

Papua New Guinea

During the reporting period, the Lukautim Pikinini (Child) Act of 2009 came into force. Among other things, it prohibits employment that interferes with a child's education and criminalizes some forms of child labor. The lack of free education combined with the absence of compulsory education laws may make children vulnerable to the worst forms of child labor. Children are found working as domestic servants and in commercial sexual exploitation.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Papua New Guinea are engaged in the worst forms of child labor,⁴⁶⁶⁵ many in domestic service and some in commercial sexual exploitation. Some of these children are held in indentured servitude in order to pay off family debts.⁴⁶⁶⁶ Child domestic labor commonly involves long hours of work and dangerous activities and may expose children to physical and sexual exploitation by their employers.

The commercial exploitation of children, including forced prostitution, typically occurs in bars and nightclubs.⁴⁶⁶⁷ There are reports that children are also exploited through the production of pornography and are trafficked internally and from neighboring countries.⁴⁶⁶⁸

Although evidence is limited, there is reason to believe children engage in work in agriculture, including on tea and coffee farms.⁴⁶⁶⁹ Children's work in agriculture commonly involves harmful activities, such as using dangerous machinery and

tools, carrying heavy loads and applying toxic pesticides.

In urban areas, children work as street vendors.⁴⁶⁷⁰ Children working on the streets may be exposed to many dangers, including severe weather, vehicle accidents and criminal elements.

Substantial school fees have created a marked barrier to children's education. Children not attending school may be more susceptible to engaging in worst forms of child labor.⁴⁶⁷¹

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act sets the minimum age for work and hazardous work at 16.⁴⁶⁷² There is no specific list of hazardous work prohibited for children, although the Act states generally that children may not be engaged in employment in "industrial undertakings," the fishing industry or under circumstances that are injurious or likely to be injurious.⁴⁶⁷³ Children between ages 16 and 17 may only work between 6:00 p.m. and 6:00 a.m.

if working in a family business. Children age 11 to 18 may work in family businesses by obtaining medical clearance, parental permission and a work permit.⁴⁶⁷⁴ A permit will not be issued for work considered harmful to the child's health or their physical, mental or spiritual development.⁴⁶⁷⁵ Street trading by children of any age between the hours of 8:00 p.m. and 6:00 a.m. or at any time on a Sunday is prohibited by the Child Welfare Act.⁴⁶⁷⁶

	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	16
	Compulsory Education Age	No
	Free Public Education	No

A new child protection and rights act, the Lukautim Pikinini (Child) Act of 2009, came into force in April 2010, replacing the previous Child Welfare Act.⁴⁶⁷⁷ The Act specifically addresses the harmful employment of children and prohibits employment that interferes with a child's education.⁴⁶⁷⁸

The Constitution prohibits forced labor.⁴⁶⁷⁹ The Criminal Code forbids the abduction, kidnapping or procurement of girls younger than age 18 for sexual exploitation.⁴⁶⁸⁰ It also explicitly criminalizes the trafficking of children for commercial sexual exploitation and slavery.⁴⁶⁸¹ The

prostitution of children up to age 18 is prohibited, and children in prostitution are protected from criminal charges.⁴⁶⁸²

The Criminal Code prohibits the use, procurement or offer of a child for the production of pornography or for pornographic performances.⁴⁶⁸³ There are no legislative provisions forbidding the sale and trafficking of children for the purpose of labor exploitation.⁴⁶⁸⁴

There is no compulsory military service in Papua New Guinea. The minimum age for voluntary military service is 18, or 16 with parental approval.⁴⁶⁸⁵

There is no compulsory age for education. The lack of standards in this area may increase the risk of children's involvement in the worst forms of child labor.⁴⁶⁸⁶

Institutional Mechanisms for Coordination and Enforcement

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

The Department of Labor and Industrial Relations is responsible for enforcing child labor and trafficking laws, while the Office of the Director for Child Welfare in the Department of Community Development is responsible for implementing the Lukautim Pikinini (Child) Act.⁴⁶⁸⁷ The Government employs 55 labor inspectors who cover all 19 provinces in the country.⁴⁶⁸⁸ They are responsible for enforcing the country's labor laws, including but not limited to child labor laws. Labor inspectors lack the authority to arrest or issue spot fines.⁴⁶⁸⁹ Senior staff in the Department of Community Development note that a lack of technical competence and coordination among enforcement agencies impairs child labor law enforcement.⁴⁶⁹⁰ An additional obstacle noted was the lack of manpower, particularly regarding labor inspectors and police officers.⁴⁶⁹¹

The Police Sexual Offenses Squad is responsible for enforcing laws against child commercial sexual exploitation and the use of children in illicit activities.⁴⁶⁹²

Government Policies on the Worst Forms of Child Labor

The National Plan of Action for Decent Work calls for the elimination of child labor.⁴⁶⁹³ Reports state that the Government is also working with NGOs to implement the National Action Plan against Commercial Sexual Exploitation of Children 2006-2011.⁴⁶⁹⁴

In an effort to increase primary school enrollment, the Government abolished school fees for students in first and second grade during the reporting period.⁴⁶⁹⁵ Fees still exist for the other primary levels.⁴⁶⁹⁶

The lack of official data and other statistical information does not allow for an accurate

assessment of the full nature and extent of the worst forms of child labor in Papua New Guinea.

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

The Government is participating in a regional project funded by the European Commission called Tackling Child Labor through Education (TACKLE). With a 4-year, Å16 million (a little over \$23 million) budget, TACKLE aims to withdraw children engaged in child labor in the Pacific region.⁴⁶⁹⁷ In Papua New Guinea specifically, the project intends to improve government capacity to implement and enforce child labor laws and policy, and to work with social partners and civil society towards these goals. The project was put on hold in November of 2010 due to staffing issues.⁴⁶⁹⁸

Despite this effort, TACKLE alone is not sufficient to combat all 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 Papua New Guinea:

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt a more specific list of hazardous occupations and activities forbidden for children.
- Establish a compulsory school age for all children that is equivalent to or greater than the minimum age for work.
- Extend legal protection to young children working in family businesses and all children in domestic service.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Make enforcement data on the worst forms of child labor available.
- Provide inspectors with the authority to enforce labor laws.

IN THE AREA OF GOVERNMENT POLICIES:

- Collect and publish data and other statistical information to facilitate an accurate assessment of the full nature and extent of the worst forms of child labor in Papua New Guinea.
- Abolish school fees for all primary levels.

IN THE AREA OF SOCIAL PROGRAMS:

- Resume implementation of the TACKLE project.
- Institute programs that address the worst forms of child labor, specifically in domestic service and commercial sexual exploitation.

⁴⁶⁶⁵ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. 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.

⁴⁶⁶⁶ U.S. Embassy- Port Moresby, *reporting, February 14, 2011*. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Papua New Guinea (ratification: 2000) Submitted: 2006, November 11, 2010*; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=18909&chapter=9&query=Papua+New+Guinea%40ref&highlight=&querytype=bool&context=0>. See also International Trade Union Confederation, *Internationally Recognised Core Labour Standards in Papua New Guinea: Report for the WTO General Council Review of the Trade Policies of Papua New Guinea*, November 16 and 18, 2011, 1; available from http://www.ituc-csi.org/IMG/pdf/report_PNG-final.pdf. See also U.S. Department of State, “Papua New Guinea,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 16, 2011, Section 7d.

⁴⁶⁶⁷ ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Papua New Guinea (ratification: 2000) Published: 2011, April 10, 2011*; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=12716&chapter=6&query=Papua+New+Guinea%40ref&highlight=&querytype=bool&context=0>. See also U.S. Embassy- Port Moresby, *reporting, February 23, 2009*. See also UNICEF, UNESCAP, and ECPAT, *Child Sexual Abuse and Commercial Sexual Exploitation of Children in the Pacific: A Regional Report*, 2006, 33. See also U.S. Department of State, “Country Reports- 2010: Papua New Guinea,” section 7.

⁴⁶⁶⁸ ILO Committee of Experts, *Individual Observation C182: Papua New Guinea (2011)*. See also Child Labor Information Bank, *Child Labor by Industry or Occupation: Papua New Guinea*, May 12, 2010; available from http://www.endchildlabor.org/db_infoBank.cfm. See also U.S. Embassy- Port Moresby, *reporting, February 23, 2009*. See also ILO Committee of Experts, *Individual Direct Request C182: Papua New Guinea (2006)*. See also UNICEF, UNESCAP, and ECPAT, *Child Sexual Abuse and Commercial Sexual Exploitation of Children in the Pacific*.

⁴⁶⁶⁹ U.S. Embassy- Port Moresby, *reporting, February 14, 2011*. See also Department of Community Development official, Interview with USDOL Consultant, June 20, 2006. See also Department of Labor and Industrial Relations

official, Interview with USDOL Consultant, June 26, 2006. See also U.S. Embassy- Port Moresby, *reporting, February 23, 2009*. See also Child Labor Information Bank, *Child Labor by Industry or Occupation: Papua New Guinea*.

⁴⁶⁷⁰ U.S. Embassy- Port Moresby, *reporting, February 14, 2011*. See also Department of Community Development official, Interview, June 20, 2006.

⁴⁶⁷¹ U.S. Department of State, “Country Reports- 2010: Papua New Guinea,” section 6.

⁴⁶⁷² U.S. Embassy- Port Moresby, *reporting, February 14, 2011*. See also ILO Committee of Experts, *Individual Direct Request C182: Papua New Guinea (2006)*. See also The Law Library of Congress, *Child Labor Papua New Guinea*, February 2008. See also International Trade Union Confederation, *Internationally Recognised Core Labour Standards in Papua New Guinea*.

⁴⁶⁷³ The Law Library of Congress, *Child Labor Papua New Guinea*.

⁴⁶⁷⁴ U.S. Department of State, “Papua New Guinea,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136005.htm>. See also The Law Library of Congress, *Child Labor Papua New Guinea*. See also International Trade Union Confederation, *Internationally Recognised Core Labour Standards in Papua New Guinea*, 5.

⁴⁶⁷⁵ U.S. Embassy- Port Moresby, *reporting, February 23, 2009*.

⁴⁶⁷⁶ The Law Library of Congress, *Child Labor Papua New Guinea*.

⁴⁶⁷⁷ U.S. Embassy- Port Moresby, *reporting, February 14, 2011*. See also U.S. Embassy- Port Moresby official, E-mail communication to USDOL official, April 26, 2010.

⁴⁶⁷⁸ Bosorina Robby, “New Child Protection Act Launched,” *The National*, 2010; available from www.thenational.com.pg/?q=node/6770. See also Kritoe Keleba with Nancy Sullivan, *Street Children of Papua New Guinea: A public policy challenge*, Department for Community Development Child Welfare Branch, April 10, 2010, 20; available from www.nancysullivan.net/pdf/companyreport-streetchildrenofpauanewguinea.pdf.

⁴⁶⁷⁹ U.S. Embassy- Port Moresby, *reporting, February 14, 2011*. See also *Constitution of the Independent State of Papua New Guinea*.

⁴⁶⁸⁰ ILO Committee of Experts, *Individual Direct Request C182: Papua New Guinea (2006)*.

⁴⁶⁸¹ U.S. Department of State, “Papua New Guinea,” in *Trafficking in Persons Report- 2010, Trafficking in Persons Report- 2010: Papua New Guinea*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/143188.pdf>.

⁴⁶⁸² The Protection Project, *Papua New Guinea*; available from <http://www.protectionproject.org/papua.doc>. See also ILO Committee of Experts, *Individual Direct Request C182: Papua New Guinea (2006)*. See also U.S. Embassy- Port Moresby, reporting, February 23, 2009.

⁴⁶⁸³ U.S. Embassy- Port Moresby, reporting, February 14, 2011.

⁴⁶⁸⁴ ILO Committee of Experts, *Individual Observation C182: Papua New Guinea (2011)*.

⁴⁶⁸⁵ U.S. Embassy- Port Moresby, reporting, February 14, 2011. See also Coalition to Stop the Use of Child Soldiers, "Papua New Guinea," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/library/global-reports>.

⁴⁶⁸⁶ U.S. Department of State, "Country Reports- 2010: Papua New Guinea," section 6.

⁴⁶⁸⁷ U.S. Embassy- Port Moresby, reporting, February 14, 2011. See also U.S. Department of State, "Country Reports- 2010: Papua New Guinea," section 7. See also U.S. Embassy- Port Moresby official, E-mail communication, April 26, 2010.

⁴⁶⁸⁸ U.S. Embassy- Port Moresby, reporting, February 14, 2011.

⁴⁶⁸⁹ Ibid.

⁴⁶⁹⁰ U.S. Embassy- Port Moresby official, E-mail communication, April 26, 2010.

⁴⁶⁹¹ Ibid. See also ILO Committee of Experts, *Individual Observation C182: Papua New Guinea (2011)*.

⁴⁶⁹² U.S. Embassy- Port Moresby, reporting, February 14, 2011. See also The Law Library of Congress, *Child Labor Papua New Guinea*.

⁴⁶⁹³ ILO-IPEC, *Combating Child Labour in Asia and the Pacific: Progress and Challenges*, 2005, 27; available from <http://www.ilo.org/public/english/region/asro/bangkok/14arm/download/combating.pdf>.

⁴⁶⁹⁴ PNG Children's Foundations Inc., PACE, and UNICEF, *The National Action Plan Against Commercial Sexual Exploitation of Children in Papua New Guinea (July 2006-June 2011)*, 2006. See also U.S. Embassy- Port Moresby, reporting, February 23, 2009.

⁴⁶⁹⁵ U.S. Department of State, "Country Reports- 2010: Papua New Guinea."

⁴⁶⁹⁶ Ibid.

⁴⁶⁹⁷ EuropeAid, *EC and ILO launch project to tackle child labour in African, Caribbean and Pacific countries*, press release, June 10, 2008; available from http://ec.europa.ed/europaid/where/acp/documents/ec_tackle_pressrelease_en.pdf.

⁴⁶⁹⁸ U.S. Embassy- Port Moresby, reporting, February 14, 2011.