

**U.S. Department of Labor
Bureau of International Labor Affairs
Office of Child Labor, Forced Labor, and Human Trafficking**

FREQUENTLY ASKED QUESTIONS:

Child Labor and Forced Labor Reports

September 2016

1. What reports does DOL's Bureau of International Labor Affairs (ILAB) publish on international child labor and forced labor?

ILAB publishes the annual *Findings on the Worst Forms of Child Labor*, as mandated by the Trade and Development Act of 2000 (TDA); the *List of Goods Produced by Child Labor or Forced Labor*, as mandated by the Trafficking Victims Protection Reauthorization Act of 2005 (TVPRA List); and the *List of Products Produced by Forced or Indentured Child Labor*, as mandated by Executive Order 13126 (EO List).

Differentiating Among Reports

2. What information do the TDA Report and TVPRA and EO Lists cover?

The TDA Report covers children in the worst forms of child labor, and contains narrative profiles of 134 countries and territories. Each profile includes information on the prevalence and sectoral distribution of child labor in the country or territory; legal framework on the worst forms of child labor; enforcement of laws on the worst forms of child labor; coordination of government efforts on the worst forms of child labor; government policies on the worst forms of child labor; and social programs to address child labor. Each profile begins with a narrative assessment stating whether countries have made significant, moderate, minimal, or no advancement in eliminating the worst forms of child labor.

The TVPRA List covers adults and children and focuses on goods made by child labor or forced labor in violation of international standards. The TVPRA List includes 139 goods from 75 countries. The EO List covers only children in forced child labor, and is intended to ensure that U.S. federal agencies do not procure goods made with forced or indentured child labor. The EO List includes 35 products made by forced or indentured child labor, from 26 countries. The TVPRA List, in part, and the EO List, in full, also include narrative descriptions of the child labor, forced labor, or forced child labor occurring in the mining, production, or manufacture of each listed item.

3. Which report(s) contain information about adults?

Only the TVPRA List includes information pertaining to adults; it includes goods made by adult forced labor. The TDA and EO mandates focus exclusively on children.

4. Which report(s) include information on the service sector, such as domestic work?

Only the TDA Report covers work in the service sector; the two Lists focus exclusively on the production of goods.

5. Why are there differences between the goods on the TVPRA and EO Lists and information in the TDA Report?

The TVPRA and EO Lists are comprised of goods from the agricultural, manufacturing, and mining/quarrying sectors, as well as pornography. Goods are put on these Lists when ILAB has reason to believe that they are produced by child labor, forced labor, or forced or indentured child labor in violation of international standards. The TDA Report contains information on governments' efforts to meet their international commitments to address the worst forms of child labor, and includes an assessment of each government's efforts. The TDA report also gives a comprehensive picture of child labor, including forced child labor and other worst forms, in the agricultural, manufacturing, mining/quarrying, and service sectors within a particular country.

6. What is the difference between the TVPRA List and the EO List?

The EO List is intended to ensure that U.S. federal agencies do not procure goods made with forced or indentured child labor. Thus, the EO List differs from the TVPRA List, which is intended to promote efforts to monitor and combat forced labor and child labor in the production of goods in foreign countries. The EO on U.S. federal procurement applies only to the goods on the EO List, not to those on the TVPRA List. In addition, the EO List covers forced or indentured child labor, while the TVPRA List focuses on a broader population, including adults in forced labor and children in exploitative labor that is not necessarily forced or indentured.

TDA Report

7. What criteria did DOL use to determine country assessments for TDA beneficiary countries?

In the TDA Conference Committee Report, (2000), the Congress indicated that the following criteria should be considered when determining whether countries are meeting their international commitments to eliminate the worst forms of child labor. These criteria include whether the country has:

- Adequate laws and regulations proscribing the worst forms of child labor;
- Adequate laws and regulations for the implementation and enforcement of such measures;
- Formal institutional mechanisms to investigate and address complaints relating to allegations of the worst forms of child labor;
- A comprehensive policy for the elimination of the worst forms of child labor;

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- Social programs to prevent the engagement and assist in the removal of children in the worst forms of child labor.

The TDA Conference Committee Report also asks that a sixth criterion be considered, which is whether the country is making continual progress toward eliminating the worst forms of child labor. ILAB's individual country assessments, as described below, inform the sixth criterion rather than reflecting the overall determination of "whether a country has implemented its commitments to eliminate the worst forms of child labor." That determination is reserved for the President.

DOL operationalized these criteria through a series of questions, which are included in the Report's Appendix.

8. How does DOL assess country efforts to eliminate the worst forms of child labor?

Beginning with the 2009 edition, each TDA report identifies a set of suggested actions for countries to take in order to advance efforts to eliminate the worst forms of child labor. The implementation—or lack of implementation—of these suggested actions establishes a baseline from which to assess a country's advancement. These actions, in combination with other efforts undertaken by a country, are considered when assessing the level of a country's advancement during the reporting period compared with previous years.

Once a country's efforts are identified, ILAB assesses (1) the significance of efforts—actions that could have a meaningful impact in eliminating the worst forms of child labor—undertaken during the reporting period, and (2) the extent to which these meaningful efforts addressed certain TDA criteria, outlined above, during the reporting period. In addition, ILAB reviews whether a government established or failed to remedy regressive or significantly detrimental laws, policies, or practices that delayed advancement in the elimination of the worst forms of child labor and whether a government was complicit in the use of forced child labor, including the forcible recruitment of children for armed conflict.

Based on the above, each country in the TDA Report receives an assessment¹ level to clearly indicate the Secretary of Labor's findings on each country's level of advancement in efforts to eliminate the worst forms of child labor during the reporting period. Countries can receive one of five possible assessments: *Significant Advancement*, *Moderate Advancement*, *Minimal Advancement*, *No Advancement*, or *No Assessment*.²

TVPR and EO Lists

9. What criteria are used to evaluate information and place goods on the TVPRA List?

In order to compile a credible List that is as comprehensive as possible, ILAB developed a draft research methodology and published it in the *Federal Register* on October 1, 2007, with

¹ DOL first began assessing countries' efforts that delayed advancement in eliminating the worst forms of child labor in 2011.

² See Appendix III in the full Report for additional information on our assessment levels.

a request for public comment. Public comments were integrated, as appropriate, into ILAB's final procedural guidelines, which were published in the Federal Register on December 27, 2007. See 72 Fed. Reg. 73374 or <http://edocket.access.gpo.gov/2007/pdf/E7-25036.pdf>. The procedural guidelines list the following five principal criteria:

- Nature of the information;
- Date of the information;
- Source of the information;
- Extent of corroboration from various sources; and
- Whether the information indicates a significant incidence of child labor, forced labor, or forced child labor in the production of the good.

These criteria are used in evaluating all information relevant to goods produced by child labor and forced labor in violation of international standards, to formulate the List.

10. Why do the TVPRA and EO Lists include goods produced in the informal or “artisan” sector of production?

In compliance with the mandates of the Lists, ILAB's research focuses on all economic activity in the production of goods. Economic activity includes all formal and informal sector production of goods, including goods produced just for personal and family consumption. Examples of informal sector activity include casual day-labor hired without contract; small-scale farming and fishing; artisanal mining and quarrying; and manufacturing work performed in home-based workshops. The production of illicit goods is included in these informal economic activities but the listings of such goods is not intended to condone or legitimize these goods or forms of work.

11. Why do the TVPRA and EO Lists include goods that are not exported to the United States?

The TVPRA mandate directs ILAB to monitor and combat child labor and forced labor “in foreign countries” and to develop a List of “goods from countries.” It does not restrict the List to goods that are exported to the United States. In most cases, ILAB does not have information about whether the goods on the List are consumed domestically or exported.

12. Why is it important for governments to collect and disseminate data on child labor and forced labor?

As global awareness has grown about the negative short- and long-term effects of labor exploitation, governments have been increasingly willing to collect and share data on the magnitude and nature of child labor and forced labor. To date, 98 countries have collected data on child labor, and a smaller, yet significant, number of countries have collected forced labor data. Countries that conduct and disseminate such research understand that doing so is crucial to the development of effective strategies to combat these problems, putting them at the forefront of change.

13. How do the TVPRA and EO Lists relate to the Tariff Act of 1930 and the Trade Facilitation and Enforcement Act?

The Trade Facilitation and Trade Enforcement Act was signed by President Obama on February 24, 2016. The law includes an amendment to the Tariff Act of 1930 removing the “consumptive demand” exemption to the Tariff Act’s prohibition on the importation of goods into the United States produced by forced, slave, convict, forced child, or indentured labor. Previously, the exemption had allowed for goods made by such labor into the United States if the goods were not produced domestically in sufficient quantities to meet U.S. consumer demand. The Department of Homeland Security’s (DHS) Customs and Border Protection (CBP) enforces this law. DOL’s TVPRA and EO Lists serve as a resource to DHS, but the inclusion of a good on either of DOL’s Lists is not *per se* a ban on importation of those goods into the U.S.

14. How does ILAB engage with countries and industries that appear on the Lists?

Foreign countries, industry groups, and civil society have several opportunities to engage with ILAB in relation to all ILAB reports on international child labor and forced labor. Each year, ILAB releases a *Federal Register* notice requesting information from any party on child labor and forced labor internationally. Responses to this request are typically received from governments, industries, and civil society, and are used in developing all reports, as appropriate. ILAB also sends letters to the embassies of all countries and territories covered in the TDA Report and Lists, requesting their views on the TDA country profile and any goods that appear on the Lists from the country in question. In addition, pursuant to the procedural guidelines governing the TVPRA and EO Lists, ILAB welcomes submissions from governments, industry groups and the public at any time, and evaluates and responds individually to each submission. ILAB also meets throughout the year with any government, industry, or civil society group requesting a meeting on issues related to the reports.

In 2012, OCFT released *Reducing Child Labor and Forced Labor: A Toolkit for Responsible Businesses*, a free, comprehensive online resource specifically targeted to assist companies in combating child labor and forced labor in their supply chains. The Toolkit can be accessed at: <http://www.dol.gov/childlaborbusiness toolkit>.

OCFT funds technical cooperation projects that focus on geographic areas and sectors with a high prevalence of child labor and forced labor. OCFT projects work with foreign governments to train labor inspectors and law enforcement officials to support child and forced labor monitoring and enforcement efforts in the supply chains of key national sectors. In addition, OCFT projects support governments to develop and implement specific policies and plans to combat child labor and forced labor, such as national plans of action on child labor and policies to protect children working in specific sectors.

DOL's Role in Combatting Child Labor and Forced Labor

15. Does DOL acknowledge the progress that is being made to address these problems?

All three reports take into account existing efforts to combat child labor and forced labor. The TDA Report has an explicit focus on government laws, enforcement, coordination, policies, and social programs; it contains detailed descriptions of the efforts of many governments to combat the worst forms of child labor. DOL has published procedural guidelines governing the development of its Lists (TVPRA and EO), which address the extent to which government, industry, and third-party efforts may be taken into account in making decisions to place goods on the Lists.

16. What is the Department of Labor doing to combat the worst forms of child labor in the United States?

DOL is the sole federal agency that monitors child labor and enforces child labor laws. The most sweeping federal law that restricts the employment of child workers is the Fair Labor Standards Act (FLSA), enforced by DOL's Wage and Hour Division (WHD). In addition, the Occupational Safety and Health Act and related regulations, enforced by DOL's Occupational Safety and Health Administration (OSHA), apply to all employees regardless of age. WHD and OSHA have an active referral process in place for cases involving children under age 18, and the enforcement staffs of the respective agencies have worked collaboratively on a number of investigations.

WHD's YouthRules! Web site at <http://www.youthrules.dol.gov> provides information about child labor, including the jobs minors may perform and the hours they may work. A WHD toll-free helpline is also available (1-866-4US-WAGE or 1-866-487-9243) to provide information about child labor laws.

More information can be found on the Web site of the Wage and Hour Division: <http://www.dol.gov/whd/>.

Additional Resources

17. How can I access information about these three reports?

All three of DOL's flagship reports on international child labor and forced labor are available in hard-copies and electronically on our website, via USB, and through our *Sweat & Toil* mobile app.

Beginning in 2015, the TDA Report is available in a hard-copy magazine format, which provides an overall summary of the report, the assessment levels of each of the 137 countries, and regional findings on meaningful efforts made and gaps for countries to address. Send an e-mail to GlobalKids@dol.gov to request hard copies of the TDA magazine, and/or both Lists. You can download the full TDA Report from our website.

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Our reports are available in .html and PDF formats at www.dol.gov/endchildlabor. On our website, you can navigate to individual country pages, where you can find information on the prevalence and sectoral distribution of the worst forms of child labor in the country; specific goods produced by child labor or forced labor in the country; the legal framework on child labor; enforcement of laws related to child labor; coordination of government efforts on child labor; government policies related to child labor; social programs to address child labor; and specific suggestions for government action to address the issue. You can also access frequently asked questions about each report, and other report-related materials translated into Arabic, French, Portuguese, Spanish, and Russian on our website.

On our USB, you can access all three reports, frequently asked questions about each report, translated report-related materials, as well as fact sheets about ILAB's work. Send an e-mail to GlobalKids@dol.gov to request a USB.

The *Sweat & Toil* app contains over 1,000 pages of research from all three reports. *Sweat & Toil* helps you easily sort data by region, country, assessment level, good, and type of exploitation – all without needing an internet connection! You can download the free app on the iTunes or Google Play store and access the data behind the app on our website: <http://developer.dol.gov/others/sweat-and-toil>.

18. How can I provide feedback on these three reports?

The Office of Child Labor, Forced Labor, and Human Trafficking welcomes feedback on all three reports. Comments on the reports are also welcomed and may be submitted to GlobalKids@dol.gov.