5218] U.S. Department of State, "Country Reports- 2009: Ukraine," section 7d. See also ILO-IPEC, *Combating Worst Forms of Child Labour*, 2. See also U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2A. See also U.S. Embassy- Kyiv, *reporting*, March 3, 2010, 95.

[5219] U.S. Department of State, "Country Reports- 2009: Ukraine," section 6.

[5220] Ibid. See also U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2D. See also U.S. Embassy- Kyiv, *reporting, March 3, 2010*, 9, 10.

[5221] U.S. Department of State, "Ukraine," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from www.state.gov/g/tip/rls/tiprpt/2010/142761.htm.

[5222] U.S. Embassy- Kyiv, *reporting, March 3, 2010*, 15.

[5223] ILO-IPEC, *Ukraine Child Labour Data Country*

Brief, Geneva; available from www.ilo.org/ipecinfo/product/download.do?type=document&id=7806. See ILO Committee of Experts, *Direct Request, Minimum Age Convention, 1973 (No. 138) Ukraine (ratification 1979) Submitted: 2008,* [online] 2008 [cited September 27, 2010]; available from www.ilo.org/ilolex/english/newcountryframeE.htm.

[5224] ILO-IPEC, *Ukraine Child Labour Data Country Brief*.

[5225] Ibid.

[5226] ILO Committee of Experts, *Direct Request C138: Ukraine 2008*.

[5227] Government of Ukraine, *Criminal Code*, (September 1, 2001), article 150; available from http://www.legislationline.org/download/action/download/id/1710/file/e7cc32551f671cc10183dac480fe.htm/preview.

[5228] Ibid., articles 304 and 309.

[5229] Ibid., article 302.

[5230] Government of Ukraine, *Constitution of Ukraine*, Fifth Session of the Verkhovna Rada of Ukraine (June 28, 1996), article 43; available from http://www.rada.kiev.ua/const/conengl.htm.

[5231] Government of Ukraine, *Criminal Code*, article 149. See also U.S. Embassy- Kyiv, *reporting, March 3, 2010*, 46.

[5232] Government of Ukraine, *Criminal Code*, article 149.

[5233] Coalition to Stop the Use of Child Soldiers, "Ukraine," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

[5234] ILO-IPEC, *Combating Worst Forms of Child Labour*, 4. See also ILO-IPEC, *National Programme for the Prevention and Elimination of Worst Forms of Child Labour in Ukraine*, Final Technical Progress Report, Geneva, December 8, 2006, 4-5.

[5235] U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2E.

[5236] U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para 30.

[5237] Ibid., para 23.

[5238] U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2C.

[5239] U.S. Department of State, "Country Reports- 2009: Ukraine," section 7d.

[5240] Ibid.

[5241] U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2D.

[5242] Ibid., 2C.

[5243] Ibid.

[5244] Ibid.

[5245] Ibid., 2D.

[5246] U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para 140.

[5247] U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2D.

[5248] Ibid., 2C.

[5249] Ibid., 2D.

[5250] U.S. Department of State, "Trafficking in Persons Report- 2010: Ukraine."

[5251] U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2D.

[5252] Ibid.

[5253] ILO-IPEC, *National Programme for the Prevention and Elimination of Worst Forms of Child Labour in Ukraine, Final Technical Progress Report*, 6.

[5254] U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2B.

[5255] Ibid., 2B, 2E.

[5256] ILO-IPEC, *Combating Worst Forms of Child Labour*, 6.

[5257] ILO-IPEC, *Trafficking and other Worst Forms of CHild Labour in Central and Eastern Europe (Phase II)*, Technical Progress Report, Geneva, September 2007, 6.

[5258] U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para 20.

[5259] Ibid., para 37.

[5260] ILO-IPEC, *Combating Worst Forms of Child Labour*, 6.

[5261] ILO-IPEC, *National Programme for the Prevention and Elimination of Worst Forms of Child Labour in Ukraine, Final Technical Progress Report*, 26.

[5262] Ibid., 11.

[5263] U.S. Department of Labor, *Combating Trafficking and Other Worst Forms of Child Labor in Central and Eastern Europe (Phase II)*, Technical Cooperation Project Summary, 2009.

[5264] ILO-IPEC, *Trafficking and other Worst Forms of Child Labor in Central and Eastern Europe (Phase II)*, Final Technical Progress Report, Geneva, January 2010, 136-140.

[5265] Ibid., 31.

[5266] U.S. Department of State, "Country Reports- 2009: Ukraine," section 6.

[5267] Ibid.

Uruguay

The Government of Uruguay has enacted laws and designed policies aimed at combating the worst forms of child labor, including protection for domestic workers. However, children continue to work in worst forms of child labor in agriculture and domestic service. Staffing of the labor inspectorate remains low and there is little information on enforcement efforts, while a policy on combating hazardous child labor has yet to be adopted.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in Uruguay are exploited in the worst forms of child labor,[5268] including in agriculture where they may be exposed to dangerous machinery, tools, and harmful pesticides.[5269] Children are also engaged in activities such as domestic service, which can leave children vulnerable to physical and sexual exploitation; and street vending, which leaves children exposed to a variety of dangers including harsh weather and criminal elements. Additionally, street children are reportedly involved in sorting garbage and begging.

Uruguay is a source and transit country for trafficking in persons. There are isolated reports of minors being trafficked within Uruguay, to the border and to tourist areas, for the purposes of sexual exploitation and forced labor.[5270]

Laws and Regulations on the Worst Forms of Child Labor

The Code for Children and Adolescents sets the minimum age for employment at 15. Adolescents between age 15 and 18 require the permission of the Government to work.[5271] Permission is predicated upon passing a physical exam that must be renewed yearly.[5272] The Government only grants permission to work to minors who have either finished nine years of compulsory education or who are enrolled in school. Work permits are not granted for hazardous, fatiguing, or night work.[5273] In 2006 a new law went into effect regulating the work of domestic workers, who were often being effectively exempted from the wage and hour regulations that protected other workers in Uruguay.[5274]

Uruguay's penal code prohibits forced or compulsory labor.[5275] The law also forbids both child pornography and prostitution.[5276] The Migration Act, adopted in 2008, prohibits the trafficking of persons in or out of the country for the purposes of forced labor or sexual exploitation.[5277] The law also lists trafficking of children or endangering the health of the victim as aggravating circumstances. It is illegal to enlist anyone under the age of 18 into the armed forces, even in time of war.[5278]

In 2009, Decree 321, regulating agricultural work, was passed.[5279] It includes a mandate for the Government to publish an annual list of the 50 most dangerous forms of labor for children and adolescents in agriculture. This list has been periodically published in the past, but is now meant to be published annually.[5280] The types of hazardous jobs classified by

their condition include work with machines, at heights, with hot or toxic substances, handling animals, or with sharp tools. Jobs that are hazardous by their nature include work involving long workdays, isolation, mistreatment or abuse, or exposure to immoral, illegal, or socially unacceptable situations.[5281]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	16
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor and Social Security (MLSS) chairs a Committee for the Eradication of Child Labor (CETI) which monitors national child labor issues. The committee is composed of Government agencies, industry and labor groups, and NGOs.[5282] The Uruguayan Institute for Children and Adolescents (INAU) is the agency with primary responsibility for enforcing child labor laws.[5283] When the MLSS receives complaints concerning children working in hazardous situations, it refers the child labor component of cases to the INAU.

The INAU has only five inspectors and one office worker.[5284] This lack of INAU inspectors has been noted by the ILO Committee of Experts.[5285] In an Individual Direct Request concerning Convention No. 182 the Committee notes the Government having reported shortages in human resources and subsequent plans to assign ten more inspector positions to the INAU. There were no statistics on INAU inspection activities provided to the ILO in response to the request.[5286]

The Ministry of the Interior (MOI) investigates both child trafficking and the sexual and commercial exploitation of children.[5287] Children who are identified as victims of the worst forms of child labor as part of an MOI investigation can be placed under the protection or custody of the INAU. In 2009, there were five children from three cases placed in INAU custody. Generally, 2 years is the length of time it takes to resolve a case involving the commercial or sexual exploitation of children.[5288]

In 2009, a Specialized Court for Organized Crime was created. The two judges and two public prosecutors who operate this court have the responsibility to carry out investigations regarding all manner of organized crime, including the use of children in narcotics operations, the trafficking of children and the use of children for commercial and sexual exploitation.[5289] The exact number of cases is not known.

Government Policies on the Worst Forms of Child Labor

Tthe interdepartmental National Committee for the Eradication of Commercial and Non-Commercial Sexual Exploitation of Children and Adolescents (NCESEC), in conjunction with the INAU, has a national plan of action against the commercial sexual exploitation of children.[5290] The goals of this plan are to: strengthen victims' rights; improve protection measures for victims and witnesses; keep children in school; reintegrate those children who had previously left school; and develop alternative income strategies for families.[5291] Further information on its impact could not be obtained.

The Government provided non-monetary support to anti-child labor campaigns by allowing several agencies to dedicate time to meet and develop national plans and strategies on child labor and trafficking.[5292] The INAU and CETI are reported to be drawing up a Plan of Action to address the issue of children working in hazardous conditions.[5293]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government participates in a program funded by the International Development Bank that provides long-term support for the implementation of a National Strategy for Children and Adolescents.[5294] This program includes initiatives to combat the worst forms of child labor, and increases investment in social programs aimed at keeping children in school and improving their performance.

In 2010, the Government is running a publicly funded campaign to distribute flyers and stickers in tourist destinations around the country. The aim is to raise awareness of the presence of exploitative child labor and to discourage participation by children in illegal activities.[5295] In celebration of the June 12 World Day Against Child Labor, the Government conducted an education campaign aimed at informing children about the dangers present in some forms of employment and of their labor rights. Some children continue to lack awareness about the worst forms of child labor and their labor rights.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Uruguay:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Follow through on plans to increase the number of INAU inspectors.
- Increase the capacity of the Special Courts of Organized Crime to deal with crimes specifically related to cases of the commercial and sexual exploitation of children.
- Collect, analyze, and make publicly available statistics on inspections and child labor violations, in order to better target enforcement efforts.

IN THE AREA OF POLICIES:

- Identify, track, and publish implementation statistics on the NCESEC's national plan of action against commercial and sexual exploitation.
- Finalize, adopt, and set implementation priorities for the plan of action to address hazardous child labor.

IN THE AREA OF PROGRAMS:

- Expand existing educational campaigns to inform children of the dangers present in some forms of employment and of their labor rights.

[5268] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[5269] U.S. Department of State, "Uruguay," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009; available from http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119176.htm.

[5270] Ibid.

[5271] Government of Uruguay, *Código de la niñez y la adolescencia*, (August 2, 2004), article 162; available from www.parlamento.gub.uy/leyes/AccesoTextoLey.asp?Ley=17823&Anchor=.

[5272] Ibid., article 167, 168.

[5273] Ibid., article 163, 172.

[5274] Government of Uruguay, *Ley 18.065*, (November 27, 2006); available from http://www.parlamento.gub.uy/leyes/AccesoTextoLey.asp?Ley=18065&Anchor=. See also "Las trabajadoras domésticas tienen derechos," *La Republica*, May 11, 2008; available from http://www.larepublica.com.uy/mujeres/313191-las-trabajadoras-domesticas-tienen-derechos.

[5275] Government of Uruguay, *Código penal de la República oriental del Uruguay*, (1986), article 280; available from http://www.unifr.ch/derechopenal/legislacion/uy/cp_uruguay.htm.

[5276] Government of Uruguay, *Poder Legislativo, República Oriental del Uruguay: Violencia Sexual Comercial o No Comercial Cometida Contra Ninos, Adolescentes o Incapaces, Ley No. 17.815*, (August 18, 2004); available from http://www.parlamento.gub.uy/Leyes/Ley17815.htm.

[5277] Government of Uruguay, *Ley No 18.250*, (January 17, 2008), article 77, 78, 81.

[5278] Coalition to Stop the Use of Child Soldiers, "Uruguay," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

[5279] U.S. Embassy- Montevideo, *reporting*, February 9, 2010.

[5280] Ibid.

[5281] U.S. Embassy- Montevideo, *reporting*, December 6, 2008.

[5282] U.S. Embassy- Montevideo, *reporting, February 9, 2010*.

[5283] Ibid.

[5284] ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Uruguay (ratification: 2001),* [2010 [cited August 25, 2010]. See also U.S. Embassy- Montevideo, *reporting, February 9, 2010*.

[5285] ILO Committee of Experts, *Direct Request, C138: Uruguay*.

[5286] Ibid.].

[5287] U.S. Embassy- Montevideo, *reporting, February 9, 2010*.

[5288] Ibid.

[5289] Ibid.

[5290] Ibid.

[5291] Ibid.

[5292] Ibid.

[5293] ILO Committee of Experts, *Direct Request, C138: Uruguay*.

[5294] IDB, *Uruguay: Comprehensive Program for At-risk Children, Adolescents and Families,*, UR-134, 2002; available from http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=423035.

[5295] Ibid.

Uzbekistan

The Government of Uzbekistan has strengthened legislation to address the worst forms of child labor and issued decrees to further protect children. However, large numbers of children are forced by local authorities to harvest cotton each fall, rather than attending school. By establishing high cotton production quotas, the Government is complicit in this use of forced child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	4.3%
Attending School	5-14 yrs.	84.1%
Combining Work and School	7-14 yrs.	5.0%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor[5296]

Children in Uzbekistan are exploited in the worst forms of child labor. Thousands are forced to work in the annual cotton harvest, in part because the Government maintains a quota system for cotton production and requires that local administrators and farms meet quotas or face penalties such as firings, fines, and government takeover of farmland. To meet these quotas, local officials often close schools for up to 6 weeks or more and force children to pick cotton.[5297] Some reports indicate that fewer children below secondary school age were involved in the 2009 harvest than in past harvests.[5298] However, children as young as age 11 continued to be compelled to harvest cotton in the regions of Syrdarya, Gulistan, Tashkent, Khoresm, Jizzakh, Bukhara, and Surhandarya.[5299] While harvesting cotton, children sometimes lack sufficient food, clean drinking water, and adequate housing.[5300] In addition, many are exposed to pesticides and long periods of sustained, repetitive movements that can cause injuries. Earlier in the season, some children also work long hours planting cotton.[5301]

Some children from Uzbekistan migrate with their families to Kazakhstan, where wages are higher, during the autumn harvest season to work in the cotton fields.[5302]

In 2006, the Government reported that the number of street children in Uzbekistan was increasing.[5303] Children working on the streets may be exposed to severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

There are reports that girls are trafficked abroad and internally for the purpose of commercial sexual exploitation.[5304] Boys are reportedly trafficked to Kazakhstan and Russia for forced labor, primarily to work in the construction and agriculture sectors.[5305]

Laws and Regulations on the Worst Forms of Child Labor

The labor code of Uzbekistan establishes the minimum age for work at 16. During the reporting period, the Government amended the Labor Code and the law On the Guarantees of the Rights of the Child to raise the minimum age for light work from 14 to 15.[5306] The Government also ratified ILO Convention No. 138 on the Minimum Age for Admission to Employment, during this reporting period.[5307]

In August 2009, the Decree on Adoption of the List of Occupations with Unfavorable Working Conditions to which it is forbidden to Employ Persons Under Eighteen Years of Age from the Ministries of Labor and Social Protection (MOL) and Health (MOH)

revised the list of hazardous activities forbidden for children under age 18, which specifically prohibits the manual harvesting of cotton.[5308] The February 2010 MOL and MOH Decree On Approval of Provision on Requirements on Prohibition of Use of Minors' Labor, bars employers from using child labor in specific sectors of work, but does not include picking cotton.[5309] Prohibited work activities in the 2010 Decree include work underground, underwater, at dangerous heights, or with dangerous equipment.

The February 2010 Decree grants authority to parents and labor inspectors to cancel the employment contracts of workers under age 18 if the work involved could endanger the child's health or well-being.[5310] Likewise, in December 2009, the President signed amendments to Uzbekistan's Code on Administrative Responsibility, which raised the penalties for the use of child labor by citizens and public officials.[5311]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	✓

The Constitution of the Republic of Uzbekistan and the Labor Code prohibit forced labor, and the Criminal Code states that the forceful deprivation of liberty is punishable by a fine or by imprisonment.[5312] The Criminal Code penalizes commercial sexual exploitation of children, including child prostitution and pornography.[5313] The 2008 Law on Trafficking and the Criminal Code prohibit human trafficking.[5314]

Institutional Mechanisms for Coordination and Enforcement

The Government's ICCTP is charged with overseeing efforts to combat trafficking. The Commission is chaired by the Prosecutor General, with representatives from other government entities such as the Ministries of Manpower and Migration, Interior, Foreign Affairs, and the National Security Service and the State Customs Committee.[5315] Although the Government of Uzbekistan has established the ICCTP, research found no evidence of a coordinating mechanism to combat other worst forms of child labor.

MOL is responsible for carrying out labor inspections, including for compliance with child labor laws.[5316] MOL executes this responsibility through state legal inspectorates and occupational safety and health inspectorates established in each region of the country. As of 2005, the most recent data available, the MOL employed 850 labor inspectors across the country.[5317] MOL inspectors can refer findings of hazardous or forced child labor to the Prosecutor General's Office for criminal prosecution.[5318] Reportedly, inspections are not carried out in the agricultural sector.[5319]

Uzbek officials reported that 150 local hokims (administrators) were reprimanded for allowing child labor in the 2008 cotton harvest, and that a few of the hokims were replaced. Information is not available about child labor investigations or any enforcement actions taken to penalize the use of forced child labor in the cotton harvest of 2009.[5320]

The Prosecutor General's Office and the criminal investigators of the Ministry of the Interior are responsible for investigating and prosecuting criminal violations of the child labor laws.[5321] The MOI criminal investigations department investigates crimes against children, including commercial sexual exploitation.[5322] MOI also has a special juvenile victims department within its crime prevention section. The agency's Office for Combating Trafficking is charged with investigating trafficking-in-persons crimes, which may then be prosecuted by the Prosecutor General's office.[5323] The Government runs hotlines around the country for people to report incidents of child labor and human trafficking.[5324]

During the reporting period, the Government hired additional trafficking investigators, conducted trafficking investigations, and prosecuted cases, although disaggregated statistics on child versus adult trafficking or forced labor are unavailable.[5325]

Government Policies on the Worst Forms of Child Labor

The Government's central policy on the worst forms of child labor is the National Action Plan (NAP), adopted in 2008. The NAP includes a comprehensive set of activities to be undertaken through 2009 and beyond, including legislative reform, increased enforcement, awareness raising, and the implementation of specific projects to assist working and at risk children. The NAP specifically calls for an end to the use of forced child labor.[5326] However, the ILO Committee of Experts has stated that the NAP may be insufficient to combat the deeply entrenched forced mobilization of children for the cotton harvest. The Government has refused to allow ILO to undertake an assessment of the problem of forced child labor during the cotton harvest.[5327]

In January 2009, the Government developed an annual work plan to implement the NAP. It calls for monitoring, raising awareness of national and international legislation on child labor; conducting training programs for labor inspectors, local administrators, teachers, farmers, and other relevant parties; and developing community-based prevention programs.[5328]

During the start of the fall 2009 cotton harvest, the Ministry of Education sent letters to school directors urging them to certify they would not require student participation in the cotton harvest.[5329] However, a significant number of children were forcibly mobilized to participate in the fall harvest rather than attend school.[5330]

The Government has other child-focused policies including the National Plan of Action on the Well-Being of Children (2007-2011) and the National Program on Improving Quality and Efficiency of Education.[5331] The question of whether this policy has an impact on the worst forms of child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

UNICEF is working on the issue of child labor in Uzbekistan as part of its larger child protection country strategy (2010-2015), which includes ensuring that all children are attending school during the cotton harvest season by 2015.[5332] As part of this program, UNICEF is engaging the Government of Uzbekistan in efforts to eliminate the worst forms of child labor through improved monitoring, implementation, and reporting on the National Plan of Action.[5333]

During the reporting period, as part of its implementation of the National Plan of Action on Trafficking, the Government opened its first government-run shelter for trafficking victims. It also conducted a number of awareness raising campaigns aimed at preventing human trafficking.[5334]

Despite the above initiatives, the Government of Uzbekistan does not implement sufficient programs to combat the worst forms of child labor commensurate with the scope of the problem in agriculture, street work, and trafficking.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Uzbekistan:

IN THE AREA OF LAWS AND REGULATIONS:

- Eliminate quotas for the cotton harvest.
- Legislate that all schools remain open and that student attendance be mandatory during the cotton harvest.
- Amend the Decree On Approval of Provision on Requirements on Prohibition of Use of Minors' Labor to include a prohibition on cotton picking.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat all worst forms of child labor.
- Strictly enforce legislation that prohibits children's forced involvement in the cotton harvest.
- Penalize responsible parties for forcing children to participate in the cotton harvest.
- Make information publicly available on investigations, charges, prosecutions, and punishments for parties responsible for exploitive or forced child labor.
- Invite ILO or other third parties to monitor cotton harvests.
- Disaggregate official trafficking in persons statistics between child trafficking, adult trafficking, and child and adult forced labor.

IN THE AREA OF PROGRAMS:

- Expand programs to address the worst forms of child labor, with a particular focus on agriculture, street work, and trafficking.

[5296] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and children combining working and schooling are from 2006. Data on school attendance are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[5297] U.S. Department of State, "Uzbekistan," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7c and 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm. See also U.S. Embassy- Tashkent, *reporting*, February 2, 2010, para 6. See also International Labor Rights Forum, "Pick all the cotton: Update on Uzbekistan's use of forced child labor in 2009 harvest," (December 2009), 1-2; available from http://www.laborrights.org/sites/default/files/publications-and-resources/UzbekCottonFall09Update.pdf. See also U.S. Embassy- Tashkent, *reporting*, February 25, 2010, para 25B. See also British Broadcasting Corporation, "Activist 'beaten' after BBC story", news.bbc.co.uk, [online], November 11, 2009 [cited February 22, 2010]; available from http://news.bbc.co.uk/2/hi/asia-pacific/8355585.stm.

[5298] U.S. Department of State, "Country Reports- 2009: Uzbekistan," section 7d. See also U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 39.

[5299] U.S. Department of State, "Country Reports- 2009: Uzbekistan," section 7d. See also U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 39. See also U.S. Embassy- Tashkent, *reporting, February 25, 2010*, para 25B. See also British Broadcasting Corporation, "Activist 'beaten' after BBC story".

[5300] British Broadcasting Corporation, "Activist 'beaten' after BBC story". See also International Labor Rights Forum, "Pick all the cotton," 1. See also U.S. Embassy- Tashkent, *reporting, February 25, 2010*, para 25C. See also International Crisis Group, *The Curse of Cotton: Central Asia's Destructive Monoculture*, February 28, 2005, 18; available from http://www.crisisgroup.org/en/regions/

asia/central-asia/093-the-curse-of-cotton-central-asias-destructive-monoculture.aspx.

[5301] U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 6.

[5302] U.S. Embassy- Tashkent, *reporting*, January 16, 2009, para 37. See also U.S. Embassy- Astana, *reporting*, December 3, 2007, para 2. See also Joanna Lillis, "Kazakhstan: Cotton Harvest Fails to Provide Rich Pickings", EURASIANET.ORG, [online], November 13, 2008 [cited August 27, 2010]; available from http://www.eurasianet.org/departments/insightb/articles/eav111408.shtml.

[5303] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding observations: Uzbekistan*, CRC/C/UZB/CO/2, Geneva, June 2, 2006, para 62; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.UZB.CO.2.En?Opendocument.

[5304] U.S. Department of State, "Country Reports- 2009: Uzbekistan," section 5. See also U.S. Department of State, "Uzbekistan (Tier 2 Watch List)," in *Trafficking in Persons Report*, Washington, DC, June 4, 2009; available from http://www.state.gov/g/tip/rls/tiprpt/2009/123139.htm.

[5305] U.S. Department of State, "Country Reports- 2009: Uzbekistan," section 5. See also U.S. Embassy- Tashkent, *reporting, February 25, 2010*.

[5306] U.S. Department of State, "Country Reports- 2009: Uzbekistan," section 7d.

[5307] ILO ILOLEX Database of International Labour Standards, *C138 Minimum Age Convention, 1973*, August 27, 2010; available from http://www.ilo.org/ilolex/english/newratframeE.htm.

[5308] U.S. Embassy- Tashkent, *reporting, January 16, 2009*, para 6. See also U.S. Department of State, "Country Reports- 2009: Uzbekistan," section 7d. See also U.S. Embassy- Tashkent, *reporting, February 2, 2010*. See also Government of Uzbekistan, *Decree on adoption of the list of occupations with unfavorable working conditions to which it is forbidden to employ persons under eighteen years of age*, (August 8, 2009).

[5309] Government of Uzbekistan, *Decree on Approval of Provision on Requirements on Prohibition of Use of Minors' Labor*, (February 1, 2010).

[5310] U.S. Embassy- Tashkent, *reporting, February 25, 2010*, para 27A. See also Government of Uzbekistan, *Decree on Approval of Provision on Requirements on Prohibition of Use of Minors' Labor*.

[5311] U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 8. See also U.S. Department of State, "Country Reports- 2009: Uzbekistan," section 7d.

[5312] Government of Uzbekistan, *Constitution of the Republic of Uzbekistan*, (December 8, 1992), article 37; available from http://www.umid.uz/Main/Uzbekistan/Constitution/constitution.html. See also U.S. Embassy- Tashkent, *reporting, February 25, 2010*, para 27A5. See also ILO Committee of Experts, *CEACR: Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Uzbekistan (ratification: 2008) Published: 2010,* [online] 2010 2010 [cited May 19, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=821&chapter=3&query=Uzbekistan%40ref%2BObservation%40ref%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0. See also ILO Committee of Experts, *CEACR: Individual Observation concerning Abolition of Forced Labour Convention, 1957 (No. 105) Uzbekistan (ratification: 1997) Published: 2010,* [online] 2010 [cited May 19, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=433&chapter=3&query=Uzbekistan%40ref%2BObservation%40ref%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0.

[5313] Government of Uzbekistan, *Criminal Code of the Republic of Uzbekistan*, (September 22, 1994), article 130-131, 135; available from http://www.unhcr.org/refworld/publisher,NATLEGBOD,,UZB,3ae6b59216,0.html.

[5314] U.S. Department of State, "Country Reports- 2009: Uzbekistan," section 6. See also U.S. Embassy- Tashkent, *reporting, February 25, 2010*, para 27A3. See also Government of Uzbekistan, *Criminal Code of Uzbekistan*, article 135.

[5315] U.S. Embassy- Tashkent, *reporting, February 25, 2010*, para 26B, 26D.

[5316] U.S. Department of State, "Country Reports- 2009: Uzbekistan," section 7d. See also ILO Committee of Experts, *CEACR: Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Uzbekistan (ratification: 2008) Submitted: 2010,* [online] 2010 [cited May 14, 2010]. See also ILO Committee of Experts, *Individual Observation concerning Abolition of Forced Labour Convention, 1957 (No. 105) Uzbekistan*.

[5317] U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 16.

[5318] Ibid., para 13.

[5319] Ibid.

[5320] Ibid., para 11, 17, 24 and 35.

[5321] Ibid., para 12, 13, 20, 32.

[5322] Ibid., para 32.

[5323] U.S. Embassy- Tashkent, *reporting, February 25, 2010*, para 26B.

[5324] U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 14, 28.

[5325] U.S. Embassy- Tashkent, *reporting, February 25, 2010*, para 27 C-E. See also U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 29.

[5326] U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 33.

[5327] International Labor Rights Foundation, *Three GSP petitions filed by ILRF continue in 2008 annual review*, Press Release, July 1, 2009; available from http://www.laborrights.org/creating-a-sweatfree-world/changing-global-trade-rules/news/11948. See also International Labor Rights Forum, "Pick all the cotton," 3-4.

[5328] U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 42.

[5329] Ibid., para 34.

[5330] UNICEF, Country Document, 2009.

[5331] ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Uzbekistan*. See also U.S. Embassy- Tashkent, *reporting*, December 15, 2009.

[5332] U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 18. See also UNICEF, *Draft Country Programme Document: Uzbekistan*, April 13, 2009, para 20.(f); available from http://www.unicef.org/about/execboard/files/09-PL14-Uzbekistan-ODS-English(1).pdf.

[5333] UNICEF, *Draft Country Programme Document: Uzbekistan*, para 31.

[5334] U.S. Embassy- Tashkent, *reporting, February 25, 2010*, para 28B and 29A-D.

Vanuatu

During the reporting period, the Government of Vanuatu participated in a project to increase the number and quality of its labor inspections. However, children continue to work in agriculture and are the victims of commercial sexual exploitation. Gaps in the country's legal framework contribute to this problem.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor[5335]

Children in Vanuatu are exploited in the worst forms of child labor, many of them in agriculture.[5336] Children's work in agriculture may involve the use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides. Children also work in fishing where they are exposed to environmental dangers as well as the risk of drowning and dangerous tools.

Some children are sexually exploited in exchange for cash, transport, food, or other material goods.[5337] A lack of alternatives for raising cash to pay their school fees pushes some children in the country into prostitution.[5338]

Young girls in Vanuatu are most vulnerable to sexual exploitation for commercial purposes. Younger children, who are recruited by pimps and experienced older sex workers, are believed to be in the greatest demand.[5339] Child prostitution is on the rise in the country's urban centers and tourist sector, such as Port Vila, where bars, nightclubs, "guest houses," and hotels are used to facilitate interactions between clients and sexual service providers, including children under the age of 18. UNICEF has found that some of Vanuatu's security guards, taxi drivers, hotel workers, and family members of children under age 18 serve as go-betweens, making their livings from the islands' child sex business.[5340] Commercial sexual exploitation of children has also been found to occur in rural areas.[5341]

Some evidence shows that trafficking in children occurs in Vanuatu, but the nature and the extent of the problem is unknown.[5342]

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act establishes the minimum age for employment at 15. It permits children under age 12 to legally perform light agricultural work on farms owned and managed by a family member; however, the Act does not define the term "light work."[5343] The Act does restrict children under age 15 from performing work during the night or aboard ships.[5344] However, the Government of Vanuatu has not established a list of hazardous activities or occupations, nor has its established a minimum age for hazardous work.[5345]

The Penal Code prohibits the use, procurement, or sale of a child below age 18 for prostitution.[5346] It also prohibits the use of a child for pornographic purposes, though it does not outlaw the sale, distribution, or procurement of child pornography.[5347] Together, the Employment Act and the Penal Code prohibit slavery, forced or compulsory labor, and trafficking.[5348]

There is no compulsory age for education, nor does the government have a legal obligation to provide free schooling.[5349] The lack of standards in these two areas may increase the risk of children's involvement in the worst forms of child labor.[5350]

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	None
	Compulsory Education Age	None
	Free Public Education	No

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Vanuatu has established a coordinating mechanism to combat the worst forms of child labor specifically.

The National Children's Committee is charged with coordinating Government efforts to improve children's well-being, including eliminating the commercial sexual exploitation of children. The Committee also monitors child protection issues and is working to create a comprehensive and integrated agenda for children's rights.[5351]

The Labor Department is the primary federal agency responsible for enforcing Vanuatu's child labor laws. The agency currently employs approximately four labor inspectors, who are responsible for a range of issues related to the monitoring and enforcement of the Labor Code.[5352] This is an insufficient number given the scope of child labor.

In an agreement with ILO signed during the reporting period, the Government set a goal to double the 2008 number of labor inspection reports by 2012. ILO has agreed to provide the Government with targeted skills trainings and will offer other unspecified forms of technical assistance to the Labor Department, the country's Trade Union Council, and Chamber of Commerce.[5353]

Government Policies on the Worst Forms of Child Labor

During the reporting period, the Labor Department formulated the Decent Work Country Program (DWCP) for Vanuatu with the support of the ILO and the country's Trade Union Council and Chamber of Commerce.[5354] The DWCP for Vanuatu specifies the eradication of child labor as a priority, and establishes the number and quality of labor inspection reports filed as measurement toward that goal.[5355] Through the DWCP, the Labor Department has requested financial assistance from the ILO to prepare new regulations on child labor and to translate the revised Employment Relations Bill into local languages.[5356]

In March 2009, the Minister of Finance announced Government plans to eliminate primary school fees by January of the following year.[5357] The fee waiver is not expected to cover students' ancillary expenses, like uniforms, books, and transportation.[5358] Research did not uncover evidence to determine whether this has been implemented.

The Government participates in UNICEF's Pacifics Policy, Advocacy, Planning, and Evaluation Program (PAPE). This regional program supports the development of evidenced-based social and economic policies promoting the rights of children. It also provides technical assistance for data collection on children's issues, which may include child labor.[5359] There is no evidence that the Government currently collects data on the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research found no evidence of any programs to address the worst forms of child labor.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Vanuatu:

IN THE AREA OF LAWS AND REGULATIONS:

- Establish a minimum age for hazardous work.
- Specifically define the term "light work" in the law and establish a list of hazardous occupations and activities for children.
- Establish a compulsory age for education.
- Prohibit the sale, distribution, or procurement of child pornography.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a mechanism to coordinate efforts to combat the worst forms of child labor.
- Increase the number of labor inspectors available to enforce child labor laws and regulations.

IN THE AREA OF POLICIES:

- Implement free primary school education for all children.
- Collect data at regular intervals on the nature and prevalence of the worst forms of child labor in the country.

IN THE AREA OF PROGRAMS:

- Implement programs to address the worst forms of child labor.

[5335] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[5336] Government of Vanuatu and the European Commission, *The Country Strategy & National Indicative Programme: Vanuatu*, 2008, 12; available from http://www.delvut.ec.europa.eu/en/eu_and_country/CSP2008.pdf. See also Oxfam New Zealand, *Back to School in Vanuatu,* [online] [cited July 12, 2010]; available from http://www.oxfam.org.nz/index.asp?s1=what%20we%20do&s2=where+we+work&s3=pacific&s4=vanuatu&s5=back%20to%20school%20in%20Vanuatu.

[5337] Michael Samson, Stephen Kidd, Frank Ellis, Nicholas Freeland, and Bernard Wyler, *Social Protection in the Pacific: A Review of its Adequacy and Role in Addressing Poverty*, Australian Agency for International Development, Australian Government, Canberra, February 2010, 28; available from http://www.unicef.org/pacificislands/AusAID_SP_Study.pdf. See also Social Development Division, *Pacific Perspectives on the Commercial Sexual Exploitation and Sexual Abuse of Children and Youth*, United Nations ESCAP, 2009, 53, 96-97, 109; available from http://www.unescap.org/publications/detail.asp?id=1320. See also UNICEF, UNESCAP, and ECPAT International, *Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A Regional Report*, UNICEF Pacific, 2006, 23-25; available from http://www.unicef.org/pacificislands/partners_10989.html. See also U.S. Department of State, "Vanuatu," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136014.htm.

[5338] UNICEF, UNESCAP, and ECPAT International, *CSEC and Child Sexual Abuse in the Pacific*, 24. See also ILO, *Country Baselines under the ILO Declaration Annual Review (2000-2010): The Effective Abolition of Child Labour (CL), Vanuatu*, 2010, 155; available from http://www.ilo.org/declaration/follow-up/annualreview/countrybaselines/lang--en/docName--WCMS_091263/index.htm.

[5339] UNICEF, UNESCAP, and ECPAT International, *CSEC and Child Sexual Abuse in the Pacific*, 10, 22. See also UN Economic and Social Commission for Asia and the Pacific, *Pacific Perspectives on the Commercial Sexual Exploitation and Sexual Abuse of Children and Youth*, April 2009; available from http://www.unescap.org/ESID/GAD/

Publication/Pacific_Perspectives_Report.pdf. See also UN Committee on the Elimination of Discrimination Against Women, *Concluding Comments of the Committee on the Elimination of the Discrimination Against Women: Vanuatu*, June 11, 2007, 4, 7; available from http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N07/375/66/PDF/N0737566.pdf?OpenElement. See also Anafia Norton, Penelope Taylor, Patrick Vakaoti, Marie Wernham, and Freida M'Cormack, *Protect Me with Love and Care: A Baseline Report for Creating a Future Free from Violence, Abuse and Exploitation of Girls and Boys in Fiji*, UNICEF Pacific, Suva, 2009, 6; available from http://www.unicef.org/pacificislands/partners_10989.html. See also UN Economic and Social Commission for Asia and the Pacific, *Pacific Perspectives*, 95-97.

[5340] Social Development Division, *Pacific Perspectives on CSEC and CSA*, 30, 58-59, 77. See also UNICEF, UNESCAP, and ECPAT International, *CSEC and Child Sexual Abuse in the Pacific*, 2, 16, 18-19, 26. See also UN Economic and Social Commission for Asia and the Pacific, *Regional Stakeholders' Consultation and Planning Workshop on the Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A Pacific Regional Report*, 2008, 12; available from http://www.unescap.org/publications/detail.asp?id=1323.

[5341] UNICEF, UNESCAP, and ECPAT International, *CSEC and Child Sexual Abuse in the Pacific*, 27.

[5342] UN Economic and Social Commission for Asia and the Pacific, *Regional Stakeholders' Consultation and Planning Workshop*, 12.

[5343] Government of Vanuatu, *Employment Act*, (May 30,1983), article 38; available from http://www.paclii.org/vu/legis/consol_act/e128/.

[5344] Ibid., article 40.

[5345] Ibid., articles 40-42. See also Norton, Taylor, Vakaoti, Wernham, and M'Cormack, *Protect Me with Love and Care*, 54.

[5346] Government of Vanuatu, *Penal Code*, (August 7, 1981), articles 101, 101a-c; available from http://www.paclii.org/vu/legis/consol_act/pc66/.

[5347] Ibid., article 101D.

[5348] Government of Vanuatu, *Employment Act*, article 7. See also Government of Vanuatu, *Penal Code*, articles 102, 105.

[5349] ILO, *Country Baselines under the ILO Declaration Annual Review* 156.

[5350] Government of Vanuatu, *Education Act*, (February 25, 2002), articles 7, 35; available from http://www.paclii.org/vu/legis/consol_act/ea104/. See also ILO, *Country Baselines under the ILO Declaration Annual Review* 156. See also Penny Schoeffel Meleisea and Ellie Meleisea, *The Elimination of All Forms of Discrimination and Violence Against the Girl Child: Situation Paper for the Pacific Islands Region*, UNICEF Pacific and UNIFEM Pacific, 2007, 14; available from http://pacific.unifem.org/index.php?cat=2.

[5351] UNICEF, UNESCAP, and ECPAT International, *CSEC and Child Sexual Abuse in the Pacific*, 32-33. See also UN Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women Combined initial, second and third periodic reports of States parties - Vanuatu*, CEDAW/C/VUT/1-3, 2005, 65; available from http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/625/04/PDF/N0562504.pdf?OpenElement.

[5352] Government of Vanuatu, *Responses to the List of Issues and Questions with Regard to the Consideration of the Combined Initial, Second, and Third Periodic Reports,* [online] 2007, 16; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/c6a272aa78e118e5c12572a4003277dc?Opendocument. See also ILO, *Decent Work Country Programme: Vanuatu*, July 2009, 7, 11; available from http://www.ilo.org/asia/whatwedo/publications/lang--en/docName--WCMS_120557/index.htm. See also U.S. Department of State, "Country Reports- 2009: Vanuatu," section 7e.

[5353] ILO, *Decent Work Country Programme*, 1, 20-21.

[5354] Ibid., 11 and 20.

[5355] Ibid., 20. See also Government of Vanuatu, *Responses to the List of Issues and Questions*, 16.

[5356] ILO, *Decent Work Country Programme*, 17.

[5357] Nicolas Berlanga Martinez, *Vanuatu Press Review*, Delegation of the European Commission to Vanuatu, February 12-March 12 2009, 8; available from http://www.delvut.ec.europa.eu/en/pa1/pressreviewmarch1.pdf.

[5358] Ibid.

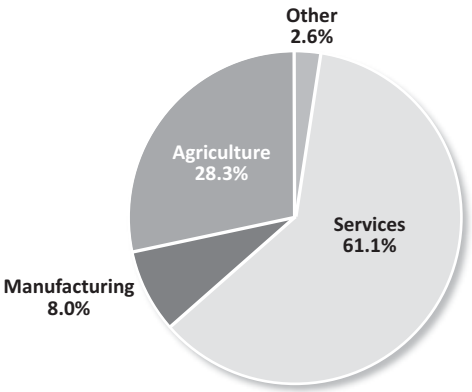
[5359] UNICEF, *Policy, Advocacy, Planning and Evaluation (PAPE),* [online] 2010 [cited August 24, 2010]; available from http://www.unicef.org/pacificislands/9596_11759.html. See also UNICEF Pacific, *A Situation Analysis and Review of UNICEF Pacific's Policy, Advocacy, Planning and Evaluation Programme (PAPE)*, May 2010, 1; available from http://www.unicef.org/pacificislands/9596_13564.html.

Venezuela

The Government of Venezuela has established a legal framework to protect children from the worst forms of child labor. However, children continue to engage in exploitative work in agriculture, domestic service, and on the streets. Government policies and programs aim to alleviate poverty and provide access to education, however they do not specifically target the children engaged in the worst forms of child labor in agriculture and domestic service.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	5.4%
Attending School	5-14 yrs.	94.9%
Combining Work and School	7-14 yrs	4.0%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Venezuela are exploited in the worst forms of child labor in agriculture and a variety of service sector occupations.[5360] Children working in agriculture may face hazards, such as dangerous machines and tools, transporting heavy loads, and applying harmful pesticides.

Girls perform domestic service, which may involve long hours of work and may expose them to physical or sexual exploitation.[5361] There are large numbers of street children in Venezuela, who may be exposed to a variety of hazards, including severe weather conditions, accidents caused by proximity to vehicles, and vulnerability to criminal acts.[5362]

Children are trafficked for the purpose of prostitution.[5363] Child prostitution occurs in urban areas, such as Caracas and Maracaibo and in resort destinations, such as Margarita Island.[5364] Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of pornography.[5365]

Laws and Regulations on the Worst Forms of Child Labor

The Organic Labor Law (LOT) and the Organic Law for the Protection of Children and Adolescents (LOPNNA) set the minimum age for work at 14. LOT permits children between the ages of 14 and 16 to work only with the consent of their legal guardian.[5366] LOT prohibits minors from working in mining, welding, and other dangerous activities that threaten their lives or health, but it does not provide a comprehensive list of hazardous activities.

The National Constitution and LOPNNA prohibit forced labor, debt bondage, slavery, and trafficking in persons, including children.[5367] LOPNNA forbids all forms of sexual exploitation and states that the Government must offer assistance free of charge to children who have been victims.[5368] The Special Law Against Computer Crimes prohibits electronic

pornography involving children.[5369] The law also forbids inducing solicitation for prostitution, corruption of minors, and international trafficking, and it establishes penalties depending on the severity of the crime.[5370] LOPNNA also prohibits selling or offering tobacco, alcohol, arms, fireworks, and drugs to minors.[5371]

The age for compulsory and voluntary recruitment to the armed forces is 18.[5372]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	No
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Superior System (NSS) for the Integral Protection of Children and Adolescents is charged with protecting children's rights, including addressing child labor issues. The NSS is made up of several government ministries and councils and representatives from civil society.[5373] However, research has not identified specific activities or programs carried out by NSS for the Integral Protection of Children and Adolescents.

The Ministry of Popular Power for Labor and Social Security (MPPLSS) enforces labor laws, including child labor laws.[5374] The Ministry of Popular Power for Interior and Justice (MPPIJ) enforces laws such as those against child trafficking through associated directorates[5375] For instance, the Crime and Prevention Directorate and the Scientific, Penal, and Criminal Investigation Directorate are responsible for investigating trafficking cases.[5376] There were a small number of trafficking cases filed and resolved during the reporting period; it is unknown, however, how many of them involved children.[5377]

Government Policies on the Worst Forms of Child Labor

The Simón Bolívar Development Plan (2007-2013) addresses issues related to poverty, social exclusion, and lack of access to education. One of its objectives is to eradicate extreme poverty by improving the health care and education systems.[5378]

The Government of Venezuela and UNICEF launched a Plan of Action (2009 – 2013), which aims to help children and adolescents by focusing on education, social inclusion, and violence prevention.[5379]

The question of whether these policies have an impact on the worst forms of child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the Government of Venezuela conducted awareness-raising campaigns to combat the commercial sexual exploitation of children, forced child labor, and child sex tourism. It aired public service announcements, distributed pamphlets and posters, and operated a 24-hour hotline for victims of trafficking.[5380]

The Government continued to participate in the MERCOSUR initiative Niño Sur (Southern Child) and the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism in South America. Niño Sur raises awareness of commercial sexual exploitation, improves countries legal frameworks, and exchanges best practices for protecting and assisting victims of commercial sexual exploitation.[5381] The Joint Group conducts prevention and awareness-raising campaigns to combat the commercial exploitation of children in Latin America.[5382] The Government of Venezuela also

continued to participate in a project funded by the Government of Spain to eliminate child labor in Latin America. [5383]

The Government continued carrying out the Program to Dignify Working Children and Adolescents (PRODINAT). This program seeks to improve working conditions for child laborers by setting up businesses where children work in healthy and safe environments.[5384] The Government also operates a network of social programs called "Social Missions" to improve the social and economic well-being of vulnerable groups, including children.[5385] The *Negra Hipólita* Mission provides social services targeting street children, pregnant minors, disabled people, and very poor adults.[5386] The Neighborhood Children Mission works exclusively with people under 18 to eradicate exploitation, harassment, and physical and psychological abuse.[5387] The Robinson I and II Missions provide education and vocational training to children and adults.[5388]

Research found no evidence that the Government of Venezuela is carrying out programs to assist children involved in the worst forms of child labor in agriculture and domestic service. Moreover, studies of children engaged in the worst forms of child labor are not readily available.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Venezuela:

IN THE AREA OF LAWS AND REGULATIONS:

- Develop a comprehensive list of hazardous occupations and activities prohibited to children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish an information system to share the work and progress of the initiatives carried out by the National Superior System for the Integral Protection of Children and Adolescents.
- Make information available on inspections and enforcement of child labor laws

IN THE AREA OF POLICIES:

- Assess the impact that existing social policies may have on addressing the world forms of child labor.

IN THE AREA OF PROGRAMS:

- Amend PRODINAT so that it can offer assistance to children involved in hazardous agriculture, prostitution and pornography.
- Design additional programs that target children engaged in the worst forms of child labor in agriculture and domestic service.
- Conduct additional studies on the worst forms of child labor, particularly in agriculture, domestic service, and commercial sexual exploitation, and make the results publicly available.

[5360] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

[5361] Telefónica Foundation and Centro de Investigación Social (CISOR), "El Trabajo Infanto-Adolescente En Venezuela: Estado De La Cuestión," (2009).

[5362] U.S. Department of State, "Venezuela," in *Country Report on Human Rights Practices- 2009* (Washington, DC: March 11, 2010). section 6. See also Delia Meneses, "La Calle Como Casa Y Escuela," *El Universal*, January 25 2009.

[5363] U.S. Department of State, "Country Reports- 2009: Venezuela." See also UN Committee on the Rights of the Child, "Second Periodic Reports of States Parties Due in 1997: Bolivarian Republic of Venezuela," in *Article 44 of the Convention on the Rights of Children*, ed. Bolivarian Government of Venezuela (2007). See also Carla Villamedina, "Tres Millones De Niños, Niñas Y Adolescentes Trabajan En Venezuela," (Red Andi, 2007). See also U.S. Embassy -Caracas, "Reporting, February 25, 2010." See also U.S. Department of State, "Venezuela (Tier 2 Watch List)," in *Trafficking in Persons Report- 2010* (Washington, DC: June 14, 2010).

[5364] U.S. Department of State, "Trafficking in Persons Report- 2010: Venezuela."

[5365] UN Committee on the Rights of the Child, "Un Committee on the Rights of the Child, Second Periodic Reports of States Parties Due in 1997: Bolivarian Republic of Venezuela."

[5366] *Ley Orgánica Del Trabajo*, 5.152, (June 19, 1997), articles 247 and 49.

[5367] *Constitución De La República Bolivariana De Venezuela*, (December 30, 1999), article 54. See also *Ley Orgánica Para La Protección De Los Niños, Niñas Y Adolescentes*, (October 12, 2007), article 38.

[5368] *Government of Venezuela, Ley Orgánica Para La Protección De Los Niños, Niñas Y Adolescentes*.article 33.

[5369] *Ley Sobre Delitos Informáticos*, 37.313, (October 30, 2001).article 24.

[5370] U.S. Department of State, "Country Reports- 2009: Venezuela." section 7d and section 6.

[5371] *Government of Venezuela, Ley Orgánica Para La Protección De Los Niños, Niñas Y Adolescentes*.Article 92.

[5372] Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2008 –Venezuela," (2008).

[5373] *Government of Venezuela, Ley Orgánica Para La Protección De Los Niños, Niñas Y Adolescentes*, articles 117, 19.

[5374] Venezuelan Ministry of Labor, "Ministerio Del Poder Popular Para El Trabajo Y Seguridad Social," (2010).

[5375] Ministry of Popular Power for Interior and Justice, "Ministerio Del Poder Popular Para Relaciones Interiores Y Justicia," (2010).

[5376] U.S. Embassy Caracas, "Reporting," (2010).

[5377] Ibid. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Venezuela."

[5378] Government of the Bolivarian Republic of Venezuela, "Proyecto Nacional Simón Bolívar Primer Plan Socialista 2007- 2013," (2007).

[5379] Government of Venezuela and UNICEF, "Plan De Acción Del Programa País," (2009): 14.

[5380]U.S. Embassy Caracas, "U.S. Embassy -Caracas, Reporting, February 25, 2010." See also U.S. Embassy -Caracas, "Reporting " (2009).

[5381] Security Argentine Ministry of Justice, and Human Rigths, "Xiv Reunión De Altas Autoridades Competentes En Derechos Humanos Y Cancillerías Del Mercosur Y Estados Asociados," (2008). See also Argentine Committee of Pursuit and Application of the International Convention on the Rights of Child, "La Iniciativa Nin@Sur, Una Instancia Regional Que Se Afirma," in *Boletín No. 2* (2008).

[5382] Brazilian Ministry of Tourism, "Equador Assume Direção De Grupo Latino-Americano Para a Proteção Infanto-Juvenil," (2008).

[5383] ILO, "Action against Child Labour 2008-2009: Ipec Progress and Future Priorities," (2010).

[5384] Council for the Rights of Children and Adolescents Autonomous Institute, "Programa Para La Dignificación De Niños, Niñas Y Adolescentes Trabajadores (Prodinat) " (2009).

[5385] U.S. Embassy Caracas, "U.S. Embassy -Caracas, Reporting, February 25, 2010."

[5386] Government of Venezuela, "Misiones," http://www.gobiernoenlinea.ve/miscelaneas/misiones.html.

[5387] Ibid.

[5388] Ibid.

Yemen

The Government of Yemen implements a small number of rehabilitation and reintegration programs for victims of the worst forms of child labor. However, children continue to work in hazardous conditions in agriculture and face the risk of child trafficking. Children are also forced into labor and are recruited as soldiers. Government efforts to combat child labor are hindered by contradictory labor laws, and a lack of funding for enforcement.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	15.4%
Attending School	5-14 yrs.	58.5%
Combining Work and School	7-14 yrs	4.7%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

In Yemen, children are engaged in the worst forms of child labor,[5389] many of them in agriculture. According to Yemen's Ministry of Social Affairs and Labor (MOSAL), children working in agriculture work with dangerous agricultural equipment, carry heavy loads, and are exposed to pesticides.[5390] Children work in the production and guarding of *qat*, a mild narcotic plant legal in Yemen. In this work, they are exposed to pesticides and carry weapons which are used to protect the *qat* crops.[5391]

Children also perform dangerous work in stone cutting and quarries, welding and glass shops, construction, auto shops, fishing, garbage collection, domestic service, restaurant motels, and in the streets.[5392] Children working in stone cutting and quarries and welding and glass shops are subject to exploitation by gangs and exposure to habits such as smoking and chewing *qat*.[5393] In construction work, children are exposed to chemical toxins and paint.[5394] Children working in auto shops face physical injuries, including burns and respiratory problems from inhaling fumes.[5395] Children engaged in fishing are at risk of drowning.[5396] Children working in garbage collection may be exposed to toxic or other injurious substances. Child domestics work long hours and their isolation in homes makes them susceptible to sexual harassment and physical abuse. Children working in restaurants and motels are particularly vulnerable as they sometimes work at night and are subject to sexual harassment by patrons.[5397] Working in the streets renders children particularly vulnerable to mental and physical harassment and abuse.[5398]

Yemeni children are trafficked domestically for commercial sexual exploitation and forced labor.[5399] Children are internally trafficked to Aden and Sana'a for forced labor, domestic service, begging, street vending, and to work as unskilled laborers.[5400] Girls are trafficked for commercial sexual exploitation.[5401] Somali girls are trafficked to Yemen for commercial sex work.[5402] Yemeni children are also trafficked to Saudi Arabia where they are engaged in forced labor and forced prostitution.[5403] According to MOSAL, the number of children trafficked to Saudi Arabia decreased from 900 in 2008 to 602 in 2009.[5404] Research does not indicate whether these figures represent number of incidents reported, number of children rescued, or number of cases investigated.

Criminals use Yemeni children to carry out illegal activities. Children work as smugglers of drugs and alcohol and may suffer abuse and hunger.[5405]

Yemeni children are engaged in prostitution. Children from the Horn of Africa, Ethiopia, and Somalia also are forced into commercial sexual exploitation in Yemen.[5406]

Yemeni children are being recruited as soldiers; as many as 600 children are killed or wounded annually by their direct involvement in conflict.[5407] There are reports that both government-supported and opposition militias use child soldiers.[5408]

Laws and Regulations on the Worst Forms of Child Labor

The 2004 Ministerial Decree No. 56 sets the minimum working age at 15, but section 133 of the 2002 Child Rights Law establishes the minimum working age at 14.[5409] According to the Government, Decree No. 56 does not repeal inconsistent sections in prior legislation; therefore, the actual legal minimum age for employment is uncertain.[5410]

The Labor Code prohibits hazardous work for children under age 15, but exempts all persons working in agriculture, domestic service, and children working with their families provided conditions are "suitable," a term which is not defined by the Labor Code.[5411] By contrast, Decree No. 56 prohibits hazardous work for those under age 18 without exception.[5412] The Decree also states that children between ages 13 and 15 years may engage in light work, which is not specifically defined. The Decree does not specify the minimum working age for apprentices.[5413] The Decree also does not contain sanctions for hazardous work violations.[5414]

The Child Rights Law protects children under age 18 from economic exploitation and Ministerial Decree No. 56 states that worst forms of child labor must be eliminated (including prostitution, pornography, forced labor, child soldiers, illicit activities, and trafficking) and defines the penalties for inciting children into illegal activity, child prostitution, and child trafficking.[5415] The Child Rights Act prohibits the incitement of a child into prostitution, and Ministerial Decree No. 56 stipulates prison sentences for those who force children into prostitution or sell children. Ministerial Decree No. 56 also prohibits inciting children to engage in drug trafficking.[5416] Republican Decree No. 12/1994 prohibits using children in begging. The law also prohibits forced or compulsory labor for all persons including children.[5417] Yemen does not have compulsory military recruitment and the voluntary recruitment age is 18.[5418]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14/15
	Minimum Age for Hazardous Work	15/18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Steering Committee to Combat Child Labor is responsible for coordinating all child labor issues. This committee consists of representatives from the Ministry of Social Affairs and Labor, the Higher Council for Motherhood and Childhood (HCMC), the Chamber of Commerce, ILO-IPEC, and local NGOs.[5419] In October 2009, the Child Labor Steering Committee met for the first time in two years.[5420] In addition, the Higher Council for Motherhood and Childhood addresses child protection, including child labor.[5421] The Council holds regular meetings and conducts trainings.[5422] In addition, the Children's Parliament of Yemen continues to advocate against exploitive child labor and child trafficking.[5423]

MOSAL's Child Labor Unit (CLU) is responsible for enforcing child labor laws. The CLU has 20 child labor inspectors throughout the country.[5424] In 2008, the Government of Yemen reported that the CLU visited

5,041 working children, placing 341 of those children in school and transitioning 541 of those children to light work.[5425] There is no available information on the steps that the CLU took to ensure the safety of the other child laborers. Child labor inspectors have received training in the relevant ILO conventions, the Yemeni laws on child labor, monitoring techniques, and the problems faced by child laborers.[5426] In 2009, the CLU eliminated travel funds for its child labor inspectors, preventing them from performing site visits.[5427] The Government admits that a lack of resources hampers child labor law enforcement.[5428]

The HCMC works with MOLSA and the Ministries of Human Rights, Justice, and Legal Affairs to combat child trafficking.[5429] Government-affiliated press reported that from January through June 2009, security forces captured 26 child traffickers in Hajja attempting to traffic 180 children to Saudi Arabia. The rescued children were sent to Haradh Child Protection Center.[5430] In December 2009, five Yemeni children who had been trafficked to Saudi Arabia for forced begging were repatriated.[5431] Police stationed at border crossings were trained in how to deal with trafficked children.[5432]

Government Policies on the Worst Forms of Child Labor

The 2005 National Policy and Program Framework (NPPF) for the Eradication of Child Labor and Elimination of its Worst Forms was developed by the MOSAL in cooperation with ILO-IPEC and the HCMC.[5433] The NPPF aims to harmonize domestic legislation with international standards regarding child labor, strengthen national capacity, and increase awareness.[5434] The NPFF has been delayed due to a lack of effective coordination, including information sharing and documentation, amongst various ministry agencies and other stakeholders. NPFF stakeholders have not conducted any meetings or allocated any funds since 2005.[5435]

The Government developed the National Action Plan (NAP) to Combat Child Smuggling in 2007, which aims to prevent child trafficking.[5436] The policy includes provisions on law reform, awareness raising, and training activities.[5437] As part of the NAP, UNICEF trained imams on the risks and dangers of child trafficking so that they can disseminate this information during their religious Friday services. MOSAL trained taxi and small bus drivers in target cities on child trafficking.[5438] In addition, MOSAL, UNICEF and IOM established rehabilitation centers for trafficked children in Haradh and Sana'a.[5439] The Government provided medical and psychological services for child trafficking victims and arranged for free medical care for trafficked children and child laborers at a hospital in Sana'a.[5440] In early 2010, Yemen and Saudi Arabia officials held talks on coordinating mutual cooperation in combating child labor.[5441]

The Government has also incorporated child labor into its other national policies, including its Third Five-Year Plan (TFYP) and the National Action Plan for Children. The TFYP incorporates child labor into its provisions on childhood and youth strategy, labor force unemployment, education, illiteracy, and vocational training.[5442] The National Action Plan for Children has four components: inclusive education, school health and nutrition, increasing the number of female teachers and addressing girls' education, and protecting disadvantaged children. The plan has identified responsible agencies to address each component.[5443] By incorporating disadvantaged children into the National Action Plan, the Government of Yemen has targeted those most at risk for worst forms of child labor.

The Government of Yemen does not have policies in place specifically on the elimination of child soldiers, despite reports indicating children participation in many government-related and non-state militia groups.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Since 2000, the Government of Yemen has participated in the implementation of programs to eliminate child labor through partnerships with international and domestic organizations and foreign aid agencies. The Government participated in a $1.4 million national program funded by USDOL which withdrew 2,604 and prevented 1,330 children from working in urban and rural areas through the provision of education and vocational training opportunities.[5444] The Government also participated in a $3 million USDOL-funded project in Lebanon and Yemen to withdraw and prevent 1,596 children from hazardous work.[5445]

The Government is currently participating in a USDOL-funded $3.5 million project to combat child labor through education in Yemen (2008-2011). The project targets 7,100 children working in hazardous agriculture and fisheries, trafficking, and commercial sexual exploitation for educational and vocational training services.[5446] The Government has allocated $78,800 for activities related to combating child labor as part of this project.[5447]

The Government provides support to victims of the worst forms of child labor through protection and rehabilitation centers for child victims of smuggling, follow-up services for former child workers, and safe childhood centers for street children.[5448] There are two centers for victims of smuggling that offer psychological support and health care as well as shelter for up to 1 month.[5449] In 2009, 427 children accessed services from these centers.[5450] Safe childhood centers have been established in Sana'a City, Aden, and Ta'izz. These centers provide street children with rehabilitation services and assistance them in reuniting with their families.[5451]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Yemen:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend Ministerial Decree No. 56, Labor Code No. 5, and Law No. 45 on the Rights of the Child (Child Rights Law) to address inconsistencies in the minimum age for work and hazardous work and to adequately define hazardous work.
- Amend Ministerial Decree No. 56 to define light work and establish minimum age for apprenticeships.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure that there is sufficient funding for inspections to be carried out throughout the country and that inspections are targeted in the sectors where the worst forms of child labor are prevalent.

IN THE AREA OF POLICIES:

- Implement the National Policy and Program Framework for the Eradication of Child Labor and Elimination of its Worst Forms by conducting stakeholder meetings and allocating funds.
- Discontinue the use of children in armed conflict and institute criminal penalties for violations of the law.

IN THE AREA OF PROGRAMS:

- Expand child labor programs to target the most prevalent worst forms of child labor including hazardous agriculture, domestic service, and child soldiering.

[5389] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 1999. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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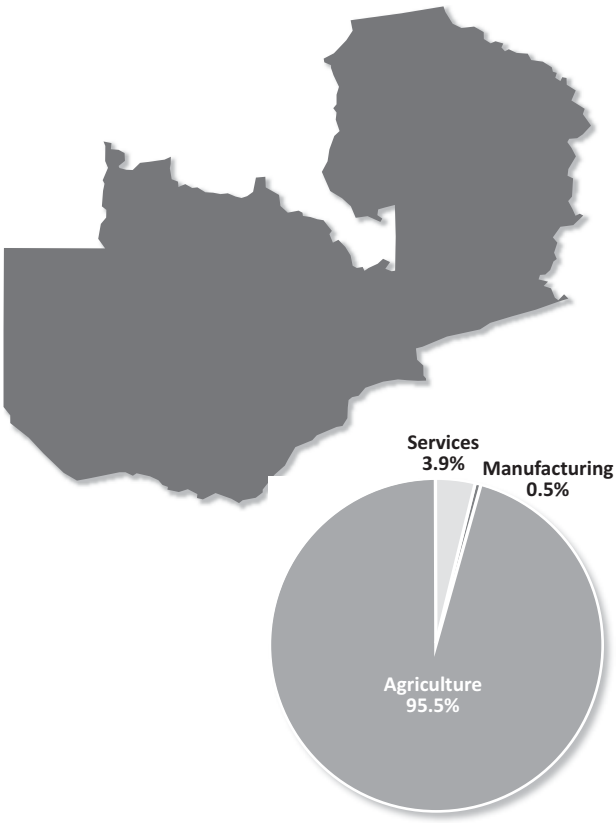
Zambia

The Government of the Republic of Zambia published a national anti-trafficking plan in 2009; however, it has not adopted the draft hazardous child labor list or prioritized the prevention and elimination of the worst forms of child labor in major development policies. Children continue to work in dangerous labor, in agriculture, herding, mining, and on the streets. Education is not mandatory, leaving children under 15, who cannot work legally, vulnerable to the worst forms of child labor.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	33.4%
Attending School	5-14 yrs.	63.8%
Combining Work and School	7-14 yrs	35.5%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Zambia are exploited in the worst forms of child labor,[5452] primarily in agriculture.[5453] Children help produce tobacco and cotton, and they are often exposed to dangerous pesticides and fertilizers, bites from snakes and other animals, and injuries from carrying heavy loads and using dangerous tools and machinery.[5454] Boys are contracted out by their parents to work as herders, in some cases for years. They are exposed to waste, diseases, and attacks from animals.[5455] Children perform other dangerous work, including construction and forestry. They are injured carrying firewood and water, are denied food, and are subject to loud noise, excessive hours, smoke inhalation, and burns.[5456] Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of maize, coffee, tea, fish, and charcoal.[5457]

Children working as domestic servants or as servers in bars also work long hours and carry heavy loads.[5458]

Children in Zambia work in mining, primarily in small artisanal and traditional mines, where they extract emeralds, amethyst, aquamarines, tourmalines, and garnets; mine and process lead, zinc, and copper ore; crush stones; and scavenge mine dump sites for residual gems.[5459] These children work long hours, are exposed to extreme heat and dangerous chemicals, and suffer injuries including cuts and broken bones from flying rocks and tools, impaired vision from wounds and night work, and silicosis and other respiratory problems from contact with dust.[5460]

Other worst forms of child labor exist in Zambia. Children engage in prostitution at transit hubs, along highways, and elsewhere.[5461] In urban areas, many orphans and vulnerable children work and beg in the streets.[5462] Street children may be exposed to health and safety risks such as severe weather, vehicular accidents, and exploitation by criminal elements.

Child trafficking continues to be a problem in Zambia. Children in agriculture, herding, and domestic service often fall victim to internal trafficking, sometimes in exchange for money, goods, and gifts

to family members.[5463] Children from rural areas are trafficked into forced labor and domestic servitude in urban areas, where they may be beaten, starved, and physically and psychologically abused.[5464] In urban areas, girls engaged in domestic service may initially expect to attend school in exchange for their work but are often prevented from going to school and denied pay.[5465] Some Zambian children are also trafficked to Malawi for commercial sexual exploitation or to Angola for forced labor.[5466]

Laws and Regulations on the Worst Forms of Child Labor

The Constitution and the Employment Act set the minimum age for employment at 15.[5467] The Apprenticeship Act regulates the employment of minors as apprentices but does not include a minimum age for apprenticeships or specify the types of work that apprentices can perform. The Employment of Children and Young Persons Act bars children under 18 from engaging in hazardous labor.[5468] While the Government has drafted a hazardous labor list, this list has yet to be adopted. Furthermore, the Government has yet to mandate a compulsory education age, making children under 15 particularly vulnerable to the worst forms of child labor.

The Employment of Young Persons and Children Act specifically prohibits the worst forms of child labor, including child prostitution; slavery; forced military recruitment of children; and work harmful to the safety, health, or morals of children and young people.[5469] The Juveniles Act of 1956 specifically prohibits the use or procurement of children under the age of 16 for the purposes of begging.[5470] The Constitution, the Penal Code, and the Anti-Human Trafficking Act of 2008 prohibit forced labor and the trafficking of children, while the Constitution and Penal Code both prohibit slavery.[5471] The Penal Code also prohibits pornography, prostitution, and the sexual harassment of a child in the workplace.[5472] However, the penalties for child prostitution violations in the Employment of Young Persons and Children Act are different from those in the Penal Code.[5473]

In addition, some of the Penal Code's prohibitions against the sexual exploitation of children do not apply to children above age 16.[5474]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor and Social Security (MLSS) serves as chair of the National Steering Committee on Child Labor, which monitors and develops policies on the worst forms of child labor. The MLSS Child Labor Unit (CLU) provides technical expertise and coordinates all worst forms of child labor activities and programs to eliminate child labor in Zambia, including the activities of 16 district child labor committees throughout the country. These committees create awareness on the worst forms of child labor and monitor the implementation of child labor programs at the district and village levels.[5475] The MLSS works closely with the Ministry of Youth, Sport, and Child Development (Directorate of Child Affairs); the Zambia Police Service Victims' Support Unit (VSU); the Joint Child Protection Unit; the Ministry of Justice; the Ministry of Community Development and Social Services (MCDSS); the Child Protection Unit and District Street Children Committee; and the Drug Enforcement Commission.[5476]

MLSS labor inspectors inspect workplaces including individual households and agricultural fields and investigate child labor complaints. Violators of child labor laws receive counseling or are fined.[5477] District

level MLSS officers are also responsible for mediating labor disputes between employers and workers.[5478] No information is available on the number of child labor cases investigated, or violations penalized in 2009.

The Government's Ministry of Home Affairs leads an Inter-Ministerial Committee on Human Trafficking, which coordinates and shares information on trafficking issues among government agencies.[5479] Members include Zambia's police, immigration authorities, the Ministry of Justice, the Ministry of Labor and Social Security, and the Ministry of Education.[5480] The Committee also established a Secretariat which is responsible for monitoring, and developing strategies to implement the National Plan of Action Against Human Trafficking. The Secretariat also cooperates with international organizations to design training plans for government officials.[5481]

The Child Protection Unit leads enforcement of labor-related trafficking laws, while the Zambian Police Service's Victims' Support Unit handles all other forms of trafficking.[5482] The Ministry of Community Development and Social Services provides assistance to child trafficking victims and keeps rescued victims under protective custody.[5483] Child trafficking complaints are made through a central number at each ministry.[5484] In 2009, 26 cases of trafficking involving children under 18 were reported to IOM.[5485] Training on the investigation of child trafficking cases and ILO conventions was provided to Victims' Support Unit staff, police, local court justices, prosecutors, magistrates, labor officers, and immigration authorities.[5486]

Government Policies on the Worst Forms of Child Labor

The Government of Zambia's Fifth National Development Plan (2006-2011) and Decent Work Country Program (2007-2011) include the eradication of the worst forms of child labor as a goal.[5487] The Government of Zambia's National Employment and Labor Market Policy proposes interventions for the elimination of the worst forms of child labor in agriculture through health and education services aimed at preparing young people for decent and productive work.[5488] The Child Labor Policy summarizes legislation related to children and provides guidelines for child protection. Zambia has not yet adopted a draft statutory instrument codifying the worst forms of child labor.[5489] The Government also published a National Plan of Action for the Timebound Elimination of the Worst Forms of Child Labor and supporting provincial action plans for each province in Zambia.[5490] The Government contributed to the drafting of the ILO-IPEC-coordinated National Plans of Action to Combat Child Domestic Labor and to Eliminate Child Labor in Mining.[5491]

The Government's Technical Education and Vocational Training Authority developed a strategic plan including protections for working children.[5492] The Government published a national Anti-Trafficking Plan of Action in 2009.[5493]

A number of policies in Zambia that could benefit working children do not currently focus on the worst forms of child labor. These include the Poverty Reduction Strategy Paper (2007), the National Youth Policy (2006), the National Strategy on Children, Youth, and Sports Development (2006), the National Employment and Labor Market Policy (2005), and the UN Development Assistance Framework (2011-16).[5494]

Between 2008 and 2010, the government collected data on child labor.[5495] The Government produced two interagency reports presenting research findings conducted in collaboration with the international UCW Program. The Government conducted a Labor Force Survey; however, Zambia's Central Statistics office has yet to release the survey data.[5496] The results of this survey will assist the Government in measuring the impact of its efforts to eradicate the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Zambia has participated in several donor-funded projects, including projects targeting children exploited in agriculture and children affected by the HIV/AIDS epidemic, who were at-risk or engaged in the worst forms of child labor. These projects include a $3.9 million USDOL-funded project to support a national Timebound Program, which withdrew and prevented 11,445 children from exploitive work through the provision of education and vocational training.[5497] Another project withdrew 1,885 and prevented 1,483 children in Zambia from

worst forms of child labor and developed tools and training materials to mainstream HIV/AIDS issues into child labor policies and programs.

The Zambian Government currently participates in the 4-year, $23.8 million European Commission-funded TACKLE Project to combat child labor through education in 11 countries, including Zambia.[5498] Many activities started under the USDOL-funded child labor programs have been continued through this project. Zambia's MCDSS assists 10,000 families through a social cash transfer program which provides funds on the condition that they send their children to school rather than work.[5499] Despite its current size, the scale of the social cash transfer program is not sufficient to reach all Zambian children engaged in or vulnerable to the worst forms of child labor.

During the reporting period, the Ministry of Education and teachers from institutions of higher education finalized a yearlong curriculum to teach children about the worst forms of child labor.[5500] The Government also trained teachers on child labor and awarded grants to NGOs for small-scale infrastructure improvement, school materials, recreation equipment, and supplementary feeding programs for street children.[5501] The Ministry of Sport, Youth, and Development supports recreation centers and the government also operates two camps for street children, which reunite some children with their families and provide others with support from the Ministry of Science, Technology, and Vocational Training to continue their education.[5502]

The Government of Zambia has programs to combat child trafficking and provides counseling and protection to trafficking victims.[5503] It refers victims of trafficking to NGO shelters, but it has not yet made progress in constructing its own shelters.[5504] With the One UN Joint Program and United States support, the Government of Zambia mobilizes local leaders on anti-trafficking efforts, conducts public awareness campaigns, and provides technical assistance to reduce the incidence of human trafficking and to build their capacity to identify and respond to trafficking cases in the country.[5505]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Zambia:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend legislation to ensure that education is compulsory for all children.
- Adopt the list of hazardous occupations forbidden for children and extend this to apprentices.
- Harmonize legislation to ensure that penalties for child prostitution are consistent.
- Amend the Penal Code to protect children above the age of 16 from sexual exploitation.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Publish statistics on child labor enforcement.

IN THE AREA OF POLICIES:

- Implement the National Plan of Action for the Timebound Elimination of the Worst Forms of Child Labor that provides a comprehensive strategy to combat all worst forms of child labor by 2016.
- Publish the results of the 2008 Labor Force Survey.
- Incorporate goals and strategies for the prevention and elimination of the worst forms of child labor into major development policies.

IN THE AREA OF PROGRAMS:

- Expand the scope of programs to address the worst forms of child labor.

[5452] Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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[5455] ILO-IPEC, *Rapid assessment report on HIV/AIDS and child labour [stated in six selected districts of Zambia: Lusaka, Luanshya. Livingstone, Kapiri Mposhi, Katete and Chipata]*, vi, x. Plan International, *Gender Based Violence: A situation in Chadiza, Chibombo, Mansa and Mazabuka*, 3, 19, 23.

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Zimbabwe

The Government has engaged with international organizations and NGOs in some efforts to combat the worst forms of child labor. However, children are found in a variety of worst forms, including dangerous work in agriculture and mining, forced labor and commercial sexual exploitation. The Government has not dedicated sufficient resources for labor inspections and research found no evidence of child labor or child trafficking enforcement activities.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Zimbabwe are exploited in the worst forms of child labor.[5506] In agriculture, they face occupational health and safety risks in the production of tea, cotton, and tobacco.[5507] For example, they may use potentially dangerous machinery and tools, carry heavy loads, and apply toxic pesticides.[5508]

Children are exploited in diamond, gold, chrome, and tin mining including in the extraction of material from underground passages and quarries.[5509] Children in mining work long hours in unhealthy and dangerous conditions. Child labor has been found in the military-controlled Marange diamond fields of Eastern Zimbabwe.[5510]

Other children work as domestic servants and may be exposed to long hours of work and physical or sexual exploitation.

An estimated 1.3 million Zimbabwean children are orphaned.[5511] Of these, around 100,000 survive on their own in child-headed households, often working as street vendors.[5512] Children engaged in work on the street may be vulnerable to a variety of dangers, such as severe weather, accidents caused by proximity to vehicles, and vulnerability to criminals. While there is no evidence that such practices occurred during the reporting period, some orphans have been rounded up by police and taken to farms where they are forced to work as unpaid laborers.[5513]

Children are trafficked within Zimbabwe to border towns and to the neighboring countries of Botswana, Mozambique, and South Africa where they suffer forced labor in agriculture and domestic service, and commercial sexual exploitation.[5514] Specific reports concern girls as young as age 12 who are trafficked along the Zambezi River to the Mozambican port of Beira and to Central Mozambique;[5515] and children from Zimbabwe who are sexually exploited by taxi and truck drivers in exchange for transportation to and across unofficial border crossings to South Africa.[5516]

Reports suggest that between 3,000 and 15,000 unaccompanied children from Zimbabwe move into and out of South Africa every month.[5517] These children go in search of work harvesting crops on

plantations and small farms or work; or for work in urban areas as street vendors, domestics, hairdressers, and/or day-laborers loading and unloading materials.[5518]

Laws and Regulations on the Worst Forms of Child Labor

The Labor Relations Act sets the minimum age for employment at 15.[5519] However, a child age 13 or 14 may work as an apprentice or perform work as part of training at a school or technical or vocational institution.[5520] The Act prohibits employers from hiring a person under age 18 to perform hazardous work.[5521] Hazardous work is defined in the Children's Protection and Adoption Amendment Act of 2001 as any work that jeopardizes or interferes with education of a child; involves contact with hazardous substances, electronically-powered hand tools, cutting tools or grinding blades; involves underground mining; exposes a child to extreme heat, cold, or noise; or requires a child to work a night shift.[5522] It is not known if these provisions are applied in such a manner as to cover all types of work-related hazards to which children are exposed.

Zimbabwean law does not establish an age or period of study that is compulsory for all children. This creates an increased risk that children may fall into the worst forms of child labor as they are not required to be in school but are not legally permitted to work either.

Zimbabwe's Constitution prohibits forced labor, including forced child labor.[5523]

Provisions of the Sexual Offences Act, the Children's Act, and the Censorship and Entertainment Control Act prohibit sexual offenses against children, such as child pornography, prostitution, and other forms of child sexual abuse.[5524] For example, they prohibit procuring an individual for prostitution either inside the country and acquiring a person to leave the country with the intention of engaging them in prostitution.[5525] They also prohibit sexual relations with children under 16.[5526] Prohibitions on sex trafficking are also made, but no more comprehensive prohibitions on trafficking could be identified.

The National Service Act of 1979 prohibits persons under age 18 from compulsory and voluntary military service.[5527]

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	No

Institutional Mechanisms for Coordination and Enforcement

The Government has a steering committee chaired by the Ministry of Public Service, Labor, and Social Welfare (MPSLW) to lead efforts to address the worst forms of child labor. The committee includes several government ministries, civil society groups such as workers' and employers' organizations, and international organizations.[5528]

The MPSLSW is responsible for enforcing child labor laws.[5529] However, the MPSLSW has only two labor inspectors for all of Zimbabwe,[5530] and they are responsible for labor violations other than child labor. Labor inspectors are hamstrung by lack of resources, including office facilities, transportation, fuel, and other necessities required to carry out inspection.[5531] During the reporting period, 2009, the MPSLSW participated in an ILO-sponsored workshop to provide basic training to its labor inspectors.[5532]

No specific information regarding child labor inspection activity could be obtained.[5533]

The Ministry of Justice and Legal Affairs (MoJ) oversees all courts, including labor courts. The Zimbabwe Republic Police (ZRP) is responsible for enforcement against those worst forms of child labor that are criminal. The MOJ and ZRP share responsibility for enforcement of criminal laws relating to child labor with the MPSLSW.[5534]

During the reporting period, government officials participated in anti-trafficking awareness campaigns implemented by the International Office for Migration (IOM).[5535]

Information was not identified to indicate whether actions were taken by the MOJ and the ZRP to enforce criminal statutes on the worst forms of child labor or prosecute violators.[5536]

The Government of Zimbabwe has an inter-ministerial taskforce on trafficking in persons.[5537] In 2009, however, there were no investigators, social workers or police officers dedicated to investigating child trafficking,[5538] and the government did not prosecute any traffickers.[5539]

Government Policies on the Worst Forms of Child Labor

Pursuant to a Memorandum of Understanding with a number of international organizations, the Government, via the MPSLSW, established a steering committee to address child labor issues and the protection of working children.[5540] A national policy articulated a guide for the subsequent implementation of action programs.[5541] The specific design of such programs was to have been informed by the findings and recommendations from a child labor study completed in 2008. The study findings have been shared with the ILO and other partners, but have not yet been made public.[5542]

Zimbabwe's UN Development Assistance Framework (ZUNDAF) 2007-2011 specifically addresses child labor in its poverty reduction, education, and other social policy objectives.[5543] For example, as an indicator for measuring the education system's ability to retain students at all levels, statistics were to be kept on the number of districts holding monthly meetings to discuss child labor issues.

There is no entitlement to free education, and often prohibitively expensive school fees limit educational access.[5544] In agricultural areas where plantations exist, some instances of abuse have been reported whereby a child who wishes to attend school must work to earn credits towards school fees.[5545] Such "earn-and-learn schemes," where credits earned are based on a child's ability to meet a production quota, are typically voluntary.[5546] In cases where the system is abused, children who fail to meet production quotas may be prohibited from attending school.[5547]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government has participated in international donor-funded and NGO-operated initiatives and programs to combat child labor. In 2007, the MPSLSW formalized agreements with 21 NGOs to provide programs to ensure that orphans and vulnerable children had access to education, food, health-care services and protection from abuse and exploitation.[5548] In 2008, the Government and Save the Children-Norway donated land to the IOM, where it built a Child Care Center for orphaned children and victims of child trafficking along the border with South Africa.[5549] The Government itself offers little other direct help to victims of trafficking and routinely refers them to NGOs and international organizations for assistance.[5550] Information on Government funding contributions to such efforts in 2009 could not be obtained.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Zimbabwe:

IN THE AREA OF LAWS AND REGULATIONS:

- Create and adopt a more specific list of hazardous occupations and activities for children.
- Establish a minimum age or specified length of study for compulsory education.
- Prohibit all forms of trafficking in persons.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Conduct, analyze, and disseminate information on the level and type of inspection activities to combat child labor, in order to target and possibly increase resources for more and better such activity.
- Dedicate additional personnel and resources to combat child trafficking and implement enforcement efforts.

IN THE AREA OF POLICIES:

- Create an entitlement to free education.
- Redouble the efforts of the steering committee on child labor by analyzing and disseminating results of the 2008 child labor study, and providing appropriate resources to complete and implement a national action plan based on the study findings.

IN THE AREA OF PROGRAMS:

- Contribute resources to sustain effective donor-funded efforts to combat the worst forms of child labor and address gaps in service delivery to vulnerable children through government initiated and managed programs.

[5506] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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[5520] U.S. Department of State, "Country Reports- 2008: Zimbabwe."

[5521] Government of Zimbabwe, *Labour Relations (Employment of Children and Young Persons) Regulations*, 72/1997, (1997).

[5522] Government of Zimbabwe, *Children's Protection and Adoption Amendment Act, 2001 (No. 23)*, February 10, 2009; available from http://www.ilo.org/dyn/natlex/natlex_browse.home.

[5523] Government of Zimbabwe, *Constitution of Zimbabwe*, (April 20, 2000); available from http://www.nca.org.zw/Downloads/zim_constitution.pdf [hard copy on file].

[5524] Government of Zimbabwe, "Zimbabwe," in *Legislation of Interpol Member States on Sexual Offences against Children*, 2010; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/Default.asp.

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[5526] U.S. Department of State, "Country Reports- 2008: Zimbabwe." See also U.S. Embassy- Harare, *reporting*, December 5, 2007.

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[5528] USDOS official, E-mail communication to USDOL official, November 19, 2010.

[5529] U.S. Embassy- Harare, *reporting*, February 23, 2010.

[5530] USDOS official, E-mail communication, November 19, 2010.

[5531] U.S. Embassy- Harare official, USDOL official, November 19, 2010.

[5532] U.S. Embassy- Harare, *reporting, February 23, 2010*.

[5533] Ibid.

[5534] Ibid.

[5535] U.S. Department of State, "Country Reports- 2008: Zimbabwe."

[5536] U.S. Department of State, "Country Reports- 2009: Zimbabwe."

[5537] U.S. Embassy- Harare, *reporting*, March 3, 2009.

[5538] U.S. Embassy- Harare, *reporting, February 23, 2010*.

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[5541] U.S. Embassy- Harare, *reporting, February 23, 2010*.

[5542] Ibid. See also U.S. Embassy- Harare official, E-mail communication, November 19, 2010.

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[5550] U.S. Embassy- Harare, *reporting, March 3, 2009*.

Territories and Non-Independent Countries

There is limited information regarding the prevalence and distribution of the worst forms of child labor in non-independent countries and territories eligible for GSP, AGOA, and CBTPA benefits.[5551] Statistics on child work and school attendance are not available from the sources used in this report. In some cases, there is no evidence to suggest that worst forms of child labor exist in certain non-independent countries and territories. In these cases, when laws appear to meet the guidelines called for in ILO Convention 182 and embodied in the TDA, no recommendations for action have been included.

These non-independent countries and territories generally are not eligible to become members of the ILO, so the organization's Minimum Age Convention (No. 138) and the Worst Forms of Child Labor Convention (No. 182) do not apply to the majority of them.[5552] Territories are generally subject to the laws of the sovereign country.

[5551] U.S. Government, *Harmonized Tariff Schedule of the United States (Rev. 1)*, 11-12 and 187-189; available from http://www.usitc.gov/publications/docs/tata/hts/bychapter/1001gn.pdf.

[5552] Most of the areas covered in the summary report are considered non-metropolitan territories, and are therefore ineligible to become members of ILO. While ILO still does not have an official definition for "non-metropolitan territory," in earlier versions of the ILO Constitution, "colonies, protectorates, and possessions which are not fully self-governing" was used in place of this term. An ILO member can submit a declaration to ILO requesting that these conventions apply to their non-metropolitan areas. International Labour Organization, *Constitution of the International Labour Organization*, (October 20, 1948); available from http://www.ilo.org/ilolex/english/constq.htm. See also ILO official, E-mail communication to USDOL official, January 31, 2002. Please see the chart regarding ratifications of international conventions and selected non-independent country and territory laws at the end of this discussion.

Anguilla

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in Anguilla are exploited in the worst forms of child labor, specifically in commercial sexual exploitation. Sometimes children, both boys and girls, perform sex acts in exchange for money and gifts.[5553] These transactions often occur with the knowledge, consent, and sometimes initiation of the child's parent.[5554]

Laws and Regulations on the Worst Forms of Child Labor

The Education Act prohibits children of compulsory school age (5 to 17) from employment during the school year and children less than age 14 from employment at all times.[5555] The Employment of Children (Restriction) Act limits children less than age 12 from working in family-owned agricultural undertakings and domestic work at home. Under the Restriction Act, children under 14 may not work during the school day, and there are limitations on work times and the total number of hours they may work.[5556] In addition, they are prohibited from work that may be physically hazardous or that requires heavy lifting.[5557] It is unclear whether or not the Education Act supersedes the Employment of Children (Restriction) Act. The Employment of Women, Young Persons, and Children Act prohibits all children under 17 from working in industrial undertakings or at night.[5558] The Governor of the Territory has the authority to expand restrictions on child labor.[5559]

The Constitution prohibits slavery and forced labor.[5560] The Criminal Code prohibits the prostitution and abduction of children.[5561] Defense in Anguilla is the responsibility of the United Kingdom and the minimum age for military recruitment is 16.[5562]

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government has established mechanisms for monitoring issues related to the worst forms of child labor. The Employment of Children (Restriction) Act designates the labor commissioner as responsible for enforcing child labor laws. The Act authorizes the labor commissioner to

investigate work sites where children are believed to be employed and prosecute, conduct, or defend any information, complaint, or other proceeding arising under the Act.[5563] Information was not found on the agencies responsible for enforcing laws against the worst forms of child labor, particularly commercial sexual exploitation, or on any enforcement actions taken during the reporting period.

Government Policies on the Worst Forms of Child Labor

The Government has not instituted formalized standards to guide operations or responses to child protection issues across the Government.[5564] With support from the British Government, it has formed a Child Protection Steering Committee. Since its formation, the Steering Committee has drafted Child Protection Protocols for Anguilla on recognizing and referring child abuse cases; consulted with leaders from agencies working with children; and sought feedback and consultation from practitioners in the field of child protection.[5565]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research found no evidence of specific programs in Anguilla to eliminate or prevent child sexual exploitation.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Anguilla:

IN THE AREA OF LAWS AND REGULATIONS

- Clarify whether the Education Act supersedes the Employment of Children (Restriction) Act.

IN THE AREA OF COORDINATION AND ENFORCEMENT

- Establish mechanisms for monitoring issues related to the worst forms of child labor.
- Identify agencies responsible for enforcing laws against the worst forms of child labor, particularly commercial sexual exploitation.
- Collect, analyze, and disseminate information regarding the enforcement of relevant laws to protect children from commercial sexual exploitation.

IN THE AREAS OF POLICIES AND PROGRAMS

- Collect, analyze, and disseminate information regarding the prevalence and nature of the commercial sexual exploitation of children.
- Develop and implement a policy framework and social programs to prevent and eliminate the commercial sexual exploitation of children, including victim assistance.

[5553] Adele D. Jones and Ena Trotman Jemmott, *Child Sexual Abuse in the Eastern Caribbean: The Report of a Study Carried Out Across the Eastern Caribbean During the Period October 2008 to June 2009*, UNICEF Office for Barbados and the Eastern Caribbean, University of Huddersfield, and Action for Children, 2009, 115-116,121-122,126; available from http://www.unicef.org/infobycountry/files/Child_Sexual_Abuse_in_the_Eastern_Caribbean_Final_9_Nov.pdf.

[5554] Ibid., 115-116 and 124.

[5555] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Third and Fourth Periodic Reports of States Parties Due in 2007 - United Kingdom of Great Britain and Northern Ireland*, 2007, 166; available from http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC_C_GBR_4.doc.

[5556] Government of Anguilla, *Employment of Children (Restriction) Act*, articles 1-2.

[5557] Ibid.

[5558] UN Committee on the Rights of the Child, *Third and Fourth Periodic Reports of States Parties Due in 2007: United Kingdom*, 166.

[5559] Government of Anguilla, *Employment of Children (Restriction) Act*, article 2.

[5560] Government of Anguilla, *The Anguilla Constitution Order 1982*, (1 April 1982), sections 4 and 5; available from http://www.gov.ai/images/Anguilla%20Const.pdf.

[5561] UN Committee on the Rights of the Child, *Third and Fourth Periodic Reports of States Parties Due in 2007: United Kingdom*, 171.

[5562] Coalition to Stop the Use of Child Soldiers, "United Kingdom," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/content/united-kingdom. See also Central Intelligence Agency, "Anguilla," in *The CIA World Factbook*, Washington, DC, 2009; available from https://www.cia.gov/library/publications/the-world-factbook/index.html.

[5563] Government of Anguilla, *Employment of Children (Restriction) Act*, articles 3-5.

[5564] Government of the United Kingdom and Northern Ireland, *Implementation of the Convention on the Rights of the Child- Overseas Territories and the Isle of Man; Response to the list of issues raised in connection with the consideration of the third and fourth periodic report of the United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/4)*, UN Committee on the Rights of the Child, 2008, 4; available from http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.GBR.Q.4.Add.2.doc. See also UN Committee on the Rights of the Child, *Third and Fourth Periodic Reports of States Parties Due in 2007: United Kingdom*, 165.

[5565] Anguilla Correspondent, "Child Protection Protocols Come Under the Microscope," *Anguilla Express*, March 3, 2010; available from http://www.anguillaexpress.com/?p=1855.

British Indian Ocean Territory/Chagos Archipelago

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in the British Indian Ocean Territory are exploited in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

The Commissioner of the British Indian Ocean Territory may make laws for the Territory but generally, the laws of the United Kingdom are applicable.[5566] According to the British Child and Young Person's Act 1933, a child can start working part-time at 14 and full-time at the end of the school year in which the child will be age 16.

Trafficking is prohibited by the Asylum and Immigration Act 2004.[5567] The Sexual Offenses Act of 2003 protects children from prostitution, pornography, and trafficking for sexual purposes.[5568] The Coroners and Justice Act of 2009 prohibits slavery and forced and compulsory labor.[5569]

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor in British Indian Ocean Territory.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

[5566] Central Intelligence Agency, "British Indian Ocean Territory," in *The CIA World Factbook*, Washington, DC, 2009; available from https://www.cia.gov/library/publications/the-world-factbook/index.html.

[5567] Government of the United Kingdom of Great Britain and Northern Ireland, *Asylum and Immigration (Treatment of Claimants, etc.) Act 2004*, (July 22, 2004), article 4; available from http://www.opsi.gov.uk/acts/acts2004/ukpga_20040019_en_1#pb1-l1g4.

[5568] Government of the United Kingdom of Great Britain and Northern Ireland, *Sexual Offenses Act 2003*, (November 20, 2003), articles 5-15, 45-60, and 72; available from http://www.opsi.gov.uk/acts/acts2003/ukpga_20030042_en_1#Legislation-Preamble.

[5569] Government of the United Kingdom of Great Britain and Northern Ireland, *Coroners and Justice Act 2009*, (November 12, 2009), article 71; available from http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=coroners+and+justice&Year=2009&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=3637639&ActiveTextDocId=3637640&filesize=1425.

British Virgin Islands

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in the British Virgin Islands are exploited in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for employment under the Labor Code of 2010 is 16 and children less than age 18 are prohibited from hazardous work.[5570] Children between the ages of 16 and 18 must have sufficient training and supervision when operating heavy machinery and all children below 18 are prohibited from night work.[5571] The Code also provides for the removal and rehabilitation of children subjected to the worst forms of child labor and makes the offense punishable with a fine, holding both the employer and the child's parent or guardian liable.[5572]

The Constitution prohibits slavery and forced labor.[5573] Under the Criminal Code (Amendment) Act, 2007, trafficking in minors and enslaving or bonding children are illegal. The Code also prohibits the production, publication, or possession of child pornography.[5574]

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor. The Commissioner of Labor may appoint inspectors to enforce the provisions of the Labor Code.[5575] Information about enforcement of the worst forms of child labor provisions in the Criminal Code was not obtained.[5576]

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor in the British Virgin Islands.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

[5570] Government of the British Virgin Islands, *Labour Code*, articles 3, 128, and 130; available from http://www.bvigazette.org/extrafile/G00307_Labour%20Code%20Act,%202010.pdf. [5571] Ibid., articles 2, 128, 130, and 146.

[5571] Ibid., articles 2, 128, 130, and 146.

[5572] Ibid., articles 129-130.

[5573] Government of the British Virgin Islands, *The Virgin Islands Constitution Order 2007*, (June 15, 2007), articles 14; available from http://www.bvi.gov.vg/products.asp?iProd=129&iCat=15&hierarchy=0.

[5574] Government of the British Virgin Islands, *Criminal Code (Amendment) Act, 2007*, (February 8, 2007), articles 201A, 248A; available from http://www.bvigazette.org/extrafile/G00029_Criminal%20Code%20(Amendment)%20Act,%202007.pdf. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: United Kingdom of Great Britain and Northern Ireland*, CRC/C/GBR/4, Geneva, February 25, 2008, 188; available from http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC_C_GBR_4.doc. See also Government of the British Virgin Islands, *Labour Code*, articles 2, 130.

[5575] Government of the British Virgin Islands, *Labour Code*, articles 8-14.

[5576] Ibid.

Christmas Islands and Cocos (Keeling) Islands

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in the Christmas Islands and Cocos (Keeling) are exploited in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

The Christmas and Cocos (Keeling) Islands are subject to the child labor laws of the state of Western Australia.[5577] The Western Australia Children and Community Services Act 2004 prohibits the employment of children under age 15 in a business, trade, or for-profit occupation with some exceptions. Child prostitution and possession, production, and distribution of child pornography are prohibited.[5578]

Slavery is illegal under the Slavery and Sexual Servitude Act of 1999.[5579] The Criminal Code prohibits trafficking in persons and debt bondage.[5580] The trafficking provisions of the Criminal Code criminalize forced labor if the offender facilitated or organized the other person's entry/exit to or from the territories.[5581] Defense of the Christmas and Cocos (Keeling) Islands is the responsibility of Australia, which has a voluntary recruitment age of 17.[5582]

Institutional Mechanisms for Coordination and Enforcement

The Western Australia Division of the Department of Consumer and Employment Protection (DOCEP) investigates and enforces laws dealing with the employment of children.[5583]

The Western Australia Department for Child Protection is responsible for investigating the commercial sexual exploitation of children such as pornography, sometimes with cooperation from the Western Australia Police and the Labor Relations Division of the DOCEP.[5584] The Western Australia state police force has primary responsibility for investigating and prosecuting allegations of slavery or sexual servitude.[5585]

The Federal Department of Immigration and Multicultural Affairs and the Australian Federal Police have jurisdiction in trafficking matters.[5586] The Australian Federal Police established the Transnational Sexual Exploitation and Trafficking (TSET) Team in October 2003 to investigate slavery, sexual servitude, and child sex tourism.[5587] The Australian Federal Police's Child Protections Operations Team (CPOT) monitors child sex tourism offenses and child pornography on the Internet.[5588]

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

[5577] U.S. Embassy- Canberra, *reporting*, February 9, 2010.

[5578] Government of Western Australia, *Prostitution Act 2000*, (July 29, 2000), articles 16-18; available from http://www.austlii.edu.au/au/legis/wa/consol_act/pa2000205/. See also Government of Western Australia, *Children and Community Services Act 2004*, (October 20, 2004), article 192; available from http://www.austlii.edu.au/au/legis/wa/consol_act/cacsa2004318/. See also Government of Australia, *Initial Report under the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, December 2008, 3-4; available from http://www.ag.gov.au/www/agd/agd.nsf/Page/Humanrightsandanti-discrimination_ReportsundertheConventionontheRightsoftheChild.

[5579] *Criminal Code Amendment (Slavery and Sexual Servitude Act)*, (September 21, 1999), articles 270.1-270.2; available from http://www.comlaw.gov.au/comlaw/Legislation/Act1.nsf/0/0FAA0D6C550AA4F8CA2574350017B3BF/$file/10499.pdf.

[5580] *The Criminal Code Act 1995*, division 271; available from http://www.austlii.edu.au/au/legis/cth/consol_act/cca1995115/sch1.html.

[5581] Ibid., articles 73.2(3) and page 520.

[5582] Central Intelligence Agency, "Christmas Island," in *The CIA World Factbook*, Washington, DC, 2009; available from https://www.cia.gov/library/publications/the-world-factbook/geos/kt.html. See also Central Intelligence Agency, "Cocos (Keeling) Islands," in *The CIA World Factbook*, Washington, DC, 2009; available from https://www.cia.gov/library/publications/the-world-factbook/geos/ck.html. See also Coalition to Stop the Use of Child Soldiers, "Australia," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/preface.

[5583] ILO, *Country Baselines Under the ILO Declaration Annual Review (2000-2010): Australia*, 2010, 14; available from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_091263.pdf.

[5584] Government of Australia, *Initial Report under the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, 20.

[5585] USDOL Bureau of International Labor Affairs, *Australia Labor Rights Report*, June 8, 2004, 16; available from http://www.dol.gov/ilab/media/reports/usfta/labor.pdf.

[5586] Ibid., 19.

[5587] Government of Australia, *Initial Report under the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, 5-6.

[5588] Ibid.

Cook Islands

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There are reports that some children in the Cook Islands are exploited in the worst forms of child labor, specifically in commercial sexual exploitation.[5589]

Laws and Regulations on the Worst Forms of Child Labor

The Cook Islands have some of their own laws and also follow some of the laws of New Zealand and the United Kingdom.[5590] The New Zealand Industrial and Labor Ordinance1964 prohibits children under the age of 16 from working in factories without permission from the Industrial Relations Officer. The law prohibits children less than age 18 from any work that the Industrial Relations Officer deems dangerous. Children under age 18 may not work with factory machines without knowledge of the dangers, precautions to be taken, and sufficient training or supervision.[5591] Information on minimum age laws in other enterprises was not identified.

Forced and compulsory labor are criminal acts under the Cook Islands Prohibition of Forced and Compulsory Labor Ordinance and Amendment Acts.[5592] Trafficking in persons is illegal under the Cook Islands Crimes Amendment Act 2004, but it is not clear that internal trafficking is addressed in the Act.[5593] There are no armed forces in the Cook Islands.[5594]

The Cook Islands Crimes Act of 1969 prohibits prostitution. Brothel-keeping, living on the earnings of the prostitution of another person, and procuring a girl to have sex with a man who is not her husband are illegal,[5595] as are selling, distributing, or otherwise exhibiting indecent documents.[5596] The prostitution of boys is not specifically addressed under the law.

Institutional Mechanisms for Coordination and Enforcement

The Labor and Consumer Affairs Division of the Government monitors the implementation of child labor laws in the Islands. There are several agencies that participate in protecting children from commercial sexual exploitation. The Ministry of Internal Affairs, which includes the Child and Family Services Division, is responsible for all matters relating to children and families.[5597] The Chief Censor has some responsibility for issues of pornography.[5598] The Ministries of Tourism, Culture, Health, Justice, Education, Foreign Affairs, and the Police also play roles in protecting children.[5599] However, research did not reveal any information on the number of investigators, investigations, or the number of violations regarding the commercial sexual exploitation of children during the reporting period.

Government Policies on the Worst Forms of Child Labor

Government, civil society, and religious groups in the Cook Islands collaborated on the development of the National Plan of Action on Sexual Exploitation of Children: Protecting Our Future. Research did not find evidence of the completion, adoption, or implementation of the plan.[5600]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research found no evidence of any programs to address the commercial sexual exploitation of children.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in the Cook Islands:

IN THE AREA OF LAWS AND REGULATIONS

- Ensure that laws against commercial sexual exploitation protect all children regardless of gender.
- Enforce relevant laws to protect children from commercial sexual exploitation.

IN THE AREAS OF POLICIES AND PROGRAMS

- Collect, analyze, and disseminate information regarding the prevalence and nature of commercial sexual exploitation of children.
- Develop and implement a policy framework and social programs to prevent and eliminate commercial sexual exploitation of children, including victim assistance.

[5589] ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children - Cook Islands*, 2009, 11-14; available from http://www.ecpat.net/A4A_2005/PDF/EAP/Global_Monitoring_Report-COOKISLANDS.pdf.

[5590] Pacific Islands Legal Information Institute, *PacLII Databases: Cooks Islands Laws,* [online] [cited September 28, 2010]; available from http://www.paclii.org/databases.html#CK.

[5591] Government of New Zealand, *Industrial and Labour Ordinance 1964*, (December 7, 1964), article 53; available from http://www.paclii.org/ck/legis/ck-nz_act/ialo1964270/.

[5592] *Prohibition of Forced or Compulsory Labour Ordinance 1960*; available from http://www.paclii.org/ck/legis/num_act/toc-P.html.

[5593] Government of Cook Islands, *Crimes Amendment Act 2004*, (June 1, 2004), articles 109 H-I; available from www.paclii.org/ck/legis/num_act/caa2004162/. See also ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children - Cook Islands*, 26.

[5594] Coalition to Stop the Use of Child Soldiers, "Pacific Islands," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/content/pacific-islands.

[5595] Government of Cook Islands, *Crimes Act 1969*, (January 27, 1970), articles 160-163; available from http://www.paclii.org/ck/legis/num_act/ca196982/. See also ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children - Cook Islands*, 24.

[5596] Government of Cook Islands, *Crimes Act*, article 138.

[5597] ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children - Cook Islands*, 17.

[5598] Ibid.

[5599] Ibid.

[5600] Ibid., 14-15.

Falkland Islands (Islas Malvinas)

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in the Falkland Islands are exploited in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

The Falkland Islands Employment of Children Ordinance prohibits the employment of children less than 16. It also is illegal to employ children during school hours, if the work may harm their health, safety, or morals, or if the work involves lifting, carrying, or moving anything that may injure them.[5601] The Employment of Women, Young Persons, and Children Ordinance makes it illegal to employ children in work that exposes them to physical, psychological, or sexual abuse; is underground or underwater, at dangerous heights, or in confined spaces, or requires the use of dangerous machinery, equipment, or tools without training and supervision. Children under 18, including those who have completed compulsory schooling, may not work at night in any industry.[5602]

The Falkland Islands Constitution Order 2008 prohibits slavery and forced labor.[5603]

Under the United Kingdom's Sexual Offenses Act 2003, as applied to the Falkland Islands by the Sexual Offenses Ordinance 2005, children less than age 13 are not legally capable of consenting to any form of sexual activity and 16 is the age of consent for sexual activity. The Act also prohibits trafficking in persons for sexual exploitation.[5604] Purchasing a child for sexual services and causing, controlling, arranging, or facilitating child prostitution or pornography are also illegal.[5605]

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor in the Falkland Islands.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

[5601] U.S. Embassy- London, *reporting*, January 16, 2009. See also Government of the United Kingdom and Northern Ireland, *Implementation of the Convention on the Rights of the Child- Overseas Territories*, 18.

[5602] U.S. Embassy- London, *reporting, January 16, 2009*.

[5603] *South Atlantic Territories: The Falkland Islands Constitution Order 2008*, (November 5, 2008), article 4; available from http://www.falklands.gov.fk/assembly/documents/The%20Falkland%20Islands%20Constitution%20Order%202008.pdf.

[5604] Government of the United Kingdom of Great Britain and Northern Ireland, *Sexual Offenses Act 2003*, articles 5-9, 57-59.

[5605] Ibid., articles 45,47, 48-50.

Gibraltar

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in Gibraltar are exploited in the worst forms of child labor.[5606]

Laws and Regulations on the Worst Forms of Child Labor

Gibraltar follows the child labor laws of the United Kingdom.[5607] See the Laws and Regulations section of the British Indian Ocean Territory/Chagos Archipelago for a full description of these laws.

Slavery and forced labor are prohibited under the Gibraltar Constitution Order 2006.[5608] Prostitution of girls and child pornography are illegal.[5609] The

prostitution of boys is not specifically prohibited under the law.

The recruitment age for the Royal Gibraltar Regiment is 16.[5610] There is no evidence of comprehensive laws against trafficking in Gibraltar.

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor in Gibraltar.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

Based on the reporting above, the following actions would advance the prevention of the worst forms of child labor in Gibraltar:

IN THE AREA OF LAWS AND REGULATIONS

- Ensure that laws against commercial sexual exploitation protect all children regardless of gender.

[5606] U.S. Embassy- London, *reporting*, February 10, 2010.

[5607] U.S. Embassy- London, *reporting, January 16, 2009*.

[5608] Government of Gibraltar, *The Gibraltar Constitution Order 2006*, (December 14, 2006), article 4; available from http://www.gibraltarlaws.gov.gi/constitution/Gibraltar_Constitution_Order_2006.pdf.

[5609] Government of Gibraltar, *Criminal Offences Act*, (September 1, 1960), articles 121-123, 127-128, 131-132; available from http://www.gibraltarlaws.gov.gi/full_index.php. See also Government of Gibraltar, *Crimes (Indecent Photographs with Children) Act 2009*, (October 29, 2009), articles 2-3; available from http://www.gibraltarlaws.gov.gi/articles/2009-40o.pdf.

[5610] Central Intelligence Agency, "Gibraltar," in *The CIA World Factbook*, Washington, DC, 2009; available from https://www.cia.gov/library/publications/the-world-factbook/geos/gi.html.

Montserrat

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is limited evidence that some children in Montserrat are exploited in commercial sexual exploitation in exchange for money and material goods.[5611]

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for employment under the Montserrat Employment Act is 14. Children under 15 are prohibited from industrial undertakings unless the work is not dangerous and only family members are employed.[5612]

The Montserrat Penal Code prohibits the prostitution of girls.[5613] The prostitution of boys is not specifically prohibited under the law.

Pornography is also illegal.[5614] The Constitution of Montserrat prohibits slavery and forced labor.[5615]

Although abduction and kidnapping are punishable under the Penal Code, there is no evidence of comprehensive legislation against trafficking in persons.[5616]

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Montserrat has established coordination and enforcement mechanisms to address the commercial sexual exploitation of children.

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address the commercial sexual exploitation of children in Montserrat.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research found no evidence of any programs to address the commercial sexual exploitation of children.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Montserrat:

IN THE AREA OF LAWS AND REGULATIONS

- Ensure that laws against commercial sexual exploitation protect all children regardless of gender.

IN THE AREA OF COORDINATION AND ENFORCEMENT

- Enforce relevant laws to protect children from commercial sexual exploitation.

IN THE AREAS OF POLICIES AND PROGRAMS

- Collect, analyze, and disseminate information regarding the prevalence and nature of the commercial sexual exploitation of children.
- Develop and implement a policy framework and social programs to prevent and eliminate commercial sexual exploitation of children, including victim assistance.

[5611] Adele D. Jones and Trotman Jemmott, *Child Sexual Abuse in the Eastern Caribbean*, UNICEF, Hastings, Christ Church, November 9, 2009, 198-199,204; available from http://www.unicef.org/infobycountry/files/Child_Sexual_Abuse_in_the_Eastern_Caribbean_Final_9_Nov.pdf.

[5632] Government of Montserrat, *Employment Act*, article 4; available from http://labour.gov.ms/publications/Employment_Act.pdf.

[5613] Government of Montserrat, *The Penal Code*, articles 116, 125, 129; available from http://agc.gov.ms/wp-content/uploads/2010/02/penal_code.pdf.

[5614] Ibid., 291.

[5615] Government of Montserrat, *The Montserrat Constitution Order 1989*, (January 8, 1990), article 55; available from http://www.legislation.gov.uk/uksi/1989/2401/contents/made.

[5616] Montserrat, *Montserrat Penal Code*, articles 195-197.

Niue

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in Niue work in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

Information on minimum age laws was not identified. Trafficking in persons is a specific offense in Niue.[5617] There is no military in Niue as defense is the responsibility of New Zealand.[5618]

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor in Niue.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

[5617] UNODC, "Pacific Islands," in *Global Report on Trafficking in Persons*, Vienna, February 2009; available from http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html.

[5618] Central Intelligence Agency, "Niue," in *The CIA World Factbook*, Washington, DC, 2009; available from https://www.cia.gov/library/publications/the-world-factbook/geos/ne.html.

Norfolk Island

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence of the worst forms of child labor on Norfolk Island.[5619]

Laws and Regulations on the Worst Forms of Child Labor

There is no minimum age for employment on Norfolk Island but children under 15 are subject to limitations under the Employment Act 1988. Children under 15 may not work more than 20 hours a week, at night, or during school hours.[5620] Parental consent and written agreement is required to employed persons under 18.[5621] Information is limited, but it does not appear that Norfolk Island has restrictions on hazardous child labor.

The Commonwealth Criminal Code Act 1995 of Australia applies to Norfolk Island and criminalizes slavery, including sexual slavery, trafficking in children, forced prostitution, child pornography, and the recruitment of children under age 15 for armed conflict. The Norfolk Island Criminal Code Act 2007 prohibits sexual servitude and child pornography.[5622]

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor on Norfolk Island. Employment inspectors and child welfare officers monitor the employment of young workers and take action accordingly.[5623]

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor on Norfolk Island.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

[5619] U.S. Embassy- Canberra, *reporting*, February 9, 2010.

[5620] Ibid.

[5621] Ibid.

[5622] Ibid.

[5623] Ibid.

St. Helena, Ascension and Tristan da Cunha (formerly called Saint Helena)[5624]

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence of the worst forms of child labor in St. Helena or its dependencies, Ascension and Tristan da Cunha.

Laws and Regulations on the Worst Forms of Child Labor

There is very little information on the laws and regulations against the worst forms of child labor in St. Helena and its dependencies. The Constitution prohibits slavery and forced labor.[5625]

Institutional Mechanisms of Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor in St. Helena, Ascension and Tristan da Cunha. The Department for Employment and Social Security is responsible for employment issues.[5626]

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

[5624] The St. Helena, Ascension and Tristan da Cunha Constitution Order 2009 granted a new Constitution to and change the name of the Territory as of September 1, 2009.

[5625] Government of the United Kingdom of Great Britain and Northern Ireland, *The St. Helena, Ascension and Tristan da Cunha Constitution Order 2009*, (September 1, 2009), article 8; available from http://www.legislation.gov.uk/uksi/2009/1751/made/data.pdf.

[5626] UN Economic and Social Council, *Implementation of the International Covenant on Economic, Social and Cultural Rights - Fifth periodic reports submitted by States parties under articles 16 and 17 of the Covenant - Addendum - United Kingdom of Great Britain and Northern Ireland - Overseas Territories*, 14 February 2008, 131; available from http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/404/99/PDF/G0840499.pdf?OpenElement.

Tokelau

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence of the worst forms of child labor in Tokelau.

Laws and Regulations on the Worst Forms of Child Labor[5627]

The Tokelau Crimes, Procedures and Evidence Rules 2003 prohibit prostitution and possessing, selling, or exhibiting pornography.[5628] New Zealand legislation does not apply to Tokelau unless expressly extended with Tokelauan consent. Evidence that worst forms of child labor laws from New Zealand have been extended to Tokelau was not obtained.

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor in Tokelau.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

[5627] Certain British and New Zealand Acts of Parliament, Rules of the Tokelau General Fono, and British Common Law as at January 14, 1840 apply in Tokelau. New Zealand legislation does not apply to Tokelau unless it is expressly extended to the Territory. It is unclear whether the New Zealand Education Act of 1989, Health and Safety of Employment Act of 1992, and Industrial and Labour Relations Act 1964 apply to Tokelau. Government of New Zealand, *Implementation of the International Covenant on Economic, Social and Cultural Rights; Third Periodic Report Submitted by States Parties Under Articles 16 and 17 of the Covenant - New Zealand*, UN Committee on Economic, Social and Cultural Rights, 2008; available from http://www2.ohchr.org/english/bodies/cescr/docs/AdvanceVersions/E.C.12.NZL.3AUV.pdf.

[5628] Government of Tokelau, *Tokelau Crimes, Procedures, and Evidence Rules 2003*, (2003), articles 25, 39; available from http://www.paclii.org/tk/legis/num_act/cpaer2003302/.

Turks and Caicos Islands[5629]

Prevalence and Distribution of the Worst Forms of Child Labor

There is no evidence of the worst forms of child labor in the Turks and Caicos Islands.

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for employment in the Turks and Caicos Islands is 16. Children under 16 may be employed with the written consent of their parent or guardian.[5630] Slavery and forced labor are prohibited by the Constitution.[5631]

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor in the Turks and Caicos Islands.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

[5629] Turks and Caicos is typically internally self-ruled, but corruption charges levied against its political leadership caused the British Government to suspend the Government of Turks and Caicos Islands and its legislature in August 2009. A London-appointed governor will lead the Territory until otherwise determined. Government of the United Kingdom of Great Britain and Northern Ireland, *Core Document Forming Part of the Reports of States Parties - Overseas Dependent Territories and Crown Dependencies of the United Kingdom of Great Britain and Northern Ireland*, UN International Human Rights Instruments, 13 July 2001, 82; available from http://www2.ohchr.org/english/bodies/cescr/docs/HRI.CORE.1.Add.62.Rev.1.pdf. *See also* Associated Press, "Turks and Caicos: Britain Takes Over Government," *New York Times*, 14 August 2009; available from http://www.nytimes.com/2009/08/15/world/americas/15web-briefs-Turkscaicos.html.

[5630] *Turks and Caicos Islands Employment Ordinance 2004*, (October 26, 2004); available from http://www.misickstanbrook.tc/articles/ordinances/Employment%20Ordinance/Employment%20Ordinance%202004.pdf.

[5631] *The Turks and Caicos Constitution Order 2006*, (August 9, 2006); available from http://www.misickstanbrook.tc/articles/ordinances/Constitution%20of%20the%20Turks%20and%20Caicos%20Islands.pdf.

Wallis and Futuna

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children are exploited in the worst forms of child labor in the Wallis and Futuna Islands.[5632]

Laws and Regulations on the Worst Forms of Child Labor

The constitutional status of Wallis and Futuna is set by French law.[5633] As such, the French Labor and Penal Codes detailed herein extend to its territory of Wallis and Futuna.

The French Labor Code prohibits employment for persons under age 16, with some exceptions for apprenticeships or other alternative education programs, light work during holidays from the age of 14, or work within the entertainment industry.[5634] Minors under the age of 18 are prohibited from certain dangerous jobs and are prohibited from working more than 7 hours a day or 35 hours a week.[5635] The Ministry of the Interior of France states that the law on child labor is respected and enforced in Wallis and Futuna.[5636]

The French Penal Code prohibits trafficking in children and provides for appropriate penalties for offenders.[5637] Procuring and prostituting a child is prohibited under France's Penal Code; such offenses also carry appropriate penalties.[5638]

It is unlawful under the French Penal Code to take, record, or send an image of pornographic character of a minor with the intention of circulation. Such a crime carries appropriate penalties, as does the crime of distributing a pornographic image of a minor through import or export.[5639]

According to the French Code of Defense, persons below the age of 17 are prohibited from admittance into the French Armed Forces, although admittance to military schools is allowed at age 16.[5640] Written consent from parents or guardians and proof of age must be provided from volunteers. National service is no longer a requirement in France.[5641]

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a child labor problem, there appears to be no need for programs to address the worst forms of child labor.

Government Policies on the Worst Forms of Child Labor

Given the absence of a demonstrated child labor problem, the Government of France has not established a policy framework on the issue.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

There is no evidence of programs to prevent child labor in Wallis and Futuna.

[5632] U.S. Embassy- Paris, *reporting*, January 7, 2009, para 3.

[5633] Australian Government- Department of Foreign Affairs and Trade, *Wallis and Futuna country brief,* [online] 2010 [cited September 27, 2010]; available from http://www.dfat.gov.au/geo/wallis_futuna/wallisfutuna_brief.html.

[5634] U.S. Embassy- Paris, *reporting, January 7, 2009*, para 2. See also Government of France, *Code du Travail*, (May 2008), article L4153-1, L6222-1; available from http://www.legifrance.gouv.fr/affichCode.do;jsessionid=5915BE44CD095CAE70B46222FFF096FF.tpdjo03v_3?cidTexte=LEGITEXT000006072050&dateTexte=20100928.See also U.S. Department of State, "France," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, March 11, 2010, section 7d. See also The Library of Congress, *Children's Rights: France,* [2010 [cited September 28, 2010]; available from http://www.loc.gov/law/help/child-rights/france.php.

[5635] Government of France, *Code du Travail*, article R234-6. See also The Library of Congress, *Children's Rights: France*.

[5636] U.S. Embassy- Paris, *reporting, January 7, 2009*, para 2.

[5637] U.S. Department of State, "Country Reports- 2010: France," section 6. See also The Library of Congress, *Children's Rights: France*.

[5638] The Library of Congress, *Children's Rights: France*. See also U.S. Department of State, "Country Reports- 2010: France," section 5.

[5639] Government of France, *Code Penal*, (June 1998), article 227-23; available from http://www.legifrance.gouv.fr/affichCode.do;jsessionid=5915BE44CD095CAE70B46222FFF096FF.tpdjo03v_3?cidTexte=LEGITEXT000006070719&dateTexte=20100929.

[5640] The Library of Congress, *Children's Rights: France*. See also Government of France, *Code de la défense*, (March 2007), article L4132-1; available from http://www.legifrance.gouv.fr/affichCode.do;jsessionid=5915BE44CD095CAE70B46222FFF096FF.tpdjo03v_3?cidTexte=LEGITEXT000006071307&dateTexte=20100929.

[5641] Government of France, *Code du service national*, (October 1997), article L1; available from http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006071335&dateTexte=20080505.

West Bank and Gaza Strip (Occupied Territories Subject to the Jurisdiction of the Palestinian Authority)

The West Bank and Gaza have some laws in place to protect children from the worst forms of child labor. Significant gaps remain in the enforcement of laws against the worst forms of child labor and there is no policy framework to combat the problem.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Distribution of the Worst Forms of Child Labor

Children in the West Bank and Gaza Strip are exploited in the worst forms of child labor,[5642] many of them in dangerous work in agriculture and street vending. Such work exposes children to risks including dangerous machinery and tools, harmful pesticides, and carrying heavy loads.[5643] Children also work as street vendors and porters. They are vulnerable to harassment and assault and may be required to carry heavy loads and spend long hours standing in traffic and the sun, often without food or water.[5644] Some children work in auto body shops where they are exposed to unsafe tools and machinery.[5645] Children also collect metals and other salvageable materials from garbage dumps, exposing them to potentially hazardous and unsanitary materials.[5646] Some children work in mining, manufacturing, and construction.[5647]

Some Palestinian children cross into Israel and Israeli settlements in the West Bank to work.[5648] Children traveling to and working in Israeli settlements may be subject to exploitation and harassment.[5649]

There are reports that children are recruited for use in armed conflict as human shields and informants. Some child informants are tortured in order that they cooperate.[5650] Children thought to have collaborated with Israeli authorities may be subject to retaliation.[5651]

Children also work inside underground tunnels that run between the Gaza Strip and Egypt, smuggling food and other goods, digging, and laying wire for electricity and pipelines to smuggle fuel.[5652] Some children may work up to 10 hours at a time in the tunnels with only a very short break.[5653] Many children use stimulant drugs to lessen pain and increase stamina during long shifts in the tunnels. Some Palestinian children have died in the tunnels as a result of attacks and efforts to block the smuggling.[5654]

Laws and Regulations on the Worst Forms of Child Labor

Unified Labor Law No. 7 of 2000 and Palestinian Child Law No. 7 of 2004 are applicable to the West Bank and Gaza. These laws prohibit the employment of any person under age 15 and also require children between age 15 and 18 years to receive medical examinations every 6 months while working.[5655] The Unified Labor Law provides exceptions to the restrictions for children who work for direct relatives and are under their supervision, as long as the work does not negatively impact the mental and physical development of the child or the child's education.[5656]

The Unified Labor Law prohibits children under age 18 from being employed in industries identified by the Minister of Labor as dangerous or unhealthy, as well as night shifts, overtime, piece work and employment away from their communities.[5657]

There are no specific laws prohibiting forced labor in the West Bank and Gaza.[5658] Prostitution is illegal.[5659]

The Child Law prohibits the exploitation of children in any work that is against the law, hinders a child's education, or is harmful to his or her health, physical or moral safety.[5660] The Law specifically prohibits the use of children in drug and alcohol related industries, the publication, circulation or possession of child pornography, and the use of children in armed conflicts.[5661]

The West Bank and Gaza do not have a regular military force.[5662] Recruitment for government service, including security services, is voluntary beginning at age 18.[5663]

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	No
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government has established a coordinating mechanism to combat the worst forms of child labor in the West Bank and Gaza.

The Ministry of Labor is responsible for enforcing child labor laws. Its Inspection and Protection Administration enforces the Labor Law.[5664] Ministry of Labor officials state that there is no enforceable law to monitor and protect Palestinian children working in Israeli settlements and that there are no Israeli inspectors in West Bank settlements and industrial zones.[5665]

Palestinian Authority law requires the Ministry of Labor to investigate suspected cases of children recruited for armed conflict and it mandates trial of those responsible in court.[5666]

The Ministry of Labor has 37 labor inspectors who investigate child labor violations, among other duties.[5667] However, the Palestinian Authority is only able to conduct investigations in the West Bank because of Hamas's control of Gaza since 2007.[5668]

The Palestinian Authority convicted 10 people in child labor cases from 2003 through 2007. Palestinian Authority officials state that many individuals have been fined following investigations in the past few years.[5669]

Government Policies on the Worst Forms of Child Labor

Research found no evidence of a policy to combat child labor in the West Bank and Gaza. However, the National Plan of Action for Palestinian Children 2004-2010 includes a strategic goal to monitor all workplaces where children are employed.[5670]

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In 2005, the Ministry of Labor, Ministry of Social Affairs, Ministry of Education, and the United Nations Relief and Works Agency initiated efforts to identify child laborers and assist them to leave work and attend school. The Secretariat for the National Plan of Action for Palestinian Children initiated a pilot program to remove children from child labor.[5671]

There is one help line service available for children in the occupied Palestinian territories. The free Palestinian Child Protection Helpline 121 is part of Child Helpline International, a network of child help lines, and aims to provide free support and counseling to children and adolescents to protect them from abuse, neglect, violence, and exploitation.[5672] Save the Children Sweden provides funding for the hotline.[5673]

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in the West Bank and Gaza:

IN THE AREA OF LAWS AND REGULATIONS:

- Draft laws that specifically prohibit forced child labor.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Conduct child labor inspections in Gaza.

IN THE AREA OF POLICIES:

- Draft a comprehensive policy framework for the elimination of the worst forms of child labor.

[5642] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

[5643] Birzeit University Development Studies Programme and UNICEF- Occupied Palestinian Territories, *The Children of Palestine in the Labour Market*, Ramallah, October, 2004, 50; available from http://www.miftah.org/Doc/Reports/2004/unicefrep.pdf.

[5644] Integrated Regional Information Networks, "Poverty driving Palestinian children onto the streets", IRINnews.org, [online], June 12, 2007 [cited January 26, 2010]; available from http://www.irinnews.org/report.aspx?ReportId=72677. See also U.S. Embassy- Jerusalem, *reporting*, June 2, 2010. See also Birzeit University Development Studies Programme and UNICEF- Occupied Palestinian Territories, *The Children of Palestine in the Labour Market*, 50.

[5645] UNICEF, *Growing poverty in Gaza pushing children to work*, Occasional Story, Gaza Strip, Occupied Palestinian Territory, July 22 2009; available from http://www.unicef.org/infobycountry/oPt_50318.html. See also Birzeit University Development Studies Programme and UNICEF- Occupied Palestinian Territories, *The Children of Palestine in the Labour Market*, 50.

[5646] Birzeit University Development Studies Programme and UNICEF- Occupied Palestinian Territories, *The Children of Palestine in the Labour Market*. See also Integrated Regional Information Networks, "Palestinian children".

[5647] U.S. Embassy- Jerusalem, *reporting, June 2, 2010*. See also Integrated Regional Information Networks, "Palestinian children".

[5648] Integrated Regional Information Networks, "Palestinian children". See also Birzeit University Development Studies Programme and United Nations Children's Fund- Occupied Palestinian Territories, *The Children of Palestine in the Labour Market*, Ramallah, October, 2004; available from http://www.miftah.org/Doc/Reports/2004/unicefrep.pdf. See also Education International, *Country Profile - Palestine*, June 12, 2007; available from http://www.ei-ie.org/barometer/en/profiles_detail.php?country=palestine. See also U.S. Embassy- Jerusalem, *reporting*, June 2, 2010. See also Simone Korkus, "Child labour in Jewish settlements", Kav LaOved, [online], December 11 2008 [cited February 17. 2010]; available from http://www.kavlaoved.org.il/media-view_eng.asp?id=2049.

[5649] Korkus, "Child labour in settlements". See also U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

[5650] UN Committee on the Rights of the Child, *Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of chidren in armed conflict: Concluding Observations: Israel*, CRC/C/OPAC/ISR/CO/1, Geneva, January 29, 2010; available from http://www2.ohchr.org/english/bodies/crc/docs/CRC-C-OPAC-ISR-CO-1.pdf. See also Defence for Children International with Coalition to Stop the Use of Child Soldiers, *Dealing with alleged child collaborators in the Occupied Palestinian Territories in the spirit of the Convention on the Rights of the Child*, Ramallah, April 20, 2005; available from www.child-soldiers.org/document/get?id=1019.

[5651] Defence for Children International with Coalition to Stop the Use of Child Soldiers, *Child collaborators in OPT*.

[5652] Iqbal Tamimi, "The children of Gaza," (November 11, 2009); available from http://www.aljazeera.com/news/print.php?newid=298503. See also Patrick Moser, "OPT: Children risk their lives in Gaza's blockade-busting tunnels", [online], July 12, 2009 [cited February 2, 2010]; available from http://www.google.com/hostednews/afp/article/ALeqM5hYZkIgqVIjw5s97PTUl0UDj1yNcQ. See also UN Office for the Coordination of Humanitarian Affairs- Occupied Palestinian Territory, *Locked In: The Humanitarian Impact of Two Years of Blockade on the Gaza Strip*, August, 2009; available from www.ochaopt.org/documents/Ocha_opt_Gaza_impact_of_two_years_of_blockade_August_2009_english.pdf. See also U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

[5653] U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

[5654] Moser, "Children in tunnels", Tamimi, "Children of Gaza." See also National Society for Democracy and Law, "National Society for Democracy and Law precedence on children work in tunnels", nsdl.org.ps, [online], November 15, 2009 [cited February 19, 2010]; available from http://www.nsdl.org.ps/english/mainnenw1/new1.html. See also U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

[5655] Law Library of Congress, *West Bank and Gaza: Child Labor Laws*, 2010-003857, The Law Library of Congress, Washington, DC, May, 2010.

[5656] U.S. Embassy- Jerusalem, *reporting, June 2, 2010*. See also Law Library of Congress, *West Bank and Gaza Laws*.

[5657] Law Library of Congress, *West Bank and Gaza Laws*. See also U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

[5658] Law Library of Congress, *West Bank and Gaza Laws*.

[5659] U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

[5660] Secretariat of the National Plan of Action for Palestinian Children, *Child Protection in the Occupied Palestinian Territory: A National Position Paper*, Jerusalem, June, 2005; available from http://www.crin.org/docs/NPASEC_OPT_Child_Protection.pdf.

[5661] Law Library of Congress, *West Bank and Gaza Laws*.

[5662] Ibid.

[5663] Coalition to Stop the Use of Child Soldiers, "Occupied Palestinian Territory," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/content/occupied-palestinian-territory.

[5664] Palestinian Economic Policy Institute, *Palestinian Labour Law No. 7 & Worker's Rights*, Report for a conference, Ramallah, May, 2008; available from http://www.palst-jp.com/eg/pdf/inv/02/Palestinian_Labour_Law.pdf.

[5665] U.S. Department of State, "Israel and the Occupied Territories," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136070.htm. See also U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

[5666] U.S. Embassy- Jerusalem, *reporting*, December 7, 2007.

[5667] U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

[5668] Ibid.

[5669] U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

[5670] Secretariat of the National Plan of Action for Palestinian Children, *Child Protection in the Occupied Palestinian Territory*.

[5671] Ibid.

[5672] *SAWA's Child Helpline Service 121: Expanding outreach to vulnerable children in oPt,* [online] February 2010 [cited August 11, 2010]; available from http://sca.savethechildren.se/Global/scs/MENA/Resources/SAWA%20Fact%20Sheet%20-%20%20Final.pdf.

[5673] Ibid.

Western Sahara

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Western Sahara may be exploited in the worst forms of child labor, particularly in agriculture.[5674] Children working in agriculture may be exposed to chemicals, injured by dangerous machinery or tools, and suffer physical harm from repetitive motions and carrying excessively heavy loads.

Laws and Regulations on the Worst Forms of Child Labor

The Moroccan-controlled territory of Western Sahara is subject to Moroccan laws.[5675] Part of the country is controlled by the Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro (Polisario Front), a Sahrawi national liberation movement, and information on the laws applicable in this area is unavailable.

In the Moroccan-controlled territory, the minimum age of employment is 15 as established by the Labor Code of 2004; the Labor Code also limits the number of hours that children under the age of 16 can work.[5676] However, agricultural or seasonal activities may be exempt from these restrictions for children ages 15 to 16.[5677] Also, the Labor Code prohibits hazardous activities for children under the age of 18, although children working on family farms are not protected by the provisions of the Labor Code.[5678] During the reporting period, the Ministry of Employment and Professional Training began to update its list of occupations that qualify as "hazardous work" for children.[5679] The Labor Code does not apply to all businesses, such as those with fewer than five employees.[5680]

Forced or compulsory child labor is prohibited under the Labor Code and Penal Code.[5681] Although Morocco does not have a specific trafficking-in-persons law, child trafficking can be prosecuted using articles from the Penal Code and Immigration Law.[5682]

The age for voluntary recruitment to the military is 18. There is no compulsory military service.[5683]

The commercial sexual exploitation of children, including pornography and prostitution, is prohibited under the Moroccan Penal Code. In addition, it is specifically prohibited under the Penal Code to incite, procure, or facilitate the prostitution of a minor.[5684] Sex tourism is also criminalized under an amendment to the Penal Code.[5685]

Institutional Mechanisms for Coordination and Enforcement

The Government of Morocco administers its laws in Western Sahara through Moroccan institutions.[5686]

Government Policies on the Worst Forms of Child Labor

Research found no evidence that the Government of Morocco has established policies to combat the worst forms of child labor in Western Sahara.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research found no evidence that the Government of Morocco has established programs to combat the worst forms of child labor in Western Sahara.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in the Western Sahara:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Code and provisions on hazardous labor to protect all children engaged in agriculture.
- Amend the Labor Code to apply to all employers, regardless of the number of employees

IN THE AREAS OF POLICIES AND PROGRAMS:

- Collect, analyze, and disseminate information to diagnose the extent and nature of children working in agriculture to guide the development of a policy and programs to address the problem.

Full reports are not included for Heard Island, the McDonald Islands, or the Pitcairn Islands. The Heard and McDonald Islands are uninhabited, and the population of the Pitcairn Islands is less than 50 people.[5687]

[5674] U.S. Department of State, "Western Sahara," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136076.htm.

[5675] Ibid., paras 1, 44, and 45.

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		Anguilla	British Indian Ocean Territory	British Virgin Islands	Christmas Island and Cocos (Keeling) Islands	Cook Islands
	C138, Minimum Age	N/A	N/A	N/A	N/A	N/A
	C182, Worst Forms of Child Labor	N/A	N/A	N/A	N/A	N/A
	Convention on the Rights of the Child (CRC)	X	Unclear	X	N/A	X
	CRC Optional Protocol on Armed Conflict	Unclear*	Unclear	Unclear	N/A	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	Unclear	Unclear	Unclear	N/A	No
	Palermo Protocol on Trafficking in Persons	Unclear	Unclear	Unclear	N/A	No
	Minimum Age for Work	14	16	16	15	None
	Minimum Age for Hazardous Work	None	None	18	None	None
	Compulsory Education Age	17	16	16	17	15
	Free Public Education	Yes	Yes	Yes	Yes	Yes

* "Unclear" refers to cases in which research has not identified whether a non-independent country or territory is eligible for membership.

		Falkland Islands	Gibraltar	Montserrat	Niue	Norfolk Island
	C138, Minimum Age	N/A	N/A	N/A	N/A	N/A
	C182, Worst Forms of Child Labor	N/A	N/A	N/A	N/A	N/A
	Convention on the Rights of the Child (CRC)	X	Unclear	X	X	N/A
	CRC Optional Protocol on Armed Conflict	Unclear	Unclear	Unclear	No	N/A
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	Unclear	Unclear	Unclear	No	N/A
	Palermo Protocol on Trafficking in Persons	Unclear	Unclear	Unclear	No	N/A
	Minimum Age for Work	16	16	14	Unclear	None
	Minimum Age for Hazardous Work	Unclear	16	15	Unclear	None
	Compulsory Education Age	16	15	16	16	15
	Free Public Education	Yes	Yes	Yes	Yes	Yes

* "Unclear" refers to cases in which research has not identified whether a non-independent country or territory is eligible for membership.

		St. Helena, Ascension, and Tristan da Cunha	Tokelau	Turks and Caicos	Wallis and Futuna	Western Sahara
	C138, Minimum Age	N/A	N/A	N/A	N/A	N/A
	C182, Worst Forms of Child Labor	N/A	N/A	N/A	N/A	N/A
	Convention on the Rights of the Child (CRC)	X	N/A	X	N/A	N/A
	CRC Optional Protocol on Armed Conflict	Unclear	N/A	Unclear	N/A	N/A
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	Unclear	N/A	Unclear	N/A	N/A
	Palermo Protocol on Trafficking in Persons	Unclear	N/A	Unclear	N/A	N/A
	Minimum Age for Work	Unclear	Unclear	16	16	15
	Minimum Age for Hazardous Work	Unclear	Unclear	None	18	18
	Compulsory Education Age	15/16 (Ascension only)	Unclear	16	16	15
	Free Public Education	Yes	Yes	Yes	Yes	Yes

* "Unclear" refers to cases in which research has not identified whether a non-independent country or territory is eligible for membership.

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