

MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED LAW THAT DELAYED ADVANCEMENT

In 2021, Azerbaijan made minimal advancement in efforts to eliminate the worst forms of child labor. The government increased its provision of training to address human trafficking and the Ministry of Labor and Social Protection of Population began developing a new Decent Work Country Program in conjunction with the International Labour Organization. However, despite new initiatives to address child labor, Azerbaijan is assessed as having made only minimal advancement because it has not rescinded a law that delays advancement in eliminating the worst forms of child labor. In 2017, the government extended a moratorium on labor inspections, including worksite inspections, until 2021. During the reporting period, the moratorium was then extended through January 1, 2023. There was no indication of when onsite inspections would resume, and while inspectors can conduct desk reviews in response to complaints, this lack of proactive or onsite inspection mechanisms may leave potential violations of child labor laws undetected in workplaces. Children in Azerbaijan are subjected to the worst forms of child labor, including in forced begging. Coordinating bodies, including the State Committee on Family, Women and Children's Affairs, lack the capacity to effectively carry out their mandates. In addition, police often treat children forced to beg or engage in street work as a family issue, leading to some cases not being properly referred for criminal investigation and prosecution; however, police took initial steps in 2021 to identify child victims of forced begging and refer them to local shelters for assistance.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Azerbaijan are subjected to the worst forms of child labor, including in forced begging. (I-9) Table I provides key indicators on children's work and education in Azerbaijan.

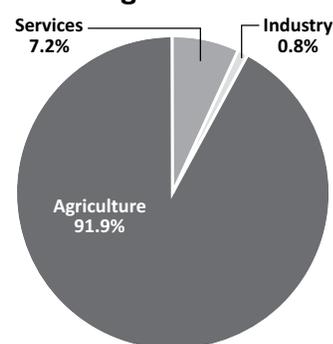
Table I. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	4.5 (70,034)
Attending School (%)	6 to 14	94.3
Combining Work and School (%)	7 to 14	4.9
Primary Completion Rate (%)		99.5

Source for primary completion rate: Data from 2020, published by UNESCO Institute for Statistics, 2022. (10)

Source for all other data: International Labor Organization's analysis of statistics from the Child Labor Survey (SIMPOC), 2005. (11)

Figure I. Working Children by Sector, Ages 7-14



Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Farming, including harvesting potatoes and production of cotton, tea, and tobacco† (3-7,12)
Services	Street work, including begging, vending, carrying luggage, and gathering scrap metal (1,8,12-14)
	Washing and repairing cars (15-17)
	Catering, activities unknown (1,15,17,18)

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Table 2. Overview of Children’s Work by Sector and Activity Cont)

Sector/Industry	Activity
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, sometimes as a result of human trafficking (1-3,8,19) Forced begging (3,7,8,19,20)

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

Child labor in Azerbaijan occurs in the agriculture sector; however, there are limited data available to indicate how many children are currently engaged in child labor in this or other sectors. (3,6,7,21) Although the prevalence of child labor in cotton harvesting appears to be small, there were reports in 2019 and 2020 that children under age 15 worked picking cotton and other crops to augment family incomes; however, no new reports were identified in 2021. (3,19,22,23) Survey research conducted in 2019 by the State Committee for Family, Women and Child Affairs (SCFWCA) in three cities and five districts found that children under age 17 work in the household or in family businesses. Respondents reported that children who work outside the home do so to financially support their families. (24)

Crop production in Azerbaijan is governed by a "priority" system that conditions agricultural subsidies, services, and access to public resources, such as irrigation water, on whether farmers produce one or more crops that the government has designated as high priority. (3) In some cases, regional and local government officials are held responsible for mobilizing sufficient labor to meet established production targets for one or more of these priority crops. (25-29) This system creates a risk that farmers and local officials may turn to exploitative labor practices, including child labor and forced labor, to ensure they are able to meet production targets for designated crops. (22,29)

Street children, some of whom become homeless after they are released from government-run care institutions, and children from marginalized communities are particularly vulnerable to human trafficking within Azerbaijan. (1,2,9,12,30,31) NGOs report that children who are forced to beg often show signs of sexual abuse. (32)

Although Article 5 of the Education Law guarantees free universal education, undocumented children and children with disabilities face difficulty accessing education. Children without identification documents are ineligible to enroll in school, which continues to disproportionately affect children referred to shelters for minors. (19) The court proceedings required to secure identification documents can take up to 2 or more years, during which time children cannot attend school. Although government-run shelters are able to provide interim individual education services while undocumented children await identification papers, NGO-run shelters lack the capacity to provide such services. (3,19) Some children with disabilities are not in school, or are facing barriers to education that include inaccessibility within the physical infrastructure of schools, lack of specialized training for teachers on inclusive education, and a general social stigma against individuals with disabilities. (21,33) Children from the Roma ethnic community also face barriers to education due to social stigma. (12) In addition, children in some rural areas have low rates of school attendance. (19) Children not attending school are vulnerable to child labor.

II. LEGAL FRAMEWORK FOR CHILD LABOR

Azerbaijan has ratified all key international conventions concerning child labor (Table 3).

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Table 3. Ratification of International Conventions on Child Labor

Convention	Ratification
 ILO C. 138, Minimum Age	✓
 ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
 UN CRC Optional Protocol on Armed Conflict	✓
 UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

The government has established laws and regulations related to child labor (Table 4). However, gaps exist in Azerbaijan's legal framework to adequately protect children from the worst forms of child labor, including the prohibition of commercial sexual exploitation of children.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	Yes	15	Article 42 and 249 of the Labor Code; Article 192 of the Code of Administrative Offenses (34,35)
Minimum Age for Hazardous Work	Yes	18	Article 250 of the Labor Code; Article 192 of the Code of Administrative Offenses (34,35)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Articles 98, 250–252, and 254 of the Labor Code; Decree 58 of the Cabinet of Ministers in 2000; Article 9 of the Law on the Rights of the Child (34,36,37)
Prohibition of Forced Labor	Yes		Article 35 of the Constitution; Article 144-2 of the Criminal Code (38,39)
Prohibition of Child Trafficking	Yes		The Law on Trafficking in Persons; Article 144-1 of the Criminal Code (39,40)
Prohibition of Commercial Sexual Exploitation of Children	No		Articles 144-1 and 171 of the Criminal Code (39)
Prohibition of Using Children in Illicit Activities	Yes		Article 28 of the Law on the Rights of the Child; Article 170 of the Criminal Code (37,39)
Minimum Age for Voluntary State Military Recruitment	Yes	19	Article 36 of the Law on Military Obligation and Military Service (41)
Prohibition of Compulsory Recruitment of Children by (State) Military	Yes		Articles 2, 3, and 12 of the Law on Military Obligation and Military Service (41)
Prohibition of Military Recruitment by Non-state Armed Groups	Yes		Article 116 of the Criminal Code (39)
Compulsory Education Age	Yes	15‡	Article 19 of the Law on Education; Article 13 of the Law on General Education (42,43)
Free Public Education	Yes		Article 5 and 19 of the Law on Education; Article 13 of the Law on General Education; Article 22 of the Law on the Rights of the Child; Article 42 of the Constitution (37,38,42,43)

‡ Age calculated based on available information (42,43)

The laws criminalizing commercial sexual exploitation of children are insufficient because the crime of involving a child in prostitution established by Criminal Code Article 171 does not criminalize the users (clients) of prostitution involving children. Similarly, the criminalization of involvement of a child in "immoral actions" does not clearly criminalize the use or offering of a child for the production of pornography or pornographic performances. (39)

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III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, the absence of worksite inspections conducted at the national level in Azerbaijan may impede the enforcement of child labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor and Social Protection of Population (MLSP)	Enforces labor laws related to the worst forms of child labor through the State Labor Inspection Service. (19,44)
Ministry of Internal Affairs (MOIA)	Functions as the central executive agency responsible for public security and the prevention of criminal offenses, including child trafficking and begging. (19,20,44) Through the Anti-Trafficking Division (ATD), enforces human trafficking laws, investigates human trafficking violations, and enforces criminal laws related to the use of children in illicit activities. (1,8,19) Refers children who are survivors of human trafficking to social services for assistance with school enrollment, participation in recreational activities, and procurement of proper documentation. (1)
National Referral Mechanism for Trafficking in Persons	Refers victims of human trafficking to the relevant authorities to ensure the protection of their rights. (20,45,46) Refers human trafficking cases to ATD for investigation. (1)

Sources report a lack of coordination between law enforcement agencies. (19)

Labor Law Enforcement

In 2021, the absence of worksite inspections conducted at the national level in Azerbaijan may have impeded the enforcement of child labor laws (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2020	2021
Labor Inspectorate Funding	Unknown	Unknown (3)
Number of Labor Inspectors	182 (21)	180 (19)
Mechanism to Assess Civil Penalties	Yes (35,47,48)	Yes (34,35)
Initial Training for New Labor Inspectors	Unknown	Unknown
Training on New Laws Related to Child Labor	N/A	N/A (19)
Refresher Courses Provided	No (49)	Yes (19)
Number of Labor Inspections Conducted	0 (21,24)	0 (19)
Number Conducted at Worksite	0 (21,24)	0 (19)
Number of Child Labor Violations Found	3 (49)	1 (19)
Number of Child Labor Violations for Which Penalties Were Imposed	3 (49)	1 (19)
Number of Child Labor Penalties Imposed that Were Collected	3 (49)	1 (19)
Routine Inspections Conducted	No (47,49)	No (19)
Routine Inspections Targeted	N/A	N/A
Unannounced Inspections Permitted	No (47,49,50)	No (50)
Unannounced Inspections Conducted	N/A	N/A
Complaint Mechanism Exists	Yes (16,21,47,48)	Yes (19)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (14,21)	Yes (19)

The government suspended all routine and unannounced labor inspections in 2016 as part of a broader anti-corruption drive. In 2017, this moratorium was extended until 2021 as part of an effort to stimulate small and medium business growth and remained in force during the reporting period. (1,16,24,47,51) In early 2022, the government then extended this moratorium through January 1, 2023. (52) In addition, there have been no indicators as to when the government anticipates a resumption of onsite inspections. (49,50) Although the State Labor Inspection Service (SLIS) is still able to receive and respond to complaints, this response cannot include onsite inspections, and inspectors are limited to conducting desk reviews. Instead, the SLIS investigates complaints by requesting information from the employer in question and, if necessary, relevant employees. (47-51) Based

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on information received, inspectors are empowered to identify violations and impose appropriate penalties. The SLIS can impose penalties directly against individuals but must refer cases to the courts to levy penalties against corporate entities. (47) The SLIS is also able to detect potential minimum age violations by monitoring an electronic database of labor contracts, but did not have the authority to impose penalties related to violations detected in this manner during the reporting period. (47)

The government did not provide information on labor inspectorate funding for inclusion in this report. The government has also reported that the SLIS is required to establish assessment criteria for determining a risk-based routine inspection plan before routine inspections could resume. Approval of the draft criteria may permit the SLIS to resume limited labor inspections for occupational safety and health issues, including hazardous child labor. (24)

During the reporting period, the Ministry of Labor and Social Protection of Population (MLSP) identified one case of a child under age 15 working in retail trade. The company was fined \$882 (AZN 1,500) in accordance with Article 192.8 of the Code of Administrative Offenses. (19)

The number of labor inspectors is likely insufficient for the size of Azerbaijan's workforce, which includes approximately 5 million workers. According to the ILO's technical advice of a ratio approaching 1 inspector for every 20,000 workers in transition economies, Azerbaijan would need to employ about 256 labor inspectors. (53) Government officials also assess the number of inspectors as insufficient to fully enforce child labor laws in Azerbaijan. (54)

During the reporting period, the Cabinet of Ministers prepared a new draft resolution to determine risk groups to prioritize reviews of certain industries for labor law compliance. (19)

Criminal Law Enforcement

In 2021, criminal law enforcement agencies in Azerbaijan took actions to address child labor (Table 7). However, gaps exist within the operations of the criminal enforcement agencies that may hinder adequate criminal law enforcement, including a lack of investigations pertaining to child labor.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2020	2021
Initial Training for New Criminal Investigators	Yes (21)	Yes (19)
Training on New Laws Related to the Worst Forms of Child Labor	N/A	Yes (19)
Refresher Courses Provided	Yes (32)	Yes (19)
Number of Investigations	2 (21,32,55)	0 (19)
Number of Violations Found	2 (21,32)	0 (19)
Number of Prosecutions Initiated	0 (21)	0 (19)
Number of Convictions	1 (21)	1 (19)
Imposed Penalties for Violations Related to the Worst Forms of Child Labor	Yes (21)	Yes (19)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (32)	Yes (19)

Although the government previously reported identifying one case of child commercial sexual exploitation in 2019 and five cases in 2018, the status of these cases is unknown. (3,31) In 2021, the government convicted one individual of subjecting two children to forced labor in 2020, sentencing him to 7 year's imprisonment. (19) The Ministry of Internal Affairs (MOIA) noted that some monitoring activities to detect the worst forms of child labor, especially commercial sexual exploitation of children, were partially suspended for portions of the reporting period due to the COVID-19 pandemic. (32)

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During the reporting period, a number of government training programs on migration law, human trafficking, labor rights, and women's and children's rights were offered to judges, lawyers, and representatives of academic institutions. (18)

In some cases, police treat children begging or engaging in street work as a family issue, rather than screening for indicators of forced begging. As a result, these situations are often referred to the Commission on Juvenile Issues and Protection of Minors' Rights for coordination of services, rather than to law enforcement agencies for investigation and, when warranted, criminal prosecution of forced begging cases. (1,31,46) In addition, research found that police declined to investigate the majority of forced begging cases referred to them and that children identified in child labor resumed work almost immediately after being identified by law enforcement officials. (3,54,56) Also, child labor law enforcement efforts are concentrated in Baku, with few investigations undertaken outside the capital. (30) The MOIA operates a 24-hour hotline for the public to report suspected child trafficking and instances of child begging. (19)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8). However, gaps exist that hinder the effective coordination of efforts to address child labor, including a lack of efficacy in accomplishing mandates.

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
Commission on Juvenile Issues and Protection of Minors' Rights	Coordinates policies at the national level to protect children from the worst forms of child labor. Located within the Cabinet of Ministers and acts as a national-level version of district-level Commissions on Juvenile Issues and Protection of Minors' Rights, which are located in individual district Executive Commissions. (3) During the reporting period, the Commission met with NGOs, child protection agencies, and local representatives of educational, social, and health agencies to establish a social work coordination mechanism. In 2021, as a result of this new coordination mechanism, social workers visited the families of at-risk children to provide them with social services. (19)
National Coordinator and Interagency Commission to Combat Trafficking in Human Beings	Coordinates policies to counter trafficking in persons and oversees implementation of the National Action Plan to Combat Trafficking in Human Beings. Led by MOIA's ATD and includes representatives from MLSP, Prosecutor General's Office, State Border and Migration Services, Ministry of Youth and Sports, and other government entities. (3,32) During the reporting period, the National Coordinator continued to preside over the work of the 32 government agencies involved in implementing the 2020–2024 National Action Plan to Combat Human Trafficking. (19)
State Committee on Family, Women, and Children's Affairs (SCFWCA)	Coordinates child-related policies, including research on child labor. Works with local governments, particularly district-level Executive Commissions, to coordinate policies related to children and gather data on the situation of children and families in rural areas. (3) During the reporting period, the Committee continued to conduct activities to increase awareness of child labor, particularly in rural populations, including a 2-day informational workshop for child and family support centers throughout the country. (19,24,57)

In 2021, the Government of Azerbaijan improved its provision of training and coordination to address human trafficking, organizing trainings for personnel in the Ministry of Foreign Affairs, the MOIA, the Ministry of Health, the Prosecutor General's Office, the State Border Service, the State Migration Service, and the MLSP. (20) Although Commissions on Juvenile Issues and Protection of Minors' Rights exist at both the national and local levels, research was unable to determine the relationship between these respective national and local coordinating bodies. (3) In addition, sources report that the efficacy of SCFWCA as a coordinating body is limited. (3,54) Although the SCFWCA is empowered to work with district-level Executive Committees to coordinate policy and research related to children, the body has limited capacity to do so. (3)

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including lack of coverage for all worst forms of child labor.

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Table 9. Key Policies Related to Child Labor

Policy	Description
National Action Plan on Combating Trafficking in Human Beings (2020–2024)	Aims to further government efforts to address human trafficking through enhanced coordination between relevant government agencies and improved protection for human trafficking victims. Includes action items to improve services for child trafficking victims, address forced child begging, and research and monitor forced labor and child trafficking risks. (58) The government continued to implement the National Action Plan during the reporting period. (20)
Strategy on Children of the Republic of Azerbaijan (2020–2030)	Aims to improve child protection mechanisms and legislation. Through associated National Action Plan for implementation, includes action items on implementing international commitments under ILO Convention 182 and enhancing coordination to detect and prevent child labor and commercial sexual exploitation of children. (59,60) During the reporting period, the national Early Childhood Development program was launched as part of the Strategy. Jointly organized by SCFWCA, the EU delegation to Azerbaijan, the Regional Development Public Union, and UNICEF Azerbaijan, the program aims in part to increase the capacity of children's services professionals and raise awareness around the health and education of children in four target regions—Ganja, Shirvan, Aghjabadi, and Absheron. (61) In addition, a draft Children's Code was prepared by relevant government agencies. (19)
State Program on Improvement of Official Statistics in the Republic of Azerbaijan (2018–2025)	Aims to improve and further develop the national statistics system. Includes an action item on developing a methodology for studying child labor and conducting survey research on the prevalence of child labor in Azerbaijan. (62) During the reporting period, the State Statistical Committee's Council met to discuss the improvement of database management for a number of government agencies, including MLSPP. (63)
State Program for the Development of Inclusive Education for Children with Disabilities (2018–2024)	Aims to create inclusive education for children with disabilities. Currently, the government has established eight schools with inclusive classrooms, spread across seven regions. The government reported it is planning further pilot programs at 12 additional schools, including training teachers in inclusive teaching methods. (44,64,65) The policy was active during the reporting period. (3,44)

‡ The government has other policies that may have addressed child labor issues or had an impact on child labor. (24,66)

The government has adopted the National Action Plan to Combat Trafficking in Human Beings (2020–2024) and the Strategy on Children (2020–2030). Although the government amended the labor code in 2020 to prohibit children under the age of 18 from engaging in work in difficult or harmful working conditions, the law does not specifically mention agriculture and research found no policy on hazardous child labor, including in agriculture. (19)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2021, the government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 10). However, gaps exist in these social programs, including insufficient funding.

Table 10. Key Social Programs to Address Child Labor

Program	Description
Social Shelter and Rehabilitation Center for Minors†	MLSPP-run shelter in Baku for vulnerable children, including street children. (3,44) Children are able to stay in these shelters until they turn the age of 18. The shelter was active during the reporting period. (20)
Victims Assistance Centers†	Provide direct social services and social services referrals to survivors of human trafficking, including children. Funded by MLSPP. (47) The centers were active during the reporting period. (20)
Targeted Social Assistance Program†	MLSPP-run program that provides cash transfers to families. (1) The government continued to provide financial assistance to vulnerable families in 2021. (67,68)
MOIA Identification Document Program†	Provides identification documents to undocumented minors who may be street children or victims of human trafficking. (54) Research was unable to determine whether the program was active during the reporting period.

† Program is funded by the Government of Azerbaijan.

‡ The government had other social programs that may have included the goal of eliminating or preventing child labor. (2,14,24,44)

In 2021, the MLSPP began developing a new Decent Work Country Program in conjunction with the ILO. (69)

During the reporting period, the government approved an increase in benefit payments for families receiving state assistance, including families with children with disabilities and low-income families. (67) In July 2021, two NGOs (the "Clean World" Aid to Women Public Union and the Azerbaijan Children's Union) hosted a workshop

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for vulnerable children on the World Day Against Trafficking in Persons. Children from two shelters in Baku learned about children's rights during the workshop, which was jointly organized by the IOM. (70) Additionally, the MOIA assisted the Azerbaijan Children's Union with construction of a new shelter for at-risk children. (19)

During the reporting period, the government provided approximately \$17,000 to a local NGO to help it buy land to build a new shelter. The government provided additional grants to several other anti-trafficking NGOs. (20) However, the level of government support for NGO-run shelters is inconsistent. (2) Directors of these shelters note that the unpredictable nature of funding prevents long-term planning and capacity building of shelters, including those that serve child victims. In addition, the number of social workers with training in supporting vulnerable and at-risk children is likely inadequate. (2,32,66,71)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in Azerbaijan (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that all working children are protected by law, including children working without a written employment agreement or outside of a formal employment relationship and children who are self-employed.	2011 – 2021
	Criminally prohibit the use of children for prostitution and the use and offering of children for the production of pornography and pornographic performances.	2019 – 2021
Enforcement	Resume routine, targeted, and unannounced labor inspections, including in response to complaints, to ensure that child labor laws are enforced.	2016 – 2021
	Increase the number of labor inspectors to meet the ILO's technical guidance.	2016 – 2021
	Publish information on the labor inspectorate's operations, including funding levels and training provided to labor inspectors.	2015 – 2021
	Ensure that children identified by law enforcement as engaged in child labor are referred to social services centers or other services, as appropriate, so that they do not return to child labor.	2018 – 2021
	Increase law enforcement investigations related to child labor outside Baku.	2018 – 2021
	Screen for forced labor indicators in child begging situations, including those referred by NGOs, and as appropriate, investigate and prosecute forcing children to beg as a criminal offense.	2018 – 2021
Coordination	Increase coordination between law enforcement agencies to enforce child labor laws.	2018 – 2021
	Ensure that all coordinating bodies are active and able to carry out their intended mandates, including across different agencies and levels of government.	2016 – 2021
Government Policies	Adopt a policy that addresses all relevant worst forms of child labor, such as hazardous work in agriculture.	2016 – 2021
	Revise policies on priority crops that mandate production targets to help prevent child labor in agriculture.	2019 – 2021
Social Programs	Collect and publish data on the extent and nature of child labor to inform policies and programs.	2013 – 2021
	Ensure that children from marginalized groups and children with disabilities have equal access to education.	2016 – 2021
	Ensure that undocumented children are able to access education.	2019 – 2021
	Publish activities undertaken to implement social programs to address child labor during the reporting period.	2020 – 2021
	Ensure that NGO-run shelters for victims of human trafficking are sufficiently and consistently funded to provide adequate services to victims.	2015 – 2021

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