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

Prevalence and 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 POLICY:

- 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 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	Age and 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 SOCIAL PROGRAMS TO COMBAT CHILD LABOR:

- 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	✓
	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 SOCIAL 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.

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[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.

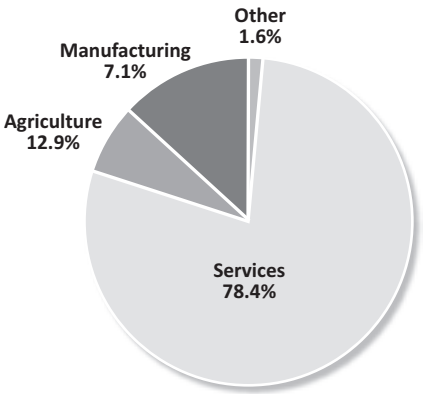
[184] U.S. Department of State, "Country Reports- 2009: Angola."

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]

Children in Argentina are required to attend school only until age 14. This standard makes children ages 15 and 16 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.

	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

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 LEGISLATION:

- Create a list of hazardous occupations for children.
- 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.
- Raise the compulsory education age to 16, the established minimum age for work.

IN THE AREA OF 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 SOCIAL 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 the10 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*.

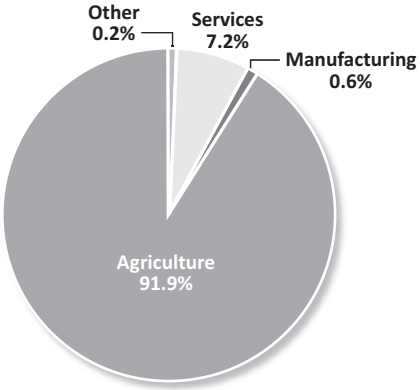
[272] Ibid., 5.

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	7-14 yrs.	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 GOVERNMENT 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 SOCIAL PROGRAMS TO COMBAT CHILD LABOR:

- 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.

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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]

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 ENFORCEMENT:

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

IN THE AREA OF POLICY:

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

IN THE AREA OF SOCIAL 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.

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[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*.

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

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

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[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)*.

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

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

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[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.

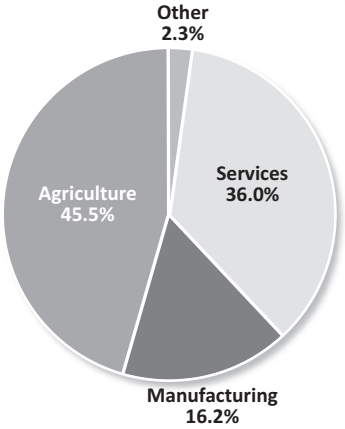
[343] U.S. Embassy- Manama, *reporting, February 1, 2010*.

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	✓
	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 AREAS 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 GOVERNMENT POLICY:

- 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 SOCIAL 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 c

	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	16
	Free Public Education	Yes

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

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 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*.

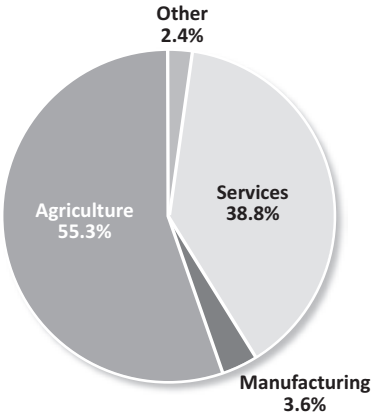
[417] ILO Committee of Experts, *Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Barbados (ratification: 2000) 2009*. See also ILO Subregional Office for the Caribbean, *Project Overview - ILO Subregional Office for the Caribbean Child Labour Project,* [Online] [cited October 18, 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]

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 LAW 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 SOCIAL 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.

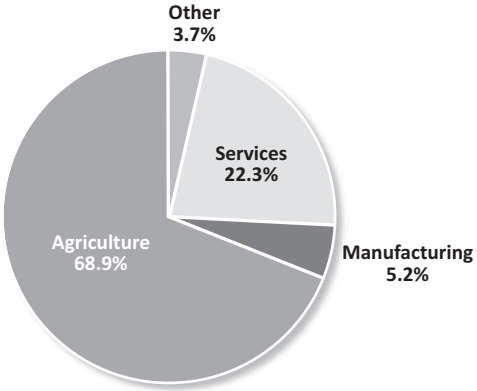
[450] U.S. Embassy- Belmopan, *reporting, March 19, 2010*.

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]

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

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 POLICY:

- 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 SOCIAL 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.

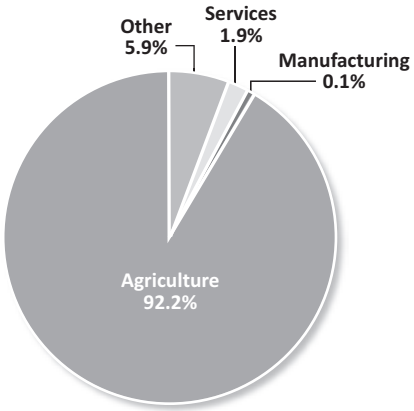
[477] Ibid. See Also U.S. Embassy- Cotonou, *reporting*, April 22, 2009.

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%



worst forms of child labor in Benin, particularly children engaged in domestic service, child sexual exploitation, quarrying, and agriculture.

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	✓
	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 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 POLICY:

- 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.

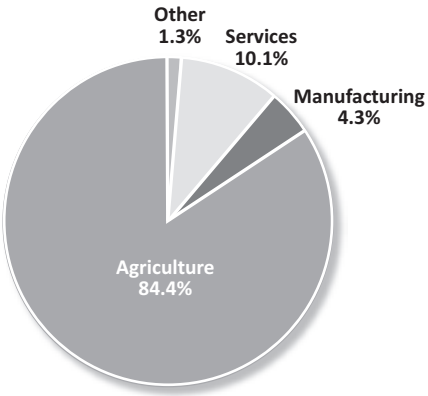
[495] Lucky Wangmo, "When Children Abandon Books to Earn a Living."

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 POLICY:

- 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.

[508] U.S. Department of State, "Country Reports- 2009: Bolivia," section 7d. See also Encuentro Latinoamericano, *Niñez indígena en América Latina: Situación y perspectivas*, 66. See also UN Permanent Forum on Indigenous Issues, *Misión a Bolivia: Informe y Recomendaciones*, 20-21.

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[515] Encuentro Latinoamericano, *Niñez indígena en América Latina: Situación y perspectivas*, 71. See also ILO Committee of Experts, *Direct Request, Tribal Peoples Convention, 1989 (No. 169) Bolivia (ratification: 1991),* [online] 2010 [cited April 26, 2010]; available from http://www.ilo.org/ilolex/gbe/ceacr2010.htm. See also U.S. Department of State, "Country Reports- 2009: Bolivia," section 2d. See also UN Permanent Forum on Indigenous Issues, *Misión a Bolivia: Informe y Recomendaciones*, 5.

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[519] Government of Bolivia, *Ley del Código del Niño, Niña y Adolescente*, 134, 146, 147.

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[523] U.S. Embassy- La Paz, *reporting, February 1, 2010*.

[524] Ibid.

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[528] UN Permanent Forum on Indigenous Issues, *Misión a Bolivia: Informe y Recomendaciones*.

[529] ILO Committee of Experts, *Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003)*. See also U.S. Embassy- La Paz, *reporting, February 1, 2010*.

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[561] U.S. Department of State, "Bolivia (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.

[562] U.S. Department of State, "Bolivia," 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/119149.htm.

[563] U.S. Department of State, *U.S. Government Funds Obligated for Anti-Trafficking in Persons Projects, Fiscal Year 2008,* [online] [cited May 14, 2010]; available from http://www.state.gov/g/tip/rls/rpt/111540.htm.

[564] U.S. Department of State, "Trafficking in Persons Report- 2010: Bolivia." See also U.S. Department of State, "Country Reports- 2009: Bolivia," section 5.

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 POLICY:

- 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 SOCIAL 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.

[566] U.S. Embassy- Sarajevo, *reporting*, February 26, 2010, 2B. See also U.S. Embassy- Sarajevo, *reporting*, March 10, 2010, 2A(1).

[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.

[601] *Decade of Roma Inclusion 2005–2015,* [online] [cited August 11, 2010]; available from http://www.romadecade.org/about.

[602] U.S. Embassy- Sarajevo official, E-mail communication, August 9, 2010.

[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	Age and 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]

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 provisionof 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.

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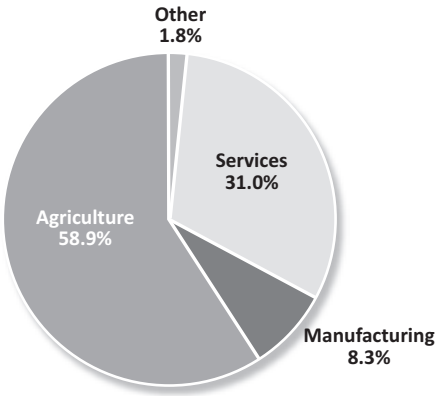
Brazil

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 SOCIAL 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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[659] Agronline, *Indústria de fumo explora trabalho no Sul*. See also Sakamoto, *Crianças são Encontradas Limpando Fezes em Matadouros*. ILO-IPEC, *ILO-IPEC, Trabalho Infantil na Cultura da Abacaxi no Município de Santa Rita-PB: Un diagnóstico Rápido á Luz das Piores Formas de Trabalho Infantil* 17, 39. See also Leonardo Sakamoto, *Crianças sem infância, que matam e esfolam*, 2009; available from http://blogdosakamoto.com.br/2009/06/08/criancas-sem-infancia-que-matam-e-esfolam/. See also Rodrigo Rocha, *Fazenda com 30 mil Cabeças de Gado Mantinha 28 escravos*, Repórter Brasil, April 26, 2010 2010; available from http://www.reporterbrasil.org.br/exibe.php?id=1726. See also Flávio Ilha, "No Sul, Trabalho Infantil Resiste como Herança Europeia," *UOL Notícias*, September 9, 2009; available from http://noticias.uol.com.br/especiais/pnad/ultnot/2009/09/18/ult6843u13.jhtm. See also Bianca Pyl, *Mão-de-obra infantil é explorada em fazenda do interior paulista*, Repórter Brasil, July 15, 2009; available from http://www.reporterbrasil.org.br/exibe.php?id=1612. See also Bianca Pyl, *Ação fiscal encontra trabalho infantil em casas de farinha*, Repórter Brasil, August 21, 2008; available from http://www.reporterbrasil.org.br/exibe.php?id=1408. See also U.S. Embassy - Brasilia, *reporting* February 22, 2010. See also Labor Prosecutor's Office of Minas Gerais, *MG: Justiça condena empregador por trabalho infantil em lavoura de café,* [2010 [cited 2010 August 24,]; available from http://www.ecodebate.com.br/2010/05/27/mg-justica-condena-empregador-por-trabalho-infantil-em-lavoura-de-cafe/. See also Da Redação, *Blitz do MPT vê trabalho infantil em lavoura de tomate em SP,* [2008 [cited August 24, 2010]; available from http://ultimainstancia.uol.com.br/noticia/48988.shtml. See also Daniella Rocha, *Crianças na agricultura* [2008 [cited August 24, 2010]; available from http://www.promenino.org.br/Ferramentas/DireitosdasCriancaseAdolescentes/tabid/77/ConteudoId/1d24ed7f-4d6f-4ded-aaeb-39dde66aeb36/Default.aspx.

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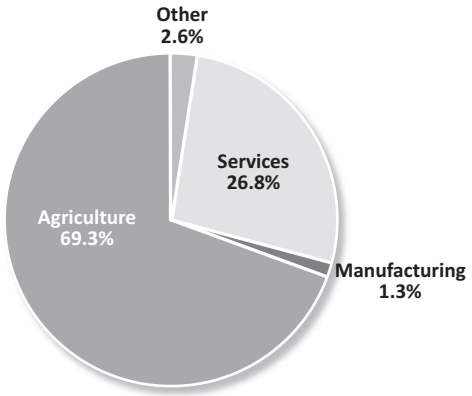
Burkina Faso

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 SOCIAL 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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[724] Diallo, *Les activites des enfants en Afrique subsaharienne: les enseignements des enquetes sur le travail des enfants en Afrique de l'Ouest*, 11.

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[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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[744] ILO Committee of Experts, *Individual Direct Request C138: Burkina Faso (2009)*, article 6 and article 7. See also U.S. Embassy - Ouagadougou, *reporting, December 16, 2009*.

[745] Government of Burkina Faso, *Loi n° 028-2008/AN Portant code du travail au Burkina Faso*, articles 1 and 2.

[746] Ibid., articles 391 and 397.

[747] Ibid., article 398.

[748] Government of Burkina Faso, *LOI N° 029-2008/AN PORTANT lutte contre la traite des personnes et Les pratiques assimilees. jo n°26 DU 26 JUIN 2008*, (May 15, 2008), articles 1-5 and 7-8; available from http://www.legiburkina.bf/jo/jo2008/no_26/Loi_2008_AN_00029.htm. See also Integrated Regional Information Networks, «New child trafficking law hard to enforce».

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[763] ILO Committee of Experts, *Individual Observation C182: Burkina Faso (2009)*.

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[773] Government of Burkina Faso, *DECRET N° 2008-215/PRES du 5 mai 2008 promulguant la loi n° 009-2008/AN du 10 avril 2008 portant autorisation de ratification de la Charte africaine de la jeunesse adoptée à la septième session de la Conférence des Chefs d'Etat et de Gouvernement de l'Union africaine tenue le 2 juillet 2007 à Banjul (République de la Gambie).JO N°21 DU 22 MAI 2008* (May 5, 2008); available from http://www.legiburkina.bf/jo/jo2008/no_21/Décret_PM_2008_00215.htm.

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[775] Integrated Regional Information Networks, "Burkina Faso: Millions to receive birth certificates", IRINnews.org, [online], 2009 [cited March 19, 2010]; available from http://www.irinnews.org/PrintReport.aspx?ReportId=84224.

[776] UN Economic and Social Council, *Summary of midterm reviews of country programmes: West and Central Africa region*, 4-5.

[777] ILO Committee of Experts, *Individual Direct Request C182: Burkina Faso (2009)*, clause d (2).

[778] UNICEF, *Retraining helps children secure safer future*. See also ILO-IPEC, *Prevention and Elimination of Child Labour in Artisanal Gold Mining in West Africa*, Technical Progress Report, Geneva, April 5, 2009. See also ILO-IPEC, *Prevention and Elimination of Child Labor in Mining in West Africa*, Project Document, Geneva, September 30, 2005, cover page.

[779] ILO-IPEC Geneva official, E-mail communication to USDOL official, December, 2008.

[780] UN Commission on Human Rights, *Addendum to the Report on the Human Rights of Migrants: Burkina Faso (E/CN.4/2006/73/Add.2)*, Burkina Faso, January 2006, 2; available from http://www.unhcr.org/refworld/docid/45377af80.html. See also U.S. Department of State, "Country Reports- 2009: Burkina Faso," section 5. See also ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Burkina Faso (ratification: 2001),* [online] 2008 [cited January 27, 2009], article 5; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=10380&chapter=6&query=%28burkina+faso%29+%40ref&highlight=&querytype=bool&context=0.

[781] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Burkina Faso (CRC/C/BFA/3-4)*, 100. Government of Burkina Faso-Ministère de l'Action Sociale et de La Solidarité Nationale, *3ème ET 4ème Rapports Périodiques du Burkina Faso sur la Mise en Œuvre de la Convention Relative aux Droits de l'Enfant: 1999-2006,* [online] December 2006 [cited January 27, 2009], 97; available from http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.BFA.4_fr.doc.

[782] Millennium Challenge Corporation, *MCC Education Threshold Program Yields Successful Results from Two-Year Study of Girls' Schools in Burkina Faso*, Press Release, May 8, 2009; available from http://www.mcc.gov/mcc/press/releases/release-050809-mcceducationthreshold.shtml. See also Millennium Challenge Corporation, *Impact Evaluation: Girls' Education in Burkina Faso*, Press Release, 2009; available from http://www.mcc.gov/mcc/panda/activities/impactevaluation/ie-country/eval-burkinafaso-education.shtml.

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 GOVERNMENT 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 SOCIAL 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.

[784] Observatoire Ineza des Droits de l'Enfant au Burundi, *Guide des droits de l'enfant au Burundi*, 2nd ed. (2008), 31, 55. See also U.S. Embassy- Bujumbura, *reporting*, February 1, 2010, 1. See also PANA, *Mobilisation contre le travail des enfants au Burundi, Mobilization against Child Labor in Burundi,* [online] October 6, 2008 [cited May 20, 2010]; available from http://www.arib.info/index.php?option=com_content&task=view&id=57&Itemid=65. See also ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Burundi (ratification: 2000),* [online] 2010 [cited May 20, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=622&chapter=3&query=Burundi@ref%2BObservation@ref%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0.

[785] U.S. Department of State, "Burundi," 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/135941.htm. See also Human Rights Watch, *Paying the Price: Violations of the Rights of Children in Detention in Burundi*, New York, March 2007, 14; available from http://hrw.org/reports/2007/burundi0307.

[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.

[801] Government of Burundi, *Décret loi no. 1/037 du 7 juillet 1993 portant révision du Code du travail*, articles 3, 127, and 128; available from http://natlex.ilo.org/txt/F93BDI01.htm.

[802] Government of Burundi, *Loi n° 1/05 du 22 avril 2009 portant révision du Code pénal*, 1/05, (April 22, 2009), articles 509, 519; available from http://www.senat.bi/spip.php?article960.

[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.

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[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 **XX**, 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.

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[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*.

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[858] Ibid.

[859] Ibid.

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[861] U.S. Department of State, "Country Reports- 2009: Cambodia," section 6d.

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[863] U.S. Embassy- Phnom Penh, *reporting, January 29, 2010*, 1.

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[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.

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[879] Winrock International, *Children's Empowerment Through Education Services (CHES)*, Technical Progress Report, Arlington, VA, March 31, 2010, 20.

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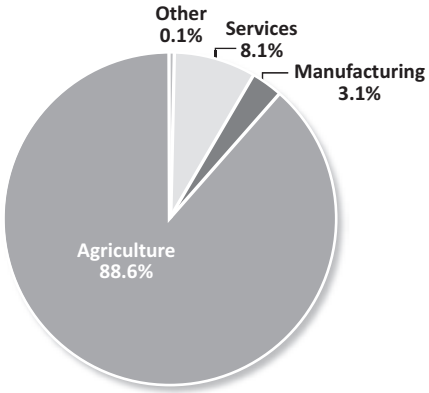
[887] USDOL, *To Contribute to Developing National Capacities to Achieve the 2015 National Child Labor Reduction Targets and the ILO Global Targets for Ending the Worst Forms of Child Labor in Cambodia by 2016: Technical Cooperation Project Summary*, Washington, DC, 2008. See also ILO-IPEC, *To Contribute 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

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.[888] 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 SOCIAL 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.

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[891] U.S. Department of State, "Cameroon," 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 Ministry of Labor official, Interview with USDOL consultant, September 15 and 25, 2008.

[892] Ministry of Labor official, Interview, September 15 and 25, 2008. See also American Bar Association official, Interview, October 7, 2008.

[893] U.S. Department of State, "Country Reports- 2009: Cameroon," section 7d. U.S. Embassy- Yaounde, *reporting*, April 23, 2009, para 25. See also Ministry of Labor official, Interview, September 15 and 25, 2008. See also Nkumu Fed Fed official, Interview with USDOL consultant, September 18, 2008. See also Rabiatu Ibrahim Danpullo, *The Socio-Legal Perspective of Child Protection in Cameroon*, L'Africaine d'Edition et de Services (AES sa) ed. (Yaounde: Presses Universitaires d'Afrique, 2008), 57-58; available from [hard copy on file].

[894] International Trade Union Confederation, *Internationally-Recognized Core Labour Standards in Gabon and Cameroon: Report for the WTO General Council Review of the Trade Policies of Gabon and Cameroon*, Geneva, October 2 and 4, 2007, 8. See also U.S. Department of State, "Country Reports- 2009: Cameroon," section 7d. See also Integrated Regional Information Networks, "Cameroon: Bringing street children back home", IRINnews.org, [online], July 29, 2009 [cited March 01, 2010]; available from http://www.irinnews.org/PrintReport.aspx?ReportId=85492.

[895] Peter Easton, "Education and Koranic Literacy in West Africa," *IK Notes* no. 11 (August 1999), 1, 3; available from http://www.worldbank.org/afr/ik/iknt11.pdf. See also U.S. Embassy- Yaounde official, E-mail communication to USDOL official, July 1, 2009. See also Jeunes et Avenir official Association Enfants, Interview with USDOL consultant, September 22, 2008.

[896] Association Enfants, Interview, September 22, 2008. See also IOM, "Traditional Practices Being Abused to Exploit Children in West Africa, Warns IOM", iom.int, [online], November 11, 2006 [cited August 16, 2010]; available from http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007.

[897] Institut National de la Statistique, *Suivi de la situation de senfants et des femmes, Enquete par grappes a indicateurs multiples*, Study of Multiple Indicators, 2006; available from http://www.childinfo.org/files/MICS3_Cameroon_FinalReport_2006_Fr.pdf. See also Marie Therese Mengue, *Commercial Sexual Exploitation of Children in Cameroon*, Association Enfants, Jeunes et Avenir (ASSEJA), n.d., 29, 32-34. See also Ministry of Labor official, Interview, September 15 and 25, 2008.

[898] Boursin Frédérique and Séverin Cécile Abega, *L'exploitation Sexuelle Des Enfants Au Cameroun, Etude Prospective Dans Cinq Villes: Yaoundé, Douala, Kribi, Limbé, Ngaoundéré*, UNICEF and the Ministry of Social Affairs, Yaounde, 2004, 5-6. See also Didier Essola, *Présentation MINAS a l'Atelier de Réflexion sur la Traite, le Trafic et l'exploitation du Travail Domestique des Enfants au Cameroun*, Ministry of Social Affairs, Yaounde, April 2008, 4. See also Ministry of Tourism- Yaounde, Interview with USDOL consultant, January 30, 2009, 66. See also Nkumu Fed Fed official, Interview, September 18, 2008.

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

[900] U.S. Department of State, "Cameroon (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 ILO-IPEC, *La Traite des Enfants aux Fins d'Exploitation de leur Travail au Cameroun*, Geneva, 2005, 35; available from http://www.ilo.org/ipecinfo/product/viewProduct.

do?productId=5170. See also U.S. Embassy- Yaounde, *reporting*, March 12, 2010, para 5-6. See also Danpullo, *Socio-Legal Perspective of Child Protection*, 50. See also U.S. Embassy- Yaounde, *reporting, April 23, 2009*, para 2.

[901] U.S. Department of State, "Trafficking in Persons Report- 2009: Cameroon." See also International Trade Union Confederation, *Review of the Trade Policies of Gabon and Cameroon*, 10. See also U.S. Embassy- Yaounde, *reporting, April 23, 2009*, para 2.

[902] International Trade Union Confederation, *Review of the Trade Policies of Gabon and Cameroon*, 10. See also U.S. Embassy- Yaounde, *reporting, March 12, 2010*, para 6.

[903] U.S. Department of State, "Trafficking in Persons Report- 2009: Cameroon." See also ILO-IPEC, *La Traite des Enfants* section 2.2.2.

[904] Ministre du Travail et des Lois Sociales, *Relatif au Travail des Enfants*, Arrête No 17, (May 27, 1969), article 1. See also Government of Cameroon, *Labour Code*, Law no. 92/007, (August 14, 1992), section 86; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/31629/64867/E92CMR01.htm.

[905] ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Cameroon (ratification: 2001),* [online] 2009 [cited October 27, 2009]; available from http://search.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=604&chapter=3&query=Cameroon%40ref%2BObservation%40ref%2B%23YEAR%3D2009&highlight=&querytype=bool&context=0. See also Ministre du Travail et des Lois Sociales, *Relatif au Travail des Enfants-Arrête No 17, 1969* article 5. See also Government of Cameroon, *Etude sur le travail des enfants au Cameroun*, 2-3. See also U.S. Department of State, "Country Reports- 2009: Cameroon," section 7d.

[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.

[907] Government of Cameroon, *Labor Code*, section 86. See also Ministre du Travail et des Lois Sociales, *Relatif au Travail des Enfants-Arrête No 17, 1969* article 1-21.

[908] UNESCO, *Overcoming inequality: why governance matters*, Education for All Global Monitoring Report 2009, 2008; available from http://www.reliefweb.int/rw/lib.nsf/db900sid/KERN-7RE9LT/$file/UNICEF_2009.pdf?openelement.

[909] Government of Cameroon, *Law relating to the Fight against Child Trafficking and Slavery*, Law No. 2005/015, (December 29, 2005). See also Government of Cameroon, *Constitution of the Republic of Cameroon*, Law no. 96-06, (January 18, 1996); available from http://confinder.richmond.edu/admin/docs/Cameroon.pdf.

[910] Government of Cameroon, *Law relating to the Fight against Child Trafficking and Slavery*, chapter I, section 2. See also Government of Cameroon, *Response to FRN, April 30, 2008*.

[911] The Protection Project, "Cameroon," in *2005 Human Rights Report on Trafficking in Persons, especially Women and Children*, Washington, DC, 2005; available from http://www.protectionproject.org. See also U.S. Embassy- Yaounde, *reporting, February 26, 2010*, para 6.

[912] ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Cameroon (ratification: 2002),* [online] 2009 [cited October 27, 2009]; available from http://bravo.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11110&chapter=6&query=Cameroon%40ref&highlight=&querytype=bool&context=0. See also Joseph Beti Assomo, «Portant Interdiction de la Production, la Vente et la Diffusion de la Littérature, Filmographie et autres Supports Erratiques et Pornographiques dans les lieux Autorises par les Pouvoirs Publics dans le Département du Mfoundi: Arrête Préfectoral No 01490/AP/J06/BASC,» *The National Daily, Cameroon Tribune* (Yaounde), September 23, 2008.

[913] Coalition to Stop the Use of Child Soldiers, "Cameroon," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.child-soldiers.org/home.

[914] U.S. Embassy- Yaounde, *reporting, February 26, 2010*, para 22-23. See also U.S. Embassy- Yaounde, *reporting, March 12, 2010*, para 20. See also U.S. Embassy - Yaounde, E-mail communication to USDOL official, November 24, 2010.

[915] U.S. Embassy- Yaounde, *reporting, February 26, 2010*, para 9.

[916] U.S. Department of State, "Country Reports- 2009: Cameroon," section 7d. See also International Trade Union Confederation, *Review of the Trade Policies of Gabon and Cameroon*, 9. See also U.S. Embassy- Yaounde, *reporting, February 26, 2010*, para 17. See also Government of Cameroon, *Etude sur le travail des enfants au Cameroun*, 2-3. See also U.S. Department of State, "Country Reports- 2009: Cameroon," section 7d.

[917] ILO Committee of Experts, *Individual Observation C182: Cameroon (2009)*. See also United Nations, *International covenant on civil and political rights: Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant*, CCPR/C/CMR/4, May 11, 2009; available from http://www.unhcr.org/refworld/pdfid/4a891ec10.pdf. See also U.S. Embassy- Yaounde,

reporting, February 26, 2010, para 17.

[918] U.S. Embassy- Yaounde, *reporting, February 26, 2010*, para 23. See also U.S. Embassy- Yaounde, *reporting, March 12, 2010*, para 20.

[919] U.S. Embassy- Yaounde, *reporting, February 26, 2010*, para 16-17.

[920] Ibid., para 28. See also U.S. Department of State, "Cameroon (Tier 2 Watch List)," in *Trafficking in Persons Report-2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/documents/organization/142979.pdf.

[921] U.S. Department of State, "Trafficking in Persons Report-2010: Cameroon." See also U.S. Embassy- Yaounde, *reporting, February 26, 2010*, para 27.

[922] UN Office of the High Commissioner for Human Rights, *Committee on Rights of Child examines report of Cameroun*, Press Release; available from http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=9718&LangID=E.

[923] ILO-IPEC Geneva official, E-mail communication to USDOL official, February 26, 2009.

[924] ILO Committee of Experts, *Individual Observation C138: Cameroon (2009)*. See also U.S. Embassy- Yaounde official, E-mail communication to USDOL official, March 09, 2010. See also U.S. Embassy- Yaounde, *reporting, February 26, 2010*, para 32. 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.

[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.

[927] Ministry of Social Affairs, Interview with USDOL consultant, January 30, February 3 and 5, 2009.

[928] ILO-IPEC, *Combating the trafficking of children for labour exploitation in West & Central Africa (Phase II)* project document RAF.01.P.USA, Geneva, 2001. See also ILO-IPEC, *West Africa Cocoa/Commercial Agriculture Programme to Combat Hazardous and Exploitative Child Labour (WACAP)*, project document RAF.02.P50.USA, Geneva, 2002.

[929] International institute of Tropical Agriculture, *The Sustainable Tree Crops Program (STCP), Phase II Program Document*, March 31, 2007; available from http://www.treecrops.org/synopsis_STCP_Core_Program.pdf. See also World Cocoa Foundation, *Sustainable Tree Crops Program - Cameroon,* [online] n.d. [cited August 16, 2010]; available from http://www.worldcocoafoundation.org/what-we-do/current-programs/STCPCameroon_Summary.asp.

[930] Ministry of Social Affairs, *Atelier de Reflexion sur la Traite, le Trafic et l'exploitation du Travail Domestique des Enfant au Cameroon*, April 2008, 9. See also Ministry of Social Affairs, Interview, January 30, February 3 and 5, 2008, 77.

[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.

[935] U.S. Embassy- Yaounde, *reporting, February 26, 2010*, para 8, 28. See also 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*.

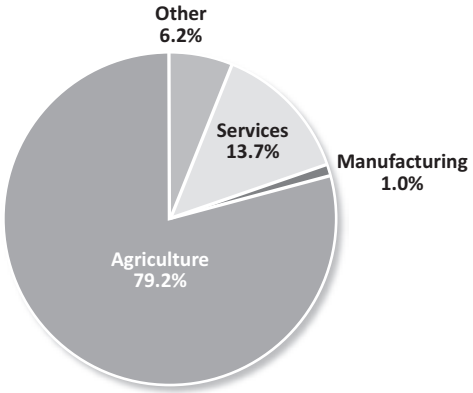
[936] ILO-IPEC, *Enhancing national capacity in child labour data collection, analysis and dissemination through technical assistance to surveys, research and training*, Project Document, Geneva, September 14, 2006, 1-2.

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. 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 SOCIAL 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.

[939] Ibid. See also U.S. Embassy- Praia, *reporting*, February 3, 2010.

[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.

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

[944] U.S. Embassy- Praia, *reporting, January 21, 2009*.

[945] Government of Cape Verde, *Código Penal de Cabo Verde*, (2004); available from http://www.wipo.int/clea/en/text_pdf.jsp?lang=PT&id=6073. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Cape Verde (ratification: 2001),* [online] 2010 [cited May 17, 2010]; available from http://www.ilo.org/ilolex/english/newcountryframeE.htm. See also Library of Congress official, Letter, March 13, 2008.

[946] U.S. Embassy- Praia, *reporting, February 3, 2010*.

[947] Ibid., sections 2C-5 and 2C-6.

[948] U.S. Embassy- Praia, *TIP reporting*, February 23, 2009. See also U.S. Department of State, "Country Reports- 2009: Cape Verde."

[949] UNDP, *The One Programme au Cap-Vert 2008-2010*, New York, 2007; available from http://www.un.cv/files/OneProgrammeinCapeVerde2008-2011-English.pdf.

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	✓
	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

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 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 elimination 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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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	No
	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 PUBLIC POLICY:

- Adopt a National Action Plan to effectively target the worst forms of child labor.

IN THE AREA OF SOCIAL 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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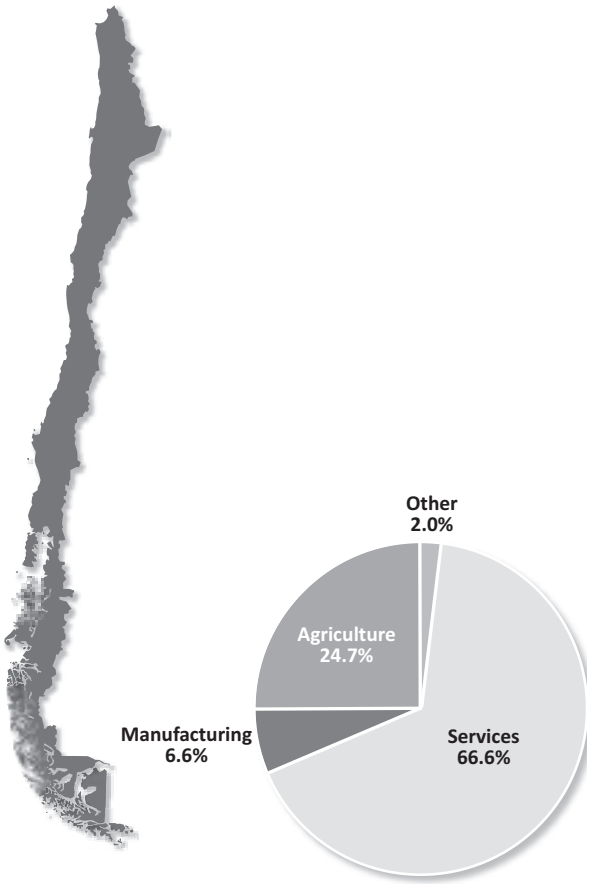
Chile

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

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[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.

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[1066] U.S. Department of State, "Trafficking in Persons Report- 2010: Chile."

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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 LAW 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 POLICY:

- 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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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 POLICY:

- 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 POLICY:

- 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.

[1200] Human Rights Watch, *What Future? Street Children in the Democratic Republic of the Congo*, Volume 18, No. 2 (A), New York, April 2006, 28, 29, 30, and 33; available from http://www.hrw.org/sites/default/files/reports/drc0406webwcover.pdf.

[1201] Ibid., 28, 33. See also U.S. Department of State, "Country Reports- 2009: DRC," section 7d. See also U.S. Embassy- Kinshasa, *reporting, February 1, 2010*, para 4.

[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.

[1203] U.S. Department of State, "Democratic Republic of the Congo (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/2010/142759.htm. See also UN Committee on the Rights of the Child, *States Reports: Democratic Republic of the Congo*, para 189, 196.

[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.

[1208] Government of the Democratic Republic of the Congo, *Loi no. 06/018 du 12 Juillet 2006 modifiant et completant le Decret du 30 janvier 1940 portant Code penal congolais*, article 174(j); available from http://www.droitcongolais.info/iii_droit_penal___proc_congo.html See also U.S. Department of State, "Democratic Republic of the Congo (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 UN Committee on the Rights of the Child, *States Reports: Democratic Republic of the Congo*, para 199.

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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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[1212] Coalition to Stop the Use of Child Soldiers, *Mai Mai Child Soldier Recruitment and Use: Entrenched and Unending*, London, February 2009, 11-12; available from http://www.child-soldiers.org/regions/country?id=50. See also Government of the Democratic Republic of the Congo, *Loi no. 09/001: Protection de L'Enfnant*, article 71.

[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.

[1226] Multi-Country Demobilization and Reintegration Program, *MDRP Joint Partner Mission Report 2007*, October 30, 2007, paras 2 and 28-30; available from http://www.mdrp.org/doc_rep.htm. See also UNICEF, *UNICEF - Forced Recruitment of Child Soldiers in the DRC,* [online] 2010 [cited July 20, 2010]; available from http://www.unicef.org/infobycountry/media_52762.html.

[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.

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[1229] U.S. Department of State, "Country Reports- 2009: DRC," section 6.

[1230] Ibid.

[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.

[1233] UN Security Council, *Report of the Secretary-General on children and armed conflict - S/2008/693*, para 105. See also Coalition to Stop the Use of Child Soldiers, *Priorities for Children*, 13.

[1234] USDOL, *Technical Cooperation Summary: Reducing the Exploitation of working Children through Education*, 2010; available from http://www.dol.gov/ilab/projects/sub-saharan_africa/DRC_CECL.htm#.

[1235] UNICEF, *UNICEF - Congo, Democratic Republic of the - Background,* [online] 2010 [cited September 7, 2010]; available from http://www.unicef.org/infobycountry/drcongo_636.html.

[1236] UN Committee on the Rights of the Child, *Concluding Observations: Democratic Republic of the Congo*, para 76.

[1237] Ibid., para 77.

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	✓
	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 **XX**, 2010.

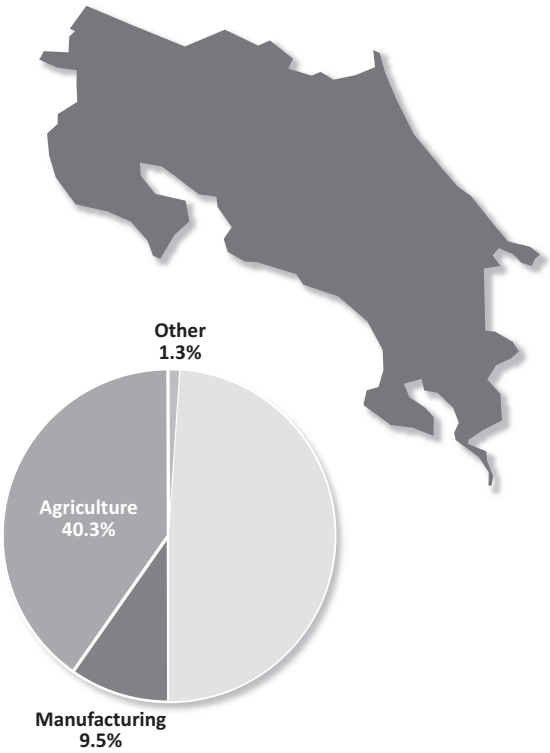
[1271] U.S. Embassy- Brazzaville, *reporting, February 17, 2010*, para 2B, 3F.

[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 Rico:

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 SOCIAL 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.

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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. Many work in the production of rubber, cotton, palm, cocoa, coffee, rice, bananas, pineapples, and papayas.[1317] Children working in agriculture may use dangerous tools, carry heavy loads and apply harmful pesticides.

In the cocoa sector, many children report injuries sustained while carrying heavy loads, clearing land, and burning vegetation.[1318] 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.[1319] 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.[1320] Many of the children working in the cocoa sector do not attend school (41 percent or an estimated 335,000 children).

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. Côte d'Ivoire's Hazardous Labor List defines certain activities as hazardous and prohibited for children under age 18.[1338] The list includes hazardous activities in agriculture and forestry such as cutting trees, burning fields, applying chemicals and chemical fertilizer, and carrying heavy loads.[1339] 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.[1340]

	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.[1341] The Trafficking and Worst Forms of Child Labor Law also prohibits the sale and trafficking of children.[1342] 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.[1343]

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.[1344] Ivoirian law prohibits the use and procurement of a child for illicit activities, such as trafficking and selling drugs.[1345] 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.[1346]

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.[1347] It includes nine ministries. During 2009, members of the Committee were involved in the repatriation of 25 child trafficking victims.[1348] 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.[1349]

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.[1350] During the reporting period, labor inspectors were able to remove some children from domestic labor and provide them with services.[1351] 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.[1352]

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).[1353] 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.[1354]

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.[1355]

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.[1356] 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.[1357] 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.[1358]

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.[1359] During the reporting period, the Government conducted training for border police on child labor and child trafficking.[1360] However, it did not train other law enforcement officials to identify and assist trafficking victims. [1361]

Government Policies on the Worst Forms of Child Labor

In 2007, the Government adopted the National Action Plan on Child Labor and Trafficking.[1362] Its objectives include reinforcing legal mechanisms, undertaking studies, enhancing prevention activities, and increasing resources to address the issues.[1363] 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).[1364] 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.[1365]
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.[1366] In addition, the Government has separate bilateral cooperation agreements with the Governments of Burkina Faso and Mali to combat cross border trafficking of children.[1367]
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).[1368] The Government's January 2009 Poverty Reduction Strategy Paper includes support for exploited and trafficked children.[1369]

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).[1370] The Government of Côte d'Ivoire is carrying on some initiatives started under these projects, including some aspects of the CLMS that was developed.[1371] The Government's child labor monitoring activities do not cover all sectors where the worst forms of child labor are found.[1372]

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.[1373] The JWG has stated its intent to establish common child labor indicators and remediation benchmarks; however, to date, it has not done so.[1374]

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.[1375]

In July 2009, the Government began implementing its "Self Help Village" initiative to combat child labor in the cocoa sector.[1376] The project supports school and infrastructure rehabilitation and child labor monitoring.[1377] The Government reports that it has begun implementing the initiative in 10 communities and plans to expand to 21 more.[1378] 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.[1379]

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.[1380] Tulane University's research indicates only a small percentage of children working in the cocoa sector benefitted from these interventions.[1381]

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.[1382] In Côte d'Ivoire, the project addresses exploitive child labor in domestic service and commercial agriculture (cocoa and coffee).[1383] The Government is also participating in a USDOL-funded multi-country project to improve data collection on child labor and forced labor.[1384]

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.[1385] STCP operates in 15 districts and works with 20 cocoa cooperatives in the Eastern Region of Côte d'Ivoire.[1386] During the reporting period, Cargill, Inc. announced that it would double the number of farmer field schools it operates by the end of 2010.[1387]

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.[1388] 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.[1389] 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.[1390]

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.[1391] 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.[1392] 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.[1393]

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.

[1317] U.S. Embassy- Abidjan, reporting reporting, June 3, 2008, para 6-12. See also Government of Côte d'Ivoire, *Enquete Nationale sur le Travail des Enfants*, Direction Generale du Travail, ILO-IPEC, and Institut National de la Statistique, Abidjan, March 2008, 66-67; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=9410. See also U.S. Embassy- Abidjan, *reporting*, October 1, 2010.

[1318] Tulane University, *Third Annual Report: Oversight of Public and Private Initiatives to Eliminate the Worst Forms of Child Labor in the Cocoa Sector in Cote d'Ivoire and in Ghana* Payson Center for International Development and Technology Transfer, New Orleans, September 30, 2009, 10, 39, 49, 52, 55, 57, 59-60, 72; available from http://childlabor-payson.org/default.html.

[1319] Ibid., 55, 57, 59-60, 72.

[1320] Ibid., 64, 66, 76-81.

[1321] U.S. Department of State, "Cote d'Ivoire," 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 BICE, *Jeunes Filles Domestiques,* [online] n.d. [cited August 26, 2010]; available from http://www.biceafrique.org/ewb_pages/p/projet-591-jeunes-filles-domestiques.php.

[1322] U.S. Department of State, "Country Reports- 2009: Cote d'Ivoire," section 7d. See also ILO-IPEC, *La Traite des Enfants aux fins d'Exploitation de leur Travail dans le Secteur Informel a Abidjan Cote d'Ivoire*, Geneva, 2005, 2, 18; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=5178. See also Government of Côte d'Ivoire, *Enquete Nationale sur le Travail des Enfants*, 66-67. See also U.S. Embassy- Abidjan, *reporting*, February 3, 2010, para 2.a.1.

[1323] U.S. Embassy- Abidjan, reporting, June 3, 2008, para 13-14. See also ILO-IPEC, *La Traite des Enfants aux fins d'Exploitation de leur Travail dans les Mines d'Or D'Issia Cote d'Ivoire*, Geneva, 2005, 2, 35-39, 45; available from http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=5176. See also ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Cote d'Ivoire (ratification: 2003),* [online] 2009 [cited February 22, 2010], part V; available from http://www.ilo.org/ilolex/english/newcountryframeE.htm.

[1324] Peter Easton, "Education and Koranic Literacy in West Africa," *IK Notes* no. 11 (August 1999), 1, 3; available from http://www.worldbank.org/afr/ik/iknt11.pdf. See also 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 IOM, *Traditional Practices Being Abused to Exploit Children in West Africa, Warns IOM,* [online] 2006 [cited December 3, 2010]; available from http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007. See also ILO-IPEC, *Rapport du Forum Sous Regional sur la Migration des Enfants 'un Risque à la Traite et à l'Exploitation' - Quels Enjeux Pour les Enfants Talibés*, Response to USDOL Technical Progress Report Question: Attachment, Segou, April, 2007, 4, 6-7.

[1325] U.S. Department of State, "Cote d'Ivoire (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.

[1326] Government of Côte d'Ivoire, *Le Travail des Enfants en Cote d'Ivoire de 1998 a 2006*, Institut National de la Statistique, Abidjan, 2009, section 3.3.

[1327] U.S. Department of State, "Trafficking in Persons Report- 2009: Cote d'Ivoire."

[1328] ILO-IPEC, *La Traite des Enfants: Secteur Informel*, 6. See also U.S. Department of State, «Country Reports- 2009: Cote d'Ivoire,» section 6.

[1329] German Agency for Technical Cooperation, *L'Exploitation Sexuelle des Enfants dans les Communes de Yopougon et d'Adjame* Project de Lutte contre la traite et les pires Formes de Travail des Enfants Côte d'Ivoire Abidjan, June 2008, 16. See also U.S. Embassy- Abidjan official, E-mail communication to USDOL official, June 30, 2009. See also Integrated Regional Information Networks, «Cote d'Ivoire: Children Exchange Sex for Money», [online], June 12, 2009 [cited December 3, 2010]; available from http://www.irinnews.org/PrintReport.aspx?ReportId=84834. See also Integrated Regional Information Networks, «Cote d'Ivoire: Children Selling Sex, Having Babies», [online], June 25, 2009 [cited December 3, 2010]; available from http://www.irinnews.org/PrintReport.aspx?ReportId=85009.

[1330] ILO-IPEC, *La Traite des Enfants: Travail dans les Mines*, 2.

[1331] U.S. Department of State, "Country Reports- 2009: Cote d'Ivoire," section 6.

[1332] U.S. Department of State, "Trafficking in Persons Report- 2009: Cote d'Ivoire." See also ILO-IPEC, *La Traite des Enfants: Travail dans les Mines*, 24. See also German Agency for Technical Cooperation, *La traite et les pires formes de travail des enfants dans les plantations de café-cacao en Côte d'Ivoire: La situation dans les départements Abengourou, Oumé, et Soubré* (Abidjan: 2005), 28; available from http://www.gtz.de/en/weltweit/afrika/cote-d-ivoire/8046.htm. See also Xaquin Lopez, «Sur la piste des enfants esclaves,» *Courrier International*, no. 900 (February 6, 2008), 47. See also Tulane University, *Fourth Annual Report: Oversight of Public and Private Initiatives to Eliminate the Worst Forms of Child Labor in the Cocoa Sector in Cote d'Ivoire and in Ghana* Payson Center for International Development and Technology Transfer, New Orleans, September 30, 2010, 125; available from http://childlabor-payson.org/.

[1333] U.S. Embassy- Abidjan, *reporting, October 1, 2010*.

[1334] U.S. Department of State, "Country Reports- 2009: Cote d'Ivoire," section 6. See also United Nations Special representative of the Secretary-General for Children and Armed Conflict, *Children and Armed Conflict: Developments in Cote d'Ivoire*, March 2009; available from www.un.org/children/conflict/english/cotedivoire.html.

[1335] Government of Côte d'Ivoire, *Code du travail*, No. 95/15, (1995), article 23.8; available from http://www.droit-afrique.com/images/textes/Cote_Ivoire/RCI%20-%20Code%20travail.pdf. See also Government of Côte d'Ivoire, *Project de Loi Portant Interdiction de la Traite et des Pires Formes de Travail des Enfants*, (September 30, 2010), article 10.

[1336] ILO Committee of Experts, *Individual Direct Request, Minimum Age*.

[1337] Government of Côte d'Ivoire, *Code du travail, 1995*, articles 22.2, 22.3, 23.9

[1338] Government of Côte d'Ivoire, *Arrêté n° 2250 Portant détermination de la liste des travaux dangereux interdits aux enfants de moins de dix huit (18) ans*, (March 14, 2005); available from http://www.ilo.org/dyn/natlex/docs/MONOGRAPH/72229/73238/F1049373095/CIV72229.pdf.

[1339] Ibid. See also U.S. Embassy- Abidjan, *reporting*, January 15, 2009, para 2.

[1340] Government of Côte d'Ivoire, *Arrêté n° 2250*. See also U.S. Embassy- Abidjan, *reporting, January 15, 2009*, para 2.

[1341] Government of Côte d'Ivoire, *Code du travail, 1995*, article 3. See also Government of Côte d'Ivoire, *Project de Loi Portant Interdiction de la Traite et des Pires Formes de Travail des Enfants*, article 4.

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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[1394]

There have been incidences of children being exploited in the worst forms of child labor.[1395] A majority of the cases involve Roma children working in agriculture.[1396] 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[1397] 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.[1398]

Laws and Regulations on the Worst Forms of Child Labor

Croatia updated its Labor Act in 2010 and established stronger provisions regarding child labor.[1399]

The Labor Act sets the minimum age for employment at 15.[1400] 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.[1401] 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.[1402]

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.[1403] 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.[1404] 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.[1405] 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.[1406]

Croatia's criminal law treats trafficking for the purpose of commercial sexual exploitation as a serious offense.[1407] 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.[1408] 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.[1409] 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.[1410]

According to the Defense Act of 2002, the minimum age for conscription and voluntary recruitment into the military is set at 18.[1411]

	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 Council for Children coordinates activities to promote and protect the rights of the child.[1412] 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.[1413] The State Labor Inspectorate joins efforts to enforce laws related to the minimum age for employment.[1414]

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.[1415] The Ombudsman for Children handles all cases of labor violations that are referred to from the labor inspectorate.[1416]

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.[1417]

The Croatian Police Academy trained 1,315 police officers on trafficking issues.[1418] The Government maintains two databases that track perpetrators and victims of trafficking. The database allows for identification of minors based on age.[1419]

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.[1420] 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.[1421] 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.[1422] 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).

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.

[1394] 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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[1397] Amnesty International USA, *The exclusion of Romani children*, 2010; available from http://www.amnestyusa.org/document.php?id=ENGEUR050032006&lang=e.

[1398] International Trade Union Confederation, *Internationally Recognized Core Labor Standards in Croatia, Report for the WTO General Council Review of the Trade Policies of Croatia* Geneva, March 24-26, 2010; available from http://www.ituc-csi.org/IMG/pdf/CLC_Croatia.pdf. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Croatia."

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[1402] Ibid.

[1403] Ibid.

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[1407] Government of the Republic of Croatia, *Criminal Code*, (2004); available from http://www.vsrh.hr/CustomPages/Static/HRV/Files/Legislation__Criminal-Code.pdf.

[1408] 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.

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[1413] 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.

[1414] International Trade Union Confederation, *Internationally Recognized Core Labor Standards in Croatia*.

[1415] U.S. Embassy- Zagreb, *reporting, November, 2010*.

[1416] 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.

[1417] 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."

[1418] U.S. Embassy- Zagreb, *reporting, November, 2010*.

[1419] Ibid.

[1420] 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*.

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[1423] U.S. Department of State, "Trafficking in Persons Report- 2010: Croatia."

[1424] Right to Education Project, *European Court Ruling on Roma Children in Croatia*, 2010; available from http://www.right-to-education.org/node/953.

[1425] 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

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.[1423] 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.[1424] 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.[1425] Research has not identified evidence of these programs' impact on the worst forms of child labor.

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Djibouti are exploited in the worst forms of child labor,[1426] including a large number in domestic service.[1427] 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.[1428] Some children engage in begging, counterfeiting, prostitution, and dealing drugs (including glue, pills, marijuana, and the legal drug *qat*).[1429] 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.[1430]

Rural children in Djibouti care for and herd livestock.[1431]

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.[1432] Girls may also be trafficked for domestic service.[1433]

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.[1434] 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.[1435]

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.[1436]

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.[1437]

	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.[1438] Law n°210/AN/07/5ème L Regarding the Fight Against Human Trafficking prohibits internal and cross-border trafficking of persons under age 18.[1439]

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.[1440]

The Labor Inspectorate, under the Ministry of Labor, has the authority to enforce child labor laws and regulations.[1441] Labor inspectors can sanction businesses that employ children illegally.[1442] 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.[1443]

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.[1444] Additionally, the Labor Inspectorate lacks resources, including vehicles, to carry out inspections.[1445] 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.[1446]

The Ministry of Justice and the Police Vice Squad (*Brigade des Moeurs*) are responsible for investigating forced labor, commercial sexual exploitation, and prostitution.[1447] The police visit bars and clubs to warn against admitting minors on the premises.[1448] They also work with the Ministry of Health to refer victims of child prostitution to service providers.[1449] The Government of Djibouti does not have any mechanisms to enforce trafficking legslation or to support trafficking victims.[1450]

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.[1451] 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.[1452] 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. [1453] 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.[1454]

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.[1455]

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.[1456] 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.[1457]

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.[1458] 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.[1459]

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.

[1426] 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.

[1427] 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 1998*, CRC/C/DJI/2, December 11, 2007, para. 294; available from http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.DJI.2.pdf. See also UN Committee on the Rights of the Child, *Summary Record of the 137th Meeting: Consideration of Reports of States Parties (continued)*, CRC/C/SR.1347, December 18, 2009, para 65; available from http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/440/34/PDF/G0844034.pdf?OpenElement.

[1428] U.S. Embassy- Djibouti, *reporting*, February 1, 2010, para 3, 5. See also World Bank, *International Development Association on a Country Assistance Strategy of the World Bank for the Republic of Djibouti*, March 30, 2009, 1, para 3; available from http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2009/04/10/000334955_20090410051613/Rendered/PDF/472730CAS0GJ0P101Official0Use0Only1.pdf. See also African Development Bank, *Urban Poverty Reduction Project,* [2010 [cited August 26, 2010]; available from http://www.afdb.org/en/projects-operations/project-portfolio/project/p-dj-ie0-002/.

[1429] Ministère de la Promotion de la Femme du Bien-Être Familial et des Affaires Sociales UNICEF, *La Pauvreté et des Disparités chez les Enfants à Djibouti*, online, 2009, 51, 81, 102; available from http://www.unicef.org/infobycountry/files/Rapport_National_Djibouti_Pauvrete_des_Enfants.pdf. See also U.S. Department of State, «Djibouti (Tier 2),» in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/documents/organization/142982.pdf. See also Ministry of Employment and National Solidarity official, Interview with USDOL consultant, July 11, 2006, para 4. See also U.S. Embassy- Djibouti, *reporting, February 1, 2010*, para 3. U.S. Department of State, "Djibouti," 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/118998.htm. See also Association Porte Ouverte- Open Door Association official, Interview with USDOL consultant, August 9, 2006, para 6.

[1430] 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.

[1431] U.S. Embassy- Djibouti, *reporting, February 1, 2010*, section 3.

[1432] 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)."

[1433] U.S. Embassy- Djibouti, *reporting, February 1, 2010*. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Djibouti (Tier 2)."

[1434] Government of Djibouti, *Loi n°133/AN/05/5ème L*

portant Code du Travail, (January 28, 2006); available from http://www.uddesc.org/Chartes,%20Conventions,%20Constitutions,%20D%E9clarations,%20Lois,%20Trait%E9s,%20etc/nationales/Code%20du%20Travail%20de%2028%20janvier%202006.pdf.

[1435] U.S. Embassy- Djibouti, *reporting, February 1, 2010*.

[1436] Government of Djibouti, *Loi n°133/AN/05/5ème L*, articles 94, 96, 289.

[1437] 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.

[1438] 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.

[1439] U.S. Department of State, "Trafficking in Persons Report- 2009: Djibouti (Tier 2 Watch List)." See also Government of Djibouti, *Loi n°210/AN/07/5ème L relative à la Lutte Contre le Trafic des Etres Humains*, (October 2, 2007), article 1; available from http://www.presidence.dj/jo/2007/loi210an07.php.

[1440] U.S. Embassy- Djibouti, *reporting, February 1, 2010*.

[1441] 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).»

[1442] Government of Djibouti, *Loi n°133/AN/05/5ème L*, 5, 70, 71, 110, 111, 112.

[1443] Ibid., articles 5, 70, 71, 111, 112, 288(a), 288(b).

[1444] U.S. Embassy- Djibouti, *reporting, February 1, 2010*, section 5.

[1445] Ibid. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Djibouti (Tier 2)."

[1446] U.S. Embassy- Djibouti, *reporting, February 1, 2010*.

[1447] U.S. Department of State, "Trafficking in Persons Report- 2010: Djibouti (Tier 2)."

[1448] U.S. Embassy- Djibouti, *reporting, February 1, 2010*, section 6.

[1449] U.S. Department of State, "Trafficking in Persons Report- 2010: Djibouti (Tier 2)."

[1450] IOM, *IOM Info Sheet: Counter Human Trafficking through Protection Efforts in Djibouti*, hardcopy, July 2010.

[1451] 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.

[1452] 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*

[1453] 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.

[1454] 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.

[1455] 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.

[1456] African Development Bank, *Urban Poverty Reduction Project*.

[1457] 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.

[1458] UNODC, "UNODC, Ongoing Projects in Eastern Africa". See also UNODC and EAPCCO, *Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa*.

[1459] 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.[1460] In addition, there were no reports of worst forms of child labor in Dominica during the reporting period.[1461]

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,[1462] but according to the Employment of Women, Young Persons and Children Act, it is age 14.[1463] The CEACR has urged the Government to raise the statutory minimum age to 15, in accordance with the provisions of ILO Convention 138,[1464] however the Government has not done this. In addition, the minimum age for hazardous work is 14, which does not comply with international standards.[1465] Dominica has no military force, and the minimum age for voluntary recruitment to the police force is 18.[1466]

	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.[1467] 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.[1468]

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.[1469] 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.[1470] 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.[1471]

Based on the reporting above, the following actions would advance the prevention of 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.

[1460] 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.

[1461] U.S. Embassy- Bridgetown, *reporting*, February 5, 2010, para 1.

[1462] 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.

[1463] 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.

[1464] 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.

[1465] 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)*.

[1466] 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.

[1467] U.S. Embassy- Bridgetown, *reporting, February 5, 2010*, sections 2C-I: para 1 and 2C-II: para 1.

[1468] Ibid., section 2C-1: para 5.

[1469] IMF, *Dominica: Poverty Reduction Strategy Paper*, August 2006, 1; available from http://www.imf.org/external/pubs/ft/scr/2006/cr06289.pdf.

[1470] Government of Dominica, *Education Trust Fund Act*, (May 7, 1981), 5; available from http://www.dominica.gov.dm/laws/chapters/chap28-02.pdf.

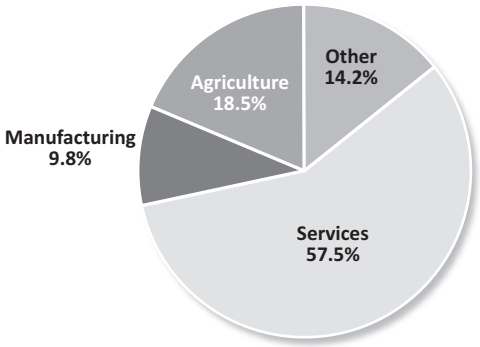
[1471] Government of Dominica, *National Report and Executive Summary on the Nuevo León Mandates and Relevant Mandates from the Quebec City Plan of Action*, December 30, 2004; available from http://www.dominica.gov.dm/cms/?q=node/7. See also Government of Dominica, "Government continues to invest heavily 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[1472] in agriculture and urban work.[1473] 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.[1474] 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.[1475] 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.[1476] 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.[1477]

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.[1478] 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.[1479] Haitians or Dominicans of Haitian descent who lack legal documentation are especially vulnerable to exploitive or forced labor.[1480]

Children engage in construction where they may carry heavy loads and use dangerous tools.[1481]

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.[1482] 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.[1483] Some child domestic workers are trapped in forced labor or indentured servitude, working long hours and sometimes exposed to physical

or sexual abuse.[1484] Approximately 3,000 Haitian child domestic workers are reported to be working in the Dominican Republic.[1485]

The commercial sexual exploitation of children occurs in tourist locations and major urban areas.[1486] Intermediaries recruit children they know into commercial sexual exploitation.[1487] The Dominican Republic is a source and destination country for the trafficking of children, including for commercial sexual exploitation.[1488] Children are also trafficked internally from rural to tourist areas.[1489] Some Haitian children who are trafficked to the Dominican Republic work in domestic service, sex tourism, and agriculture.[1490]

Laws and Regulations on the Worst Forms of Child Labor

The legal minimum age for employment in the Dominican Republic is 14.[1491]

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.[1492] The law makes exceptions for children over age 16 in apprenticeships and job training.[1493]

Children under age 16 cannot work at night or more than 6 hours consecutively.[1494] Special authorization is needed for minors to work in itinerant sales.[1495] Minors age 14 to 16 are prohibited from working as messengers and delivering merchandise.[1496]

Forced labor is prohibited by law.[1497] 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.[1498]

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.[1499] The new Constitution explicitly excludes from citizenship those born to foreign parents who are "in transit" or in the country illegally.[1500] 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. [1501]

The Law Against Trafficking in Persons and Migrant Smuggling prohibits all forms of trafficking.[1502] 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.[1503] The Technology Crime Law criminalizes the production, distribution or possession of child pornography.[1504] The Law on Drugs and Controlled Substance specifically prohibits the employment of minors in illicit drug trafficking.[1505]

	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.[1506] After a hiatus, the NSC was re-activated in February 2008.[1507] The SET, through its child labor unit, established municipal and provincial committees around the country to develop strategies to combat child labor.[1508] The SET, in coordination with the National Council for Children and Adolescents (CONANI), is responsible for protecting minors against labor exploitation.[1509]

The SET employs 203 labor inspectors who receive training to detect child labor.[1510] 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.[1511] However, less than 1 percent of reported infractions involved child labor, a low percentage given the extent of child labor.[1512] The SET and the Secretariat of State for Education (SEE) formulated a plan that requires labor inspectors to report children not attending school.[1513]

The national judiciary has 33 district attorneys who are tasked with cases involving the worst forms of child labor.[1514] However, the number of convictions and prosecutions related to exploitive labor is not published.[1515] The National Police receive training to address child labor and commercial sexual exploitation.[1516] The Attorney General's office trains its investigators in child labor issues and is responsible for prosecuting crimes involving children.[1517] In 2009, four perpetrators were prosecuted and sentenced for sexually abusing minors.[1518]

The Government reports that forced labor currently does not exist in the country and therefore takes no measures to prevent or combat it.[1519] 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.[1520] 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.[1521] 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.[1522]

Government Policies on the Worst Forms of Child Labor

CONANI is the principle entity responsible for creating policies to protect children from labor exploitation.[1523] 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.[1524] These plans include strategic measures for reducing poverty.[1525] An ILO evaluation suggested that additional personnel are needed to implement these national strategies.[1526]

The National Program for Decent Work (2008-2011) supports efforts to eliminate the worst forms of child labor.[1527] 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.[1528] ILO-IPEC estimates that the Dominican Republic is not currently reducing child labor fast enough to meet these goals.[1529]

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.[1530] 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.[1531] Public expenditure on education is less than 3 percent of GNP.[1532] A short school day impedes educational quality and prompts some parents to take their children to work rather than leave them unattended.[1533] Deficiencies in the national education system have been identified as contributing to children's engagement in the worst forms of child labor.[1534]

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.[1535] This

makes them more vulnerable to labor exploitation and trafficking.[1536] After the earthquake, the Dominican Republic and Haiti worked together under protocols to protect children from traffickers.[1537] 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.[1538]

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.[1539] The Government also provides breakfast to 1,500 schools daily to encourage attendance.[1540] 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.[1541]

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.[1542] 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.[1543] Another project focused on strengthening regional cooperation, legislation, policies, and institutions to reduce child labor through the provision of education.[1544] 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.[1545] 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.[1546] However, the Government has not yet allocated resources needed to scale-up and sustain these donor-funded programs and strategies.[1547]

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.[1548] Another project funded by USDOS strengthens the capacity of civil society to monitor government policies and practices regarding trafficking.[1549]

Additionally, the SET participates in the *Desarrollo Juvenil* (Youth Development) and *Juventud y Empleo* (Youth and Employment) projects supported by the World Bank.[1550] These projects work to improve the employability of disadvantaged, at-risk youth through training and apprenticeship opportunities that promote entrepreneurial and job-related skills.[1551]

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.[1552] The campaign also encourages parents to keep children in school and out of hazardous work.[1553] In 2009, five workshops were held that trained 200 participants to share program information with vulnerable families.[1554] 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.[1555] The Government supports anti-trafficking radio campaigns and posts notices at the international airport publicizing the legal penalties for sexually exploiting children and adolescents.[1556]

Based on the reporting above, the following actions would advance the reduction of 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.

[1472] 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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[1544] 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.

[1545] DevTech Systems Inc., *Combating Exploitive Child Labor through Education II/Dominican Republic Project Document*, i, 7, 14, 17-18.

[1546] CARE, *Primero Aprendo Final Technical Progress Report March 2009*, 4. See also ILO-IPEC, *Supporting the Timebound Programme - Phase II, Project Document*.

[1547] Government of the Dominican Republic, *Written communication 2010*. See also ILO, *Verification Report on the Implementation of the White Paper Recommendations*, 149-150.

[1548] ILO-IPEC Geneva official, E-mail communication to USDOL official, July 17, 2010.

[1549] 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.

[1550] U.S. Embassy- Santo Domingo, *reporting, February 26, 2010*.

[1551] 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.

[1552] 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.

[1553] ILO-IPEC, *Supporting the Timebound Programme - Phase II, Final Technical Progress Report*, 9.

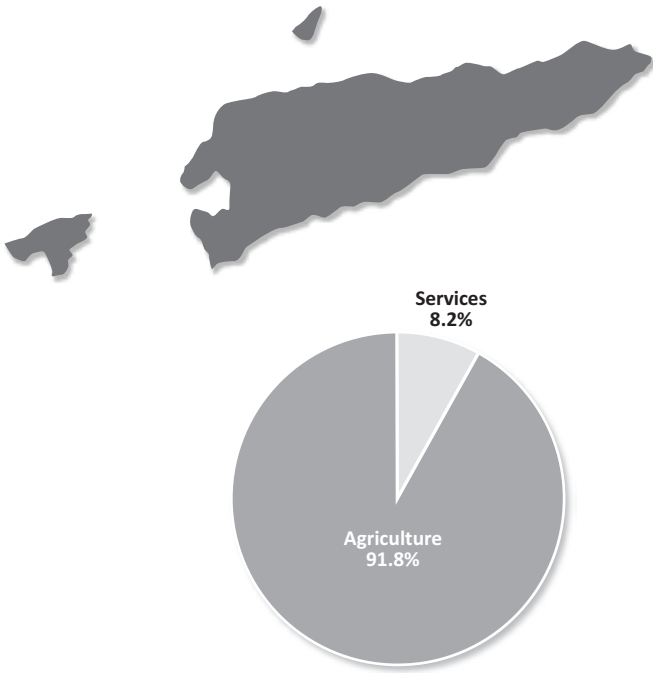
[1554] Government of the Dominican Republic, *Written communication 2010*, 22.

[1555] U.S. Department of State, "Country Reports- 2009: Dominican Republic," section 5.

[1556] 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)*.

East Timor

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,[1557] many of them in agriculture.[1558] Within agriculture, children primarily work cultivating and processing coffee.[1559] Children working in agricultural 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.[1560]

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.[1561] 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.[1562] Children also work in construction.[1563]

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.[1564]

Finally, there is limited evidence documenting trafficking of children for sexual purposes, particularly prostitution.[1565] In these cases, children are often lured to Dili from rural areas.[1566]

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.[1567] 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.[1568] 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.[1569] Trafficking in persons is prohibited, and the law provides for specific penalties for those who traffic minors.[1570]

The minimum age for compulsory and voluntary recruitment into military service is 18.[1571]

During the reporting period in June 2009, Timor-Leste ratified ILO Convention 182.[1572]

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.[1573]

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.[1574]

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.[1575] There are eight labor inspectors; none specifically dedicated to child labor.[1576] There is no mechanism for filing complaints about child labor violations.[1577] During the reporting period, there were no child labor prosecutions or convictions in the country.[1578]

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.[1579]

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address child labor.[1580] 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.[1581]

Social Programs to Eliminate the Worst Forms of Child Labor

The Government has participated in international and local NGO programs to assist street children.[1582] 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.

[1557] 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.

[1558] 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.

[1559] U.S. Embassy- Dili, *reporting, February 12, 2008*.

[1560] Ibid., para 2. See also ILO, *Rapid Assessment on Child Labor in Timor Leste*, 10.

[1561] U.S. Embassy- Dili, *reporting, February 12, 2008*, para 16.

[1562] ILO, *Rapid Assessment on Child Labor in Timor Leste*.

[1563] U.S. Embassy- Dili, *reporting, February 12, 2008*. See also ILO, *Rapid Assessment on Child Labor in Timor Leste*.

[1564] 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.

[1565] 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.

[1566] U.S. Department of State, "Trafficking in Persons Report- 2009: Timor-Leste."

[1567] U.S. Department of State, "Country Reports- 2009: Timor-Leste." See also Government of East Timor, *Labour Code*, (May 1, 2002), section 11.

[1568] Government of East Timor, *Labour Code*. See also ILO, *Rapid Assessment on Child Labor in Timor Leste*, 23.

[1569] Government of East Timor, *Constitution of the Democratic Republic of East Timor*, (2002), section 50. See also Government of East Timor, *Labour Code*.

[1570] 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.

[1571] 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.

[1572] 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.

[1573] ILO, *Rapid Assessment on Child Labor in Timor Leste*, 23.

[1574] U.S. Embassy- Dili, *reporting*, February 13, 2009.

[1575] U.S. Embassy- Dili, *reporting, February 4, 2010*, para 2C.

[1576] Ibid. See also ILO, *Rapid Assessment on Child Labor in Timor Leste*.

[1577] U.S. Embassy- Dili, *reporting, February 4, 2010*, para 2C.

[1578] Ibid.

[1579] U.S. Embassy- Dili, *reporting, February 13, 2009*.

[1580] U.S. Embassy- Dili, *reporting, February 4, 2010*, para 2E.

[1581] Ibid., para 2H and 2F. See also ILO-IPEC official, E-mail communication to USDOL official, July 17, 2010.

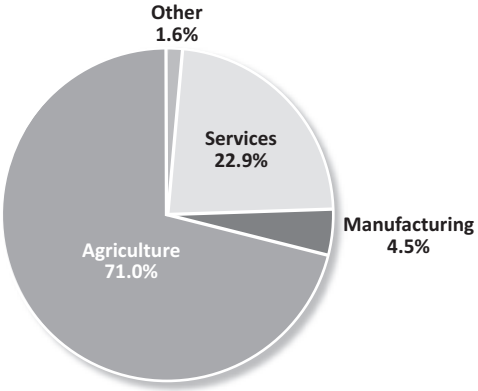
[1582] ILO, *Rapid Assessment on Child Labor in Timor Leste*, 55.

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,[1583] including dangerous work on banana plantations and flower farms.[1584] 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.[1585]

Children in urban areas work as domestic servants.[1586] 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.[1587]

Children also work on the streets, shining shoes, collecting and recycling garbage, selling newspapers and candies, and begging.[1588] 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.[1589]

Other worst forms of child labor in Ecuador include commercial sexual exploitation, forced begging,[1590] and trafficking.[1591] Girls are trafficked from Colombia and Peru to Ecuador for commercial sexual exploitation.[1592] Children are also trafficked from border and central highland areas within Ecuador to urban centers for commercial sexual exploitation and other forced labor.[1593]

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.[1594,1595]

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.[1596]

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.[1597]

The Code also prohibits all forms of forced labor, human trafficking, and commercial sexual exploitation of minors.[1598] There is no compulsory military service in Ecuador, and the age for military service is 18.[1599]

	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.[1600]

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.[1601] 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.[1602] 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.[1603]

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.[1604] 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.[1605]

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.[1606]

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.[1607]

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.[1608] 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.[1609]

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.[1610]
Under the PETI, the Government has identified areas of exploitative child labor and is providing assistance to victims.[1611] Specifically, the Government of Ecuador has undertaken initiatives to combat child labor in landfills. 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.[1612,1613] 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.[1614]

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.[1615] 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.[1616]

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.[1617] According to the Government, in 2009, the program withdrew 455 child domestic workers through five provincial awareness-raising campaigns.[1618]

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.[1619] 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.[1620] 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.[1621]

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 that specifically target children involved in street work and begging, though research suggests that many child workers are operating in these sectors.

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 and begging.
- 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.

[1583] 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.

[1584] 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.

[1585] U.S. Embassy - Quito, *Reporting*, February 11, 2010.

[1586] 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.

[1587] U.S. Department of State, *Ecuador*, Washington, DC, June 14, 2010; available from http://www/state.gov/g/tip/rls/tiprpt/2010/.

[1588] U.S. Department of State, "Country Reports- 2009: Ecuador."

[1589] Ibid.

[1590] U.S. Embassy - Quito, *reporting, February 11, 2010*

[1591] 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/.

[1592] 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*

[1593] 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.

[1594] U.S. Embassy - Quito, *reporting, February 11, 2010* .

[1595] 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.

[1596] ILO, *National Legislation on Hazardous Work*. See also U.S. Department of State, "Country Reports- 2009: Ecuador."

[1597] 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.

[1598] Ibid.

[1599] 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."

[1600] U.S. Embassy - Quito, *reporting, February 11, 2010*

[1601] Ibid.

[1602] Ibid.

[1603] Ibid.

[1604] Ibid.

[1605] 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.

[1606] U.S. Embassy - Quito, *reporting, February 11, 2010*

[1607] 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.

[1608] UN Committe on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Ecuador* January 2010; available from http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-ECU-CO-4.pdf.

[1609] Government of Ecuador, *National Plan for Good Living 2009-2013*; available from http://plan.senplades.gov.ec/.

[1610] World Learning, *Wiñari: Combating Exploitive Child Labor Through Education in Ecuador*, Technical Progress Report, March 30, 2010. See also ICF Macro, *Independent Final Evaluation of Project SOY! in Ecuador*, 2008, 23-24.

[1611] Ibid.

[1612] Ibid.

[1613] Government of Ecuador, *Meta País: Ecuador Libre de Trabajo Infantil en Basurales*, Quito, 2010; available from www.mies.gov.ec/?option=com_content&view=article&id=1678:2010-meta-pais-ecuador-libre-de-trabajo-infantil-en-basurales-&catid=8:noticias&Itemid=28&fontstyle=f-larger.

[1614] ILO-IPEC, *IPEC E-mail communication*.

[1615] Ibid.

[1616] Ibid.

[1617] Fundación Telefónica, *Proniño and Working Children Programme (PMT),* [Online] 2009 [cited June 9, 2010]; available from http://www.fundacion.telefonica.com/en/prensa/noticias/noticia.php?prog=pronino&noticia=30_10_2009_ecu.htm. See also Ministry of Labor Relations, *Proniño- Projecto Erradicación del Trabajo Infantil Domestico* Government of Ecuador, December 17, 2009.

[1618] Ministry of Labor Relations, *Proniño*.

[1619] ILO-IPEC, *Combating the Worst Forms of Child Labour through Horizontal Cooperation in South America*, project document, Geneva, September 2009.

[1620] Ibid.

[1621] 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,[1622] many in agriculture, where an estimated two-thirds of working children in Egypt are engaged.[1623] Children working in agriculture may work seasonally or year-round, and often rotate between various crops throughout the year.[1624] In particular, seasonal child labor is common in the pest control and harvesting of cotton crops.[1625] Children employed in agriculture are vulnerable to exposure to pesticides, long work hours in extreme temperatures, non-payment of wages, threats, and physical abuse.[1626]

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.[1627]

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.[1628] 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.[1629] 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.[1630]

Street children, estimated at between 200,000 and 1 million, are vulnerable to forced begging, prostitution, violence, and drug abuse.[1631] They survive by peddling, begging and working at temporary jobs in shops and workshops.[1632]

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.[1633] Child sex tourism has been reported in Cairo, Alexandria, and Luxor.[1634]

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.[1635]

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.[1636] However, the labor law, Law No. 12 of the Year 2003, allows children as young as 12 to work as apprentices.[1637] 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.[1638] The labor law also excludes children working in agriculture.[1639]

Children under the age of 18 are barred from 44 hazardous occupations under the Ministry of Manpower and Migration's Decree 118.[1640] These occupations include underground work in mines and quarries, welding, work in tanneries, work with pesticides, and lifting heavy objects.[1641] 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.[1642]

The Child Law and Penal Code criminalize some worst forms of child labor, including trafficking and sexual exploitation.[1643] 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.[1644]

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.[1645] 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.[1646]

	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.[1647] The National Protection Program includes a mandate to identify and monitor children at risk of exploitive labor.[1648] During the reporting period child protection committees were formed at the governorate level, with sub-committees at each circuit and police station.[1649] 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.[1650]

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.[1651] Labor inspections are not legally permitted in private homes or non-commercial farms.[1652] 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.[1653]

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.[1654] 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.[1655] 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.[1656] 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.[1657]

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.[1658] 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.[1659] 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.[1660] 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.[1661]

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.[1662] 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.[1663] During the reporting period, NCCM opened a rehabilitation center for child victims of human trafficking.[1664]

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.

[1622] 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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Child Labor in Beni Sweif, Assiut, Sohag and Red Sea, May 2007, section V.A. See also Integrated Regional Information Networks (IRIN), "Egypt: Focus on child labour", IRINnews.org, [online], June 28, 2010 [cited July 14, 2010]; available from http://www.irinnews.org/Report.aspx?Reportid=89653.

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[1650] U.S. Embassy- Cairo, *reporting, February 10, 2010*, section I.1.

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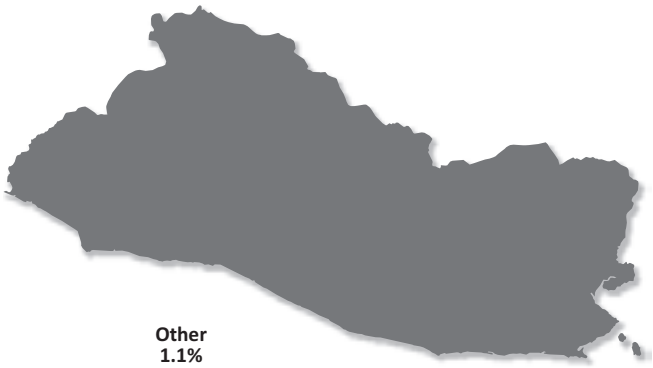
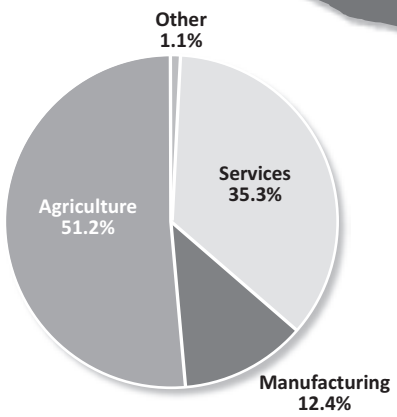
El Salvador

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,[1665] 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.[1666] 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.[1667] 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.[1668] 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.[1669]

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.[1670] Children work as domestic servants in third-party homes; more than 16,000 children are estimated to be engaged in domestic service.[1671] 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.[1672]

Children are also subjected to commercial sexual exploitation and trafficking. Many victims of commercial sexual exploitation are girls between ages 15 and 17.[1673] Children are trafficked internally and internationally, some for commercial sexual exploitation, with children from poor communities at greater risk.[1674]

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.[1675]

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.[1676] The Law for the Protection of Children and Adolescents (LEPINA) establishes 16 as the minimum age for domestic service. [1677] 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.[1678]

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.[1679] However, this list does not address all the sectors in which children work under dangerous conditions, particularly in agriculture.[1680]

The commercial sexual exploitation of children, including pornography, and human trafficking are prohibited under El Salvador's Penal Code.[1681]

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.[1682]

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.[1683]

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.[1684] 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.[1685] 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.[1686]

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.[1687] 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.[1688] 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.[1689]

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.[1690] 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.[1691] 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.[1692]

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.[1693] Both agencies have special units for trafficking, including child trafficking. The PNC assists victims of trafficking, and provides training to enforcement officials.[1694] 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.[1695]

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.[1696] The Office investigated 72 cases of trafficking and prosecuted eight cases. Eight individuals were sentenced to between 4 and 8 years of prison.[1697] 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.[1698] 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.[1699]

El Salvador gathers information on child labor through its National Household Survey.[1700] 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.[1701] 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.[1702]

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.[1703]

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).[1704]

The Government included child labor in its National Decent Work Plan and the National Education Plan 2021.[1705] 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.[1706]

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.[1707]

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.[1708] 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.[1709]

The Government has participated in several initiatives funded by USDOL, including efforts to combat child labor in fireworks production and mollusk harvesting.[1710] 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.[1711]

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.[1712]

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.[1713]

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.[1714] 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.[1715] 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.[1716] 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.

[1665] 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.

[1666] 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.

[1667] 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.

[1668] 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.

[1669] Ibid.

[1670] 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.

[1671] 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

[1672] 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/.

[1673] 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.

[1674] 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.

[1675] "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.

[1676] 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.

[1677] 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.

[1678] 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.

[1679] Government of El Salvador, *Plan Nacional para la Erradicación de las Peores Formas de Trabajo Infantil 2006-2009* 32.

[1680] Ibid. See also ILO-IPEC, *Diagnóstico de Situación del Trabajo Infantil y sus Peores Formas en El Salvador* 12.

[1681] Government of El Salvador, *Código Penal (with modifications until April 2010)*, 169-173-A, 367-367-C.

[1682] Government of El Salvador, *Ley de Protección Integral de la Niñez y la Adolescencia*, 103-118.

[1683] Government of El Salvador, *Constitution*, 56. See also Government of El Salvador, *Código Penal (with modifications until April 2010)*, 354.

[1684] Government of El Salvador, *Plan Nacional para la Erradicación de las Peores Formas de Trabajo Infantil 2006-2009* 17, 94.

[1685] 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.

[1686] 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.

[1687] Government of El Salvador, *Ley de Protección Integral de la Niñez y la Adolescencia*, article 138.

[1688] 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.

[1689] Government of El Salvador, *Ley de Protección Integral de la Niñez y la Adolescencia*, articles 138 and 141.

[1690] 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.

[1691] 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*.

[1692] ILO, *Diagnóstico de la situación de la inspección del trabajo en El Salvador*, 10-11,15, 19, 20, 24.

[1693] 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.

[1694] 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].

[1695] Government of El Salvador, *Informe Adicional y Actualizado de la República de el Salvador para el Cómite sobre los Derechos del Niño*, 43.

[1696] 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.

[1697] U.S. Embassy- San Salvador, *reporting, February 8, 2010*.

[1698] 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*.

[1699] 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.

[1700] 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.

[1701] 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.,

[1702] ILO-IPEC, *Diagnóstico de Situación del Trabajo Infantil y sus Peores Formas en El Salvador* 15, 35.

[1703] 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.

[1704] 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.

[1705] 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.

[1706] 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.

[1707] 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.

[1708] ILO-IPEC, *El Salvador TBP (II), Technical Progress Report*.

[1709] 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.

[1710] 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.

[1711] 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.

[1712] 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.

[1713] 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.

[1714] 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.

[1715] 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.

[1716] 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,[1717] many of them in forced domestic service.[1718] 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,[1719] 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.[1720] There is evidence that children are also brought from rural areas of the country and used for domestic labor.[1721] 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.[1722] 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.[1723] 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.[1724] The specific language of the law, however, has been the object of comments from the ILO Committee on Experts.[1725] 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.[1726] 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.[1727] This law, The Judiciary Act No. 5/2009, strengthens both the composition and powers of juvenile courts.[1728] 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.[1729]

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.[1730] 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.[1731]

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.[1732] 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.[1733] 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.[1734]

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.[1735]

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.

[1717] 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.

[1718] European Union Fund for Development official, Interview with USDOL consultant, May 22, 2007.

[1719] U.S. Embassy- Malabo, *reporting*, February 2, 2010.

[1720] Ibid.

[1721] Ibid. See also U.S. Embassy- Malabo, *reporting*, February 22, 2010.

[1722] Government of Equatorial Guinea, *Ordenamiento General del Trabajo*, 2/1990, (January 4, 1990).

[1723] 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.

[1724] Government of Equatorial Guinea, *Ordenamiento General del Trabajo*, article 3.

[1725] 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.

[1726] 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*.

[1727] U.S. Embassy- Malabo, *reporting, February 2, 2010*.

[1728] 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.

[1729] U.S. Embassy- Malabo, *reporting, February 2, 2010*.

[1730] Ibid.

[1731] Ibid.

[1732] Ibid.

[1733] ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006.

[1734] U.S. Embassy- Malabo, *reporting, February 2, 2010*.

[1735] 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[1736]

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.[1737] 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.[1738]

In urban areas, children repair vehicles and work on the streets as vendors.[1739] Children also work in garages and workshops making household utensils and furniture.[1740] 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.[1741]

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.[1742]

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.[1743] Students who do not attend are not eligible to take their final examinations or to graduate.[1744] 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.[1745] 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.[1746] 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.[1747]

Eritrea is a country of origin for children trafficked for forced labor, including commercial sexual exploitation.[1748] In rare instances, children are trafficked to the Middle East to serve as camel jockeys.[1749]

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.[1750] However, the Labor Proclamation does not include penalties for employers of children in hazardous work or children under the minimum age.[1751]

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.[1752]

	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.[1753] The Penal Code prohibits and provides penalties for trafficking in persons for sexual exploitation, child rape, and child prostitution.[1754] There is no legislation to prohibit trafficking for labor exploitation.[1755] Children under 18 are prohibited from being recruited into the armed forces by Proclamation 11/1991.[1756] 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.[1757]

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.[1758]

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.[1759] 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.[1760]

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.[1761]

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.[1762] 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.[1763]

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.[1764] 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.[1765]

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.[1766] Eritrea also sponsored numerous youth and worker unions' anti-trafficking in persons education outreach programs.[1767] 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.[1768]

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.[1769]

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.

[1736] 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.

[1737] 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.

[1738] 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.

[1739] 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.

[1740] U.S. Embassy- Asmara, *reporting, March 9, 2010*, para 1.

[1741] 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.

[1742] 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.

[1743] 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.

[1744] Kaleyesus Bekele, "Politics - Woes of Eritrean Refugees." See also U.S. Embassy- Asmara, *reporting, February 18, 2009*, para 5, 19, 20.

[1745] 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.

[1746] 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.

[1747] Human Rights Watch, *Service for Life*, 51-52. See also U.S. Embassy- Asmara official, E-mail communication to USDOL official, October 27, 2010.

[1748] 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.

[1749] 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/.

[1750] Government of Eritrea, *Proclamation No.118/2001: The Labour Proclamation of Eritrea*, (2001), article 69.

[1751] Ibid.

[1752] Ibid., article 33-38, 68-69.

[1753] 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.

[1754] Government of Eritrea, *The Transitional Eritrean Penal Code*, (1991), articles 589, 594-595, 597, 605-606.

[1755] 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*.

[1756] 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.

[1757] U.S. Embassy- Asmara, *reporting, February 18, 2009*, para 7-8.

[1758] 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."

[1759] 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/.

[1760] U.S. Embassy- Asmara, *reporting, February 18, 2009*, para 8. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Eritrea."

[1761] 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.

[1762] Kaleyesus Bekele, "Politics - Woes of Eritrean Refugees." See also U.S. Embassy- Asmara, *reporting, February 18, 2009*, para 5, 19, 20.

[1763] U.S. Embassy- Asmara, *reporting, March 9, 2010*, para 3.

[1764] 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.

[1765] 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.

[1766] 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".

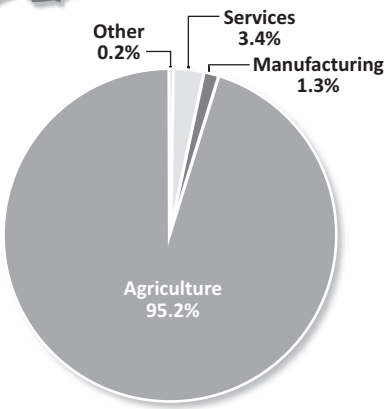
[1767] U.S. Embassy- Asmara, *reporting, March 26, 2010*, para 4f.

[1768] U.S. Department of State, "Trafficking in Persons Report- 2010: Eritrea."

[1769] 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.[1770] 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.[1771] 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.[1772] Children, especially boys, engage in cattle herding, in which they work long hours.[1773]

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.[1774] Girls also collect firewood and water, activities requiring them to walk long distances and carry heavy loads.[1775]

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.[1776]

Children work in petty trading, as taxi assistants and in construction, manufacturing, and weaving industries.[1777] 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.[1778] Anecdotal evidence suggests that some child weavers are exposed to starvation and debt bondage.[1779] Children working in sectors like construction and manufacturing typically do not use protective gear.[1780]

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.[1781] 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.[1782] Girls are also sexually exploited by their teachers in exchange for favors, such as better grades.[1783] 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.[1784] 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.[1785]

Trafficking of children occurs in Ethiopia from Oromiya and SNNP to other regions for forced or bonded labor in domestic service.[1786] Children are also trafficked from rural to urban areas for commercial sexual exploitation, begging, street vending, and manual labor.[1787] In addition, some children are trafficked to work in the weaving industry.[1788] Children are reportedly trafficked from Ethiopia to the Middle East, especially to Lebanon, Saudi Arabia, and the United Arab Emirates.[1789] Children are also trafficked to Djibouti and Sudan for commercial sexual exploitation and to Eritrea, where they may be conscripted into the armed forces.[1790]

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.[1791] 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.[1792] The Labor Proclamation also prohibits children from working at night, overtime, and in occupations designated as the worst forms of child labor.[1793]

The Labor Proclamation does not cover unpaid work and work performed in the informal sector, where many children work in hazardous conditions.[1794] 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.[1795] 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.[1796]

The Constitution protects children from trafficking, slavery, and forced labor.[1797] The Criminal Code also prohibits trafficking, child pornography, the commercial sexual exploitation of children, and the use of children in illicit activities.[1798] 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.[1799] The Criminal Code sets the minimum age for conscription and voluntary recruitment into the military at 18.[1800]

	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.[1801] 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.[1802] MOLSA is also the lead agency for trafficking-in-persons programming.[1803] 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.[1804]

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.[1805] OSHWED employs 120 labor inspectors; none are exclusively dedicated to child labor.[1806] ILO reports that this department is understaffed and lacks sector-specific occupational health and safety guidelines, which weakens enforcement efforts.[1807] 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.[1808] 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.[1809] Labor inspectors' salaries are not competitive and turnover is high. There was no evidence of training during the reporting period.[1810]

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.[1811] 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.[1812] 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.[1813]

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.[1814] There is no information on how many child labor investigations were opened, how many citations issued, and whether appropriate penalties were applied.[1815]

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.[1816] 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.[1817] 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.[1818]

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.[1819]

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.[1820]

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. [1821]

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.[1822] The National Plan of Action for Children document was not adequately disseminated among authorities responsible for its implementation.[1823] 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.[1824]

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.[1825]

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.[1826] The Government also provided land and assistance for young female trafficking victims to establish self-help projects and businesses.[1827] In addition, the Government in partnership with a local NGO operated a temporary shelter for trafficking victims and rescued 23 mainly child trafficking victims.[1828]

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.[1829] The Ethiopian Government also supported and participated in the launch of the African Union Commission Initiative against Trafficking Campaign.[1830]

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.[1831]

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.[1832] 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.[1833]

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.

[1770] 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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