THE U.S. DEPARTMENT OF LABOR'S

2004 FINDINGS ON

THE WORST FORMS OF CHILD LABOR

U.S. Department of Labor
Bureau of International Labor Affairs

Report Required by the Trade and Development Act of 2000

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SECRETARY OF LABOR
WASHINGTON

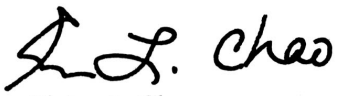
SEP 2 2 2005

The Honorable Richard B. Cheney
President of the Senate
Washington, D.C. 20510

Dear Mr. President:

The enclosed report, titled *The Department of Labor's 2004 Findings on the Worst Forms of Child Labor,* is submitted in accordance with section 504 of the Trade Act of 1974 (19 U.S.C. 2464). The report describes the efforts of 139 countries and territories to meet their international commitments to eliminate the worst forms of child labor. We hope this report will be useful to the Congress.

Sincerely,



Elaine L. Chao

Enclosure

SECRETARY OF LABOR
WASHINGTON

SEP 2 2 2005

The Honorable J. Dennis Hastert
Speaker of the House
of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

The enclosed report, titled *The Department of Labor's 2004 Findings on the Worst Forms of Child Labor*, is submitted in accordance with section 504 of the Trade Act of 1974 (19 U.S.C. 2464). The report describes the efforts of 139 countries and territories to meet their international commitments to eliminate the worst forms of child labor. We hope this report will be useful to the Congress.

Sincerely,

E. L. Chao

Elaine L. Chao

Enclosure

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Acknowledgments

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Foreword

Around the world, many countries have made progress in the effort to eliminate the worst forms of child labor and provide universal basic education for all children. Last year, I had the opportunity to travel to a number of countries that benefit from U.S. trade preference programs to observe how the Department of Labor's International Child Labor Program contributes to the elimination of the worst forms of child labor in West Africa, South Asia, and Southeast Asia.

Each of these visits was informative and inspiring, but one project, in particular, illustrated for me how the U.S. government's comprehensive approach to combating the worst forms of child labor is achieving results. In Lahore, Pakistan, I met children who used to work as bonded carpet weavers, but are now learning how to read, write, and do arithmetic in schools. Their mothers are also being trained in handicrafts and other marketable skills, to help supplement their families' incomes, thereby reducing the pressure for their children to work. This project is also an example of how four local and international organizations have worked in unison to improve policies and the delivery of services to children and their families. When I met with village elders at a carpet weaving center in Vern, they thanked me for America's investment in their children's futures and pledged to sustain the efforts that had already been made with America's assistance and others'.

International assistance is making a difference in these children's lives. And it is clear that many communities around the world are willing to work hard to continue the progress that assistance projects have made.

But international assistance is not the only way in which the United States works to combat exploitive child labor. Indeed, such assistance cannot always affect all of the underlying causes of child labor, such as poverty and discrimination. Another way in which the United States helps developing nations in addressing the root causes of child labor is through free trade agreements (FTAs). By opening markets and encouraging free and fair trade, these agreements support countries in their efforts to build stronger democracies, stimulate economic growth, and improve worker rights.

In 2004, free trade agreements between the United States and both Chile and Singapore entered into force. Also during the year, the United States negotiated an agreement with Australia, Morocco, and Central America and began FTA talks with a number of other nations in Southeast Asia, Latin America, the Middle East, and Southern Africa. In addition to these new trade agreements, the U.S. government continues to provide trade benefits to developing countries through the Generalized System of Preferences (GSP), the Africa Growth and Opportunity Act (AGOA) and the Caribbean Basin Trade Partnership Act (CBTPA). Through comprehensive bilateral trade agreements and trade benefit programs, the U.S. government has made a firm commitment to help developing nations grow and prosper, so that they can provide better employment and education opportunities for all of their citizens.

As part of all of these programs, the United States advocates for the eradication of the worst forms of child labor. This fourth annual report on the Department of Labor's Findings on the Worst Forms of Child Labor is a tool for highlighting the good work that has been done by U.S. trade partners over the last year, and for encouraging further progress. In this report, we provide new, updated information on the nature and extent of child labor in 139 countries and territories that benefit from preference programs. The report describes the type of work that children are doing, the laws and enforcement policies that exist to protect them, and the efforts being made by their governments to meet international commitments to eliminate the worst forms of child labor. I hope readers will find this report useful in promoting understanding of

international child labor issues, and that it serves to advance the global effort to eliminate exploitive child labor.

Arnold Levine
Acting Deputy Under Secretary
for International Affairs
U.S. Department of Labor
December 23, 2004

Arnold Levine retired from federal service in April 2005.

Preface

Congressional Mandate and Legislative Requirement

This report was prepared in accordance with Section 412(c) of the Trade and Development Act of 2000 (TDA), Pub.L. 106-200.[1] Section 504 of the Trade Act of 1974 (Trade Act) requires the President to submit an annual report to the Congress on the status of internationally recognized worker rights within each beneficiary country.[2] Section 412(c) of the TDA amended the Trade Act by expanding the annual report to include "the findings of the Secretary of Labor with respect to the beneficiary country's implementation of its international commitments to eliminate the worst forms of child labor."[3] The countries referenced in the legislation are those countries that may be designated as beneficiaries under the U.S. Generalized System of Preferences (GSP),[4] and includes GSP countries designated to receive additional benefits under the Caribbean Basin Trade Partnership Act (CBTPA) and African Growth and Opportunity Act (AGOA).[5] In addition, this year's report includes information on former GSP recipients that have negotiated free trade agreements with the United States over the last 2 years, in view of Senate Report 108-345.[6]

Generalized System of Preferences

The GSP is a unilateral program that extends duty-free entry to a wide range of products from designated developing countries and territories.[7] The GSP program was enacted by Title V of the Trade Act of 1974.[8] When the Trade and Tariff Act of 1984 reauthorized the program, new eligibility criteria included a requirement that countries take steps to afford internationally recognized worker rights.[9] The TDA

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[1] *Trade Act, U.S. Code*, (1974), Title 19, Section 2464.

[2] Ibid., Section 2101 et seq.

[3] Ibid., Section 2464. See *infra* "The Worst Forms of Child Labor" and "Structure of the Report" for a discussion of the distinction between worst forms of child labor and child labor.

[4] Ibid., Section 2461.

[5] The Caribbean Basin Trade Partnership Act, which constitutes Title II of the TDA, provides additional benefits to certain GSP eligible countries in Central America and the Caribbean. The CBTPA includes as a criterion for receiving benefits "whether a country has implemented its commitments to eliminate the worst forms of child labor." The African Growth and Opportunity Act constitutes Title I of the TDA. H.R. Conf. Rep. No. 606, 106th Cong., 2nd Sess. 123 (2000) states that with regard to "additional trade benefits extended to African beneficiary countries….the conferees intend that the GSP standard, including the provision with respect to the implementation of obligations to eliminate the worst forms of child labor, apply to eligibility for those additional benefits." In addition to providing information on GSP beneficiaries' efforts to eliminate the worst forms of child labor, this report also provides information on the efforts of CBTPA and AGOA beneficiaries.

[6] See *Senate Rpt.108-345 - Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill, 2005.*

[7] *Trade Act*, Section 2461.

[8] Ibid., Section 2461-67.

[9] Ibid., Section 2462(b)(2)(G) and (c)(7). Internationally recognized worker rights are defined to include the right of association; the right to organize and bargain collectively; a prohibition on the use of any form of forced or compulsory labor; a minimum age for the employment of children; and acceptable conditions of work with respect to minimum wage, hours of work and occupational

expanded the GSP eligibility criteria further to include a new criterion on the worst forms of child labor. The new criterion specifies that the President shall not designate any country a beneficiary developing country if "[s]uch country has not implemented its commitments to eliminate the worst forms of child labor."[10]

The Worst Forms of Child Labor

The definition of the "worst forms of child labor" provided in Section 412(b) of the TDA[11] is as follows:

(A) all forms of slavery or practices similar to slavery, such as the sale or trafficking of children, debt bondage and serfdom, or forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;
(B) the use, procuring, or offering of a child for prostitution, for the production of pornography or for pornographic purposes;
(C) the use, procuring, or offering of a child for illicit activities in particular for the production and trafficking of drugs; and
(D) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children.

The work referred to in subparagraph (D) shall be determined by the laws, regulations, or competent authority of the beneficiary developing country involved.

The definition of the worst forms of child labor provided in the TDA is substantially similar to that of International Labor Organization (ILO) Convention 182[12] except that the Convention specifies that the work referred to above in subparagraph D "shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards…"[13] While the language of ILO Convention 182 and the TDA provides a clear indication of three categories of the worst forms of child labor in subparagraphs A-C (sometimes referred to as "unconditional worst forms"), it does not provide a universal definition of what constitutes a worst form of child labor, as reflected in the more general language of the Convention and the TDA with respect to the fourth category of the worst forms.[14] Since there is no universally accepted set of activities that falls into subparagraph (D), ILO Recommendation 190 on the worst forms of child labor provides certain guidelines countries may consider in determining what constitutes a worst form of child labor under this category.[15]

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safety and health. See *Trade Act*, Section 2467 (4). For a complete listing of ineligibility criteria under the GSP, see *Trade Act*, Section 2462 (b).

[10] *Trade Act*, Section 2462(b)(2)(H).

[11] Ibid., Section 2467(6).

[12] Article 2 of the Convention states that "the term *child* shall apply to all persons under the age of 18." See ILO, *C182 Worst Forms of Child Labour Convention, 1999,* in ILOLEX, [database online] 2002 [cited January 5, 2004]; available from http://www.ilo.org/ilolex/english/convdisp2.htm.

[13] Ibid.

[14] For a discussion of "conditional" and "unconditional" worst forms of child labor, see the introduction to this report.

[15] These guidelines include consideration of whether the work exposes children to physical, psychological, or sexual abuse; if the work is conducted in an unhealthy environment; or if the work is under particularly difficult conditions such as work for long

Structure of the Report

The report provides individual profiles on 120 independent countries and a summary report on 19 non-independent countries and territories designated as GSP beneficiaries and/or beneficiaries under the CBTPA and AGOA. This year, new country profiles were added for Algeria and Iraq, two countries that were granted GSP benefits in 2004. Wherever possible, these profiles focus on the worst forms of child labor, rather than on child labor in general. The profiles, however, do not always make this distinction. First, some governments have not yet determined what constitutes a worst form of child labor in their country or territory under subparagraph (D) of ILO Convention 182. Furthermore, because individual countries determine what constitutes a worst form of child labor under subparagraph (D), there is no universally accepted definition of all the worst forms of child labor. Finally, data and information on the incidence of the worst forms of child labor is often unavailable, due to the hidden nature of such activities. Therefore, the report presents as complete a picture as possible of the child labor situation in a country or territory. Each of the profiles consists of a textbox and three written sections: incidence and nature of child labor; child labor laws and enforcement; and current government policies and programs to eliminate the worst forms of child labor.

This year, the report provides information on government efforts to address the worst forms of child labor that took place during 2004. In this way, the report differs from those of previous years, which provided a historical overview of government efforts. For a more historical perspective on child labor in these countries, readers should consult the 2001, 2002, and 2003 *Findings on the Worst Forms of Child Labor* reports.[16]

Textbox

This year each country profile contains a textbox that lists selected measures adopted by governments to combat the worst forms of child labor. While they are by no means exhaustive lists, the measures are meant to provide a historical context for the description of current government efforts provided at the end of each country profile and an indication of the degree to which each country has made initial international and national level commitments to eliminate the worst forms of child labor. It is useful to note that commitment levels vary based both on the extent to which exploitive child labor exists in a country and on the willingness of each government to take formal steps to address this problem when it does exist. The textbox includes the following selected measures:

1) whether a country has ratified ILO Convention 138, Minimum Age for Admission to Employment;
2) whether a country has ratified ILO Convention 182, Worst Forms of Child Labor;
3) whether a country is an ILO-IPEC Member or Associated Member;[17]
4) whether a country has developed and published a National Action Plan for Children;
5) whether a country has developed and published a National Child Labor Action Plan; and
6) whether a country has developed and published a specific Child Labor Sector Action Plan.

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hours, among other considerations. See ILO, R190 *Worst Forms of Child Labour Recommendation, 1999,* in ILOLEX, [database online]; available from http://www.ilo.org/ilolex/english/recdisp1.htm.

[16] Copies of these reports are available on the U.S. Department of Labor website, at: http://www.dol.gov/ILAB/media/reports/iclp/main.htm. Copies may also be obtained by calling the International Child Labor Program office at: (202) 693-4843 or via email at: GlobalKids@dol.gov.

[17] ILO-IPEC member countries have signed formal Memoranda of Understanding (MOU) with the ILO to initiate child labor projects; Associated Members have given ILO-IPEC permission to initiate child labor projects, but have not signed an MOU.

Measures one through three were chosen because of the leading role of the International Labor Organization in combating child labor. Although most governments covered in this report are members of the ILO, there are exceptions. Since these nations are not members of the ILO, they are not eligible to ratify ILO Conventions. In these cases, the first three measures will be marked "N/A." The last three measures are applicable in all of the country reports. They are defined as follows: a "National Action Plan for Children" is a framework to promote the welfare of children; a "National Child Labor Action Plan" is a strategy specifically to combat child labor; and a "Child Labor Sector Action Plan" is a framework to combat child labor in a particular economic sector, such as mining, fishing, or carpet-making. Plans to combat specific worst forms of child labor, such as trafficking or commercial sexual exploitation, would also be counted by this measure. These action plans, rather than international agreements, are covered in measures four through six because they generally entail more specific national and local-level goals and resource commitments, while international agreements may not.[18]

Incidence and Nature of Child Labor

This section reviews estimates of the incidence of child labor in each country or territory, and provides examples of the activities in which children work. The quantity and quality of child labor data is continuously increasing and improving, and many countries have worked with ILO-IPEC, UNICEF, and the World Bank in recent years to collect data and information on child labor. Despite these improvements, information about the incidence and nature of the worst forms of child labor continues to be scarce and is often dated. Although the preferred information for this section of the report is that about children engaged in the worst forms of child labor, it is not always possible to separate out the worst forms from other types of child labor or from light work performed by children. In most instances, general information on working children is reported because data specifically on the worst forms are not available.

Also included in this section is information on laws and policies that set educational requirements for children, as well as a brief assessment of children's involvement in primary schooling.[19] This information provides an indication of the extent to which children are participating and successful in primary school. Children in the worst forms of child labor are less likely to participate in primary schooling. Primary school enrollment and attendance figures are presented along with estimates of the percentage of children reaching the fifth grade and the proportion that repeat a grade of school, where available.[20] Demographic information pertaining to gender, ethnicity, and rural/urban residence is provided, if particularly relevant.

Child Labor Laws and Enforcement

This section reviews major laws and regulations related to child labor and available evidence regarding implementation. Laws and regulations described in this section include those that establish a minimum age for work and those that set related standards for light work, hours of work for children of different ages, and requirements of parental approval. While such laws may not explicitly prohibit the worst forms of child labor, prohibitions against child labor and enforcement thereof may influence the nature and

[18] Although DOL recognizes that some Education for All plans supported by UNESCO entail child labor related goals and resource commitment, these plans are not included in the textbox because a number of plans are currently in draft and have not yet been published.

[19] Some country profiles include a statement indicating that the age for compulsory education and the minimum age for work do not coincide. In cases where the minimum age for compulsory education is one or more years lower than the minimum age for work, children may be more likely to enter work illegally.

[20] For a description of this data and a discussion of its limitations, please see the "Data Sources" section of this report.

extent of the worst forms of child labor. However, laws that prohibit children's involvement in the worst forms of child labor are given special attention.

Where available and substantiated, information is provided on penalties for violations of child labor laws, regulations, and policies, as well as other enforcement and prosecution data. Formal institutional mechanisms that aim to promote adherence to and enforcement of child labor laws, regulations, and policies, particularly related to the worst forms of child labor, are also reviewed.

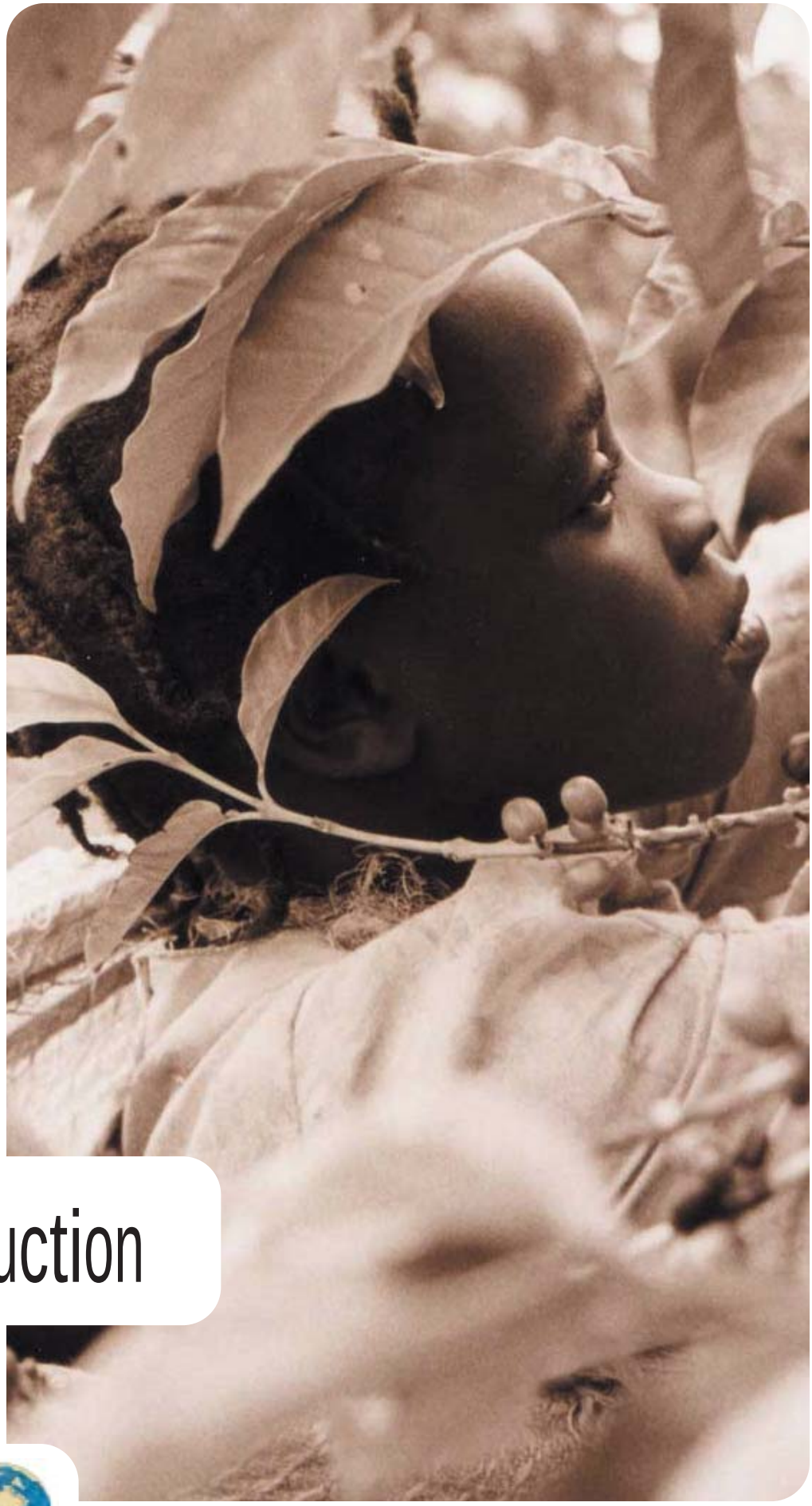
Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

As stated above, to the extent that there is a problem in a country regarding the worst forms of child labor, this section describes government initiatives aimed at combating such practices during 2004. It is important to note, however, that it is often difficult to separate those policies and programs that address only the worst forms of child labor from those that focus on child labor in general. In addition, although government efforts may not be focused on the worst forms of child labor, initiatives that improve family income or increase school attendance may have an impact on the worst forms of child labor. For these reasons, this section of the report provides information on both types of child labor initiatives where appropriate. Such initiatives include national plans of action or comprehensive policies to address the worst forms of child labor, which typically consist of a combination of strategies, including raising awareness about the worst forms of child labor, enhancing local capacity to address the problem, withdrawing children from exploitive work, and offering children educational alternatives. Each country's government efforts may include those policies or programs that have received funding and technical assistance from international agencies, donor governments, and international financial institutions; and initiatives that are implemented and supported through non-governmental organizations and in cooperation with other governments. Many countries have targeted programs to reduce child labor, often supported by the ILO's International Program on the Elimination of Child Labor (IPEC) and other multilateral and bilateral donor agencies. These efforts frequently go beyond simply withdrawing children from the worst forms of child labor to include broader social programs to prevent the engagement of children in the worst forms of child labor; to ensure that these children have access to educational alternatives; and to promote income generating opportunities for the children's families that help reduce dependence on the labor of their children.

Sources of Information

In preparing this report, the U.S. Department of Labor relied primarily on information garnered from the Department of State and U.S. consulates and embassies abroad, including the Department of State's annual *Country Reports on Human Rights Practice*s (Human Rights Report). Due to the delay between the writing and the clearance of this report, the country profiles draw upon the 2003 Human Rights Report. Since this report was written, the 2004 Human Rights Report was published, which may provide more updated information. Also relied upon are a wide variety of reports and materials originating from foreign governments, international organizations, non-governmental organizations, and other agencies within the U.S. Government. U.S. Department of Labor officials also gathered materials during field visits to some of the countries covered in this report. Finally, information was submitted in response to a Department request for public input published in the *Federal Register*.[21]

[21] U.S. Department of Labor, "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor," *Federal Register* vol. 69 no. 134, 42212 (July 14, 2004).



Introduction

Young girl carrying her younger sister to work in Kenya.

INTRODUCTION

In 2000, when Congress passed the Trade and Development Act (TDA), the United States affirmed its commitment to eliminate the worst forms of child labor by adding a new requirement to its trade preference programs for developing nations. Section 412 of the TDA links beneficiary countries' implementation of commitments to eliminate the worst forms of child labor to their receipt of trade benefits under the Generalized Systems of Preferences (GSP), the African Growth and Opportunity Act (AGOA), and the Caribbean Basin Trade Partnership Act (CBTPA). This report provides detailed information about the worst forms of child labor as they occur in each of these 139 trade beneficiary countries around the world. The report also demonstrates the numerous efforts and commitments of developing nations to prevent and eliminate exploitive child labor in their own countries and across borders.

The Nature and Scope of the Global Child Labor Problem

According to the International Labor Organization, there were some 211 million children ages 5 to 14 years who were economically active in the world in 2000.[22] Boys and girls work at similar rates, and an estimated 73 million working children are less than 10 years old. Some of the world's children work for a few hours a day, alongside their parents in family businesses, or perform light work that is not considered to be exploitive. Others, however, toil under deplorable and abusive conditions, with little or no pay, and without the opportunity to go to school. They work on farms with pesticides and machetes, on the streets, in mines, garbage dumps, and brothels in situations that threaten their health, safety, and morals in forms of child labor recognized by the global community to be "worst forms." These forms of child labor, which are abusive and exploitive, are the focus of this report.

Why Children Work

Children work for a variety of reasons. Some work simply to survive and earn income for themselves and their families. Others work because they cannot afford to study, do not have access to quality educational programs, or are discouraged or prohibited from attending school by cultural norms. Yet other children are kidnapped and coerced into working by gangs of sex traffickers or armed groups. In addition, many other political, economic, and social factors, such as government policies on labor enforcement, fluctuations in commodity markets, and religious traditions, influence whether or not children work and what type of labor they perform. The fact that so many factors contribute to the existence of child labor has made it a complex and challenging problem to solve.

The Categories of Worst Forms of Child Labor

Many child labor experts distinguish between two categories of worst forms, "unconditional" and "conditional."[23] Unconditional worst forms of child labor are generally illegal and objectionable forms of work, even for adults. They include slavery, forced or compulsory labor, debt bondage, trafficking, involvement in illicit activities, commercial sexual exploitation, and the forced recruitment of children into armed conflict. These forms have been identified as worst forms of child labor by the international community though the development and promotion of ILO Convention 182. Conditional worst forms of child labor refer to activities that can only be determined to be "worst forms" by relevant national authorities. Article 3 section (d) of ILO Convention 182 provides a general description of these potentially hazardous forms of labor, and Article 4 makes clear that such work should be defined by national laws. Some of these hazardous forms could constitute acceptable forms of work, if certain conditions were changed. Examples include work with dangerous tools or chemicals, or work for long hours or at night.[24] These two major types of worst forms of child labor, and several examples of the nature and incidence of these forms, are described below It is important to note that estimates of the number of children involved in each of these worst forms may be low, due to the hidden, often clandestine, nature of this type of work.

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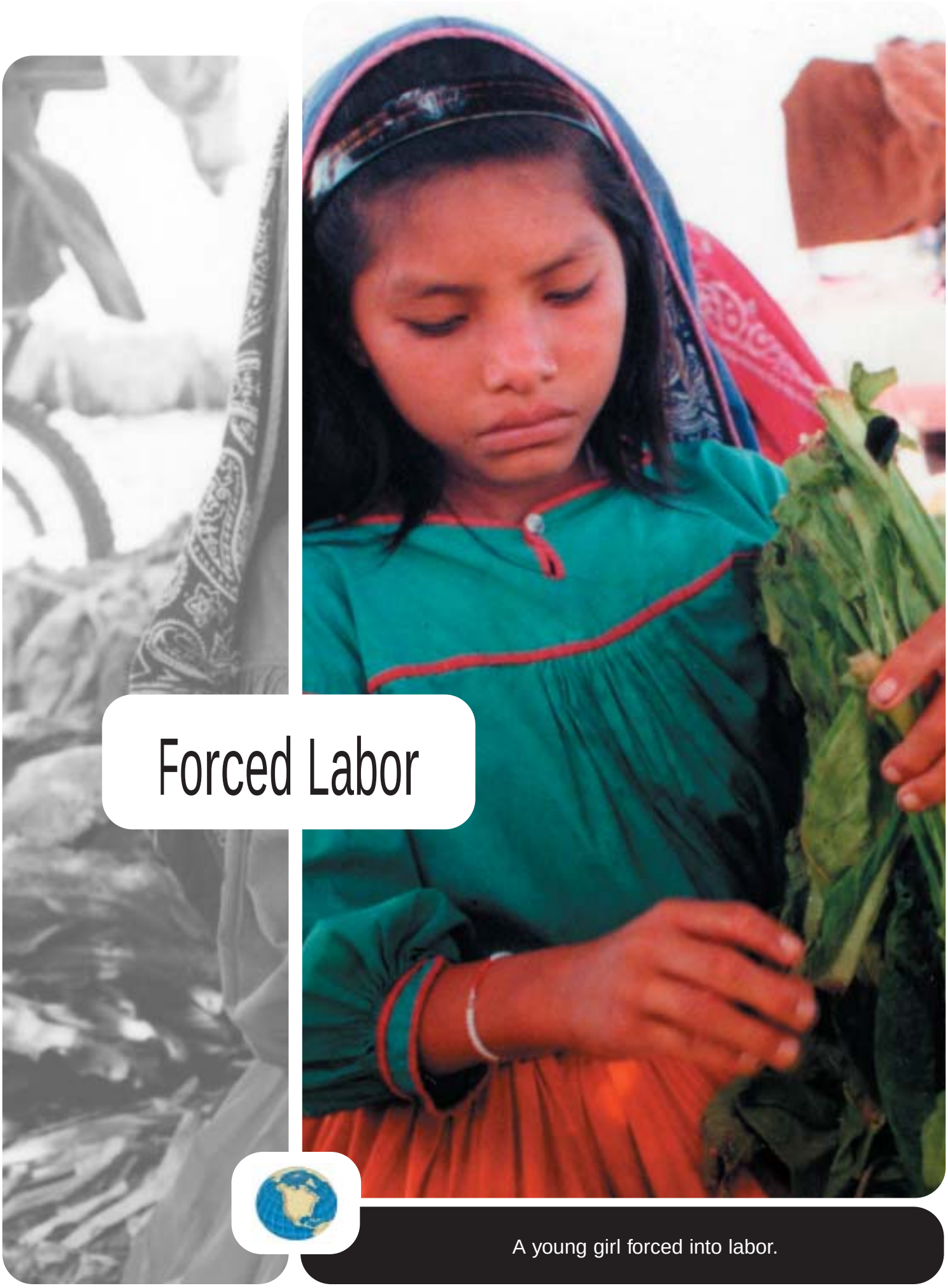
[22] International Labour Organization, Every Child Counts: New Global Estimates on Child Labour, International Labour Organization, Geneva, April 2002, 4.

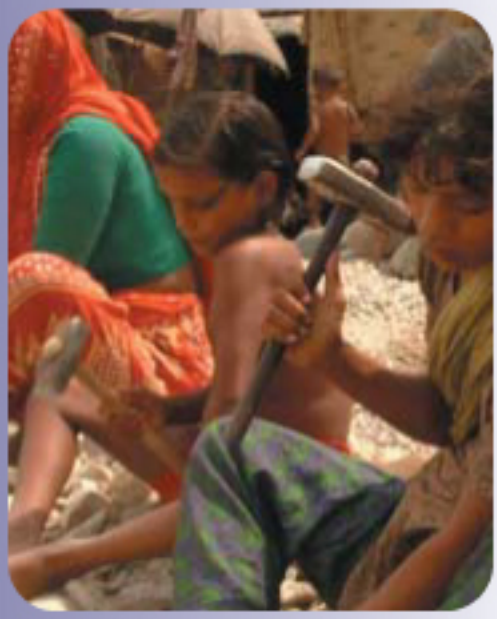
[23] International Labour Organization, Child Labour: A Textbook for University Students (Geneva: International Labour Organization, 2004), 46-48; available from http://www.ilo.org/public/english/standards/ipec/publ/download/pol_textbook_2004.pdf.

[24] International Labour Organization, Every Child Counts: New Global Estimates on Child Labour, 34-36.



Forced Labor

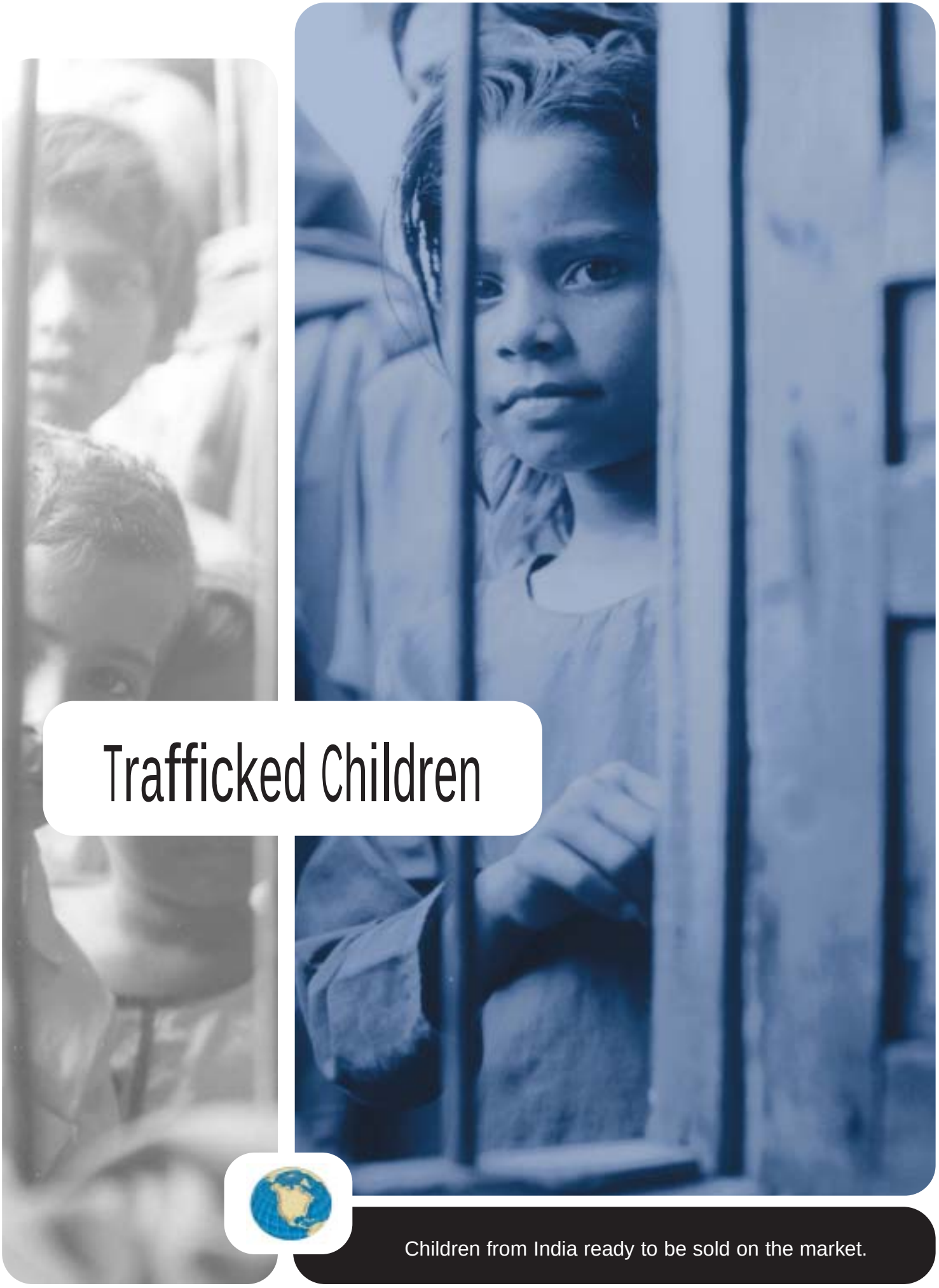
A young girl forced into labor.



Unconditional Worst Forms: Children in Forced and Bonded Labor

Forced labor is defined as work or service that is elicited from a person under threat of penalty and for which the person did not volunteer. Bonded labor occurs when a person needing a loan and having no security to offer, pledges his/her labor, or that of someone under his/her control as security for a loan. According to the ILO, 5.7 million children are subject to forced and bonded labor around the world[25]. Children working in forced labor and bonded labor lack basic freedoms, frequently work long hours for little or no pay, may suffer from harsh physical or mental abuse, and are generally deprived of the opportunity to attend school. In some situations, children are forced to work to pay the debts of their parents, or labor under an agreement that obligates their family to work from one generation to the next.

[25] Ibid.



Trafficked Children

Children from India ready to be sold on the market.

Trafficked Children

Child trafficking can be associated with forced labor and is defined as the recruitment, transportation, transfer, harboring, or receipt of a child under the age of 18 years for the purpose of exploitation. The number of affected individuals is difficult to estimate and current statistics vary widely. While estimates from the U.S. Government range from 600,000 to 800,000 individuals trafficked annually across international borders,[26] the United Nations estimates that approximately 1.2 million children are trafficked internally or externally each year.[27] Internal, cross-border, or international trafficking of children can happen through means including coercion, abduction, or kidnapping.[28] Girls are primarily trafficked for commercial sexual exploitation, domestic service, and even for forced marriages in other countries. While boys are not untouched by the sex trade, they are mostly trafficked to work in agriculture, mining, manufacturing, organized begging, and armed conflict situations.[29] Gender and ethnic discrimination make children from various minority groups especially vulnerable. Children who are victims of trafficking may be exposed to rape, torture, violence, psychological abuse, drug and alcohol addiction, as well as HIV/AIDs and other sexually transmitted diseases.[30]

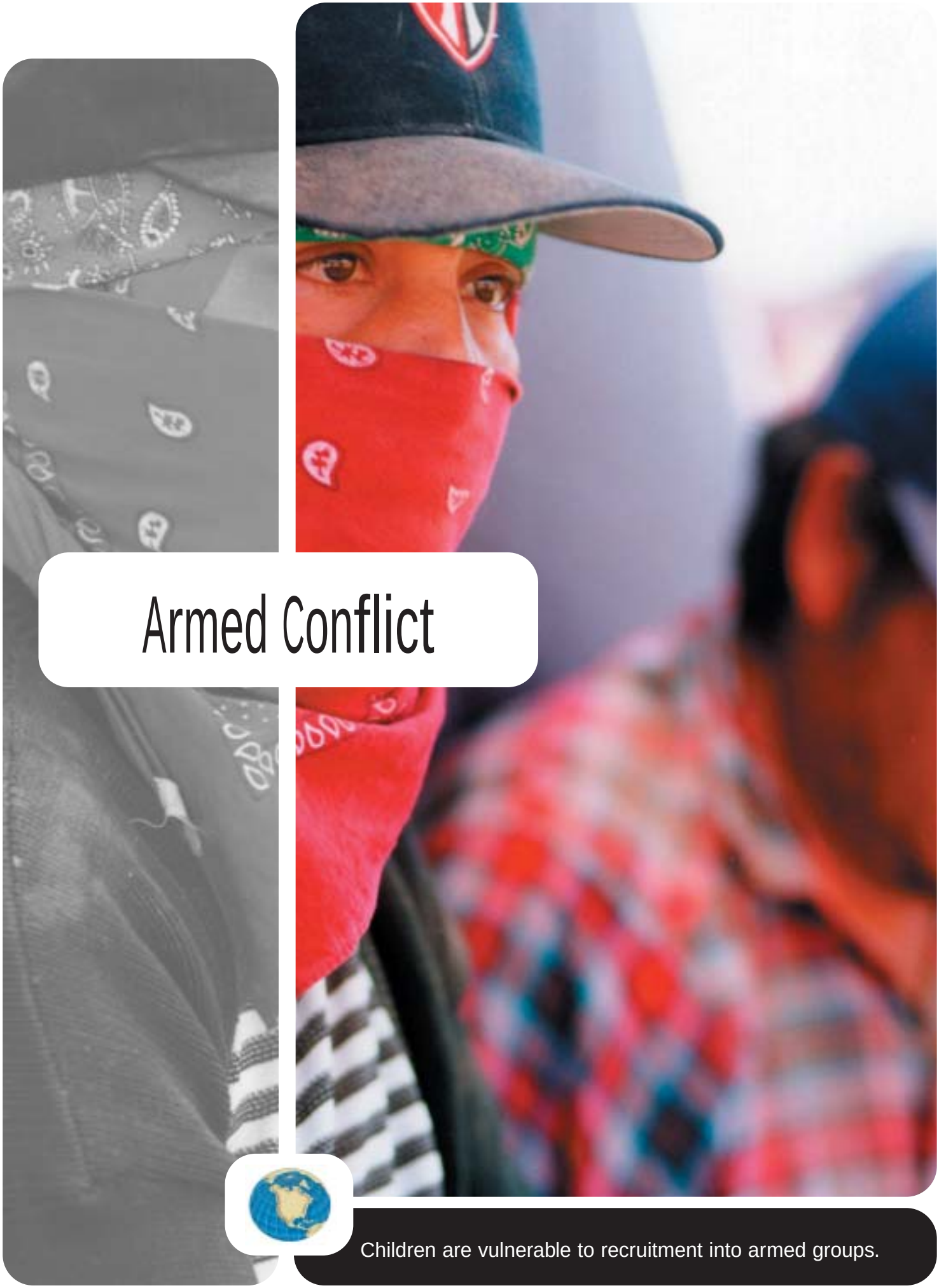
[26] United States Government, Updated Estimates for Global Human Trafficking, prepared by Central Intelligence Agency, April 2004.

[27] UNICEF UK, End Child Exploitation: Stop the Traffic, UNICEF, London, July 2003, 10.

[28] U.S. Department of State, Trafficking in Persons Report, Office of the Under Secretary for Global Affairs, Washington, D.C., June 2003.

[29] UNICEF UK, End Child Exploitation: Stop the Traffic, 6-7.

[30] U.S. Department of State, Trafficking in Persons Report, Washington, DC, June 2003, 11.



Armed Conflict

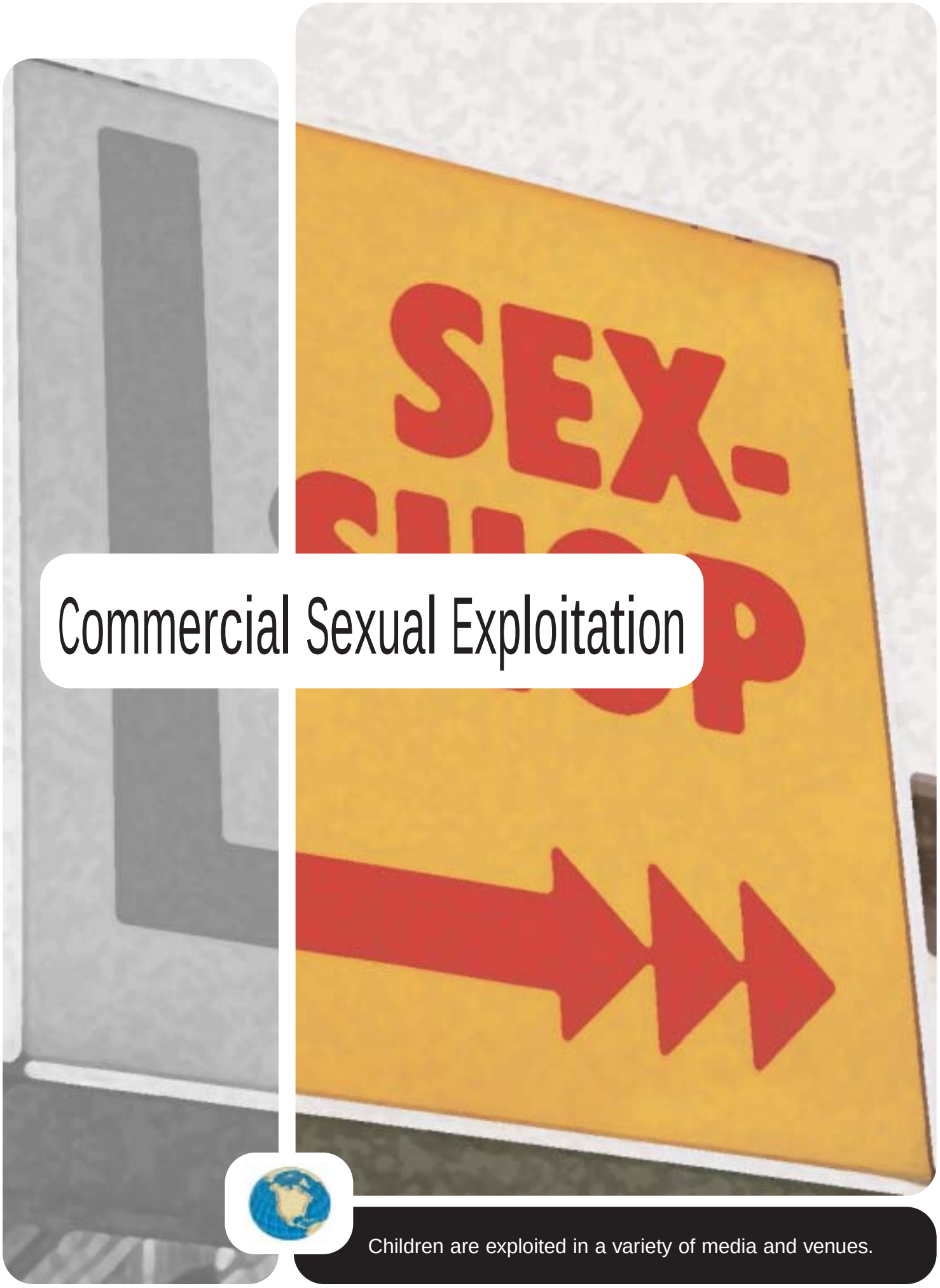
Children are vulnerable to recruitment into armed groups.

Armed Conflict

Children are used in armed conflict as soldiers, spies, guards, human shields, human minesweepers, servants, decoys and sentries. Some girls are forced into prostitution and many children are drugged to make it easier to force them to perform horrendous acts of violence and cruelty. Some victims are as young as 7 or 8, and many more are 10 to 15 years old. Children who are orphans, refugees, and victims of poverty or family alienation are particularly at risk. There are an estimated 300,000 children who are forced to fight by government-sponsored armed forces or by other armed groups in more than 30 conflicts around the world.[31]

[31] ILO-IPEC (SIMPOC), Every Child Counts: New Global Estimates on Child Labour, Geneva, April 2002, 5; available from http://www.ilo.org/public/english/standards/ipec/simpoc/others/globalest.pdf.

Commercial Sexual Exploitation

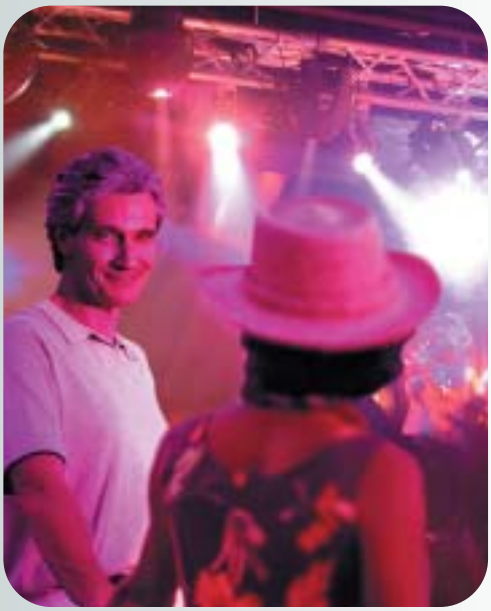


Children are exploited in a variety of media and venues.

COMMERCIAL SEXUAL EXPLOITATION

Commercial Sexual Exploitation

Children involved in commercial sexual exploitation work as prostitutes in bars, hotels, massage parlors, or on the streets; participate in various forms of child pornography; and are exploited for sex by tourists as well as armed groups.[32] Such children are at risk of physical violence, early pregnancy, and sexually transmitted diseases, including HIV/AIDS. An estimated 1.8 million children worldwide were involved in commercial sexual exploitation in 2000.[33] Due to the clandestine nature of the activity and the shame associated with it, estimates such as this are likely to greatly understate the extent of the problem.



[32] ILO-IPEC (SIMPOC), Every Child Counts: New Global A Geneva, April 2002, 5; available from http://www.ilo.org/public/english/standards/ipec/simpoc/others/globalest.pdf.

[33] ILO-IPEC (SIMPOC), ILO-IPEC Every Child Counts, 5. ILO-IPEC defines commercial sexual exploitation of children here as child prostitution and pornography.

Illicit Activities

Education is an alternative to involvement in illicit activities.

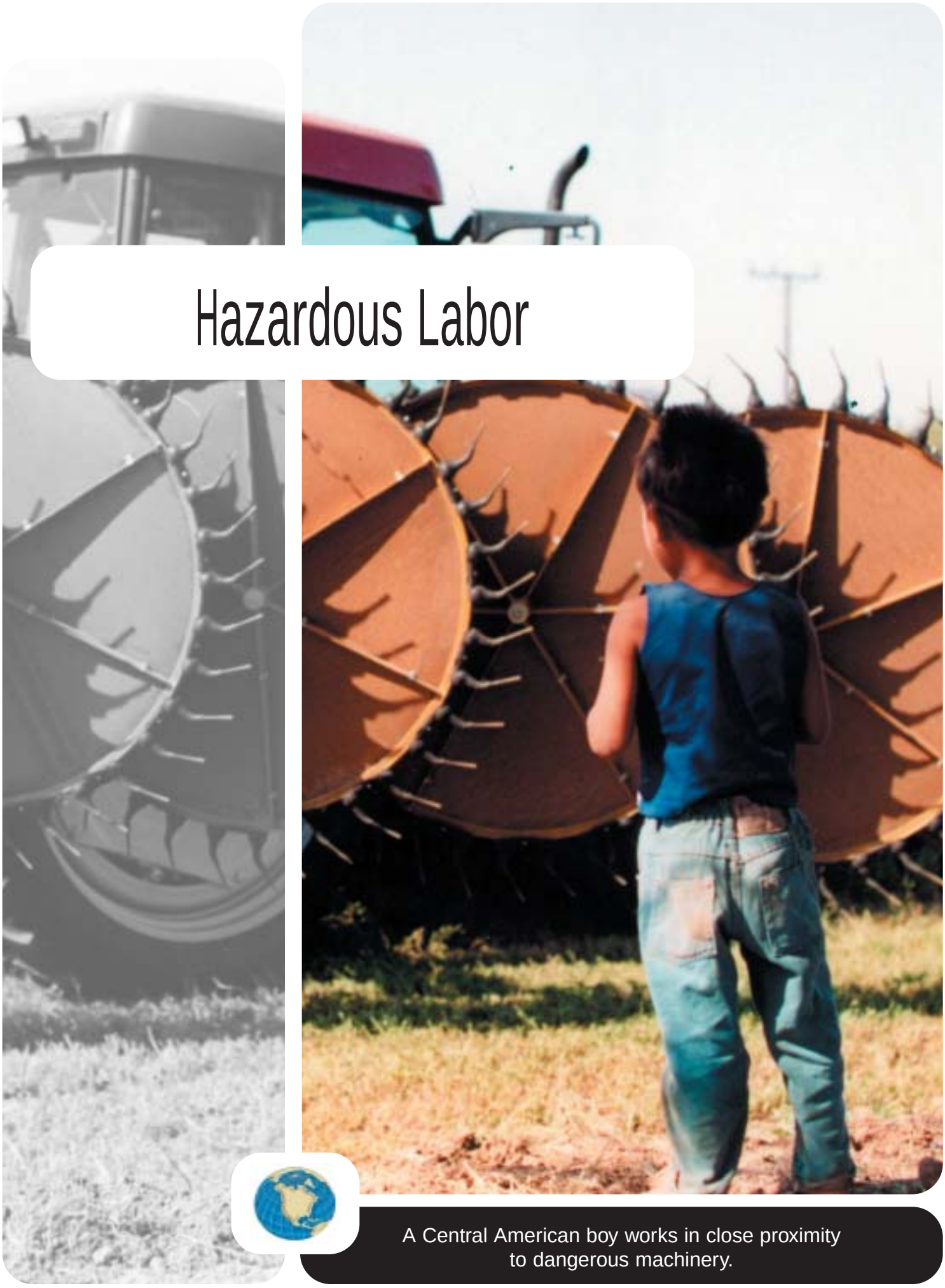
Illicit Activities

Children who are engaged in illicit activities may become involved in the buying and selling of contraband, and often work as dealers and traffickers of drugs. Some become involved in this type of work after being abandoned on the streets, while others trade illegal substances with the encouragement or direction of peers or family members. Children who work as dealers of drugs[34] often develop their own addictions to the substances that they sell and find it difficult to escape the web of violence, money, and power that surrounds the drug trade. An estimated 600,000 children around the world were involved in this worst form of child labor in 2000.[35]

[34] International Labour Organization, Child Labour: A Textbook for University Students, 56.

[35] International Labour Organization, Every Child Counts: New Global Estimates on Child Labour, 5.

Hazardous Labor



A Central American boy works in close proximity to dangerous machinery.

Conditional Worst Forms: Hazardous Labor

Hazardous labor is the broadest category within the worst forms of child labor as specified in Article 3 section (d) of Convention 182. Some of these forms of work might be acceptable for older children if certain conditions were changed, such as eliminating work at night. Others, such as work in mines or underwater, are by their nature hazardous activities that cannot be made safe or acceptable for children. As mentioned above, ILO member countries that have ratified Convention 182 are required to define the types of work that are likely to endanger the health, safety, or morals of a child. This may include work that exposes children to physical, psychological, or sexual abuses; work at dangerous heights, underwater, or in confined spaces; work that exposes children to dangerous machinery, hazardous substances, agents, or processes; and work for long hours, at night, or in confinement, among other conditions. Children engaged in hazardous labor may be found in agriculture, mining, garbage dumps, construction, glass making, street work, domestic service, bidi (cigarette) rolling, deep-sea fishing, fireworks production, and a number of other sectors. The ILO has found that very young children (defined as those below 12 years of age) and a large number of boys are involved in hazardous labor.[38]

[38] ILO-IPEC (SIMPOC), ILO-IPEC Every Child Counts, 23.

Exploitive Child Labor

A child rugmaker is exposed to long hours in cramped spaces.

THE TOLL OF EXPLOITIVE CHILD LABOR ON CHILDREN AND SOCIETY

The international community generally recognizes education as the most important and essential daily activity for children. Although children of a certain age can gain important skills through light work and apprenticeships, such work should complement, and not replace, compulsory basic education in essential skills such as reading, writing, and math. Education gives children a range of opportunities to acquire the knowledge and skills they need to grow into more productive and well-paid workers, and healthier, more self-sufficient, and effective citizens. Education is also a wise investment for communities and nations at large, because it contributes to greater political stability; lower birth and mortality rates; reduced criminal activity; and greater economic growth and development.

In addition to exposing children to physical violence, disease, and psychological and moral abuse, exploitive child labor interferes, either completely or partially, with children's ability to successfully participate in education. This not only robs children of needed skills, but deprives their families, communities, and nations of an educated, healthy, and productive citizenry. Moreover, certain forms of child labor, such as trafficking, facilitate the break down of the family relationships that ensure social stability in a community and nation. Protecting children from the worst forms of child labor is a humanitarian obligation, and one which the international community has agreed must be addressed with urgency.

Many governments, aware of the enormous cost of exploitive child labor on their youth and their societies, have taken important steps to address the problem. This report provides some examples of ways in which U.S. trade beneficiary countries have developed and implemented child labor and education policies and programs in the past year.

Government Policies and Programs to Eliminate the Worst Forms of Child Labor: 2004

Policies to Address the Worst Forms of Child Labor
In 2004, U.S. trade beneficiary countries implemented a number of important policy changes to address the worst forms of child labor.

- The Government of Brazil launched the Child-Friendly President Action Plan 2004-2007, detailing nearly 200 activities to promote children's rights, including efforts to combat worst forms of child labor such as prostitution.

- The Governments of Cambodia, Indonesia, Mongolia, the Philippines, and Thailand participated in a meeting with other nations of the region and signed

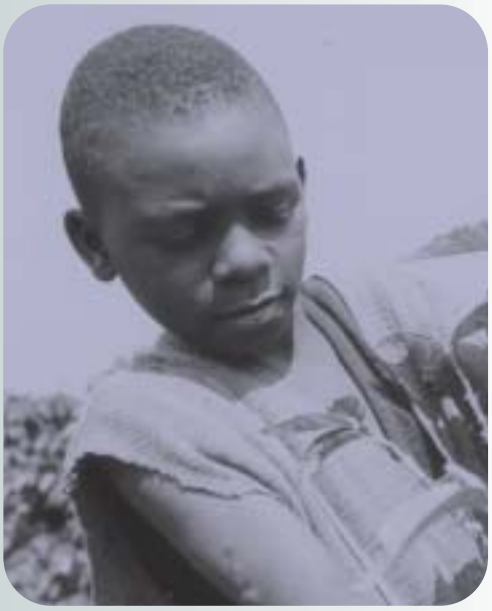
Tanzanian boys working in the fishing sector.

the Medan Declaration to combat the trafficking of children for sexual purposes in Southeast Asia.

• In April 2004, the Government of Cameroon ratified the U.N. Convention Against Transnational Organized Crime and its two protocols to prevent trafficking in persons and the smuggling of migrants. In July 2004, Cameroon's legislature also strengthened the role and authority of the National Commission on Human Rights and Freedoms, which conducts investigations and implements training programs for law enforcement and judiciary officials on trafficking in persons.

• In Iraq, the June 2004 Coalition Provisional Authority (CPA) Order 89 amended the 1987 Labor Law to prohibit the employment of anyone under the age of 18 years in work that is detrimental to the worker's health, safety, or morals. The CPA also formed a child labor unit at the Ministry of Labor and Social Affairs.

• The Government of Mali signed two separate cooperative agreements with the Governments of Burkina Faso and Senegal to combat the cross-border trafficking of children.[37] Thus far, the Government of Mali has signed agreements with all three of its neighboring countries, including Côte d'Ivoire. Under these agreements, individuals are subject to the criminal code provisions addressing child trafficking of both the source and destination countries.



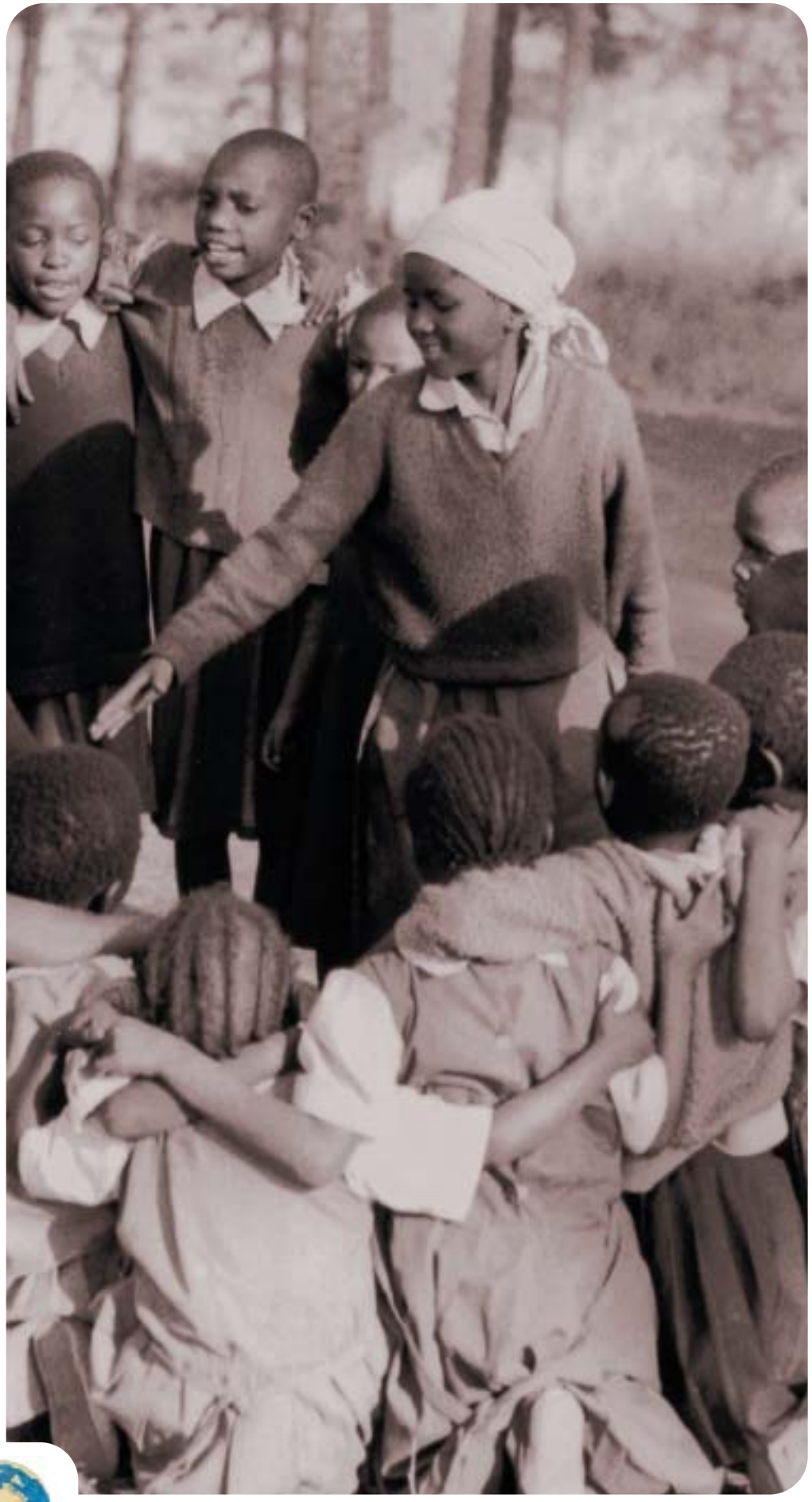
• In 2004, the Government of Mauritania ratified a new labor code, which defines the minimum age for employment as 14 years and identifies the country's worst forms of child labor as called for in ILO Convention No. 182.

• The Government of Morocco confirmed its commitment to combat child labor by creating a new labor code that increases the minimum age for employment from 12 to 15 years and prohibits children under the age of 18 from working in dangerous activities.

• The Government of Panama passed legislation in March 2004 that strengthens penal code provisions against commercial sexual exploitation.

• Recognizing that underage children work in domestic service in the country, the Government of Peru established regulations in the past year that require such children to be provided with access to education.

[37] U.S. Embassy- Ouagadougou, unclassified telegram no. 802, August 2004. See also UN Wire, "Mali Signs Agreement With Senegal To Curb Child Trafficking", [online], July 23, 2004 [cited July 23, 2004]; available from http://www.unwire.org/UNWire/20040723/449_26148.asp.



Kenyan school children enjoying their free time in a supportive environment.

• The Government of Turkey enacted a new regulation in April 2004 to complement its new Labor Act, which specifies acceptable forms of work for children ages 15 to 18 years.

• The Government of Uruguay passed a new Children's Code in September 2004 that sets the minimum age for employment at 15 years and identifies hazardous work for children.

Programs to Address the Worst Forms of Child Labor
In addition to enacting new child labor and education legislation, and developing strategic plans, policies, and institutional structures to address the worst forms of child labor, many U.S. trade beneficiary countries created and participated in programs to provide direct services to children at risk of entering or involved in the worst forms of child labor in 2004.

• Numerous efforts are underway in Afghanistan to demobilize child soldiers and reintegrate former child soldiers. With funding from the U.S. Department of Labor, UNICEF is working with the Ministries of Education, Labor, and Social Affairs; national and local level Commissions for Demobilization and Reintegration; UN agencies; and nongovernmental organizations. Together these institutions are identifying former child soldiers, conducting psychosocial assessments, and providing the children with appropriate services in the demobilization process. In addition, former child soldiers have opportunities for reintegration that include enrollment in formal education, skills training, or apprenticeships. As of September 2004, over 3,700 children had been demobilized in the eight provinces of Kunduz, Badakhshan, Takhar, Baghlan, Bamyan, Laghman, Nangrahar, and Nuristan.[38]

• The Governments of Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Ghana, Mali, Nigeria, and Togo participated in a USDOL-funded ILO-IPEC project to combat the trafficking of children for exploitive labor in West and Central Africa.

The Governments of Benin, Burkina Faso, Côte d'Ivoire, Gabon, Mali, and Togo have committed to participate in this project through 2007. This regional program was complemented by USDOL-funded projects to combat child trafficking through education in Benin, Burkina Faso, and Mali.

• The Governments of Cambodia, Ghana, Kenya, Lebanon, and Madagascar are participating in new USDOL-funded ILO-IPEC Time-bound Programs to

[38] UNICEF, "Demobilization Programme for former Afghan child soldiers reaches 2,000 children," UNICEF-Press Center (Kabul), June 24, 2004; available from http://www.unicef.org/media/media_219142.html.

Children at risk of child labor
accompany their parents to work.

combat the worst forms of child labor, while the Governments of Kazakhstan, Kyrgyzstan, and Uzbekistan are involved in a new regional ILO-IPEC project.[39]

Colombia, Central America and the Dominican Republic, Ecuador, Guinea, Lebanon, Niger, Panama, Turkey, Yemen and other countries of the Middle East Partnership Initiative[40] are collaborating with non-governmental partners in the implementation of USDOL-funded Education Initiative projects to help working children and children at risk of entering work to gain access to educational alternatives.

• In April 2004, the Government of Costa Rica and Save the Children-Sweden launched an awareness-raising campaign against trafficking and exploitation at Costa Rica's Juan Santamaria International Airport.[41]

• The Government of the Dominican Republic launched new initiatives in 2004 to combat the commercial sexual exploitation of children. These include a major media campaign to raise awareness and education services for child victims of commercial sexual exploitation.

• The Governments of Ethiopia, Kenya, Rwanda, and Uganda are participating in a new USDOL-funded USD 14.5 million Educational Initiative project focused on providing education and vocational training to HIV/AIDS-affected children involved in or at-risk of entering into the worst forms of child labor.[42]

• In January 2004, Honduras was formally endorsed for financial support through the Education for All Fast Track Initiative process[43] In June 2004, the World Bank announced its Poverty Reduction Support Credit in Honduras, which supports community-based school management, including local education development associations.[44]

[39] The project also includes non-GSP recipient Tajikistan.

[40] The Middle East Partnership Initiative (MEPI) supports economic, political, and educational reform efforts in Algeria, Bahrain, Egypt, Jordan, Kuwait, Lebanon, Morocco, Oman, Qatar, Saudi Arabia, Tunisia, United Arab Emirates, West Bank and Gaza, and Yemen. For more information about MEPI, see http://mepi.state.gov/27603.htm.

[41] Government of Costa Rica, Submission to the US Department of Labor of a Report and Comments on Sexual Exploitation of Children in Costa Rica, submitted in response to U.S. Department of Labor Federal Register Notice (July 14, 2004) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Embassy of Costa Rica in the United States, August 23, 2004.

[42] U.S. Department of Labor, "Press Release: United States Provides over $110 Million in Grants to Fight Exploitive Child Labor Around the World," (Washington, D.C.), October 1, 2004.

[43] The Government of Honduras has been leading planning and coordination with key stakeholders, and has developed Memoranda of Understanding with development partners. See World Bank, Education For All (EFA) - Fast Track Initiative, progress report, DC2004-0002/1, March 26, 2004, 2, 4; available from http://siteresources.worldbank.org/DEVCOMMINT/Documentation/20190709/DC2004-0002(E)-EFA.pdf.

[44] World Bank, The World Bank Approves $87 Million For Poverty Reduction In Honduras, [online] June 24, 2004 [cited October 26, 2004]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20218161~isCURL:Y~menuPK:34467~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html. See also World Bank, Poverty Reduction Support Technical Assistance Project, project appraisal document, June 3, 2004, 44; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/06/04/000160016_20040604170713/Rendered/PDF/290650HN.pdf.

WHERE DO WE GO FROM HERE?

• As part of a USD 6 million project funded by USDOL, Save the Children-US and the International Organization for Migration collaborated with the Government of Indonesia to provide educational opportunities to victims or children at-risk of trafficking for commercial sexual exploitation. The project will rescue, rehabilitate, and reintegrate trafficked children into society. It will further strengthen the Ministry of National Education's capacity to address the specific education needs of rescued children through improved mechanisms to provide non-formal education. The Ministry will also lead national and provincial advisory groups and become actively involved in program implementation at the district level.

This report provides a number of examples of new laws, plans, and strategies developed by U.S. trade beneficiary countries to provide universal education and free children from exploitive labor. These efforts to combat the worst forms of child labor are accompanied, in some countries, by significant resource investments and well-designed, integrated, and articulated policies and programs. In other nations, there is still a need for greater awareness, commitment, investment, and action on the part of governments to make efforts to eliminate worst forms of child labor an immediate priority and integral part of development efforts.

In a report released by the ILO in February 2004, "Investing in Every Child: An Economic Study of the Costs and Benefits of Eliminating Child Labor," researchers examined the cost of eliminating child labor by the year 2020 through universal primary education and the substitution of lost income that children provide to their families. The study findings indicate that the immediate costs of eliminating exploitive child labor could run an estimated USD 760 billion. While this amount appears daunting, the ILO believes that the monetary benefits of eliminating exploitive child labor in the longer term could yield an economic gain of USD 5.1 trillion as a result of improved productivity, increased earnings, and better health.

The ILO study provides evidence of the magnitude of the return that could result from the elimination of child labor around the world. This effort will require strong commitment, vision, and capacity among local and national stakeholders to implement complex child labor and education interventions in a timely and effective manner. It will also require additional technical assistance and cooperation from international partners. Finally, it will entail significant costs and sacrifices that have to be borne by today's generation, in order for the benefits to be realized in future generations.

Exploitive child labor should not be a legacy that is handed from one generation to the next, nor should it be a child's only means of survival, nor the result of neglect or misfortune. With a commitment of resources, careful planning, and the will to change, the nations of the world can do more to help create an environment that protects the well-being of children and enables them to look forward to an adult life full of hope and opportunities.

Data Sources

Description and Limitations of Data: Statistics on Working Children

Since its adoption in 1999, ILO Convention 182, Worst Forms of Child Labor, has enjoyed the fastest pace of ratification for any Convention in the ILO's history. The widespread ratification of this Convention clearly demonstrates the growing global awareness about exploitive child labor and the urgency to eliminate it. This heightened attention has led to an increased need for data and research on child labor to inform policy and program design and to set local, national, and global priorities. As a result, numerous national household-based surveys collecting data on child labor have been conducted that can be used to estimate the extent of child labor in a given country.[46]

In the last year, data on child labor from a number of countries have been made available through national statistical offices and international organizations such as ILO-IPEC, UNICEF, and the World Bank. Many of the statistics cited in this report are derived from these data sources. This year's report provides more country level estimates on the proportion of working children than in previous years' reports; however, there are still a large number of countries for which statistics on working children are unavailable.

Estimates of the number of working children in a country, particularly those engaged in the unconditional worst forms of child labor, can be difficult to obtain. There is no internationally endorsed definition of working children, or a universally prescribed methodology for collecting data on children's work. Therefore, the lack of universal concepts and methods for collecting child labor data makes it difficult to present comparable and unambiguous estimates across countries on working children. In addition, this lack of agreement on how to define and measure children's work also detracts from the credibility of existing estimates. In general, estimates on the number of working children are likely to be underestimates because the nature of household surveys do not lend themselves to collecting data on children who are working in the informal or illegal sectors of the economy, particularly children in the unconditional worst forms of child labor, such as armed conflict, commercial sexual exploitation, illicit activities, slavery, and forced or bonded labor. In addition, the number of girls working is often underestimated because statistics often exclude girls working as unregistered domestic helpers or as full-time household helpers for their parents.

Data collected on children's work usually measure economic activity and may include acceptable forms of work for children of legal minimum working age. Economic activity covers most productive activities, including market or non-market production, paid or unpaid work, and work in the formal or informal sectors. In line with international definitions of employment, if a child worked at least 1 hour during the survey reference week, he/she is considered to be economically active. Because surveys of children's work most often include children ages 5 to 14, the individual country profiles in this report include an estimate of working children for this age group in the main text. Where available, estimates on the number of working children ages 15 to 17 years are included in a footnote. In a few cases where statistics on the 5 to 14 age range are unavailable, the age ranges vary slightly. Once again, it is important to bear in mind that the statistics on working children may not be comparable from one country to another since the sources used to produce estimates of working children use different methodologies and apply various definitions.

[46] For a detailed discussion regarding definitions of and data sources on children's work see Amy R. Ritualo, Charita L. Castro, and Sarah Gormly, "Measuring Child Labor: Implications for Policy and Program Design," *Comparative Labor Law and Policy Journal* 24 2 (2003).

The three main sources of data used in this report are listed below. Priority is given to statistics collected from national-level household surveys that were designed specifically to collect data on children's work. Therefore priority is given first to ILO-IPEC SIMPOC[47] surveys and then to UNICEF MICS[48] surveys. Finally, for countries that do not have data on working children from any of these sources, estimates are drawn from ILO's *Economically Active Population Estimates and Projections: 1950-2010,* which are published annually in the World Bank's World Development Indicators. In the few countries where no recent surveys relating to child work or child labor have been conducted, estimates of working children are not provided.

Sources of Data on Working Children

Statistics on working children in this report were obtained from the following three sources, in order of priority of use:

ILO-IPEC's SIMPOC-sponsored Child Labor Surveys

Since its inception in 1998, SIMPOC has provided technical assistance to over 40 countries in the collection, processing, and analysis of data and information on children's work and child labor. SIMPOC has assisted in the production of over 250 child labor-related surveys, including 55 national surveys with a focus on children in economic activities; over 80 baseline surveys; more than 100 rapid assessments in specific areas and sectors where child labor was perceived to be acute; and numerous establishment, street, and school-based surveys.[49] In SIMPOC surveys, the population of working children generally includes children ages 5 to 17 years[50] who are either salaried workers, unpaid workers in family enterprises, self-employed, or apprentices. In addition, unlike traditional labor force surveys, the SIMPOC surveys collect data on some non-market work activities and work in the informal sector, including fetching water, collecting firewood, or street peddling. Estimates of working children, however, do not include children engaged in domestic chores in their own household. Generally, SIMPOC considers a child to be involved in domestic chores if he/she has reported to be engaged in such activities as cooking, doing the laundry, and taking care of siblings. Since most of the SIMPOC-sponsored surveys cited in this report were conducted by national statistical offices in each country, the estimates of working children are attributed to these entities.

UNICEF-sponsored Multiple Indicator Cluster Surveys (MICS)

UNICEF began assisting countries in assessing progress for children in relation to the *World Summit for Children* goals through its Multiple Indicator Cluster Surveys (MICS) in 1998.[51] The MICS questionnaire

[47] The International Labor Organization's International Program on the Elimination of Child Labor maintains a Statistical Information and Monitoring Program on Child Labor (SIMPOC) office, which assists countries in generating comprehensive data on child labor.

[48] UNICEF helps countries assess progress for children in relation to the *World Summit for Children* goals through its Multiple Indicator Cluster Surveys (MICS).

[49] ILO-IPEC, *Development of Statistical Child Labor Standards for consideration by the 18th International Conference of Labor Statisticians*, project document, Geneva, August 30, 2004, 4-6.

[50] In some cases, this report uses calculations based on SIMPOC data in order to standardize across countries the age ranges for which percentages of working children are provided.

[51] UNICEF, *End Decade Assessment: Multiple Indicator Cluster Survey (MICS),* [online] [cited December 1, 2004], Background; available from http://www.childinfo.org/MICS2/Gj99306m.htm.

includes 75 indicators for monitoring children's rights such as child labor, child survival and health, child nutrition, maternal health, water and sanitation, and education. UNICEF defines child labor, not just children's work, as: (a) children 5 to 11 years of age involved in at least 1 hour of economic activity in the preceding week or 28 hours or more of housekeeping chores in their own household;[52] or (b) children 12 to 14 years of age involved in economic activities for 14 hours or more or 42 hours of combined economic activity and housekeeping chores.[53] More than 50 developing countries have included an indicator of child labor in their MICS questionnaire; as of November 30, 2004, 56 countries had submitted their national reports to UNICEF.[54]

ILO Estimates and Projections of the Economically Active Population, 1950-2010

In cases where data from ILO-IPEC SIMPOC surveys or UNICEF MICS surveys were unavailable, child workforce participation rates are reported based on data from the ILO's *Estimates and Projections of the Economically Active Population (EAP): 1950-2010,* which are available from the World Bank's *World Development Indicators 2004* or the ILO's on-line database for labor statistics (LABORSTA).[55] Statistics from the ILO's EAP database are compiled from a variety of sources, including national population censuses and household surveys. The EAP estimates differ from those in ILO's SIMPOC child labor surveys in that they are based on the definition of the "economically active population" for children ages 10 to 14.[56] Although the EAP estimates are less accurate for working children below the age of 15, they are often the only available source for comprehensive and comparable data on working children ages 10 to 14 years in many countries.[57] Since the EAP estimates were compiled by the ILO, the estimates of working children used in this report are cited to both the ILO and the entity that maintains the actual database, such as the World Bank.

Statistics on Primary Education

In addition to estimates of working children, statistics on primary school attendance, primary school enrollment, and the percentage of children who began primary school who were likely to reach grade five are used in this report to provide complementary indicators of the number of children who work or are at-risk of working. Where available, statistics on the percentage of children who started primary school who were likely to reach grade five are also included. Primary attendance statistics enable the reader to infer the proportion of children in the school-age population who are not in school and may be engaged in exploitive child labor or at risk of entering hazardous work activities. Although primary school attendance rates are more accurate than primary enrollment rates in illustrating the extent of exploitive child labor in a country, enrollment rates are more frequently collected and readily available for the majority of countries.

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[52] To determine whether children are involved in housekeeping chores, the survey includes the following question: "During the past week, did (name) help with housekeeping chores such as cooking, shopping, cleaning, washing clothes, fetching water, or caring for children?"

[53] UNICEF, *UNICEF - Definitions: Child protection,* [online] 2004 [cited November 24, 2004], Child labour; available from http://www.unicef.org/infobycountry/stats_popup9.html.

[54] UNICEF, *End Decade Assessment - MICS2 - National Reports,* [online] 2004 [cited December 1, 2004]; available from http://www.childinfo.org/MICS2/natlMICSrepz/MICSnatrep.htm.

[55] See below for more information on the World Bank's *World Development Indicators*.

[56] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[57] ILO, *Source and Methods: Labour Statistics, Vol. 10: Estimates and Projections of the Economically Active Population 1950-2010*, Geneva, 2000.

In addition, enrollment rates provide an indication of the availability of and interest in basic education in a country. Therefore, primary enrollment rates are included in each country profile, and when available, recent primary attendance rates are also reported.

There are several limitations to using primary enrollment rates as an indicator of exploitive child labor that should be kept in mind. Primary enrollment rates reflect the number of children who are enrolled during a given school year out of the total school-age population, but do not reflect the number of children actually attending school. Thus, a child can be enrolled in school, but never attend. As a result, primary enrollment rates often overstate the true number of children who attend school on a regular basis, and understate the number of children who may be working. In other cases, children who are enrolled in or attending school may also be engaged in work outside of school hours, also leading to an underestimate of children's work.[58] Nevertheless, to the extent that child labor and education are linked, it is beneficial to examine any data that provide a measure of children's access to and participation in schooling, particularly in rural and impoverished areas.

Sources of Primary School Education Data

Primary school education data on gross and net primary school enrollment, repetition, and completion originate from the UNESCO Statistics Institute and were obtained from either the World Bank's compilation of *World Development Indicators 2004* or UNESCO's *Global Education Digest 2004*. Data on the percentage of primary school entrants (first graders) who reach grade five also were taken from these sources.[59] Gross and net primary school attendance rates were mostly obtained from USAID's *Global Education Database*.[60]

World Development Indicators 2004 (WDI 2004)

WDI 2004 is a World Bank publication that compiles development data from several international and government agencies, the private sector, and nongovernmental organizations around the world. WDI 2004 includes 800 indicators on topics in six areas: world view, people, environment, economy, states and markets, and global links. There are 85 tables covering the six categories with basic indicators on 224 countries.
Rates of primary enrollment, survival to grade 5, and repetition in the country profiles rely on data presented in the WDI 2004, which were compiled by the UNESCO Institute for Statistics from official responses to surveys and from reports provided by education authorities in each country.[61]

Education statistics generally provide only a limited picture of a country's education system. Statistics often lag by two to three years, though an effort is being made to shorten the delay. Moreover, coverage and data collection methods vary across countries and over time within countries, so the results of comparisons should be interpreted with caution. For example, the *U.S. Department of Labor's 2003 Findings*

[58] Despite the hazardous nature of some work activities, it is common for children to engage in child labor as a source of income in order to afford the additional costs of going to school. As a result, many children combine school and work, which often hinders a child's performance at school.

[59] The UNESCO Statistics Institute measures survival to grade five because research suggests that 5 to 6 years of schooling is a critical threshold for the achievement of sustainable basic literacy and numeracy skills. See World Bank, *World Development Indicators 2004.*

[60] See the glossary of this report for definitions of gross and net primary enrollment and attendance, repetition, and completion.

[61] World Bank, *World Development Indicators 2004.*

on the Worst Forms of Child Labor may have cited education data for a previous year compiled in the WDI 2003; however, statistics presented in this year's report for the same year from the WDI 2004 may differ slightly because of statistical adjustments made in the school-age population or corrections to education data. In other instances, there was no change from the WDI 2003 to the WDI 2004 because education statistics were not affected by the adjustments or corrections to the data were not needed.[62]

Global Education Database (GED)

The Global Education Database (GED) is sponsored by the Office of Education of the U.S. Agency for International Development (USAID). The GED is a repository of international education statistics compiled from the UNESCO Institute for Statistics (UIS) and the Demographic and Health Surveys (DHS), a USAID program that has conducted full-scale nationally representative household surveys in over 60 developing countries since 1984. There are 134 indicators compiled from the UNESCO Institute of Statistics and 71 indicators compiled from the Demographic and Health Surveys (DHS). DHS data include rates for gross and net primary school attendance and persistence disaggregated by gender and rural/urban residence. The DHS are also one of the only sources of comparable data across countries on primary school attendance. The UIS data include indicators on primary school enrollment, persistence, and repetition rates, public expenditure, pupil/teacher ratios, and gender parity. With over 200 countries represented, the database is a useful tool for cross-country comparisons of education indicators and to assess the education performance of a specific country or groups of countries over time.[63]

Global Education Digest 2004 (GED)

The data contained in the GED 2004 have been collected from national experts in some 200 countries and then cross-checked and entered into the statistical database by the UNESCO Institute of Statistics. Data include education indicators on the performance of a specific country in areas such as school enrollment, persistence, and repetition rates, public expenditure, pupil/teacher ratios, and percent of trained teachers. The data currently found in the database are from the years 1970 to 2001. Education data have been subject to the new International Standard Classification of Education (ISCED97) model since the school year starting in 1998. Therefore, data from the pre-1998 period are not presented in the country profiles since they are not comparable with data for the 1998 to 2001 period.[64]

[62] Ibid.

[63] USAID Development Indicators Service, *Global Education Database,* [online] [cited October 13, 2004]; available from http://qesdb.cdie.org/ged/index.html.

[64] UNESCO Institute for Statistics (UIS), *Global Education Digest 2004: Comparing Education Statistics Across the World,* [CD-Rom] 2004.

Acronyms

ADB	Asian Development Bank
AGOA	African Growth and Opportunity Act
CBTPA	Caribbean Basin Trade Partnership Act
CEACR	International Labor Organization Committee of Experts on the Application of Conventions and Recommendations
ECOWAS	Economic Community of West African States
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
EFA	Education for All
EU	European Union
FAO	Food and Agriculture Organization
GDP	Gross Domestic Product
GNP	Gross National Product
GSP	Generalized System of Preferences
ICLP	International Child Labor Program
IDB	Inter-American Development Bank
ILO	International Labor Organization
ILO Convention 138	International Labor Organization, Convention No. 138: Minimum Age for Admission to Employment
ILO Convention 182	International Labor Organization, Convention No. 182: Worst Forms of Child Labor
ILO-IPEC	International Labor Organization, International Program on the Elimination of Child Labor
IMF	International Monetary Fund
IOM	International Organization for Migration
MERCOSUR	Common Market of the South (America); members include Argentina, Brazil, Paraguay, and Uruguay
MOU	Memorandum of Understanding
NGO	Non-governmental Organization
OAS	Organization of American States
OECS	Organization of Eastern Caribbean States
OSCE	Organization for Security and Cooperation in Europe
PRSP	Poverty Reduction Strategy Paper

SIMPOC	Statistical Information and Monitoring Program on Child Labor
UN	United Nations
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
USDA	United States Department of Agriculture
USDOL	United States Department of Labor
WFP	World Food Program
WHO	World Health Organization

Glossary of Terms

Basic Education

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

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

Bonded Labor

Bonded labor or debt bondage is "the status or condition arising from a pledge by a debtor of his personal services or those of a person under his control as security for a debt," as defined in the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956).

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

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

Source: United Nations, *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*, (September 7, 1956); available from http://www.ilo.org/public/english/comp/child/standards/supcons.htm. See also U.S. Department of Labor, *By the Sweat and Toil of Children, Vol. I: The Use of Child Labor in U.S. Manufactured and Mined Imports* (Washington, D.C.: USDOL, 1994), 18. See also ILO-IPEC. *Child Labour: A Textbook for University Students, Appendix 2: Glossary*, 287. (Geneva: International Labour Office, 2004). See also ILO Convention No. 182, *Worst Forms of Child Labor*, (June 17, 1999); available from http://www.ilo.org/ilolex/english/convdisp2.htm.

Child Labor

For the purpose of this report, the term "child labor" refers to "exploitive child labor." See definition of "Exploitive Child Labor" below.

Child Labor Education Initiative

From FY 2001 to FY 2004, the U.S. Congress appropriated U.S. $148 million to USDOL for a Child Labor Education Initiative to fund programs aimed at increasing access to quality, basic education in areas with a high incidence of abusive and exploitive child labor. USDOL's Child Labor Education Initiative seeks to nurture the development, health, safety and enhanced future employability of children around the world by providing education opportunities for working children and those at risk of entering work. Elimination of exploitive child labor depends in part on improving access to, quality of, and relevance of education. The Child Labor Education Initiative has four goals:

- Raise awareness of the importance of education for all children and mobilize a wide array of actors to improve and expand education infrastructures;

- Strengthen formal and transitional education systems that encourage working children and those at risk of working to attend school;
- Strengthen national institutions and policies on education and child labor; and
- Ensure the long-term sustainability of these efforts.

Source: U.S. Department of Labor, Child Labor Education Initiative (EI), [online]; available from: http://www.dol.gov/ilab/programs/iclp/education/main.htm.

Commercial Farms

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

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

Source: U.S. Department of Labor, *By the Sweat and Toil of Children, Vol. II: The Use of Child Labor in U.S. Agricultural Imports and Forced and Bonded Child Labor* (Washington, D.C.: USDOL, 1995), 2-4, 10.

Commercial Sexual Exploitation of Children

Commercial sexual exploitation of children (CSEC) is the inducement or coercion of a child to engage in any unlawful sexual activity; the exploitative use of children in prostitution or other unlawful sexual practices; or the exploitative use of children in pornographic performances and materials.

The exact nature of the exploitation differs from one country to another. CSEC includes so-called "sex tourism" in which adults procure the services of children for prostitution or pornography; the exploitation of children by pimps or other criminal elements who offer "protection" to children (often children living on the streets) in return for their work in the sex trade; trafficking of children across borders to fuel prostitution or pedophilia rings; or the use of domestic servants, refugee children, or child soldiers for sexual purposes.

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

Source: U.S. Embassy-Stockholm, *CSEC Overview*, pursuant to the World Congress against the Commercial Sexual Exploitation of Children, August 27-31, 1996; available from http://www.usis.usemb.se/children/csec/overview.html. See also *UN Convention on the Rights of the Child*, Article 34, available from http://www.unhchr.ch/html/menu3/b/k2crc.htm. See also ILO Convention No. 182, *Worst Forms of Child Labor* (June 17, 1999); available from http://www.ilo.org/public/english/standards/ipec/ratification/convention/text.htm.

Compulsory Education

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

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

Conditional Worst Forms of Child Labor

Conditional worst forms refer to activities that can only be determined to be "worst forms" by relevant national authorities. Article 3 section (d) of ILO Convention 182 provides a general description of these potentially hazardous forms of labor, and Article 4 makes clear that such work should be defined by national laws. Some of these hazardous forms could constitute acceptable forms of work, if certain conditions were changed. Examples include work with dangerous tools or chemicals, or work for long hours or at night.

Source: International Labour Organization, *Child Labour: A Textbook for University Students* (Geneva: International Labour Organization, 2004), 46-48; available from http://www.ilo.org/public/english/standards/ipec/publ/download/pol_textbook_2004.pdf.

Domestic Servants

Domestic servants, also referred to as domestic workers or child domestics, are children who work in other people's households doing domestic chores, caring for children, and running errands, among other tasks. Child domestics sometimes have live-in arrangements, whereby they live in their employer's household and work full-time in exchange for room, board, care, and sometimes remuneration.

Source: UNICEF, "Child Domestic Work," *Innocenti Digest* 5 (1999), 2.

Education for All

In 1990, delegates from more than 155 countries convened in Jomtien, Thailand, to create strategies for addressing the issues of education, literacy, and poverty reduction. Using the Universal Declaration of Human Rights as a basis for their work, participants established a set of goals to provide all children, especially girls, with the basic human right to an education and to improve adult literacy around the world. The result was "The World Declaration on Education for All (EFA)". This declaration called for countries, by the end of the decade, to meet the basic learning needs of all children and adults; provide universal access to education for all; create equity in education for women and other underserved groups; focus on actual learning acquisition; broaden the types of educational opportunities available to people; and create better learning environments for students. To achieve these goals, participating countries were requested to create Action Plans that detail how they were going to meet the goals of the Jomtien declaration. By 2000, basic education in more than 180 countries had been evaluated as part of the EFA 2000 Assessment.

In April 2000, delegates gathered again for the World Education Forum in Dakar, Senegal, where the results of the assessment were released. After reviewing the data gathered, it was clear that much more progress would be needed to achieve EFA. These delegates, from 164 countries, adopted the Dakar Framework for Action and renewed and strengthened their commitment to the achievement of quality basic education for all by the year 2015. The World Education Forum adopted six major goals for education to be achieved within 15 years, including: the attainment of Universal Primary Education and gender equality; improving literacy and educational quality; and increasing life-skills and early childhood education programs. However, the gender goal was deemed to be particularly urgent, thus requiring the

achievement of parity in enrollment for girls and boys at primary and secondary levels by 2005, and of full equality throughout education by 2015.

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

Exploitive Child Labor

There is no universally accepted definition of the term "exploitive child labor." ILO Convention 182, Worst Forms of Child Labor, provides a widely accepted definition of the worst forms of child labor. Under Article 3 of the convention, the worst forms of child labor comprise:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic purposes;
(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Convention 182 states that a child is any person under the age of 18.

In addition, ILO Convention 138, Minimum Age for Admission to Employment, provides guidelines for the minimum age of employment as well as for work that is acceptable for children below the minimum age. Under Article 2(3), the minimum age of admission to employment should not be less than the age of completion of compulsory schooling or less than 14 or 15 years, depending on the economy and educational facilities of the country in question. Article 7(1) of the convention states that national laws may permit the employment of persons 12 to 14 or 13 to 15 years (depending on the country in question) in light work that is not likely to harm their health or development, and not prejudice their attendance at school, participation in training programs, or capacity to benefit from instruction received. (See definition of "light work.") For the purpose of this report, "exploitive child labor" is defined as that work described in ILO Convention 182, Article 3, sections (a) through (d) when performed by a person under 18 years, and work that prevents persons under 15 years of age from attending and participating effectively in school.

Source: ILO Convention No. 182, *Worst Forms of Child Labor (1999)*; available from http://www.ilo.org/public/english/standards/ipec/ratification/convention/text.htm. See also ILO Convention No. 138, *Minimum Age for Admission to Employment (1973)*; available from http://www.ilo.org/ilolex/english/convdisp2.htm.

Fast-Track Initiative

The Fast-Track Initiative (FTI) was initiated by the World Bank in 2002 to assist a limited number of countries having sound education policies, but lacking the resources needed to achieve Universal Primary Education by 2015 (the timeline established under the Education For All protocol). The goal of the FTI is to accelerate progress towards the achievement of Universal Primary Education through a combination of

stronger national policies, improved capacity, and incremental financial assistance. The countries eligible for assistance were required to have in place a clear national education strategy that had been incorporated into the country's broader development strategy, and generally approved by the World Bank and other donors. After wide-ranging discussions with developing countries, donors, and civil society, it was determined that 18 countries met this criteria: Albania, Bolivia, Burkina Faso, Ethiopia, The Gambia, Ghana, Guinea, Guyana, Honduras, Mauritania, Mozambique, Nicaragua, Niger, Tanzania, Uganda, Vietnam, Yemen and Zambia. Five other countries with the largest numbers of children out of school were also identified: Bangladesh, the Democratic Republic of Congo, India, Nigeria, and Pakistan.

Source: World Bank, *An Overview of the Fast-Track Initiative*, Washington, D.C., 2002; available from http://www1.worldbank.org/education/pdf/efafti_overview.pdf

Forced Labor

Forced labor is defined in ILO Convention No. 29 as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." In practice, it is the enslavement of workers through the threat or use of coercion, and it is primarily found among the most economically vulnerable members of society.

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

Source: ILO Convention No. 29, *Forced Labour* (1930); available from http://www.ilo.org/public/english/dialogue/actrav/enviro/backgrnd/ilohrcon.htm. See also ILO Convention No. 182, *Worst Forms of Child Labour* (1999); available from http://www.ilo.org/public/english/standards/ipec/ratification/convention/text.htm.

Formal Education

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

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

Gross Primary Attendance Ratio

The gross primary attendance ratio is the total number of students attending primary school (regardless of age) expressed as a percentage of the official primary school-age population. It indicates the general level of participation in primary schooling by people of any age, and in comparison with the net primary attendance ratio, indicates the extent of over- and under-age participation in primary schooling. In countries with high primary school attendance rates, if there are significant numbers of overage (or underage) students in primary school, the gross primary attendance ratio can exceed 100.

Source: USAID, "UNESCO Indicator Definitions for GED Online," [online], [cited November 5, 2003]; available from http://qesdb.cdie.org/ged/un_def.html.

Gross Primary Enrollment Ratio

The gross primary enrollment ratio is the enrollment of primary students, regardless of age, expressed as a percentage of the primary school-age population. Therefore, it is possible for gross primary enrollment rates to exceed 100. The gross primary enrollment ratio describes the capacity of a school system in relation to the size of the official school-age population. For example, a ratio of 100 percent indicates that the number of children actually enrolled, including those outside the official age range, is equivalent to the size of the official primary school-age population. It does not mean that all children of official primary school age are actually enrolled. If the ratio were so misinterpreted, it would overstate the actual enrollment picture in those countries in which a sizable proportion of students are younger or older than the official age owing to early or delayed entry or to repetition. In many countries, the official primary school-age group is 6-11 years. The differences in national systems of education and duration of schooling should be considered when comparing the ratios.

Source: USAID, "UNESCO Indicator Definitions for GED Online," [online], [cited November 5, 2003]; available from http://qesdb.cdie.org/ged/un_def.html.

ILO Convention 138: Minimum Age for Admission to Employment

ILO Convention 138, adopted in 1973 and ratified by 135 nations, serves as the principal ILO standard on child labor. Under Article 2(3) of ILO Convention 138, Minimum Age for Admission to Employment, the minimum age of admission into employment or work in any occupation "shall not be less than the age of completion of compulsory schooling, and, in any case, shall not be less than fifteen." Countries whose economy and educational facilities are insufficiently developed may initially specify a minimum legal working age of 14 when ratifying the convention. Additionally, under article 7(1), "National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is – (a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received."

Source: ILO Convention No. 138, *Minimum Age for Admission to Employment* (1973); available from. http://www.ilo.org/ilolex/english/convdisp2.htm. Ratifications are current as of December 2004.

ILO Convention 182: Worst Forms of Child Labor

ILO Convention 182 was adopted in 1999 and has been ratified by 150 nations. It commits ratifying nations to take immediate action to secure the prohibition and elimination of the worst forms of child labor. Under Article 3 of the convention, the worst forms of child labor comprise:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic purposes;
(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

(See definitions of "Unconditional Worst Forms" and "Conditional Worst Forms" in this glossary for further information on the above categories.) Among other actions, ILO Convention 182 requires ratifying nations to: remove children from abusive child labor and provide them with rehabilitation, social

reintegration, access to free basic education and vocational training; consult with employer and worker organizations to create appropriate mechanisms to monitor implementation of the Convention; take into account the special vulnerability of girls; and provide assistance and/or cooperate with efforts of other members to implement the Convention.

Source: ILO Convention No. 182, *Worst Forms of Child Labour* (1999); available from http://www.ilo.org/ilolex/english/convdisp2.htm. Ratifications are current as of December 2004.

ILO-IPEC Associated Members

Associated members of ILO-IPEC (the International Labor Organization's International Program on the Elimination of Child Labor) are countries in which ILO-IPEC has initiated child labor projects with the permission of the country's government, but which have not yet signed a formal Memorandum of Understanding (see also definitions for "ILO-IPEC Program Countries" and "IPEC"). As of October 2004, there were 31 associated members of ILO-IPEC.

Source: ILO-IPEC, *IPEC Action Against Child Labour: Highlights 2004*, Geneva, October 2004, 16.

ILO-IPEC Members/Program Countries

ILO-IPEC members or program countries are countries that have signed a MOU with IPEC, thereby committing to cooperate with ILO-IPEC on the implementation of child labor projects in their countries. As of October 2004, there were 57 ILO-IPEC program countries.

Source: ILO-IPEC, *IPEC Action Against Child Labour: Highlights 2004*, Geneva, October 2004, 16.

Informal Sector

The informal sector refers to areas of economic activity that are largely unregulated and not subject to labor legislation. A more precise description of the informal sector by the ILO suggests "these units typically operate at a low level of organization, with little or no division between labor and capital as factors of production and on a small scale." Furthermore, where labor relations exist, interactions are not based on contracts or formal arrangements; rather they are grounded on casual employment, kinship, and personal or social relations. Because employers in the informal sector are not accountable for complying with occupational safety measures, children who work in "hazardous" or "ultra-hazardous" settings likely run the risk of injury without any social protections. For this reason, households may be reluctant to indicate work by children in the informal sector, which can increase the probability of underreporting. In addition, because businesses in the informal sector are not usually included in official statistics, children working in informal sector enterprises do not show up in labor force activity rates.

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

IPEC: International Program on the Elimination of Child Labor

In 1992, the ILO created IPEC to implement technical cooperation activities in countries with significant numbers of child laborers. The objective of the IPEC program is the elimination of child labor, particularly children working under forced labor conditions and in bondage, children in hazardous working conditions

and occupations, and especially vulnerable children, such as working girls and very young working children (under 12 years of age).

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

From fiscal year 1995 to fiscal year 2004, the U.S. Congress appropriated approximately USD 247 million for ILO-IPEC projects.

Source: See the following webpages from ILO-IPEC: *What is IPEC: IPEC at a Glance*; available from: http://www.ilo.org/public/english/standards/ipec/about/implementation/ipec.htm; *Programme Countries*; available from http://www.ilo.org/public/english/standards/ipec/about/countries/index.htm; and *IPEC's Strategy to Eliminate Child Labour*; available from http://www.ilo.org/public/english/standards/ipec/publ/download/factsheets/fs_ipecstrategy_0303.pdf. See also U.S. Department of Labor, *International Program on the Elimination of Child Labor* [online]; available from http://www.dol.gov/ilab/programs/iclp/iloipec/main.htm.

Light Work

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

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

Net Primary Attendance Ratio

The net primary attendance ratio is the percentage of the official primary school age population that attends primary school. This indicator shows the extent of participation in primary schooling among children of primary school age. In many countries the official primary school age group is 6 to 11 years. The difference in national systems of education should be accounted for when comparing ratios.

Source: USAID, "UNESCO Indicator Definitions for GED Online," [online]; available from http://qesdb.cdie.org/ged/un_def.html.

Net Primary Enrollment Ratio

The net primary enrollment ratio is the enrollment of primary students of the official primary school age expressed as a percentage of the primary school-age population. A high net primary enrollment ratio

denotes a high degree of participation of the official school-age population. When compared with the gross primary enrollment ratio, the difference between the two ratios highlights the incidence of under-aged and over-aged enrollment.

Source: USAID, "UNESCO Indicator Definitions for GED Online," [online]; available from http://qesdb.cdie.org/ged/un_def.html

Non-formal Education

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

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

Poverty Reduction Strategy Paper

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

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

Primary Education

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

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

Promotion Rate

The promotion rate is the percentage of pupils promoted to the next grade in the following school year. Some countries practice automatic promotion, meaning that all pupils are promoted, regardless of their scholastic achievement.

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

Ratification

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

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

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

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

Source: ILO, "Glossary of Terms Related to International Labor Standards," [online]; available from http://www.ilo.org/public/english/standards/norm/sources/glossry.htm. See also UNICEF, *The Process: From Signature to Ratification* [online]; available from http://www.unicef.org/crc/process.htm. See also ILO Convention No. 138: *Minimum Age for Admission to Employment*, Article 11; available from http://www.ilo.org/ilolex/english/convdisp2.htm. See also ILO Convention No. 182: *Worst Forms of Child Labor,* Article 9; available from http://www.ilo.org/ilolex/english/convdisp2.htm.

Repetition Rate

The repetition rate is the percentage of pupils who enroll in the same grade the following school year as in the current school year.

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

Time-Bound Program

Time-Bound Programs are particular child labor interventions implemented by ILO-IPEC in collaboration with governments that aim to prevent and eliminate all incidences of the worst forms of child labor in a country within a defined period. The objective is to eradicate these forms of child labor within a period of 5-10 years, depending on the magnitude and complexity of child labor in each country. Since the start of this initiative in 2001, Time-Bound Programs have been initiated in 19 countries.

Source: ILO-IPEC, *Eliminating the Worst Forms of Child Labor: An Integrated and Time-Bound Approach, A Guide for Governments, Employers, Workers, Donors, and other Stakeholders*, Geneva, April 2001, 3. See also ILO-IPEC, *IPEC Action Against Child Labour: Highlights 2004*, Geneva, October 2004, 8.

Trafficking of Children

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

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

Source: United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, 2000; available at http://untreaty.un.org/English/notpubl/18-12-a.E.doc. See also ILO Convention No. 182: *Worst Forms of Child Labor* (1999); available from http://www.ilo.org/ilolex/english/convdisp2.htm.

Unconditional Worst Forms of Child Labor

Unconditional worst forms of child labor refers to activities that constitute worst forms by definition. Unconditional worst forms of child labor are generally illegal and objectionable forms of work, even for adults. They include slavery, forced or compulsory labor, trafficking, debt bondage, involvement in illicit activities, commercial sexual exploitation, and the forced recruitment of children into armed conflict. These forms have been identified as worst forms of child labor by the international community though the ratification of ILO Convention 182.

Source: International Labour Organization, *Child Labour: A Textbook for University Students* (Geneva: International Labour Organization, 2004), 46-48; available from http://www.ilo.org/public/english/standards/ipec/publ/download/pol_textbook_2004.pdf.

Worst Forms of Child Labor

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

Afghanistan

Incidence and Nature of Child Labor

The ILO estimated that 23.8 percent of children ages 10 to 14 years in Afghanistan were working in 2002.[65] Child workers are reported to be numerous in rural areas, particularly in animal herding, and collecting paper and firewood. Children are also found working in the urban informal sector engaged in activities such as shining shoes, begging, or rummaging for scrap metal in the streets.[66] There are reports that children continue to join or be forcibly recruited into armed insurgent groups.[67] Afghanistan is a country of origin and transit for children trafficked for the purposes of sexual exploitation, forced marriage, labor, domestic servitude, slavery, crime, and the removal of body organs.[68] Since early 2003, there have been increasing reports of children reported as missing throughout the country.[69] It is also reported that impoverished Afghan families have sold their children into forced sexual exploitation, marriage, and labor.[70]

In January 2004, the Constitutional *Loya Jirga* (Grand Assembly) approved the new Constitution of Afghanistan,[71] which provides for free education for all citizens up to the secondary level.[72] However,

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[65] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[66] Some of these activities exposed children to landmines. See U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Afghanistan*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27943.htm.

[67] Peter W. Singer, *Too Young to Kill,* Newhouse News Service, [online] January 9, 2005 [cited January 24, 2005]; available from http://www.brookings.edu/printme.wbs?page=/pagedefs/e3ea5f34884fff3e2e996c4e0a1415cb.xml. See also Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004: Afghanistan*, London, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=843.

[68] U.S. Department of State, *Trafficking in Persons Report- 2004: Afghanistan*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33197pf.htm. See also IOM, *Trafficking in Persons: An Analysis of Afghanistan*, March 2004. Children are reportedly trafficked to Gulf countries, particularly Saudi Arabia, for street begging and child labor. See Carlotta Gall, "With Child Kidnappings on Rise, Afghans Seek Help from Public," *The New York Times* (New York), April 30, 2004, Section A-8; available from http://query.nytimes.com/gst/abstract.html?res=F30B15FF3F590C738FDDAD0894DC404482. In both northern and southern provinces, children as young as four years old have been abducted and some children were trafficked to neighboring countries, such as Pakistan and Iran, to work in factories and brothels. See U.S. Department of State, *Country Reports- 2003: Afghanistan*, Section 6f. See also UNICEF, *UNICEF Alarmed by Afghanistan Child Trafficking Reports,* [online] September 25, 2003 [cited May 11, 2004]; available from http://www.unicef.org.uk/press/news_detail.asp?news_id=183.

[69] The Afghan Independent Human Rights Commission (AIHRC) reported that in the last 5 months of 2003, over 300 complaints had been received from the families of children who had disappeared. As of March 2004, the Afghan police were investigating 85 cases of children purportedly kidnapped and killed for their organs, yet these allegations were unsubstantiated according to the U.S. Department of State. See U.S. Embassy- Kabul, *unclassified telegram no. 630*, March 8, 2004. See also Mike Collett-White, "Afghan Children Fall Prey to Killers Who Trade in Human Organs," *The Independent* (London), June 7, 2004; available from http://news.independent.co.uk/world/middle_east/story.jsp?story=529009. See also Integrated Regional Information Networks, "Afghanistan: Campaign underway to raise awareness of child trafficking", IRINnews.org, [online], February 24, 2004; available from http://www.irinnews.org/print.asp?ReportID=39657. See also Gall, "Child Kidnappings."

[70] U.S. Department of State, *Trafficking in Persons Report- 2004: Afghanistan*, Introduction, Special Cases. See also U.S. Department of State, *Country Reports- 2003: Afghanistan*, Section 6f. See also Gall, "Child Kidnappings."

[71] Carlotta Gall, "Afghan Council Gives Approval to Constitution," *The New York Times* (New York), January 5, 2004; available from http://query.nytimes.com/gst/abstract.html?res=FB0D13FB3E550C768CDDA80894DC404482. See also U.S. Department of State,

continued violence and instability in the country have seriously hampered educational reconstruction efforts.[73] In 2001, the gross primary enrollment rate was 22.7 percent.[74] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Afghanistan. Since the downfall of the Taliban in 2001, efforts have been made to improve enrollment, particularly for girls. According to UNICEF, 4.2 million children are enrolled in school at the primary level and about 37 percent of these are girls. However, there are still 1.5 million girls of primary school age who are not enrolled in school.[75] In some regions, the enrollment rate of girls is as low as 3 percent.[76] As a means of comparison, in 2001, the gross primary enrollment rate for boys was 43.8 percent.[77] Access to education problems are exacerbated by a resurgence in religious extremist attacks on schools, teachers, and students. According to information from the Ministry of Education, approximately 40 attacks on girls' schools were reported in Afghanistan in 2003 and continued violence against schools was reported in 2004.[78] Some refugee children who have returned from neighboring countries, particularly Iran and Pakistan, are reported to have limited opportunity for education, often because their labor is needed to supplement the meager incomes of their families.[79]

State Department Outlines U.S. Support for Afghan Women, press release, Washington, D.C., September 7, 2004; available from http://usinfo.state.gov/dhr/Archive/2004/Mar/30-744977.html.

[72] Government of Afghanistan, *Constitution of Afghanistan*, (January 4), Article 43; available from http://www.embassyofafghanistan.org/pdf's/Documents/adoptedConstitutionEnglish.pdf. Despite this new law, the Supreme Court has recently barred married women from attending high school although girls as young as 9 years are routinely forced into marriage. See Cathy Young, "Freedom for Afghan, Iraq Women?," *The Boston Globe* (Boston), August 9, 2004; available from http://www.boston.com/news/globe/editorial_opinion/oped/articles/2004/08/09/freedom_for_afghan_iraq_women/.

[73] U.S. Department of State, *Country Reports- 2003: Afghanistan*, Section 5.

[74] World Bank, *World Development Indicators 2004*.

[75] Integrated Regional Information Networks, "Afghanistan: Interview with UNICEF Deputy Executive Director", IRINnews.org, [online], April 5, 2004; available from http://www.irinnews.org/print.asp?ReportID=40418. See also U.S. Department of State, *Country Reports- 2003: Afghanistan*, Section 5.

[76] Due to long distances, a lack of schools, and a shortage of female teachers (Islamic law discourages girls and women from interacting with adult male non-relatives), girls' access to education is particularly limited in the southern and eastern regions of Afghanistan. See Human Rights Watch (HRW), *"Killing You is a Very Easy Thing For Us": Human Rights Abuses in Southeast Afghanistan*, New York, July 2003, 76-78; available from http://www.hrw.org/reports/2003/afghanistan0703/.

[77] World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

[78] A new series of attacks began after children returned to school in March 2004. Recent attacks have included bombings of school facilities, assaults of school personnel, poisoning of several primary school girls, and the burning of school buildings, tents, and educational materials. See Swedish Committee for Afghanistan, *SCA Condemns Recent Attacks on Girls' Schools*, press release, Kabul, April 1, 2004; available from http://www.sak.a.se/afghanK/afghankeng.nsf. See also Greg Bearup, "Girls 'Poisoned by Militants for Going to School'," *The Guardian* (May 3, 2004); available from http://www.guardian.co.uk/print/0,3858,4915217-108920,00.html. See also UN News Service, *UN Envoy Condemns Burning of Girls' Schools in Afghanistan*, press release, UN News Centre, March 7, 2004; available from http://www.un.org/apps/news/storyAr.asp?NewsID=9996&Cr=Afghanistan&Cr1=&Kw1=burning&Kw2=&Kw3=.

[79] Ironically, refugees' families returning to Afghanistan often cite a desire to ensure education of their children as a primary reason for their return. See Amnesty International, *Afghanistan- Out of Sight, Out of Mind: The Fate of the Afghan Returnees*, ASA 11/014/2003, London, June 23, 2003, Section 7.6; available from http://www.web.amnesty.org/library/index/engasa110142003.

Child Labor Laws and Enforcement

The Labor Code prohibits children under the age of 15 from working more than 30 hours per week.[80] The new Constitution prohibits forced labor, including that of children.[81] However, in 2003 there was no evidence that child labor laws were enforced in the country.[82] In May 2003, Afghan President Karzai issued a presidential decree prohibiting the recruitment of children and young people under the age of 22 into the Afghan National Army.[83] The Afghan Judicial Reform Commission within the Ministry of Justice has been charged with drafting and revising laws to prevent and prosecute trafficking crimes.[84] Until new civil and penal codes are enacted, trafficking crimes may be prosecuted under laws dealing with kidnapping, rape, forced labor, transportation of minors, child endangerment, and hostage-taking. Prison sentences for such offenses are longer for cases involving minors and girls.[85] During the year, the government has arrested several suspected traffickers and rescued many victims, including 50 child trafficking victims en route to Saudi Arabia. By March 2004, more than 200 child trafficking victims had been repatriated from Saudi Arabia.[86]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

The Government of Afghanistan, with considerable international assistance, is working to address child soldiering, child trafficking, and the commercial sexual exploitation of children. USDOL is supporting a USD 3 million, 4-year project with UNICEF to rehabilitate former child soldiers. The project provides community-based rehabilitative, psychosocial, and non-formal education services to 8,000 child soldiers.[87] More than 1,900 former child soldiers have been demobilized through the services of 8 local demobilization and reintegration committees in the northeast, eastern, and central highlands regions since the program began in February 2004.[88]

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[80] U.S. Department of State, *Country Reports- 2003: Afghanistan*, Section 6d.

[81] *Constitution of Afghanistan*, Article 49.

[82] U.S. Department of State, *Country Reports- 2003: Afghanistan*, Section 6d.

[83] UNICEF, *UNICEF Praises Afghan Child-Soldier Innovation*, press release, Geneva, September 23, 2003; available from http://www.unicef.org/media/media_14758.html.

[84] U.S. Embassy- Kabul, *unclassified telegram no. 681*, March 12, 2004.

[85] Ibid.

[86] Ibid. See also U.S. Department of State, *unclassified telegram no. 125817*, Washington, D.C., June 7, 2004. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Afghanistan*.

[87] ILO-IPEC, *Demobilization, Social and Economic Reintegration of Child Soldiers/Minors Associated with the Fighting Forces in Afghanistan*, project document, Geneva, March 2, 2004, 5. The project is being implemented in collaboration with the Afghanistan New Beginnings Program. See UNICEF, *2,000 Former Afghan Child Soldiers to be Demobilized and Rehabilitated*, press release, Kabul, February 8, 2004; available from http://www.unicef.org/media/media_19165.html. See also UNICEF, *Educating Afghanistan's Former Child Soldiers*, press release, London, February 9, 2004; available from http://www.unicef.org.uk/press/news_detail.asp?news_id=236.

In November 2003, President Karzai instituted an inter-ministerial Commission for the Prevention of Child Trafficking, Child Smuggling, and Movement of Children without Proper Legal Documents. The Commission began work on a National Action Plan to combat child trafficking; however, the ministries' lack of institutional capacity and financial resources limited their ability to effectively address the problem or aid victims.[89] The Ministry of Hajj and Religious Affairs has engaged in spreading counter-trafficking messages and conducting workshops to raise awareness among Islamic clergy. The Afghan Independent Human Rights Commission (AIHRC) has designed posters on child trafficking and distributed them to schools, government departments, and the police; and the International Rescue Committee conducts monthly child protection meetings to help promote awareness at the community level.[90] IOM, UNICEF, and AIHRC also conducted workshops on child trafficking for law enforcement personnel from all 32 provinces, border officials, and ministry officials.[91]

The Ministry of Labor and Social Affairs (MOLSA) together with UNICEF initiated a Working Group on Commercial Sexual Exploitation of Children. As a result, counter-trafficking committees in all provinces were established and specific measures to stop child trafficking have been put in place.[92] IOM is partnering with the Ministries of Interior, Justice, and Women's Affairs on an anti-trafficking project to increase the capacity of the Afghan government to effectively address trafficking in the country through awareness-raising and other counter-trafficking activities.[93] With funding from the U.S. Department of State and support from the Ministries of Interior and Women's Affairs, IOM released the results of a study conducted in 2003 to assess the trends in and responses to trafficking in Afghanistan.[94] UNICEF and UNHCR are supporting a program with MOLSA to repatriate and reintegrate children who have been trafficked to other countries for child labor.[95]

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[88] UNICEF, *Demobilization of Child Soldiers and Socio-Economic Reintegration of War-affected Young People in Afghanistan*, status report, submitted to USDOL, Kabul, June 2004, 3.

[89] Members of the Child Trafficking Commission include nine ministries and six national and international agencies. See U.S. Embassy- Kabul, *unclassified telegram no. 681*.

[90] Ibid.

[91] U.S. Department of State, *Trafficking in Persons Report- 2004: Afghanistan*. See also IOM, *Afghanistan: Counter-Trafficking Seminar for Law Enforcement Officials,* in IOM Press Briefing Notes, [online] July 13, 2004 [cited July 13, 2004]; available from http://www.iom.int/en/archive/archive_press_brief_notes.shtml.

[92] U.S. Embassy- Kabul, *unclassified telegram no. 681*.

[93] U.S. Embassy- Kabul, *unclassified telegram no. 228379*, August 6, 2003, 1. See also IOM, *Capacity Building in Counter-Trafficking in Afghanistan (CCAF),* [database online] [cited May 11, 2004]; available from http://www.iom.int/iomwebsite/Project/ServletSearchProject?event=detail&id=AF1Z019.

[94] IOM, *Trafficking in Persons: An Analysis of Afghanistan*.

[95] UN News Service, *UN Supports Bid to Prevent Smuggling of Afghan Children*, press release, UN News Centre, January 18, 2004; available from http://www.un.org/apps/news/storyAr.asp?NewsID=9472&Cr=Afghanistan&Cr1=&Kw1=bid&Kw2=&Kw3=. Most of the children were trafficked to Gulf States, particularly Saudi Arabia, and to the neighboring countries of Pakistan and Iran. Between October 2003 and March 2004, 219 Afghan children were repatriated from Saudi Arabia. See U.S. Embassy- Kabul, *unclassified telegram no. 681*.

The Government of Afghanistan has also undertaken steps to rebuild the country's education system, particularly within the context of the reconstruction of Afghanistan initiated in 2002.[96] The government is implementing a USD 15 million World Bank project that, among other activities, aims to promote learning and skills development among disadvantaged girls and former combatants.[97] The World Bank is also funding a USD 35 million Education Quality Improvement Program in Afghanistan, which aims to improve education through investment in personnel, physical facilities, capacity building, and the promotion of girls' education.[98] The Afghan Ministry of Religious Affairs is partnering with UNICEF to hold regional workshops to unite religious leaders around the campaign for girls' education and other children's rights and to harness their support and local influence in the communities.[99]

UNICEF is working to increase access to education for one million Afghan children and to increase girls' enrollment by one million by 2005[100] through the development of community-based schools for 500,000 out-of-school girls, improved teacher training for 50,000 primary school teachers, and accelerated learning programs for girls who fell behind in their education during the Taliban regime.[101] The Asian Development Bank, Islamic Development Bank, and other donors are funding the construction of new schools as well as the repair of existing schools.[102] UNESCO is supporting the Ministry of Education through three projects totaling approximately USD 17 million. These projects focus on strengthening the capacity of the national

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[96] In March 2004, the head of the UN Assistance Mission in Afghanistan estimated a need of USD 173 million for education to build new schools, improve teaching materials, develop new curricula, and hire more teachers. See UN News Service, *UN Envoy Urges More Funds to Help Afghanistan's Schoolchildren*, press release, UN News Centre, March 21, 2004; available from http://www.un.org/apps/news/storyAr.asp?NewsID=10150&Cr=Afghanistan&Cr1=&Kw1=envoy&Kw2=&Kw3=.A number of major donors are funding projects to support the Ministry of Education in its effort to fulfill the demand for education in Afghanistan. Among the most prominent donors are the World Bank, ADB, the Islamic Development Bank, UNICEF, UNESCO, UNDP, UNHCR, USAID, USDOL, numerous NGOs, and foreign governments, including Japan and Germany. See UNESCO, *Educational Reconstruction in Afghanistan: Transitional Support Strategy 2002-2004*, UNESCO, Paris, July 2002, 13.

[97] World Bank, *Afghanistan-Emergency Education Rehabilitation & Development Project*, project information document, PID11129, World Bank, May 21, 2002, 2-3; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2002/04/19/000094946_02041804135557/Rendered/PDF/multi0page.pdf. See also World Bank, *Emergency Education, Rehabilitation and Development Project,* in World Bank Project Database, [database online] 2004 [cited May 11, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P077896.

[98] World Bank, *Education Quality Improvement Program*, project information document, AB545, World Bank, February 17, 2004, 2; available from http://www-wds.worldbank.org/servlet/WDS_IBank_Servlet?pcont=details&eid=000104615_20040311164542. See also World Bank, *Education Quality Improvement Program,* in World Bank Project Database, [database online] 2004 [cited September 8, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P083964.

[99] UNICEF, *Afghan Religious Leaders Get Behind Girls' Education*, press release, London, March 16, 2004; available from http://www.unicef.org.uk/press/news_detail.asp?news_id=253.

[100] Ibid. See also Integrated Regional Information Networks, "Afghanistan: New school year opens on optimistic note", IRINnews.org, [online], March 22, 2004 [cited March 24, 2004]; available from http://www.irinnews.org/print.asp?ReportID=40170. See also Integrated Regional Information Networks, "Afghanistan: Interview with UNICEF Deputy Executive Director".

[101] Integrated Regional Information Networks, "Afghanistan: New school year". See also UN News Service, *UN Envoy Urges More Funds*.

[102] World Bank, *Emergency Education Rehabilitation & Development*, 2.

system of education, technical and vocational education, and non-formal education.[103] In March 2004, the U.S. Government announced its commitment to build 152 new schools and refurbish 255 more throughout Afghanistan by September 2004.[104] The U.S. Department of Agriculture is working with the government as part of a global effort to provide meals for schoolchildren.[105]

[103] UNESCO, *Educational Reconstruction*, 7.

[104] U.S. Department of State, *The New Afghanistan: Progress and Accomplishments*, [online] 2004 [cited May 25, 2004]; available from http://www.state.gov/p/sa/31689.htm. According to UNICEF, more than 2,500 schools will need to be constructed in each of the next 3 years in order to accommodate the heightened demand for education. See Integrated Regional Information Networks, "Afghanistan: New school year".

[105] Washington File, *U.S. Funds Will Provide School Meals in Latin America, Caribbean*, August 17, 2004; available from http://usinfo.state.gov/gi/Archive/2004/Aug/18-23606.html.

Albania

Incidence and Nature of Child Labor

UNICEF estimated that 31.7 percent of children ages 5 to 14 years in Albania were working in 2000. The rate of child work is higher in rural areas than cities.[106] Children, especially from the Roma community, work on the streets as beggars and vendors. Children can also be found laboring as farmers, shoe cleaners, drug runners, and textile and shoe factory workers.[107]

The trafficking of Albanian children as young as 6 years old[108] to Western Europe for prostitution and other forms of exploitive labor remains a problem.[109] The Ministry of Public Order estimated that within an 8-year period (1992-2000), some 4,000 children were trafficked from Albania, mostly for domestic work, begging and agriculture.[110] A 2003 study of trafficking victims who received services at the "Hearth" Psycho-Social Center revealed that 21 percent were minors between the ages of 14 and 18 years.[111] Boys and girls are trafficked to Italy and Greece to participate in organized begging rings and forced labor, including work in agriculture and construction.[112] In January 2003, *Terre des hommes* reported that the majority of

[106] Children considered to be working include those who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. See Government of Albania, Multiple Indicator Cluster Survey (MICS) Report: Albania, UNICEF, December 4, 2000, 33, 55, Table 2. According to the Children's Human Rights Center of Albania, about 50,000 children below the age of 18 work full or part time in the country. See Alma Maksutaj, Joint East West Research Project on Trafficking in Children for Sexual Purposes in Europe: The Sending Countries, Children's Human Rights Centre of Albania, January 2004, 6.

[107] Altin Hazizaj, The Vicious Circle: A Report on Child Labour-Albania, Children's Human Rights Centre of Albania, Tirana, March 2000, Chapter 8. See Altin Hazizaj, The Forgotten Children: A Report on the Roma Children's Rights Situation in Albania, Children's Human Rights Centre of Albania, Tirana, April 2000, 12. See also U.S. Department of State, Country Reports on Human Rights Practices- 2003: Albania, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27820.htm. See also U.S. Embassy- Tirana, unclassified telegram no. 1329, August 23, 2004.

[108] ILO-IPEC, *Combating the Trafficking in Children for Labour and Sexual Exploitation in the Balkans and Ukraine*, Project Document, Geneva, September 2003, 7.

[109] U.S. Department of State, *Country Reports- 2003: Albania*, Section 6f. An NGO reported that as a result of increased efforts by the government, trafficking of children is shifting from illegal methods of transportation, such as via speedboats, to "legal" methods where children cross borders with passports and visas. See *Child Trafficking in Albania*, Children's Human Rights Centre of Albania, Tirana, July 2003, 7.

[110] See U.S. Department of State, Country Reports- 2003: Albania. See also ILO-IPEC, ILO-IPEC Child Trafficking Project, project document, 6. Additionally, a report published in 2001estimated that 75 percent of trafficking victims from certain rural regions of Albania were children. See Daniel Renton, Child Trafficking in Albania, Save the Children, March 2001, 16-19.

[111] Some of the trafficking victims were recruited willingly, while a significant portion was deceived by hopes of marriage or work. Prior year studies indicated that the majority of victims came from rural areas; however, in this year's study, half of the victims stated they came from urban cities. The study also revealed that a majority of the adult victims interviewed were trafficked for the first time between the ages of 14 to 17 years. See Vera Lesko, Entela Avdulaj, and Mirela Koci, and Dashuri Minxolli, *Annual Report 2003 on Trafficking in Humans Beings*, "Vatra" Psycho-Social Center, Vlora, n.d., 33-36.

[112] Children, particularly Gypsy and Roma boys, are trafficked to Greece and Italy for begging and forced labor. Italy is the destination point for the majority of trafficked Albanian children/women; however, large numbers of Albanian children may work as child prostitutes in Greece. See Daniel Renton, *Child Trafficking in Albania*, Save the Children, March 2001, 44-45. See also UNICEF, *Profiting From Abuse: An Investigation into the Sexual Exploitation of our Children*, New York, 2001, 18

children trafficked to Greece were sent with their family's knowledge to work for remuneration. In addition, the report found that 95 percent of children trafficked belong to the Roma ethnic minority or the "Egyptian" community.[113] There have been reports that children are tricked or abducted from families or orphanages and then sold to prostitution or pedophilia rings.[114] Children who are returned to the Albanian border from Greece are oftentimes at high risk of being re-trafficked.[115] According to the 2003 *Terre des hommes* report, trafficking of Albanian children specifically to Greece appears to be on a decline.[116] Internal trafficking, on the other hand, is reported to be rising, with increasing numbers of children in the capital of Tirana falling victim to prostitution and other forms of exploitation.[117]

Education is free and compulsory for children ages 6 to 14 years.[118] In 2000, the gross primary enrollment rate was 106.6 percent, and the net primary enrollment rate was 97.2 percent.[119] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Albania, though UNICEF reports that the primary school attendance rate for children ages 7 to 14 years was 90 percent.[120] The Ministry of Education and Sciences reported that the dropout rate from 1999 to 2000 was approximately 3 percent, although local children's groups believe the number is higher.[121]

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[113] The Roma or "Egyptian" minority groups are significantly marginalized in Albanian society. The study also estimated that the majority of street children in various cities in Greece are Albanian. See Terre des hommes, *The Trafficking of Albanian Children in Greece*, Le Mont sur Lausanne, January 2003, 16. See also Barbara Limanowska, *Trafficking in Human Beings in South Eastern Europe*, UNICEF, UNOHCHR and OSCE-ODIHR, November 2003, 51.

[114] U.S. Department of State, *Country Reports- 2003: Albania*, Section 6f.

[115] ILO-IPEC, *ILO-IPEC Child Trafficking Project, project document*, 8. See also Limanowska, *Trafficking in South Eastern Europe, 2003*, 39.

[116] Terre des hommes, *The Trafficking of Albanian Children in Greece*, 9-10. See also U.S. Embassy- Tirana, *unclassified telegram no. 1329*.

[117] U.S. Embassy- Tirana, *unclassified telegram no. 1329*.

[118] UNESCO, *National Education Systems,* [Online] [cited May 6, 2004]. See also Right to Education, *Constitutional Guarantees,* [database online] [cited May 10, 2004]; available from http://www.right-to-education.org. Even though education is free, parents must bear the burden of paying costs for supplies, books and school materials. See U.S. Embassy- Tirana, *unclassified telegram no. 1329*.

[119] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report. The Albanian government reports a decline in gross and net primary school enrollment rates in the 1990-2000 period as well as lower rates for the year 2000. The Albanian government reported the gross primary enrollment rate as 90 percent and the net primary enrollment rate as 81 percent for 2000. See Human Development Promotion Center (HDPC), *The Albanian Response to the Millennium Development Goals*, Tirana, May 2002, 19.

[120] Government of Albania, *MICS 2: Albania*, 20, 41.

[121] Hazizaj, *The Vicious Circle*, Section 1.2. A recent study indicates that more than 17 percent of child dropouts left school to work. See *Maksutaj, Joint East West Research Project, 6.*

Child Labor Laws and Enforcement

The Labor Code sets the minimum age of employment at 16 years. Minors ages 14 to 18 years may seek employment during school holidays, but are only permitted to work in light jobs, which are determined by the Council of Ministers.[122] Labor Act No. 7724 prohibits night work by children younger than 18 years of age and limits their work to 6 hours per day.[123] The Constitution forbids forced labor by any person, except in cases of execution of judicial decision, military service, or for service during state emergency or war.[124] The Labor Code also prohibits forced or compulsory labor.[125]

The Labor Inspectorate within the Ministry of Labor is responsible for enforcing the country's labor and child labor laws as they pertain to registered businesses. Labor inspections of factories carried out in the first half of 2004 found only 0.01 percent of the employees were underage.[126] The Criminal Code prohibits prostitution, and the penalty is more severe when a girl minor is solicited for prostitution.[127] A 2001 amendment to the Criminal Code set penalties for trafficking, including 15 to 20 years imprisonment for trafficking of minors. While trafficking prosecutions are rare, the government took steps to improve enforcement, including a number of arrests of traffickers, investigations of police involvement in trafficking, and the establishment of an Organized Crime Task Force to improve its handling of high profile trafficking cases. In addition, the government created a Child Trafficking Working Group to focus special attention on child victims of trafficking.[128] The government has also improved its enforcement and interdiction capabilities at border crossings and at ports resulting in several arrests of child traffickers.[129]

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[122] The Ministry of Labor may enforce minimum age requirements through the courts, but no recent cases of this actually occurring are known. See U.S. Department of State, *Country Reports- 2003: Albania*, Section 6d. The employment of children is punishable by a fine, as stated in Article 60 of the Law for Pre-University Education. See Hazizaj, *The Vicious Circle*, Section 6.2.

[123] Children under 18 year can work up to 2 hours overtime. See Government of Albania, Labor Act No. 7724, (June 1993), sections 5, 7 and 9; available from http://natlex.ilo.org/txt/E93ALB01.htm.

[124] Furthermore, Article 54(3) of the Constitution states that children have the right to special protection by the state, however, the ages are not specified. See *Albanian Constitution*, Chapter II, Article 26, and Chapter IV, Article 54(3), [cited May 10, 2004]; available from http://www.ipls.org/services/constitution/const98/cp2.html.

[125] U.S. Department of State, *Country Reports- 2003: Albania*, Section 6c.

[126] The majority of factories inspected were shoe and textile companies. More than 70 percent of the underage workers were girls. The fine for employing an underage worker is normally 20 to 30 times the monthly minimum wage of the employee. See U.S. Embassy- Tirana, *unclassified telegram no. 1329*.

[127] Government of Albania, *Penal Code*, Article 114; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaAlbania.asp.

[128] U.S. Department of State, *Country Reports- 2003: Albania*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Albania*, Washington, DC, June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33192.htm. See also U.S. Embassy- Tirana, *unclassified telegram no. 1329*.

[129] U.S. Embassy- Tirana, *unclassified telegram no. 0813*, May 2003. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Albania*.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified ILO Convention 138 2/16/1998	✓
Ratified ILO Convention 182 8/02/2001	✓
ILO-IPEC Member	✓
National Plan for Children	✓
National Child Labor Action Plan	
Sector Action Plan (Trafficking)	✓

A number of national strategies, including the Government of Albania's 2001-2006 National Strategy for Children, the Poverty Reduction Strategy Paper, and Strategies on Education and Social Services, have integrated child labor concerns.[130] The Ministry of Labor's Child Labor Unit provides training to labor inspectors on identification and monitoring of child labor.[131] The government also has in place an Anti-Trafficking Strategy that, among other issues, focuses on child trafficking and prosecution of those involved. The main focus of the strategy is law enforcement, prevention, and protection, and includes the development of the Vlora Anti-Trafficking Center and the Linza Center.[132]

Officially opened in 2003, the government's Linza Center offers reintegration services to trafficking victims, including children. Originally managed by the IOM, the center is now the responsibility of the Ministry of Labor and Social Affairs.[133] Albania is also part of a joint declaration with other Southeastern European countries to better assist victims of trafficking.[134] Despite these efforts, most of the direct services for child victims of trafficking continue to be provided by the NGO community.[135]

The government is also participating in a 3-year USDOL-funded ILO-IPEC project to combat the trafficking of children for labor and sexual exploitation. The project is working in partnership with the Government of Albania and local organizations.[136] IOM is conducting prevention and reintegration activities in collaboration with the government, including training for law enforcement, media campaigns, teacher

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[130] ILO-IPEC, *Combating Trafficking in Children for Labor and Sexual Exploitation in the Balkans and Ukraine*, Technical Progress Report, Geneva, March 2004, 2. See also Republic of Albania and National Committee on Women and Family, *National Strategy for Children, 5-year Plan*, UNICEF, Tirana, 2001, 15-16 [cited May 24, 2004]; available from http://www.unicef.org/albania/publications/nationalstrategy.pdf.

[131] U.S. Embassy- Tirana, *unclassified telegram no. 1329*.

[132] The National Anti-Trafficking Strategy of 2003-2004 updates the existing National Strategy to Combat Trafficking of Human Beings 2001-2004. See Republic of Albania, *Albanian National Anti-trafficking Strategy: Action Plan: September 2003-September 2004*, Council of Ministers, Cabinet of the Minister of State to the Prime Minister, October 2003. A sub-group on child trafficking, led by the Minister of State, has been established and has developed a draft National Strategy of Trafficking in Children and a National Plan of Action. See ILO-IPEC, *ILO-IPEC Child Trafficking Project, technical progress report*, 2.

[133] U.S. Embassy- Tirana, electronic communication to USDOL official, February 19, 2004.

[134] The commitment ensures that countries stop the immediate deportation of trafficked person and offer them shelter, as well as social, health and legal assistance. See Alban Bala, "Southeastern Europe: Governments Shift Their Focus in Fighting Human Trafficking," *Radio Free Europe Weekday Magazine*, December 13, 2002, [cited May 24, 2004]; available from http://www.rferl.org/nca/features/2002/12/13122002200939.asp.

[135] Maksutaj, *Joint East West Research Project*, 23. See also U.S. Embassy- Tirana, *unclassified telegram no. 1329*.

[136] Albania is part of a USD 1.5 million regional project. As part of earlier efforts by ILO-IPEC, there is now a functioning National Steering Committee on Child Labor and a Child Labor Unit within the Ministry of Labor and Social Affairs. See ILO-IPEC, *ILO-IPEC Child Trafficking Project, project document*. See also ILO-IPEC, *ILO-IPEC Child Trafficking Project, technical progress report*, 2.

training and development of education materials, and the provision of educational, training and other services to trafficking victims.[137] UNICEF is working with the Government of Albania and local NGOs to combat child trafficking through prevention, protection and repatriation measures.[138] USAID is providing support to a project titled "Transnational Action Against Child Trafficking," through the Swiss-based NGO *Terre des hommes*, in which Albanian government officials and NGO representatives work with their counterparts in Greece and Italy to identify trafficking routes, cooperate on repatriation of trafficked children, and improve care for trafficked children and their families before and after repatriation.[139]

In June 2002, the Government of Albania became eligible to receive funding from the World Bank and other donors under the Education for All Fast Track Initiative, which aims to provide all children with a primary school education by the year 2015.[140]

[137] International Organization for Migration, *IOM Tirana's Counter Trafficking Projects*, April 2004. The Government of Albania is a member of the Southeast European Cooperative Initiative, and has participated in regional anti-trafficking efforts through the initiative's Regional Center for Combating Transborder Crime. See SECI Regional Center for Combating Transborder Crime, *SECI States,* [online] December 12, 2003 [cited January 6, 2004]; available from http://www.secicenter.org/html/index.htm. See also SECI Regional Center for Combating Transborder Crime, *Operation Mirage: Evaluation Report*, Bucharest, January 21, 2003; available from http://www.secicenter.org/html/index.htm.

[138] UNICEF, *Summary of Programs,* [online] [cited May 6, 2004]; available from http://www.unicef.org/albania/what_we_do/summary.htm.

[139] U.S. House of Representatives, Committee on Government Reform, Subcommittee on Wellness and Human Rights, Statement by Kent R. Hill, Assistant Administrator, Bureau for Europe and Eurasia, USAID, October 29, 2003. See also U.S. Embassy- Tirana, electronic communication dated February 19, 2004.

[140] World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, press release, Washington, D.C., June 12, 2002; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html.

Algeria

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 are unavailable.[141] Children are found working either in part-time or full-time employment in small workshops, on family farms and in informal trade.[142]

Commercial sexual exploitation is a problem, but the extent of the problem in not clear. Although there were reports in the past that young girls were kidnapped by terrorist groups and forced to work,[143] there were no reported terrorist abductions in 2004.[144]

In 2004, the Ministry of Labor's National Labor Institute conducted a survey on child labor financed by the ILO. Preliminary survey results indicated that low family income and unemployed parents are two primary factors contributing to child employment in Algeria.[145]

Under the Ordinance of April 16, 1976, education is compulsory in Algeria between the ages of 6 and 16 and free at all levels.[146] In 2001, the gross primary enrollment rate was 108.5 percent, while the net primary school enrollment rate was 95.1 percent.[147] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent school attendance statistics are not available for Algeria. According to Algeria's FOREM children's center, approximately 500,000 children are school drop-outs, with 1.5 million children repeating grades.[148] Girls are slightly more likely to drop out than boys in rural areas, due to financial reasons.[149]

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[141] LABORSTAT, *1A- Total and economically active population, by age group (Thousands)* [Database], Geneva, 2004; available from http://laborsta.ilo.org.

[142] U.S. Department of State, *Country Report on Human Rights Practices- 2003: Algeria*, Washington, D.C., March 31, 2004, Section 6d available from http://www.state.gov/g/drl/rls/hrrpt/2003/27924.htm.

[143] Ibid., Section 6f.

[144] U.S. Embassy, U.S. Embassy Official, electronic communication to USDOL Official, June 1, 2005.

[145] U.S. Embassy, electronic communication, June 1, 2005.

[146] UN Committee on the Rights of the Child, *Rapports initiaux attendus des Etats parties pour 1995: Algeria*, CRC/C/28/Add.4, prepared by Government of Algeria, pursuant to Article 44 of the Convention on the Rights of the Child, February 23, 1996, Section 104; available from http://unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.28.Add.4.FR?opendocument.

[147] World Bank, *World Development Indicators* [CD-ROM], Washington, D.C., 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[148] The report is based on a survey of 1,000 children ages 10 to 15. U.S. Embassy, electronic communication, June 1, 2005.

[149] Ministry of Education, *Indicateurs du systeme educatif: acces a l'education, participation et progres*, Ministry of Education, n.d. [cited May 13, 2004]; available from http://www.meducation.edu.dz/men/indsysedu/categorie3/taux_ens_fond.htm. See also U.S. Department of State, *Country Reports- 2003: Algeria*, Section 5.

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 16, and stipulates that minors may not perform dangerous, unhealthy, or harmful work or work that may jeopardize their morality.[150] The Code also prohibits the recruitment of children for employment without the consent of a parent or legal guardian.[151] Article 28 of the Labor Code prohibits night work for children and youth under the age of 19.[152] Article 182 of Ordinance No. 75-31 of April 1975 requires children to request the permission of the Ministry of Labor and Social Welfare in cases of fixed-term temporary jobs.[153]

The Penal Code prohibits compulsory labor, including forced or bonded labor by children.[154] Article 342 of Ordinance 75-47 of June 1975 and Law No. 82-04 of February 13, 1982 prohibits the corruption and debauchery of minors younger than age 19, while Article 343 and 344 prohibit the use and recruitment of minors in prostitution.[155] The Penal Code prohibits the removal, arbitrary detention and kidnapping of a person, although is no law specifically prohibiting trafficking in persons.[156] Ordinance 74-103 of November 1974 established 19 as the age for recruitment into military service.[157]

The Ministry of Labor is responsible for enforcing minimum age laws and its Labor Inspection Department is charged with enforcing the law through regular inspections throughout the country.[158] The U.S. Department of State reports that the Ministry has not enforced these laws effectively in the private sector, particularly in agriculture.[159]

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[150] *Labor Code*, Chapter II, Article 15; available from http://lexalgeria.net/titre_iiitravail.htm. See also, UN Committee on the Rights of the Child, *Initial Report of States Parties: Algeria*, Section 155-56.

[151] *Algeria Labor Code*, Article 15. See also UN Committee on the Rights of the Child, *Initial Report of States Parties: Algeria*, Section 156.

[152] *Algeria Labor Code*, Chapter III, Section 2, Article 28.

[153] UN Committee on the Rights of the Child, *Initial Report of States Parties: Algeria*, Section 7e.

[154] U.S. Department of State, *Country Reports- 2003: Algeria*, Section 6c.

[155] *Code Penal*; available from http://www.lexalgeria.net/penal3.htm.

[156] U.S. Department of State, *Country Reports- 2003: Algeria*, Section 6f. See also *Algeria Criminal Code*, Article 291.

[157] UN Committee on the Rights of the Child, *Initial Report of States Parties: Algeria*, Section 6f.

[158] U.S. Embassy, electronic communication, June 1, 2005.

[159] Inspectors from the Ministry of Labor supposedly enforced made periodic or unannounced inspection visits to public sector enterprises. See U.S. Department of State, *Country Reports- 2003: Algeria*.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

In 2003, the Government of Algeria formed an inter-ministerial commission charged with identifying strategies for preventing child labor and informing governmental and nongovern-mental organizations about its dangers and potential negative impacts on society.[160] The Government of Algeria is collaborating with UNICEF on programs to promote access to universal education, child protection, and economic growth. In the latter area, the government has implemented a national plan for economic development aimed at improving the situation of women and children, especially in rural provinces, where girls face barriers to education.[161]

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	4/30/1984	✓
Ratified Convention 182	2/09/2001	✓
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

[160] Government of Algeria, *Report filed with the ILO under Article 22 of the ILO Constitution for the period ending June 2003*, Algiers, August 26, 2003.

[161] UNICEF, *At a glance: Algeria*, in UNICEF, n.d. [cited April 9, 2004]; available from http://www.unicef.org/infobycountry/algeria_statistics.html.

Angola

Incidence and Nature of Child Labor

UNICEF estimated that 29.9 percent of children ages 5 to 14 years in Angola were working in 2001.[162] Many children in Angola live in the streets, not only as a result of displacement from recent civil conflict, but also as a consequence of poverty and the lack of any other options.[163] Many homeless girls are at high risk of sexual and other forms of violence.[164] Street children often work as shoe shiners, car washers, and water carriers.[165] Angolan children work in subsistence agriculture, as domestic servants, as street vendors,[166] and as beggars.[167]

Child trafficking, commercial sexual exploitation, pornography, forced labor, sexual slavery, and other forms of exploitation are reported to exist in the country.[168] Angola is a country of origin for trafficked children. Children have been trafficked internally and also to Namibia and South Africa for the purposes of sexual exploitation and domestic and commercial labor.[169]

Education in Angola is compulsory and free for 8 years,[170] although families are responsible for significant additional fees.[171] In 1999-2000, the gross primary enrollment rate was approximately 74 percent and the

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[162] Government of Angola, *Multiple Indicator Cluster Survey (MICS) Report: Angola*, UNICEF, Luanda, April 2002, 13; available from http://www.childinfo.org/MICS2/newreports/angola/angola.pdf.

[163] U.S. Embassy- Luanda, *unclassified telegram no. 0927 (corrected)*, August 2004.

[164] Governo de Unidade e Reconciliação Nacional República de Angola, *Relatório de Seguimento das Metas da Cimeira Mundial pela Infância*, December 2000, 13; available from http://www.unicef.org/specialsession/how_country/edr_angola_pt.PDF. It is reported that Angolan children, particularly street children, have been accused of witchcraft and targeted for violence and torture. See Paul Salopek, "Children in Angola tortured as witches," *Chicago Tribune* (Chicago), March 28, 2004; available from http://www.chicagotribune.com/news/local/chi-0403280349mar28,1,5350944,print.story.

[165] U.S. Embassy- Luanda, *unclassified telegram no. 0927 (corrected)*.

[166] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Angola*, Washington D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27711.htm.

[167] UNWire, *Angola: Children Survive War as Scavengers, Prostitutes*, online, United Nations Foundation, May 30, 2002, [cited June 4, 2004]; available from http://www.unwire.org/unwire/19990601/2898_story.asp.

[168] Watch List on Children and Armed Conflict, *Angola: Important Note,* ReliefWeb, [online] April 25, 2002 [cited June 4, 2004], 11; available from http://www.reliefweb.int/w/rwb.nsf/vID/CE7CF6EEF87D82D785256BD6006B39C0?OpenDocument. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Angola*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33188.htm. In June 2003 it was estimated that there are as many as 1,000 children engaged in prostitution in Luanda. See U.S. Department of State, *Country Reports- 2003: Angola*, Section 5.

[169] U.S. Department of State, *Trafficking in Persons Report- 2004: Angola*. It is also reported that children are trafficked into the Democratic Republic of Congo. See IRIN, *Angola: Attempts to curb child exploitation,* [online] 2004 [cited February 11, 2004]; available from http://www.irinnews.org/report.asp?ReportID=38928&SelectRegion=Southern_Africa&SelectCountry=ANGOLA.

[170] UN Commission on Human Rights, *Preliminary Report of the Special Rapporteur on the Right to Education*, prepared by Katarina Tomasevski, 2001, [cited June 8, 2004]; available from http://www.right-to-education.org/.

[171] U.S. Department of State, *Country Reports- 2003: Angola*, Section 5.

net primary enrollment rate was approximately 30 percent.[172] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2001, 55.8 percent of children attended primary school.[173] Higher percentages of boys attend school.[174] As of 2001, 76.0 percent of children who started primary school were likely to reach grade 5.[175] Only 6 percent of children are enrolled in secondary school.[176] Reports indicate that more than 1 million school-age children are estimated to be out of school with little prospect of returning.[177] It is estimated that children make up a majority of the roughly 832,000 displaced persons in Angola, and educational opportunities are extremely limited for displaced children and adolescents.[178] In Angola's recent conflict, nearly half of all schools were reportedly looted and destroyed, leading to problems of overcrowding.[179] Other factors, such as teacher strikes,[180] landmines, lack of resources and identity papers, and poor health prevent children from attending school regularly.[181]

Child Labor Laws and Enforcement

The minimum age for employment in Angola is 14 years. Children between the ages of 14 and 18 are not permitted to work at night, under dangerous conditions, or in activities requiring great physical effort. Children under 16 years of age are restricted from working in factories.[182] The Constitution and Angolan statutory law prohibit forced or bonded child labor.[183] In 1998, the Angolan Council of Ministers established a minimum conscription age for military service of 17 years.[184] Trafficking in persons is not

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[172] UNESCO Institute for Statistics, *Global Education Digest 2004,* [CD-ROM] 2004 [cited November 8, 2004]; available from http://portal.unesco.org/uis/TEMPLATE/html/HTMLTables/education/gerner_primary.htm.

[173] Government of Angola, *Multiple Indicator Cluster Survey (MICS) Standard Tables: Angola*, April 27, 2004, Table 11; available from http://www.childinfo.org/MICS2/newreports/angola/angolatables.pdf.

[174] República de Angola, *Relatório de Seguimento*, 16.

[175] Government of Angola, *MICS Standard Tables: Angola*, Table 10.

[176] U.S. Embassy- Luanda, *unclassified telegram no. 2491*, October 2002.

[177] U.S. Department of State, *Country Reports- 2003: Angola*, Section 5.

[178] U.S. Agency for International Development, *Angola - Complex Emergency Situation Report #1, Fiscal Year (FY) 2004*, Washington, DC, January 7, 2004; available from http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/countries/angola/fy2004/Angola_CE_SR01_01-07-2004.pdf. See also Watch List on Children and Armed Conflict, *Angola*, 7.

[179] Watch List on Children and Armed Conflict, *Angola*, 11.

[180] U.S. Department of State, *Country Reports- 2003: Angola*, Section 5.

[181] Watch List on Children and Armed Conflict, *Angola*, 11.

[182] U.S. Embassy- Luanda, *unclassified telegram no. 2491*. Angola's primary law concerning child labor comes from Articles 29-31 of the Constitutional Law of 1992, which guarantee protection of the family and children. See U.S. Embassy- Luanda, *unclassified telegram no. 2685*, July 2000.

[183] U.S. Embassy- Luanda, *unclassified telegram no. 2491*.

[184] Coalition to Stop the Use of Child Soldiers, "Angola," in *Child Soldiers 1379 Report*, 2002, 17; available from http://www.child-soldiers.org/cs/childsoldiers.nsf/0/c560bb92d962c64c80256c69004b0797?OpenDocument. According to UNICEF, only 5 percent of the births in Angola are registered, which makes it difficult to verify children's ages for both military recruitment and school enrollment purposes. See UNICEF, *UNICEF Humanitarian Appeal for Children and Women Jan-Dec 2002*, February 11, 2002, [cited June 8, 2004]; available from http://www.reliefweb.int/w/rwb.nsf/0/516282c7f469687a85256b5f00537ff2?OpenDocument.

specifically prohibited in Angola, but forced servitude, prostitution, and pornography are illegal under the general criminal statute.[185] Sexual relations with a child under 12 years are defined as rape under Angolan law. Sexual relations with a child between 12 and 15 years may result in up to 8 years imprisonment.[186] According to the U.S. Department of State, the Government of Angola is making significant efforts to comply with the minimum standards for the elimination of trafficking, including efforts to prevent child trafficking.[187]

The Inspector General of the Ministry of Public Administration, Employment, and Social Security (MAPESS) is responsible for enforcing labor laws.[188] Child labor complaints can be filed with the Ministry of Family and Women's Affairs, which has principal responsibility for child welfare.[189] MAPESS maintains employment centers to screen out applicants under age 14. MAPESS has authority to levy fines and order restitution. There is no standard procedure for investigations or formal inspections.[190] Individuals may report child labor violations, but reports of child labor complaints are rare.[191]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Since the end of the armed civil conflict in Angola in 2002, the Ministry of Social Assistance and Reintegration and UNICEF have been implementing a two-phase family verification program. UNICEF program activities for demobilizing and rehabilitating former child soldiers have included locating relatives, arranging transportation, and reuniting the children with their families. The programs also identify school and job training opportunities for former child soldiers and prepare local communities to accept children who had been engaged in armed conflict.[192] The ongoing second phase, focusing on family reunification efforts, identified 11,076 separated children and reunited 3,670 with their families as of March 2004.[193]

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/13/2001	✓
Ratified Convention 182	6/13/2001	✓
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Commercial Sexual Exploitation)		✓

[185] U.S. Department of State, *Trafficking in Persons Report- 2004: Angola*. See also U.S. Embassy- Luanda, *unclassified telegram no. 2491*.

[186] U.S. Department of State, *Country Reports- 2003: Angola*, Section 5.

[187] U.S. Department of State, *Trafficking in Persons Report- 2004: Angola*.

[188] U.S. Embassy- Luanda, *unclassified telegram no. 0927 (corrected)*.

[189] U.S. Embassy- Luanda, *unclassified telegram no. 2491*.

[190] Ibid. See also U.S. Department of State, *Country Reports- 2003: Angola*, Section 6d.

[191] U.S. Embassy- Luanda, *unclassified telegram no. 2685*.

[192] Trained local church members, or "Catequistas," provide psychosocial assistance in accordance with local beliefs and practices. See Coalition to Stop the Use of Child Soldiers, "Angola."

[193] UN, *Humanitarian Situation in Angola: Quarterly Analysis, January-March 2004*, 2004; available from http://www.reliefweb.int/w/rwb.nsf/0/421a26de7f812c8d85256e8500677a9b?OpenDocument.

On June 30, 2004, a Transitional Coordination Unit officially replaced the UN Office for the Coordination of Humanitarian Affairs. The Unit is tasked with overseeing post-conflict social service coordination functions over 18 months and gradually transferring them to appropriate government bodies.[194]

In 2004, the Government of Angola concluded its national child registration campaign, which has documented 3.8 million children under the age of 18 years since August 2002.[195] By providing children with accurate, official age documentation, the government worked to stem the recruitment of underage children by traffickers, and ensure underage children were not admitted to the military.[196] In addition, 45,000 orphans or children living alone were reintegrated into family living situations.[197]

UNICEF and the Government of Angola expanded their existing *Back-to-School* campaign by recruiting and training 29,000 new primary school teachers for the 2004 school year.[198] As a result, student enrollment increased by nearly 1 million, primarily in grades 1 through 4.[199] The program is developing into Education for All.[200] In April 2004, the Ministry of Education held public consultations on the proposed National Plan of Action for Education for All.[201]

The World Food Program is involved in food-for-work programs including the reconstruction of schools and destroyed infrastructure, food-for-training projects for demobilized soldiers and their families,[202] and

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[194] UN, *Humanitarian Situation in Angola: Quarterly Analysis, April-June 2004*, 2004; available from http://www.reliefweb.int/library/documents/2004/ocha-ang-30jun.pdf. See also UN, *Humanitarian Situation in Angola: January-March 2004*.

[195] U.S. Embassy- Luanda, *unclassified telegram no. 0927 (corrected)*. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Angola*.

[196] U.S. Department of State, *Trafficking in Persons Report- 2004: Angola*. Because more than 70 percent of children were not registered, they had limited access to health, education, and sanitation. See Watch List on Children and Armed Conflict, *Angola*, 3.

[197] U.S. Embassy- Luanda, *unclassified telegram no. 6571*, June 8, 2004.

[198] UNICEF, *UNICEF trains thousands of teachers in Angola,* [online] October 27 2003 [cited May 24, 2004]; available from http://www.unicef.org.uk/press/news_detail.asp?news_id=190. See also IRIN, *Southern Africa: UNICEF appeals for assistance for region's children,* [online] December 2, 2003 [cited February 12, 2004]; available from http://www.irinnews.org/report.asp?ReportID=38196&SelectRegion=Southern_Africa&SelectCountry=southern%20africa. In 2002, the Ministry of Education and Culture (MEC), together with UNICEF, launched a *Back-to-School* campaign in two of the poorest provinces to increase education access for all school-aged children. The program targeted children in the Bié and Malanje provinces in the north. See IRIN, *UNICEF appeals for assistance for region's children*. See also U.S. Department of State, *Country Reports- 2003: Angola*, Section 5.

[199] U.S. Embassy- Luanda, *unclassified telegram no. 0927 (corrected)*.

[200] UNICEF, *At a glance: Angola,* [online] [cited June 7, 2004]; available from http://www.unicef.org/infobycountry/angola.html. The World Declaration on Education for All (EFA) calls for countries, by the end of the decade, to meet the basic learning needs of all children and adults; provide universal access to education for all; create equity in education for women and other underserved groups; focus on actual learning acquisition; broaden the types of educational opportunities available to people; and create better learning environments for students. Participating countries are requested to create Action Plans that detail how they intend to meet the goals of the declaration. For additional information on EFA, please see the glossary to this report.

[201] The consultation adopted a final document adopting 26 recommendations. See Ministry of Education, *Final Document*, Luanda, April 24, 2004; available from http://www.unesco.org/education/efa/news_en/finalcommunique_Angola.doc.

[202] WFP, *Russia Makes a Landmark Pledge of Food Aid for North Korea and Angola,* The World Food Programme, [online] [cited June 4, 2004]; available from http://www.wfp.org/newsroom/subsections/preview.asp?content_item_id=1182&section=13.

school feeding programs.[203] In March 2003, the World Bank approved a USD 33 million grant to provide services to underage soldiers in settlement communities.[204] Services include family tracing and reunification, trauma counseling and psychosocial care, and the facilitation of access to education, recreation, and vocational training for children over the age of 15.[205]

[203] IRIN, *Angola: School feeding an incentive for pupils and parents,* [online] October 9, 2003 [cited February 12, 2004]; available from http://www.irinnews.org/report.asp?ReportID=37114&SelectRegion=Southern_Africa&SelectCountry=ANGOLA.

[204] MINARS will be involved in the administration of the project. See The World Bank, *Technical Annex for a Proposed Grant of Sdr 24 Million (US$ 33 Million Equivalent) to the Republic of Angola for an Angola Emergency Demobilization and Reintegration Project*, T7580-ANG, Washington D.C., March 7, 2003, 31-32; available from http://www.worldbank.org/afr/ao/reports/2003_EDRP_TechAnn.pdf.

[205] Ibid. In coordination with the World Bank, the Government of Angola is in the process of preparing an interim Poverty Reduction Strategy Paper. See World Bank, *Poverty Reduction Strategy Papers,* [online] 2004 [cited May 24, 2004]; available from http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/ANGOLAEXTN/0,,menuPK:322504~pagePK:141132~piPK:141123~theSitePK:322490,00.html.

Antigua and Barbuda

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 years in Antigua and Barbuda are unavailable,[206] and there is limited information on the incidence and nature of child labor in the country. Children over 12 years old engage in part-time employment, particularly during summer holidays, generally with parental consent and with the right to utilize their earnings independently.[207] According to the World Bank, children are becoming involved in commercial sexual exploitation in order to pay for basic needs, such as school fees and food.[208]

According to the 1973 Education Act, education is compulsory and free for children between the ages of 5 and 16 years. Thirty of the 55 primary schools in Antigua and Barbuda are public schools where schooling is free. The government provides free textbooks and schooling supplies to private schools through the Board of Education.[209]
Recent primary school enrollment and attendance statistics are not available for Antigua and Barbuda. According to the government, most children enjoy access to primary education. However, there are no nationally available statistics detailing the total population of children for Antigua and Barbuda.[210]

Child Labor Laws and Enforcement

The Labor Code, Division E of 1975, sets the minimum age for employment at 14 years. The provisions also establish that children under 16 years cannot work more than 8 hours in a 24-hour time period or during school hours.[211] Children between the ages of 14 and 18 years must obtain a medical examination prior to employment.[212] The Constitution prohibits slavery and forced labor.[213]

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[206] LABORSTAT, *1A- Total and economically active population, by age group (Thousands)* [Database], Geneva, 2004; available from http://laborsta.ilo.org.

[207] Government of Antigua and Barbuda, *Antigua and Barbuda National Report on Follow Up to the World Summit for Children and Lima Accord*, St. Johns, 2000, 7,8.

[208] The World Bank, *Project Appraisal Document on a Proposed IDA Grant in the Amount of SDR 6.1 Million Equivalent to the Caribbean Community (CARICOM) for The Pan Caribbean Partnership Against HIV/AIDS Project*, The World Bank, Washington, D.C., March 4, 2004, 5; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/03/09/000160016_20040309103136/Rendered/INDEX/272670LCR.txt.

[209] UNESCO, Education for All 2000 Assessment: Country Reports- Antigua and Barbuda, UNESCO, 2000 [cited April 15, 2004], Descriptive Section 1.0, 1.3; available from http://www2.unesco.org/wef/countryreports/antigua_barbuda/rapport_1.html. See also UN Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention CRC/C/15/Add.247, CRC/C/15/Add.247, Geneva, October 1, 2004, para 57; available from http://www.chchr.org/english/bodies/crc/docs/co/37antiguab.pdf.

[210] Government of Antigua and Barbuda, *Antigua and Barbuda National Report*, 13. See also The World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[211] Hurst, letter dated October 18, 2001, Government of Antigua and Barbuda, *The Convention on the Rights of the Child, Initial Report 2001: Antigua and Barbuda*, 2001, 54-55; available from http://www.unhchr.ch/html/menu2/6/crc/doc/report/srf-a&b-1.pdf.

[212] Government of Antigua and Barbuda, *Initial Report 2001: Antigua and Barbuda*, 55.

[213] *Constitution of Antigua and Barbuda*, Chapter II, Article 6, (1981); available from http://www.georgetown.edu/pdba/Constitutions/Antigua/ab81.html.

The Sexual Offences Act of 1995 increased the age of consent in Antigua and Barbuda from 14 to 16 years of age. The Sexual Offences Act also prohibits prostitution, including child prostitution and makes the offense punishable with a sentence of up to 15 years imprisonment.[214] There is no comprehensive law prohibiting trafficking in persons; however, existing laws on prostitution and labor provide a legal framework to prosecute individuals for trafficking offenses.[215] The Offences Against the Person Act offers some protection to children who are sold, trafficked, or abducted.[216] The Act dictates penalties for child stealing when the child is under 14 years[217] and makes it an offense to abduct a girl under 16 years without the consent of her parents.[218] The Act makes no provision for boys with respect to abduction.[219] UN officials expressed concern over the growing problem of substance abuse among children and the lack of specific legislation prohibiting children from using, selling, and trafficking controlled substances.[220]

The Ministry of Labor, which is required to conduct periodic inspections of workplaces, effectively enforced laws prohibiting child labor, according to the U.S. Department of State.[221] The police and social welfare departments investigate the criminal and social aspects of child labor. There is an Inspectorate in the Labor Commissioner's Office that handles exploitive child labor matters.[222]

[214] Sexual Offenses Act, Part II, 1995; available from http://www.protectionproject.org/vt/2.htm. See also Government of Antigua and Barbuda, Initial Report 2001: Antigua and Barbuda, 12.

[215] U.S. Department of State, *Country Reports- 2003: Antigua and Barbuda*, Section 6f.

[216] The Offences Against the Person Act, Chapter 58.Government of Antigua and Barbuda, *Initial Report 2001: Antigua and Barbuda*, 57.

[217] Section 51. Ibid.

[218] Section 50. Ibid.

[219] Ibid.

[220] UN Committee on the Rights of the Child, *Consideration of Reports CRC/C/15/Add.247*, para 62.

[221] U.S. Department of State, *Country Reports- 2003: Antigua and Barbuda*.

[222] Hurst, letter dated October 18, 2001.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

In 2004, the World Bank, in partnership with CARICOM and other international donor organizations, launched a regional HIV/AIDS prevention project in Antigua and Barbuda. This project contains a component focused on the prevention of HIV transmission among young people. It will provide support to orphans, increase access to HIV/AIDS prevention and services for out of school youth, integrate HIV/AIDS information into reproductive health programs, and promote peer counseling for youth, parents, and teachers. The first phase of this project is expected to end in 2007.[223]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 03/17/1993	✓
Ratified Convention 182 09/16/2002	✓
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

The government developed an initiative, the Health and Family Life Education Project, to improve the education of children in schools through additional material in the curriculum and organizing peer counseling and parenting workshops.[224]

In 2003, the House passed the Child Care and Protection Act, which seeks to establish a specific agency within the government to address child welfare issues, including at-risk, abused, neglected, HIV/AIDS positive, or disabled children.[225]

The Ministry of Sports and Youth Empowerment offers the Youth Skills Training Programme for out of school youth and youth unable to regularly attend school. This program provides them with vocational skills training and transportation subsidies.[226]

[223] The World Bank, *Project Appraisal Document on a Proposed IDA Grant in the Amount of SDR 6.1 Million Equivalent to the Caribbean Community (CARICOM) for The Pan Caribbean Partnership Against HIV/AIDS Project*.

[224] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention CRC/C/28/Add.22*, CRC/C/28/Add.22, prepared by Government of Antigua and Barbuda, pursuant to Initial Reports of States Parties Due in 1995, February 4, 2003; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/b55a32024da69a4ec1256e7c004ebac7/$FILE/G0345726.pdf. 261.

[225] Natlie S. Fleming, "House passes new child protection act", Antigua Sun, October 22, 2003 [cited May 17, 2004]; available from http://www.antiguasun.com/paper/?as=view&sun=191130077805172004&an=100213109210222003&ac=Local&aop=305936099110222003.

[226] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention CRC/C/28/Add.22*. 257.

Argentina

Incidence and Nature of Child Labor

The Argentine Ministry of Labor, Employment, and Social Security estimated that 7.1 percent of children ages 5 to 14 were working in Argentina in 2000.[227] The labor force participation rates of children are slightly higher in rural than urban areas.[228] Children work in agriculture in such products as tobacco, herba mate,[229] flowers, tomatoes, strawberries, tea, and garlic.[230] In urban areas, children are engaged in trash collection, street sales, begging, shoe shining, domestic labor, in small and medium businesses, small scale garment production, food preparation, and brickwork.[231] Children in Argentina are involved in prostitution and sex tourism, and there are isolated reports of their involvement in pornography and drug trafficking.[232] Children are trafficked to Argentina from Bolivia, Brazil, and Paraguay for sexual exploitation and labor. Argentine children are trafficked from rural to urban areas of the country and there is some trafficking of children abroad, mainly into prostitution in Brazil and Paraguay.[233]

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[227] These estimates are projections based on a number of other government surveys, and include children who work outside the home or are paid tips, as well as children who regularly assist family or neighbors with work tasks. See Ministry of Labor, Employment, and Social Security, Actualización diagnóstica del trabajo infantil en la Argentina, IPEC, 2002, 146, 51; available from http://www.conaeti.gov.ar/que_es/files/act_diag.pdf. Although published in 2002, the figures are based on data gathered in 2000. If estimates of the number of children engaged in domestic work (the majority in their own homes) are included, the figure increases to 22.2 percent. See National Directorate of Social Security Policy, Child Labor in Argentina, First Advance Report on the Procedures and Analysis of Data From ECV/2001, SIEMPRO/INDEC, January 2004.

[228] Ministry of Labor, Employment, and Security, *Actualización diagnóstica del trabajo infantil*, 151. The Government of Argentina reports that rates of child labor have gone down in rural areas, but have increased in urban areas. See CONAETI, *Trabajo infantil rural*, [online] 2003 [cited April 29, 2004]; available from http://www.conaeti.gov.ar/que_es/rural.htm. See also CONAETI, *Trabajo infantil urbano,* [online] 2003 [cited August 18, 2004]; available from http://www.trabajo.gov.ar/conaeti/que_es/urbano.htm.

[229] A plant used in teas and other drinks.

[230] CONAETI, *Trabajo infantil rural*. See also U.S. Embassy- Buenos Aires, *unclassified telegram no. 4240*, November 14, 2001. See also Government of Argentina, *Report filed with the ILO under Article 22 of the ILO Constitution for the period ending June 30, 2004*, Buenos Aires, August 12, 2004.

[231] See CONAETI, *Trabajo infantil urbano*. See also CONAETI, *Esquema del Proyecto y Presupuesto*, Buenos Aires, n.d., 1; available from http://www.conaeti.gov.ar/actividades/files/pa_conaeti.rtf. In 2004, 150 cases of child domestic labor, which is illegal in Argentina under the age of 14, were reported by the Buenos Aires schools to the Council of Child and Adolescent Rights. See U.S. Embassy- Buenos Aires, *unclassified telegram no. 2228*, August 4, 2004. See Section 2 of this country profile for information on minimum age of work for domestics in Argentina.

[232] CONAETI, *Trabajo infantil urbano*. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Argentina*, Washington, D.C., February 25, 2004, Section 5, 6f; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27883.htm. See also ECPAT International, *Argentina,* in ECPAT International, [online] n.d. [cited April 30, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. According to a 2001 report from UNICEF, children engage in prostitution in a variety of venues, including massage parlors, brothels, and on the street. See UNICEF, *La niñez prostituida: Estudio sobre la explotación sexual comercial infantil en la Argentina*, Buenos Aires, October 2001, 35.

[233] Bolivians are trafficked to Argentina for forced labor, although the extent to which children are involved is not clear. See U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33198pf.htm. See also ECPAT International, *Argentina*.

Education is free and compulsory in Argentina for 10 years, beginning at age 5.[234] In 2001, the gross primary enrollment rate was 119.6 percent, and the net primary enrollment rate was 99.8 percent.[235] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. According to a government survey in 2001, 92.0 percent of children age 5 attended school, 99.1 percent of children ages 6 to 12 attended school, and 97.2 percent of children ages 13 to 14 attended school. Attendance rates were lowest among children from low income households.[236] As of 2000, 93.1 percent of children who started primary school were likely to reach grade 5.[237] Access to schooling is limited in some rural areas of the country.[238]

Child Labor Laws and Enforcement

The Law on Labor Contracts sets the minimum age for employment at 14 years.[239] Children ages 14 to 18 years are permitted to work if they have completed compulsory schooling, which normally ends at 14 years. Children who have not completed such schooling may obtain permission to work in cases in which their income is necessary for family survival, as long as they continue their studies.[240] Children ages 14 to 18 years must present medical certificates that attest to their ability to work.[241] Such children are prohibited from working more than 6 hours a day and 36 hours a week and between the hours of 8 p.m. and 6 a.m. They are also entitled to a minimum of 15 vacation days per year, and an accident or sickness that occurs during the performance of their work is generally considered to be the fault of the employer.[242]

The law also establishes circumstances in which children under 14 years are allowed to work. The Law on Labor Contracts allows children under 14 years to work in family businesses, as long as such work is not

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[234] This includes 1 year of pre-primary education, and 9 years of basic education. See Ley Federal de Educación, No. 24.195, (1993), Articles 10 and 39; available from http://www.me.gov.ar/leyfederal/.

[235] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For a detailed explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[236] System for Information, Monitoring, and Evaluation of Social Programs, Informe sobre la situación social de la infancia y la adolescencia, National Council for Coordination of Social Policies, Buenos Aires, January 2002; available from http://www.siempro.gov.ar/informes/situacionsocial/estadistica2002/estadistica2002.htm.

[237] World Bank, *World Development Indicators 2004*.

[238] U.S. Department of State, *Country Reports- 2003: Argentina*, Section 5.

[239] *Ley de Contrato de Trabajo*, Ley No. 20.744, (May 13, 1976), Article 187; available from http://www.trabajo.gov.ar/legislacion/ley/index.html. Argentina also has a law that specifically prohibits the employment of children less than 14 in domestic service. See CONAETI, *Legislación: Nacional*, [online] 2003 [cited April 29, 2004]; available from http://www.conaeti.gov.ar/legislacion/nacional.htm. The ILO's Committee of Experts has raised concerns about whether children who do not sign a formal labor contract are covered by the country's minimum age legislation. See CEACR, *Direct request, Minimum Age Convention, 1973 (No. 138) Argentina (ratification: 1996)*, Geneva, 2003; available from http://webfusion.ilo.org.

[240] The law states that the *ministerio pupilar*, or child's legal guardian, would provide such permission. See *Ley de Contrato de Trabajo*, Article 189. See also U.S. Embassy- Buenos Aires, email communication to USDOL official, January 24, 2005. In response to comments from the ILO's Committee of Experts, the Government of Argentina stated that this applies to children 14 years and older. See CEACR, *Direct request*.

[241] *Ley de Contrato de Trabajo*, Articles 188 and 89.

[242] Children between ages 16 and 18 years can work 8 hours a day and 48 hours a week if they obtain the permission of administrative authorities. Boys over 16 years may work at night in some cases. See Ibid., Articles 190, 94 and 95.

hazardous, and the National Regulation on Farm Labor allows children under 14 years to work on family farms as long as such work does not interfere with the child's schooling.[243]

The Penal Code provides for imprisonment from 3 to 15 years for facilitating the prostitution of children. The publication and distribution of pornography, as well as participating or forcing another to participate in pornography, are crimes, and carry penalties including imprisonment ranging from 1 month to 4 years.[244] Under the 2003 Migration Law, penalties for trafficking of minors range from 5 to 20 years.[245] The law also prohibits indentured servitude.[246]

The Government of Argentina has a national regime of sanctions for the infringement of labor laws, including child labor laws, with fines ranging from USD 350 to USD 1,750 for each child employed. Provincial governments and the city government of Buenos Aires are responsible for labor law enforcement,[247] and in 1998 the provinces and the federal government entered into a "Federal Labor Pact" to harmonize regulations and penalties to ensure equal treatment throughout the country.[248] Most illegal child labor can be found in the informal sector, however, where inspectors have limited authority to enforce the law.[249] Argentina's Congress admitted in 2004 that the country lacks sufficient inspectors and programs to detect child labor and that there is a lack of sanctions against employers for exploiting children. In addition, the Inspection Monitoring Unit lacks support to rescue and remove exploited children.[250]

In late October and early November 2004, provincial police in Misiones and Entre Rios broke up a group of traffickers in the Misiones town of San Vicente. One of the traffickers arrested admitted that she had brought eight girls between the ages of 13 and 16 from the Puerto Iguazu area to San Vicente for commercial sexual exploitation. The girls said they had been held captive for over a year.[251] Lack of coordination, the absence of a clear mandate, police corruption, and lack of resources hamper government efforts to combat trafficking.[252]

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[243] Ibid., 189. See also *Régimen Nacional de Trabajo Agrario*, Ley No. 22.248, (April 25, 1996), Article 107; available from http://www.conaeti.gov.ar/legislacion/nacional.htm. The Government of Argentina has stated that, per section 112 of this law, children under 18 years are prohibited from hazardous work in agriculture, and thus work for children under 14 years should be considered "light work." The ILO's Committee of Experts has noted, however, that there is no provision in Argentine law to establish a minimum age for admission to light work. See CEACR, *Direct request*.

[244] See *Código Penal*, Título III, (1921), Articles 125 bis-29; available from http://www.justiniano.com/codigos_juridicos/codigos_argentina.htm.

[245] Ley 25.871/04, Section 121.

[246] U.S. Department of State, *Country Reports- 2003: Argentina*, Section 6f.

[247] U.S. Embassy- Buenos Aires, *unclassified telegram no. 4240*. See also U.S. Department of State, *Country Reports- 2003: Argentina*, Section 6d.

[248] Ley *Pacto Federal del Trabajo* 25.212

[249] See U.S. Embassy- Buenos Aires, *unclassified telegram no. 4240*.

[250] U.S. Embassy- Buenos Aires, *unclassified telegram no. 2228*.

[251] U.S. Embassy- Buenos Aires, *unclassified telegram no. 507*, 2005.

[252] U.S. Department of State, *Trafficking in Persons Report*.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 11/11/1996	✓
Ratified Convention 182 2/5/2001	✓
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	✓
Sector Action Plan (Commercial Sexual Exploitation)	✓

The Government of Argentina's National Commission for the Eradication of Child Labor (CONAETI) is working with ILO-IPEC to complete a national child labor survey, and in early 2004, announced plans to conduct an additional survey with a greater focus on urban child labor.[253] Under its National Plan for the Prevention and Elimination of Child Labor,[254] the government is carrying out awareness raising campaigns on child labor,[255] as well as collaborating with ILO-IPEC on a number of projects. The government is involved in the management of an ILO-IPEC project begun in 2002 to combat child labor in rural areas.[256] The Government of Argentina is also participating in a 4-year ILO-IPEC regional project to prevent and eliminate commercial sexual exploitation of children in the border area with Brazil and Paraguay[257] and a 2-year ILO-IPEC project to provide training on the issue of exploitive child labor to educators in Argentina.[258] The IDB also provided funding for a project to train labor inspectors to promote the prevention of child labor.[259]

The Government of Argentina, along with ILO-IPEC, the other MERCOSUR governments, and the Government of Chile, participated in the development of a 2002-2004 regional plan to combat child labor in which these governments agree to harmonize legislation on child labor, conduct awareness raising on the problem, and exchange best practices in the areas of labor inspection and statistics.[260] In April, the National Commission for the Eradication of Child Labor signed an agreement with a number of provincial

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[253] U.S. Embassy- Buenos Aires, *unclassified telegram no. 2228*.

[254] CONAETI, *Plan Nacional para la prevención y erradicación del trabajo infantil*, Buenos Aires, October 31, 2002; available from http://www.conaeti.gov.ar/actividades/files/plan_nacional_consensuado.doc.

[255] U.S. Embassy- Buenos Aires, *unclassified telegram no. 2228*.

[256] ILO-IPEC, *Los Proyectos IPEC en breve: Por una infancia rural sin trabajo infantil*, Lima, n.d.; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/ficha_pais.php?sector=agr&pais=arg&numero=1. See also CONAETI, *Programa Nacional para la prevención y erradicacion del trabajo infantil rural*, Buenos Aires, November 2001; available from http://www.conaeti.gov.ar/actividades/files/programa_nacional_rural.doc.

[257] The project was initiated in 2001 in Brazil and Paraguay with funding from USDOL. Funding to support the participation of the Government of Argentina is provided by the Government of Spain. The project aims, among other goals, to strengthen laws and build the capacity of local and national officials to combat commercial sexual exploitation of children. See ILO-IPEC, *Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents on the Border of Paraguay/Brazil (Ciudad del Este - Foz do Iguazú)*, technical progress report, Geneva, August 23, 2002, 3, 40. See also ILO-IPEC, *Los Proyectos IPEC en breve: "Programa Luz de Infancia, para la Prevención y Erradicación de la Explotación Sexual Comerical Infantil"*, Lima, n.d.; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/doc/fichas/fic_sex_arg_1.pdf.

[258] ILO-IPEC, *Los Proyectos IPEC en breve: Actuemos contra el trabajo infantil a través de la capacitación y la educación*, Lima, n.d.; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/doc/fichas/fic_inst_arg_5.pdf.

[259] Government of Argentina, *Report filed with the ILO under Article 22*.

[260] ILO-IPEC Regional Office for Latin America and the Caribbean, *Plan Subregional para la Erradicación del Trabajo Infantil en los países del Mercosur y Chile 2002-2004*, Lima, 2001, 5; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/doc/documentos/folleto_mercosur_ultima_version.doc.

governments to create specialized provincial commissions against child labor, and MERCOSUR later agreed to support a campaign with the provinces. Concerns, however, have been raised that the resources to combat the problem and the extent of child labor vary from province to province.[261]

The National Council for Childhood, Adolescence, and Family (CONNAF), a federal government agency, works with local governments and NGOs to provide services for and protect the rights of children who have been sexually exploited or are at risk of exploitation.[262] In Buenos Aires, the government operates a network that conducts awareness campaigns and attempts to identify child victims of trafficking.[263] CONNAF also operates a national program to assist street children.[264]

The Ministry of Education provides scholarships and school meals to children at risk of leaving the school system.[265] CONAETI participates in planning and decision-making in regard to the provision of such scholarships.[266] In May, the Ministry of Human Development began a program that will provide scholarships of approximately USD 50 per month to enable 20,000 adolescents ages 14 to 21 years to attend school.[267] UNICEF is working with schools, teachers, and families to improve school quality and encourage school retention.[268] The IDB is providing financing to the Government of Argentina to support the provinces in improving the quality, equity and efficiency of the secondary education system, in order to promote increased future employment opportunities for young people from poor families.[269] The government is also receiving funding from the World Bank to reform the third cycle of basic education (grades seven to nine) in Buenos Aires Province. The reforms include the rehabilitation of school infrastructure, the expansion of the school day, and the improvement local school management.[270]

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[261] U.S. Embassy- Buenos Aires, *unclassified telegram no. 2228*.

[262] National Council for Childhood, Adolescence, and Family, *Programa Capacitación y Tratamiento Abuso Sexual Infantil,* [online] [cited April 30, 2004]; available from http://www.cnmyf.gov.ar/web/inicio.htm. See also Maria Orsenigo, "Argentina: Informe del Consejo Nacional de Niñez, Adolescencia y Familia" (paper presented at the Congreso Gubernamental Regional sobre Explotacion Sexual Infantil, n.d.), 61, 63. A hotline for reporting incidents of child prostitution has been established in Buenos Aires. See also U.S. Department of State, *Country Reports- 2003: Argentina*, Section 5.

[263] U.S. Department of State, *Trafficking in Persons Report*.

[264] National Council for Childhood, Adolescence, and Family, *Programa: Chicos de la Calle – Operadores socio-familiares,* [online] [cited April 30, 2004]; available from http://www.cnmyf.gov.ar/web/inicio.htm.

[265] Bureau of Education, Science, and Technology, Programa Nacional de Becas Estudiantiles, [online] [cited April 30, 2004]; available from http://www.me.gov.ar/dnpc/areasybecas.html. See also Bureau of Education, Science, and Technology, Proyecto de Mejoramiento de los servicios alimentarios, [online] [cited April 30, 2004]; available from http://www.me.gov.ar/dnpc/areasycomedores.htm.

[266] Government of Argentina, *Report filed with the ILO under Article 22*.

[267] U.S. Embassy- Buenos Aires, *unclassified telegram no. 2228*. The scholarships are 150 pesos per month; converted at rate of 1 USD = 2.96500 Argentine Pesos as of October 13, 2004. For more information, see http://www.oanda.com/convert/classic.

[268] UNICEF, *Educación,* [online] [cited April 29, 2004]; available from http://www.unicef.org/argentina/. UNICEF has expressed concerns that although the government has initiated programs to assist children affected by the country's recession, benefits are not reaching families, at least not in a timely fashion.

[269] Inter-American Development Bank, *Education System Improvement Program: Executive Summary*, AR-0176, Washington, D.C., September 2001; available from http://www.iadb.org/exr/doc98/apr/ar1345e.pdf.

[270] The current project runs until 2006. See World Bank, *Buenos Aires Second Secondary Education Reform Project (02),* [online] April 29, 2004 [cited April 29, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK= 73230&theSitePK= 40941&menuPK= 228424&Projectid=P064614.

Armenia

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 years in Armenia are unavailable.[271] Children work in family businesses and in agriculture.[272] There are reports of increasing numbers of children dropping out of school and starting to work in the informal sector, especially in agriculture.[273] Children in the streets of Yerevan can be observed, often during school hours, selling newspapers and flowers.[274] The commercial exploitation of girls is reportedly increasing in Armenia.[275] Trafficking of girls to Turkey and the United Arab Emirates for prostitution is a problem.[276] There are reports that children as young as 14 years were receiving military training.[277]

Primary and secondary education is free for all children for 8 years and compulsory through age 14.[278] In 2001, the gross primary enrollment rate was 96.3 percent and the net primary enrollment rate was 84.6 percent.[279] Gross and net enrollment ratios are based on the number of students formally registered in

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[271] LABORSTAT, *1A- Total and economically active population, by age group (Thousands)* [Database], Geneva, 2004; available from http://laborsta.ilo.org.

[272] Such activities are not forbidden by law. By Armenian law and custom, children working in family-run small businesses (including farms) are considered to be doing chores. See U.S. Embassy- Yerevan, *unclassified telegram no. 2213*, August 2000. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Armenia*, Washington D.C., February 26, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27823.htm.

[273] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations of the Committee on the Rights of the Child: Armenia*, CRC/C/15/Add.119, February 24, 2000, para. 50.

[274] Ministry of Foreign Affairs of the Republic of Armenia, *Questionnaire Responses*, submitted in response to the U.S. Department of Labor Federal Register Notice (September 25, 2001) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", October 24, 2001. See also Association of Investigative Journalists of Armenia, *Followers of Gavroche: Children on the streets of Yerevan,* online, [online] 2002 [cited June 27, 2003]; available from http://www.hetq.am/en/h-0403-gavrosh.html.

[275] Sona Meloyan, *Armenia: Child Prostitution Taboo,* Institute for War and Peace Reporting, [online] June 5, 2003 [cited June 27, 2003]; available from http://www.iwpr.net/index.pl?archive/cau/cau_200306_182_3_eng.txt. See also Armenia, *Followers of Gavroche: Children on the streets of Yerevan*.

[276] Minors are sometimes unaccompanied by their parents, which implies the involvement of corrupt officials in the trafficking chain. See IOM, *Trafficking in Women and Children from the Republic of Armenia: A Study*, Yerevan, 2001, 10, 11, 20, 22. Girls are also thought to be trafficked to Germany, Greece, the United States, and other European countries. See U.S. Department of State, *Country Reports- 2003: Armenia*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report - 2004: Armenia*, Washington, D.C., June 14, 2004; available from http:www.state.gov/g/tip/rls/tiprpt/2004/33192.htm.

[277] UN Committee on the Rights of the Child, *Consideration of Reports of States Parties*, CRC/C/SR.924, United Nations, Geneva, January 15, 2004, para. 16. The United Nations' Committee on the Rights of the Child expressed concern in 2000 about the conscription of children into the Armenian armed forces. See UN Committee on the Rights of the Child, *Consideration of Reports: Concluding Observations, CRC/C/15/Add.119*, para. 48.

[278] U.S. Department of State, *Country Reports- 2003: Armenia*, Section 5. See also U.S. Embassy- Yerevan, *unclassified telegram no. 2213*. See also *Structure of Education System in Armenia,* EuroEducation.net, [online] 2003 [cited April 4, 2004]; available from http://www.euroeducation.net/prof/armenco.htm.

[279] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

primary school and therefore do not necessarily reflect actual school attendance. The gross primary school attendance rate in 2001 was 127.3, while the net primary attendance rate was 97.2.[280] Dropout, retention, and absenteeism rates remain high in Armenia, possibly as a result of Armenia's serious economic downturn, the high number of non-native Armenian-speaking students, and the requirement that all classes must be taught in the Armenian language.[281] Access to education in rural areas remains poor.[282] Agricultural responsibilities take precedence over school in rural areas, and children work in the fields during harvest season leading to prolonged absence from school.[283]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age of employment for children at 16 years.[284] However, in special cases, a child of 15 years can work, with the consent of the trade union of the organization.[285] The Labor Code stipulates that all child workers are required to undergo a medical examination prior to starting work and annually thereafter until they reach 18 years of age.[286]

Children under the age of 18 years are prohibited by the Labor Code from working in "harmful or hazardous" conditions, such as underground work, and may not work overtime, on holidays, or at night.[287] Article 19 of the Law on Children's Rights prohibits children from working in the production and/or sale of alcohol and tobacco products as well as in employment activities that may compromise their health, physical, or mental development, or interfere with their education.[288]
The Constitution prohibits forced and bonded labor of children.[289] The new Criminal Code specifically prohibits trafficking of persons for sexual exploitation, and child trafficking.[290] Having sexual intercourse

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[280] USAID, *Global Education Online Database: Armenia,* 2004 [cited March 29, 2004]; available from http://esdb.cdie.org/cgi-bin/broker.exe?_program=gedprogs.dhspri_1.sas&_service=default.

[281] Because of the serious economic problems, an increasing number of Armenian as well as minority students are leaving school early to work to help support their families. See UN Committee on the Rights of the Child, *Consideration of Reports: Concluding Observations, CRC/C/15/Add.119*, para. 44. See also U.S. Embassy- Yerevan, *unclassified telegram no. 2213*. See also U.S. Department of State, *Country Reports- 2003: Armenia*, Section 5. See also UN Committee on the Rights of the Child, *Concluding Observations: Armenia*, January 30, 2004, para. 54.

[282] UN Committee on the Rights of the Child, *Consideration of Reports: Concluding Observations, CRC/C/15/Add.119*, para. 44.

[283] Ministry of Foreign Affairs of the Republic of Armenia, *Questionnaire Responses*. See also U.S. Embassy- Yerevan, *unclassified telegram no. 2213*.

[284] Article 200 of the Labor Code, as cited in Ministry of Foreign Affairs of the Republic of Armenia, *Questionnaire Responses*. A new Labor Law effective June 2005 stipulates that children ages 14-16 years will be eligible to work if they have permission from a parent or guardian and work under a labor contract. Children under age 14 will be prohibited from working. U.S. Embassy-Yerevan Official, email communication to USDOL official, February 8, 2005.

[285] See Civil Code, as cited in Ministry of Foreign Affairs of the Republic of Armenia, *Questionnaire Responses*., articles 19, 198.1. See also U.S. Embassy- Yerevan, *unclassified telegram no. 2213*. See also U.S. Department of State, *Country Reports- 2003: Armenia*, Section 6d.

[286] Article 201 of the Labor Code, as cited in Ministry of Foreign Affairs of the Republic of Armenia, *Questionnaire Responses*.

[287] Workers ages 16 to 18 years must have a shorter workday and cannot work more than 36 hours per week, according to the Labor Code (children 15 years of age may only work 24 hours per week). The Ministry of Social Welfare maintains a list of "hazardous and harmful" jobs in which children are not allowed to work. See Labor Code as cited in Ibid., Articles 200, 02, and 15. See also U.S. Embassy- Yerevan, *unclassified telegram no. 2213*.

[288] U.S. Embassy- Yerevan, *unclassified telegram no. 1838*, August 2004. See also U.S. Embassy- Yerevan, *unclassified telegram no. 2213*.

[289] U.S. Department of State, *Country Reports- 2003: Armenia*, Section 6c.

with a person under the age of 16 is prohibited and punishable by imprisonment of 3 to 8 years.[291] Article 9 of the Children's Rights Act gives responsibility to the government to protect children from criminal activities, prostitution, and begging. The Criminal Code prohibits enticing underage girls into prostitution.[292]

Local community councils and unemployment offices are responsible for enforcing child labor laws.[293] Alleged violations of child labor laws are investigated by the Ministry of Social Welfare. If there is probable cause, the Ministry turns the case over to the National Police, which takes action. There are no reports of child labor complaints being investigated or prosecuted since 1994.[294]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Armenia approved the National Plan of Action for the Protection of Children's Rights 2003-2015 in December 2003. The plan was designed in accordance with the United Nations Convention on the Rights of the Child.[295] The government approved a National Action Plan to combat trafficking in January 2004, and continues to support the National Anti-Trafficking Commission.[296] The Government of Armenia is also a member of the Black Sea Economic Cooperation and cooperates with other members to combat organized crime, including criminal activities concerning trafficking in human beings and sexual exploitation of women and children.[297] The government, with international assistance, has trained its

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[290] International Organization for Migration, *Analysis of the Institutional and Legal Frameworks and Overview of Cooperation Patterns in the filed of Counter-Trafficking in Eastern Europe and Central Asia*, Vienna, November, 2003, 18. See also U.S. Department of State, *Trafficking in Persons Report: Armenia*. See also Organization for Security and Cooperation in Europe, *OSCE Yerevan workshop focuses on identification of trafficking victims,* OSCE, 2003 [cited May 6, 2004]; available from http://www.osce.org/news/show_ news.php?id=3794. Traffickers of women and children can also be tried under other articles of the criminal code. See U.S. Department of State, *Country Reports- 2003: Armenia*., Section 6f.

[291] International Organization for Migration, *Analysis of the Institutional and Legal Frameworks*., 20.

[292] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Armenia*, CRC/C/93/Add.6, United Nations, July 17, 2003, paras. 414, 17.

[293] U.S. Department of State, *Country Reports- 2003: Armenia*, Section 6d.

[294] Family-run businesses may not be monitored as closely because of legal and cultural reasons. In this context, exploitation of children by a child's family may not be reported. See U.S. Embassy- Yerevan, *unclassified telegram no. 2213*. See also U.S. Embassy-Yerevan, *unclassified telegram no. 1838*.

[295] UN Committee on the Rights of the Child, *Consideration of Reports of States Parties, CRC/C/SR.924*, para. 8. See also International Bureau for Children's Rights, *Implementation of the Armenian National Plan of Action for the Protection of Children's Rights,* [online] [cited May 6, 2004]; available from http://www.ibcr.org/Projects/Nat_plan.htm.

[296] U.S. Department of State, *Trafficking in Persons Report: Armenia*.

[297] Armenia is a signatory to the *Agreement Among the Governments of the Black Sea Economic Cooperation (BSEC) Participating States on Cooperation in Combating Crime, In Particular in its Organized Forms*. Participating states include the Republic of Albania, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Bulgaria, Georgia, the Hellenic Republic, the Republic of Moldova Romania, the Russian Federation, the Republic of Turkey, and Ukraine. See Working Group on Cooperation in Combating Crime, *Agreement Among the Governments of the BSEC Participating States on Cooperation in Combating Crime, in Particular in its Organized Forms,* Black Sea Economic Cooperation, [online] 1998 [cited May 6, 2004]; available from http://www.bsec.gov.tr/cooperation.htm.

worldwide consular staff to recognize trafficking, and has collaborated with police in destination countries to apprehend traffickers.[298]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182	
ILO-IPEC Member	
National Plan for Children	✓
National Child Labor Action Plan	
Sector Action Plan (Trafficking)	✓

The Organization for Security and Co-operation in Europe (OSCE) is also implementing a small U.S. Department of State-funded project to provide technical assistance and training to local NGO trafficking research grantees.[299] The IOM launched a new trafficking hotline and hosted two one-day trafficking workshops for government officials, NGO's, and the media.[300] UNICEF is active in Armenia and supports child protection activities as well as efforts to improve basic education.[301]

The Ministry of Education and Science works in partnership with UNICEF and World Vision on the Inclusive Education Project to integrate children with special needs into the education system.[302] The World Bank is currently funding several projects in Armenia. The Second Social Investment Fund Project aims to upgrade schools, repair school heating systems, and fund furniture purchases for schools, as well as carry out other community development activities that will strengthen local level institutions.[303] The Educational Quality and Relevance Project is building the capacity of the Ministry of Education and Science to develop education quality monitoring systems, strengthen ongoing education reforms, implement communications technology, and project evaluation.[304] The Ministry of Education and Science is implementing the final phase of the Educational National Plan[305] and works in cooperation with international development institutions to improve the quality of education and living conditions at boarding schools, as well as to provide social support for children who need special educational facilities.[306]

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[298] U.S. Embassy- Yerevan, *unclassified telegram no. 1838*.

[299] U.S. Embassy- Yerevan, *unclassified telegram no. 99901*, May 5, 2004. To facilitate government efforts against trafficking, the OSCE has developed a matrix that outlines all ongoing and planned anti-trafficking activities by NGOs and international organizations, which will be regularly updated and distributed to Interagency members. See OSCE Yerevan Office official, email communication to USDOL official, 2003, February 20, 2003.

[300] *Armenia - Counter-Trafficking Hotline and Workshops*, International Organization for Migration, May 11, 2004.

[301] UNICEF, *At a glance: Armenia,* [website] 2004 [cited August 30, 2004]; available from http://www.unicef.org/infobycountry/armenia.html.

[302] World Vision, *Armenian children celebrate International Child Protection Day,* [online] June 11, 2003 [cited May 6, 2004]; available from http://www.child-rights.org/pahome2.0.nsf/allArticles/6BA8B6CFC0DC627A88256D4200022271?OpenDocument.

[303] World Bank, *Armenia- Second Social Investment Fund Project,* [project appraisal document] March 29, 2004 [cited March 29, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P057952.

[304] World Bank, *Armenia - Educational Quality and Relevance Project,* [Integrated Safeguards Data Sheet] September 8, 2003 [cited March 29, 2004]; available from http://www-wds.worldbank.org/servlet/WDS_IBank_Servlet?pcont=details&eid=000094946_03082904013043.

[305] Ministry of Education and Science, *Educational National Plan,* as cited in UNESCO, Education Plans and Policies, 2000 [cited May 13, 2004]; available from http://portal.unesco.org/education/en/ev.php-URL_ID=17855&URL_DO=DO_TOPIC&URL_SECTION=201.html.

[306] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Armenia, CRC/C/93/Add.6*, para. 333.

The Government of Armenia is a participating member of the Framework Program of Cooperation between the Council of Europe and Ministries of Education of Armenia, Georgia, and Azerbaijan. The Framework aims to develop the education system in these countries, assist in structural reform of the education sector, develop curriculum and teaching methodologies, and support regional cooperation.[307]

[307] Council of Europe, *Framework Programme of Co-operation between the Council of Europe Secretariat and the Ministries of Education of the South Caucasus Region: Armenia, Azerbaijan, and Georgia: 2002-2004,* [online] 2002 [cited May 6, 2004]; available from http://www.coe.int/t/e/cultural_co-operation/education/e.d.c/documents_and_publications/by_language/english/framework_programme_south_caucasus.asp#TopOfPage.

Bahrain

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 years in Bahrain are unavailable.[308] Children reportedly work in family businesses and in small numbers doing odd jobs in the Manama Central Market.[309]

The Constitution guarantees free and compulsory primary education. Education for citizens is free until age 15.[310] In 2001, the gross primary enrollment rate was 98.0 percent, and the net primary enrollment rate was 91.0 percent.[311] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. The net primary attendance rate from 1999-2002 was 85 percent for boys and 84.0 percent for girls.[312] In 2000, 102.1 percent of children in primary school reached grade five.[313]

Child Labor Laws and Enforcement

The Labor Law of 1976 sets the minimum age for employment at 14 years.[314] Under the Labor Law, juveniles ages 14 to 16 years may not be employed in hazardous conditions, at night, or for more than 6 hours per day.[315] The Ministry of Labor has inspectors to enforce legislation in the industrial sector, and the U.S. Department of State reported that such inspections are effective.[316] Labor laws do not apply to child

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[308] LABORSTAT, *1A- Total and economically active population, by age group (Thousands)* [Database], Geneva, 2004; available from http://laborsta.ilo.org.

[309] U.S. Embassy- Manama Official, email communication to USDOL Official, May 17, 2004. See also U.S. Embassy- Manama Official, electronic communication to USDOL official, June 12, 2005.

[310] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Bahrain*, Washington, D.C., February 25, 2004, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27925.htm. Article 7 of the Constitution reads that the early stages of education are free and compulsory as specified and provided by law. Early stages are, therefore, not defined. See *Constitution of the State of Bahrain*, (February 14, 2002); available from http://www.oefre.unibe.ch/law/icl/ba00000_.html.

[311] World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[312] *At a glance: Bahrain,* UNICEF, [online] 2003 [cited May 18, 2004]; available from http://www.unicef.org/infobycountry/bahrain_statistics.html.

[313] World Bank, *World Development Indications 2003*.

[314] *The Labour Law for the Private Sector, 1976: The Employment of Juveniles*; available from http://www.bah-molsa.com/english/chap8.htm.

[315] Ibid. Provisions of this law do not apply to children employed in family businesses. See also U.S. Embassy- Manama, *unclassified telegram no. 3448*, October 2001.

[316] U.S. Department of State, *Country Reports- 2003: Bahrain*, Section 6d. See also Ambassador to the U.S. Khalifa Ali Al-Khalifa, Response to Information Request, USDOL official, August 26, 2003. While these inspections are considered sufficient for the child labor problem in this sector, the informal sector is not governed by inspections or enforcement mechanisms of any kind. See U.S. Embassy- Manama Official, email communication, May 17, 2004. See also American Federation of Labor and Congress of Industrial Organizations, *Labor Rights and Child Labor Rights in Bahrain*, December 18, 2003. The Ministry of Social Affairs' Woman and Family Section is also responsible for the application of conventions related to women and children. See *Social Development:*

domestic workers.[317] Forced or compulsory labor is prohibited by the Constitution.[318] Prostitution is illegal under the Penal Code, and the forced prostitution of a child younger than 18 years of age is punishable by up to 10 years imprisonment.[319] While there is no compulsory military service in Bahrain, juveniles can be recruited into the Bahraini Defense Force from the age of 17 years.[320] According to the Constitution, the government is responsible for protection of children from exploitation and neglect, as well as assisting their physical, moral, and intellectual growth.[321]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The government provides vocational training programs for preparatory schools (grades 7-9),[322] and funds the Child Care Home for children whose parents can no longer provide for them.[323]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182 3/23/2001	✓
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

The Woman and Family Section, Ministry of Social Affairs, [online] 2004 [cited May 17, 2004]; available from http://www.bah-molsa.com/english/prog2a3.htm.

[317] U.S. Department of State, *Country Reports- 2003: Bahrain*, Section 6c. Foreigners make up two-thirds of the workforce. There have been reports of illegal underage domestic workers, who have entered the country with false documents indicating they were adults. Because domestic labor falls outside the jurisdiction of the inspection mechanisms currently in place to enforce labor laws that were designed to protect Bahraini citizens, inspectors do not monitor or control working conditions of foreign child domestic workers. See U.S. Embassy- Manama Official, email communication, May 17, 2004.

[318] *Constitution of Bahrain*, Article 13(c).

[319] See Penal Code of Bahrain, Articles 324-329, as cited in Protection Project, "Bahrain," in *Human Rights Report on Trafficking of Persons, Especially Women and Children* Washington, D.C., March 2002; available from http://209.190.246.239/ver2/cr/Bahrain.pdf. See also ECPAT International, *Bahrain,* [database online] 2004 [cited May 21, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

[320] Cadets of 15 years of age can be recruited for positions of non-commissioned officers, technicians, and specialized personnel. See UN Committee on the Rights of the Child, *Initial Reports of State Parties Due in 1994*, CRC/C/11/Add.24, prepared by Government of Bahrain, pursuant to Article 44 of the Convention on the Rights of the Child, July 23, 2001, para. 302; available from http://www.bayefsky.com/reports/bahrain_crc_c_11_add.24_2000.pdf.

[321] *Constitution of Bahrain*, Article 5a.

[322] UN Committee on the Rights of the Child, *Initial Reports of States Parties: Bahrain*, paragraph 263.

[323] *Child Care Home,* Ministry of Social Affairs, [online] 2004 [cited May 18, 2004]; available from http://www.bah-molsa.com/english/prog2b-2.htm.

Bangladesh

Incidence and Nature of Child Labor

The ILO estimated that 26.9 percent of children ages 10 to 14 years in Bangladesh were working in 2002.[324] Reports indicate that children are found working in hundreds of different activities, 47 of which are regarded as harmful to the children's physical and mental well-being.[325] Children are frequently found working in the agricultural sector and in the informal sector.[326] Children are also often found working in a variety of potentially hazardous occupations and sectors, including *bidi* (hand-rolled cigarette) factories, construction, leather tanneries, fisheries, automobile repair, welding, bangle-making, rickshaw-pulling, matches manufacturing, brick-breaking, book binding, and the garment industry.[327] In urban areas many children work as domestic servants, porters, and street vendors, and are vulnerable to sexual abuse and commercial sexual exploitation.[328] In addition, many children are also reported to be involved with criminal gangs engaged in arms and drug trading and smuggling.[329]

Children are trafficked internally, externally, and through Bangladesh for purposes of domestic service, marriage, sale of organs, bonded labor, and sexual exploitation.[330] The problem of child trafficking is compounded by the low rate of birth registration, since children without legal documents have no proof that they are underage, and the lack of enforcement at the borders.[331] India and the Middle East are the primary destinations for trafficked children.[332] Children are trafficked from rural areas of Bangladesh to its larger cities, and to countries in the Gulf region and the Middle East.[333] Young boys are trafficked to the

[324] World Development Indicators 2004, Washington, D.C.

[325] Economic Minister Abul Kalam Azad, fax communication, August 31, 2004.

[326] U.S. Department of State, "Country Reports on Human Rights Practices- 2003: Bangladesh," (Washington, D.C.: 2004), Section 6d.

[327] Ibid. See also ILO, "ILO Review of Annual Reports: The Effective Abolition of Child Labour," (Geneva: 2003), 26-28.

[328] UN Committee on the Rights of the Child, "Consideration of Reports Submitted by States Parties, Concluding Observations: Bangladesh," in *Article 44 of the Convention on the Rights of the Child* (2003), paras. 69-71. See also U.S. Department of State, "Country Reports- 2003: Bangladesh," Section 5.

[329] UN Committee on the Rights of the Child, *Child Soldiers: CRC Country Briefs -Bangladesh*, 34th Session, CSC Briefing in response to reports submitted by States Parties to inform the Committee of the recruitment or use of children as soldiers, June 9-13, 2003, 3. See also Daily Times, *Hr Group Wants to Free 1,200 Jailed Bangladeshi Children* [online] (2004 [cited November 5, 2004]); available from http://www.dailytimes.com.pk/default.asp?page=story_5-1-2003_pg4_16.

[330] U.S. Department of State, "Trafficking in Persons Report- 2004: Bangladesh," (Washington, D.C.: 2004). See also ILO-IPEC, "Rapid Assessment on Trafficking in Children for Exploitative Employment in Bangladesh (Ticsa)," (Dhaka: 2002), 17.

[331] UN Committee on the Rights of the Child, "Concluding Observations," para. 37. See also ECPAT International, *Bangladesh* [database online] (in ECPAT International, [cited May 10, 2004]); available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

[332] ECPAT International, *Bangladesh* ([cited). See also U.S. Embassy- Dhaka official, email communication, May 19, 2005.

[333] U.S. Department of State, "Trafficking in Persons Report- 2004: Bangladesh." Burmese children are also trafficked through Bangladesh. See IOM, *Bangladesh: Counter-Trafficking Efforts* [online] (in IOM Press Briefing Notes, June 15, 2004 [cited July 15, 2004]); available from http://www.iom.int/en/archive/archive_press_brief_notes.shtml.

United Arab Emirates (UAE) and Qatar to work as camel jockeys.[334] However, some progress has been made in stemming the trafficking of children to the region.[335]

Education is free and compulsory for children ages 6 to 10 years.[336] Bangladesh has achieved near gender parity in primary school enrollment.[337] In 2001, the gross primary enrollment rate was 97.5 percent, and the net primary enrollment rate was 86.6 percent.[338] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, the gross primary attendance rate was 112 percent and the net primary attendance rate was 75.9 percent.[339] As of 2000, 65.5 percent of children who started primary school were likely to reach grade 5.[340] The quality of primary education in Bangladesh is poor, in part due to inadequately trained teachers, teacher absenteeism, inadequate number of teaching hours, and a lack of physical facilities.[341]

Child Labor Laws and Enforcement

The minimum age for employment varies according to sector. The Employment of Children Act prohibits children younger than 12 years of age from working in 10 sectors including the tanning, *bidi*, carpet, cloth, cement, and fireworks manufacturing sectors. The Act also prohibits children younger than 15 years of age from working in railways or ports.[342] The Mines Act prohibits children under 15 years of age from working in mines.[343] The Factories Act and Factories Rules establish 14 years as the minimum age for employment in factories,[344] and the Children's Act of 1974 prohibits the employment of children younger than 15 years as

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[334] U.S. Department of State, "Country Reports- 2003: Bangladesh," Section 6f. See also U.S. Department of State, "Trafficking in Persons Report- 2004: Bangladesh." See also ILO-IPEC, "Rapid Assessment on Trafficking in Children for Exploitative Employment in Bangladesh," 15.

[335] U.S. Department of State, "Country Reports- 2003: Bangladesh," Section 6f. Efforts include a decision to ban jockeys below 15 years of age and weighing less than 45 kg (99 lbs.); a requirement that youth undergo various forms of medical testing to determine if they are of age to race; and humane repatriation initiatives. See also U.S. Department of State official, personal communication, March 5, 2003. There is limited information available on the efforts by the Government of Qatar to combat child trafficking.

[336] U.S. Department of State, "Country Reports on Human Rights Practices- 2002," (2003), Section 5. See also *The Constitution of the People's Republic of Bangladesh*, (November 1972), Article 17.

[337] U.S. Department of State, "Country Reports- 2003: Bangladesh," Section 5. See also UN Committee on the Rights of the Child, "Concluding Observations," 14.

[338] World Development Indicators 2004.

[339] USAID Development Indicators Service, *Global Education Database* [online] ([cited October 13, 2004]); available from http://qesdb.cdie.org/ged/index.html. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[340] World Development Indicators 2004.

[341] World Bank, "Project Appraisal Document on a Proposed Credit in the Amount of Sdr 104.2 Million (US $150 Million Equivalent) to the People's Republic of Bangladesh for a Primary Education Development Project Ii," (The World Bank, 2004), 20.

[342] *The Employment of Children Act No. Xxvi (as Modified by Act Liii of 1974)*, (1938), Section 3.

[343] U.S. Embassy- Dhaka, "Unclassified Telegram No. 2999," (2000).

[344] *The Factories Rules*, Article 76, (1979). See also *Factories Act, 1965 (No. 4 of 1965)*, (1965), Sections 66-74.

beggars and in brothels.[345] The majority of child workers are found in the agriculture and domestic work sectors, but there are no specific laws covering the informal sectors.[346] The Constitution forbids all forms of forced labor.[347]

The Suppression of Immoral Traffic Act prohibits inducing underage females into prostitution.[348] The Suppression of Violence against Women and Children Act, passed in 2000, protects children from sexual harassment and maiming for the use of begging or the selling of body parts, and it gives the courts the power to compensate victims with fines imposed on offenders.[349] The legal definitions of prostitution and trafficking do not account for males, so the government provides few services for boy victims of child prostitution.[350] The Extradition Act enables the government to order traffickers who live or have escaped to other countries home for trial.[351] The government provides some limited support to returned trafficked victims, but shelters are inadequate to meet their needs. In most cases the government refers victims to private shelters run by local organizations.[352]

The Office of the Chief Inspector of Factories under the Ministry of Labor and Employment is designated to enforce and implement labor legislation.[353] However, due to a lack of manpower and corrupt government officials, child labor laws are seldom enforced outside the formal sector.[354] The National Children's Council monitors the implementation of the UN Convention on the Rights of the Child and is the highest authority for overall policy guidance on child development.[355] Government officials have arrested, prosecuted and assigned prison sentences to some traffickers, have created a trafficking monitoring unit within the police force, and have designated some prosecutors to focus on trafficking cases full-time. Particularly since June 2004, the government has concentrated its efforts and has been more successful in prosecuting traffickers and clearing old trafficking cases.[356] However, the courts system is

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[345] U.S. Embassy- Dhaka, "Unclassified Telegram No. 2999."

[346] Ibid.

[347] *The Constitution of Bangladesh*, Article 34.

[348] Selling a minor for the purposes of prostitution can carry a life sentence in prison. See *Suppression of Immoral Traffic Act of 1933 (Act No. Vi of 1933)*, Sections 9-12, (1933). See also *Oppression of Women and Children Act of 1995 (Act. No. Xviii of 1995)*, (1995), 8.

[349] UN Committee on the Rights of the Child, "Consideration of Reports Submitted by States Parties: Second Periodic Reports of States Parties Due in 1997, Bangladesh," in *Article 44 of the Convention on the Rights of the Child* (2003), 7. See also *Suppression of Violence against Women and Children Act, 2000 (Act. No. Viii of 2000)*, (2000), Articles 9-12.

[350] ECPAT International, *Bangladesh* ([cited).

[351] Mina Neumuller, "The Legal Framework on Trafficking in Bangladesh, Nepal and Sri Lanka," (Katmandu: ILO-IPEC, 2000), 16.

[352] U.S. Department of State, "Country Reports- 2002," Section 6f. See also ECPAT International, *Bangladesh* ([cited). See also U.S. Embassy- Dhaka official.

[353] U.S. Embassy- Dhaka, "Unclassified Telegram No. 2946," (2004).

[354] The Ministry has only 117 inspectors to monitor 21,273 registered factories. A joint monitoring team comprising officials from the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), ILO, and the Office of the Chief Inspector of Factories routinely inspects all 4,000 member factories of BGMEA. From January to August 2004, the team found 23 child labor violations in 11 factories, and fined each factory the local currency equivalent of USD 100. See Ibid.

[355] UN Committee on the Rights of the Child, "Second Periodic Reports of States Parties: Bangladesh," 9.

[356] U.S. Department of State, "Trafficking in Persons Report- 2004: Bangladesh." See also U.S. Embassy- Dhaka official.

overwhelmed by roughly one million excess cases and public corruption is rampant. In addition, traffickers are often charged with lesser crimes, which makes trafficking cases difficult to quantify.[357] Those who perpetrate commercial sexual crimes against children in Bangladesh often do so with impunity, as charges are frequently never filed or are filed under statutes with minimal penalties.[358]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182 3/12/2001	✓
ILO-IPEC Member	✓
National Plan for Children	✓
National Child Labor Action Plan	
Sector Action Plan (Commercial Sexual Exploitation & Trafficking)	✓

The Government of Bangladesh is working to eliminate child labor through the implementation of action programs, stipends, rehabilitation and reintegration programs, and promoting universal access to education.[359] The ILO-IPEC program in Bangladesh is currently implementing eight programs totaling USD 12.7 million to eliminate child labor through awareness raising, education opportunities for children, income generating alternatives for families, and capacity building of partner organizations.[360] These programs include USDOL-funded projects to eliminate child labor in the garment sector and in five hazardous industries, including *bidis*,[361] construction, leather tanneries, matches, and domestic service in the homes of third parties.[362] USAID is supporting efforts to eradicate hazardous child labor in other sectors.[363]
The Government of Bangladesh has demonstrated significant efforts since the end of 2004 to more fully comply with the U.S. Trafficking Victims and Protection Act of 2000. Recent efforts include 47 trafficking prosecutions resulting in 62 individual convictions between June and December 2004; the establishment of a police anti-trafficking unit; arrests of several public officials for complicity in trafficking crimes; the

[357] U.S. Department of State, "Country Reports- 2003: Bangladesh," Section 6f. See also U.S. Department of State, "Trafficking in Persons Report- 2004: Bangladesh."

[358] Salma Ali, "Report on Laws and Legal Procedures Concerning the Commercial Sexual Exploitation of Children in Bangladesh," (Bangkok: Bangladesh National Women's Lawyers Association, 2004), 1,4.

[359] ILO, "The Effective Abolition of Child Labour," 26. See also UN Committee on the Rights of the Child, "Concluding Observations," 15.

[360] ILO-IPEC official, May 12, 2004.

[361] A *bidi* is a type of small, hand-rolled cigarette. See U.S. Department of State, "Country Reports- 2003: Bangladesh," Section 6d.

[362] In 2000, IPEC initiated a project targeting child labor in five hazardous industries. In addition in 1995 and again in 2000, the BGMEA, the ILO, and UNICEF signed Memoranda of Understandings (MOUs) aimed at eliminating child labor in the garment industry. See ILO-IPEC, "Preventing and Eliminating the Worst Forms of Child Labor in Selected Formal and Informal Sectors," (Geneva: 2000), front page. See also ILO-IPEC, "Continuing the Child Labour Monitoring and Education Components, and Prepare for the Integration into a Broader Project in the Garment Export Industry in Bangladesh," (Geneva: 2001), 2. See also "The Second Memorandum of Understanding (Mou-2) between the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), the ILO, and UNICEF Regarding the Monitoring to Keep Garment Factories Child Labour Free, the Education Programme for Child Workers, and the Elimination of Child Labour," (Geneva: 2000).

[363] The sectors targeted for eradication of child labor are factories, bangle-making, rickshaw pulling, fisheries, book-binding, welding, and automobile repair. The project will provide non-formal education and skills development training for 10,000 working children and micro-credit for 5,000 parents of child laborers in the cities of Dhaka and Chittagong. See ILO, "The Effective Abolition of Child Labour," 27-28. See also U.S. Embassy- Dhaka official.

rescue of more than 160 victims; and the creation of an inter-ministerial committee on trafficking.[364] The government is also collaborating extensively with the NGO community on efforts to combat child trafficking in the areas of prevention, research, advocacy, awareness raising, enforcement, rehabilitation, and legislative reform.[365] Bangladesh is one of six countries included in a USDOL-funded ILO-IPEC Asia project to combat child trafficking for labor and sexual exploitation.[366] With the support of UNICEF and ILO-IPEC, the government is implementing the National Plan of Action on Trafficking and Sexual Exploitation of Children, which aims to raise awareness, sensitize law enforcement officials, work with schools, and improve laws to combat trafficking of children.[367] The government is supporting a major national anti-trafficking prevention campaign to increase awareness of the problem among vulnerable groups.[368] This year, with support from IOM, the Ministry of Women and Children Affairs launched a strategic initiative outlining a framework of action for the government, NGOs, and civil society to combat trafficking. IOM also collaborated with the Ministry of Home Affairs to carry out training sessions in several districts to enhance the capacity of law enforcement agencies and immigration officials to address trafficking in Bangladesh.[369]

The Government of Bangladesh has made progress in improving the quality of and access to basic education, with significant advances in the number and quality of school facilities; curriculum revision; provision of textbooks; and enhanced management practices.[370] The Government of Bangladesh is implementing a second phase of the National Plan of Action for Education for All for the period 2003 to 2015, which embraces all of the goals of EFA for making education compulsory, accessible, and all-inclusive.[371] Recent government efforts have included the abolition of tuition fees for primary schools, the establishment of a 500 million *taka* (USD 8.7 million) stipend program, and a "food for education" program.[372]

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[364] White House Office of the Press Secretary, "Memorandum for the Secretary of State: Presidential Determination N. 2004-46 with Respect to Foreign Governments' Efforts Regarding Trafficking in Persons," (Washington, D.C.: 2004). See also U.S. Embassy-Dhaka official.

[365] As a result, U.S. Department of State, "Country Reports- 2003: Bangladesh," Section 6f.

[366] The USD 3 million project, which also includes Nepal, Sri Lanka, Pakistan, Indonesia, and Thailand, is in its second phase and is scheduled to end in 2006. See ILO-IPEC, "Combating Child Trafficking for Labor and Sexual Exploitation (Ticsa Phase Ii)," (Geneva: 2002).

[367] U.S. Department of State, "Trafficking in Persons Report- 2003: Bangladesh," (Washington D.C.: U.S. Department of State, 2003).

[368] U.S. Department of State, "Country Reports- 2003: Bangladesh," Section 6f.

[369] More than 100 government officials, NGO staff, and other development partners participated in the workshops. See IOM, *Bangladesh: Counter-Trafficking Efforts* ([cited). See also IOM, *Bangladesh: Training of Immigration Officials* [online] (in IOM Press Briefing Notes, August 13, 2004 [cited August 13, 2004]); available from http://www.iom.int/en/archive/archive_ press_ brief_notes.shtml.

[370] World Bank, "Initial Project Information Document: Primary Education Development Project Ii- Bangladesh," (Washington, D.C.: 2003), 2.

[371] Government of the People's Republic of Bangladesh, "Education for All: National Plan of Action Ii 2003-2015," (2003), Chapters V-VII.

[372] UN Committee on the Rights of the Child, "Concluding Observations," 14. For currency conversion, see http://www.oanda.com/convert/classic.

Due to critical needs in its education system, the Government of Bangladesh is receiving intensified support from the World Bank and several other donors in order to expedite its eligibility for fast track financing for the Education for All program.[373] In February 2004, a multi-donor consortium announced the Primary Education Development Program (PEDP II), which aims to enhance the quality, access to, and efficiency of primary education by operationalizing key aspects of the government's EFA and Poverty Reduction strategies.[374] As part of its Country Program 2001–2005, the World Food Program provides meals for non-formal primary education students in areas with low enrollment. The Program also provides supplementary snacks and skills training to adolescent girls.[375]

[373] The Education for All Fast Track Initiative, which is funded by the World Bank and other donors, aims to provide all children with a primary school education by the year 2015. See World Bank, "World Bank Announces First Group of Countries for 'Education for All' Fast Track," (Washington, D.C.: 2002).. See also U.S. Embassy- Dhaka official. See also U.S. Embassy- Dhaka official.

[374] World Bank, *Primary Education Development Project Ii* [database online] (in Projects Database, September 8, 2004 [cited September 8, 2004]); available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P074966. See also U.S. Embassy- Dhaka official.

[375] The World Food Programme, "Country Programme- Bangladesh (2001 - 2005)," (The United Nations, 2000), 16.

Barbados

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Barbados are unavailable,[376] and there is limited information on the nature and extent of children's work. According to the Ministry of Labor, Sports, and Public Sector Reform, there were no known cases or evidence of child labor and the worst forms of child labor in Barbados.[377] A rapid assessment conducted in 2002 by the ILO's Caribbean office found that children in Barbados worked selling fruit, braiding hair, grooming horses, and helping in shops.[378] The rapid assessment also found that most children who worked did so part-time, after school and on weekends.[379] The report also indicated evidence of commercial sexual exploitation of children and other worst forms of child labor, such as involvement in drug sales and hazardous activities such as construction.[380] According to the World Bank, children are becoming involved in commercial sexual exploitation in order to pay for basic needs, such as school-related fees and food.[381]

Education is free of charge in government institutions and compulsory for children ages 5 to 16 years. Laws provide strict penalties designed to encourage school attendance. Parents can be fined, and school attendance officers fined and/or imprisoned for up to 3 months for failure to enforce attendance.[382] In 2001, the gross primary enrollment rate was 108.3 percent and the net primary enrollment rate was 99.8 percent.[383] Gross and net enrollment ratios are based on the number of students formally registered in

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[376] LABORSTAT, *1A- Total and economically active population, by age group (Thousands)* [Database], Geneva, 2004; available from http://laborsta.ilo.org.

[377] See U.S. Embassy- Bridgetown, *unclassified telegram no. 1126*, September 11, 2001. See also The World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[378] Ministry of Foreign Affairs and Foreign Trade Government of Barbados, *No. IR/2005/09*, submitted in response to U.S. Department of Labor Federal Register Notice (July 14, 2004) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Bridgetown, January 17, 2005.

[379] Ibid.

[380] International Labor Organization, *Child Labour in Barbados*, [Summary of Research Findings based on a Rapid Assessment Study conducted by the International Labour Organization, Caribbean Office] 2002 [cited February 3, 2005]; available from http://64.233.161.104/search?q=cache:khAaHt6qIDgJ:www.ilocarib.org.tt/infsources/child_labour/fact_sheets/BarbdosFS.pdf+rapid+assessment+barbados&hl=en.

[381] The World Bank, *Project Appraisal Document on a Proposed IDA Grant in the Amount of SDR 6.1 Million Equivalent to the Caribbean Community (CARICOM) for The Pan Caribbean Partnership Against HIV/AIDS Project*, The World Bank, Washington, D.C., March 4, 2004; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/03/09/000160016_20040309103136/Rendered/INDEX/272670LCR.txt.

[382] See U.S. Embassy- Bridgetown, *unclassified telegram no. 1126*. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention*, CRC/C/3/Add.45, United Nations, Geneva, February 1997, para. 173.

[383] The World Bank, *World Development Indicators 2004*. Most children complete primary school at the age of 11, at which point they must take a standardized test, which determines whether the children qualify for formal secondary school or a trade school. The government notes that the population figures used to determine the net and gross education rates were extrapolated from the 1990 census and therefore may skew the enrollment rates. See Mr. Glenroy Cumberbatch, *EFA in the Caribbean: Assessment 2000, Barbados Country Report*, 2000 [cited June 28, 2003]; available from http://www2.unesco.org/wef/countryreports/barbados/rapport_2.html. For an explanation of gross primary enrollment

primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Barbados, though the rapid assessment found that most children attended school on a regular basis.[384]

Child Labor Laws and Enforcement

The Miscellaneous Provisions of the Employment Act set the minimum age for employment in Barbados at 16 years, and children are not permitted to work during school hours.[385] The Employment Act stipulates that young people ages 16 to 18 cannot perform work during the night if it is likely to harm their health, safety, or morals.[386] Vocational training and apprenticeships are the only permissible types of work that young people can engage in during the night.[387] In addition, the Ministry of Labor must authorize apprenticeships and vocational training. A child or young person undertaking an apprenticeship must have a certificate from a medical professional certifying that the apprentice or trainee is fit to meet the requirements of the job.[388] The Employment Act further prohibits children or young people from working in industrial activities or on ships, except when children's employment is in a family business or authorized by the Ministry of Education.[389] The Police Force and the Department of Labor have jurisdiction over the monitoring and enforcement of child labor legislation,[390] and labor inspectors conduct spot checks of businesses and check records to verify compliance with the law.[391]

The Constitution prohibits forced labor.[392] Procurement of any person for prostitution is illegal and punishable by up to 15 years imprisonment.[393]

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and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[384] Government of Barbados, *No. IR/2005/09*.

[385] The Employment Act stipulates that no person may employ children of compulsory school age during school hours. See U.S. Embassy- Bridgetown, *unclassified telegram no. 1126*. See also UN Committee on the Rights of the Child, *Consideration of Reports*, para. 202.

[386] Government of Barbados, *No. IR/2005/09*.

[387] Ibid., Section 8 of the Employment Act, Chapter 346.

[388] The Employment Act, Sections 2, 20, 29, and 30 also establishes guidelines and penalties to ensure that the apprenticeship or training does not become exploitative. See U.S. Embassy- Bridgetown, *unclassified telegram no. 1126*.

[389] Government of Barbados, *No. IR/2005/09*. Sections 10-12 of the Employment Act.

[390] According to the Employment Act, Section 17 and 19, police have the authority to enter any business under suspicion of using child laborers in order to inspect the facilities. According to the Employment Act, Section 15, the penalty for violating child labor legislation is imprisonment for up to 12 months and/or a fine of up to USD 1,000. See U.S. Embassy- Bridgetown, *unclassified telegram no. 1126*.

[391] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Barbados*, Washington, D.C., February 25, 2004, Section 6d; available from www.state.gov/g/drl/rls/hrrpt/2003/27885pf.htm. It has been reported that the government is willing to investigate and inspect cases of child labor if incidents of child labor should arise. See U.S. Embassy- Bridgetown, *unclassified telegram no. 1126*.

[392] *Constitution of Barbados*, (1966), Chapter III, Section 14 (2); available from http://www.georgetown.edu/LatAmerPolitical/Constitutions/Barbados/barbados.html.

[393] *Criminal Code*, Article 13; available from http://209.190.246.239/protectionproject/statutesPDF/Barbadosf.pdf. Any adult who has sexual intercourse with a child under 16 years of age may be imprisoned for 15 years. If the child is over the age of 16 years the person may be imprisoned for 10 years. See *Criminal Code*.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 01/04/2000	✓
Ratified Convention 182 10/23/2000	✓
ILO-IPEC Associated Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

In 2004, the Ministry of Labor and Social Security established a National Child Labor Committee. The National Child Labor Committee's immediate objectives include improving inter-agency cooperation, raising the awareness of key stakeholders, and coordinating relevant legislation.[394]

In 2004, the World Bank, in partnership with CARICOM and other international donor organizations, launched a regional HIV/AIDS prevention project in the Caribbean, including Barbados. This project contains a component focused on prevention of HIV transmission among young people. It will provide support to orphans, increase access to HIV/AIDS prevention and services for out of school youth, integrate HIV/AIDS information into reproductive health programs, and promote peer counseling for youth, parents and teachers.

In June 2004, Barbados hosted a meeting of Caribbean experts to launch a new IOM research initiative that will provide information on the extent of trafficking in persons and build capacity of local government to address trafficking in persons issues in the Caribbean.[395]

In 2001, the World Bank approved a loan to the Government of Barbados for USD 15.15 million to finance multi-sector technical assistance to address the proliferation of HIV/AIDS in Barbados. This project involves multiple ministries, including the Ministry of Education, Youth Affairs, and Sports.[396] Over the next 5 years[397] it will reach youth by incorporating sex education into school curricula, training teachers, funding youth groups and centers, developing peer education programs, and sponsoring cultural events to promote awareness.[398]

In 1998, the Ministry of Education, Youth Affairs, and Sports received USD 213 million in financing for a 7-year Education Sector Enhancement Program. Government funding for the project was supplemented by financing from the IDB and the Caribbean Development Bank.[399] The Education Sector Enhancement

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[394] Government of Barbados, *No. IR/2005/09*.

[395] Jean-Philippe Chauzy, *Barbados- Trafficking in Women and Children in the Caribbean*, press release, International Organization for Migration, June 8, 2004; available from http://www.iom.int/en/news/pbn080604.shtml.

[396] The World Bank, *Project Appraisal Document for Proposed Loans in the Amount of US$15.15 Million to Barbados*, The World Bank, Washington, D.C., June 5, 2001; available from http://www.wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2001/07/11/000094946_01061204004344/Rendered/PDF/multi0page.pdf.

[397] The World Bank, *Caribbean HIV/AIDS I-Barbados*, previously online, The World Bank, Washington, D.C., August 17, 2004; available from http://www.wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2001/08/04/000094946_0107704151672/Rendered/PDF/multi0page.pdf [hard copy available].

[398] The World Bank, *WB: Project Appraisal Document for Proposed Loans in the Amount of US$15.15 Million to Barbados*.

[399] The Inter-American Development Bank, *Education Sector Enhancement Program*, The Inter-American Development Bank, Washington, D.C., 1998; available from http://www.iadb.org/exr/doc98/apr/ba1154e.pdf.

Program, known as "Edutech," is designed to rehabilitate school buildings, ensure that primary and secondary schools are equipped with computers, and train teachers to help children become computer literate.[400] As part of the Edutech initiative, the Ministry of Education, Youth Affairs, and Sports will train teachers, rehabilitate school facilities, improve technological infrastructure, and update the curriculum.[401]

[400] Mr. Glenroy Cumberbatch, *EFA 2000 Report: Barbados*, Part II, Analytic Section

[401] Ministry of Education Youth Affairs and Sports, *Edutech: The Learning Revolution,* Government of Barbados, [online] n.d. [cited August 17, 2004]; available from http://www.edutech2000.gov.bb.

Belize

Incidence and Nature of Child Labor

The Central Statistical Office estimated that 6.3 percent of children ages 5 to 14 years were working in Belize in 2001.[402] The agricultural industry constitutes the largest employer of child workers, followed by work carried out within a child's community and home or personal services (such as domestic work), retail and repair services, construction, tourism services, and manufacturing. Factory managers have been found to uphold the 16 years minimum age of employment. As a result, children are rarely found in formal factories.[403] Seventy-nine percent of working children are found in rural regions,[404] where they work on family plots and in family businesses after school, on weekends and during vacations.[405] They also work in citrus, banana, and sugar fields.[406] In urban areas, children shine shoes, sell newspapers and other small items, and work in markets.[407] Teenage girls, many of whom have migrated from neighboring Central American countries, are reported to work as domestic servants, barmaids and prostitutes.[408] Belize is considered a transit and destination country for children trafficked for sexual exploitation. Girls are also trafficked internally for commercial exploitation and to work in pornography.[409] The practice of selling

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[402] Another 23.7 percent of children ages 15 to 17 years were also found working. The average age at which a child laborer began work was 8.7 years. See SIMPOC and the Central Statistical Office of the Government of Belize, *Child Labour and Education in Belize: A Situational Assessment and In-depth Analysis*, ILO, June 2003, 29 and 31; available from http://www.ilo.org/public/english/standards/ipec/simpoc/belize/report/be_depth.pdf. Although released in 2003, the survey was conducted in 2001.

[403] SIMPOC and the Central Statistical Office of the Government of Belize, *Child Labour in Belize: A Statistical Report*, ILO, 2003, 32; available from http://www.ilo.org/public/english/standards/ipec/simpoc/belize/report/be_natl.pdf. See SIMPOC and the Central Statistical Office of the Government of Belize, *Child Labour in Belize: A Qualitative Study*, ILO, February 2003, 10; available from http://www.ilo.org/public/english/standards/ipec/simpoc/belize/report/be_qual.pdf.

[404] SIMPOC and the Central Statistical Office of the Government of Belize, *Child Labour in Belize: A Statistical Report*, xix. See also SIMPOC and the Central Statistical Office of the Government of Belize, *Child Labour and Education in Belize*, 30.

[405] U.S. Embassy- Belize, *unclassified telegram no. 771*, July 2000. See also U.S. Embassy- Belize, *unclassified telegram no. 122*, January 2001.

[406] Children work in trading, transportation, micro-businesses and other sectors in the northern Commercial Free Zone, which caters to cross-border Mexican trade. Immigrant and migrant children are particularly susceptible to work in the informal sector and the banana industry. See Ramon Puck, "Belize Forced Child Labour" (paper presented at the Americas Regional Forced Child Labour Symposium, Panama, June 25-27, 2001). See also UN Committee on the Rights of the Child, *Concluding Observations*, CRC/C/15/Add.99, pursuant to Article 44 of the Convention on the Rights of the Child, May 10, 1999, 7; available from http://www.unhchr.ch/tbs/doc.nsf/0/07bf8c332dbd408f8025677800384754?Opendocument. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Belize*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27886.htm.

[407] U.S. Embassy- Belize, *unclassified telegram no. 771*.

[408] Ibid. See also U.S. Department of State, *Country Reports 2003: Belize*, Section 6f. See also National Committee for Families and Children, *Sexual Exploitation*, The Ministry of Human Development, Women and Civil Society, 2001; available from http://www.belize.gov.bz/cabinet/d_balderamos_garcia/issue1/page6.htm.

[409] Girls are trafficked from Central America to work in brothels in Belize. See U.S. Department of State, *Trafficking in Persons Report- 2004: Belize*, U.S. Department of State, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33198.htm. See also U.S. Department of State, *Country Reports 2003: Belize*, Section 6f. See also International Human Rights Law Institute, *In Modern Bondage: Sex Trafficking in the Americas*, DePaul University College of Law, Chicago, October 2002, 3; available from http://www.law.depaul.edu/institutes_centers/ihrli/pdf/full_document.pdf.

female children to older men for sexual purposes has been reported to occur throughout the country.[410] A child pornography ring was discovered in October 2003.[411]

Education in Belize is compulsory between the ages of 5 and 14 years.[412] Primary education is free, but related expenses, such as uniforms and books, are a financial strain on poor families.[413] The number of pre-schools available are insufficient to meet demand.[414] In 2001, the gross primary enrollment rate was 117.6 percent, and the net primary enrollment rate was 96.2 percent.[415] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Belize. In 2000, the primary school repetition rate was 9.8 percent. The transition rate in 2001 was estimated at 87.4 percent.[416] As of 1999, 81.5 percent of children who started primary school were likely to reach grade 5.[417] Results from the Child Activity Survey indicate that 15 percent of working children ages 5 to 14 years do not attend school.[418]

Child Labor Laws and Enforcement

The Labor Act sets the minimum age for employment at 12 years. However, the Act is contradictory and conflicts with other minimum age requirements established by other laws.[419] According to the Act, children ages 12 to 14 years may only participate in light work that is not harmful to life, health, or education; only after school hours and for a total of 2 hours on a school day or Sunday; and only between the hours of 6 a.m. and 8 p.m.[420] The Labor Act applies to all employment in the formal sector, but not to self-employment or employment by family members.[421] The minimum age for employment near hazardous machinery is 17

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[410] U.S. Department of State, *Country Reports 2003: Belize*, Section 5, 6f.

[411] ILO-IPEC, *Reporting on the State of the Nation's Working Children: a Statistical Program for Advocacy on the Elimination of Child Labour and the Protection of Working Children in Central America (Belize, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, Panama*, technical progress report, Geneva, March 2004, 2.

[412] *Education Act*, Chapter 36, (April 24, 1991), [cited August 13, 2003]; available from http://www.belizelaw.org/lawadmin/index2.html.

[413] U.S. Department of State, *Country Reports 2003: Belize*, Section 5.

[414] UNICEF, *At a glance: Belize,* [on line] [cited May 6, 2004]; available from http://www.unicef.org/infobycountry/belize.html. See also SIMPOC and the Central Statistical Office of the Government of Belize, *Child Labour in Belize: A Qualitative Study*, 28.

[415] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For a detailed explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[416] UNICEF, *At a glance: Belize*.

[417] World Bank, *World Development Indicators 2004*.

[418] SIMPOC and the Central Statistical Office of the Government of Belize, *Child Labour and Education in Belize*, 30.

[419] U.S. Department of State, *Country Reports 2003: Belize*, Section 6d. See also *Labour Act*, Chapter 297, (December 31, 2000); available from http://www.belizelaw.org/lawadmin/index2.html. See also SIMPOC and the Central Statistical Office of the Government of Belize, *Child Labour in Belize: A Qualitative Study*, 17-22.

[420] *Labour Act*. The Ministry of Labor is working to update its laws with assistance from the ILO's Caribbean Office. See U.S. Embassy- Belize, *unclassified telegram no. 773*, August 2003.

[421] U.S. Embassy- Belize, *unclassified telegram no. 771*.

years.[422] The Labor Act sets penalties for non-compliance with minimum age standards at USD 20 or 2 months imprisonment for the first offense, and in the case of subsequent offenses, USD 50 or 4 month imprisonment.[423]

The Family and Children's Act prohibits children (defined as persons below 18 years of age) from employment in activities that may be detrimental to their health, education, or mental, physical, or moral development.[424] Forced and bonded labor are prohibited in Belize under the Constitution.[425]

In 2003, Belize enacted the Trafficking in Persons (Prohibition) Act. Trafficking offenses are punishable by fines of up to USD 5,000 and imprisonment of up to 8 years. The Act provides limited victim assistance.[426] Traffickers can also be prosecuted under immigration laws. The Criminal Code prohibits procuring a female for sexual exploitation in or outside of Belize and provides for a 5-year sentence for the crime.[427] In recent years, several individuals have been arrested and charged for trafficking children.[428]

Inspectors from the Departments of Labor and Education enforce child labor regulations.[429] Despite the addition of seven new labor officers in 2001, senior officials indicate that they do not have enough staff to monitor all the farms and businesses in the country.[430] The Ministry of Education investigates complaints of truancy and minor forms of child labor. The National Organization for the Prevention of child Abuse (NOPCA) receives complaints on the worst forms of child labor and refers them to the Department of Human Services and the Police.[431] The police, immigration, and human services officials investigate trafficking cases involving children.[432]

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[422] U.S. Department of State, *Country Reports 2003: Belize*, Section 6d.

[423] *Labour Act*, Section 172.

[424] *Families and Children Act*, (July 8, 1998), 91-173; available from http://natlex.ilo.org/natlexnewfaceE.htm.

[425] *Constitution of Belize*, (1981), Article 8(2); available from http://www.georgetown.edu/LatAmerPolitical/Constitutions/Belize/belize.html. See also U.S. Department of State, *Country Reports 2003: Belize*, Section 6d.

[426] U.S. Embassy- Belize, *unclassified telegram no. 226598*, August 2003. See also U.S. Department of State, *Country Reports 2003: Belize*, Section 6f.

[427] See also Criminal Code, Chapter 101, Section 18(1), 49-50 as cited in International Human Rights Law Institute, *In Modern Bondage*, 155-66. See also ILO, *Ratifications by Country,* in ILOLEX, [database online] [cited May 6, 2004]; available from http://www.ilo.org/ilolex/english/newcountryframeE.htm.

[428] U.S. Department of State, *Country Reports 2003: Belize*, Section 6f.

[429] Ibid., Section 6d.

[430] U.S. Embassy- Belize, *unclassified telegram no. 773*.

[431] Wendel D.J. Parham, letter to USDOL official, September 9, 2002.

[432] U.S. Department of State, *Country Reports 2003: Belize*, Section 5 and 6f.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	3/6/2000	✓
Ratified Convention 182	3/6/2000	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		
ector Action Plan		

The Government of Belize has a National Committee for Families and Children (NCFC), which works with the National Human Advisory Committee to monitor the implementation of the National Plan of Action for Children and Adolescents (2004-2015). The National Plan includes objectives, strategies and activities intended to promote the development of children and adolescents in the areas of health, education, child protection, family, HIV/AIDS and culture.[433] The Ministry of Labor and Local Government heads a sub-committee under the NCFC that deals with issues of child labor.[434] With funding from the Canadian government, ILO-IPEC is working with the Government of Belize to implement two projects to combat the worst forms of child labor.[435] Belize is also participating in a USDOL-funded regional ILO-IPEC project to conduct research on child labor.[436] The Department of Human Services within the Ministry of Human Development, Labor and Local Government has launched a campaign to recruit families to provide temporary care for children in the Department's custody.[437] Belize recently established a National Task Force to combat trafficking and has carried out a small awareness raising campaign and trained public officials on trafficking concerns.[438]

The government continues to offer tuition grants to primary and secondary school students and maintains a textbook lending program.[439] The Ministry of Education established a Pre-school Unit to support pre school education.[440]

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[433] Hon. Dolores Balderamos-Garcia, Minister of Human Development, Women and Children and Civil Society, Statement at the UN Special Session on Children, May 10, 2002; available from http://www.un.org/ga/children/belizeE.htm. See also UNICEF, *Unity in Belize: parties endorse plan for kids*, [online] 2004 [cited January 4, 2004]; available from http://www.unicef.org/ media/ media_23431.html.

[434] The multi-sectoral committee includes members from the Ministries of Labor, Human Development, Education, and Health, members from the Belize Chamber of Commerce and Industry, the Immigration Department, the Police Department, the National Trade Union Congress of Belize, the Association of General Managers of Primary Schools and the Central Statistical Office. See U.S. Embassy- Belize, *unclassified telegram no. 718*, November 2004.

[435] ILO-IPEC official, email communication to USDOL official, May 12, 2004.

[436] The project is scheduled to close in June 2004. See ILO-IPEC, *Reporting on the State of the Nation's Working Children: A Statistical Program for the Advocacy on the Elimination of Child Labour and the Protections of Working Children in Central America (Belize, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, Panama.)*, technical progress report, ILO-IPEC, Geneva, March 31, 2004, 1.

[437] ILO-IPEC, *Reporting on the State of the Nation's Working Children, technical progress report, March 2004*,, 2.

[438] U.S. Embassy- Belize, *unclassified telegram no. 226598*. The task force has established a protocol for investigating and handling trafficking cases under the new Trafficking in Persons (Prohibition) Act. See U.S. Department of State, *Country Reports 2003: Belize*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Belize*.

[439] SIMPOC and the Central Statistical Office of the Government of Belize, *Child Labour in Belize: A Qualitative Study*, 28.

[440] Ibid. UNICEF is supporting government efforts to improve pre school education. See UNICEF, *At a glance: Belize*.

Benin

Incidence and Nature of Child Labor

The ILO estimated that 26.1 percent of children ages 10 to 14 were working in Benin in 2002.[441] In Benin, children as young as 7 years old work on family farms, in small businesses, on construction sites, in markets, and as domestic servants.[442] Many families facing extreme poverty will place children in the care of an "agent" believing that the child will work and learn a trade and that the wages from this labor will be sent home to the family.[443]

Benin is a source, destination and transit country for the trafficking of children.[444] Children from Benin are trafficked into Cameroon, Republic of the Congo, Côte d'Ivoire, Equatorial Guinea, Gabon, Ghana, Nigeria, Togo, the Gulf States, and Lebanon;[445] children from Burkina Faso, Niger, and Togo are sold into servitude in Benin.[446] Trafficked children often work as agricultural workers, domestic servants, market vendors, commercial sex workers, and in rock quarries.[447] Nigerian police reported in 2003 that between 6,000 and 15,000 trafficked Beninese children worked in Nigeria, many on cocoa farms.[448] Children are also trafficked within Benin for forced labor in construction, commercial enterprises, handicrafts, and street vending.[449]

The practice of *vidomegon* continues, in which poor children are placed in wealthier households; in exchange the child works for the family. However, the situation frequently degenerates into forced servitude. *Vidomegon* children may be subjected to poor working and living conditions, may be denied education, and are vulnerable to abuse and exploitation, including trafficking.[450] In some cases the children were transported to neighboring countries to work.[451]

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[441] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[442] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Benin*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27712.htm.

[443] Ibid.

[444] U.S. Department of State, *Trafficking in Persons Report- 2004: Benin*, Washington D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm.

[445] ECPAT International, *Benin*, in ECPAT International, [database online] n.d. [cited May 7, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=19&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry. See also U.S. Department of State, *Country Reports- 2003: Benin*, Section 6f.

[446] U.S. Department of State, *Trafficking in Persons Report- 2004: Benin*.

[447] Ibid. See also ILO-IPEC, *Combating the Trafficking of Children for Labor Exploitation in West and Central Africa (Phase II) Country Annex I: Benin*, RAF/01/P53/USA, Geneva, July 2001. See also U.S. Embassy- Cotonou, *unclassified telegram no. 972*, August 2004.

[448] Integrated Regional Information Networks, "WEST AFRICA: Traffickers hold thousands of children, women in bondage", IRINnews.org, [online], November 12, 2003 [cited February 12, 2004]; available from http://www.irinnews.org/report.asp?ReportID=37815.

[449] U.S. Department of State, *Trafficking in Persons Report- 2004: Benin*.

[450] Approximately 90 to 95 percent of *vidomegons* were girls. See U.S. Department of State, *Country Reports- 2003: Benin*, Section 5.

[451] Ibid.

The Constitution guarantees education to all children.[452] Education in Benin is free for primary school children ages 6 to 11 years. However, families are required to pay additional expenses associated with schooling, such as uniforms, transportation, and school stationery, which can be prohibitive for poorer families. Education is compulsory in primary school, but there is no mechanism for enforcement.[453] Gender inequality in school enrollment in Benin is apparent. In 2001, the gross primary enrollment rate in Benin was 104.1 percent (122.2 percent for boys, 86.0 percent for girls), and in 1999, the net primary enrollment rate was 71.3 percent (84.4 percent for boys, 58.1 percent for girls).[454] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Attendance rates also reflect the gender disparity in access to education. In 2001, the gross primary school attendance rate was 81.0 percent (93.6 percent for boys and 67.4 percent for girls), while the net primary school attendance rate was 53.5 percent (59.9 percent for boys and 46.5 percent for girls).[455] In an effort to redress the gender imbalance, girls in rural areas are exempted from paying tuition fees, and receive a 50 percent exemption in all secondary education establishments.[456] As of 1999, 84.0 percent of children who started primary school were likely to reach grade 5.[457]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years[458] and prohibits forced labor.[459] In addition, the Labor Code requires employers to maintain a register, including the birth date, of all employees under the age of 18 years.[460] However, the U.S. Department of State reports that due to a lack of resources, enforcement of the Labor Code by the Ministry of Labor is limited,[461] and minimum age laws are not enforced in the informal sector.[462]

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[452] *Constitution de la République du Bénin*, (December 11, 1990), Articles 8, 12; available from http://www.afrikinfo.com/lois/benin/loi/text.htm.

[453] U.S. Embassy Cotonou official, electronic communication to USDOL official, February 19, 2004. See also U.S. Embassy- Cotonou official, electronic communication to USDOL official, October 22, 2003. See also *Constitution de la République du Bénin*, Article 13. Although children are required to attend school only until age 11, children under 14 years are not legally permitted to work. See Catholic Relief Services, *Education First: Combating Child Trafficking through Education in Benin*, technical progress report, Baltimore, March 26, 2004, 2.

[454] World Bank, *World Development Indicators 2004*.

[455] USAID, *Global Education Online Database*, [database online] n.d. [cited March 11, 2004]; available from http://esdb.cdie.org/cgi-bin2/broker.exe?_program=gedprogs.cntry_2.sas&_service=default&cocode=6BEN.

[456] ECPAT International, *Benin*.

[457] World Bank, *World Development Indicators 2004*.

[458] *Code du Travail*, Loi no 98-004, (January 27, 1998), Article 166; available from http://natlex.ilo.org/txt/F98BEN01.htm.

[459] Ibid., Article 3.

[460] Ibid., Article 167.

[461] U.S. Department of State, *Country Reports- 2003: Benin*, Section 6d.

[462] U.S. Embassy- Cotonou, *unclassified telegram no. 972*.

It is illegal to prostitute a minor in Benin.[463] Children are protected from abduction and displacement under current legislation, but specific anti-trafficking legislation does not exist.[464] Laws against prostitution, forced or bonded labor, and the employment of children under 14 years may also be used to prosecute traffickers.[465] The government's Brigade for the Protection of Minors has jurisdiction over all law enforcement matters related to children, including child labor and child trafficking. However, the Brigade is understaffed and lacks the necessary resources to carry out its mandate.[466]

The government has signed bilateral agreements with Gabon, Nigeria, and Togo to address cross-border trafficking and to repatriate trafficking victims.[467] There are reports that traffickers have been prosecuted and imprisoned.[468]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Benin is one of nine countries participating in a USDOL-funded ILO-IPEC project to combat the trafficking of children for exploitative labor in West and Central Africa.[469] The government also participates in a USD 2 million education initiative funded by USDOL to improve access to quality, basic education for victims of child trafficking and children at risk of being trafficked.[470] With support from the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons, a

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 6/11/2001	✓
Ratified Convention 182 11/6/2001	✓
ILO-IPEC Member	✓
National Plan for Children	✓
National Child Labor Action Plan	
Sector Action Plan (Trafficking)	✓

[463] The penalty for prostituting a minor, or in any way assisting or protecting the prostitution of a minor is two to five years in prison and a fine of 1,000,000 to 10,000,000 CFA francs (USD 1,841.28 to USD 18,412.80). See Criminal Code, Section IV - Indecent Behavior, Articles 334, 334b, (April 13, 1946); available from http://209.190.246.239/protectionproject/statutesPDF/Beninf.pdf. Currency conversion performed using FX Converter, [online] n.d. [cited May 7, 2004]; available from http://www.carosta.de/frames/convert.htm.

[464] U.S. Department of State, *Trafficking in Persons Report- 2004: Benin*. The Criminal Code provides that a person who has abducted, concealed, or suppressed a child will be punished by imprisonment. See *Crimes and offenses tending to hinder or destroy proof of the civil status of a child, or to endanger its existence; abduction of minors; violations of burial laws*, Criminal Code, Section VI; available from http://209.190.246.239/protectionproject/statutesPDF/Beninf.pdf. In addition, decree No. 95-191 (1995) states that adults wishing to exit the country with a child under 18 years of age must register with the proper local authority and pay a fee held in escrow until the child has been returned to the village. See ILO-IPEC, *Combating the Trafficking of Children (Phase II) Country Annex I: Benin*.

[465] U.S. Department of State, *Trafficking in Persons Report- 2004: Benin*.

[466] U.S. Embassy- Cotonou, *unclassified telegram no. 972*.

[467] U.S. Department of State, *Country Reports- 2003: Benin*, Section 6f.

[468] Ibid. According to the Brigade for the Protection of Minors, 22 traffickers were imprisoned between January and July 2004. See U.S. Embassy- Cotonou, *unclassified telegram no. 972*.

[469] The regional child trafficking project covers Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Ghana, Mali, Nigeria, and Togo. The project began in July 2001 and is scheduled for completion in June 2007. See ILO-IPEC, *Combating the Trafficking of Children for Labor Exploitation in West and Central Africa (Phase II)*, project document, RAF/01/P53/USA, Geneva, July 2001, 1, as amended. See also ILO-IPEC, *Combating the trafficking in children for labour exploitation in West and Central Africa (LUTRENA/Phase II)*, technical progress report, Geneva, March 1, 2004, 1.

[470] The 4-year project was funded in 2003. See International Child Labor Program U.S. Department of Labor, *Education First Project, Project Summary*, 2003.

2-year program is underway to strengthen the capacity of the Government of Benin, particularly the Brigade for the Protection of Minors, to address child trafficking.[471] As a result of a Memorandum of Understanding between Benin and Nigeria to cooperate to protect and repatriate trafficking victims, and to identify, investigate, and prosecute agents and traffickers, joint border patrols have been established to curb smuggling and banditry.[472] In October 2003, police chiefs from Benin, Ghana, Nigeria, and Togo met to discuss cross-border crimes and agreed to reduce the number of immigration protocols that hinder rapid response in certain criminal cases.[473]

The Ministry of Family, Social Protection and Solidarity (MFSPS) collaborates with donors and NGOs to provide child trafficking victims with reintegration support and to place them in educational and vocational programs.[474] Other MFSPS activities include the creation of local vigilance committees to help combat child trafficking; the provision of literacy training for child workers under the age of 14 years and apprenticeships for those over the age of 14 years; and campaigns to sensitize truck drivers and border authorities about the sexual exploitation and trafficking of children.[475] USAID supports a variety of educational efforts in Benin, including the development of a new primary school curriculum and the professional development of teachers and teacher trainers.[476]

The government continues to raise awareness of child labor problems through media campaigns, regional workshops, and public statements, and by working with the Network of Journalists for the Prevention of Child Trafficking and Child Abuse.[477] The Brigade for the Protection of Minors operates a free hotline for children to report abuse or other problems.[478] The Ministry of Labor, in collaboration with the Ministry of Family and the Ministry of Justice, is implementing a pilot program to combat child labor in urban centers.[479]

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[471] The project, titled Project Protection – Reducing Child Trafficking in Benin, will be implemented and managed by UNICEF. The project's activities include educating the public about trafficking, child labor, and exploitation. Parents will be encouraged to keep their children at home and in school. See U.S. Department of State, *unclassified telegram no. 228372*, August 6, 2003.

[472] U.S. Department of State, *Country Reports- 2003: Benin*, Section 6f. See also Catholic Relief Services, *Education First technical progress report*, 2. Between September and October 2003, at least 236 children were rescued by police from Nigerian worksites and repatriated to Benin. Six Beninese nationals and three Nigerians were arrested on charges of child trafficking. See Integrated Regional Information Networks, "BENIN-NIGERIA: 120 child workers repatriated to Benin", IRINnews.org, [online], October 15, 2003 [cited February 12, 2004]; available from http://www.irinnews.org/print.asp?ReportID=37235.

[473] Integrated Regional Information Networks, "Traffickers hold thousands of children".

[474] U.S. Department of State, *Country Reports- 2003: Benin*, Section 6f. See also Catholic Relief Services, *Education First technical progress report*, 2.

[475] Alassane Biga, Geneviève Ogoussan, and Sylvie Adanhodé, Ministry of Family Social Protection and Solidarity Officials, Meeting with USDOL official, January 13, 2003.

[476] USAID-Benin, *Improving the Quality of Education,* in USAID-Benin, [online] n.d. [cited March 25, 2004]; available from http://www.usaid.gov/bj/education/p-qualityeduc.html.

[477] U.S. Department of State, *Country Reports- 2003: Benin*, Section 6d. See also U.S. Embassy- Cotonou, *unclassified telegram no. 972*. See also U.S. Embassy- Cotonou, *unclassified telegram no. 1079*, September 12, 2003.

[478] ECPAT International, *Benin*.

[479] U.S. Department of State, *Country Reports- 2003: Benin*, Section 6d.

UNICEF is implementing programs that support training for teachers and PTAs, and allow the community to become directly involved in school administration and girls' education.[480] The education component of Benin's poverty reduction strategy (PRSP) for 2003-2005 focuses on equal student opportunity for all, improving quality, strengthening institutional framework, and controlling education costs, and makes special provisions to promote girls' education.[481] The PRSP also calls for strengthening local capacity to combat child trafficking.[482] In March 2004, the World Bank approved a project to support the implementation of Benin's PRSP. One of the core sectors of the project is basic education.[483] Also in March 2004, the government created an anti-child trafficking committee comprised of representatives of the government, child welfare organizations, and the police.[484] In June 2004, Benin participated in a meeting in Nairobi that focused on ways to enhance girls' education.[485] Benin is among the first group of countries deemed eligible to apply for aid under the U.S. Millennium Challenge Account.[486]

[480] UNICEF, *At a glance: Benin,* in UNICEF, [online] n.d. [cited March 25, 2004]; available from http://www.unicef.org/infobycountry/benin.html.

[481] Behind basic education, second priority is given to technical education and vocational training. See Republic of Benin National Committee for Development and Fight Against Poverty, *Benin Poverty Reduction Strategy Paper 2003-2005*, December 2002, 41, 42; available from http://poverty.worldbank.org/files/13970_Benin_PRSP.pdf.

[482] Ibid., 70.

[483] World Bank, *Poverty Reduction Strategy Credit - 1st PRSC,* in World Bank, [online] n.d. [cited April 1, 2004]; available from http://web.worldbank.org/external/default/main?pagePK=64027221&piPK=64027220&theSitePK=322639&menuPK=322671&Projectid=P072003.

[484] The 15-member committee plans to publish a directory of child protection organizations in Benin and assess the effectiveness of each in combating child trafficking. See Integrated Regional Information Networks, "BENIN: Government creates anti-child trafficking committee", IRINnews.org, [online], March 2, 2004 [cited March 3, 2004]; available from http://www.irinnews.org/print.asp?ReportID=39796. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Benin*.

[485] UNICEF, *Ministers of Education and technical experts meet in Nairobi to discuss scaling up what works for girls' education in sub-Saharan Africa*, press release, June 24, 2004; available from http://www.unicef.org/media/media_21926.html.

[486] Eligibility for the Millennium Challenge Account is based on satisfying requirements for good governance, rule of law, and economic reform. Countries selected may now submit funding proposals indicating priorities for economic growth. See Elise Labott, "U.S. picks 16 nations eligible for new aid fund", CNN.com, [online], May 10, 2004 [cited May 11, 2004]; available from http://www.cnn.com/2004/US/05/10/us.millennium.challenge/index.html.

Bhutan

Incidence and Nature of Child Labor

The ILO estimated that 49.4 percent of children ages 10 to 14 years in Bhutan were working in 2002.[487] Children are found working in agriculture, particularly on family farms.[488] Foreign child workers are found in road construction.[489]

Primary education is free and compulsory.[490] In 1998, Bhutan had a gross primary enrollment rate of 71.9 percent.[491] While the primary school enrollment is increasing more rapidly for girls than boys,[492] the gross enrollment rate was still significantly higher for boys (82.1 percent) than girls (61.5 percent). The net primary enrollment rate was 52.9 percent in 1998, with 58.4 percent for boys and 47.2 percent for girls.[493] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Bhutan. In 2001, the completion rate for primary education was 60 percent for girls and 59 percent for boys.[494] As of 2000, 91.0 percent of children who started primary school were likely to reach grade 5.[495] The education system suffers from lack of teachers and classrooms.[496]

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[487] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[488] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Bhutan*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27945.htm. See also UN Committee on the Rights of the Child, *Initial Reports of State Parties due in 1992: Bhutan*, CRC/C/3/Add.60, prepared by Government of Bhutan, pursuant to Article 44 of the Convention on the Rights of the Child, October 1999, para. 32. See also U.S. Embassy- New Delhi, *unclassified telegram no. 5903*, September 17, 2004.

[489] U.S. Embassy- New Delhi, *unclassified telegram no. 5903*.

[490] U.S. Department of State, *Country Reports- 2003: Bhutan*, Section 5.

[491] UNESCO, *Education For All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

[492] In 1998, 45 percent of the student population consisted of girls. See Royal Government of Bhutan, *Bhutan National Human Development Report- 2000*, The Planning Commission Secretariat, 2000; available from http://www.dop.gov.bt/rep/nhdr2000.pdf.

[493] UNESCO, *Education for All*.

[494] U.S. Department of State, *Country Reports- 2003: Bhutan*, Section 5. Primary education comprises seven years: preparatory, and grades one through six. Secondary school comprises grades seven through ten. See Royal Government of Bhutan, *Bhutan National Human Development Report- 2000*, 22.

[495] World Bank, *World Development Indicators 2004*. This percentage may hide the fact that many children promoted to grade five may combine school and work. In addition, little is known in regard to Bhutanese standards for promoting children through primary school.

[496] UNICEF, *Committed Partner in Progress,* [online] [cited May 20, 2004]; available from http://www.unicef.org/bhutan/unicefbh.htm. See also UNICEF Australia, *Perspectives on Development: Bhutanese Schools and How Can We Help?*, [online] [cited May 20, 2004]; available from http://www.unicef.org.au/whatWeDoPerspective3.asp. See also Royal Government of Bhutan, *Bhutan National Human Development Report- 2000*, 22.

Child Labor Laws and Enforcement

The Regulation for Wage Rate, Recruitment Agencies and Workmen's Compensation Act (1994) prohibits the employment of children.[497] The minimum age for employment has been established at 18 years of age.[498] Children are permitted to enlist in the armed forces, however, at 15 years of age.[499] Forced or compulsory labor is prohibited by Bhutanese law.[500] Trafficking in persons is not specifically prohibited.[501] The Ministry of Labor is responsible for investigating child labor violations.[502] The ministry conducts 10-15 inspections per week, most of which are in the construction sector.[503] In 2004 the National Assembly passed the Bhutan Penal Code 2004, which criminalized sex crimes and offenses against children.[504]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

In August 2004, the National Assembly ratified the South Asian Association for Regional Cooperation Convention (SAARC) on Preventing and Combating Trafficking in Women and Children for Prostitution.[506] The government is working with the UNDP to improve policies that address the needs of the country's poor and impoverished.[507] The Youth Development Fund established by King Jigme Singye Wangchuck in 1998 provides assistance for new youth activities and programming.[508]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	N/A[505]
Ratified Convention 182	N/A
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

UNICEF is working with the government to improve the country's education system, with special emphasis on women, children, and disadvantaged students. Efforts are focused on improving primary,

[497] UN Committee on the Rights of the Child, *Initial Reports of State Parties: Bhutan*, para. 32.

[498] U.S. Embassy- New Delhi, *unclassified telegram no. 5903*.

[499] UN Committee on the Rights of the Child, *Summary Record of the 715th Meeting: Bhutan*, United Nations, Geneva, June 2001, para. 23.

[500] U.S. Department of State, *Country Reports- 2003: Bhutan*, Section 6c.

[501] Ibid., Section 6f.

[502] U.S. Embassy- New Delhi, *unclassified telegram no. 5903*.

[503] Ibid.

[504] Ibid.

[505] The Government of Bhutan is not a member of the ILO, and is thus unable to ratify ILO conventions.

[506] Ibid.

[507] UNDP, *Developing Bhutan's poverty monitoring system,* UNDP Bhutan, [online] October 2002 [cited May 21, 2004]; available from http://www.undp.org.bt/fact_sheets/povertyFS.PDF.

[508] Government of Bhutan, *The Youth Development Fund,* [online] 2004 [cited May 21, 2004]; available from http://www.youthdevfund.gov.bt/. See also U.S. Department of State, *Country Reports- 2003: Bhutan*. See also UN Committee on the Rights of the Child, *Summary Record: Bhutan*, para. 8. See also Kuensel Newspaper, "Sports: promoting wholesale education," (Thimpu), January 13, 2001; available from http://www.bootan.com/kuensel/20010113/sports.htm.

non-formal, and special education, as well as providing teacher training and essential school supplies.[509] The World Bank financed an education program with an emphasis on strengthening basic education in rural areas through June 2004. The Ministry of Health and Education implemented the project, which is designed to construct new schools, upgrade existing facilities, expand and improve teacher education, revise curriculum and examinations, and introduce decentralized school monitoring and evaluation through the training of central staff and head-teachers.[510] The World Bank is supporting another project to improve access to primary and secondary education, by financing the capital costs of schools, and improving the quality and relevance of education at all levels. The project is scheduled to run through 2009.[511] The ADB and the Government of Germany is financing a USD 12.5 million skills training project, targeting unemployed youth in rural areas, with an emphasis on women and economically disadvantaged. The Government of Bhutan's National Technical Training Authority serves as executing agency for the project, and the Government of Bhutan will contribute approximately USD 3 million to this project.[512]

[509] UNICEF, *Second Chance at Literacy*, UNICEF in Bhutan, [online] [cited May 21, 2004]; available from http://www.unicef.org/bhutan/educat.htm. In addition, the Education Department is launching an "inclusive education" program that will integrate students with disabilities into regular schools by renovating one school in each of the 20 school districts to provide basic facilities for disabled students and training for teachers. See UNICEF, *Disabled Children Join Mainstream,* UNICEF in Bhutan, [online] [cited May 21, 2004]; available from http://www.unicef.org/bhutan/disable.htm.

[510] World Bank, *Bhutan- Second Education Project,* [online] May 20, 2004 [cited May 20, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK40941&menuPK=228424&Projectid=P009574.

[511] World Bank, *Education Development Project*, May 20, 2004 [cited May 20, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK40941&menuPK=228424&Projectid=P074114.

[512] ADB, *Reforming Skills Training in Bhutan to Boost Growing Private Sector,* ADB.org, [online] 2004 [cited October 25 2004]; available from http://www.adb.org/Documents/News/2001/pi2001064.asp. See also ADB, *Reforming Skills Training in Bhutan To Boost Growing Private Sector*, [online] 2001 [cited May 21, 2004]; available from http://www.adb.org/Documents/News/2001/nr2001064.asp.

Bolivia

Incidence and Nature of Child Labor

UNICEF estimated that 26.4 percent of children ages 5 to 14 years in Bolivia were working in 2000.[513] Children in rural areas work in subsistence farming[514] and the construction and livestock sectors.[515] A large number of children are found working in sugar cane harvesting and production in Santa Cruz.[516] In urban areas, children shine shoes, sell goods, and assist transport operators.[517] Children also work as small-scale miners,[518] and have been used to sell and traffic drugs.[519]

Some children are known to work as indentured domestic laborers and prostitutes.[520] Children are reportedly trafficked internally to urban or border areas for commercial sexual exploitation.[521] It is also reported that children and adolescents are trafficked internally within Bolivia and to Argentina, Chile, Brazil, and Spain for the purpose of forced labor and commercial sexual exploitation. Women and adolescents from the indigenous areas of the high plains are at the greatest risk of being trafficked.[522]

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[513] Children were deemed working if they performed any paid or unpaid work for someone who is not a member of the household, performed more than four hours of housekeeping chores in the household, or performed other family work. Only approximately 2 percent of working children in this age group receive monetary compensation. See Mario Gutiérrez Sardán for the Government of Bolivia, *Multiple Indicator Cluster Survey (MICS) Report: Bolivia*, UNICEF, La Paz, May 2001, 36 and 44, [cited June 1, 2004]; available from http://www.childinfo.org/MICS2/newreports/bolivia/bolivia.pdf.

[514] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Bolivia*, February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27887.htm.

[515] "Trabajo infantil: 370 mil niños trabajan en Bolivia, informo hoy la Viceministro de Género, Jámila Moravek," *El Diario* (La Paz), July 5, 2000.

[516] Guillermo Dávalos, *Bolivia: Trabajo Infantil en la Caña de Azúcar: Una Evaluación Rápida*, ILO-IPEC, Geneva, May 2002, xi [cited June 1, 2004]; available from http://www.ilo.org/public/spanish/standards/ipec/simpoc/bolivia/ra/cane.pdf. Frequently child labor is the result of adult workers bringing their children to work in the sugar cane fields. See U.S. Embassy La Paz, *unclassified telegram no. 1019*, March 30, 2004.

[517] U.S. Department of State, *Country Reports- 2003: Bolivia*, Section 6d.

[518] ILO-IPEC, *Phase I: Program to Prevent and Progressively Eliminate Child Labor in Small-scale Traditional Gold Mining in South America*, project document, (ILO) LAR/00/05/050, Geneva, April 1, 2000, 2.

[519] "Descubren a niños que vendían droga," *Los Tiempos*, September 18, 2004, B1. See also U.S. Department of State, *Country Reports- 2003: Bolivia*, Section 6d.

[520] U.S. Department of State, *Country Reports- 2003: Bolivia*, Sections 5 and 6d.

[521] U.S. Department of State, *Trafficking in Persons Report- 2004: Bolivia*, Washington, D.C., June 14, 2004.

[522] U.S. Department of State, *Country Reports- 2003: Bolivia*, Section 6f. It is also reported that children are forcibly recruited into the armed forces. Although Article 1 of Decreto Ley No. 13.907 requires 1 year of compulsory service for Bolivians who are 18 years old, it is reported that 40 percent of the armed forces are under 18 and as young as 14. See Coalition to Stop the Use of Child Soldiers, "Bolivia," in *Global Report 2001*, 2001; available from http://www.child-soldiers.org/cs/childsoldiers.nsf/f30d86b5e33403a180256ae500381213/d3fd060bf388329f80256ae6002426d7?OpenDocument.

The Constitution of Bolivia calls for the provision of education as a principal responsibility of the state, and establishes free and compulsory primary education for 8 years for children ages 6 to 14.[523] In 2001, the gross primary enrollment rate was 113.6 percent and the net primary enrollment rate was 94.2 percent. Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Bolivia. As of 2000, 78.0 percent of children who started primary school were likely to reach grade 5.[524] More than 56 percent of Bolivian children and adolescents, however, do not attend or have abandoned school.[525] Verbal punishment and corporal abuse exist in schools.[526] Inadequate incentives and remuneration for teachers make the teaching profession unattractive.[527] Many children from rural areas lack identity documents and birth certificates necessary to receive social benefits and protection.[528]

Child Labor Laws and Enforcement

The Child and Adolescent Code sets the minimum age for employment at 14 years.[529] National legislation on hazardous labor prohibits children ages 14 to 17 years from taking part in activities involving danger to health or morals, physically arduous labor, exposure to chemicals and noxious substances, dangerous machinery, and the production and handling of pornographic materials.[530] Under the Code, employers are

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[523] UNESCO, *Education for All 2000 Assessment: Country Reports- Bolivia*, prepared by Ministry of Education, Culture, and Sports, pursuant to UN General Assembly Resolution 52/84, December 12, 2000, Part I, Section 2.2 and Part II, Section 3.1 [cited June 1, 2004]; available from http://www2.unesco.org/wef/countryreports/bolivia/contents.html. Enforcement and compliance with this requirement are generally weak. See U.S. Embassy La Paz, *unclassified telegram no. 3117*, September 30, 2004.

[524] World Bank, World Development Indicators 2004 [CD-ROM], Washington, D.C., 2004. This report may cite education data for a certain year that is different than data on the same year published in the U.S. Department of Labor's 2003 Findings on the Worst Forms of Child Labor. Such data, drawn from the World Bank's World Development Indicators, may differ slightly from year to year because of statistical adjustments made in the school-age population or corrections to education data. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[525] Inter-Institutional Commission for the Eradication of Child Labor, *Plan de Erradicación Progresiva del Trabajo Infantil: 2000-2010*, Ministry of Labor, La Paz, November 2000, 11. In urban centers, 57 percent of all children between ages 7 and 12 leave school before the sixth grade. The dropout rate was 89 percent in rural regions. See Ministry of Sustainable Development and Planning, *Proyecto de Continuidad del Programa de Escolarización de Niñas y Niños Trabajadores de 7 a 12 Años de Edad*, proposal, Vice Ministry of Gender, Generational, and Family Affairs, Bureau of Generational and Family Affairs, La Paz, 2001, 12. The Child and Adolescent Code calls upon the government to take steps to reduce school dropout rates and in rural areas, to provide pedagogical materials and adequate resources, to adapt the school calendar and attendance schedule to local realities, and to raise awareness within communities and among parents about the importance of registering children for school and maintaining their regular attendance. See Government of Bolivia, *Ley del Código del Niño, Niña y Adolescente*, Ley No. 2026, Articles 115-116, (October 27, 1999), [cited June 1, 2004]; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/55837/65192/S99BOL01.htm.

[526] U.S. Department of State, *Country Reports- 2003: Bolivia*, Section 5.

[527] UN, "Millennium Development Goals: Progress in Bolivia," (2002); available from http://www.undp.org/mdg/Bolivia_report_english.pdf.

[528] U.S. Department of State, *Country Reports- 2003: Bolivia*, Section 5.

[529] *Ley del Código del Niño*, Article 126.

[530] Also included is work that involves thermal stress, vibration and noise, explosives, the production and/or sale of alcohol, entertainment (night clubs, bars, casinos, circuses, gambling halls), construction, machinery in motion, mining, quarries, underground work, street trades, operating transportation vehicles, weights and loads, and the welding and smelting of metals. See ILO, *National Legislation on Hazardous Work*, [online] 1998 [cited June 1, 2004]; available from http://www.ilo.org/public/english/comp/child/standards/labourle/index.htm. See also U.S. Embassy La Paz, *unclassified telegram no. 3117*.

required to grant adolescent workers time off to attend school during normal school hours.[531] The Constitution prohibits any kind of labor without consent and just compensation.[532] The Ministry of Labor is responsible for enforcing child labor provisions. However, the U.S. Department of State reported that it does not effectively enforce them.[533]

Forcing an individual under 18 years into prostitution carries a maximum penalty of 20 years imprisonment.[534] The 1999 Law for the Protection of the Victims of Crimes Against Sexual Freedom prohibits individuals from benefiting from the corruption or prostitution of a minor, and also outlaws trafficking in persons for the purpose of prostitution. The law calls for a maximum sentence of 12 years imprisonment if the victim is under 14 years of age.[535] The Government of Bolivia has taken steps to address corruption among government officials, including establishing a checks and balances system at borders and airports designed to identify judicial officials authorizing the unaccompanied travel of minors.[536]

In March 2001, the government adopted into law stipulations of the Child and Adolescent Code that allow judges and other authorities of the Ministry of Justice to punish violations of children's rights within the country.[537] However, a set of fines and penalties has not been standardized for child labor violations.[538] In 1996, the Vice-Ministry of Gender, Generational and Family Affairs created the Municipal Child and Adolescent Defense Offices, which offer free public services to promote, protect, and defend the rights of children and adolescents. As of June 2001, there were 150 such Defense Offices functioning in 135 municipalities.[539]

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[531] *Ley del Código del Niño*, Article 146.

[532] *Constitución Política del Estado*, Ley 1615, (February 6, 1995), Article 5 [cited August 31, 2004]; available from http://www.geocities.com/bolilaw/legisla.htm.

[533] U.S. Department of State, *Country Reports- 2003: Bolivia*, Section 6d. See also U.S. Embassy La Paz, *unclassified telegram no. 1142*, April 7, 2004.

[534] This sentence may be applied under Law 2033, "Protection of Victims against Sexual Crimes." See U.S. Embassy La Paz, *unclassified telegram no. 3028*, August 20, 2003.

[535] See Government of Bolivia, *Ley de Protección a las Victimas de Delitos contra la Libertad Sexual*, 2033, (October 29, 1999), Article 321; available from http://natlex.ilo.org/txt/S99BOL02.htm.

[536] The Government of Bolivia removed approximately 50 immigration official suspected of facilitating trafficking. See U.S. Department of State, *Country Reports- 2003: Bolivia*, Section 6f.

[537] "Correo del Sur: Protegan legalmente a los niños," *Los Tiempos* (La Paz), March 21, 2001; available from http://www.lostiempos.com/pvyf4.shtml [hard copy on file].

[538] U.S. Embassy- La Paz, *unclassified telegram no. 3740*, October 11, 2002.

[539] See Ministry of the Presidency, *Cumbre Mundial de la Infancia: Evaluación de Metas*, Vice Ministry of Governmental Coordination, Bureau of Coordination with the National Administration, La Paz, June 2001, 5, 12.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/11/1997	✓
Ratified Convention 182	6/6/2003	✓
ILO-IPEC Member		✓
National Plan for Children		
National Child Labor Action Plan		✓
Sector Action Plan (Sugarcane)		✓

The Government of Bolivia is working to eliminate child labor through funding of its National Plan for the Progressive Eradication of Child Labor 2000-2010. The Plan's strategic objectives include the reduction of child labor, the protection of adolescent workers, and the elimination of the worst forms of child labor.[540] In addition to the Interinstitutional Commission for the Eradication of Child Labor and sub-commissions on mining, sugar, and sexual exploitation, the Ministry of Labor administers a sub-commission on urban labor, which was established in 2004.[541] In May 2004, a Consensus Agreement for the Sugar Cane sector was signed establishing a Tripartite Dialogue group that will address the business and socio-labor situation of workers, as well as the prohibition of child labor.[542] The government is participating in two USDOL-funded programs. These projects include an ILO-IPEC regional project to eliminate child labor in small-scale mining in the Andean region,[543] and a USD 1.5 million project to improve the access to and quality of basic education for working children in the Potosí mines.[544] With U.S. government funding, the Organization of American States and the IOM are also working together with the Government of Bolivia to raise awareness and build capacity to combat child trafficking.[545]

The Government of Bolivia is working with UNICEF to provide free birth and identity documents to citizens, facilitating their access to social services including health and education.[546] The Office of the First Lady is currently spearheading this project.[547] The Ministry of Education's Vice-Ministry of Alternative

[540] Proposed funding for the Plan totals USD 90 million. See Inter-Institutional Commission for the Eradication of Child Labor, *Plan de Erradicación*, 35, 51.

[541] ILO-IPEC, *Program to Prevent and Progressively Eliminate Child Labor in Small-scale Traditional Gold Mining in South America (Phase II)*, technical progress report, September 20, 2004, 2. See also U.S. Embassy La Paz, *unclassified telegram no. 3117*.

[542] ILO-IPEC, *Small-scale Gold Mining in South America (Phase II), technical progress report, September 2004*, 10. See also *Convenio de Concentración para el Sector Cañero*, May 3, 2004; available from http://ipecmin.org/convenio_sector_canero_bolivia.doc.

[543] The regional project includes Bolivia, Ecuador and Peru. Phase I of this project began in 2000, and phase II activities will run through 2005. See ILO-IPEC, *Phase I: Program to Prevent Child Labor in Gold Mining, project document*. See also ILO-IPEC, *Phase II: Prevention and Progressive Elimination of Child Labor in Small-scale Traditional Gold Mining in South America*, project document, RLA/02/P50/USA, Geneva, September 3, 2002. See also ILO-IPEC, *Small-scale Gold Mining in South America (Phase II), technical progress report, September 2004*.

[544] This project began in September 2002 and is scheduled to end in September 2006. See CARE, *Combating Child Labor in Bolivia Through Education*, project document, 2002.

[545] OAS, *Fighting the Crime of Trafficking in Persons, especially Women, Adolescents and Children*, March 22, 2004, 3, 6; available from http://www.oas.org/cim/Documentos/Trata-2004%20TrafRpt-GA1.doc.

[546] U.S. Department of State, *Country Reports- 2003: Bolivia*, Section 6f. See also U.S. Embassy- La Paz, *unclassified telegram no. 1602*, May 05, 2003. In May 2002, a new Supreme Decree was issued that established a program to provide free birth certificates to children, especially in rural areas, born on or after the first of January 2002. See *Decreto Supremo No. 26579*, (May 20, 2002), Article 1.

[547] The UN Population Fund is providing partial funding for the project. See U.S. Department of State official, electronic communication to USDOL official, February 7, 2003.

Education has developed a flexible curriculum designed to keep working children and adolescents in school by offering night classes.[548]

The IDB continues to finance a 3-year program to strengthen technical and technological training for young school dropouts, and includes a gender focused approach.[549] The IDB has also approved a loan to fund the second phase of the Education Reform, which focuses on improving the quality of teaching training and the curriculum of compulsory education.[550]

In February 2004, the World Bank announced its Country Assistance Strategy in Bolivia, which includes a project to reduce disparities in basic services such as education,[551] and in June 2004, the World Bank announced its Social Sectors Programmatic Structural Adjustment Credit, which supports the development of the Bolivian Education Strategy including increased primary completion rates.[552]

In August 2004, the U.S. Department of Agriculture announced it will provide funds for agricultural commodities for school meals in Bolivia.[553] The WFP's strategies in its 2003-2007 country plan for Bolivia were integrated into Bolivia's poverty reduction strategy to provide food aid to schools and shelters for street children, as well as stabilizing primary school attendance rates, decreasing dropout rates and increasing grade promotion, particularly among street children and girls. The target numbers for the program are 42,000 primary school students and 7,000 street children.[554]

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[548] Ministerio de Educación Cultura y Deportes and Viceministerio de Educación Alternativa, *Curriculum Para La Escuela Nocturna: Proyecto de Transformación Curricular para niños/as adolescentes y jóvenes trabajadores y de la calle de la Escuela Nocturna*, CARE Bolivia, La Paz, 2000.

[549] IDB, *Program to Strengthen Technical and Technological Training*, executive summary, (BO-0197), Washington, D.C., 2001; available from http://www.iadb.org/exr/doc98/apr/bo1093e.pdf. This project was approved in October 2001. See IDB, *Approved Projects - Bolivia,* [online] October 21, 2004 [cited November 1, 2004]; available from http://www.iadb.org/exr/doc98/apr/lcboli.htm.

[550] The educational reform comprises USD 36 million of the total loan. See IDB, *IDB Approves $101 Million in Concessional Financing to Support Fiscal Sustainability and Educational Reform in Bolivia,* [online] June 11, 2003 [cited May 25, 2004]; available from http://www.iadb.org/NEWS/Display/PRView.cfm?PR_Num=117_03&Language=English.

[551] World Bank, *World Bank Announces New Assistance Strategy for Bolivia,* [online] February 10, 2004 [cited May 25, 2004]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20160174~isCURL:Y~menuPK:34467~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html.

[552] World Bank, *Bolivia: World Bank Approves $25 Million for Social Development in Bolivia,* [online] June 29, 2004 [cited August 31, 2004]; available from http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/LACEXT/BOLIVIAEXTN/0,,contentMDK:20220087~menuPK:322285~pagePK:141137~piPK:141127~theSitePK:322279,00.html.

[553] Eric Green, *U.S. funds will provide school meals in Latin America, Caribbean,* U.S. Department of State: Washington File, [online] August 17, 2004 [cited August 24 2004]; available from http://usinfo.state.gov/gi/Archive/2004/Aug/18-23606.html.

[554] The World Food Programme, *Country Programme - Bolivia (2003 - 2007)*, The United Nations, April 16, 2002, 3, 13; available from http://www.wfp.org/country_brief/index.asp?region=4.

Bosnia and Herzegovina

Incidence and Nature of Child Labor

UNICEF estimated that 17.7 percent of children ages 5 to 14 years in Bosnia and Herzegovina were working in 2000.[555] Children occasionally assist their families with farm work and various jobs, and Roma children beg on the streets in Sarajevo.[556] The prostitution and trafficking of girls to, from, and within the country continues to be a problem.[557] Reports indicate that there are growing numbers of minors, primarily girls ages 14 to 18 years, who are trafficked from less economically developed Eastern Bosnia to more economically developed Western Bosnia and externally to Eastern and Western Europe for commercial sexual exploitation.[558]

Education is free and compulsory until age 15.[559] The right to education is guaranteed by the constitutions of the country's two political entities, the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS),[560] but each entity established compulsory education requirements in its own specific laws.[561]

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[555] Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. Less than 1 percent of children between ages 5 and 14 were paid for their employment, 5.9 percent of children participated in unpaid work for someone other than a family member, and 15.1 percent of children worked on the family farm or in the family business. See Government of Bosnia and Herzegovina, *Multiple Indicator Cluster Survey 2 (MICS 2): Bosnia and Herzegovina,* UNICEF, [online] [cited May 6, 2004]; available from http://www.ucw-project.org/cgi-bin/ucw/Survey/Main.sql?come=Tab_Country_Res.sql&ID_SURVEY=169. See also Government of Bosnia and Herzegovina, *Household Survey of Women and Children in Bosnia and Herzegovina 2000: A Multiple Indicator Cluster Survey: B&H MICS 2000*, UNICEF, May 29, 2002, 54, 103, 12; available from http://www.childinfo.org/MICS2/newreports/bosniaherzegovina/b&h.pdf.

[556] U.S. Department of State, Country Reports on Human Rights Practices- 2003: Bosnia and Herzegovina, Washington, D.C., February 25, 2004, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27829.htm.

[557] The majority of trafficked women and girls in Bosnia come from Moldova, Romania, and the Ukraine, and to a lesser extent Russia, Belarus, and Serbia and Montenegro. See U.S. Department of State, *Trafficking in Persons Report- 2004: Bosnia and Herzegovina*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33192.htm. See also U.S. Embassy- Sarajevo, *unclassified telegram no. 539*, March 8, 2004. See also U.S. Department of State, *Country Reports- 2003: Bosnia and Herzegovina*, Section 6f.

[558] Some victims report having been coerced by traffickers to recruit others, while other victims have been sold by members of their own families. See U.S. Embassy- Sarajevo, *unclassified telegram no. 539*. See also U.S. Department of State, *Country Reports- 2003: Bosnia and Herzegovina*, Section 6f.

[559] U.S. Department of State, *Country Reports- 2003: Bosnia and Herzegovina*, Section 5. See also *Constitution of Republika Srpska*, Article 38; available from http://www.ohr.int/const/rs/default.asp?content_id=5908. See also *Constitution of the Federation of Bosnia and Herzegovina*, (May 8, 1997), Section II(A), Article II(3)(l); available from http://www.ohr.int/const/bih-fed/default.asp?content_id=5907. See also *Statute of the Brcko District of Bosnia and Herzegovina*, (2000), Article 16; available from http://www.ohr.int/ohr-dept/legal/const/doc/brcko-statute.doc.

[560] The 1995 Dayton Accords established two distinct entities within Bosnia and Herzegovina: the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS). See U.S. Department of State, *Background Note: Bosnia and Herzegovina,* [online] February 2004 [cited September 10, 2004]; available from http://www.state.gov/r/pa/ei/bgn/2868.htm.

[561] Article 2(3)(l) of the Constitution of Bosnia and Herzegovina establishes the right to education for all persons, but compulsory education laws and curricula are established separately by each entity. The GFAP Annex 4 Article III lists the responsibilities of the institutions of BiH and the entities. GFAP Annex 4 Article III 3(a) states that "all government functions and powers not expressly assigned in this Constitution to the institutions of Bosnia and Herzegovina shall be those of the Entity." Consequently, the entities, not the state-level government, are responsible for such matters as education, health, and intra-entity law enforcement. In the FBiH, each of the 10 cantons also is responsible for health and education. See *Constitution of FBiH*, Article 2(3)(1). See also

According to UNICEF, the primary school attendance rate was 94 percent in 2000.[562] However, a lack of reliable official statistics on enrollment, attendance, and level of school completion hinder efforts to ensure that all school age children receive an education.[563] Access to education remains limited for Roma children who frequently face a hostile learning environment due to harassment from other students, language barriers, segregated classrooms, and the inability to pay for the costs associated with schooling.[564] The quality of education in rural areas has deteriorated, and in some areas more girls are quitting primary school than in the past.[565] Tension among different ethnic communities and local policies favoring citizens in the ethnic majority continue to prevent minority or refugee children from attending school in these regions.[566] Efforts to address these issues, including implementation of the 2002 Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children, have led to modest improvements in a number of cases.[567]

Child Labor Laws and Enforcement

In both FBiH and RS, the Labor Law sets the minimum age for employment at 15 years, and minors between the ages of 15 to 18 must provide a valid health certificate in order to work.[568] Also, in both entities, children are prohibited from performing hazardous and overtime work.[569] Night work by minors is also banned, although temporary exemptions may be granted by the labor inspectorate in regards to machine breakdowns, the elimination of consequences of force majeure, and protection of the political entity.[570] In FBiH, an employer found in violation of the above prohibitions must pay a fine ranging from 2,000 to 14,000 convertible marks (USD 1,228 to 8,597).[571] In the RS, fines range from 1,000 to 10,000 convertible marks (USD 614 to 6,141) for hiring children younger than 15 years and requiring overtime work or hazardous work of a minor.[572] The fines are raised to 2,000 to 15,000 convertible marks (USD 1,228

The General Framework Agreement: Annex 4: Constitution of Bosnia and Herzegovina, (December 14, 1995), Article 3; available from http://www.ohr.int/dpa/default.asp?content_id=372.

[562] Government of Bosnia and Herzegovina, *Household Survey of Women and Children in Bosnia*, 25.

[563] U.S. Embassy- Sarajevo official, personal communication to USDOL official, February 20, 2004.

[564] U.S. Department of State, *Country Reports- 2003: Bosnia and Herzegovina*, Section 5.

[565] U.S. Embassy- Sarajevo official, personal communication, February 20, 2004.

[566] U.S. Department of State, *Country Reports- 2003: Bosnia and Herzegovina*, Section 5.

[567] While students and faculty of different ethnic groups began to share the same school facilities, their classes remained segregated. Students and teachers of minority ethnic groups were significantly outnumbered and discrimination remained entrenched in many schools. See Ibid.

[568] *The Labour Law (FBiH)*, Issue No. 43, (October 28, 1999), Article 15 as revised by *Decree on Promulgation of the Law on Amendments to the Labour Law*, No. 01-447/2000, (August 15, 2000), Article 12. See also *The Labor Law (RS)*, (November 8, 2000), Article 14.

[569] *The Labour Law (FBiH)*, Articles 15, 32, and 51. See also *The Labor Law (RS)*, Articles 14, 41, and 69.

[570] The Labor Law of the Federation of BiH refers to protections of the interests of the Federation, while the Labor Law of the RS refers to protection of the interests of theRepublika Srpska. See *The Labour Law (FBiH)*, Article 36. See also *The Labor Law (RS)*, Article 46.

[571] As of December 31, 2003, 1 USD = 1.57 convertible marks (KM). See *The Labour Law (FBiH)*, Article 140 as revised by *Decree on Promulgation of the Law on Amendments to the Labour Law*, No. 01-447/2000, (August 15, 2000), Article 49. For currency conversions, see http://www.xe.com/ucc/convert.cgi. See also U.S. Embassy- Sarajevo official, personal communication, February 20, 2004.

[572] *The Labor Law (RS)*, Article 150. For currency conversions, see http://www.xe.com/ucc/convert.cgi.

to 9,212) for employers who allow underage workers to work at night.[573] The government does not keep statistics on child labor violations, nor are there separate child labor inspectors. While neither entity has developed a list of the worst forms of child labor, both the FBiH and RS follow the articles of the UN Convention on the Rights of the Child and the relevant labor laws in each sub-entity when conducting workplace inspections.[574]

The Criminal Code of Bosnia and Herzegovina criminalizes trafficking in persons. Anyone taking part in the recruitment, transfer, or receipt of persons through the use of threat, force, coercion, abduction, fraud, or deception shall be punished with imprisonment from 1 to 10 years. If the victim is a child under the age of 18, the perpetrator is to be imprisoned for a term of not less than 3 years.[575] Under the Criminal Codes of the two entities and the Brcko District, procuring a juvenile or seeking opportunity for illicit sexual relations with a juvenile is specifically prohibited.[576] On October 14, 2003, the Law on Movement and Stay of Foreigners and Asylum entered into force. The law's implementing regulations address the provision of services to trafficking victims.[577] Despite these provisions, there have been allegations of both local law enforcement and international police facilitation of the trafficking of women.[578]

[573] Ibid. For currency conversions, see http://www.xe.com/ucc/convert.cgi.

[574] U.S. Embassy- Sarajevo, *unclassified telegram no. 2330*, September 20, 2004.

[575] U.S. Embassy- Sarajevo, *unclassified telegram no. 539*. See also U.S. Department of State, *Country Reports- 2003: Bosnia and Herzegovina*, Section 6f. See also *The Criminal Code of Bosnia and Herzegovina*, (March 1, 2003), Article 184; available from http://www.ohr.int/decisions/judicialrdec/doc/HiRep-dec-101-law-crim-code-bih.doc.

[576] In FBiH, persons caught recruiting or luring juvenile females into prostitution face imprisonment of between 1 and 10 years, while having sexual intercourse with a child under the age of 14 is punishable by imprisonment of between 6 months and 5 years. The FBiH Criminal Code mandates between 6 months and 10 years imprisonment for those convicted of rape or forced sexual intercourse. In the RS, the punishment for persons convicted of rape or having sexual intercourse with a child is 3 to 15 years imprisonment. Under the RS Criminal Code, imprisonment of 1 to 12 years is authorized for individuals who for profit compel or lure persons under the age of 21 into offering sexual services, including by threat or use of force or by abusing the situation originating from the persons' stay in another country. In practice, traffickers are sentenced in Bosnia and Herzegovina usually to imprisonment for no more than 18 months. See *Criminal Code of the Federation of Bosnia and Herzegovina*, (November 20, 1998), Articles 221, 22, 24, and 29; available from http://www.ohr.int/ohr-dept/legal/crim-codes/default.asp?content_id=5130. See also *Criminal Code of the Republika Srpska*, (July 31, 2000), Articles 185 and 88; available from http://www.ohr.int/ohr-dept/legal/crim-codes/default.asp?content_id=5129. See also *Criminal Code of the Brcko District of Bosnia and Herzegovina*, (June 2000), Articles 209 and 12; available from http://www.ohr.int/ohr-dept/legal/crim-codes/doc/bd-criminal-code.doc.

[577] U.S. Embassy- Sarajevo official, personal communication, February 20, 2004.

[578] U.S. Embassy- Sarajevo, *unclassified telegram no. 539*. See also U.S. Department of State, *Country Reports- 2003: Bosnia and Herzegovina*, Section 6f.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/2/1993	✓
Ratified Convention 182	10/5/2001	✓
ILO-IPEC Member		
National Plan for Children (2002-2010)		✓
National Child Labor Action Plan		
Sector Action Plan		

The Government of Bosnia and Herzegovina is stepping up its efforts to combat child trafficking, particularly in the areas of prosecution, law enforcement response, and anti-corruption measures.[579] The government established a State Prosecutor's Office to help in fighting government corruption and involvement in trafficking and in February 2004, the local Interpol Deputy Director was arrested on corruption charges.[580] With government support, the National Coordinator's Office collects information on and coordinates agency responses to trafficking. The National Coordinator's Office is also providing training to law enforcement officials, judges, prosecutors, and border agents on how to recognize and assist trafficking victims, including children, and to raise awareness on anti-trafficking laws.[581] The National Coordinator's Working Group on Child Trafficking met for the first time this year and began to provide formal input to the National Coordinator on the issue of child trafficking.[582]

The government is collaborating with IOM and UNICEF to implement anti-trafficking assistance and prevention programs within the country. The IOM, in cooperation with government authorities, the UN and NGOs, is operating a 15-month project to protect and assist trafficking victims by providing them with transportation, housing, and financial assistance. The project targets women and children working in the commercial sex industry.[583] The IOM also trains government officials in counter-trafficking methods, law enforcement, and the proper treatment of victims.[584] In its project on protection from extreme forms of violence, UNICEF is working with the various government bodies dealing with children's issues to assess how to better protect children at risk of being trafficked or who are trafficking victims.[585]

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[579] The improvements have occurred in part due to the establishment and enhancement of Bosnia and Herzegovina's Trafficking in Persons Strike Force, which has received support from the U.S. Department of Justice. See U.S. Department of State, *unclassified telegram no. 126187*, Washington, D.C., June 8, 2004. See also U.S. Embassy- Sarajevo, *unclassified telegram no. 2032*, August 13, 2004.

[580] U.S. Embassy- Sarajevo, *unclassified telegram no. 539*. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Bosnia and Herzegovina*.

[581] U.S. Department of State, *Trafficking in Persons Report- 2004: Bosnia and Herzegovina*. See also U.S. Embassy- Sarajevo, *unclassified telegram no. 539*.

[582] U.S. Embassy- Sarajevo, *unclassified telegram no. 539*.

[583] IOM, *Shelter and Return of Trafficked Girls and Women in BiH,* [online] [cited May 6, 2004]; available from http://www.iom.ba/Programs/OnGoing/trafficking.htm. See also Human Rights Watch, *HOPES BETRAYED: Trafficking of Women and Girls to Post-Conflict Bosnia and Herzegovina for Forced Prostitution*, Washington, D.C., November 2002, 4; available from http://www.hrw.org/reports/2002/bosnia.

[584] IOM, *Service Areas: Counter Trafficking,* [online] 2004 [cited May 6, 2004]; available from http://www.iom.ba.

[585] UNICEF, *FACTSHEET: TRAFFICKING The facts,* [online] [cited May 19, 2004]; available from http://www.unicef.org/protection/trafficking.pdf.

Botswana

Incidence and Nature of Child Labor

The ILO estimated that 13.5 percent of children ages 10 to 14 years in Botswana were working in 2002.[586] In remote areas, young children work as cattle tenders, domestic servants and babysitters.[587] Street children in urban areas, many of whom may be HIV/AIDS orphans, engage in begging and are victims of commercial sexual exploitation.[588]

Primary education is free for the first 7 years, but is not compulsory.[589] In 2001, the gross primary enrollment rate was 103.3 percent, and the net primary enrollment rate was 80.9 percent. Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Botswana. Total gross and net enrollment rates for girls and boys are relatively equal. As of 2000, 89.5 percent of children who started primary school were likely to reach grade 5.[590]

Child Labor Laws and Enforcement

The Employment Act sets the minimum age for basic employment for children at 15 years, and 18 years for hazardous work.[591] However, family members may employ children aged 14 in light work not harmful to their health and development if they are not attending school. Children and young persons cannot be employed in underground work, night work, or any work that is harmful to their health and development. Children and young persons are prohibited from work in industrial undertakings and on rest days and public holidays without the express permission of the Commissioner of Labor.[592] The Employment Act also

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[586] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[587] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Botswana*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27713.htm. The Minister of Labor reported to Parliament in March 2004 that there were an estimated 8,500 children between the ages of 12-17 working in traditional or subsistence agriculture or other informal sectors. See U.S. Embassy- Gaborone, *unclassified telegram no, 1479*, September 2004.

[588] U.S. Department of State, *Country Reports- 2003: Botswana*, Section 5. U.S. Embassy- Gaborone official, email communication to USDOL official, May 26, 2005. According to the Department of Social Services, there are 47,000 registered orphans in Botswana but Botswana's 2001 Population and Housing Census counted 111,828 children who had lost one or both parents. See U.S. Embassy- Gaborone, *unclassified telegram no, 1479*. Commercial sexual exploitation of children also reportedly occurs on the border road between South Africa and Botswana and in tourist areas. See ECPAT International, *Botswana,* [online] 2004 [cited March 24, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

[589] U.S. Department of State, *Country Reports- 2003: Botswana*, Section 5. See also U.S. Embassy- Gaborone, *unclassified telegram no. 3277*, September 2001.

[590] World Bank, *World Development Indicators 2004*. There are however concerns that girls suffer marginalization and gender stereotyping, which compromises their ability for educational opportunities. See *Committee on the Rights of the Child Concludes Thirty-Seventh Session: Adopts Conclusions on Reports from Brazil, Botswana, Croatia, Kyrgyzstan, Equatorial Guinea, Angola, and Antigua and Barbuda*, Press document, United Nations, October 1, 2004.

[591] "Children" are those who have not attained the age of 14 years. "Young persons" are those who are 14 to 18 years old. U.S. Embassy- Gaborone, *unclassified telegram no. 3277*.

[592] The Government of Botswana, *Employment Act,* in NATLEX, [cited March 24, 2004]; available from http://natlex.ilo.org/txt/E82BWA01.htm#p6. However, there is still no definition for "light work". See U.S. Embassy- Gaborone, *unclassified telegram no, 1479*.

prohibits forced labor, although it does not specifically mention children.[593] The law protects adopted children from being exploited as cheap labor or coerced into prostitution.[594] Child prostitution and pornography are criminal offenses and punishable by a 10-year minimum sentence for "defilement" of persons under 16.[595]

The Social Welfare Division in the Ministry of Local Government oversees the protection and welfare of children.[596] Starting in June 2004, the agency began reporting child labor cases to the national level.[597] The Employment Act authorizes the Commissioner of Labor to investigate cases of child labor and to terminate unlawful employment of a child.[598] The child welfare divisions of the district and municipal councils have the authority to enforce child labor laws, although no systematic investigations have occurred.[599] The maximum penalty for unlawful child employment is imprisonment up to 12 months, a fine of 1500 Pula (USD 312), or a combination of both.[600]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 06/05/1997	✓
Ratified Convention 182 01/03/2000	✓
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

The Government of Botswana is working with ILO/IPEC to implement a USDOL-funded regional child labor project in Southern Africa, which includes Botswana. Activities in Botswana are focused towards children who are working or at-risk of working in exploitative labor; conducting research on the nature and incidence of exploitative child labor; and, building the capacity of the government to address child labor issues.[601] The American Institutes for Research was awarded a USD 9 million grant by USDOL in August 2004 to implement a regional Child Labor Education Initiative project in Southern Africa, and will work in collaboration with the Government of Botswana on activities there.[602]

[593] The Government of Botswana, *Employment Act*, Part VI.

[594] U.S. Department of State, *Country Reports- 2003: Botswana*, Section 6d.

[595] Ibid., Section 5. See also Interpol, *Legislation of Interpol member states on sexual offences against children: Botswana,* [database online] 2004 [cited April 20, 2004]; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaBotswana.asp.

[596] Government of Botswana, *Ministry of Local Government,* [online] 2004 [cited April 20, 2004]; available from http://www.gov.bw/government/ministry_of_local_government.html.

[597] U.S. Embassy- Gaborone, *unclassified telegram no, 1479*.

[598] U.S. Embassy- Gaborone, *unclassified telegram no. 3277*.

[599] U.S. Department of State, *Country Reports- 2003: Botswana*, Section 6d.

[600] U.S. Embassy- Gaborone, *unclassified telegram no. 3277*. For currency conversion see FX Converter, *Currency Converter,* [online] [cited April 20, 2004]; available from http://www.carosta.de/frames/convert.htm.

[601] ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, project document, Geneva, September, 2003, 38-39.

[602] The AIR project aims to improve quality and access to basic and vocational education for children who are working or at-risk of working in the worst forms of child labor. See *Notice of Award: Cooperative Agreement*, U.S. Department of Labor / American Institutes for Research, Washington D.C., August 16, 2004, 1,2.

The government is working with NGOs, community-based organizations, and the private sector on a National Orphan Program to develop and implement social services to orphaned children. Specific activities include a national database of orphaned children, identifying needs of foster children and parents, training community volunteers, providing HIV/AIDS counseling, and developing child protection priorities. A major goal of the National Orphan Program is to develop a National Orphan Policy based on the Convention on the Rights of the Child.[603] The government is also implementing a National Action Plan for Education.[604]

The government collaborates with UNICEF on efforts to improve schools, strengthen services for orphans and vulnerable children, and increase awareness of the Convention on the Rights of the Child.[605] UNICEF also implements a girls' education program in Botswana aimed at improving the primary school curriculum, supporting the formulation of an early childhood care and education policy, developing pregnancy prevention policies and programs, and improving the environment at boarding schools where both boys and girls enrollment is low.[606]

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[603] *Children and AIDS: Challenges and Strategies to Cope,* Global Health Council, April 2001 [cited May 21, 2004]; available from http://www.globalhealth.org/news/article/894. See also UNICEF, *Children Orphaned by AIDS: Front Line responses from eastern and southern Africa*, New York, 1999, 8, 9; available from http://www.unaids.org/publications/documents/children/young/orphrepteng.pdf.

[604] Ministry of Education, *National Action Plan,* as cited in UNESCO, Education Plans and Policies, September 21, 2002 [cited May 13, 2004]; available from http://portal.unesco.org/education/en/ev.php-URL_ID=20923&URL_DO=DO_TOPIC&URL_SECTION=201.html.

[605] UNICEF, *At a glance: Botswana,* [website] 2004 [cited April 20, 2004]; available from http://www.unicef.org/infobycountry/botswana.html.

[606] UNICEF, *Girls' Education in Botswana,* [online] [cited July 13, 2004]; available from http://www.unicef.org/girlseducation/Botswana.doc.

Brazil

Incidence and Nature of Child Labor

The Brazilian Institute of Geography and Statistics estimated that approximately 6.8 percent of children ages 5 to 14 years were working in 2001.[607] In this age group, 9.1 percent of males and 4.5 percent of females were working.[608] Child labor is more prevalent in northeastern Brazil than in any other region, and it is more common in rural areas than in urban areas.[609] Children work in numerous rural activities, such as mining, fishing, producing charcoal, and harvesting sugar cane, cotton, sisal, citrus, and other crops. In urban areas, common activities for children include shining shoes, street peddling, begging, and working in restaurants, construction, and transportation.[610] Many children and adolescents are employed as domestic servants,[611] and others work as trash pickers,[612] drug traffickers,[613] and prostitutes.[614]

Basic education (grades 1 through 8) is free and compulsory for children ages 7 to 14 years.[615] In 2001, the gross primary enrollment rate was 148.5 percent, and the net primary enrollment rate was 96.5 percent.[616] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In spite of high rates of enrollment, the

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[607] It was also estimated that 31.5 percent of children ages 15 to 17 years were working. See Brazilian Institute of Geography and Statistics, *Pesquisa Nacional por Amostra de Domicílios: Trabalho Infantil 2001*, Instituto Brasileiro de Geografia e Estatística - IBGE, Rio de Janeiro, 2003, 48. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[608] The number of working boys is more than double that of working girls. The total number of working boys ages 5 to 14 years is 1,506,016 and the total number of girls is 725,958. See Ibid.

[609] Ibid. For a disaggregation by region, see Brazilian Institute of Geography and Statistics, *Pesquisa Nacional por Amostra de Domicílios*, 74.

[610] U.S. Department of State, *Country Reports on Human Rights Practices - 2003*, U.S. Department of State, Washington, D.C., March 31, 2003, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27888.htm.

[611] The ILO has estimated that approximately 500,000 minors are employed as domestic servants in Brazil. This corresponds to more than 8 percent of all working children. It is estimated that roughly a third of domestics begin to work before the age of 12, and over half work more than 40 hours per week. See ILO-IPEC, *Análise e recomendações para a melhor regulamentação e cumprimento da normativa nacional e internacional sobre o trabalho de crianças e adolescentes no Brasil*, Brasília, 2003, 64; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/doc/estudios/brasil_171.pdf.

[612] See Fórum Nacional Lixo & Cidadania, *Mais de 40 mil crianças deixam o trabalho com o lixo*, 2002 [cited May 30, 2004]; available from http://www.lixoecidadania.org.br/lixoecidadania/noticias/criancas.htm. See also ILO-IPEC, *Análise e recomendações*, 65.

[613] Dr. Jailson de Souza e Silva and Dr. André Urani, *Brazil: Children in Drug Trafficking: A Rapid Assessment*, ILO, Geneva, February 2002. See also ILO-IPEC, *Análise e recomendações*, 63.

[614] A 2002 report revealed 241 domestic and international trafficking routes related to commercial sexual exploitation in Brazil. See PESTRAF-BRASIL, *Pesquisa sobre Tráfico de Mulheres, Crianças e Adolescentes para Fins de Exploração Sexual Comercial: Relatório Nacional*, Brasilia, June 2002, 48, 49, and 51. See also U.S. Department of State, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report: Brazil (Tier 2)*, U.S. Department of State, Washington D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm.

[615] U.S. Consulate - Sao Paulo, *unclassified telegram no. 1439*, September 18, 2000.

[616] The World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

low quality of public schools and high rates of repetition continue to be problems.[617] In addition, child labor contributes to the widespread "age-to-grade" distortion of children in the Brazilian education system.[618] In 2001, 11.9 percent of working children ages 5 to 15 years were not attending school.[619]

Child Labor Laws and Enforcement

The minimum age for general employment in Brazil is 16 years and the minimum age for apprenticeships is 14 years.[620] The 1990 Statute on Children and Adolescents prohibits employees under the age of 18 from working in unhealthy, dangerous, and arduous conditions; for long hours that impede school attendance; at night; or in settings where their physical, moral, or social well-being is adversely affected.[621] Brazil's Penal Code provides for prison terms and fines to anyone caught prostituting another individual or running a prostitution establishment, with increased penalties when adolescents between the ages of 14 and 18 years are involved.[622] Although it is illegal in Brazil to transport women across international borders for the purposes of prostitution, the Penal Code does not address the issue of internal sex trafficking.[623]

The Ministry of Labor and Employment (MLE) is responsible for inspecting work sites for child labor violations. In the first 8 months of 2003, labor inspectors conducted more than 11,000 inspections involving workers under the age of 14.[624] Inspections increasingly target informal employment, in part due to the declining number of children working in the formal sector.[625] Employers who violate Brazil's child labor laws are subject to monetary fines, but fines are rarely applied because inspectors typically negotiate agreements to have employers desist from labor law violations before levying fines.[626] The MLE's Special Groups to Combat Child Labor and Protect the Adolescent Worker guide child labor inspection efforts, conduct awareness-raising activities, and cooperate closely with other agencies involved in protecting children's rights.[627] Data from the Special Groups reports is used by the MLE's Secretariat of Labor to update a map of child labor, which is used for planning future child labor eradication programs.[628]

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[617] U.S. Department of State, *Country Reports 2003*, Section 5.

[618] This distortion refers to the large number of children in the country who are enrolled and/or attending school at a grade level below that which is considered appropriate for their age group. For a detailed explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[619] Calculated from the Brazilian Institute of Geography and Statistics, *Pesquisa Nacional por Amostra de Domicílios*, 76.

[620] U.S. Consulate - Sao Paulo, *unclassified telegram no. 1439*.

[621] Federal Labor Prosecutor's Office, *Legislação,* [cited June 1, 2004]; available from http://www.pgt.mpt.gov.br/trab_inf/legis/index.html.

[622] Such offenses are punishable by prison terms of 1 to 10 years. See *Federal Criminal Statute*, Articles 227-231, [cited August 23, 2002]; available from http://209.190.246.239/protectionproject/StatutesPDF/Brazilf.pdf.

[623] PESTRAF-BRASIL, *Pesquisa sobre Tráfico de mulheres*, 118.

[624] Ministry of Labor and Employment, *Availiação política do desempenho do MTE no ano de 2003,* 2004 [cited May 19, 2004]; available from http://www.mte.gov.br/noticias/conteudo/3500.asp.

[625] ILO-IPEC, *Análise e recomendações*, 30.

[626] U.S. Consulate- Sao Paulo, unclassified telegram no. 1394, October 23, 2002.

[627] Ministry of Labor and Employment, *Trabalho Infantil no Brasil*, online; available from http://www.mte.gov.br/Temas/FiscaTrab/CombateTrabalhoInfantil/Publicacao/Conteudo/537.pdf. Most inspections result

Labor inspectors from the MLE often work closely with prosecutors from the Federal Labor Prosecutor's Office (Ministério Público do Trabalho—MPT).[629] MPT prosecutors may investigate cases of child labor, bring charges against violators, and levy fines.[630] The MPT's National Coordinating Group to Fight Child Labor sets priorities and coordinates the agency's activities regarding child labor.[631] In many municipalities, labor inspectors and prosecutors are aided by a network of legally-mandated Guardianship Councils that serve as reference centers for at-risk children and adolescents.[632]

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from complaints made to labor inspectors by workers, NGOs, teachers, the media, and other sources. See U.S. Department of State, *Country Reports 2003*, Section 6d.

[628] Ministry of Labor and Employment, *Trabalho Infantil no Brasil*.

[629] The Federal Labor Prosecutor's Office is an independent government agency with the principal responsibility of prosecuting labor infractions. See Federal Labor Prosecutor's Office, *O Que é o MPT: Atuação*, [cited October 4, 2004]; available from http://www.pgt.mpt.gov.br/institucional/mpt/atuacao.html.

[630] Federal Labor Prosecutor's Office, *Atuação MPT*, 2004 [cited May 24, 2004]; available from http://www.pgt.mpt.gov.br/trab_inf/mpt/index.html.

[631] The Coordinating Group has representatives in all of the MPT's regional offices. For 2004, the Coordinating Group has established the following child labor priority areas: domestic service, illegal activities (especially prostitution and drug trafficking), trash picking, family-based work, and adolescent laborers. See Federal Labor Prosecutor's Office, *Coordenadaria*, 2004 [cited June 8, 2004]; available from http://www.pgt.mpt.gov.br/trab_inf/coord/index.html.

[632] The Statute on Children and Adolescents requires all municipalities to establish at least one Guardianship Council (Conselho Tutelar) to refer vulnerable children to the appropriate service providers. Although the Statute has been in effect since 1990, only 3,477 of Brazil's 5,578 municipalities have established such councils. The lack of greater compliance with the law has been blamed on a lack of resources and political will at the local level. See United Nations Economic and Social Council, *Rights of the Child: Addendum on Mission to Brazil*, New York, February 3, 2004, 14. The government is currently undertaking a campaign to increase the number of municipalities with Guardianship Councils and to improve the capacity of established councils. See Public Ministry of Pernambuco, *Ministério Público participa do lançamento do Gerando Cidadania*, November 18, 2003 [cited May 30, 2004]; available from http://www.mp.pe.gov.br/imprensa/noticias/2003_novembro/18_promotor.htm.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/28/2001	✓
Ratified Convention 182	2/2/2000	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		✓
Sector Action Plan (Commercial Sexual Exploitation)		✓

The Government of Brazil implements a number of innovative programs to prevent and eradicate child labor. The principal program to remove children from working in the most hazardous forms of child labor is the Program to Eradicate Child Labor (*Programa de Erradicação do Trabalho Infantil*—PETI). Through PETI, families with children working in selected hazardous activities receive stipends to remove their children from work and maintain them in school.[633] In addition, PETI offers an after school program to prevent children from working during non-school hours. The program includes tutoring, sports, and cultural activities.[634] PETI is administered by the newly created Ministry of Social Development and Combating Hunger (Ministério de Desenvolvimento Social—MDS), in conjunction with state and local authorities, and it provided services to over 810,000 children in 2004.[635]

While PETI focuses on removing children from hazardous work, the emphasis of the Family Stipend (*Bolsa Família)* program is preventing child labor by supplementing family income and encouraging school attendance. The Family Stipend program was formed in October 2003, when a number of separate transfer programs were merged to reduce administrative inefficiencies and potential duplication.[636] The program provides a monetary stipend ranging from 15 to 95 Brazilian Reals (USD 5 to 34) to impoverished families who agree to keep their children in school and meet other conditions related to health and nutrition.[637] While 1.15 million families were assisted by the program in November 2003, the government intends to expand the program to reach 11.4 million families by 2006 and cover the 40 million people estimated to live in poverty in Brazil.[638]

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[633] Children ages 7 to 15 years are eligible to participate. Families receive 40 Brazilian reals (USD 14) per month in urban areas and 25 Brazilian reals (USD 9) in rural areas for every participating child. To remain eligible, children must maintain a minimum attendance rate of 75 percent. See Ministry of Social Development and Combating Hunger, *Programa de Erradicação do Trabalho Infantil - PETI,* [cited June 9, 2004]; available from http://www.desenvolvimentosocial.gov.br/mds/_htm/progs/prog08.shtm.

[634] The school day in Brazil lasts approximately 4 hours. See U.S. Department of State, *Country Reports 2003*, Section 6d.

[635] Ministry of Social Development and Combating Hunger, *Programa de Erradicação do Trabalho Infantil - PETI*. The MDS was formed in January 2004 to more effectively coordinate the government's policies to reduce poverty and social inequality. See Ministry of Social Development and Combating Hunger, *Sobre o Ministério,* 2004 [cited June 9, 2004]; available from http://www.desenvolvimentosocial.gov.br/mds/_htm/minis01.shtm.

[636] The income transfer programs that were merged to form the Family Stipend program included the School Stipend (*Bolsa Escola*), Food Stipend (*Bolsa Alimentacão*), Food Card (*Cartão Alimentacão*), and Gas Assistance (Auxilio *Gas*). Prior to the merger, each program was implemented with separate administrative structures, beneficiary selection processes, and contracts for payment. See The World Bank, *Project Information Document: BR Bolsa Família 1st APL*, report, AB797, Washington, DC, May 10, 2004; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/05/11/000104615_20040513125107/Rendered/PDF/BF0PID0100MAY02004.pdf.

[637] Ministry of Social Development and Combating Hunger, *Bolsa Família,* 2004 [cited May 25, 2004]; available from http://www.fomezero.gov.br/ContentPage.aspx?filename=pfz_4000.xml. For currency conversion see FX Converter, [on-line] [cited October 4, 2004]; available from http://www.carosta.de/frames/convert.htm.

[638] United Nations Economic and Social Council, *Rights of the Child*, 19.

Other federal programs to promote education include the Youth Agent (*Agente Jovem*) program, which provides skills training for future employment and community development activities for at-risk youth between the ages of 15 and 17. In 2001, 6.7 million children in Brazil benefited from at least one of the nation's social programs related to education. This corresponds to roughly 15.5 percent of all children between 5 and 17 years of age. Data indicate that 98.9 percent of children participating in social programs were enrolled in school, compared with an enrollment rate of 88.1 percent for non-participating children.[639] In addition, the Ministry of Education offers programs to reduce the age to grade distortion in Brazil[640] and a school lunch program that seeks to promote children's attendance.[641] In addition, as of May 2003, the National Forum on Garbage and Citizenship had helped to remove more than 46,000 children from working in trash dumps and placed them in schools across Brazil.[642]

The National Plan to Fight Sexual Violence Against Children and Adolescents provides the policy framework for the government's programs to combat the commercial sexual exploitation of children and adolescents.[643] These efforts are carried out by a number of government agencies, including the National Human Rights Secretariat, and include initiatives to assist victims and raise awareness.[644] The primary program to assist child victims of commercial sexual exploitation is the Sentinel Program, which establishes local reference centers to provide victims with psychological, social, and legal services.[645] In addition, the government's Global Program to Prevent Trafficking in Persons is working to establish a

[639] The Youth Agent of Social and Human Development (*Agente Jovem de Desenvolvimento Social e Humano*) program is aimed particularly at those adolescents who have "graduated" out of other social programs, including PETI. Participants receive a stipend of 65 Brazilian reals (USD 23) per month during the year-long program and engage in community service related to health, citizenship, and the environment. See Ministry of Social Development and Combating Hunger, *Programa Agente Jovem de Desenvolvimento Social e Humano,* [cited May 25, 2004]; available from http://www.desenvolvimentosocial.gov.br/mds/_htm/progs/prog09.shtm. See ILO-IPEC, *Análise e recomendações*, 41.

[640] Ministry of Education/Secretary of Basic Education, *Coordenação-Geral do Ensino Fundamental-Coef,* [online] [cited October 4, 2004]; available from http://www.mec.gov.br/sef/fundamental/default.shtm.

[641] National Fund for Educational Development, *Merenda Escolar,* [online] [cited May 25, 2004]; available from http://www.fnde.gov.br/programas/pnae/index.html.

[642] Fórum Nacional Lixo & Cidadania, *Mais de 40 mil crianças deixam o trabalho com o lixo*. See also ILO-IPEC, *Análise e recomendações*.

[643] The plan was adopted in 2000 and proposes actions in areas including diagnosis, mobilization, accountability, awareness raising, assistance, prevention, and policy coordination. The National Committee to Fight Sexual Violence Against Children and Adolescents was created to monitor the implementation of the plan. See United Nations Economic and Social Council, *Rights of the Child*, 18.

[644] Ministry of Justice, *Histórico: Marcos no Enfrentamento à Exploração Sexual de Crianças e Adolescentes*, [cited May 21, 2004]; available from http://www.mj.gov.br/exploracao/historico.htm. In May 2004, the National Secretary for Human Rights announced a partnership with the National Transportation Association to raise awareness among 25,000 truck drivers about child prostitution and trafficking in Brazil. See National Secretariat for Human Rights, *Parcerias marcam Dia Nacional de Combate ao Abuso e à Violência Sexual Infanto-Juvenil*, Brasília, May 19, 2004; available from http://www.mj.gov.br/sedh/ct/conanda/noticias2.asp?id=161. In addition, the federal government implements an international campaign to raise awareness on sex tourism. See U.S. Department of State, *Trafficking in Persons Report*.

[645] The Sentinel Program *(Programa Sentinela*) works with a network of NGOs and public officials to guarantee the rights of child victims of sexual abuse and commercial sexual exploitation. It is being coordinated at the federal level by the MDS, and it reaches approximately 17,000 children and adolescents through 310 reference centers. See Ministry of Social Development and Combating Hunger, *Programa de Combate à Exploração Sexual de Crianças e Adolescentes,* [cited June 9, 2004,]; available from http://www.desenvolvimentosocial.gov.br/mds/_htm/progs/prog06.shtm.

database on trafficking in persons, including the trafficking of children and adolescents, strengthen efforts to combat the practice, and develop pilot programs to assist victims.[646]

The National Commission to Eradicate Child Labor (CONAETI) coordinates the implementation of ILO Conventions 138 and 182 in Brazil.[647] CONAETI has developed a National Plan to Eradicate Child Labor and proposed a series of legal reforms to help bring national laws into full compliance with the conventions.[648]

In January 2004, Brazilian president Luis Inácio Lula Da Silva launched The Child-Friendly President Action Plan 2004-2007. The plan details nearly 200 activities to benefit children, including efforts to combat child labor and sexual exploitation. The plan calls for overall spending of 55.9 billion Brazilian Reals (USD 19.7 billion), but these funds must first be approved by the Brazilian Congress.[649] With the support of ILO-IPEC, the Government of Brazil and the other governments of MERCOSUL[650] developed a 2002–2004 regional plan to combat child labor. The plan includes an awareness raising campaign, which was officially launched in April 2004.[651]

USDOL funds several projects to support Brazilian child labor initiatives, including one regional program through ILO-IPEC to reduce hazardous child domestic work and another to combat the commercial sexual exploitation of children and adolescents in two border cities between Brazil and Paraguay.[652] USDOL also funds an ILO-IPEC program to support the government's Timebound Program to eliminate the worst forms of child labor. This program targets domestic labor, prostitution, hazardous agriculture, and

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[646] The program is being implemented with the support of the United Nations Office on Drugs and Crime (UNODC). Pilot programs are being launched in São Paulo, Rio de Janeiro, Goiás, and Ceará. In May 2004, the program released a study on a number of trafficking cases and investigations in the four areas where the pilot programs are being implemented. See Ministry of Justice, *Ministério da Justiça e ONU intensificam combate ao tráfico de brasileiros*, Brasília, May 21, 2004; available from http://www.mj.gov.br/noticias/2004/maio/RLS190504-trafico.htm.

[647] CONAETI is composed of members from the federal government, workers and employers organizations, and the National Forum for the Prevention and Eradication of Child Labor. See *Portaria No. 365, de 12 de Setembro de 2002*; available from http://www.mte.gov.br/Temas/FiscaTrab/Legislacao/Portarias/conteudo/393.asp.

[648] ILO-IPEC, *Eliminating the Worst Forms of Child Labor in Brazil - Support for the Time-Bound Program on the Elimination of the Worst Forms of Child Labor, technical progress report*, ILO, Geneva, March 10, 2004.

[649] The National Secretariat for Human Rights will coordinate an inter-ministerial commission to oversee implementation of the plan. The Plan enumerates actions to meet the 21 goals of the 2002 U.N. Special Session on Children. See "Lula anuncia o Plano Presidente Amigo da Criança", Último Segundo Brasil, [online], January 12, 2004; available from http://ultimosegundo.ig.com.br/materias/brasil/1436501-1437000/1436663/1436663_1.xml.

[650] MERCOSUL is the Brazilian acronym for MERCOSUR.

[651] Ministry of Labor and Employment, *Brasil lança campanha conjunta com países do Mercosul de combate ao trabalho infantil,* March 9, 2004 [cited May 19, 2004]; available from http://www.mte.gov.br/noticias/conteudo/4211.asp.

[652] The program for children involved in domestic work is also being implemented in Colombia, Paraguay, and Peru. See ILO-IPEC, *The Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents*, program document, Geneva, September 2000. The Government of Argentina is also participating in the project on sexual exploitation, with funding from the Government of Spain. See ILO-IPEC, *Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents on the Border of Paraguay/Brazil (Ciudad del Este - Foz do Iguazú)*, technical progress report, Geneva, August 23, 2002, Annex B.

additional informal sector activities.[653] A program to strengthen basic education in selected areas of Brazil with a high incidence of hazardous child labor is funded by USDOL through Partners of the Americas.[654]

The World Bank supports various programs in Brazil to improve education and reduce poverty, including a USD 572 million loan to assist Brazil in its implementation of the Family Stipend (*Bolsa Família*) program.[655] IDB is assisting the Government of Brazil with projects that address shortcomings in secondary and higher education.[656]

[653] Ibid.

[654] Partners of the Americas, *"Projeto EDUCAR," Combating Child Labor Through Education in Brazil*, project document, 02-K100-R1AA-SF501, Washington, DC, April 18, 2004.

[655] The World Bank, *World Bank To Support Brazil's Social Transfers Program With US$ 572.2 Million*, Washington, DC, June 17, 2004; available from http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/LACEXT/BRAZILEXTN/0,,contentMDK:20215496~menuPK:322347~pagePK:141137~piPK:141127~theSitePK:322341,00.html. In June 2003, the Bank approved a USD 60 million loan to the state of Bahia for a second phase of a program to improve access, quality and management of primary and secondary schools in the region. See The World Bank, *World Bank Supports Education In Northeast Brazil With US$60 Million,* [online] [cited June 9, 2004]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20117797~menuPK:34463~pagePK:34370~piPK:34426~theSitePK:4607,00.html.

[656] These projects target impoverished regions and disadvantaged groups. See Inter-American Development Bank, *Diversity in Access to Higher Education*, 1406/OC-BR, June 7, 2002, [cited August 29, 2003]; available from http://www.iadb.org/exr/doc98/apr/br1406e.pdf.

Bulgaria

Incidence and Nature of Child Labor

Official statistics on the number of working children under the age of 15 years in Bulgaria are unavailable.[657] Children engage in paid work outside of the home in the commercial and service sectors. Children also work in agriculture, forestry, transportation, communications, construction, and industry.[658] Children also engage in unpaid work for family businesses or farms, and in their households.[659]

Children are involved in the distribution of drugs and in prostitution, sometimes working with organized crime rings.[660] Many victims of child prostitution are ethnic Roma children.[661] Bulgaria is a transit country and, to a lesser extent, a country of origin and destination for trafficking in girls for sexual exploitation. Bulgarian citizens are also internally trafficked for sexual exploitation. Victims are primarily trafficked from Ukraine, Romania, Moldova, Russia, and Central Asia through Bulgaria into Western, Southern, and Eastern Europe. Ethnic Roma children are disproportionately represented among victims.[662]

Education is free and compulsory up to the age of 16 under the National Education Act of 1991, with children typically starting school at the age of 6 or 7.[663] In 2001, the gross primary enrollment rate was 99.4 percent, and the net primary enrollment rate was 90.4 percent.[664] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Bulgaria. Roma children tend to have low attendance and high dropout rates.[665]

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[657] LABORSTAT, *1A- Total and economically active population, by age group (Thousands)* [Database], Geneva, 2004; available from http://laborsta.ilo.org.

[658] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Bulgaria*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27830.htm. See also ILO-IPEC, *Problems of Child Labor in the Conditions of Transition in Bulgaria: Study project*, Sofia, 2000, 31, 32.

[659] ILO-IPEC, *Problems of Child Labor*, 32, 34, 36. Children of the ethnic Turkish minority face health hazards and perform heavy physical labor on family tobacco farms. See U.S. Department of State, *Country Reports- 2003: Bulgaria*, Section 6d.

[660] According to the Ministry of the Interior, reports indicated there were approximately 550 underage prostitutes in Bulgaria in 2002. See U.S. Department of State, *Country Reports- 2003: Bulgaria*, Sections 5 and 6d. See also ILO-IPEC, *Problems of Child Labor*, 55. These figures rose from 340 reported underage prostitutes in 2001. See U.S. Embassy- Sofia, *unclassified telegram no. 2498*, October 25, 2002.

[661] U.S. Department of State, *Country Reports- 2003: Bulgaria*, Section 5.

[662] No official statistics on trafficking of children are available. See U.S. Department of State, *Trafficking in Persons Report- 2004: Bulgaria*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33188.htm. See also UNHCHR UNICEF, and OSCE/ODIHR, *Trafficking in Human Beings in Southeastern Europe*, June 2002, 51; available from http://www.unhchr.ch/women/trafficking.pdf. See also U.S. Embassy- Sofia, email communication to USDOL official, May 27, 2005.

[663] Government of Bulgaria, *National Education Act*, (State Gazette, No. 86/18.10.1991), [cited June 3, 2004], Articles 6 and 7; available from http://www.bild.net/legislation/.

[664] Enrollment rates for boys are similar to enrollment rates for girls. See World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[665] ILO-IPEC, *Problems of Child Labor*, 64. See also U.S. Department of State, *Country Reports- 2003: Bulgaria*, Section 5. According to the World Bank, Roma school attendance improved from 55 percent in 1995 to 71 percent in 2001; however, experts have estimated

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 16 years. Exceptions in the Labor Code provide that children ages 13 to 16 years may engage in light work and perform certain jobs approved by the government. Children younger than 16 years must undergo a medical examination and have government approval in order to work.[666] Children under 18 are required to work reduced hours and are prohibited from hazardous, overtime, and night work.[667] April 2004 amendments to the Penal Code stipulate 6 months imprisonment and a fine for illegally employing a child under 18 years.[668] The Family Code establishes legal protections for children working in family businesses.[669] The Child Protection Act prohibits the involvement of children in activities that might harm their development.[670] The Act was amended in 2003 to strengthen protections for adopted children or children deprived of the care of their families, pursuant to Article 20 of the UN Convention on the Rights of the Child.[671] The Constitution prohibits forced labor.[672] The Law on Combating Trafficking in Human Beings, which entered into force in January 2004, includes measures for the protection and assistance of child victims of trafficking, and created the National Anti-Trafficking Commission to coordinate and construct policy on trafficking.[673] Bulgarian law penalizes trafficking a minor with 2 to 10 years imprisonment and fines. Inducement to prostitution, which is often associated with trafficking, is punishable by 10 to 20 years imprisonment, if the victim was a minor.[674]

The Chief Labor Inspectorate is responsible for enforcing all labor laws, including those covering child labor. As of August 2004, the inspectorate had 440 inspectors, an increase from 271 inspectors in 2002.[675] According to the U.S. Department of State, child labor laws are generally well enforced in the formal sector.[676] In 2003, the inspectorate found 226 violations of child labor laws.[677] In 2004, five regional labor inspectorates identified child labor as a priority.[678]

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that between 8 and 9 percent of Romani children have completed secondary education.. See U.S. Embassy- Sofia, *unclassified telegram no. 2498*.

[666] *Labour Code Act, as amended*, (2001), Article 301-04; available from http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E.

[667] Ibid., 137, 40, 47, 303-05.

[668] The penalty increases to one year imprisonment if the child is under 16 years. See U.S. Embassy- Sofia, *unclassified telegram no. 1616*, August 24, 2004.

[669] ILO-IPEC, *Problems of Child Labor*, 60.

[670] Ibid., 58-59.

[671] U.S. Embassy-- Sofia, *unclassified telegram no. 1608*, August 19, 2003. For the text of the convention, see *Convention on the Rights of the Child*; available from http://www.unhchr.ch/html/menu2/6/crc/treaties/crc.htm.

[672] *Constitution of Bulgaria, 1991*, Article 48(4); available from http://www.uni-wuerzburg.de/law/bu00000_.html [hard copy on file].

[673] *Law on Combating Trafficking in Human Beings*, (January 1, 2004), Art. 1(a) and 2(a); available from http://www.legislationline.org/data/Trafficking/DOMESTIC_LEGISLATION/bulgaria/Bulgaria_trafficking_law_english.doc.

[674] U.S. Department of State, *Country Reports- 2003: Bulgaria*, Section 6f. See also U.S. Embassy- Sofia, email communication.

[675] U.S. Embassy- Sofia, *unclassified telegram no. 1616*. See also U.S. Embassy- Sofia, *unclassified telegram no. 2498*.

[676] U.S. Department of State, *Country Reports- 2003: Bulgaria*, Section 6d.

[677] U.S. Embassy- Sofia, *unclassified telegram no. 1616*. The number of violations is down from 598 in 2002. See U.S. Embassy-- Sofia, *unclassified telegram no. 1608*.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 4/23/1980	✓
Ratified Convention 182 7/28/2000	✓
ILO-IPEC Associated Member	✓
National Plan for Children	✓
National Child Labor Action Plan	✓
Sector Action Plan (Commercial Sexual Exploitation)	✓

The Government of Bulgaria has adopted a National Action Plan Against the Worst Forms of Child Labor, which aims to eliminate the worst forms of child labor by focusing on such issues as education and new legislation.[679] Bulgaria also has an Action Plan against Commercial Sexual Exploitation of Children for 2003-2005 and a National Strategy for Children on the Street.[680]

Legislative amendments adopted in 2003 established a Migration Directorate within the Ministry of Interior, which is responsible for administrative control over the stay or removal of foreign nationals.[681] The Ministry of Interior is represented on the National Anti-Trafficking Commission, and two police units, one within the National Border Police and the other within the National Service for Combating Organized Crime, specifically focus on trafficking issues.[682] IOM supports seven counter-trafficking projects in Bulgaria, and a regional effort on the trafficking of women and children in the Balkans, including Bulgaria.[683] A USAID-funded pilot project using education to combat child prostitution and trafficking is being implemented in Bulgaria along the Romanian border.[684]

Several Bulgarian localities established programs integrating children of Roma ethnicity into schools. In order to increase Roma attendance, the government and NGOs provide subsidies for schooling expenses such as school lunches, books, and tuition fees.[685] With support from USAID, the Government of Bulgaria

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[678] U.S. Embassy- Sofia, *unclassified telegram no. 1616*.

[679] The Plan was adopted in 2002. See U.S. Embassy- Sofia, *unclassified telegram no. 2498*.

[680] U.S. Embassy- Sofia, *unclassified telegram no. 1616*.

[681] Government of Bulgaria, *Report on the Implementation of the National Action Plan for the Adoption of the Schengen Acquis*, Ministry of Interior, March 1, 2004, 12; available from http://www.mvr.bg/mvr-eng/Schengen/ENG_Otchet.htm.

[682] U.S. Department of State, *Trafficking in Persons Report- 2004: Bulgaria*. The Government of Bulgaria is a member of the Southeast European Cooperative Initiative, and has participated in regional anti-trafficking efforts through the initiative's Regional Center for Combating Transborder Crime. See SECI Regional Center for Combating Transborder Crime, *Operation Mirage: Evaluation Report*, Bucharest, January 21, 2003; available from http://www.secicenter.org/html/index.htm. See also SECI Regional Center for Combating Transborder Crime, *SECI Center prepares the new MIRAGE 2004 regional operation*, [online] May 19, 2004 [cited June 2, 2004]; available from http://www.secicenter.org/html/index.htm. See also U.S. Embassy- Sofia, email communication.

[683] IOM, *Online Project Compendium: Bulgaria*, [online] [cited May 26, 2004]; available from http://www.iom.int/iomwebsite/Project/ServletSearchProject?event=detail&id=BG1Z009. See also IOM, *IOM Counter Trafficking Strategy for the Balkans and Neighboring Countries*, January 2001, 2, 4-6 available from http://www.iom.int/en/PDF_Files/other/Balkan_strategy.pdf.

[684] BEPS, *Combating Human Trafficking: Bulgaria*, [online] [cited May 26, 2004]; available from http://www.beps.net/child_labor/labor_bulgaria.htm.

[685] U.S. Department of State, *Country Reports- 2003: Bulgaria*, Section 5. In April 2003, the Minister of Education issued a decree prohibiting Roma children who are not mentally handicapped from being registered in special schools that serve such children. Some parents reportedly choose to send healthy children to such schools because the schools cover the child's living expenses. See Republic of Bulgaria Council of Ministers Representative, interview with USDOL official, August 21, 2003.

conducts additional ethnic integration efforts.[686] The government has also provided funding for additional teaching assistants, usually from minority ethnic groups, to be placed in classrooms with Roma and Turkish students.[687] The World Bank is funding a child welfare reform project in Bulgaria, which aims to prevent child abandonment and identify sub-projects targeting street children.[688]

[686] U.S. Department of State, *Country Reports- 2003: Bulgaria*, Section 5. USAID's 2004 Ethnic Integration program targets Roma and Turkish populations. See USAID, *Complete USAID/Bulgaria Program*, no date, [cited October 28, 2004]; available from http://www.usaid.gov/policy/budget/cbj2005/ee/pdf/bg_cbj_fy05.pdf. For the period 2003-2004, USAID is funding activities for Roma children designed to reduce school-dropout rates. See USAID, *Data Sheet: Bulgaria*, Washington, DC, no date.

[687] U.S. Department of State, *Country Reports- 2003: Bulgaria*, Section 5. See also U.S. Embassy-- Sofia, *unclassified telegram no. 1608*.

[688] The project runs through June 2005. See World Bank, *Child Welfare Reform Project*, [online] September 3, 2004 [cited September 3, 2004]; available from http://www.worldbank.bg/external/default/main?pagePK=64027221&piPK=64027220&theSitePK=305439&menuPK=305471&Projectid=P064536.

Burkina Faso

Incidence and Nature of Child Labor

The ILO estimated that 40.4 percent of children ages 10 to 14 were working in Burkina Faso in 2001.[689] Most working children are found in agriculture, gold washing and mining, and informal sector activities; significant numbers of girls are found in vending and domestic service.[690]

Burkina Faso is a source, transit, and destination country for trafficked children.[691] Studies indicate that a significant proportion of trafficking activity is internal.[692] Children are trafficked into Burkina Faso's two largest cities, Bobo-Dioulasso and Ouagadougou, to work as domestic servants, street vendors, in agriculture, and in prostitution.[693] Children from Burkina Faso are trafficked into Côte d'Ivoire to work on cocoa plantations and also to Benin, Ghana, Mali, and Nigeria.[694] However, the number of Burkinabe children trafficked to Côte d'Ivoire is reported to have declined due to a border closing following the September 2002 rebellion, with many children going instead to Benin or to Mali to work on rice plantations or study in Islamic schools. Burkina Faso also receives children trafficked from Benin, Mali, and Togo, and serves as transit point for children trafficked from Mali to Côte d'Ivoire.[695] Boys are trafficked within and into Burkina Faso for forced agricultural labor, domestic service, metal working, and mining.[696]

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[689] *World Bank, World Development Indicators 2004 [CD-ROM], Washington, D.C., 2004.*

[690] Ambassador Tertius Zongo, *La Lutte Contre le Travail des Enfants au Burkina Faso*, public comment submitted to the U.S. Department of Labor, Washington, D.C., September 2002, 7.

[691] U.S. Department of State, *Trafficking in Persons Report- 2004: Burkina Faso*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm. In 2002, the NGO Terre des Hommes Lausanne estimated that 165,000 working children are separated from their parents. See U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*, August 2003.

[692] ILO-IPEC Official, meeting with USDOL Official, January 20, 2003.

[693] ILO-IPEC, *Combating the Trafficking in Children for Labor Exploitation in West and Central Africa,* [synthesis report] 2001 [cited April 30, 2004], 9, 11; available from http://www.ilo.org/public/english/standards/ipec/publ/field/africa/central.pdf. An ILO study estimated that more than 81,000 children in these two cities have been "placed" in work situations by an intermediary. The study was conducted in 2000. U.S. Embassy- Ouagadougou official Christopher Palmer, electronic communication to USDOL official, April 15, 2002. There are also reports of trafficked girls being forced or coerced into prostitution. See U.S. Department of State, *Trafficking in Persons Report- 2004: Burkina Faso*.

[694] ECPAT International, *Burkina Faso,* in ECPAT International, [database online] n.d. [cited March 18, 2004]; available from http://ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=27&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Burkina Faso*, Washington, D.C., February 25, 2004, Section 6f; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27714.htm. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Burkina Faso*.

[695] U.S. Department of State, *Trafficking in Persons Report- 2004: Burkina Faso*. See also U.S. Department of State, *Country Reports- 2003: Burkina Faso*, Section 6f.

[696] U.S. Department of State, *Trafficking in Persons Report- 2004: Burkina Faso*.

The Education Act made schooling compulsory from age 6 to 16.[697] In 2002, the gross primary enrollment rate was 47.5 percent.[698] In 2001, the net primary enrollment rate was 35.0 percent (41.0 percent for boys and 28.9 percent for girls).[699] School enrollment and literacy rates for girls are lower in rural regions than in urban areas.[700] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. The Government of Burkina Faso reported that the attendance rate for the 2002-2003 school year was 43.4 percent.[701] By law, education is free and compulsory, but communities are frequently responsible for constructing primary school buildings and teachers' housing. Even when schools are present, many families cannot afford the cost of sending a child to school.[702]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years, but children under 14 years may perform light work for up to 4.5 hours per day in the domestic and agricultural sectors; other light work is permitted for children under the age of 12.[703] Children may start working full-time at age 14, but are required to remain in school until the age of 16.[704] Slavery and slavery-like practices, inhumane and cruel treatment, physical or emotional abuse of children are forbidden by the Burkinabe Constitution,[705] and forced labor is forbidden by the Labor Code.[706] In 2003, the National Assembly adopted anti-trafficking in persons legislation that proscribes child trafficking for any purpose.[707] The Penal Code forbids direct and indirect involvement in the prostitution of persons, and explicitly prohibits the prostitution of persons less

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[697] UN Committee on the Rights of the Child, *Initial Reports of State Parties due in 1997: Burkina Faso*, CRC/C/65/Add.18, prepared by Government of Burkina Faso, pursuant to Article 44 of the Convention on the Rights of the Child, February 2002, para. 341.

[698] In 2001, the gross primary enrollment rate was 50.9 for boys and 36.2 for girls. See World Bank, *World Development Indicators 2004*.

[699] Ibid.

[700] U.S. Department of State, *Country Reports- 2003: Burkina Faso*, Section 5.

[701] Reports indicate that this may be an overestimate. See U.S. Embassy- Ouagadougou, *unclassified telegram no. 802*, August 2004.

[702] U.S. Department of State, *Country Reports- 2003: Burkina Faso*, Section 5. See also U.S. Embassy- Ouagadougou, *unclassified telegram no. 802*.

[703] See, *Code du Travail*, Loi No 11-92/ADP, (December 22, 1992), Article 87; available from http://natlex.ilo.org/txt/F92BFA01.htm. See also U.S. Embassy- Ouagadougou, *unclassified telegram no.1505*, September 2001. See also U.S. Embassy-Ouagadougou official, electronic communication to USDOL official, December 5, 2001.

[704] Despite legal precautions, many children do not attend school at all; the average age of completion for those who do is 14 years. U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*.

[705] *Constitution du Burkina Faso*, Loi N° 002/97/ADP, (January 27, 1997), Article 2.

[706] Forced labor is forbidden by Article 2 of the Burkina Faso Labor Code. However, under certain circumstances persons between the ages of 18 and 45 years may be compelled to work. See, *Burkina Faso Labor Code*.

[707] U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*. The legislation, Law No. 038-2003/AN, defines child trafficking and outlines punishments for child traffickers. See *Loi no 038-2003/AN portant définition et répression du trafic d'enfant(s)*, (May 27, 2003); available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=BFA&p_classification=04&p_origin=COUNTRY. See also Save the Children-Canada, *Training and Education Against Trafficking (TREAT)*, technical progress report, Toronto, March 19, 2004, 3. It is worth noting, in addition, that kidnapping and violence toward children is prohibited by the Penal Code. See U.S. Department of State, *Country Reports- 2003: Burkina Faso*, Section 6f.

than 18 years of age.[708] Contributing to the corruption or debauchery of a minor is also illegal.[709] Penalties specified for these crimes also apply even the offenses are committed in different countries.[710]

The Directorate of Work Inspection and the Labor Health and Security, Child Labor and Trafficking Division at the Ministry of Labor enforce child labor laws,[711] and the national police, gendarmes, customs service, and labor inspectors are responsible for investigating child labor violations.[712] However, the government has minimal resources to enforce child labor laws.[713]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Burkina Faso is one of nine countries participating in the USDOL-funded ILO-IPEC project to combat the trafficking of children for exploitative labor in West and Central Africa.[714] The Government of Burkina Faso continues to participate in USD 3 million USDOL-funded education initiative in Burkina Faso to promote education for victims of child trafficking and children at risk of being trafficked.[715] The Ministry of Basic Education and Literacy actively supports this project and participated in a workshop in October 2003 to refine the project design.[716]

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	2/11/1999	✓
Ratified Convention 182	7/25/2001	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		
Sector Action Plan (trafficking)		✓

[708] Indirect or direct involvement is meant to describe the action of a person who does any of the following: "knowingly aids, assists, or protects the prostitution of others or the solicitation for the purposes of prostitution; shares, in any manner whatsoever, in the profits, or receives subsidies from [the prostitution of others]; knowingly lives with a person regularly engaged in prostitution; engages, entices, or supports a person for the purpose of engaging in prostitution or debauchery, or delivers a person into prostitution or debauchery; or serves as an intermediary . . .between persons engaging in prostitution or debauchery and individuals who exploit or remunerate the prostitution or debauchery of others." See *Criminal Code, Section IV-Offenses against Public Morals*, (April 13, 1946); available from http://209.190.246.239/protectionproject/statutesPDF/BURKINAFASO.pdf.

[709] Article 334-1 of the Burkina Faso Criminal Code makes illegal the *regular* contribution to the corruption of a juvenile under age 21 and the *occasional* contribution to the corruption of a juvenile under age 16. See Ibid.

[710] Ibid., Articles 334 and 34-1.

[711] Penalties for child labor law violations include 3-month to 5-year prison sentences and fines ranging from CFA francs 5,000 to 600,000 (USD 9.13 to USD 1096.08). See U.S. Embassy- Ouagadougou, *unclassified telegram no. 802*. FX Converter, [online] [cited April 30, 2004]; available from http://www.oanda.com/convert/classic.

[712] U.S. Embassy- Ouagadougou, *unclassified telegram no. 802*.

[713] Ibid.

[714] The regional child trafficking project covers Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Ghana, Mali, Nigeria, and Togo. The project began in July 2001 and is scheduled for completion in June 2007. See ILO-IPEC, *Combating the Trafficking in Children for Labor Exploitation in West and Central Africa (Phase II)*, project document, RAF/01/P53/USA, Geneva, July 2001, 1, as amended. Although the project was originally scheduled to end in June 2004, it has been extended until November 2004. See ILO-IPEC, *Combating the trafficking in children for labour exploitation in West and Central Africa (LUTRENA/Phase II)*, technical progress report, Geneva, March 01, 2004, 1.

[715] The four year project began in August 2003. U.S. Department of Labor - International Child Labor Program, *Training and Education Against Trafficking*, Project Summary, 2003.

[716] Save the Children-Canada, *TREAT, March technical progress report*, 4, 5.

In provinces where child labor and child trafficking are problems, the government is establishing watch committees, which include representatives of industries where child labor is found, the police, NGOs, and social welfare agencies.[717] During the past year, the government has conducted awareness raising activities on child labor and child trafficking, which include organizing workshops and producing a television series and films on child labor.[718] Also during the past year, the government, in collaboration with the United States, sponsored a one-year project to train law enforcement officials to handle trafficking cases.[719] The government has negotiated an agreement with IOM and UNICEF to repatriate child trafficking victims from other countries.[720]

The Ministry of Social Action and National Solidarity operates a Center for Specialized Education and Training that currently serves boys referred by the Ministry of Justice and boys with behavioral problems who are sent to the Center by their parents.[721] UNICEF works with the government to fund the construction of satellite schools and non-formal basic education centers, the promotion of community participation in schooling, and strengthening the capacity of the Ministry of Education.[722] The Ministry of Basic Education is working with Catholic Relief Services and the World Bank on a school health program.[723] The government promotes primary education for girls by encouraging scholarships from donors, school feeding programs, and information campaigns to change attitudes towards sending girls to school.[724]

The Government of Burkina Faso is implementing a 10-Year Basic Education Development Plan (2001-2010) as part of its Poverty Reduction Strategy supported by the World Bank.[725] The plan focuses on improving primary school enrollment, literacy, and school attendance rates.[726] Burkina Faso has been formally endorsed for funding through the Education For All – Fast Track Initiative process, and as part of its efforts, has classified 20 provinces with low enrollment for priority action.[727]

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[717] U.S. Department of State, *Country Reports- 2003: Burkina Faso*, Section 6f.

[718] U.S. Embassy- Ouagadougou, *unclassified telegram no. 802*. See also U.S. Department of State, *Country Reports- 2003: Burkina Faso*, Section 6d.

[719] U.S. Department of State, *Trafficking in Persons Report- 2004: Burkina Faso*.

[720] Ibid.

[721] Ministry of Social Action and National Solidarity Officials from the Center for Specialized Education and Training, with USDOL Official, January 21, 2003.

[722] Mamadou Bagayoko UNICEF Official, Remy Habou, and Adama Traoré, Ministry of Basic Education and Literacy Officials, meeting with USDOL Official, January 22, 2003. See also UNICEF, *At a glance: Burkina Faso,* UNICEF, [online] n.d. [cited March 25, 2004]; available from http://www.unicef.org/infobycountry/burkinafaso.html.

[723] Anne Smith and Moussa Dominique Bangre, Catholic Relief Services Officials, Meeting, January 20, 2003 with USDOL Official, January 20, 2003.

[724] U.S. Department of State, *Country Reports- 2003: Burkina Faso*, Section 5.

[725] Burkina Faso Ministry of Economy and Development and Ministry of Finance and Budget, *Burkina Faso Poverty Reduction Strategy Paper: Progress Report 2001*, The World Bank, September, 2002. See also, Integrated Regional Information Networks, *Burkina Faso: Focus on New Plan for Basic Education,* [online] September 23, 2002 [cited April 29, 2004]; available from http://www.irinnews.org/report.asp?ReportID=30039.

[726] Education receives a substantial portion of the national budget. See U.S. Embassy- Ouagadougou, *unclassified telegram no. 802*.

[727] Development Committee (Joint Ministerial Committee of the Boards of Governors of the Bank and the Fund on the Transfer of Real Resources to Developing Countries), *Education For All (EFA) - Fast Track Initiative, Progress Report*, DC2004-0002/1, March 26, 2004, 2, 9; available from http://siteresources.worldbank.org/DEVCOMMINT/Documentation/20190709/DC2004-0002(E)-EFA.pdf.

In September 2004, the government adopted a National Plan of Action to combat child trafficking.[728] In June 2004, the Governments of Burkina Faso and Mali signed a bilateral agreement to combat cross-border child trafficking.[729]

[728] Save the Children-Canada, *Training and Education Against Trafficking (TREAT), September technical progress report*, Toronto, September 20, 2004, 5, 15.

[729] The agreement defines a "child" as anyone under 18 years. See U.S. Embassy- Ouagadougou, *unclassified telegram no. 802*.

Burundi

Incidence and Nature of Child Labor

UNICEF estimated that 32.2 percent of children ages 5 to 14 years in Burundi were working in 2000.[730] Children work in domestic services, subsistence agriculture, the informal urban sector, mining and brick-making industries, and family-based businesses.[731] Government and rebel armed forces have actively recruited children to serve in combat or as scouts, intelligence gatherers, porters, servants, and "wives."[732] Rebel forces continue to force or abduct children to serve as child soldiers or perform related activities.[733] Child soldiers from Burundi have also fought in the Democratic Republic of the Congo.[734] There are no reliable data on the number of children serving in armed forces.[735] Child prostitution is also a problem. There are reports that child trafficking occurs both within Burundi and across borders.[736]

Schooling is compulsory in Burundi until the age of 12, but this requirement is not enforced.[737] In 2001, the gross primary enrollment rate was 80.0 percent, and the net primary enrollment rate was 53.4 percent.[738] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, only 47.0 percent of school-age children regularly attended primary school (43.7 percent for girls and 50.5 percent for boys).[739] As of 2000, 64.0 percent of children who started primary school were likely to reach grade 5.[740] Enrollment and

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[730] Child laborers are defined as children who have performed paid or unpaid work for someone who is not a member of their household, or children who work over four hours per day in housekeeping chores in their own household. See *Enquete Nationale d'Evaluation des Conditions de vie de l'Enfant et de la Femme au Burundi (ENECEF-Burundi 2000)*, Institut de Statistiques et d'Etudes Economiques du Burundi, March, 2001, 39; available from http://www.childinfo.org/MICS2/newreports/burundi/burundi1.pdf.

[731] U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Burundi*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27715.htm. See also International Confederation of Free Trade Unions, *Report for the WTO General Council Review of Trade Policies of Burundi*, Geneva, April 2-4 2003; available from http://www.icftu.org/displaydocument.asp?Index=991217394&Language=EN.

[732] U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Burundi*, Sections 5 and 6c. Amnesty International, *Burundi: Child soldiers- the Challenge of Demobilisation*, March 2004; available from http://web.amnesty.org/library/print/ENGAFR160112004. The Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2004: Burundi," (November 17, 2004 2004); available from http://www.child-soldiers.org/document_get.php?id=761.

[733] U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Burundi*. *See also* Soldiers, "Child Soldiers Global Report 2004: Burundi."

[734] Amnesty International, *The Challenge of Demobilisation*.

[735] UNICEF estimates that between 6,000 and 7,000 children under the age of 18 must be demobilized Ibid.

[736] U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Burundi*, Section 6f. See also Ecpat International, *Trafficking*, online database, 2003; available from http://www.ecpat.net.

[737] U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Burundi*, Section 5.

[738] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[739] *Enquete Nationale d'Evaluation des Conditions de vie de l'Enfant et de la Femme au Burundi (ENECEF-Burundi 2000)*, 20.

[740] World Bank, *World Development Indicators 2004*.

attendance have been adversely affected by the military conflict. In some high conflict areas, schools have been destroyed, populations displaced, and qualified teachers are difficult to find.[741] The cost of school fees and materials are prohibitive for some families.[742] Another problem affecting school attendance is the rising incidence of HIV/AIDS, which has left some children orphaned or homeless and unable to participate in school.[743]

Child Labor Law and Enforcement

The Labor Code sets the minimum age for employment at 16 years, except in cases of light, non-hazardous work or apprenticeships, provided that the work is not dangerous to the health of the child and does not interfere with their normal childhood development or education.[744] Children under the age of 18 are prohibited from working at night.[745] The Labor Code amendment of 1993 calls for inspections of workplaces and permits medical examination to determine if a child's work causes undue physical stress.[746] The Transitional Government only enforces child labor laws when complaints are filed, and no complaints were filed in 2003.[747] The Penal Code prohibits prostitution. An individual who entices or forces a person under the age of 21 into prostitution faces a fine of 10,000 to 100,000 francs (USD 9.30 to 93.04) and a prison sentence of up to 15 years.[748] The law does not specifically prohibit trafficking.[749]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

In October 2003, the Transitional Government launched a Permanent Committee for the Execution of Demobilization and Reintegration of Child Soldiers to assist children in both government and rebel

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[741] U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Burundi*, Section 5. See also Tony Jackson, *Equal Access to Education a peace imperative for Burundi*, International Alert, London, September, 2000, 8-9; available from http://www.international-alert.org/pdf/pubgl/burun_ed_en.pdf. Low teachers' salaries led to a strike that lasted from January to March 2004 that put at least one million children out of school nationwide. See also UN Integrated Regional Information Networks, "Burundi: Schools reopen as teachers suspend strike", IRINnews.org, [online], March 15, 2004 [cited March 24, 2004]; available from http://www.irinnews.org/report.asp?ReportID=40041&SelectRegion=Great_Lakes&SelectCountry=BURUNDI.

[742] U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Burundi*, Section 5. See also Tony Jackson, *Equal Access to Education*, 33.

[743] See U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Burundi*, Section 5.

[744] *Decret loi no 1/037 du 7 juillet 1993 portant revision du Code du travail*, Article 126; available from http://natlex.ilo.org/txt/F93BDI01.htm.

[745] Ibid., Article 119. Reports indicate that many children, however, do work at night in the informal sector. See U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Burundi*, Section 6d. and U.S. Embassy-Bujumbura, *unclassified telegram no. 1025*, August, 2003.

[746] *Decret loi no 1/037 du 7 juillet 1993 portant revision du Code du travail*. See also U.S. Embassy-Bujumbura, *unclassified telegram no. 1025*. See also U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Burundi*, Section 6d.

[747] U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Burundi*, Section 6d.

[748] *Offenses Against Public Morals*; available from http://209.190.246.239/protectionproject/statutesPDF/BurundiF.pdf.

[749] U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Burundi*. *See also* Ecpat International, *Trafficking*.

forces.[750] As of the end of 2003, no child soldiers had been formally demobilized under the program, but the Committee had begun working to create a list of child soldiers and identify the NGOs and other organizations that could provide assistance in the demobilization and reintegration process.[751] In the first few months of 2004, the government reported to have demobilized some 300 child soldiers.[752]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 7/19/2000	✓
Ratified Convention 182 6/11/2002	✓
ILO-IPEC Associated Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

In March 2004, the World Bank approved a USD 33 million grant for the Burundi Emergency Demobilization, Reinsertion and Reintegration Program (DRRP). UNICEF has begun implementing a special project under the DRRP that aims to demobilize and reintegrate some 3,500 child soldiers.[753] The government is also participating in a worldwide ILO-IPEC project, funded by USDOL, to demobilize and rehabilitate children involved in armed conflict. This project aims to reintegrate 1,440 child soldiers in Burundi, and prevent the recruitment of an additional 1,000 children at risk. The ILO will work in cooperation with UNICEF.[754]

[750] U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Burundi*, Section 5.

[751] Ibid. See also UN Integrated Regional Information Networks, "Burundi: Army Demobilizes 29 Child Soldiers", allAfrica.com, [online], February 14, 2004 [cited February 19, 2004]; available from http://www.allafrica.com/stories/200402160245.html.

[752] Amnesty International, *The Challenge of Demobilisation*, page 2.

[753] World Bank, *Burundi Emergency Demobilization, Reinsertion, and Reintegration Program: Updated Project Information Document,* [Electronic source] November 8, 2004 2004 [cited November 8, 2004 2004]; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/01/26/000104615_20040126140800/Rendered/PDF/PID0P081964.pdf. *See also* http://Multi-Country Demobilization and Reintegration Program for the Greater Great Lakes Region, "Country Profile: Burundi," (May 11, 2004 2004); available from http://www.mdrp.org/countries/profile-burundi_may04.pdf.

[754] ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict: an Inter-Regional Program*, project document, Geneva, September 17, 2003.

Cambodia

Incidence and Nature of Child Labor

The Cambodian National Institute of Statistics estimated that 44.8 percent of children ages 5 to 14 years in Cambodia were working in 2001.[755] The majority of working children in Cambodia are engaged in the agriculture sector.[756] Children also work in hazardous conditions on commercial rubber plantations, in salt production, in fish processing,[757] and as garbage pickers.[758] Street children engage in scavenging, begging, shoe polishing, and other income generating activities.[759] Children, primarily girls, also work as domestic servants.[760]

Cambodia is reported to be a country of origin, transit, and destination for trafficking in children for the purposes of commercial sexual exploitation and various forms of work, including forced labor and begging. Cambodian children are trafficked to Thailand and Malaysia for the purpose of commercial sexual exploitation or bonded labor.[761] The commercial sexual exploitation of children is a serious problem in Cambodia.[762] Children are also used in pornography.[763]

Article 68 of the Constitution guarantees the right to 9 years of free education to all citizens.[764] However, costs such as uniforms, books, admission fees, and teacher demands for unofficial fees to supplement

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[755] The survey also found that 83.2 percent of children ages 15 to 17 were working. See National Institute of Statistics, *Report on Cambodia Child Labor Survey 2001*, Phnom Penh, September 2002, 38-39. For more information on the definition of working children, see report section Statistical Definitions of Working Children.

[756] Ibid., 44.

[757] ILO-IPEC, *Combating Child Labor in Hazardous Work in Salt Production, Rubber Plantations, and Fish/Shrimp Processing Centers in Cambodia*, project document, CMB/01/P51/USA, Geneva, 2001.

[758] Chea Pyden, "Garbage Collection Children," *Child Workers in Asia* vol. 16 no. 1 (January-April 2000), cited May 28, 2004; available from http://www.cwa.tnet.co.th/vol16-1/vcaocambodia.htm. See also Antonio Graceffo, *The Children of the Garbage Fields of Phnom Penh,* [online] no date [cited October 29, 2004]; available from http://www.cambodia.org/articles/garbagechildren.html.

[759] UNDP and Norwegian Agency for Development Cooperation, *Cambodia Human Development Report 2000*, Ministry of Planning, Phnom Penh, October 2000, 33, 39.

[760] Ibid., 40-41. Most of these children are girls ages 12 to 15 from remote provinces. Many have never attended school. See Un Chanvirak and Chea Pyden, "Child Labor in Cambodia," *Fifth Regional Consultation of Child Workers of Asia on the Asian Economic Crisis*; available from http://www.cwa.tnet.co.th/booklet/cambodia.htm.

[761] U.S. Department of State, *Trafficking in Persons Report- 2004: Cambodia*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33191.htm.

[762] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Cambodia*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27766.htm. Some children are held in debt bondage and forced into commercial sexual exploitation until they work off loans provided to their parents. See UNDP and NORAD, *Cambodia Human Development Report 2000*, Ministry of Planning, Phnom Penh, October 2000, 37.

[763] Illegal adoptions, sometimes involving the purchase and sale of babies and children for commercial sexual exploitation, are also a problem. See U.S. Department of State, *Country Reports- 2003: Cambodia*, Section 5.

[764] *The Constitution of the Kingdom of Cambodia*, 2nd Plenary Session (September 21, 1993); available from http://www.oefre.unibe.ch/law/icl/cb00000_.html.

incomes make schools unaffordable for many families.[765] In 2001, the gross primary enrollment rate was 123.4 percent. The net primary enrollment rate was 86.2 percent, with 83.2 percent of girls enrolled as opposed to 89.0 percent of boys. Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, the gross primary attendance rate was 106.2 percent and the net primary attendance rate was 65.1 percent.[766] As of 2000, 70.4 percent of children who started primary school were likely to reach grade 5.[767] Education is often inaccessible to minority groups, as classes are conducted only in the Khmer language. Promotion rates to the second grade for children in minority regions are half the national average of 50 percent.[768] While girls legally have equal access to schooling, many families with limited income choose to send male children rather than females, and the distance some must travel to school is a deterrent for families who fear for the safety of female children.[769]

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 15 years.[770] However, children ages 12 to 15 years are permitted to perform light work that is not hazardous and does not affect regular school attendance or participation in other training programs.[771] Employers who violate the law may be fined 31 to 60 days of the base daily wage.[772] Night work is generally prohibited.[773] The Labor Law prohibits work that is hazardous to the mental and physical development of children under the age of 18.[774] Lists of working children below the age of 18 must be kept by employers and submitted to the labor inspector, and children

[765] U.S. Embassy- Phnom Penh, *unclassified telegram no. 1841*, November 6, 2003.

[766] USAID Development Indicators Service, *Global Education Database,* [online] [cited October 29, 2004]; available from http://qesdb.cdie.org/ged/index.html. This report may cite education data for a certain year that is different than data on the same year published in the *U.S. Department of Labor's 2003 Findings on the Worst Forms of Child Labor*. Such data, drawn from the World Bank's *World Development Indicators*, may differ slightly from year to year because of statistical adjustments made in the school-age population or corrections to education data.

[767] World Bank, *World Development Indicators 2004* Washington, D.C., 2004.

[768] U.N. Commission on Human Rights, Situation of Human Rights in Cambodia, 55th Session, Commission Resolution 1998/60, February 26, 1999, para. 108.

[769] U.S. Department of State, *Country Reports- 2003: Cambodia*, Section 5.

[770] *Cambodian Labor Law*, (March 13, 1997), Article 177(1); available from http://www.bigpond.com.kh/Council_of_Jurists/Travail/trv001g.htm. Although the Labor Law sets the minimum age at 15 years, a ministerial decree following the adoption of Convention 138 declared 14 to be the age for admission to employment.

[771] Ibid., Article 177(4).

[772] The base daily wage is defined by the law as "the minimum wage set by a joint *Prakas* [declaration] of the Ministry in charge of Labour and the Ministry of Justice." See Ibid., Articles 360, 68.

[773] Ibid., Articles 175-76.

[774] The Labor Advisory Committee, in consultation with the Ministry of Labor and Vocational Training, is tasked with officially determining hazardous work for minors. See Ibid., Art. 177(2). See also U.S. Department of State, *Country Reports- 2003: Cambodia*, Section 6d. See also U.S. Embassy- Phnom Penh, *unclassified telegram no. 1841*.

who have parents or guardians must have their consent in order to work.[775] However, the Labor Law applies only to the formal sector.[776]

The Labor Law prohibits all forced or compulsory labor, including in agriculture and domestic work.[777] The Constitution prohibits prostitution and the trafficking of human beings.[778] The 1996 Law on the Suppression of Kidnapping and Sale of Human Beings penalizes brothel owners, operators, and individuals who prostitute others with prison terms of between 10 to 20 years, depending on the age of the victim.[779]

The Ministry of Labor and Vocational Training (MOLVT) is responsible for enforcing child labor laws.[780] Since 2000, questions on child labor have been incorporated into routine labor inspections.[781] Local police are responsible for enforcing laws against child trafficking and prostitution;[782] however, the U.S. Department of State reports that counter-trafficking efforts are hampered by official corruption.[783]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Cambodia is currently implementing a five-year plan against trafficking and sexual exploitation of children, focusing on generating new child protection laws, awareness-raising, training of law enforcement officials, and provision of services to victims.[784] The Ministry of Women's and Veteran's

[775] See *Cambodian Labor Law*, Articles 179, 81.

[776] U.S. Embassy- Phnom Penh, *unclassified telegram no. 1841*. The Labor Law does not cover family business, begging, scavenging, hauling, day labor, the commercial sex industry, or participation in any illegal activities. See U.S. Department of State, *Country Reports- 2003: Cambodia*, Section 6d.

[777] The law also prohibits hiring people to work to pay debts. See *Cambodian Labor Law*, Articles 15-16.

[778] The Constitution refers to "the commerce of human beings, exploitation by prostitution and obscenity which affect the reputation of women." See *Constitution*, Article 46.

[779] The Law also stipulates 10 to 15 years imprisonment for traffickers and their accomplices. If the victim is under 15 years, violators face penalties of 15 to 20 years of imprisonment. See *Law on the Suppression of the Kidnapping, Trafficking and Exploitation of Human Beings*, as promulgated by Royal Decree No. 0296/01, Article 3.

[780] U.S. Embassy- Phnom Penh, *unclassified telegram no. 1288*, August 23, 2004.

[781] U.S. Embassy- Phnom Penh, *unclassified telegram no. 1973*, December 6, 2001.

[782] U.S. Embassy- Phnom Penh, *unclassified telegram no. 1288*.

[783] U.S. Department of State, *Country Reports- 2003: Cambodia*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Cambodia*.

[784] National Council for Children, *Five Year Plan Against Trafficking and Sexual Exploitation of Children, 2000-2004*, Phnom Penh, April 2000.

Affairs (MWVA) and the Ministry of Tourism, in collaboration with NGOs, work to combat sex tourism.[785] The Ministry of Interior operates an anti-trafficking hotline.[786] MOLVT works with UNICEF and IOM to return trafficked children to their homes.[787] The Government of Cambodia operates two temporary shelters for victims.[788] MWVA and MOLVT, in conjunction with UNICEF's Community-Based Child Protection Network, work to teach children and community members about the hazards of trafficking, and train individuals to identify potential victims and take action to protect them.[789] MWVA and IOM also collaborate on a public information campaign to raise awareness of trafficking.[790] Cambodia is included in a regional ILO-IPEC anti-trafficking project with funding from the Department for International Development (DFID)-UK.[791] On May 31, 2003, the Government of Cambodia signed a MOU with the Government of Thailand on Bilateral Cooperation for Eliminating Trafficking in Children and Women.[792] In addition to ongoing anti-trafficking funding from the U.S. Embassy in Cambodia, in 2004 the U.S. Presidential Anti-Trafficking in Persons Initiative allocated USD 5.6 million to support programs and NGOs to combat trafficking in Cambodia over the next 2 years.[793]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 8/23/1999	✓
Ratified Convention 182	
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Commercial Sexual Exploitation)	✓

In 2001, USDOL funded an ILO-IPEC project in Cambodia to eliminate hazardous child labor in salt production, commercial rubber plantations, and the fish and shrimp processing sector. This project is due to be completed in November 2004.[794] In 2002, USDOL funded a USD 3 million project that focuses on providing education opportunities to those children who have been or have the potential to be trafficked.[795] The Government of Cambodia is implementing its Education Strategic Plan 2001-2005. The Plan establishes priorities to expand access to quality education opportunities, and to increase the institutional

[785] U.S. Department of State, *Trafficking in Persons Report- 2004: Cambodia*. See also U.S. Department of State, *Country Reports- 2003: Cambodia*, Section 6f.

[786] U.S. Embassy- Phnom Penh, *unclassified telegram no. 1841*.

[787] U.S. Embassy- Phnom Penh, *unclassified telegram no. 1288*.

[788] U.S. Department of State, *Trafficking in Persons Report- 2004: Cambodia*.

[789] Ibid. Villages in the network also establish "village social funds" that provide vulnerable children with funds to attend school. UNICEF, *Profiting from Abuse: An Investigation into the Sexual Exploitation of Our Children*, New York, 2001, 24, 26; available from http://www.unicef.org/publications/pub_profiting_en.pdf.

[790] U.S. Department of State, *Country Reports- 2003: Cambodia*, Section 6f.

[791] The project focuses on the trafficking of women and children. The second phase extends through April 2008. ILO-IPEC, *Mekong Sub-Regional Project to Combat Trafficking in Children and Women*, [online] May 27, 2003 [cited May 31, 2004]; available from http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/index.htm. See also ILO-IPEC, *Mekong Sub-Regional Project to Combat Trafficking in Children and Women: Project Overview*, [online] [cited October 29, 2004]; available from http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/projectoverview-history.htm.

[792] Ministry of Foreign Affairs and International Cooperation, "Joint Cambodian-Thai Cabinet Retreat," *Information Bulletin* 58 (May 31, 2003); available from http://www.embassy.org/cambodia/press/052003.pdf.

[793] U.S. Embassy- Phnom Penh, *unclassified telegram no. 1288*.

[794] ILO-IPEC, *Combating Child Labor in Hazardous Work, project document*.

[795] World Education, *OPTIONS Program in Cambodia, status report*, status report, December, 2003.

capacity of local schools and communities for involvement in educational decision-making.[796] The Ministry of Education, Youth and Sport (MOEYS) is implementing Priority Action Programs through 2006 that operate nationwide and include activities such as HIV/AIDS education, non-formal education expansion, and program monitoring and capacity building.[797] A Non-Formal Education Department within MOEYS focuses on delivering tailored education services to meet the needs of people of all ages, including working children.[798]

The government also works with various donors and NGOs on education issues, focusing on improving the quality of education and access to primary school.[799] The ADB is supporting MOEYS' efforts to implement its Education Strategic Plan 2001-2005 through nationwide policy reforms,[800] and an initiative to increase equitable access to education and facilitate management and fiscal decentralization.[801] Another ADB-supported project focuses on educational assistance to girls and indigenous populations by raising awareness among stakeholders and promoting the development of scholarship programs for lower secondary schooling.[802] With U.S. Department of Agriculture funding, the WFP works with MOEYS to deliver school feeding programs in order to increase enrollment.[803]

[796] Royal Government of Cambodia's Ministry of Education, Youth, and Sport, *Education Strategic Plan 2001-2005*, Phnom Penh, May 2001, Foreword.

[797] Ministry of Education, Youth, and Sport, *ESSP Review 2002: Education Sector Performance Report*, Phnom Penh, August 2002, 26; available from http://www.moeys.gov.kh.

[798] Ministry of Education, Youth, and Sport, *Departments List*, [online] November 15, 2001 [cited October 29, 2004]; available from http://www.moeys.gov.kh/org_struct/departments_list.htm.

[799] ILO-IPEC assisted the government to create a non-formal education program for former child workers. See U.S. Embassy-Phnom Penh, *unclassified telegram no. 1841*.

[800] The ADB is providing USD 20 million to the effort, which is scheduled to end in November 2007. See ADB, *Education Sector Development Program*, (LOAN: CAM 33396-01), [online] December 15, 2001 [cited May 28, 2004]; available from http://www.adb.org/Documents/Profiles/LOAN/333996013.ASP.

[801] The ADB is providing USD 9 million, and the local cost is an additional 9 million. The project is scheduled to end in December 2006. See ADB, *Cambodia: Education Sector Development Project*, [online] December 5, 2001 [cited May 28, 2004]; available from http://www.adb.org/Documents/Profiles/LOAN/33396023.ASP.

[802] The ADB provided a grant of USD 3 million from the Japan Fund for Poverty Relief; the project is slated to end in October 2005. See ADB, *Cambodia: Targeted Assistance for Education of Poor Girls and Indigenous Children*, [online] December 11, 2002 [cited May 28, 2004]; available from http://www.adb.org/Documents/Profiles/GRNT/36152012.ASP.

[803] In Takeo province, where the WFP initiative is focused, enrollment improved by 8 percent over a 3-year period. See USDA Global Food for Education Pilot Program, *Cambodia Country Report: World Food Program*, Report to the U.S. Congress, Washington, D.C., 2003; available from http://www.fas.usda.gov/excredits/foodaid/ffe/gfe/congress2003/asia.pdf.

Cameroon

Incidence and Nature of Child Labor

UNICEF estimated that 58.1 percent of children ages 5 to 14 were working in Cameroon in 2000.[804] Only 5 percent of children ages 5 to 14 years work for wages.[805] Of those children who perform domestic work, 11 percent work more than 4 hours a day on these tasks.[806] According to a study conducted in 2000 by the ILO, the Ministry of Labor, and NGOs, children in Cameroon work in the agricultural sector; in informal activities, such as street vending and car washing; as domestic servants; in prostitution; and in other illicit activities.[807] The ILO has found that 7 percent of working children in the cities of Yaounde, Douala, and Bamenda were less than 12 years of age, and 60 percent of these had dropped out of primary school.[808] During school vacation, street children reportedly work to earn money for school.[809] Certain forms of child labor are reported to be culturally accepted traditions in the North and Southwest.[810] Children are also employed in the cocoa industry and engage in certain hazardous tasks such as application of pesticides and use of machetes.[811]

Cameroon is a source, transit, and destination country for the international trafficking of children, and trafficking also occurred within the country.[812] Girls are trafficked internally from the Grand North and Northwest provinces to urban areas.[813] Children are also trafficked to work in the production of cocoa.[814] Cameroon is a destination country for children trafficked from Nigeria and Benin and a transit country for

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[804] The UNICEF Multiple Indicator Cluster Survey (MICS) was conducted with the Government of Cameroon's Ministry of Economics and Finance. See Ministère de l'Economie et des Finances, *Rapport Principal. Enquête à Indicateurs Multiples (MICS) au Cameroun 2000*, 14. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[805] Ibid., 11.

[806] Ibid.

[807] U.S. Embassy- Yaounde, *unclassified telegram no. 3239*, October 2001.

[808] See Ibid. The 2000 joint UNICEF/government study found, however, that the rate of child labor is lowest in the metropolitan areas of Yaounde and Douala. See Ministère de l'Economie et des Finances, *Rapport Principal. Enquête à Indicateurs Multiples (MICS) au Cameroun 2000*, 41.

[809] Foyer l'Esperance staff, interviews with USDOL official, August 4, 2002. See also Catholic Relief Services staff, interviews with USDOL official, August 6, 2002.

[810] Feyio, interview with USDOL official, August 4, 2002.

[811] Cameroon was one of the countries studied as part of the International Protocol signed by the global chocolate industry in September 2001 to address abusive child labor practices in cocoa-growing West Africa. See International Institute of Tropical Agriculture, *IITA Update on West Africa Child Labor Study*, [online] 2002; available from http://www.iita.org/news/chlab3.htm.

[812] U.S. Department of State, *Trafficking in Persons Report- Cameroon 2004*, Washington, DC, June 10, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Cameroon*, Washington, D.C., February 25, 2004, Section 6f; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27716.htm.

[813] U.S. Department of State, *Trafficking in Persons Report*.

[814] U.S. Department of State, *Country Reports- 2003: Cameroon*, Section 6d

the movement of children between Nigeria and Gabon.[815] According to a 2004 study by the Institute for Socio-Anthropological Research, children who have been trafficked in Cameroon are forced to work in agriculture, domestic service, sweatshops, bars and restaurants and in prostitution.[816] There have been credible reports of child slavery in Cameroon, particularly in the Rey Bouba Division of North Province. In some cases, parents offered their young girls to the Lamido (chief) of the Rey Bouba Division as gifts.[817] The Ministry of Social Affairs also reports that children of some large rural families are "loaned" to work as domestic servants, vendors, prostitutes or baby sitters in urban areas in exchange for monetary compensation.[818]

Education is compulsory through the age of 14 years.[819] Although the Constitution guarantees the right to education,[820] some school officials demand bribes to enroll children in school and the families of primary school children must pay for uniforms and book fees.[821] Tuition and fees at the secondary school level remain unaffordable for many families,[822] and school enrollment varies widely by region with less than 50 percent of children attending school in the Far North Province.[823]

In 2001, the gross primary enrollment rate was 106.7 percent.[824] Gross enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent net primary enrollment rates and primary school attendance rates are not available for Cameroon. Completion rates also vary by region. In 2000, 87 percent of children who started primary school were likely to reach grade 5 in the Northwest and Southwest Provinces, whereas only 39 percent of children were likely to complete grade 5 in the Central, South and East Regions.[825]

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[815] U.S. Embassy-Yaounde, *unclassified telegram no. 1233*, August 2004.

[816] U. S. Embassy-Yaounde, *unclassified telegram no. 1233*, August 2004. A study conducted by the ILO in 2000 in Yaounde, Douala and Bamenda indicated that trafficking accounted for 84 percent of an estimated 610,000 child laborers. See U.S. Department of State, *Country Reports- 2003: Cameroon*, Section 6f.

[817] U.S. Department of State, *Country Reports- 2003: Cameroon*, Section 6f.

[818] U.S. Embassy-Yaounde, *unclassified telegram no. 1233*.

[819] A tradition of child fostering is widespread in West and Central Africa, whereby a family will often place a child with a relative or acquaintance in exchange for compensation, school fees, or the chance to learn a trade. U.S. Department of State, *Country Reports- 2003: Cameroon*, Section 5.

[820] Government of Cameroon, *Constitution of the Republic of Cameroon*, Law no. 96-06, (January 18, 1996), Preamble; available from http://confinder.richmond.edu/Cameroon.htm.

[821] U.S. Department of State, *Country Reports- 2003: Cameroon*, Section 5. See also Sylvestre Tetchiada, *Schools for Scandal*, February 24, 2004; available from http://www.ipsnews.net/africa/interna.asp?idnews=22537.

[822] U.S. Department of State, *Country Reports- 2003: Cameroon*, Section 5.

[823] Ibid.

[824] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[825] Ministère de l'Economie et des Finances, *Rapport Principal. Enquête à Indicateurs Multiples (MICS) au Cameroun 2000*, 26.

Fewer girls enroll in primary school in Cameroon than boys.[826] In 2001, the UN Committee on the Rights of the Child indicated a number of problems with the educational system in Cameroon, including rural/urban and regional disparities in school attendance; limited access to formal and vocational education for children with disabilities; children falling behind in their primary education; a high dropout rate; lack of primary school teachers; and violence and sexual abuse against children in schools.[827] Early marriage, unwanted pregnancy, domestic chores and certain socio-cultural prejudices also contribute to low education rates.[828] Domestic workers are also not permitted to attend school by their employers.[829]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.[830] The law prohibits youths between the ages of 14 to 18 from engaging in certain work, including moving heavy weights, performing dangerous and unhealthy tasks, working in confined areas, or in prostitution.[831] The Labor Code also specifies that children cannot work in any job that exceeds their physical capacity.[832] Labor law also requires that employers provide educational training to children between 14 and 18 years.[833] Under the Labor Code, the Labor Inspectorate is empowered to require children to be examined by a medical professional to make sure their work does not exceed their physical capacity. Children can also request this examination themselves.[834]

The Labor Code prohibits forced labor.[835] The Penal Code prohibits a person from imposing a work obligation on another person for which that person has not freely applied, and is punished by imprisonment of 5 to 10 years and/or a fine.[836] The Penal Code prohibits slavery.[837] The Code also prohibits procuring, as well sharing in the profits from another person's prostitution.[838] The penalty

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[826] Ibid.

[827] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention on the Rights of the Child: Concluding Observations of the Committee on the Rights of the Child: Cameroon*, CRC/C/15/Add.164, Geneva, November 6, 2001, para. 54. See Tetchiada, *Scandal*.

[828] U.S. Embassy-Yaounde, *unclassified telegram no. 1233.*

[829] Catholic Relief Services staff, interviews, August 6, 2002.

[830] Government of Cameroon, *Labour Code*, Law no. 92/007, (August 14, 1992), Part V, Chapter III, Section 86; available from http://natlex.ilo.org/txt/E92CMR01.htm.

[831] U.S. Department of State, *Country Reports- 2003: Cameroon*, Section 6d.

[832] *Cameroon Labor Code*, Part V, Ch. III, Section 87.

[833] U.S. Department of State, *Country Reports- 2003: Cameroon*, Section 6d.

[834] *Cameroon Labor Code*, Part V, Chapter III, Section 87.

[835] Ibid., Part I, Section 2.

[836] Article 292 as cited in The Protection Project, "Human Rights Report on Trafficking in Persons, especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery," 2002, Article 292; available from http://www.protectionproject.org/human_rights/countryreport/cameroon.htm.

[837] Ibid.

[838] Ibid.

includes fines and prison sentences of up to 5 years, which double if the crime involves a person less than 21 years of age, particularly in the informal sector.[839]

Cameroon does not currently have any laws forbidding trafficking as a specific crime, and often, traffickers are arrested and prosecuted under related crimes such as prostitution, slavery, bondage, etc. In 2003 several individuals were reportedly arrested, prosecuted or sued for crimes associated with their involvement in the trafficking of children, and one person was sentenced to 8 years in prison for a trafficking related crime.[840]

The Ministry of Labor enforces child labor laws through site inspections of registered businesses.[841] There were 58 general inspectors responsible for investigating child labor cases in Cameroon in 2004.[842] However, the U.S. Department of State reports that a lack of resources and inadequate legal provisions covering domestic labor hindered efforts to combat child labor.[843]

The Ministry of Social Affairs is the government agency responsible for coordinating governmental anti-trafficking efforts, including the implementation of a national strategy on child trafficking.[844] In 2003, several individuals were reportedly arrested, prosecuted or sued for their involvement in the trafficking of children, and one person was sentenced to 8 years in prison for a child trafficking crime. Complete statistics on trafficking related arrests and prosecutions in 2004 are unavailable.[845]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	8/13/2001	✓
Ratified Convention 182	6/5/2002	✓
ILO-IPEC Member		✓
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Trafficking)		✓

The Government of Cameroon is collaborating with ILO-IPEC on two USDOL-funded West and Central African regional projects to combat child trafficking and child labor in the production of cocoa.[846] In addition, with the support of the Department of State, the Government is participating in an ILO designed program to develop anti-trafficking legislation and train law enforcement and judicial officials on anti-trafficking strategies. One such training occurred in July 2004 in a coastal area in South Province, Cameroon, where sex tourism is prevalent.[847]

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[839] Ibid.

[840] U.S. Embassy- Yaounde, U.S. Embassy official, electronic communication to USDOL official, May 27, 2005.

[841] U.S. Department of State, *Country Reports- 2003: Cameroon*, Section 6d.

[842] U.S. Embassy-Yaounde, *unclassified telegram no. 1233*.

[843] U.S. Department of State, *Country Reports- 2003: Cameroon*, Section 6d.

[844] U.S. Embassy-Yaounde, *unclassified telegram no. 1233*.

[845] Ibid.

[846] ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (Phase II)*, project document, RAF/01/P53/USA, Geneva, 2001.

[847] U.S. Embassy-Yaounde, *unclassified telegram no. 1233*.

In April 2004, Cameroon ratified the U.N. Convention Against Transnational Organized Crime and its two protocols to prevent trafficking in persons and the smuggling of migrants.[848] The government is drafting implementing legislation for these agreements and has developed revisions to its Family Code that would raise the minimum age for marriage from 15 to 18.[849] In July 2004, the legislature strengthened the role and authority of the National Commission on Human Rights and Freedoms, which conducts investigations and implements training programs for law enforcement and judiciary officials on trafficking in persons.[850] The Minister of Social Affairs has pledged support for UNICEF, which plans to conduct a sociological study on victims and perpetrators of child trafficking to help the problem in the country.[851] To raise awareness about the need to combat exploitive child labor, the government participated in various child labor awareness raising activities in conjunction with the ILO's World Day Against Child Labor and Red Card Against Child Labor Initiative and UN's Day of the African Child.[852]

The government developed an Education for All Plan for 2000-2009 that recognizes child labor as a barrier to education and that proposes strategies to ensure educational opportunities for children.[853] In April 2004, the Government launched "Education for All Week"[854] and in June 2004, government officials participated in a forum with other African Ministers of Education and technical experts to discuss how to expand girls' education in sub-Saharan Africa.[855] In June 2004, the government collaborated with NGOs to launch several initiatives to issue birth certificates to children for school enrollment in Cameroon's northern and central provinces.[856] UNICEF also announced its decision to make the Adamawa Province its focal point area for child and female literacy programs in Cameroon.[857] In August 2004, WFP concluded a 4-year program to distribute food to girl students in the northern and eastern provinces.[858] In 2004, the Protocol of Agreement to eradicate child labor was signed by the Government of Cameroon and the ILO.[859]

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[848] U. S. Embassy-Yaounde, *unclassified telegram no. 1233*.

[849] Ibid.

[850] Ibid.

[851] Ibid.

[852] Ibid.

[853] Government of Cameroon, *Plan d'Action National EPT Cameroun*, July 21, 2003, 17; available from http://portal.unesco.org/education/ev.php?URL_ID=20918&URL_DO_TOPIC&URL_SEC.

[854] U.S. Embassy-Yaounde, *unclassified telegram no. 1233.*

[855] UNICEF, *Ministers of Education and Technical Experts Meet in Nairobi to Discuss Scaling Up What Works for Girls' Education in Sub-Saharan Africa*, June 24, 2004; available from http://www.unicef.org/media/media_21926.html.

[856] U.S. Embassy-Yaounde, *unclassified telegram no. 1233.*

[857] Ibid.

[858] Ibid.

[859] U.S. Embassy Yaounde, electronic communication, May 27, 2005.

Cape Verde

Incidence and Nature of Child Labor

The ILO estimated that 13.3 percent of children ages 10 to 14 years in Cape Verde were working in 2002.[860] Children work as street vendors and car washers in urban areas including Mindelo, Praia and Sal.[861] The commercial sexual exploitation of children is a problem occurring primarily in urban areas.[862]

Education is free for the first 6 years of primary school.[863] Education is compulsory until the age of 16 years.[864] In 2001, the gross primary enrollment rate was 122.6 percent; 124.9 percent for boys and 120.2 percent for girls.[865] In 2001, the net primary enrollment rate was 99.4 percent.[866] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Cape Verde. Approximately 88 percent of per student cost goes toward teachers' salaries, leaving insufficient funds for school materials, lunches, and books, and there is a high repetition rate for certain grades.[867]

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[860] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2003. The Ministry of Employment, Training and Social Integration estimates that 3.3 percent of children 5 to 13 years old are engaged in paid or unpaid work inside or outside the home. See Government of Cape Verde, *Cape Verde National Report on Follow Up to the World Summit for Children and Lima Accord*, Ministry of Employment, Training, and Social Integration, Praia, 2000, Annex 1.

[861] UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Cape Verde, CRC/C/15/Add.167*, Geneva, October 12, 2001, paras. 57 and 61; available from http://www.hri.ca/fortherecord2001/documentation/tbodies/crc-c-11-add23.htm.

[862] The commercial sexual exploitation of children may be linked to a recent increase in tourism. See U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Cape Verde,* 2004 [cited February 26, 2004]; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27717.htm. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention on the Rights of the Child, Periodic Reports of States Parties Due in 1994: Cape Verde*, CRC/C/11/Add.23, United Nations, January 2001. See also UN Committee on the Rights of the Child, *Concluding Observations*.

[863] These 6 years are typically from the ages of 6 to 12. Secondary education is free only for children whose families have an annual income below approximately 160,000 escudos (USD 1,750). See U.S. Department of State, *Country Reports- 2003: Cape Verde*, Section 5. For currency conversion, see FXConverter, [online] [cited June 18, 2004]; available from http://www.oanda.com/convert/classic.

[864] U.S. Department of State, *Country Reports- 2003: Cape Verde*, Section 5.

[865] World Bank, *World Development Indicators 2004*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[866] Ibid.

[867] World Bank, *Cape Verde- Education and Training Consolidation and Modernization Project,* [online] April 30, 1999 [cited February 27, 2004]; available from http://www-wds.worldbank.org/servlet/WDSServlet?pcont=details&eid=000094946_99052608145863.

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 14 years and prohibits children under the age of 16 from working at night or in enterprises that produce toxic products.[868] Children between the ages of 14 and 18 may not work more than 38 hours per week or more than 7 hours per day.[869] Children of compulsory school age are prohibited from working, and the Constitution expressly forbids the exploitation of child labor.[870] Forced or bonded labor by children and the trafficking of children is expressly prohibited by law.[871] The 2004 Penal Code unified diverse legislation on child abuse in the work place and child trafficking.[872] The new penal code prohibits certain forms of child sexual exploitation.[873] The trafficking of children for the purposes of prostitution is punishable by 2 to 8 years imprisonment.[874] According to the U.S. Department of State, the Ministry of Justice and Labor enforced the minimum age laws in urban and formal sectors of the economy with limited success.[875] Cape Verde has no formal institutional mechanisms to investigate and address complaints relating to the worst forms of child labor, but the Penal Code can be used for criminal cases related to the worst forms of child labor.[876]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

In July 2001, the government signed a Memorandum of Understanding (MOU) with international organizations sponsoring Education for All.[877] Under the MOU, the sponsors and the government will prepare a National Plan of Action for Education for All to coordinate efforts to ensure universal access to a

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[868] Embassy of the Republic of Cape Verde, letter to USDOL official, October 26, 2001. See also U.S. Embassy- Praia, *unclassified telegram no. 0552*, July 31, 2003. See also U.S. Department of State, *Country Reports- 2003: Cape Verde*, Section 6d.

[869] Gregorio Semodo, letter to USDOL official, October 26, 2001. See also U.S. Department of State, *Country Reports- 2003: Cape Verde*, Section 6d.

[870] *CONSTITUIÇÃO DA REPÚBLICA, Lei Constitucional n.º 1/V/99 de 23 de Novembro*, Article 89 (2) and (3), (1999); available from http://www.parlamento.cv/constituicao/const00.htm.

[871] U.S. Department of State, *Country Reports- 2003: Cape Verde*, Sections 6c and 6f. .

[872] U.S. Embassy- Praia, *unclassified telegram no. 0539*, September 17, 2004.

[873] According to Article 148 of the Penal Code, the facilitation of sexual acts with persons under 14 or with mental illness by parents is punishable by 2 to 8 years of imprisonment. The same crime committed on children between the ages of 14 and 16 years may be punished by a prison term of 1 to 5 years. There are additional penalties based on the circumstances. See U.S. Embassy- Praia official, email communication to USDOL official, May 19, 2005. See also The Protection Project, "Cape Verde," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, Washington, D.C., March 2002; available from http://209.190.246.239/protectionproject/statutesPDF/CapeVerde.pdf.

[874] Penal Code, Article 149, as cited in U.S. Embassy- Praia official, email communication.

[875] U.S. Department of State, Country Reports- 2003: Cape Verde, Section 6d.

[876] U.S. Embassy- Praia, *unclassified telegram no. 0539*.

[877] The sponsors of EFA in Cape Verde include FAO, UNESCO, UNDP, UNICEF, UN Population Fund, the World Bank, and WHO. See *Cape Verde- Memorandum of Understanding between the Sponsors of Education for All and the Government of Cape Verde*, UNESCO, July 20, 2001 [cited March 3, 2004]; available from http://www.dakar.unesco.org/countries/news_docs_comnat/010816_en_capvert.shtml.

quality education is achieved by 2015.[878] The Ministry of Education and the WFP have agreed to renew collaboration through 2005 on primary school feeding programs.[879] WFP provides free meals in over 450 primary and pre-primary schools to help boost school enrollment and improve student performance.[880] UNICEF and the Government of Cape Verde have also launched a variety of initiatives to improve access to schooling, particularly for girls, including programs that provide educational materials and address gender bias.[881] The Government in conjunction with the World Bank supported the Education and Training Consolidation and Modernization Project though June 2004, which aims to improve primary school infrastructure and textbook supply.[882] The government also supports radio and television programs that provide alternative educational opportunities to children of primary-school age.[883] The government of Cape Verde works with NGOs, international organizations, and other countries on several bilateral and multilateral projects aimed at expanding educational opportunities for youth and adults.[884] These efforts include teacher training programs, school infrastructure improvements, and improving pre-school and special education.[885]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182 10/23/01	✓
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

[878] Ibid.

[879] When they are able, local farmers donate surplus crops toward this effort. See WFP, "Cape Verde: How Long Should Support Last?," in *Global School Feeding Report- 2002,* Rome, 2002.

[880] Integrated Regional Information Networks, "Cape Verde: Feeding for the future", IRINnews.org, [online], October 30, 2003 [cited February 12, 2004]; available from http://www.irinnews.org/print.asp?ReportID=37546.

[881] UNICEF, *Girls' Education in Cape Verde,* [online] [cited August 25, 2003]; available from http://www.unicef.org/programme/girlseducation/action/cases/cape_verde.htm.

[882] World Bank, *Education and Training Consolidation and Modernization Project,* in World Bank, [online] March 3, 2004 [cited March 3, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=40941&menuPK=228424&Projectid=P055468.

[883] U.S. Embassy- Praia, *unclassified telegram no. 0552.*

[884] Ministry of Education and the Development of Human Resources, *Balanço da Cooperação*, Praia, August 2003; available from http://www.minedu.cv/pdf/propproj/cooperacao/balancocooperacao.pdf.

[885] Ibid.

Central African Republic

Incidence and Nature of Child Labor

UNICEF estimated that 63.5 percent of children ages 5 to 14 years in the Central African Republic were working in 2000.[886] Although children work in many sectors of the economy, most children are engaged in agricultural work in rural areas.[887] Some children work on farms at school.[888] Children also reportedly work alongside adult relatives in diamond fields. In the capital of Bangui, street children are engaged in begging.[889]

Indigenous children, including pygmy children, are forced into agricultural, domestic and other forms of labor by other ethnic groups in the country.[890]

Reports indicate that children fought for both pro-government and rebel forces during the coup that occurred in March 2003.[891] The security situation in the country was generally stable during 2004, and there were no reports of children involved in armed conflict during the year.

Children in the Central African Republic are also involved in prostitution.[892]

Children are trafficked to the Central African Republic generally from Nigeria, Sudan and Chad for work in domestic service, small shops, and agriculture. Traveling merchants, herders, and other foreigners working in and transiting the country sometimes brought boys and girls with them. Such children did not attend school and were not paid for their work. There are some reports that children are trafficked from the country to Nigeria and other nearby nations for work in agriculture.[893]

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[886] Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than 6 hours of housekeeping chores in the household, or who have performed other family work. See Government of the Central African Republic, *Enquête a Indicateurs Multiples en République Centrafricaine (MICS): Rapport Préliminaire*, UNICEF, Bangui, December 2000, 31; available from http://www4.worldbank.org/afr/poverty/pdf/docnav/03307.pdf.

[887] Ibid. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Central African Republic*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27718.htm.

[888] This work is reportedly considered to prepare children for agricultural work as adults. The proceeds from the farms are used for school supplies and activities. See U.S. Department of State, *Country Reports- 2003: Central African Republic*, Section 6d.

[889] Ibid., Section 5, 6d.

[890] Ibid., Section 6c.

[891] In the weeks preceding the 2003 coup, for example, many street children were enrolled in security forces to repel the rebellion. Provided with only a few days of training, many of these children were killed in battle. See UN Commission on Civil and Political Rights, *List of issues prepared in the absence of the second periodic report of the State party, due on 9 April 1989*, Geneva, September 3, 2003, para. 17; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/880cc0a9e81c0a75c1256da90022b550?Opendocument. See also U.S. Department of State, *Country Reports- 2003: Central African Republic*, Sections 1c and 5.

[892] UN Convention on the Rights of the Child, *Summary Record of the 658th Meeting: Central African Republic*, CRC/C/SR.658, February 2001, para. 28; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/7c0595bc56c343b5c12569f500598d21?Opendocument. See also U.S. Department of State, *Country Reports- 2003: Central African Republic*, Section 6f.

[893] U.S. Department of State, *Country Reports- 2003: Central African Republic*, Section 6f.

Despite the coup and suspension of the Constitution in 2003, certain laws prior to the coup remained in force in 2004.[894] Education continued to be free and compulsory until age 14.[895] However, children had to pay for their own books, supplies, and transportation.[896] In addition, penalties were rarely applied for children's nonattendance.[897] In 2001, the most recent year for which such data are available, the gross primary enrollment rate was 66.1 percent.[898] Enrollment rates for boys were higher than for girls; in 2001, the gross primary enrollment rate was 79.4 percent for males, and 53.0 percent for females.[899] Many reports indicate that male teachers from the primary to university levels pressure female students into sex in exchange for good grades.[900] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, the net primary attendance rate was 38.3 percent. The net primary attendance rate for children living in urban areas in 2000 was almost double the rate for children living in rural areas.[901] Chronic financial problems in the education system as well as the 2003 coup have led to the closure of many of the country's schools.[902] UNESCO reports that the student-teacher ratio in Central Africa Republic is more than 70 to 1.[903]

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[894] Ibid., Introduction.

[895] There is some confusion over the length of compulsory education in the country. The U.S. State Department reports that education is compulsory from age 6 to 14. An NGO report states that children may leave school at the minimum age of work, 14, but that girls' education is compulsory until the age of 21. This statement is based on government orders released prior to the 2003 coup. See Ibid., section 5. See also Angela Melchiorre, "Central African Republic," in *At What Age are school-children employed, married and taken to court?*, ed. Duncan Wilson Right to Education, 2004; available from http://www.right-to-education.org/. See also UN Committee on the Rights of the Child, *Initial reports of States parties due in 1994 : Central African Republic*, CRC/C/11/Add.18, prepared by Government of the Central African Republic, pursuant to Article 44 of the Convention on the Rights of the Child, November 18, 1998, para. 187; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/fb066e7732d518c0802567a6003b7aad?Opendocument.

[896] U.S. Embassy- Bangui, *unclassified telegram no. 783*, October 3, 2001.

[897] U.S. Department of State, *Country Reports- 2003: Central African Republic*, section 5.

[898] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[899] Ibid. Factors that limit girls' access to schooling include insufficient schools, pressure to marry, and tradition. See also Integrated Regional Information Networks, "UNICEF Funding Schools Construction in the Southwest", IRINnews.org, [online], January 30, 2003 [cited May 7, 2004]; available from http://www.irinnews.org/print.asp?ReportID=32015.

[900] U.S. Department of State, *Country Reports- 2003: Central African Republic*, section 5.

[901] Government of the Central African Republic, *Enquête a Indicateurs Multiples en République Centrafricaine*, 10-11.

[902] U.S. Department of State, *Country Reports- 2003: Central African Republic*, Section 5. See also Integrated Regional Information Networks, "Teachers, Pupils to be Transported to Schools, Minister Says", IRINnews.org, [online], May 13, 2003 [cited May 7, 2004]; available from http://www.irinnews.org/print.asp?ReportID=34057. HIV/AIDS-related deaths among teachers have also been a contributing factor to school closures. See Integrated Regional Information Networks, "HIV/AIDS leading cause of death for teachers", IRINnews.org, September 5, 2001 [cited May 7, 2004]; available from http://www.irinnews.org/print.asp?ReportID=11236.

[903] UNESCO, *EFA Global Monitoring Report 2003/4: Gender and Education for All, The Leap to Equality*, 2003, chapter 2, 97; available from http://portal.unesco.org/education/en/ev.php-URL_ID=23023&URL_DO=DO_TOPIC&URL_SECTION=201.html.

Child Labor Laws and Enforcement

Article 125 of the Labor Code, which remained in force during 2004, sets the minimum age for employment at 14 years. However, children who are at least 12 years of age may engage in light work.[904] Children under 18 years are forbidden to perform certain kinds of work, including work in mines and work that involves carrying heavy loads, or work at night between the hours of 10 p.m. and 5 a.m.[905] Forced labor was prohibited under the former Constitution; at the date of this writing it was unclear whether this provision is included in the new Constitution approved by referendum in December 2004.[906] The minimum age for enlistment into the armed forces is 18.[907]

The Penal Code prohibits procurement of individuals for sexual purposes, including assisting in or profiting from prostitution, with penalties that include imprisonment for 3 months to 1 year and a fine of 100,000 to 1,000,000 francs (USD 177 to 1,778). Those found guilty of engaging in such acts with minors, which the code defines as persons less than 15 years of age, face penalties of imprisonment from 1 to 5 years and a fine of 200,000 to 2,000,000 francs (USD 354 to 3,556). The Penal Code also establishes penalties including imprisonment from 2 to 5 years and 100,000 to 800,000 francs (USD 177 to 1,422) if a school official commits an offense against the decency of a female student.[908] The law does not specifically prohibit trafficking. However, traffickers can be prosecuted under anti-slavery laws, mandatory school age laws, the prostitution provisions of the Penal Code, and the Labor Code.[909] In addition, Article 212 of the Penal Code establishes a penalty of imprisonment from 5 to10 years for any person who abducts or causes the abduction of a child younger than 15 years of age.[910]

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[904] UN Committee on the Rights of the Child, *Initial reports of States parties due in 1994*, para 62. See also NATLEX, *Central African Republic: Elimination of child labour, protection of children and young persons,* in NATLEX, [database online] [cited May 11, 2004]; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=CAF&p_classification=04&p_origin=COUNTRY. Children may work in traditional agriculture or home services starting at age 12. See U.S. Department of State, *Country Reports- 2003: Central African Republic*, section 6d. See also U.S. Embassy- Bangui official, email communication to USDOL official, January 27, 2005.

[905] NATLEX, *Central African Republic: Elimination of child labour*. See also UN Committee on the Rights of the Child, *Initial reports of States parties due in 1994*, para. 62.

[906] See Integrated Regional Information Networks, "New Constitution Adopted, 15 to Vie for Presidency", IRINnews.org, [online], December 20, 2004 [cited December 29, 2004]; available from http://www.irinnews.org/print.asp?ReportID=44736.

[907] UN Committee on the Rights of the Child, *Initial reports of States parties due in 1994*, para 61.

[908] This section of the Penal Code was amended in 1964. See Government of the Central African Republic, *Penal Code*, (May 20, 1998), articles 196-201; available from http://209.190.246.239/protectionproject/statutesPDF/CENTRALAFRICANREPUBLIC.pdf. For currency conversion, see *OANDA Customizable Currency Converter,* oanda.com, [online] [cited September 1, 2004]; available from http://www.oanda.com/convert/classic. The ILO's Committee of Experts has raised questions about what provisions in the country's law protect children under 18 from prostitution. See CEACR, *Direct request, Worst Forms of Child Labor Convention, 1999 (No. 182) Central African Republic (ratification: 2000)*, ILO, Geneva, 2003; available from http://webfusion.ilo.org.

[909] U.S. Department of State, *Country Reports- 2003: Central African Republic*, section 6f.

[910] CEACR, *Direct request*.

Labor inspectors with the Ministry of Labor and Civil Service, labor tribunals, the Attorney General, and the police are responsible for enforcing child labor laws,[911] but the U.S. Department of State reported that enforcement occurs infrequently.[912] Minor's brigades have been established to punish persons responsible for forcing children into prostitution. However, few cases have been prosecuted due to the reluctance of victims' families to press charges.[913] The government does not investigate trafficking cases.[914]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

With support from UNICEF, the Government of the Central African Republic made efforts in 2004 to implement an action plan to provide care to AIDS orphans, who are often compelled to begin working at an early age.[915] The government has also established a plan to combat trafficking, but there is no information available to assess the current status of the plan.[916]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 6/28/2000	✓
Ratified Convention 182 6/28/2000	✓
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Trafficking)	✓

In August, the World Bank and IMF approved a package of aid programs for the country, which reportedly includes financing for education, including salaries for teachers.[917] UNICEF continued to provide support to a non-formal community schools program that is intended to promote girls' education.[918] UNICEF and WFP are working to provide access to water, sanitation, and school meals in the country's education system.[919] The new government endorsed the

[911] Minister of Public Administration, Employment, and Civil Service, *Rapport*, Official submission under Article 22 of Convention 138 on the Minimum Age for Admission to Employment, August 30, 2002. See also U.S. Department of State, *Country Reports- 2003: Central African Republic*, Section 6d.

[912] The Government also reportedly lacks the resources to enforce prohibitions on forced child labor. See U.S. Department of State, *Country Reports- 2003: Central African Republic*, section 6d.

[913] UN Convention on the Rights of the Child, *Summary Record of the 658th Meeting*, para 28.

[914] U.S. Department of State, *Country Reports- 2003: Central African Republic*, section 6f.

[915] UNICEF, *At a Glance: Central African Republic,* [online] [cited May 11, 2004]; available from http://www.unicef.org/infobycountry/car.html. For a discussion of HIV/AIDS and its relationships to child labor, see Bill Rau, *HIV/AIDS and Child Labour: A State of the Art Review with Recommendations for Action, Synthesis Report*, Paper No. 6, ILO-IPEC, 2003; available from http://www.ilo.org/public/english/standards/ipec/publ/download/hiv6_subsahara_en.pdf.

[916] U.S. Department of State, *Country Reports- 2003: Central African Republic*, Section 6f. In 1993, the government established a national plan of action for the protection of children. It is unclear whether this plan is still active, as a 2003 report indicates that the government was formulating a new plan. See CEACR, *Direct request*.

[917] World Bank, *Central African Republic,* [online] 2004 [cited September 2, 2004]; available from http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/CENTRALAFREXTN/0,,menuPK:350005~pagePK:141159~piPK:141110~theSitePK:349999,00.html. See also Integrated Regional Information Networks, "Government gets post-conflict aid of US $8.5 million", July 27, 2004 [cited September 2, 2004]; available from http://www.irinnews.org/report.asp?ReportID=42393&SelectRegion=Great_Lakes&SelectCountry=CENTRAL_AFRICAN_REPUBLIC.

[918] UN Convention on the Rights of the Child, *Summary Record of the 658th Meeting*, para. 31. See also UNICEF, *At a Glance: Central African Republic*.

[919] UNICEF, *At a Glance: Central African Republic*. See also Integrated Regional Information Networks, "WFP in Awareness Raising Campaign for School Feeding Programme", IRINnews.org, [online], January 29, 2004 [cited May 11, 2004]; available from http://www.irinnews.org/print.asp?ReportID=39197.

country's National Plan of Action for Education for All in April 2004, which runs until 2015 and is intended to achieve the following goals: protection and education of pre-school-aged children; universal basic education; the availability of relevant training for youth and adults; increased literacy; a reduction in the disparity between boys and girls' participation in education; improved educational quality; and widespread citizen education on HIV/AIDS.[920]

[920] Ministry of National Education and Scientific Research, *Plan National d'Action de l'Education Pour Tous 2003-2015: République Centrafricaine*, Bangui, July 21, 2003, 35-52; available from http://portal.unesco.org/education/en/ev.php-URL_ID=20942&URL_DO=DO_TOPIC&URL_SECTION=201.html. See also Integrated Regional Information Networks, "National Education Plan Endorsed", IRINnews.org, [online], April 26, 2004 [cited May 11, 2004]; available from http://www.irinnews.org/print.asp?ReportID=40758.

Chad

Incidence and Nature of Child Labor

UNICEF estimated that 65.5 percent of children ages 5 to 14 years were working in 2000.[921] Children work in agriculture and herding throughout the country, and as street vendors, manual laborers, and helpers in small shops.[922] There have been reports of children being contracted out to nomadic herders to tend their animals.[923] Young girls also work as domestic servants, mainly in the capital.[924] Some families arrange marriages for daughters as young as 12 or 13 years. Once married, many of these girls are obligated to work long hours in the fields or in the home for their husbands.[925] A 2003 ECPAT study estimated that many Chadian children live in the streets and often fall victim to violence, including sexual exploitation.[926]

There are reports of child trafficking in Chad, mostly internally. There were also instances of families selling their children into forced labor in farming and herding, either directly or through intermediaries, and reports that *mahadjir* children, who attend Islamic schools, were forced by their teachers to beg for food and money.[927]

Although in 2003, UNICEF estimated that there were approximately 600 child soldiers serving in government security forces and armed groups in the country, the number of child soldiers was believed to have decreased during 2004, and there were no additional reports of recruitment of children for use as soldiers.

Articles 35 to 38 of the Constitution of March 31, 1996 declare that all citizens are entitled to free secular education and training.[928] However, parents still must make considerable contributions toward school costs, such as books and uniforms.[929] Education is compulsory for children starting at the age of 6 years for

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[921] Government of the Republic of Chad, Enquête par grappes à indicateurs multiples: Rapport complet, January 2001; available from http://www.childinfo.org/MICS2/newreports/chad/chad.htm. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[922] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Chad*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27719.htm.

[923] These children are often abused and poorly compensated. See Ibid.

[924] Ibid.

[925] Ibid., Section 5.

[926] The global NGO, which works on child commercial sexual exploitation issues, estimated that approximately 11,000 children lived on the streets in the country. See ECPAT International, *Chad*, in ECPAT International, [database online] n.d. [cited March 18, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=34&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry.

[927] Ibid. See also U.S. Department of State, *Country Reports- 2003: Chad*, Sections 5, 6d, 6f.

[928] UN Committee on the Rights of the Child, *Initial Reports of State Parties due in 1992: Chad*, CRC/C/3/Add.50, prepared by Government of the Republic of Chad, pursuant to Article 44 of the Convention on the Rights of the Child, July 1997, para.42, 155; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.3.Add.50.En?OpenDocument.

[929] U.S. Department of State, *Country Reports- 2003: Chad*, Section 5.

a period of 9 years, but it is not enforced.[930] In 2001, the gross primary enrollment rate was 73.4 percent (89.9 percent for boys, 56.8 percent for girls), and the net primary enrollment rate was 58.3 percent (69.7 percent for boys, 46.8 percent for girls).[931] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 1996-1997, the gross attendance rate was 54.9 percent, and the net attendance rate was 30.2 percent.[932] Educational opportunities for girls are limited, mainly due to cultural traditions; girls tend not to attend as many years of school as boys.[933] As of 1999, 54 percent of children who started primary school were likely to reach grade 5.[934]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment in Chad at 14 years and the minimum age for apprenticeships at 13 years, but the law is not enforced due to lack of means.[935] According to the labor law, children under 18 years are prohibited from doing work that is likely to harm their health, safety, or morals.[936] Also, children younger than 18 years are prohibited from working at night.[937] The Penal Code prohibits child trafficking and sexual exploitation,[938] and procurement for the purposes of prostitution.[939] The prostitution of children can result in a fine and imprisonment from 2 to 5 years.[940] The Constitution and the Labor Code prohibit forced and bonded labor.[941] Children must be at least 18 years old to volunteer for the armed forces and 20 years to be conscripted.[942]

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[930] UN Committee on the Rights of the Child, *Initial Reports of States Parties: Chad*, para.42. See also U.S. Department of State, *Country Reports- 2003: Chad*, Section 5.

[931] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[932] USAID Development Indicators Service, *Global Education Database,* [online] [cited October 13, 2004]; available from http://qesdb.cdie.org/ged/index.html.

[933] U.S. Department of State, *Country Reports- 2003: Chad*, Section 5.

[934] World Bank, *World Development Indicators 2004*.

[935] *Code du travail tchadien*, Loi No. 038/PR/96, (December 11, 1996), Articles 18, 52; available from http://www.cefod.org/Fichiers%20web/Code%20du%20travail%20tchadien.htm. See also U.S. Department of State, *Country Reports- 2003: Chad*, Section 6d.

[936] U.S. Department of State, *Country Reports- 2003: Chad*, Section 6d. The minimum age for dangerous work is set at 18 years under Decree No. 55/PR.MTJS/DTMOPS. See UN Committee on the Rights of the Child, *Initial Reports of States Parties: Chad*, para. 197.

[937] The Labor Code also stipulates that workers under 18 get a break of at least 12 consecutive hours daily, and that they, as well as apprentices, are entitled to Sundays off. See *Code du travail tchadien*, Livre III, Titre I, Chapitre II, Articles 206, 08 and 10.

[938] UN Committee on the Rights of the Child, *Initial Reports of States Parties: Chad*, para. 200. See also The Protection Project, "Chad," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002; available from http://www.protectionproject.org/main1.htm. See also U.S. Department of State, *Country Reports- 2003: Chad*, Section 6f.

[939] *Penal Code,* as cited in The Protection Project Legal Library, [database online], Articles 279-82; available from http://209.190.246.239/protectionproject/statutesPDF/CHAD.pdf.

[940] Ibid., Articles 279-80.

[941] *Code du travail tchadien*, Livre I, Article 5. See also U.S. Department of State, *Country Reports- 2003: Chad*, Section 6c.

[942] Coalition to Stop the Use of Child Soldiers, "Child Soldiers- Chad."

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Chad is working with UNICEF to implement a project for children who need special protection, including victims of commercial sexual exploitation,[943] and to develop a program to reduce the prevalence of young children working in domestic service.[944] The government, UNICEF and NGOs continue to conduct campaigns against child labor,[945] and UNICEF is implementing a set of programs to promote education, especially for girls.[946]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182 11/6/2000	✓
ILO-IPEC Member	
National Plan for Children	✓
National Child Labor Action Plan	
Sector Action Plan	

In January 2004, representatives from Chad participated in a regional workshop on children's rights. The workshop addressed topics including international legal standards, recruitment of children by armed groups, and unaccompanied and separated children.[947] In June 2004, Chad participated in a meeting in Nairobi that focused on ways to scale up good practices in girls' education in Africa.[948]

With support from the World Bank, the government is implementing an Education Sector Reform Project. The project's main objectives for improving basic education are to promote gender and geographic equity; empower communities to repair school infrastructure; enhance quality of teaching and the educational environment; and create programs for literacy, early childhood development, school health and nutrition, non-formal education, bilingual education, and interactive radio instruction.[949] The government also has a National Action Plan for Education For All that includes among its objectives ensuring free and compulsory primary education for all children, particularly girls, by 2015, and eliminating gender disparities in education.[950]

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[943] ECPAT International, *Chad*.

[944] U.S. Embassy- N'Djamena, *unclassified telegram no. 1343*, August 2004.

[945] Ibid.

[946] The measures also focus on early childhood development and literacy training for adults, particularly women. See UNICEF, *At a glance: Chad,* in UNICEF, [online] n.d. [cited March 25, 2004]; available from http://www.unicef.org/infobycountry/chad.html.

[947] Integrated Regional Information Networks, "DRC: Interview with Christina Linner, UNHCR Senior Coordinator for Refugee Children", IRINnews.org, [online], March 11, 2004 [cited March 12, 2004]; available from http://www.irinnews.org/print.asp?ReportID=39983.

[948] UNICEF, *Ministers of Education and technical experts meet in Nairobi to discuss scaling up what works for girls' education in sub-Saharan Africa*, press release, June 24, 2004; available from http://www.unicef.org/media/media_21926.html.

[949] The 4-year project was funded in March 2003. See World Bank, *Education Sector Reform Project*, [cited April 1, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P000527.

[950] Republique du Tchad, *Plan d'Action National de l'Education Pour Tous (PAN/EPT) à l'An 2015*, N'Djamena, September 2002; available from http://portal.unesco.org/education/en/file_download.php/4fd50d0a00ae2dd01bdfc15af720eb17PNAEPT_CHAD.doc.

Chile

Incidence and Nature of Child Labor

The National Statistics Institute of Chile estimated that 3.3 percent of children ages 5 to 14 years were working in the country in 2003.[951] The survey found that the percentage of working boys is higher than that of girls, and that the rate of child work is higher in rural than in urban areas. The most common activity for children who work is selling goods on the street and performing odd jobs, but children also work in agriculture and fishing, and assist others in construction, industrial, and mining activities.[952] Most of these activities are carried out by children employed in the informal economy.[953] Children are involved in prostitution in Chile. UNICEF reported that in 1999 there were approximately 10,000 child prostitutes between the ages of 6 and 18. In 2003, the Government of Chile estimated that there were approximately 3,700 children involved in some form of commercial sexual exploitation.[954] Children are also trafficked internally for the purpose of commercial sexual exploitation.[955]

Education in Chile is free and compulsory for 12 years. Length of compulsory education was extended to 12 years in 2003, at which time the government instituted various efforts to enable disadvantaged children to attend school.[956] In 2000, the gross primary enrollment rate was 102.7 percent and the net primary enrollment rate was 88.8 percent.[957] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, a government household survey estimated that 1 percent of Chilean children ages 7 to 13 years did not attend school.[958] The country's rural population completes less schooling than the country's urban

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[951] These estimates include children who worked for one hour or more during the reference week used by the survey, who were paid in cash or in kind, as well as children who work for family enterprises without pay. See National Statistics Institute, *Resultados de la encuesta,* Ministry of Labor and Social Welfare, [online] n.d. [cited October 8, 2004]. For the full report, see Ministry of Labor and Social Welfare, National Statistics Institute, and National Minors Service, *Trabajo infantil y adolescente en cifras: Síntesis de la primera encuesta nacional y registro de sus peores formas*, ILO-IPEC, Santiago, 2004, 19; available from http://www.oitchile.cl/pdf/tra022.pdf.

[952] The absolute number of working children is higher in urban areas. There are also a small number of children who were working as domestics in the homes of third parties. See National Statistics Institute, *Resultados de la encuesta*.

[953] U.S. Embassy- Santiago official, email communication to USDOL official, May 20, 2003.

[954] See U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Chile*, Washington, D.C., February 25, 2004, Section 6f; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27890pf.htm. See also Government of Chile, *Information Sought*, submitted in response to U.S. Department of Labor Federal Register Notice (July 14, 2004) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Santiago, October 2004, 7.

[955] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33198.htm.

[956] See Ministry of Education, *12 años Escolaridad Obligatoria,* [online] n.d. [cited October 8, 2004]; available from http://www.mineduc.cl/.

[957] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[958] Ministry of Planning and Cooperation, *Situación de la Educación en Chile 2000: Informe Ejecutivo*, July 2001, 10; available from http://www.mideplan.cl/sitio/Sitio/estudios/documentos/informeeducacion2000.pdf [no longer online].

population.[959] Attending school does not preclude children in Chile from working, however. The 2003 child labor survey by the National Statistics Institute found that 78.9 percent of children who perform "unacceptable work" also attend school.[960]

Child Labor Laws and Enforcement

The Chilean Labor Code sets the minimum age for employment at 15 years.[961] In order to work, children ages 15 to 16 years must have completed obligatory schooling and must obtain permission from their parents or legal guardians. Such children may only perform light work that will not affect their health or development.[962] Children ages 16 to 18 years may work if they receive authorization from their parents or guardians and may not work in occupations that may be dangerous or require excessive force. Children under age 18 are also not permitted to work more than 8 hours per day; at night between the hours of 10 p.m. and 7 a.m. (outside a family business); or in nightclubs or similar establishments where alcohol is consumed.[963] All persons under the age of 21 are prohibited from working underground.[964]

The ILO's Committee of Experts has raised questions about aspects of Chilean law that may allow children to work below the age of 15. Section 1 of the Labor Code states that the law's provisions apply to "employers and workers" and thus may exclude children who are working without a contract. The Committee has also noted that Act No. 3654 of 1930 requires persons who employ children as domestic workers to enroll them in school and facilitate their regular attendance, and has asked the Government of Chile to clarify the minimum age at which children may work as domestic servants.[965]

Chile's Constitution and the Labor Code prohibit forced labor.[966] The prostitution of children and corruption of minors are prohibited under the Penal Code, with penalties of substantial prison sentences and fines.[967] Adult prostitution, however, is legal in Chile. The age of consent for sexual relations is 14

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[959] Ministry of Planning and Cooperation, *Analisis de la VIII Encuesta Caracterización Socioeconómica Nacional (CASEN 2000), Documento No. 7: Situación del Sector Rural en Chile 2000*, MIDEPLAN, Santiago, January 2002, 45; available from http://www.mideplan.cl/estudios/sectorrural2000.pdf [no longer online]. Indigenous children also face obstacles to school access. See UN Committee on the Rights of the Child, *Report on the Twenty-Ninth Session*, CRC/C/114, United Nations, Geneva, May 14, 2002, 101.

[960] The survey defines unacceptable work as work performed by children less than 12 years of age, work performed by children above 12 who do not attend school, work beyond legal working hours, and work at night. See Ministry of Labor and Social Welfare, National Statistics Institute, and National Minors Service, *Trabajo infantil y adolescente en cifras*, 11-12.

[961] Government of Chile, *Código del Trabajo, as amended in 2000*, (1994), Article 13; available from http://apuntes.rincondelvago.com/codigo-del-trabajo-de-chile.html.

[962] Children under the age of 15 may work in theatrical and artistic productions with the proper legal authorization. See Ibid., Articles 13, 15, and 16.

[963] Boys between the ages of 16 and 18 are excepted from this regulation in certain industries. See Ibid., Articles 13, 15 and 18.

[964] Ibid., Article 14.

[965] CEACR, *Direct request, Minimum Age Convention, 1973 (No. 138) Chile (ratification: 1999)*, ILO, Geneva, 2003; available from http://webfusion.ilo.org.

[966] *Constitución Política de 1980 incluidas las Reformas hasta el 2003*, No. 16; available from http://www.georgetown.edu/pdba/Constitutions/Chile/chile01.html. See also *Código del Trabajo*, Articles 2 and 9.

[967] Chilean Penal Code, Articles 367 to 372, as found in Interpol, *Legislation of Interpol Member States on Sexual Offenses against Children: Chile,* [database online] [cited October 21, 2004]; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaChile.asp.

years.[968] Under the Chilean Penal Code, it is against the law to solicit sex from a person under the age of 18 years in exchange for money or other considerations. Penalties for commercial sex with minors carry prison sentences and fines. There is no penalty for consensual sex with minors over 14, or for soliciting commercial sex from adults.[969] The Penal Code contains a prohibition against the sale, distribution, and exhibition of pornography and calls for fines and prison sentences for those convicted of involvement in such acts.[970] In 2004, Law No. 19.927 was promulgated, which aims to combat child pornography, including that on the Internet.[971] The trafficking of children for prostitution is also prohibited under the Penal Code, and likewise carries penalties of prison sentences and fines.[972]

The Ministry of Labor's Inspection Agency enforces child labor laws, while the National Service for Minors (SENAME) within the Ministry of Justice investigates exploitative child labor related to pornography, the sale of drugs, and other related criminal activities.[973] Overall compliance is good in the formal economy, the U.S. Department of State reported.[974] In 2002, the Ministry of Labor found less than 1 percent of employers to be out of compliance with child labor laws.[975] Child labor is a problem in the informal economy, according to the U.S. Department of State.[976] Although the UN Committee on the Rights of the Child reported in 2002 that cases of commercial sexual exploitation of children often are not investigated and prosecuted, a 2004 U.S. Department of State report stated that authorities actively investigate cases of child prostitution.[977]

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[968] U.S. Department of State: Bureau of Economic and Business Affairs, email correspondence to USDOL official, May 22, 2003. See also U.S. Embassy Chile official, electronic communication, to USDOL official, February 12, 2004.

[969] In January 2004, the Government of Chile ratified Law 19.927 which modifies the Penal Codes on child pornography crimes. The law increases sanctions for a range of sexual crimes committed against minors and strengthens the mechanisms that police and courts have to be more rigorous in their pursuit or perpetrators. U.S. Embassy Santiago Official, Electronic communication to, U.S. Department of Labor Official, May 31, 2005.

[970] Chilean Penal Code Article 374, as found in Interpol, *Legislation of Interpol Member States*.

[971] Government of Chile, *Information Sought*, 3.

[972] Chilean Penal Code, Article 367 BIS, as found in Interpol, *Legislation of Interpol Member States*.

[973] U.S. Embassy- Santiago, *unclassified telegram no. 2756*, October 2001.

[974] U.S. Department of State, *Country Reports- 2003: Chile*, Section 6d.

[975] These infractions were discovered during approximately 189,000 inspections conducted by the Labor Ministry in 2002. See Chilean Ministry of Labor, *Report on Labor Rights in Chile and its Laws Governing Exploitative Child Labor*, Santiago, March 2003, 9-10.

[976] U.S. Department of State, *Country Reports- 2003: Chile*, Section 6d.

[977] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention on the Rights of the Child: Concluding Observations of the Committee on the Rights of the Child:Chile*, CRC/C/15/Add. 173, United Nations, Geneva, April 3, 2002, 13; available from http://www.unhchr.ch/tbs/doc.nsf/Documentsfrset?OpenFrameSet. See also U.S. Department of State, *Trafficking in Persons Report*.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 2/1/1999	✓
Ratified Convention 182 4/17/2000	✓
ILO-IPEC Associated Member	✓
National Plan for Children	✓
National Child Labor Action Plan	✓
Sector Action Plan (Commercial Sexual Exploitation)	✓

As part of its 2001 to 2010 National Policy on Childhood, the Government of Chile has adopted a national child labor action plan that focuses on awareness-raising, data collection, promotion of legislative reform in compliance with ILO conventions, development of targeted intervention programs, and ongoing monitoring and evaluation.[978] In addition, the Government of Chile, along with ILO-IPEC and the other MERCOSUR governments, is implementing a 2002-2004 regional plan to combat child labor.[979] Efforts include a study of social policies in regard to child labor.[980]

The Government of Chile is also working with ILO-IPEC on projects to address the worst forms of child labor. With technical assistance from ILO-IPEC, the National Institute of Statistics released the results of a child labor survey in 2004.[981] From 2002 to 2004, the government carried out awareness-raising campaigns as part of a Canadian-funded ILO-IPEC project to combat the commercial sexual exploitation of children in Chile.[982] In September, USDOL funded a USD 5.5 million ILO-IPEC regional project to continue to combat the commercial sexual exploitation of children in Chile.[983]

Government agencies including SENAME, the Ministry of Labor, and the police have developed a list of the worst forms of child labor, and SENAME maintains a register of such cases. Chilean police forces and more recently, SENAME and the Ministry of Labor, contribute information to the register.[984] SENAME, Chilean police, and social workers make efforts to identify and place child prostitutes in juvenile homes and to provide counseling and support services to them and their families. The government has established a center for abused children and also funds NGOs that provide assistance to victims of

[978] ILO-IPEC, *Ficha Pais: Chile*, Lima, 2003; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/doc/fichas/fichachile.doc. See also Ambassador of Chile to the United States Andrés Bianchi, *Written communication*, submitted in response to U.S. Department of Labor Federal Register Notice (August 5, 2002) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Washington, DC, September 6, 2002.

[979] ILO-IPEC, *Ficha Pais: Chile*..

[980] Government of Chile, *Information Sought*, 7.

[981] See the first section of this country report for information on the results of this survey. See National Statistics Institute, *Resultados de la encuesta*.

[982] ILO-IPEC, *Ficha Pais: Chile*.

[983] The project will also combat sexual exploitation of children and child domestic labor in Colombia, Paraguay, and Peru. See ILO-IPEC, *Prevention and elimination of child domestic labour (CDL) and of commercial sexual exploitation of children (CSEC) in Chile, Colombia, Paraguay and Peru*, Geneva, September 8, 2004, 6.

[984] Chilean Ministry of Labor, *Report on Labor Rights in Chile*, 16, 20-24. The register is active in five regions of the country. See Government of Chile, *Information Sought*, 8.

commercial sexual exploitation.[985] Efforts to combat the commercial sexual exploitation of children are coordinated under the country's action plan to combat the problem.[986]

The government operates various programs to encourage school attendance. It has established the "Chile in Solidarity" program, in which several government agencies participate to coordinate the provision of benefits for very poor families. The program includes assistance for families with children at risk of dropping out of school and working.[987] A majority of the country's schools have implemented the Full School Day Reform, which was adopted in 1996 and extended the school day, provided a new curriculum framework, implemented incentives for teacher professionalism, and initiated a network to model and disseminate innovative teaching, learning, and managerial practices at the secondary level.[988]

The Ministry of Education continues to operate the Program of 900 Schools (P-900), which provides funding for teaching assistants and other forms of support for schools with high numbers of low income children.[989] The ministry is also establishing centers for teachers in rural areas to exchange best practices, and providing technical assistance to schools in the metropolitan area of Santiago.[990] In order to encourage students to stay in school for a full 12 years as now required under Chilean law, the government recently instituted the "Pro-retention Specialized Subsidy" for schools that serve low income populations. At the same time, the government has instituted a program of scholarships under the "Degree Program for Everyone," in order to encourage students with very limited resources to finish secondary school.[991] Finally, with a loan from the IDB, the government is implementing various projects involving indigenous communities in Chile, including an effort to support bilingual intercultural education for indigenous children.[992]

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[985] U.S. Department of State, *Country Reports- 2003: Chile*, Section 5 and 6f. See also U.S. Department of State, *Trafficking in Persons Report*. The International Organization for Migration provides support for these efforts. See Government of Chile, *Information Sought*, 8.

[986] Government of Chile, *Informe Complementario Refundido*, Santiago, November 5, 2004.

[987] Government of Chile, *no title*, 2003, Roberto Araos, electronic communication in response to request for information to USDOL official, May 27, 2003. See also UNICEF, *At a Glance: Chile,* [online] [cited October 21, 2004]; available from http://www.unicef.org/infobycountry/chile.html. See also UNICEF, *En Seminario Sobre Deserción: Factores Asociados al Abandono Escolar,* [previously online] June 14, 2002; available from http://www.unicef.cl/noticias/seminario_desercion.htm [hardcopy on file].

[988] Initially, all schools were expected to implement the reform by 2005, but the government has indicated that this target may not be reached. Efforts are being concentrated in regions with few resources. See Government of Chile, *no title,* Araos, electronic communication. See also Francoise Delannoy, "Education Reforms in Chile, 1980-1998: A Lesson in Pragmatism," *The Education Reform and Management Publication Series* 1, no. 1 (June 2000), 26-27.

[989] Ministry of Education, *Descripción de la estratégia prioritaria para el período 2004-2005: Campaña de lectura, escritura, y matemática,* [online] [cited October 21, 2004]; available from http://www.mineduc.cl/basica/p900/N2003091216395329578.html.

[990] Ibid.

[991] Government of Chile, *Information Sought*, 15.

[992] IDB, *Integral Development Program for Indigenous Communities: Executive Summary*, Washington, DC, n.d., 2; available from http://www.iadb.org/EXR/doc98/apr/ch1311e.pdf. See also UN Committee on the Rights of the Child, *Summary Record of the 764th Meeting*, CRC/C/SR.764, Geneva, September 25, 2003, 7. See also Ministry of Education, *Descripción de la estratégia prioritaria para el periodo 2004-2005*.

Colombia

Incidence and Nature of Child Labor

The Colombian National Administrative Department of Statistics estimated that 10.4 percent of children ages 5 to 14 were working in Colombia in 2001.[993] Children are found working primarily in the informal sector;[994] the vast majority of children work in agriculture, commerce, industry, and services.[995] In rural areas, most working children participate in uncompensated family agricultural and mining activities, including in illegal gold, clay, coal, emerald, and limestone mines.[996] In urban areas, children are found working as domestic servants,[997] and also in the retail and services sectors, and in activities such as street vending and waiting tables.[998] Children also work in coca picking and other aspects of the drug trade.[999]

Children are involved in commercial sexual exploitation in Colombia.[1000] Commercial sexual exploitation of children is found especially in urban centers and in areas where there are large numbers of men who are separated from families due to work.[1001] Children are involved in commercial sexual exploitation either on the streets or in private establishments such as bars, brothels, or massage parlors, and tend to range in age from 13 to 17 years.[1002] Colombia is a source and transit country for girls trafficked for sexual exploitation.[1003] There are also reports of internal trafficking of boys for forced labor.[1004]

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[993] This figure includes children working outside the home in the productive sector of the economy. It does not measure work in activities in the household, regardless of the amount of time devoted to such activities. Another 29.9 percent of children ages 15 to 17 years were also found working. See National Administrative Department of Statistics, *Encuesta Nacional de Trabajo Infantil*, Bogotá, November 2001, 30, 52-54, 149. For more information on the definition of working children, please see the Data Sources section of this report.

[994] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Colombia*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27891.htm.

[995] National Administrative Department of Statistics, *Encuesta Nacional de Trabajo Infantil*, 55.

[996] ILO-IPEC, *Prevention and Elimination of Child Labor in Small-Scale Mining-Colombia*, project document, COL/01/P50/USA, Geneva, September 25, 2001, 5-7. See also U.S. Department of State, *Country Reports- 2003: Colombia*, Section 6d.

[997] Watchlist on Children and Armed Conflict, *Colombia's War on Children*, New York, February 2004, 22; available from http://www.watchlist.org/reports/colombia.report.pdf.

[998] U.S. Embassy- Bogotá, *unclassified telegram no. 9111*, October 2001.

[999] In 2000, an estimated 200,000 children were involved in such activities. See Colombian Ombudsman's Office, *Informe sobre los derechos humanos de la niñez en Colombia durante el año 2001*, 2001, 26. See also U.S. Embassy- Bogotá official, email communication to USDOL official, February 20, 2004.

[1000] U.S. Department of State, *Country Reports- 2003: Colombia*, Section 5. The Human Rights Ombudsman's Office estimates that 25,000 children in total in Colombia are engaged in some form of commercial sexual exploitation. See U.S. Embassy- Bogotá, *unclassified telegram no. 7759*, August 19, 2003.

[1001] This category includes men in the armed forces, truckers, and migrant workers. See ECPAT International, *Colombia,* in ECPAT International, [database online] n.d. [cited May 26, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=37&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry.

[1002] Ibid.

Children are recruited, sometimes forcibly, by guerrilla and paramilitary groups in Colombia to serve as combatants, and are used by government armed forces as informants.[1005] They are also used as messengers, spies, and sexual partners, and to carry out such tasks as kidnapping and guarding of hostages and transporting and placing bombs.[1006] There are reports that high rates of school dropout, due to various aspects of the armed conflict, increase children's vulnerability to sexual exploitation, child prostitution, or recruitment into an armed group.[1007]

The Constitution requires children ages 5 to 15 years to attend school, and education is free in state institutions.[1008] In reality, school is not always available or accessible to school-age children.[1009] School dropouts have increased due to the armed conflict, and teachers have been targets of murders, threats, and displacement.[1010] In 2001, the gross primary enrollment rate was 109.6 percent and the net primary enrollment rate was 86.7 percent.[1011] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In

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[1003] U.S. Department of State, *Trafficking in Persons Report- 2004: Colombia*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33198.htm. See also U.S. Department of State, *Country Reports- 2003: Colombia*, Section 6f.

[1004] U.S. Department of State, *Trafficking in Persons Report: Colombia*.

[1005] Estimates of the number of child soldiers in Colombia range from 11,000 to 14,000. See Watchlist on Children and Armed Conflict, *Colombia's War on Children*, 1, 3, 27. See also U.S. Department of State, *Country Reports- 2003: Colombia*, Section 5, 6c, 6d. See also United Nations Economic and Social Council, *Organization of the Work of the Session: Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia*, E/CN.4/2004/13, February 17, 2004, paras. 52, 58, 64. See also Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004: Colombia*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=820. Various Colombian paramilitary and guerrilla groups have been included on the UN list of Parties to Armed Conflict that Recruit or Use Children in Armed Conflict. See United Nations Economic and Social Council, *Rights of the Child: Annual report of the Special Representative of the Secretary-General for Children and Armed Conflict, Olara Otunnu*, E/CN.4/2004/70, January 28, 2004, 13.

[1006] Coalition to Stop the Use of Child Soldiers, "Colombia," in *Global Report 2001,* London, 2001; available from http://www.child-soldiers.org/cs/childsoldiers.nsf/3f922f75125fc21980256b20003951fc/3b4a7c9286eda15580256aec004d7c65?OpenDocument. Young people, including peasant girls, are also used as forced labor in the illegal gasoline trade, and some are forced to carry out torture and executions. See Watchlist on Children and Armed Conflict, *Colombia's War on Children*, 21, 27-29.

[1007] Coalición contra la vinculación de niños niñas y jóvenes al conflicto armado en Colombia, *Niñez, escuela y conflicto armado en Colombia*, October 2003; available from http://www.coalico.org/documentos/InformeCNE_oct.doc. Children are also sometimes recruited in schools to join armed groups. See United Nations Economic and Social Council, *The right to education: Report submitted by Katarina Tomasevski, Special Rapporteur, Addendum: MISSION TO COLOMBIA (1-10 October 2003)*, E/CN.4/2004/45/Add.2, February 17, 2004, para. 49.

[1008] *Constitución Política de Colombia de 1991, actualizada hasta reforma de 2001*, (1991), Article 67; available from http://www.georgetown.edu/pdba/Constitutions/Colombia/col91.html.

[1009] United Nations Economic and Social Council, *The right to education: Addendum*, para. 8. While the basic costs of primary education are covered, parents must incur expenses such as matriculation fees, books, school supplies, and transportation costs. See U.S. Department of State, *Country Reports- 2003: Colombia*, Section 5.

[1010] Watchlist on Children and Armed Conflict, *Colombia's War on Children*, 18. See also United Nations Economic and Social Council, *The right to education: Addendum*, para. 2.

[1011] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

2000, the gross primary attendance rate was 139.5 percent (142.8 percent for boys, 136.1 percent for girls), and the net primary attendance rate was 92.8 percent (92.5 percent for boys, 93.1 percent for girls).[1012]

Child Labor Laws and Enforcement

The Constitution sets the minimum age for employment at 14 years, and the Minors' Code defines special conditions under which children ages 12 and 13 are authorized to perform light work with permission from parents and labor authorities.[1013] Article 44 of the Constitution calls for the protection of children against all forms of exploitation, which includes economic and labor exploitation, and hazardous work.[1014] The Minors' Code defines hazardous work and sets the minimum age for such work at 18 years.[1015] The Constitution also prohibits slavery and forced or compulsory labor.[1016]

Trafficking in persons within the country as well as across national borders for the purposes of exploitation, prostitution, pornography, begging, or forced labor is prohibited by law. Penalties range from 10 to 15 years imprisonment plus a fine, but can be increased if the victim is a minor.[1017] Law 548 of 1999 establishes that persons under the age of 18 cannot perform military service,[1018] and Article 22 of Decree 128 prohibits children from working in intelligence activities.[1019] Recruitment of children under 18 years by armed groups is punishable by 6 to 10 years in prison.[1020]

The Ministry of Social Protection (formerly the Ministry of Labor and Health),[1021] the Colombian Institute of Family Welfare (ICBF), the Minors' Police, the Prosecutor's Office for the Protection of the Child and Family, and Family Commissioners are the entities authorized to implement and enforce the country's child labor laws and regulations.[1022] According to the U.S. Department of State, the Ministry of Social

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[1012] USAID, *Global Education Online Database: Country Table: Colombia,* in USAID, [database online] n.d. [cited March 11, 2004]; available from http://esdb.cdie.org/cgi-bin2/broker.exe?_service=default&_program=gedprogs.cntry_3.sas&cocode=5COL+&ssc=EDD06101+&ssc=EDD06102+&ssc=EDD06103+&ssc=EDD06110+&ssc=EDD06111+&ssc=EDD06112+&year=1111&output=1.

[1013] The Minors' Code also prohibits children under the age of 12 from working, sets limits on the number of hours children ages 12 to 17 may work, and forbids employment of children at night. See U.S. Department of State, *Country Reports- 2003: Colombia*, Section 6d.

[1014] *Constitución Política de Colombia*, Art. 44.

[1015] ILO, *The effective abolition of child labour*, 2003, 46, 47; available from http://www.ilo.org/public/english/standards/decl/download/review03/childlabour.pdf. Penalties of 1 to 40 minimum monthly salaries are imposed for violating child labor laws. See U.S. Department of State, *Country Reports- 2003: Colombia*, Section 6d.

[1016] *Constitución Política de Colombia*. See also U.S. Department of State, *Country Reports- 2003: Colombia*, Section 6c.

[1017] George Sadek, The Protection Project, email communication to USDOL official, June 3, 2004. See also U.S. Department of State, *Country Reports- 2003: Colombia*, Section 6f.

[1018] Coalition to Stop the Use of Child Soldiers, "Global Report 2001: Colombia."

[1019] Coalition to Stop the Use of Child Soldiers, *CHILD SOLDIER USE 2003: A Briefing for the 4th UN Security Council Open Debate on Children and Armed Conflict*, London, January 16, 2004; available from http://www.child-soldiers.org/cs/childsoldiers.nsf/569f78984729860e80256ad4005595e6/024632d9b53d8a7a80256e2e005cbc83/$FILE/ChildSoldiers2003-Colombia.pdf.

[1020] Becker, "World Report 2004."

[1021] Ministerio de la Protección Social, *Bienvenidos: Ministerio de la Protección Social,* [previously online] [cited August 13, 2003]; available from http://www.mintrabajo.gov.co/NewSite/MseContent/home.asp [hard copy on file].

[1022] U.S. Embassy- Bogotá, *unclassified telegram no. 9111*.

Protection conducts child labor inspections, but the system lacks resources and is only able to cover a small percentage of the child labor force employed in the formal sector.[1023]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 2/2/2001	✓
Ratified Convention 182	
ILO-IPEC Member	✓
National Plan for Children	✓
National Child Labor Action Plan	✓
Sector Action Plan	

The Government of Colombia's National Development Plan 2002-2006 includes provisions to address child labor,[1024] and the Third Plan for the Elimination of Child Labor and the Protection of Working Youths 2003-2006 aims to increase awareness of child labor, to expand the number of institutions involved in combating child labor at local and national levels, and to strengthen legislative protections for children.[1025] With support from ILO-IPEC and Canada, the government is working to improve cooperation and coordination among national, regional, and municipal governments in combating child labor.[1026]

ICBF, in collaboration with UNICEF, the ILO, IOM, and the Ombudsman's office, is conducting a campaign to prevent the involvement of minors in armed conflict. The program, launched in January 2004, includes awareness raising activities, formal education, and vocational training in conflict regions.[1027] ICBF also administers a reinsertion program for former child soldiers.[1028] The Colombian Ministry of Interior operates a program that finds housing for and provides grants and training to demobilized child combatants.[1029] The Government of Colombia also participates in a 3-year inter-regional ILO-IPEC project funded by USDOL that aims to prevent and reintegrate children involved in armed conflict.[1030] Government

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[1023] U.S. Department of State, *Country Reports- 2003: Colombia*, Section 6d.

[1024] ILO-IPEC, *Prevention and Elimination of Child Labor in Small-Scale Mining: Technical Progress Report*, Geneva, February 24, 2003, Section II B.

[1025] The plan was launched in December 2003 by the Ministry of Social Protection and ICBF. See Comité Interinstitucional para la Erradicación del Trabajo Infantil y la Protección del Joven Trabajador, *III Plan Nacional para la Erradicación del Trabajo Infantil y la Protección del Trabajo Juvenil 2003-2006*, ILO, Bogotá, 2003, 51-52. See also ILO-IPEC, *Prevention and Elimination of Child Domestic Labour in South America*, technical progress report, Geneva, February 26, 2004, 10. See also Government of Colombia, *Avances en la Erradicación del Trabajo Infantil en Colombia: Informe Solicitado por el Departamento de Trabajo de los Estados Unidos*, submitted in response to U.S. Department of Labor Federal Register Notice (July 14, 2004) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", August 17, 2004.

[1026] U.S. Embassy- Bogotá, *unclassified telegram no. 8509*, August 2004.

[1027] Project support is provided by USAID, the Swedish International Development Cooperation Agency, and the Swedish and Norwegian embassies. See "Organismos de derechos humanos lanzan campaña para prevenir que niños ingresen al conflicto," *El Espectador* (Bogotá), January 29, 2004; available from http://www.elespectador.com/2004/20040129/paz/nota1.htm.

[1028] U.S. Department of State, *Country Reports- 2003: Colombia*, Section 5.

[1029] Human Rights Watch, *You'll Learn Not to Cry: Child Combatants in Colombia*, Washington, September 2003, 113-14.

[1030] The project was funded in 2003. See International Child Labor Program U.S. Department of Labor, *Prevention and Reintegration of Children Involved in Armed Conflict: An Inter-Regional Program*, project summary.

officials, along with representatives from UNICEF, UNDP and NGOs, received training on child rights and the importance of community involvement to prevent the recruitment of minors into the armed conflict.[1031]

IOM, in collaboration with the Ministry of Foreign Affairs and *Fundación Esperanza*, operates a migrant information center in Bogotá's international airport whose services include assistance to trafficking victims.[1032] Colombia hosted a regional workshop in April 2004 to discuss best practices in the fight against commercial sexual exploitation of children,[1033] and a governmental inter-agency advisory committee meets every 2 months to discuss trafficking in persons. The committee's activities include information campaigns, information exchange among government entities, trafficking hotlines for victims, and closer cooperation with Interpol.[1034] In July 2004, Colombian officials participated in a forum that resulted in guidelines to develop an inter-institutional and international protocol to guarantee protection to trafficking victims.[1035]

Until 2004, the government was participating in an ILO-IPEC regional project funded by USDOL to prevent and eliminate the involvement of children in domestic labor,[1036] and another ILO-IPEC project to combat the commercial sexual exploitation of children.[1037] In 2004, the government began participating in a new USDOL-funded ILO-IPEC regional project to combat children's involvement in both domestic labor and commercial sexual exploitation.[1038] Colombia is also participating in a USDOL-funded ILO-IPEC project to prevent and eliminate child labor in small-scale mining,[1039] and cooperates with MINERCOL, the parastatal mining corporation, to combat child labor in the informal mining sector.[1040] The government also

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[1031] The training was organized by IOM. See IOM, "COLOMBIA - Workshop to Prevent the Forced Recruitment of Minors", [online], August 10, 2004; available from http://www.iom.int/en/news/PBN100804.shtml.

[1032] The center was opened in February 2004. See IOM, "COLOMBIA - Migrant Information Center", [online], February 20, 2004; available from http://www.iom.int/en/archive/PBN200204.shtml.

[1033] Participants included government representatives, employer organizations, unions, and NGOs from Latin America and the Caribbean. See Mayte Puertes, ILO-IPEC official, email communication to USDOL official, April 29, 2004.

[1034] The committee is comprised of representatives from the Presidency, the Ministry of Foreign Affairs, the Ministry of Interior and Justice, the Department of Security (*Departamento Administrativo de Seguridad*), the Office of the Inspector General, the Office of the Prosecutor General, and Interpol. See U.S. Department of State, *Country Reports- 2003: Colombia*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report: Colombia*.

[1035] The forum was organized by IOM and funded by the U.S. Department of State, and served to strengthen cooperation among the three participating countries, Colombia, the Dominican Republic and the United States. See IOM, "COLOMBIA - First International Forum on the Implementation of Justice in Trafficking", [online], July 13, 2004; available from http://www.iom.int/en/news/PBN130704.shtml. See also IOM, "COLOMBIA - Urgent Strategy to Combat Trafficking and Protect Victims", [online], July 20, 2004; available from http://www.iom.int/en/news/PBN200704.shtml.

[1036] This 3-year project was funded in 2000, and is also being implemented in Brazil, Paraguay, and Peru. See ILO-IPEC, *Prevention and Elimination of Child Domestic Labor in South America*, project document, RLA/00/P53/USA, Geneva, September 2000, 1. The project was extended until July 2004. See ILO-IPEC, *South America child domestics March 2004 TPR*, 1.

[1037] U.S. Embassy- Bogotá, *unclassified telegram no. 8509*.

[1038] ILO-IPEC, *Prevention and elimination of child domestic labour (CDL) and of commercial sexual exploitation of children (CSEC) in Chile, Colombia, Paraguay and Peru*, Geneva, September 30, 2004.

[1039] This 2-year project was funded in 2001. See ILO-IPEC, *Small Scale Mining-Colombia, project document*, 1. The project has been extended through December 2004. See ILO-IPEC, *Programme for the Prevention and Elimination of Child Labour in small-scale mining in Colombia*, project revision, March 30, 2004.

[1040] U.S. Embassy- Bogotá, *unclassified telegram no. 8509*.

participates in a USD 3.5 million USDOL-funded education initiative in Colombia to improve access to quality, basic education for working children and children at risk of entering work.[1041]

Colombia's National Development Plan 2002-2006 as well as the Education Development Plan 2003-2006 list increasing educational access, and improving educational quality and efficiency as their objectives.[1042] Through a loan from the World Bank, the government is working to improve educational quality and access in the country's rural areas.[1043] The government also provides scholarships and cash grants for education to poor families, with support from the World Bank.[1044] ICBF oversees government programs on child welfare and protection, and provides funding to children's programs implemented by non-governmental organizations.[1045] Through a programmatic structural adjustment loan from the World Bank, the government worked to establish explicit targeting policy and practices to expand poor children's access to ICBF Assistance and Prevention programs.[1046] UNICEF's work in Colombia focuses on promoting educational access and quality, and reducing dropout, as well as on protecting victims of the armed conflict.[1047]

[1041] The 4-year project was funded in September 2004. See U.S. Department of Labor, *United States Provides over $110 Million in Grants to Fight Exploitive Child labor Around the World*, press release, Washington, DC, October 1, 2004.

[1042] United Nations Economic and Social Council, *The right to education: Addendum*, para. 12, 18.

[1043] The 5-year loan was awarded in 2000. See World Bank, *Rural Education Project,* [online] [cited June 1, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P050578.

[1044] The World Bank provides support through a 3-year loan awarded in 2001. See World Bank, *Human Capital Protection Project,* [online] [cited June 1, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P069964.

[1045] U.S. Department of State, *Country Reports- 2003: Colombia*, Section 5.

[1046] The World Bank awarded Colombia the 6-month USD 200 million loan in September 2003. The project closed in March 2004. See World Bank, *CO: Programmatic Labor Reform and Structural Adjustment Loan,* in World Bank, [online] [cited June 1, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&theSitePK=40941&menuPK=228424&Projectid=P079060.

[1047] UNICEF Colombia, *Acciones de UNICEF en el país,* in UNICEF Colombia, [online] n.d. [cited March 25, 2004]; available from http://www.unicef.org.co/04-unicol.htm.

Comoros

Incidence and Nature of Child Labor

UNICEF estimated that 36.7 percent of children ages 5 to 14 years in Comoros were working in 2000.[1048] Children work in the informal sector, agriculture, and family enterprises, particularly in subsistence farming and fishing.[1049] Children, some as young as 7 years old, also work as domestic servants in exchange for food and shelter.[1050] There are also growing numbers of working street children.[1051]

Primary education is compulsory until the age of 10.[1052] In 2001, the gross primary enrollment rate was 89.6 percent, and the net primary enrollment rate for 1999 was 54.7 percent.[1053] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Attendance is not enforced by the government,[1054] and only 31.2 percent of all primary school children ages 6 to 12 attend school.[1055] As of 2000, 24.2 percent of children who started primary school were likely to reach grade 5.[1056] There is a general lack of facilities, equipment, qualified teachers, textbooks and other resources.[1057] Salaries for teachers are often so far in arrears that many teachers refuse to work.[1058]

[1048] Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. See Government of Comoros, *Multiple Indicator Cluster Survey 2 (MICS2): Standard Tables for Comoros*, UNICEF Statistics, 125; available from http://www.childinfo.org/MICS2/newreports/comoros/comoros.htm.

[1049] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations of the Committee on the Rights of the Child, Comoros*, CRC/C/15/Add.141, October 2000, para. 48. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Comoros*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27720.htm.

[1050] UN Committee on the Rights of the Child, *Summary Record of the 666th Meeting: Comoros*, CDC/C/SR.666, Geneva, June 2001, para. 3. See also U.S. Department of State, *Country Reports-2003: Comoros*, Section 6d.

[1051] UN Committee on the Rights of the Child, *Concluding Observations*, para. 39. See also UN Committee on the Rights of the Child, *Summary Record*, para. 3.

[1052] U.S. Department of State, *Country Reports-2003: Comoros*, Section 5.

[1053] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[1054] U.S. Department of State, *Country Reports-2003: Comoros*, Section 5.

[1055] Government of Comoros, *MICS2: Standard Tables for Comoros*, Table 10.

[1056] Ibid., table 10.

[1057] Integrated Regional Information Networks, "Comoros: Trouble in Paradise", IRINnews.org, [online], December 8, 2003; available from http://www.irinnews.org. See also Integrated Regional Information Networks, "Southern Africa: UNICEF appeals for assistance for region's children", IRINnews.org, [online], December 2, 2003; available from http://www.irinnews.org.

[1058] UN Committee on the Rights of the Child, *Summary Record*, para. 23.

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years.[1059] The Constitution prohibits forced and bonded labor.[1060] The Criminal Code makes any act of indecent assault committed against a child under the age of 15 years punishable by 2 to 5 years imprisonment.[1061] A juvenile court can impose protective measures for a minor under 21 years discovered engaging in prostitution.[1062] The Code provides for imprisonment of 2 to 5 years for anyone who is complicit in the prostitution of a minor or uses threats, coercion, violence, assault, or the abuse of authority.[1063] Article 323 of the Criminal Code also provides for the same penalties for complicity in international trafficking.[1064] Child labor laws are not strictly enforced.[1065]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Comoros is working to improve educational infrastructure with the assistance of two World Bank loans.[1066]

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	3/17/2004	✓
Ratified Convention 182	3/17/2004	✓
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

[1059] U.S. Department of State, *Country Reports-2003: Comoros*, section 6.d.

[1060] Ibid., Section 6c

[1061] *Criminal Code of Comoros*, Article 318 [cited September 8, 2004]; available from http://209.190.246.239/protectionproject/statutesPDF/Comorosf.pdf.

[1062] Ibid., Article 327.

[1063] Ibid., Article 323.

[1064] Ibid.

[1065] UN Committee on the Rights of the Child, *Concluding Observations*, para. 48. See also U.S. Department of State official, electronic communication to USDOL official, February 18, 2004. The Ministry of Labor does not have many resources to devote to enforcing the minimum age law. See U.S. Department of State, *Country Reports-2003: Comoros*, Section 6d.

[1066] Education is one component that is being addressed by the Service Support Credit and Social Fund Projects. The former will run through 2008, while the latter closes in June 2004. See World Bank, *Service Support Credit*, in Projects Database, [online] 2004 [cited May 18, 2004]; available from http://www.web.worldbank.org/external/default/main?pagePK=64027221&piPK=64027220&theSitePK=64027220&menuPK=349969&Projectid=P084315. See also World Bank, *Social Fund Project*, in Projects Database, [online] 2004 [cited May 18, 2004]; available from http://www.web.worldbank.org/external/default/main?pagePK=64027221&piPK=64027220&theSitePK=349937&menuPK=349969&Projectid=P044824.

Congo, Democratic Republic of the

Incidence and Nature of Child Labor

UNICEF estimated that 23.5 percent of children ages 5 to 14 years in the Democratic Republic of the Congo (DRC) were working in 2001.[1067] Children work in the informal sector, which constitutes the largest part of the economy.[1068] Some children hunt or fish to support their families instead of attending school.[1069] In recent years, children have been reported to work in mining[1070] and stone crushing.[1071] Child prostitution is also reported to occur.[1072]

Children in the DRC have been negatively affected by continuing armed conflict.[1073] The number of orphans and street children is reported to be on the rise.[1074] In November 2003, the UN Special Rapporteur to the DRC reported that there were large numbers of child refugees and war orphans engaged in street work, including begging and prostitution.[1075]

While the Congolese Government is no longer recruiting child soldiers, the Armed Forces still have child soldiers in their ranks, and armed groups continue to recruit children.[1076] Girls, in particular, have been

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[1067] Government of the Democratic Republic of Congo, *Enquete Nationale sur la situation des enfants et des femmes, MICS2/2001,*, UNICEF, Kinshasa, July 2002, Table 42; available from http://www.childinfo.org/MICS2/newreports/drc/Rdctables.pdf. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[1068] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Congo, Democratic Republic of the*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27721.htm.

[1069] Ibid.

[1070] UN Committee on the Rights of the Child, *Consideration of Reports of State Parties: Initial report of the Democratic Republic of the Congo (continued)*, CRC/C/SR.706, United Nations, Geneva, June 3, 2002, Paragraph 15; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/88d505fdfd9d41bac1256bd50039279b?Opendocument.

[1071] Children are involved in the crushing of coltan, which may pose special health hazards. See Watchlist on Children and Armed Conflict, *The Impact of Armed Conflict on Children in the Democratic Republic of Congo (DRC)*, New York, June 2003, 21; available from http://www.watchlist.org/reports/dr_congo.report.pdf.

[1072] U.S. Department of State, *Country Reports- 2003: DRC*, Section 5. See also Watchlist on Children and Armed Conflict, *The Impact of Armed Conflict on Children*, 20.

[1073] The fighting in the DRC is said to be the world's deadliest conflict since the Second World War. Within a 5-year period, 3.3 million people have been killed. The provision of basic necessities, including food, water, and shelter, has been cut off to children and families in war-affected areas. See UNICEF, *At a Glance: Congo, Democratic Republic of the,* [online] 2004 [cited May 25, 2004]; available from http://www.unicef.org/infobycountry/drcongo.html.

[1074] U.S. Department of State, *Country Reports- 2003: DRC*, Section 5.

[1075] UN News Service, *DR of Congo Presents Frightening Picture of Human Rights Abuses - UN Expert,* [online] 2003 [cited May 25, 2004]; available from http://www.globalsecurity.org/military/library/news/2003/11/mil-031110-unnews04.htm. The Rapporteur stated that numbers of street children ranged from 25,000 to 50,000. The report specifically noted that child refugees, war orphans, and "child sorcerers" roamed the streets. Child sorcerers are children accused of having mystical power, and have been subject to persecution. In some cases, their families abandon them. See U.S. Department of State, *Country Reports- 2003: DRC*, Section 5.

[1076] U.S. Department of State, *Country Reports- 2003: DRC*, Section 5. See also Human Rights Watch, *Child Soldier Use 2003: A Briefing for the UN Security Council Open Debate- DRC*, New York, 2004; available from http://hrw.org/reports/2004/

abducted by armed groups and forced into prostitution and domestic labor.[1077] Children also served as soldiers in a number of armed groups, including the Congolese Armed Forces, the Mai-Mai, various branches of the Congolese Rally for Democracy (RCD), the Movement for the Liberation of the Congo (MLC), and the Union of Congolese Patriots (UPC).[1078] Congolese children are also recruited to work as runners, bodyguards, porters, spies, and fighters on the frontlines.[1079]

Education in the Democratic Republic of the Congo is neither compulsory nor free.[1080] In 1998, the gross primary enrollment rate was 49.6 percent, and the net primary enrollment rate was 34.6 percent.[1081] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2001, the net primary attendance rate was 51.7 percent.[1082] Twenty-five percent of children attending school complete 5 years of primary education.[1083] Barriers to attendance include parents' inability to pay school fees, dilapidated school facilities, and population displacement.[1084] School fees are reported to be particularly prohibitive. At an estimated annual cost of USD 70 to 150 per child, parents are often forced to choose which children will attend school and which will stay home.[1085] In areas of the country controlled by armed groups, girls were reported to drop out of school due to threats of rape or sexual violence.[1086]

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childsoldiers0104/6.htm. The total number of children associated with armed groups is unknown, but estimates vary from 20,000 to 40,000 children. See UNICEF, *UNICEF Humanitarian Action Donor Update: Democratic Republic of Congo,* [online] 2004 [cited May 25, 2004]; available from http://unicef.org/emerg/Emergencies_DRC_Donor_Update_070504.pdf.

[1077] Human Rights Watch, *Democratic Republic of Congo: Briefing to the 60th Session of the UN Commission on Human Rights,* [online] 2004 [cited February 5, 2004]; available from http://hrw.org/english/docs/2004/01/29/congo7128.htm.

[1078] Human Rights Watch, *Child Soldier Use-DRC*.

[1079] U.S. Department of State, *Trafficking in Persons Report*, Washington, D.C., June 2003; available from http://www.state.gov/g/tip/rls/tiprpt/2003/, Coalition to Stop the Use of Child Soldiers, "Child Soldiers on Trial in the DRC," *Child Soldiers Newsletter* # 3 (March 2002), 8.

[1080] U.S. Department of State, *Country Reports- 2003: DRC*, Section 5.

[1081] More recent rates are not available. World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[1082] Government of the Democratic Republic of Congo, *Enquete Nationale sur la situation des enfants et des femmes, MICS2/2001*, UNICEF, Kinshasa, July 2002, 1, 73; available from http://www.childinfo.org/MICS2/newreports/drc/mics2%20rapport%20final%20.pdf. Gross attendance rates are not available.

[1083] USAID, *USAID/Democratic Republic of the Congo Annual Report FY2003,* [online] 2003 [cited May 26, 2004], pg. 3; available from http://www.dec.org/pdf_docs/PDABX829.pdf.

[1084] ChristianAid, Oxfam, and Save the Children UK, *No End in Sight: The Human Tragedy of the Conflict in the Democratic Republic of Congo*, OXFAM, August 2001, [cited May 26, 2004]; available from http://www.oxfam.org.uk/what_we_do/issues/conflict_disasters/noend_drc.htm.

[1085] Integrated Regional Information Networks, "DRC: UNICEF launches "All Girls to School" Campaign", IRINnews.org, [online], December 16, 2003 [cited February 12, 2004]; available from http:www.irinnews.org/print.asp?ReportID-38451.

[1086] U.S. Department of State, *Country Reports- 2003: DRC*, Section 5.

Child Labor Laws and Enforcement

Article 6 of the Labor Code sets the minimum age for employment at 15 years.[1087] Children between the ages of 14 and 18 may work with the consent of a parent or guardian; those under 16 may work up to 4 hours per day.[1088] Children under the age of 18 are prohibited from working at night in public or private establishments.[1089] The Labor Code defines and prohibits the worst forms of child labor and imposes a penalty of imprisonment for a maximum of six months and a fine of 30,000 CF (72 USD) for infractions.[1090] The Transitional Constitution and the Labor Code prohibit forced or bonded labor.[1091] Under the Juvenile Code, children under 14 are prohibited from engaging in prostitution.[1092] There are no specific laws that prohibit trafficking in persons.[1093] The Ministry of Labor is responsible for enforcing child labor laws, but, according to the U.S. Department of State, fails to do so effectively due to a lack of capacity and resources.[1094]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

In December 2003, the Transitional Government established a national framework for Disarmament, Demobilization and Reintegration (DDR) of combatants (including children).[1095] In March 2004, President Kabila appointed a National Coordinator and a deputy to oversee the framework.[1096] In May 2004, the Multi-Country Demobilization and Reintegration Program, a regional DDR funding mechanism managed by the World Bank, released funds in the amount of USD 100 million for DDR programs in the DRC. These funds are complemented by an additional USD 100 million from the World Bank's International

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[1087] Ministry of Labor and Social Affairs, *Written communication from the Government of the Democratic Republic of Congo*, public comments submitted in response to FRN, Kinshasa, January 7, 2005.

[1088] U.S. Department of State, *Country Reports- 2003: DRC*, Section 6d.

[1089] *Code du Travail, Ordonnance-Loi no. 67/310 du 9 Août 1967 constituent le Code du Travail, dans sa teneur modifiée au 31 décembre 1996*, Article 106; available from http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E.

[1090] The definition of the worst forms of child labor in the DRC Labor Code is the same as the definition in the ILO Convention No. 182. Ministry of Labor and Social Affairs, *Public Comments, Ministry of Labor and Social Affairs*. See also currency conversion available at XE.com, http://www.xe.com/ucc/convert.cgi, January 12, 2005.

[1091] Ibid.

[1092] U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Democratic Republic of the Congo*, Washington, D.C., March 31, 2003, 165-68, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2002/18177pf.htm. Area NGOs, however, have stated that the country lacks legal protections against sexual exploitation of children. See NGO Working Group for the Rights of the Child, *Rapport Alternatif et evaluatif des ONGs sur l'application de la convention relative aux droits de l'enfant par la République Démocratique du Congo*, Kinshasa, October 2000, 20; available from http://www.hrlawgroup.org/resources/content/ChildRightsShadow.pdf.

[1093] U.S. Department of State, *Country Reports- 2003: DRC*, Section 6f.

[1094] Ibid., Section 6d.

[1095] The national framework consists of the following three entities: a) an inter-ministerial policy body, b) a national commission for DDR (CONADER), and c) a Financial Management Unit. See Multi-Country Demobilization and Reintegration Program, *Country Profile: Democratic Republic of Congo (DRC)*, May 11, 2004, [cited May 25,2004]; available from http://www.mdrp.org/countries/mdrp_drc.htm.

[1096] Ibid.

Development Agency and a commitment by the Congolese Government to contribute land, office space, security, and other in-kind support.[1097] World Bank programs include two directed specifically at child soldiers.[1098] The government is also participating in a regional ILO-IPEC project funded by USDOL to demobilize and rehabilitate children involved in armed conflict,[1099] and working with UNICEF to issue demobilization certificates for former child soldiers.[1100]

Selected Child Labor Measures Adopted by Governments	
Ratified ILO Convention 138 6/20/2001	✓
Ratified ILO Convention 182 6/20/2001	✓
ILO-IPEC Associated Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

The Ministry of Family Affairs and Labor began to implement an action plan against sexual exploitation of persons, and the Government has attended regional meetings on trafficking and sought to coordinate with neighboring governments to address the problem.[1101]

The Congolese Government and UNICEF are implementing a national campaign to promote girls' education. UNICEF is providing basic school supplies to 1.5 million students and teaching materials to 17,000 teachers throughout the 2004-2005 school year.[1102] In June 2004, UNICEF re-opened schools for 1,000 children in two regions in the DRC, and is providing equipment to keep the schools open.[1103] Also in 2004, the African Development Bank approved a USD 7.7 million education grant aimed at strengthening institutional capacities through training, and through the provision of equipment, tools and teaching materials.[1104]

[1097] Ibid. See also World Bank, *Demobilization and Reintegration*, [online] [cited August 20, 2004]; available from http://lnweb18.worldbank.org/ESSD/sdvext.nsf/67ByDocName/ThemesDemobilizationandReintegration.

[1098] These programs are the Support for the Reunification and Reintegration of Former Child Soldiers in the DRC, implemented by Save the Children; and Situation Assessment and Pilot Projects for Demobilization and Reintegration of Child Soldiers in Orientale, Northern Katanga and Maniema Provinces, implemented by the IRC, the International Foundation for Education and Self-Help (IFESH), and CARE International. See Multi-Country Demobilization and Reintegration Program, *Special Projects: Democratic Republic of Congo*, 2004, [cited May 25, 2004]; available from http://www.mdrp.org/countries/sp_drc.htm.

[1099] The program began in 2003 and is scheduled to end in 2006. See ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflicts: An Inter-Regional Programme*, project document, Geneva, September 17, 2003.

[1100] Integrated Regional Information Networks, "DRC: Gov't, UNICEF introduce child demobilisation certificates", IRINnews.org, [online], December 30, 2003 [cited February 6, 2004]; available from http://www.irinnews.org.

[1101] Resources are limited for anti-trafficking efforts, and the process is hindered because much of the reported trafficking occurs in areas of the country controlled by rebel groups. See U.S. Department of State, *Country Reports- 2003: DRC*, Section 6f.

[1102] The education program was launched in December 2003. Integrated Regional Information Networks, "UNICEF launches "All Girls to School" Campaign".

[1103] UNICEF, *At a Glance: DRC*.

[1104] Integrated Regional Information Networks, "DRC: Kinshasa gets US $7.74 million Education Grant", IRINnews.org, [online], March 18, 2004 [cited March 24, 2004]; available from http://www.irinnews.org/print.asp?ReportID=40116. In 2002 the World Bank announced that the Government of the DRC would be receiving intensified support to address data, policy, and capacity gaps to enable the country to qualify for Education for All Fast-Track grant financing from the World Bank and other donors. The status of this support is currently unknown. Integrated Regional Information Networks, "DRC: World Bank to Assist Education Sector", IRINnews.org, [online], June 13, 2002 [cited hard-copy on file]; available from http://www.irinnews.org/print.asp?ReportID =28310. See also World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, press release, Washington, D.C., June 12, 2002; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html.

Congo, Republic of

Incidence and Nature of Child Labor

The ILO estimated that 25.2 percent of children ages 10 to 14 years in the Republic of Congo were working in 2002.[1105] However, more recent figures from the post-conflict period (2003 to the present) are not yet available. Some children work with their families on farms or in informal business activities.[1106] Growing numbers of street children, primarily from the Democratic Republic of Congo, engage in street vending, begging, and petty theft, and there were isolated cases of children involved in prostitution.[1107] There have been no reports of recruitment of child soldiers since the peace accords between the rebels and the government were signed in March 2003.[1108]

There were unconfirmed reports of children trafficked from West African countries by immigrant relatives from Benin and Togo. These children worked in fishing, street vending, domestic service, and retail.

The Constitution establishes free and compulsory education up to the age of 16 years. Families, however, must cover the expenses of uniforms, books, and school fees.[1109] In 2001, the gross primary enrollment rate was 85.5 percent.[1110] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2001, UNICEF reported that approximately 40 percent of the Congo's primary school-age children did not attend school, largely as a result of the 1997-2001 conflicts.[1111] This situation has changed since 2002, with an increase in children attending school despite their poor conditions and lack of materials. However, attendance of girls at the secondary level has declined sharply.[1112] Many classroom buildings remain damaged from the country's 1997-2001 conflicts; schools have few educational materials and poor hygiene and sanitation systems; and many teachers lack training. These conditions, as well as others (such as girls needing to take care of family members and lack of school lunch programs) contribute to poor attendance records. A lack of resources has made it very difficult for the Ministry of Education to rehabilitate the facilities and rebuild the system.[1113] There are also some reports that teenage girls have been coerced by school officials into exchanging sex for better grades.[1114]

[1105] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[1106] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Congo*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27722.htm.

[1107] Ibid., Section 5.

[1108] U.S. Department of State, *Country Reports- 2003: Congo*, Section 5. The security situation in the country, however, remains unstable, as armed groups, including children, have not fully disarmed. See U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 2004, 249; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33200pf.htm.

[1109] Right to Education, *Constitutional Guarantees: Congo,* [database online] [cited May 13, 2004]; available from http://www.right-to-education.org/content/consguarant/congo.html. See also U.S. Department of State, *Country Reports- 2003: Congo*, Section 5.

[1110] Net primary enrollment rates are unavailable for the Congo. See World Bank, *World Development Indicators 2004*.

[1111] See also UNICEF, *UNICEF Humanitarian Action: Republic of Congo Donor Update*, September 4, 2001; available from http://www.reliefweb.int/w/Rwb.nsf/vID/2C45D0903EF3950D85256ABD005B3D8D?OpenDocument.

[1112] U.S. Embassy- Kinshasa, email communication to USDOL official, June 3, 2005.

[1113] Ibid.

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment, including apprenticeships, at 16 years. Exceptions may be permitted by the Ministry of Education after an inspection of the place of employment.[1115] The code generally prohibits forced or compulsory labor.[1116] The minimum age of enlistment for service in the armed forces in the Republic of Congo is 18, and although children were recruited by government forces during the conflicts that occurred from 1997 to 2001, the government has a policy not to recruit or use child soldiers.[1117]

The Penal Code criminalizes procuring for the purpose of prostitution and establishes penalties of 10 years imprisonment and a fine of 10,000,000 CFA (USD 17,847.60) if such an act is committed with respect to a minor.[1118] While the law does not specifically prohibit trafficking in persons, the Penal Code applies these same penalties to those convicted of procuring a person who has been encouraged to travel to or from the country for the purpose of prostitution.[1119] Although trafficking could be prosecuted under current laws, the U.S. Department of State reports that there has been no evidence that the government has prosecuted traffickers.[1120] The Ministry of Labor is responsible for enforcing child labor laws and monitors businesses in the formal sector, but most child labor occurs in the informal sector or rural areas that lack effective government oversight, according to the U.S. Department of State.[1121]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of the Republic of Congo is participating in a 3-year inter-regional ILO-IPEC project funded by USDOL in 2003 to reintegrate children involved and prevent children from involvement in armed conflicts.[1122] The government has also established the High Commission for Reintegration of Ex-Combatants, which has worked to reintegrate previous child soldiers and offers them financial support

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[1114] U.S. Department of State, *Country Reports- 2003: Congo*, Section 5.

[1115] The National Consultative Labor Commission is charged with establishing a list of prohibited occupations for adolescents, but there is no information that such a list exists. See *Loi no 45-75 instituant un Code du travail de la République populaire du Congo*, (1975), Articles 11 and 116; available from http://portail.droit.francophonie.org/doc/html/cg/loi/1975dfcglg12.html#H_01.

[1116] There are some exceptions for military service and other civic duties. See Ibid., Article 4.

[1117] Coalition to Stop the Use of Child Soldiers, "Congo," in *Global Report 2001*; available from http://childsoldiers.amnesty.it/cs/childsoldiers.nsf/index/english?OpenDocument. See also U.S. Department of State, *Trafficking in Persons Report*, 249.

[1118] Article 222-24 define a minor as a person less than 15 years of age. See Government of the Republic of Congo, *Penal Code*, (n.d.), Articles 222-24 and 25-7; available from http://www.protectionproject.org/main1.htm. For currency conversion, see *FXConverter*, oanda.com, [online] 2004 [cited September 5, 2004]; available from http://www.oanda.com/convert/classic.

[1119] If such an act is committed by an organized gang, the punishments increase. See *Penal Code*, Article 225-7.

[1120] U.S. Embassy- Kinshasa, email communication June 3, 2005.

[1121] U.S. Department of State, *Country Reports- 2003: Congo*, Section 6d.

[1122] USDOL is providing USD 7 million to the 7-country project. See ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflicts: An Inter-Regional Programme*, project document, Geneva, September 17, 2003.

and technical training. With funding from UNICEF, the Department of Social Action established the Traumatized Children Project, which provides counseling for former child soldiers.[1123]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 11/26/1999	✓
Ratified Convention 182 8/23/2002	✓
ILO-IPEC Associated Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

The Ministry of Social Affairs supports local NGO efforts to combat trafficking in persons.[1124] In June, the Ministry began a project to reduce the number of Democratic Republic of Congo street children in the country. The project pairs 500 street children from Congo's largest cities, Brazzaville and Pointe-Noire, with families for short-term visits aimed at encouraging eventual adoption of the children.[1125]

The government is implementing a National Plan of Action for Education for All that, among other goals, aims to improve quality of and access to preschool, primary, non-formal, and vocational technical education by the year 2015. The plan also includes specific goals for increasing girls' school attendance.[1126] The World Bank is providing funding for an emergency reconstruction project from 2004 until 2007 that includes financing for school rehabilitation in the country.[1127] During the year, the Ministry of Territorial and Regional Development worked with the European Union and UNESCO to implement a school reintegration project for children displaced by natural disasters and the civil war. The project aims to promote non-formal literacy, HIV-AIDS, and civics education to youths as well as rehabilitate schools.[1128] The UN World Food Program also announced in 2004 that it would continue providing school meals for the next 2 years in regions of the country affected by past conflicts.[1129] The U.S. Department of Agriculture is likewise working with the government as part of a global effort to provide meals for schoolchildren.[1130]

[1123] Funding for the High Commission's programs is provided by the World Bank. See ILO-IPEC, *Wounded Childhood: The Use of Children in Armed Conflict in Central Africa*, Geneva, April 2003, 61-62.

[1124] U.S. Department of State, *Country Reports- 2003: Congo*, Section 6f.

[1125] Integrated Regional Information Networks, "Government Aims to Reduce the Number of Street Children", IRINnews.org, [online], June 21, 2004 [cited September 5, 2004]; available from http://www.irinnews.org/print.asp?ReportID=41789. Street children are vulnerable to involvement in child labor. See the first section of this country report, "Incidence and Nature of Child Labor," for more information.

[1126] Ministry of Primary and Secondary Education, *Plan National d'action de l'education pour tous*, Brazzaville, November 2002, 40-75; available from http://portal.unesco.org/education/en/ev.php-URL_ID=20941&URL_DO=DO_TOPIC&URL_SECTION=201.html.

[1127] World Bank, *Emergency Infrastructure Rehabilitation and Living Conditions Improvement Project*, in Projects Database, [database online] August 8, 2003 [cited June 2, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P074006. See also World Bank, *Congo, Republic of: Emergency Reconstruction, Rehabilitation, and Living Conditions Improvement Project*, Washington, D.C., January 2002, 4-5; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2001/07/28/000094946_01072006081859/Rendered/PDF/multi0page.pdf.

[1128] The 18-month project was funded in 2003 by the European Union through UNESCO. See Integrated Regional Information Networks, "Congo: EU grants US $812,700 towards education, the fight against drug abuse", IRINnews.org, February 7, 2003 [cited June 1, 2004]; available from http://www.irinnews.org/print.asp?ReportID=32184.

[1129] Integrated Regional Information Networks, "WFP extends operations by two years", [online], April 30, 2004 [cited June 2, 2004]; available from http://www.irinnews.org/print.asp?ReportID=40854.

[1130] Washington File, *U.S. Funds Will Provide School Meals in Latin America, Caribbean*, August 17, 2004; available from http://usinfo.state.gov/gi/Archive/2004/Aug/18-23606.html.

Costa Rica

Incidence and Nature of Child Labor

The Costa Rican National Institute of Statistics and Censuses estimated that 5.9 percent of children ages 5 to 14 years were working in Costa Rica in 2002.[1131] More children work in rural than urban areas.[1132] In rural areas, children work in agriculture, primarily on family-owned farms. Costa Rican children traditionally help harvest coffee beans. Nicaraguan immigrants, including children, are also found working on Costa Rican farms.[1133] Some children work as domestic servants, and others may be involved in street vending, construction, fixing cars, family businesses, and the small-scale production of handicrafts.[1134] The banana industry did not employ youths under 18 years.[1135]

The commercial sexual exploitation of children is a continuing problem in Costa Rica,[1136] and is often associated with the country's sex tourism industry.[1137] Costa Rica is a transit and destination point for children trafficked for purposes of commercial sexual exploitation, including prostitution.[1138] Most trafficking victims originate from Colombia, the Dominican Republic, Nicaragua, Panama, as well as from Russia, the Philippines, Romania, Eastern Europe, and Ecuador. Although most foreign victims remain in Costa Rica, traffickers also attempt to transport them onward to the U.S. and Canada.[1139]

[1131] Another 23.5 percent of children ages 15 to 17 years were also found working. See INEC, MTSS, and ILO-IPEC, *Informe Nacional de los Resultados de la Encuesta de Trabajo Infantil y Adolescente En Costa Rica*, San José, 2003, 33. For more information on the definition of working children, please see the section in the front of the report entitled *Statistical Definitions of Working Children*.

[1132] Ibid., 35. See also UNICEF, *IV Estado de los Derechos de la Niñez y la Adolescencia en Costa Rica*, San Jose,, 2004, 53.

[1133] INEC, MTSS, and ILO-IPEC, *Informe Nacional*, 42. See also U.S. Embassy- San José, *unclassified telegram no. 2206*, August 21, 2003. See also Casa Alianza, *Kids that pick coffee: CRC's Article 28, The Right to an Education,* [online] [cited March 25, 2004]; available from http://www.casa-alianza.org/EN/human-rights/labor-exploit/articles/coffee.phtml.

[1134] INEC, MTSS, and ILO-IPEC, *Informe Nacional*, 37-43. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Costa Rica*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27892.htm. See also ILO official Maria Luisa Rodriguez, electronic communication to USDOL official, October 29, 2004. Children can also be found bagging groceries at supermarkets. See U.S. Embassy- San José, *unclassified telegram no. 0515*, February 1998.

[1135] U.S. Trade Representative official, electronic correspondence to USDOL official, June 2, 2005.

[1136] According to the National Institute of Children (PANI), street children in San José, Limón and Puntarenas are at the greatest risk of entering prostitution. See U.S. Department of State, *Country Reports- 2003: Costa Rica*, Section 6f. See also ILO-IPEC, *Explotación Sexual Comercial de Personas Menores de Edad en Costa Rica*, San José, May 2002, 11, 15.

[1137] Maria Cecilia Claramunt, *Sexual Exploitation in Costa Rica: Analysis of the critical path to prostitution for boys, girls, and adolescents*, UNICEF, 1999, 29. See also ILO-IPEC, *Stop the Exploitation: Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, project document, RLA/02/P51/USA, 2002, 9.

[1138] U.S. Department of State, *Country Reports- 2003: Costa Rica*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report - 2004: Costa Rica*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33198pf.htm.

[1139] U.S. Department of State, *Country Reports- 2003: Costa Rica*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report: Costa Rica*.

Education is compulsory and free for 6 years at the primary level and 3 years at the secondary level.[1140] In 2001, the gross primary enrollment rate was 108.4 percent and the net primary enrollment rate was 90.6 percent. Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Costa Rica. As of 2000, 93.7 percent of children who started primary school were likely to reach grade 5.[1141] The proportion of children who drop out of school is higher in rural areas than in urban areas.[1142] Schools where there are high concentrations of immigrants are often over-crowded and many students are over-age for their grade or have lower skill levels.[1143] There are reports that the quality of education has suffered due to a lack of pre-school and secondary coverage, a high percentage of unlicensed teachers, infrastructure problems, and outdated curriculum materials.[1144]

Child Labor Laws and Enforcement

The Labor Code and the Children and Adolescence Code set the minimum age for employment at 15 years.[1145] The Children and Adolescence Code prohibits minors under the age of 18 from working in mines, bars and other businesses that sell alcohol, in unsafe and unhealthy places, in activities where they are responsible for their own safety and the safety of other minors, and where they are required to work with dangerous equipment, contaminated substances or excessive noise.[1146] Also under the Children and Adolescence Code, children of legal working age are not allowed to work at night or more than 6 hours a day or 36 hours a week.[1147] An industry adopted code of ethics prohibits children under the age of 18 from working in the banana industry.[1148]

[1140] U.S. Department of State, *Country Reports- 2003: Costa Rica*, Section 5. A tradition of free schooling dates back to 1869. See Infocostarica staff, *Education in Costa Rica,* infoCOSTARICA.com, [online] November 5, 2003 [cited March 18, 2004]; available from http://www.infocostarica.com//education/education.html.

[1141] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[1142] Rodolfo Pisoni, *Informe Sobre el Trabajo Infantil y Adolescente en Costa Rica*, PANI, April 1999, 59. See also Raquel Gólcher Beirute, "Niños Esperan Mejor Educación: UNICEF Señala Debilidades en Lucha Contra Deserción," *La Nación Digital* (San José), September 20, 2000, [hardcopy on file]; available from http://www.nacion.com/ln_ee/2000/septiembre/20/pais8html.

[1143] Almost 90 percent of immigrants to Costa Rica are from Nicaragua. It is estimated that 250,000 Nicaraguans are permanent residents in Costa Rica and between 60,000 to 100,000 are temporary residents. See IDB, *Costa Rica: IDB Strategy with Costa Rica 2003-2006,* [online] 2003 [cited May 13, 2004], 3; available from http://www.iadb.org/EXR/doc98/apr/CRstra03E.pdf.

[1144] UNICEF, *IV Estado de los Derechos de la Niñez y la Adolescencia*, 33.

[1145] In 1998, Costa Rica passed the Children and Adolescence Code, which amended Articles 88 and 89 of the Labor Code to increase the minimum age for work to 15. See Jamie Daremblum, Costa Rican Ambassador to the United States, *Submission to the US Department of Labor in Response to a Request for Information on Efforts to Eliminate the Worst Forms of Child labor*, Embassy of Costa Rica in the United States, September 6, 2002. See also *Código de la Niñez y la Adolescencia, 1997*, Article 78. See also Government of Costa Rica, *Código de Trabajo*, Articles 88 and 89.

[1146] *Código de la Niñez y la Adolescencia, 1997*, Article 94. See also Ambassador of Costa Rica to the United States Jamie Daremblum, letter to USDOL official, October 23, 2001.

[1147] *Código de la Niñez y la Adolescencia, 1997*, Article 95. See also U.S. Department of State, *Country Reports- 2003: Costa Rica*, Section 6d.

[1148] U.S. Embassy- San José, *unclassified telegram no. 2293*, August 25, 2004. See also U.S. Department of State, *Country Reports- 2003: Costa Rica*, Section 6d.

Forced and bonded labor is prohibited under the law. The U.S. Department of State reported that these laws are enforced effectively.[1149] The Children's Bill of Rights states that all children and adolescents have the right to protection from all forms of exploitation, including prostitution and pornography.[1150] The Law Against the Sexual Exploitation of Underage Persons, approved in 1999, established penalties for those engaged in the commercial sexual exploitation of children.[1151] The Penal Code provides for a prison sentence of 4 to 10 years if the victim of prostitution is under the age of 18. The Penal Code also prohibits the entry or exit of women and minors into and out of the country for prostitution, and provides for 5 to 10 years imprisonment for those convicted of violating the law.[1152] In 2004, in order to protect children from being exposed to pornography, a decree was published on the regulation and use of establishments offering Internet services.[1153]

The Ministry of Labor and Social Security is responsible for detecting and investigating labor violations, while the National Board for Children and the judiciary branch, which includes the Judicial Investigative Police and the Special Prosecutor on Sex Crimes, are responsible for investigating and prosecuting cases of child sexual exploitation. The Ministry of Labor carries out these responsibilities through the Office of Eradication of Child Labor and Protection of Adolescent Workers, and through the Office of Labor Inspection.[1154] The Ministry of Labor houses the Office of Eradication of Child Labor and Protection of Adolescent Workers, which is responsible for coordinating all direct action programs, maintaining a database on all workers under the age of 18, coordinating the implementation of the National Plan and public policy, and training labor inspectors on child labor.[1155] All labor inspectors are reportedly trained to identify and investigate child labor abuses.[1156] To deal with child labor on a local level, a labor inspector is appointed in each Regional Office of the National Directorate of Labor Inspection.[1157] Child labor investigations can be initiated after an inspection, or in response to complaints filed by government or NGO representatives, or members of civil society, including children and adolescents who are subject to exploitation.[1158] In 2003, the Ministry of Labor registered and investigated 638 child labor cases. From

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[1149] U.S. Department of State, *Country Reports- 2003: Costa Rica*, Section 6c.

[1150] U.S. Embassy- San José, *unclassified telegram no. 1977*, August 2000.

[1151] Ministry of Foreign Trade, Submission to the U.S. Department of Labor of a Report and Comments on Child Labor Issues, official submission to USDOL Official, June 5, 2003, 5.

[1152] These provisions are found in Articles 170 and 172 of the Penal Code. See U.S. Department of State, *Country Reports- 2003: Costa Rica*, Section 6f. See also U.S. Embassy- San José, *unclassified telegram no. 1977*. See also Interpol, *Legislation of Interpol member states on sexual offences against children: Costa Rica,* [online] [cited March 18, 2004]; available from http://www.interpol.int/public/Children/SexualAbuse/NationalLaws/csaCostaRica.asp.

[1153] ILO-IPEC, *Technical Progress Report, "Stop the Exploitation. Contribution to the prevention and elimination of commercial sexual exploitation of children in Central America, Panama and the Dominican Republic"*, Geneva, September 9, 2004, 13.

[1154] Jamie Daremblum, letter to USDOL official, October 23, 2001.

[1155] Ministry of Foreign Trade, Submission to the US Department of Labor of a Report and Comments on Child Labor Issues, 7. See also Esmirna Sánchez Vargas, "Costa Rica: retos y avances en la erradicación del trabajo infantil, Oficina de Atención y Erradicación del Trabajo Infantil y Protección del Trabajador Adolescente," *Encuentros 4* Aportes (April 2002), [hardcopy on file]; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/boletin/numero4/paraeldialogotres.html.

[1156] U.S. Embassy- San José, *unclassified telegram no. 2293*.

[1157] Ministry of Foreign Trade, Submission to the US Department of Labor of a Report and Comments on Child Labor Issues, 6.

[1158] Daremblum, letter to USDOL official, October 23, 2001, 3.

January to August 2004, the Office of Eradication of Child Labor reported that it registered 740 child labor cases in its child labor database, of which 350 were children working under the legal employment age of 15 years. The Ministry provided assistance in reinserting the children into education institutions.[1159] Due to limited resources, child labor regulations are not always enforced outside the formal economy.[1160]

The government has been enforcing its prohibitions against the sexual exploitation of minors by raiding brothels and arresting pedophiles.[1161] According to the government, in 2003, authorities made 14 trafficking-related arrests; all those arrested were detained on charges of child sexual exploitation.[1162] A number of sexual exploiters were sentenced in 2004, including two U.S. citizens.[1163] The National Institute for Children, in coordination with the Ministry of Security, carries out investigations aimed at capturing abusers and removing child victims of commercial sexual exploitation.[1164] Although the Government has been making efforts to raise awareness on commercial sexual exploitation and trafficking, and augment enforcement, a lack of resources has also hampered these efforts.[1165]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The "National Agenda for Children and Adolescents, 2000-2010," aims to prevent and eliminate the worst forms of child labor and achieve 100 percent retention of children in basic education by the year 2010.[1166] In addition, the Government of Costa Rica is implementing a national plan to eliminate child labor.[1167] The Government is also providing small loans to families with children at-risk of working.[1168] The Government supports a radio campaign aimed at raising awareness on the plight of street children, and stay-in-school

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[1159] U.S. Embassy- San José, *unclassified telegram no. 2293*. See also U.S. Trade Representative official, electronic correspondence, June 2, 2005.

[1160] U.S. Department of State, *Country Reports- 2003: Costa Rica*, Section 6d.

[1161] Ibid., Section 6f.

[1162] U.S. Department of State, *Trafficking in Persons Report: Costa Rica*.

[1163] ILO-IPEC, *Technical Progress Report, Stop the Exploitation September 2004*, 3.

[1164] Government of Costa Rica, *Submission to the US Department of Labor of a Report and Comments on Sexual Exploitation of Children in Costa Rica*, submitted in response to U.S. Department of Labor Federal Register Notice (July 14, 2004) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Embassy of Costa Rica in the United States, August 23, 2004.

[1165] U.S. Department of State, *Country Reports- 2003: Costa Rica*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report: Costa Rica*.

[1166] The plan was established in September 2000. See Government of Costa Rica, *Agenda Nacional para la Niñez y la Adolescencia: Metas y Compromisos, 2000-2010*, San José, September 2000, 11, 21. The National Agenda includes all issues related to minors, is inter-institutional, and is promoted by the Council for Childhood and Adolescence. See Maria Luisa Rodriguez, electronic communication, October 29, 2004. In addition, the National Agenda defines dates for the fulfillment of specific objectives and actions. See ILO official Bente Sorensen, electronic communication to USDOL official, October 30, 2004.

[1167] This plan was developed in 1998 and evaluated in 2003. The second National Action Plan on the prevention and eradication of child labor and special protection of adolescent workers (2005-2010) was approved in 2004. See U.S. Embassy- San José, *unclassified telegram no. 2725*, October 2002. See also U.S. Embassy- San José, *unclassified telegram no. 2206*. See also ILO-IPEC, *Technical Progress Report, Stop the Exploitation September 2004*, 14.

[1168] U.S. Department of State, *Country Reports- 2003: Costa Rica*, Section 6d. See also U.S. Embassy- San José, *unclassified telegram no. 2293*.

programs are offered to child victims of trafficking.[1169] In April 2004, the government and Save the Children-Sweden launched an awareness-raising campaign against trafficking and exploitation at Costa Rica's Juan Santamaria International Airport.[1170]

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/11/1976	✓
Ratified Convention 182	9/10/2001	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		✓
Sector Action Plan		

The commercial sexual exploitation of children is recognized as a problem in Costa Rica and it is on the political and public agenda through discussion in presidential discourses, political debates, newspaper reports, editorials, studies, and other fora.[1171] During the past year, an Executive Decree established the Technical Secretariat General of the National Directive Committee on Child Labor, and its functions were outlined in Decree No. 31461.[1172] The government also approved a Master Plan on Children and Adolescents, which included a chapter on the commercial sexual exploitation of children.[1173] The Commission Against the Commercial Sexual Exploitation of Children established a sub-commission to specifically work on legal and enforcement issues.[1174]

The Government of Costa Rica is participating in several ILO-IPEC projects funded by USDOL. These projects include a project to combat child labor in the coffee sector,[1175] a regional project to combat child labor in commercial agriculture,[1176] and a regional project aimed at combating commercial sexual exploitation.[1177] The Government of Costa Rica is also participating in a USDOL-funded regional Child

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[1169] U.S. Department of State, *Country Reports- 2003: Costa Rica*, Section 6f.

[1170] Government of Costa Rica, *Submission and Comments on Sexual Exploitation of Children in Costa Rica*.

[1171] ILO-IPEC, *Explotación Sexual Comercial de Personas Menores*, 11, 35.

[1172] The Decree was promulgated in September 2003. See ILO-IPEC, *En Costa Rica se definen por ley las funciones del Comite Directivo Nacional para la Erradicacion del Trabajo Infantil,* [online] 2003 [cited May 13, 2004]; available from http://www.oit.org.pe/ipec/boletin_cr/noticia.php?notCodigo=172. See also *Decreto No. 31461-MTSS*. The Technical Secretariat General fulfills a technical role, while the National Directive Committee on Child Labor fulfills a political role. The new decree mandates that coordination by the Technical Secretariat General be inter-institutional. See ILO official, electronic communication to USDOL official, October 29, 2004.

[1173] The Master Plan was approved in December 2003. See ILO-IPEC, *Technical Progress Report: Stop the Exploitation. Contribution to the prevention and elimination of commercial sexual exploitation of children in Central America, Panama, and the Dominican Republic*, Geneva, March 6, 2004, 3. The Master Plan is an institutional plan, promoted by the PANI in coordination with the Council for Childhood and Adolescence. See Maria Luisa Rodriguez, electronic communication, October 29, 2004. The Master Plan outlines specific activities to be carried out by the government to combat the commercial sexual exploitation of children. See Bente Sorensen, electronic communication, October 30, 2004.

[1174] ILO-IPEC, *March Technical Progress Report: Stop the Exploitation*, 2.

[1175] This project was implemented in the municipalities of Turrialba and Guanacaste. The project closed in September 2004. See ILO-IPEC, *Prevention and Elimination of Child Labor in the Coffee Industry in Costa Rica*, COS/99/05/050, Geneva, 1999.

[1176] ILO-IPEC, *Prevention and progressive elimination of child labor in agriculture in Central America, Panama and the Dominican Republic (Phase II)*, project document, September 30, 2003.

[1177] Though the project focuses primarily on awareness raising, institutional capacity building, and international and national coordination, this project targets 150 girls in Limón for direct services, such as education, social services, and health care. See ILO-IPEC, *Stop the Exploitation, project document*, 26-40.

Labor Education Initiative Program aimed at strengthening government and civil society's capacity to address the educational needs of working children.[1178] With funding from the Government of Canada, ILO-IPEC is collaborating with the Government of Costa Rica to implement a Timebound Program. The Timebound Program focuses on creating an enabling environment at the national level to eliminate the worst forms of child labor, as well as direct action activities to withdraw children from work in the Brunca Region.[1179] ILO-IPEC is also carrying out a project aimed at raising awareness, collecting information, and providing direct attention to children involved in domestic work in the homes of third parties.[1180] In August 2004, in collaboration with the Costa Rican Soccer Association and the Costa Rican Union of Private Business Chambers and Associations, ILO-IPEC launched a national "Red Card Against Child Labor" awareness-raising campaign.[1181] The United States is supporting the Costa Rican Supreme Court of Justice with funds to establish an investigative and prosecutorial team specifically mandated to combat the commercial sexual exploitation of children in Costa Rica.[1182]

In the area of education, programs have focused on the reintegration of child laborers into the education system. The Ministry of Education has been supporting ongoing efforts by providing scholarships for poor families in order for them to cover the indirect costs of attending school.[1183] Costa Rica is involved in an IDB program aimed at improving pre-school and secondary education.[1184] Costa Rica's Education Plan 2002-2006 includes strategies aimed at providing universal access to pre-school; improving the quality of primary school, especially in disadvantaged communities; increasing the coverage and quality of secondary school; and, strengthening open and flexible education opportunities for adolescents and adults who combine school and work.[1185] In April 2004, the Ministry of Education sponsored an "Education for All Week" in Costa Rica, in commemoration of the IV Anniversary of the Global Education for All forum in Dakar, where one of the issues discussed was the relationship between child labor and education.[1186]

[1178] USDOL, "News Release: United States Provides over $110 Million in Grants to Fight Exploitive Child Labor Around the World," October 1, 2004; available from http://www.dol.gov/opa/media/press/ilab/ILAB20041715.htm. See also USDOL/ILAB, *ILAB Technical Cooperation Project Summary: Combating Child Labor through Education in Central America and the Dominican Republic*, 2004. See also CARE, *CARE's Work: Project Information,* [online] 2004 [cited October 21, 2004]; available from http://www.careusa.org/careswork/projects/SLV041.asp.

[1179] ILO-IPEC, *IPEC Action Against Child Labour 2002-2003: Progress and Future Priorities*, Geneva, October 2003.

[1180] ILO official Rigoberto Astorga, electronic communication to USDOL official, September 16, 2002. See also Daremblum, *Submission to the US Department of Labor*.

[1181] U.S. Embassy- San José, *unclassified telegram no. 2293*. See also ILO-IPEC, *Tarjeta roja al trabajo infantil* (2004). The President of Costa Rica, the Ministry of Labor, and the National Directive Committee on Child Labor were actively involved in the launch of this campaign. See Maria Luisa Rodriguez, electronic communication, October 29, 2004.

[1182] U.S. Department of State, *unclassified telegram no. 060346*, Washington, DC, March 18, 2004. See also U.S. Embassy- San José, *unclassified telegram no. 2293*.

[1183] U.S. Embassy- San José, *unclassified telegram no. 2293*.

[1184] IDB, *Approved Projects - Education,* [online] February 23, 2004 [cited March 18, 2004]; available from http://www.iadb.org/exr/doc98/apr/apeduc.htm. See also IDB, *IDB Strategy with Costa Rica 2003-2006*, 28, 30. See also IDB, *PLAN DE ADQUISICIONES: Préstamo 1010/OC-CR - Programa de Educación Preescolar y Tercer Ciclo,* May 2, 2004 [cited October 28, 2004]; available from http://enet.iadb.org/idbdocswebservices/idbdocsInternet/IADBPublicDoc.aspx?docnum=307672.

[1185] Ministerio de Educacion Publica, *Plan Educativo 2002-2006,* [online] 2003 [cited May 13, 2004]; available from http://www.mep.go.cr/Plan Educativo.html.

[1186] ILO-IPEC, *Se celebra en Costa Rica "La Semana de la educacion" en el marco del Foro Mundial de Educacion para todos,* [on] 2004 [cited May 16, 2004]; available from http://www.oit.org.pe/ipec/boletin_cr/noticia.php?notCodigo=159.

Côte d'Ivoire

Incidence and Nature of Child Labor

UNICEF estimated that 40.3 percent of children ages 5 to 14 years were working in Côte d'Ivoire in 2000.[1187] The disparity between rural and urban areas is significant: 56.8 percent of rural children ages 5 to 14 were working, compared to only 22.5 percent of urban children in this age group.[1188] The majority of working children are found in the informal sector,[1189] including in agriculture, family-operated artisanal gold and diamond mines, fishing, and domestic work.[1190] Some children working as domestics are subject to mistreatment, including sexual abuse.[1191] Children also shine shoes, run errands, watch and wash cars, sell food in street restaurants, and work as vendors or in sweatshop conditions in small workshops.[1192] Children have been found working in small businesses, tailor and beauty shops, and manufacturing and repair shops.[1193] There are also large numbers of street children in the country, particularly in Abidjan.[1194]

Children are also found working in prostitution.[1195] National armed forces and rebel groups are reported to recruit or use children in situations of armed conflict, sometimes on a forced basis.[1196] Rebel forces are also

[1187] Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. See Government of Côte d'Ivoire, *Multiple Indicator Cluster Survey 2*, Abidjan, 2000, [cited August 23, 2004]; available from http://www.ucw-project.org/resources/. See also Government of Côte d'Ivoire, *Enquête à Indicateurs Multiples - MICS2000: Rapport Final*, UNICEF Statistics, Abidjan, December 2000, 48.

[1188] Government of Côte d'Ivoire, *Multiple Indicator Cluster Survey 2*.

[1189] U.S. Embassy- Abidjan, *unclassified telegram no. 3470*, October 2001.

[1190] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Côte d'Ivoire*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27723.htm. See also U.S. Embassy- Abidjan, *unclassified telegram no. 2046*, August, 2003.

[1191] U.S. Department of State, *Country Reports- 2003: Côte d'Ivoire*, Section 5.

[1192] Ibid., Section 6d.

[1193] Ibid.

[1194] Ibid., Section 5.

[1195] Children work in prostitution rings run by criminal networks, and also on an occasional basis. Children who work as occasional prostitutes also tend to work as street vendors, guards, or domestic servants, and many of the girl prostitutes in Abidjan are Nigerian. See ECPAT International, *Ivory Coast*, in ECPAT International, [database online] n.d. [cited May 17, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=83&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry. See also U.S. Department of State, *Country Reports- 2003: Côte d'Ivoire*, Section 6f.

[1196] United Nations Economic and Social Council, *Rights of the Child: Annual Report of the Special Representative of the Secretary-General for Children and Armed Conflict, Olara Otunnu*, E/CN.4/2004/70, January 28, 2004, 11. See also U.S. Department of State, *Country Reports- 2003: Côte d'Ivoire*, Section 5.

reported to actively recruit child soldiers from refugee camps and other areas in the western part of the country.[1197]

Côte d'Ivoire is a source and destination country for trafficked children.[1198] Children are trafficked into the country from Benin, Burkina Faso, Ghana, Mali, Mauritania and Togo to work as domestic servants, farm laborers, and indentured servants, and for sexual exploitation. There are also reports of Malian boys working on farms and plantations in Côte d'Ivoire under conditions of indentured servitude. Children have been trafficked out of Côte d'Ivoire to other countries in Africa as well as to Europe and the Middle East. Children are also trafficked from all parts of the country into Abidjan and other areas in the south for domestic service.[1199]

A study by the International Institute of Tropical Agriculture (IITA) on children working in the cocoa sector revealed that in Côte d'Ivoire most children work alongside their families.[1200] Children are involved in hazardous tasks that include spraying pesticides without protection, using machetes to clear undergrowth and carrying heavy loads.[1201] Approximately one-third of children ages 6 to 17 years who live in cocoa-producing households have never attended school.[1202] A minority of the children working in the cocoa sector in Côte d'Ivoire are engaged in full time work.[1203] Most of these children come from outside the country's cocoa zone, either from other regions of Côte d'Ivoire or from countries such as Burkina Faso.[1204]

Primary education in Côte d'Ivoire is not compulsory.[1205] Primary education is tuition free, and primary and secondary school students no longer have to wear uniforms.[1206] However, some students must still pay

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[1197] U.S. Department of State, *Country Reports- 2003: Côte d'Ivoire*, Section 5. See also Human Rights Watch, *Trapped Between Two Wars: Violence Against Civilians in Western Côte d'Ivoire*, New York, August 2003, 36; available from http://www.hrw.org/reports/2003/cotedivoire0803/cotedivoire0803.pdf.

[1198] U.S. Department of State, *Country Reports- 2003: Côte d'Ivoire*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Côte d'Ivoire*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm.

[1199] U.S. Department of State, *Country Reports- 2003: Côte d'Ivoire*, Section 6f.

[1200] The Producer-Worker Survey revealed that 604,500 (96.7 percent) of the 625,100 children working in cocoa in Cote d'Ivoire had a kinship relation to the farmer. See International Institute of Tropical Agriculture, *Child Labor in the Cocoa Sector of West Africa: A synthesis of findings in Cameroon, Cote d'Ivoire, Ghana, and Nigeria*, August 2002, 16.

[1201] Approximately 200,000 children are involved in such tasks. See International Institute of Tropical Agriculture, *Summary of Findings from the Child Labor Surveys in the Cocoa Sector of West Africa: Cameroon, Côte d'Ivoire, Ghana, and Nigeria*, IITA, July 2002. See also USAID, *USAID and Labor Department Release Data from Collaborative Survey on Child Labor on Cocoa Farms in West Africa: W. African Governments and Global Chocolate Industry Working Jointly with U.S. to Combat Problem*, press release, Washington, D.C., July 26, 2002; available from http://www.usaid.gov/press/releases/2002/pr020726_2.html.

[1202] International Institute of Tropical Agriculture, *Summary of Findings from the Child Labor Surveys in the Cocoa Sector of West Africa*.

[1203] The Producer-Worker survey found that 5,120 children were employed as full-time hired workers in cocoa in Côte d'Ivoire versus 61,600 adults. See International Institute of Tropical Agriculture, *Child Labor in the Cocoa Sector of West Africa: A synthesis of findings*, 12.

[1204] Of the children employed as full-time workers, 29 percent reported that they were not free to leave their place of employment should they wish to. See Ibid., 12-13.

[1205] U.S. Department of State, *Country Reports- 2003: Côte d'Ivoire*, Section 5.

for books, fees, and school supplies.[1207] Schools in rebel-held areas in northern Côte d'Ivoire that were closed after the civil war broke out reopened in September 2004. However, after the resumption of armed conflict in November 2004, the Minister of National Education recalled all the administrative staff and refused to certify the examinations.[1208] Schools in government-controlled areas do not have the capacity to absorb the large numbers of displaced children from conflict zones.[1209]

In 2001, the gross primary enrollment rate was 80.3 percent (92.3 percent for boys and 68.2 percent for girls), and the net primary enrollment rate was 62.6 percent (72.0 percent for boys and 53.1 percent for girls).[1210] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. A UNICEF study in 2000 estimated that 56.9 percent of Ivorian children ages 6 to 11 attended school.[1211] There is a disparity in primary school attendance between children in urban areas (66.5 percent) and rural areas (48.5 percent), as well as between boys (61.4 percent) and girls (51.8 percent).[1212] As of 1998, 69.1 percent of children who started primary school were likely to reach grade 5.[1213]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years, even for apprenticeships, and requires that children under 18 get at least 12 consecutive hours of rest between work shifts, and prohibits them from working at night.[1214] Decree No. 96-204 also prohibits night work by children ages 14 to 18 years, unless granted an exception by the Labor Inspectorate,[1215] and Decree No. 67-265 sets the minimum age for hazardous work at 18 years.[1216] The Minority Act requires parents or legal guardians to sign employment contracts on behalf of children under 16 years of age and to serve as witnesses to the signing for children

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[1206] Ibid. See also Integrated Regional Information Networks, "COTE D IVOIRE: Funding needed urgently as schools resume", IRINnews.org, [online], October 6, 2003 [cited February 12, 2004]; available from http://www.irinnews.org/print.asp?ReportID=37034.

[1207] U.S. Department of State, *Country Reports- 2003: Côte d'Ivoire*, Section 5.

[1208] Lack of teachers, shortage of school supplies, and lost school records have been cited as challenges. See Integrated Regional Information Networks, "COTE D IVOIRE: Schools slow to reopen in the rebel-held north", IRINnews.org, [online], March 2, 2004 [cited March 3, 2004]. See also U.S. Embassy- Abidjan official, email communication to USDOL official, June 15, 2005.

[1209] Relief Web, "Côte d'Ivoire Crisis Devastating Children's Education", ReliefWeb, [online], December 11, 2003 [cited February 6, 2004]; available from http://wwww.reliefweb.int/w/rwb.nsf/s/96AB6336D490862FC1256DFD00547E95.

[1210] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[1211] Government of Côte d'Ivoire, *Enquête à Indicateurs Multiples - MICS2000: Rapport Final*, 27-28.

[1212] Ibid., 27.

[1213] World Bank, *World Development Indicators 2004*.

[1214] *Code du travail, 1995*, no. 95/15, Articles 22.2, 22.3 and 23.8; available from http://natlex.ilo.org/txt/F95CIV01.htm.

[1215] Decree No. 96-204, as cited in U.S. Embassy- Abidjan, *unclassified telegram no. 3470*. Employers found in violation of the night work prohibition are punishable with imprisonment from 10 days to 2 months and/or a fine ranging from 2,000 to 72,000 FCFA (USD 3.67 to 131.98). For currency conversion see FX Converter, [online] n.d. [cited May 18, 2004]; available from http://www.carosta.de/frames/convert.htm.

[1216] ILO, *The Effective Abolition of Child Labour*, 2001, 261.

between the ages of 16 and 18.[1217] The Labor Inspectorate can require children to take a medical exam to ensure that the work for which they are hired does not exceed their physical capacity.[1218] Decree No. 96-193 restricts children from working in certain places such as bars, hotels, pawnshops, and second-hand clothing stores.[1219]

The Labor Code prohibits forced or compulsory labor,[1220] and according to the Penal Code, persons convicted of procuring a prostitute under age 21 may be imprisoned for 2 to 10 years and fined 2,000,000 to 20,000,000 FCFA (USD 3,666 to 36,661).[1221] The U.S. Department of State reported that minimum age laws are effectively enforced by the Ministry of Employment and Civil Service only in the civil service and in large multinational companies.[1222] The child labor laws in Côte d'Ivoire apply to all sectors and industries in the country, although the lack of government resources makes them difficult to enforce in the informal sector.[1223]

There is no law specifically prohibiting trafficking in persons, but the government prosecutes traffickers using laws against child kidnapping and forced labor.[1224] However, enforcement of child labor prohibitions is hindered by the lack of a regulatory and judicial framework.[1225]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Côte d'Ivoire is one of nine countries participating in a USDOL-funded ILO-IPEC project to combat the trafficking of children for exploitative labor in West and Central Africa; the project began in July 2001 and is scheduled for completion in June 2007.[1226] Côte d'Ivoire also participates in a 3-

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[1217] UN Committee on the Rights of the Child, *Initial Reports of States Parties Due in 1993, Addendum*, CRC/C/8/Add.41, prepared by Government of Côte d'Ivoire, pursuant to Article 44 of the Convention on the Rights of the Child, 2000, para. 85.

[1218] If the child cannot perform the required tasks, the employer must move him/her to a suitable job, and if that is not possible, the contract must be cancelled. See *Code du travail, 1995*, Article 23.9.

[1219] U.S. Embassy- Abidjan, *unclassified telegram no. 3470*.

[1220] *Code du travail, 1995*, "Dispositions Générales", Article 3.

[1221] *Penal Code*, Articles 335, 36; available from http://209.190.246.239/protectionproject/statutesPDF/CoteDIvore.pdf. Currency conversion at FX Converter.

[1222] U.S. Department of State, *Country Reports- 2003: Côte d'Ivoire*, Section 6d.

[1223] U.S. Embassy- Abidjan, *unclassified telegram no. 3470*. See also U.S. Embassy- Abidjan, *unclassified telegram no. 1863*, August, 2004.

[1224] However, no traffickers were intercepted or convicted between March 2003 and March 2004. See U.S. Department of State, *Trafficking in Persons Report: Côte d'Ivoire*.

[1225] U.S. Embassy- Abidjan, *unclassified telegram no. 1863*.

[1226] The USD 9.3 million regional child trafficking project covers Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Ghana, Mali, Nigeria, and Togo. See ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (Phase II)*, project document, RAF/01/P53/USA, Geneva, April 2001, as amended. See also International Child Labor Program U.S. Department of Labor, *Combating Trafficking in Children for Labor Exploitation in West and Central Africa, Phases 1 & 2 (LUTRENA)*, project summary.

year ILO-IPEC program funded by USDOL and the Cocoa Global Issues Group that seeks to withdraw children from hazardous work in the cocoa sector and provide them with education and training alternatives, and in another USDOL-funded project aimed at addressing training and educational alternatives for children engaged in, or at risk of, harmful work.[1227]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 2/7/2003	✓
Ratified Convention 182 2/7/2003	✓
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

A decree establishing the National Steering Committee on Child Labour was adopted in March 2004, and the committee was launched on September 29, 2004.[1228] In August 2004, the government signed an order creating a Focal Unit in the Ministry of Labor that will be responsible for child labor issues,[1229] and in October, a list of hazardous tasks in the cocoa sector was produced.[1230]

The Ministries of Employment and of Family, Women, and Children's Affairs cooperate with Malian authorities to combat child trafficking and to repatriate Malian children found in Côte d'Ivoire.[1231] During the past year, security forces along with law enforcement and judiciary authorities have been trained on child trafficking and child labor,[1232] and the government has worked with a German aid organization to repatriate Malian children who had been trafficked into the country for agricultural work.[1233] In March 2004, Côte d'Ivoire participated in a sub-regional workshop in Mali on child trafficking in West Africa.[1234] A national committee, comprised of representatives from the government, national and international organizations, and NGOs, also works to combat child trafficking.[1235] Also in March 2004, the government and UNDP launched three projects to disarm and demobilize former soldiers, including child soldiers.[1236]

[1227] The ILO-IPEC project has been extended until January 2006. See International Child Labor Program U.S. Department of Labor, *West Africa Cocoa/Commercial Agriculture Program to Combat Hazardous and Exploitative Child Labor (WACAP)*, project summary. See also Winrock International, *Community-Based Innovations to Reduce Child Labor through Education (CIRCLE)*, project document, July 2002, 1, 20.

[1228] ILO-IPEC, *West Africa Cocoa/Commercial Agriculture Programme to Combat Hazardous and Exploitative Child Labour (WACAP), status report*, Geneva, June 11, 2004, 2. See also Guy M'Bengue and Gérard Amangoua, Briefing by Delegation from Côte d'Ivoire, Meeting with USDOL officials, October 13, 2004.

[1229] Departmental Order No. 2004-8792 was signed on August 9, 2004. See ILO-IPEC, *West Africa Cocoa/Commercial Agriculture Programme to Combat Hazardous and Exploitative Child Labour (WACAP), technical progress report*, technical progress report, Geneva, September 2004, 6.

[1230] M'Bengue and Amangoua, Briefing by Delegation from Côte d'Ivoire, October 13, 2004.

[1231] U.S. Department of State, *Country Reports- 2003: Côte d'Ivoire*, Section 6f.

[1232] ILO-IPEC, *Combating the trafficking in children for labour exploitation in West and Central Africa (LUTRENA/Phase II), status report*, Geneva, June 1, 2004, 3. See also U.S. Embassy- Abidjan, *unclassified telegram no. 1863*.

[1233] U.S. Department of State, *Trafficking in Persons Report: Côte d'Ivoire*.

[1234] U.S. Embassy- Abidjan, *unclassified telegram no. 1863*.

[1235] U.S. Department of State, *Country Reports- 2003: Côte d'Ivoire*, Section 6f.

[1236] The initiatives total USD 8.5 million and include activities to refurbish demobilization centers, identify and profile ex-combatants, and provide the public with information about the process. See United Nations Development Programme, "UNDP helps demobilize Côte d'Ivoire fighters in support of peace process", UNDP - Newsfront, [online], March 15, 2004 [cited March 15, 2004]; available from http://www.undp.org/dpa/frontpagearchive/2004/march/15mar04/index_prfr.html.

With support from the ILO and the Ivoirian Cocoa and Coffee Regulatory Authority, the government is implementing a pilot project whose objectives include ensuring that children in cocoa production regions are in school, and establishing a system that certifies that cocoa exports are free of child labor.[1237]

The government is implementing a National Development Plan for Education, which calls for universal primary school education by 2010.[1238] WFP works with the government to operate a system of school canteens throughout the country,[1239] and a permanent school-feeding program is being established using a 1.4 billion FCFA (USD 2.6 million) donation from Japan.[1240] The U.S. Department of Agriculture is also providing funds to support nutritious school meals for children.[1241] UNICEF provides teaching supplies, constructs temporary classrooms for displaced populations, and trains teachers to provide psycho-social support and peace education.[1242] UNICEF continues to collaborate with the Ministry of Education to design a curriculum that promotes a culture of peace and tolerance.[1243] In January 2004, the World Bank announced USD 57 million in emergency contributions to restore the country's war-ravaged schools.

[1237] The certification system is scheduled to go into effect on July 1, 2005. See U.S. Embassy- Abidjan, *unclassified telegram no. 1863*.

[1238] Government of Côte d'Ivoire, *Enquête à Indicateurs Multiples - MICS2000: Rapport Final*, 24.

[1239] U.S. Department of State, *Country Reports- 2003: Côte d'Ivoire*, Section 5.

[1240] Integrated Regional Information Networks, "COTE D IVOIRE: Japan funds school feeding programme", IRINnews.org, [online], November 3, 2003 [cited February 12, 2004]; available from http://www.irinnews.org/print.asp?ReportID=37601.

[1241] U.S. Department of State, *U.S. Funds Will Provide School Meals in Latin America, Caribbean*, press release, Washington, D.C., August 17, 2004; available from http://usinfo.state.gov/xarchives/display.html?p=washfile-english&y=2004&m=August&x=20040817152631AEneerG0.8231623&t=livefeeds/wf-latest.html.

[1242] UNICEF, *At a glance: Côte d'Ivoire*, in UNICEF, [online] n.d. [cited March 25, 2004]; available from http://www.unicef.org/infobycountry/cotedivoire.html.

[1243] The curriculum currently reaches 24,000 primary school students in the south, but the government plans to extend the program to other parts of the country. See Relief Web, "Côte d'Ivoire Crisis Devastating Children's Education".

Croatia

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Croatia are unavailable.[1244] There is also limited information on the nature of child labor in Croatia. Reports indicate that Croatia is primarily a transit country, and to a limited extent is also a destination country for trafficking of children for commercial sexual exploitation.[1245]

Education is free and compulsory in Croatia.[1246] The Elementary Education Law (1990) requires 8 years mandatory education for children to begin at 6 years of age.[1247] Children generally complete compulsory education at age 15. However, most Croatian children remain in school until age 18.[1248] In 2001, the gross primary enrollment rate was 95.6 percent, and the net primary enrollment rate was 88.5 percent.[1249] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Croatia. In general, ethnic Roma children face many obstacles to continuing their schooling, such as discrimination in schools and lack of family income to continue studies.[1250]

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 15 years, and children ages 15 to 18 may only work with written permission from a legal guardian.[1251] The minimum work age is enforced by the

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[1244] LABORSTAT, *Croatia: 1A-Total and economically active population by age group (Thousands),* Geneva, [Database] 2004 [cited August 31, 2004]; available from http://laborsta.ilo.org.

[1245] This information refers to foreign women and girls, as there is no confirmed evidence about Croatian nationals being trafficked. See UNICEF, UNOHCHR, OCSE/ODIHR, and Barbara Limanowska, *Trafficking in Human Beings in Southeastern Europe: 2003 Update on Situation and Responses to Trafficking in Human Beings in Croatia*, November 2003, 124 and 31; available from http://www.osce.org/documents/odihr/2003/12/1645_en.pdf.

[1246] *Constitution of the Republic of Croatia*, (December 1990), Article 65; available from http://www.oefre.unibe.ch/law/icl/hr00000_.html.

[1247] Embassy of the Republic of Croatia to the U.S., Measures Taken in the Republic of Croatia to Eliminate Worst Forms of Child Labour, letter to USDOL official, 2004. See UNESCO, *Education for All 2000 Assessment: Country Reports-Croatia*, prepared by Ministry of Education and Sport, pursuant to UN General Assembly Resolution 52/84; available from http://www2.unesco.org/wef/countryreports/croatia/contents.html.

[1248] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Croatia*, Washington, D.C., February 25, 2004, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27831pf.htm.

[1249] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[1250] U.S. Department of State, *Country Reports- 2003: Croatia*, Section 5.

[1251] *Croatia Labor Act (No. 758/95)*, Articles 14 (1) (2) and 15; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/41244/64963/E95HRV01.htm. The labor law has been amended several times. According to the Embassy of the Republic of Croatia, children under age 15 may work or participate in artistic or entertainment functions (such as making movies) with special permission from the parent or guardian and the labor inspector, assuming that the work is not harmful to the child's health, morality, education, or development. See Articles 14 and 15, Labor Law (No. 38/95. 54/95, 65/95, 17/01, 82/01 I 114/03) as cited in the Embassy of the Republic of Croatia to the U.S., Report for the period until 2003, made by the Government of the Republic of Croatia, in accordance with article 22 of the Constitution of the International Labour Organization, on the measure taken to give effect to the provision of the Worst Forms of Child Labour Convention, 1999 (No. 182), letter to USDOL official, 2004, 1, 6.

Ministry of Economy, Labor, and Entrepreneurship.[1252] According to stipulations in the Labor Law and the Occupational Safety and Health Act, children under age 18 are prohibited from working overtime, at night, under dangerous labor conditions, or in any other job that may be harmful to a child's health, morality, or development.[1253] The fine for employing an underage person unlawfully is USD 1,687 to 6,749.[1254] The Family Law contains provisions for the protection of the rights and welfare of children.[1255] The Children's Ombudsman coordinates government efforts to promote and protect the interests of children and is obligated to report any findings of exploitation to the State's Attorney's Office.[1256] The Constitution prohibits forced or bonded labor.[1257]

The Criminal Code also outlaws international prostitution, including solicitation of a minor, and prohibits procurement of minors for sexual purposes.[1258] The law also forbids using children for pornographic purposes.[1259] In July 2004, the Criminal Code was amended, introducing the trafficking of persons as a separate criminal act with a minimum prison sentence of 5 years when a child or a minor are involved.[1260]

[1252] In January 2004, the Government of Croatia was restructured including what was once the Ministry of Labor and Social Welfare. The labor mandate is now integrated into the Ministry of Economy, Labor, and Entrepreneurship. The social welfare mandate is integrated into the Ministry of Health and Social Welfare. See U.S. Department of State official, electronic communication to USDOL official, September 9, 2004. The Ministry of Labor and Social Welfare has been designated the national focal point for the protection of children from sexual abuse and reports on monitoring of the implementation of the Stockholm Action Plan for the suppression of child prostitution, child pornography and the trafficking of children for sexual purposes. The Children's Council within the State Institute for the Protection of the Family monitors and promotes the application of the Convention on the Rights of the Child. See Embassy of the Republic of Croatia to the U.S., Report for the period until 2003 on the measure taken (No. 182), 8-9.

[1253] *Croatia Labor Act (No. 758/95)*, Articles 16 and 33 (4). See also Government of Croatia, *Safety and Health Protection at the Workplace Act, 1996*, (June 28, 1996), Section 40; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/45063/65037/E96HRV01.htm. The list of jobs where minors are not allowed to be employed is determined by the Ministry of Labor and Social Welfare with the Ministry of Health. See *Regulations concerning jobs at which a minor may not be employed and jobs at which a minor may be employed only after the prior determination of the minor's health capacity* (Official Gazette No. 59/02), as cited in Embassy of the Republic of Croatia to the U.S., Report for the period until 2003 on the measure taken (No. 182), 1, 7.

[1254] *Safety and Health Protection at the Workplace Act*, Section 109. The fine is 10,000 to 40,000 Croatian Kuna. For currency conversion, see FXConverter, [online] [cited May 19, 2004]; available from http://www.oanda.com/convert/classic. From January 2002 to April 2003, labor inspectors found five minors (of legal working age) working in dangerous work. Inspectors cited 117 violations affecting 99 minors employed in various industries. See Embassy of the Republic of Croatia to the U.S., Report for the period until 2003 on the measure taken (No. 182), 19.

[1255] Embassy of the Republic of Croatia to the U.S., Report for the period until 2003 on the measure taken (No. 182).

[1256] The Ombudsman has no legal authority to impose penalties, but works closely with the police and the district's attorney's office to follow-up on abuse allegations. See U.S. Embassy- Zagreb, *unclassified telegram no. 1527*, August 2004. See also Embassy of the Republic of Croatia to the U.S., Report for the period until 2003 on the measure taken (No. 182), 10-11.

[1257] *Constitution of the Republic of Croatia*, Article 23.

[1258] Article 178 (1) of the Criminal Code indicates that international prostitution pertains to, "Whoever procures, entices or leads away another person to offer sexual services for profit within a state excluding the one in which such a person has residence or of which he is a citizen" and Article 178 (2) indicates, "Whoever, by force or threat to use force or deceit, coerces or induces another person to go to the state in which he has no residence or of which he is not a citizen, for the purpose of offering sexual services upon payment…." The penalty for international prostitution involving a child or minor is imprisonment for 1 to 10 years. The penalty for procuring a child is imprisonment for 1 to 8 years. See Government of Croatia, *Criminal Code,* as cited in The Protection Project Legal Library, [cited May 11, 2004]; available from http://209.190.246.239/protectionproject/statutesPDF/CROATIA.pdf.

[1259] The penalty for exploiting children or minors for pornographic purposes is imprisonment from 1 to 5 years. The penalty for exposing a child to pornography will be a fine or imprisonment for up to 1 year. See Ibid., Articles 196-97 as cited in Interpol,

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	10/8/91	✓
Ratified Convention 182	7/17/01	✓
ILO-IPEC Member		
National Plan for Children		✓
National Child Labor Action Plan		
Sector Action Plan		

The Government of Croatia is implementing its National Plan of Action on Trafficking through a National Committee for the Suppression of Trafficking in Persons.[1261] The trafficking action plan calls for training programs for all professionals working with groups at high risk of trafficking, including children, and schools are to develop curricula on the issue.[1262] Since 2003, women and children taken into custody as illegal migrants are screened as potential trafficking victims.[1263] The local Social Welfare Center is informed and provides assistance to detainees suspected of being underage.[1264] The Government has provided space for a shelter for victims of trafficking; IOM provides assistance and support to victims.[1265] The government also conducted in-service police training on trafficking-recognition, funded a national hotline for victims of trafficking, and funded two NGOs to carry out awareness-raising activities on trafficking in persons.[1266]

Legislation of Interpol member states on sexual offenses against children, [online] [cited May 11, 2004]; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaCroatia.asp.

[1260] U.S. Embassy- Zagreb, *unclassified telegram no. 1527*.

[1261] The Plan was approved in November 2002. UNICEF, UNOHCHR, OCSE/ODIHR, and Barbara Limanowska, *2003 Update on Situation of Trafficking in Human Beings*, 125. The Government of Croatia primarily relies upon NGOs to carry out most activities in the National Plan of Action. The U.S. Department of State assessed that the Government of Croatia has not provided sufficient financial support for anti-trafficking activities or adequate institutional support for the National Committee for the Suppression of Trafficking in Persons. See U.S. Department of State, *Trafficking in Persons Report 2004: Croatia*, Washington, D.C., 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33192.htm#croatia.

[1262] Unaccompanied children are recognized as a particularly vulnerable group needing special attention. In 2002, a local NGO Center for Social Policy Initiatives, in cooperation with the Ministry of Labor and Social Welfare (MLSW), established a National Task Force for the protection of separated children. MLSW identified 227 separated children in Croatia in 2002, of which 194 were boys and 33 were girls. See UNICEF, UNOHCHR, OCSE/ODIHR, and Barbara Limanowska, *2003 Update on Situation of Trafficking in Human Beings*, 126, 32-34. The IOM is heading a project to develop a preventative education module on counter-trafficking, in partnership with the Ministry of Education and local NGOs for high school students. See IOM, *High School Preventive Education on Trafficking in Human Beings in Croatia (HSPE),* [online] 2004 [cited May 19, 2004]; available from http://www.iom.int/iomwebsite/Project/ServletSearchProject?event=detail&id=HR1Z022.

[1263] This was reported in the National Committee for the Suppression of Trafficking in Persons, *Country Report – Croatia*, May 2003 as cited in UNICEF, UNOHCHR, OCSE/ODIHR, and Barbara Limanowska, *2003 Update on Situation of Trafficking in Human Beings*, 127-28.

[1264] Ibid., 128.

[1265] U.S. Embassy- Zagreb, *unclassified telegram no. 1527*. See also UNICEF, UNOHCHR, OCSE/ODIHR, and Barbara Limanowska, *2003 Update on Situation of Trafficking in Human Beings*, 128-29, U.S. Department of State, *Trafficking in Persons Report: Croatia*.

[1266] U.S. Department of State, *Trafficking in Persons Report: Croatia*. See also U.S. Department of State, *Country Reports- 2003: Croatia*, Section 6f.

In June 2004, a working group on child trafficking was established.[1267] The Child Trafficking Prevention Program is being implemented by the Center for Social Policy Initiatives, a national NGO. Modules have been developed on child trafficking, child exploitation, sexual exploitation of children, child pornography, and the worst forms of child labor. Teachers have been trained to use the program and a pilot project is underway in 5 elementary schools in Zagreb.[1268] The government also works with international organizations to assist trafficking victims, and cooperates with other governments in the region.[1269] In 2003, the Ministry of Justice reported 6 criminal charges for procurement or pimping of children, 37 for exploitation of children for use in pornography, and 19 for allowing children access to pornography.[1270]

The Office for National Minorities has a special program for the inclusion of Roma children in the education system in Croatia.[1271] A school feeding program is available to children.[1272]

Croatia participates in a regional program implemented by ILO-IPEC on combating child labor in the Stability Pact Countries, with a special focus on the worst forms of child labor.[1273]

[1267] The working group includes representation from the National Human Rights Office, the Children's Ombudsman, Ministry of Interior; Ministry of Science and Education; Ministry of Health and Social Welfare; and the District's Attorney's Office. See U.S. Embassy- Zagreb, *unclassified telegram no. 1527*.

[1268] UNICEF, UNOHCHR, OCSE/ODIHR, and Barbara Limanowska, *2003 Update on Situation of Trafficking in Human Beings*, 134.

[1269] U.S. Department of State, *Country Reports- 2003: Croatia*, Section 6f.

[1270] U.S. Embassy- Zagreb, *unclassified telegram no. 1527*.

[1271] According to the 2003 National Program for Roma, the primary obstacles to Roma access to primary school is a weak knowledge of the Croatian language. In response, the government has committed funding to support additional Croatian language teachers and pre-school instruction for Roma children. See Ibid.

[1272] U.S. Department of State, *Country Reports- 2003: Croatia*, Section 5.

[1273] Participating countries are Albania, Bulgaria, Bosnia-Herzegovina, Former Yugoslavia Republic, Croatia, Macedonia, Moldova, and Romania. The program's completion date is January 31, 2007. See ILO-IPEC Official, Active IPEC Projects as of August 25, 2004, USDOL Official, 2004.

Djibouti

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Djibouti are unavailable.[1274] Although information is limited, reports indicate that children work in Djibouti.[1275] In rural areas, children perform unpaid labor on family farms. In urban areas, children often work in the informal sector in small-scale family businesses, trade, catering, crafts, or as domestic servants.[1276] Children displaced from Ethiopia and Somalia also seek work in the informal sector in Djibouti's cities, working as shoe polishers, car washers, *khat*[1277] sellers, street peddlers, money changers, beggars, and in commercial sexual exploitation.[1278] Commercial sexual exploitation of children is reportedly increasing, particularly among refugee street children in the capital city. A report by the Ministry of Youth and UNICEF found numerous girls between the ages of 8 and 17 years, many from Ethiopia, leaving work as domestic servants to become involved in commercial sex exploitation.[1279]

Education is free and compulsory for children between the ages of 6 and 16 years.[1280] Although education is free, the additional expenses of transportation, uniforms, and books often prevent poor families from sending their children to school.[1281] In 2001, the gross primary enrollment rate was 40.3 percent, and the net primary enrollment rate was 34.0 percent.[1282] Both gross and net enrollment rates are lower for girls than for

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[1274] LABORSTAT, *Djibouti: 1A-Total and economically active population by age group (Thousands),* Geneva, [database online] 2004 [cited September 29, 2004]; available from http://laborsta.ilo.org. See also U.S. Embassy- Djibouti, *unclassified telegram no. 1124*, August 24, 2004.

[1275] U.S. Embassy- Djibouti, *unclassified telegram no. 1072*, October 2002. See also UN Committee on the Rights of the Child, *Initial Reports of States Parties due in 1993*, CRC/C/8/Add.39, prepared by Government of Djibouti, pursuant to Article 44 of the Convention on the Rights of the Child, February 1998, paras. 144-45; available from http://66.36.242.93/reports/djibouti_crc_c_8_add.39_1998.php.

[1276] UN Committee on the Rights of the Child, *Initial Reports of States Parties*, paras. 144-45.

[1277] "*Khat*" is a leaf that is chewed and its effect is as a stimulant. See Peter Kalix, *Khat (Qat, Kat): Chewing Khat*, World Health Organization, 1986; available from http://www.a1b2c3.com/drugs/khat2.htm. [cited September 29, 2004]

[1278] ILO, *Review of Annual Reports Under the Follow-Up to the ILO Declaration on Fundamental Principles and Rights at Work, The Effective Abolition of Child Labour: Djibouti, GB.277/3/2*, Geneva, March 2000, 270. See also U.S. Embassy- Djibouti, *unclassified telegram no. 1124.*

[1279] ECPAT International, *Djibouti,* in ECPAT International, [database online] [cited May 14, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations of the Committee on the Rights of the Child: Djibouti*, CRC/C/15/Add.131, United Nations, Geneva, June 2000, para. 57; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/9af640001bbfa27180256900003612b6?Opendocument. See also U.S. Embassy-Djibouti, *unclassified telegram no. 1443*, December 2002.

[1280] U.S. Embassy- Djibouti, *unclassified telegram no. 1124.* See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Djibouti*, Washington D.C., March 11, 2004, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27724.htm.

[1281] U.S. Department of State, *Country Reports- 2003: Djibouti*, Section 5.

[1282] World Bank, *World Development Indicators 2004* [CD-ROM], Washington D.C., 2004.

boys.[1283] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Djibouti. According to reports, primary school attendance is particularly low in rural areas.[1284] According to one estimate, approximately 65,000 school-aged children are currently not attending school in the country.[1285] As of 1998, 76.7 percent of children who started primary school were likely to reach grade 5.[1286]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.[1287] Night work is prohibited for children under the age of 16, and the hours and conditions of work for children are regulated.[1288] Forced and bonded labor of children is also prohibited.[1289] Djiboutian law prohibits prostitution.[1290] The Penal Code provides protection for children against many of the worst forms of child labor, such as the use of children for prostitution, pornography, and trafficking of drugs.[1291] The authority to enforce child labor laws and regulation rests with the Police Vice Squad "Brigade Des Moeurs" and the local Gendarmerie. The Labor Inspection Office has the authority to sanction businesses that employ children.[1292] However, according to the U.S. Department of State, the government has a shortage of labor inspectors and limited financial resources with which to enforce labor laws.[1293]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Djibouti is taking steps to increase awareness about the UN Convention on the Rights of the Child, which includes provisions on child labor. It has broadcast radio and television programs on the rights of the child and the advancement and protection of girls in four languages (Afar, Somali, Arabic,

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[1283] In 2001, the gross primary enrollment rate was 34.8 percent for girls and 45.7 percent for boys. The net primary enrollment rate was 29.6 percent for girls and 38.3 percent for boys. See Ibid.

[1284] UN Integrated Regional Information Networks, *Djibouti: Special report on girls' education,* [online] [cited January 27, 2004]; available from http://www.irinnews.org/report.asp?ReportID=39139&SelectRegion=Horn_of_Africa&SelectCountry=DJIBOUTI.

[1285] U.S. Embassy- Djibouti, *unclassified telegram no. 1124.*

[1286] World Bank, *World Development Indicators 2004.*

[1287] See ILO, *The Effective Abolition of Child Labour: Djibouti*, 269. See also U.S. Department of State, *Country Reports- 2003: Djibouti*, Section 6d. See also U.S. Embassy- Djibouti, *unclassified telegram no. 1124.*

[1288] UN Committee on the Rights of the Child, *Initial Reports of States Parties*, paras. 24, 25.

[1289] U.S. Department of State, *Country Reports- 2003: Djibouti*, Section 6c.

[1290] UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para.148. See also ECPAT International, *Djibouti.*

[1291] U.S. Embassy- Djibouti, *unclassified telegram no. 1124.*

[1292] The Office of the Labor Inspector currently has one inspector, who is responsible for supervising ten controllers. *Ibid.*

[1293] U.S. Department of State, *Country Reports- 2003: Djibouti*. See also U.S. Embassy- Djibouti, *unclassified telegram no. 1072*.

and French).[1294] The government has also created a National Policy for Youth that focuses on children not in school. Under this policy, the government is encouraging community involvement and the use of Community Development Centers that host activities for out-of school children and serve as reading rooms for children in school.[1295] Every November 20th, on the Djiboutian Day of the Child, children's rights are discussed in schools and in the media, by NGOs, and children participate in shows and debates.[1296]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

The World Bank supports several projects in Djibouti. The School Access and Improvement Project is funding the rehabilitation of classrooms for primary and middle schools, upgrading training materials, providing training, and improving government capacity to manage education reform.[1297] The Social Development and Public Works Project aims to enhance living standards in Djibouti by construction/rehabilitation of social infrastructures such as health posts and schools.[1298]

[1294] UN Committee on the Rights of the Child, *Summary Record of the 637th Meeting: Djibouti*, CRC/C/SR.637, United Nations, Geneva, January 8, 2001; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/63755405aec3c40bc12569d60047821b?Opendocument.

[1295] U.S. Embassy- Djibouti, *unclassified telegram no. 1124.*

[1296] UN Committee on the Rights of the Child, *Summary Record of the 637th Meeting: Djibouti*, para.22.

[1297] The project runs through June 2005. See World Bank, *School Access and Improvement Project,* [online] [cited March 11, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P044585.

[1298] The project runs through June 2006. See World Bank, *Social Development and Public Works Project,* in Projects Database, [database online] May 20, 2004 [cited May 20, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P044584.

Dominica

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Dominica are unavailable. However, some children periodically help their families in agriculture.[1299] According to the World Bank children, in particular schoolgirls, have also been involved in commercial sexual exploitation for material or basic needs, such as school fees or food.[1300]

Under the Education Act of 1997, schooling is compulsory from ages 5 to 16.[1301] In 2002, the gross primary enrollment rate was 92.7 percent, and the net primary enrollment rate was 89.9 percent.[1302] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Dominica. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.[1303] Poor physical conditions and overcrowded classrooms affect the quality of education, while poverty, the need for children to help with seasonal harvests,[1304] increasing rates of teen pregnancy,[1305] and the termination of a school lunch program have negatively affected school attendance.[1306]

Child Labor Laws and Enforcement

Two acts prohibit employment of children. One defines child as under age 12 and the other as under age 14. However, the government has ratified ILO Convention on minimum age for employment, which specifies age 15, and abides by this standard in principle.[1307] The Employment of Women, Young Persons

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[1299] U.S. Embassy- Bridgetown, *unclassified telegram no. 1126*, June 23, 2000.

[1300] The World Bank, *Project Appraisal Document on a Proposed IDA Grant in the Amount of SDR 6.1 Million Equivalent to the Caribbean Community (CARICOM) for The Pan Caribbean Partnership Against HIV/AIDS Project*, The World Bank, Washington, D.C., March 4, 2004; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/03/09/000160016_20040309103136/Rendered/INDEX/272670LCR.txt.

[1301] Education Planning Unit Official, Ministry of Education, Sports, and Youth Affairs, facsimile communication to USDOL official, August 22, 2002.

[1302] Ibid.

[1303] For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

[1304] U.S. Embassy- Bridgetown, *unclassified telegram no. 1126*. See also, UNESCO, *Education for All 2000 Assessment: Country Reports-Dominica*, prepared by Youth, pursuant to UN General Assembly Resolution 52/84, June 1999; available from http://www2.unesco.org/wef/countryreports/dominica/contents.html.

[1305] Committee on the Rights of the Child, *Consideration of Reports Submitted by State Parties Under Article 44 of the Convention: Concluding Observations of the Committee on the Rights of the Child: Dominica*, CRC/15/Add.238, June 30, 2004; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/50842131889894cdc1256eef002d1afa?Opendocument.

[1306] U.S. Embassy- Bridgetown, *unclassified telegram no. 1126*. See also, UNESCO, *EFA 2000 Report: Dominica*.

[1307] See U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Dominica*, Washington, D.C., February 25, 2004, Section 6d; available from www.state.gov/g/drl/rls/hrrpt/2003/27894.htm. See also Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child*.

and Children Act prohibits the employment of children, night employment of young adults, false representation of age, night employment of women, and places liability with the employer.[1308] The Constitution prohibits slavery, servitude and forced labor,[1309] and protects the fundamental rights and freedoms of every person in Dominica, whether a national or foreign national.[1310]

There are no laws that specifically prohibit child pornography,[1311] but the Sexual Offenses Act of 1998 prohibits prostitution.[1312] The Sexual Offenses Act also prohibits the defilement of girls under 16 years of age, unlawful detention of a woman or girl for sexual purposes, and the procurement of any person using threats, intimidation, false pretenses, or the administration of drugs.[1313]

The government amended the Immigration and Passport Act in November 2003 to define the assisting of persons to move unlawfully into or out of the country as a violation of the law.[1314]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

In 2004, The World Bank, in partnership with CARICOM and other international donor organizations, launched a regional HIV/AIDS prevention project active in Dominica. One of the goals of this project is to target young people who are at-risk for contracting the HIV/AIDS virus and who contracted AIDS through commercial sexual exploitation. It will provide support to orphans, increase access to HIV/AIDS prevention and services for out of school youth, integrate HIV/AIDS information into reproductive health programs, and promote peer counseling for youth, parents and teachers. The first phase of this project is expected to end in 2007.[1315]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 09/27/1983	✓
Ratified Convention 182 01/04/2001	✓
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

[1308] Government of Grenada, *Government of the Commonwealth of Dominica Employment of Women, Young Persons and Children Act, 1999*, (February 1, 1939); available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=DMA&p_classifications=04&p_origin=COUNTRY.

[1309] *The Commonwealth of Dominica Constitution Order,1978 No. 1027*, (November 3, 1978), Chapter 1, Section 4, 1-2 [cited August 27, 2003]; available from http://www.georgetown.edu/pdba/Constitutions/Dominica/const.html.

[1310] Ibid., Chapter 1, Section 1. See also Edward A. Alexander, *Caribbean Workers on the Move: Dominica*, IOM, June 19-20, 2000, 2-4.

[1311] Interpol, *Legislation of Interpol Member States on Sexual Offences Against Children: Dominica,* Interpol.int, [online] [cited April 2, 2004]; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaDominique.asp.

[1312] *Sexual Offenses Act 1998 (No. 1 of 1998)*, (April 22, 1998), [cited August 28, 2003]; available from http://www.protectionproject.org/main1.htm.

[1313] These provisions are found in Articles 2, 3, 4, and 7 of the Sexual Offenses Act. See Interpol, *Sexual Offences Against Children: Dominica*, III.

[1314] U.S. Department of State, *Country Reports- 2003: Dominica*, Section 6f.

[1315] The World Bank, *Project Appraisal Document on a Proposed IDA Grant in the Amount of SDR 6.1 Million Equivalent to the Caribbean Community (CARICOM) for The Pan Caribbean Partnership Against HIV/AIDS Project*.

The Government of Dominica currently sponsors an Education Trust Fund to support students in secondary schools by providing assistance with uniforms, books and external examination fees; as well as a Text Book Scheme to assist primary and secondary students to purchase textbooks.[1316]

The government plans to expand and improve the quality of secondary education by 2005.[1317] In 2002, the Dominica Agricultural Industrial and Development Bank secured a loan of USD $7 million to fund student loans and vocational training.[1318]

[1316] International Monetary Fund, *Dominica: Interim Poverty Reduction Strategy Paper*, 04/7, International Monetary Fund, Washington, D.C., January 2004; available from http://www.imf.org/external/pubs/ft/scr/2004/cr0407.pdf.

[1317] Education Planning Unit Official, Ministry of Education, Sports, and Youth Affairs, facsimile communication, August 22, 2002. See also UNESCO, *EFA 2000 Report: Dominica*.

[1318] Caribbean Development Bank, *Funding for Student Loans in Grenada*, Caribbean Development Bank, October 22, 2002; available from http://www.caribank.org.

Dominican Republic

Incidence and Nature of Child Labor

The Dominican State Department of Labor estimated that 14.5 percent of children ages 5 to 14 years were working in the Dominican Republic in 2000.[1319] Many of these children work in agriculture;[1320] Haitian and Dominican children participate in the planting and cutting of sugarcane.[1321] Children also work as street vendors and shoe shiners.[1322] Some children also work as domestic servants in homes of third parties.[1323] Children from poor families are sometimes "adopted" into the homes of other families, often serving under a kind of indentured servitude, while other poor and homeless children are sometimes forced to beg and sell goods on the streets.[1324]

The commercial sexual exploitation of children is reported to be a problem in urban areas, as well as in tourist locations throughout the country including Boca Chica, Puerto Plata and Sosua.[1325] According to a study published by UNICEF and the National Planning Office in 1999, 75 percent of minors involved in prostitution were working in brothels, discos, restaurants, and hotels.[1326] There are reports that women and children are trafficked to, from, and within the Dominican Republic, particularly for the purpose of commercial sexual exploitation.[1327] There are also reports that poor children are trafficked internally to work as domestics.[1328] Haitian children are reportedly trafficked to the Dominican Republic[1329] to work as

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[1319] Another 31.1 percent of children ages 15 to 17 years were also found working. See ILO-IPEC, *Report on the Results of the National Child Labour Survey in the Dominican Republic*, San Jose, July 2004, xvi, 25; available from http://www.ipec.oit.or.cr/ipec/region/acciones/simpoc/publicaciones/RD/RD%20-%20national%20report.pdf. For more information on the definition of working children, please see the section in the front of the report entitled *Statistical Definitions of Working Children*.

[1320] Almost three quarters of working children are boys. See ILO-IPEC, *Preparatory Activities for the Elimination of the Worst Forms of Child Labour in the Dominican Republic*, project document, DOM/01/P50/USA, Geneva, September 2001, 7.

[1321] U.S. Embassy- Santo Domingo, *unclassified telegram no. 4415*, August 22, 2003. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Dominican Republic*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27895.htm.

[1322] Assessments have been carried out to effectively target child labor in these sectors. See ILO-IPEC, *Preparatory Activities for the Elimination of the Worst Forms of Child Labour, project document*, 7. See also ILO-IPEC, *Evaluación rápida sobre niños, niñas, y adolescentes trabajadores/as urbanos/as en República Dominicana*, Santo Domingo, December 2002.

[1323] A study was conducted to effectively target child labor in this sector. See ILO-IPEC, *Esto no es un juego: Un estudio exploratorio sobre el trabajo infantil doméstico en hogares de terceros en República Dominicana*, Santo Domingo, April 2002, 17-18.

[1324] U.S. Department of State, *Country Reports- 2003: Dominican Republic*, Sections 5 and 6c.

[1325] ILO-IPEC, *Explotación sexual comercial de personas menores de edad en República Dominicana*, September 2002, 13. See also U.S. Department of State, *Country Reports- 2003: Dominican Republic*, Sections 5 and 6f.

[1326] Emmanuel Silvestre, Jaime Rijo, and Huberto Bogaert, *La Neo-Prostitución Infantil en República Dominicana*, UNICEF and ONAPLAN, 1999, 33.

[1327] U.S. Department of State, *Country Reports- 2003: Dominican Republic*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report: Dominican Republic*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33198pf.htm.

[1328] IOM, Press Briefing Notes: Dominican Republic - National Network to Combat Trafficking in Human Beings, June 29, 2004. See also ILO-IPEC, *Esto no es un juego: Un estudio exploratorio*, 17-18.

prostitutes, shoe shiners, street vendors, in agriculture, and to beg in the streets.[1330] There are also reports that young Dominican girls are trafficked to Haiti to work as prostitutes.[1331]

Formal basic education is free and compulsory for 8 years.[1332] In 2001, the gross primary enrollment rate was 126.1 percent and the net primary enrollment rate was 97.1 percent.[1333] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for the Dominican Republic. Also in 2001, the repetition rate was 5.9 percent.[1334] As of 1998, 75.1 percent of children who started primary school were likely to reach grade 5.[1335] In rural areas, schools often lack basic furnishings and teaching materials, and schools are far from children's homes. In many cases, school fees and the cost of uniforms, books, meals, and transportation make education prohibitively expensive for poor families.[1336] Haitian children living in the Dominican Republic experience difficulties in attending primary school due to their unofficial status and lack of proper documentation necessary for enrollment into school.[1337] Children without birth certificates, including Haitian children, can only attend school through the fifth grade.[1338]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years, and places restrictions on the employment of youth between the ages of 14 and 16.[1339] Youth under 16 may not work more than 6 hours a day, and must have a medical certificate in order to work.[1340] They are restricted from performing night

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[1329] U.S. Department of State, *Trafficking in Persons Report- 2004: Dominican Republic*. See also UNICEF/OIM, *Tráfico de Niños Haitianos hacia República Dominicana*, July 2002, 31.

[1330] UNICEF/OIM, *Tráfico de Niños Haitianos hacia República Dominicana*, 8. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 1683*, March 12, 2004. See also IOM, Press Briefing Notes: Dominican Republic - National Network of Journalists to Cover Trafficking, Smuggling, and Irregular Migration, May 14, 2004.

[1331] U.S. Embassy- Santo Domingo, *unclassified telegram no. 1683*.

[1332] U.S. Department of State, *Country Reports- 2003: Dominican Republic*, Section 5. See also *Constitución Política de la República Dominicana*, (July 20, 2002), Article 8, #16. See also UNESCO, *Statistics: National Education Systems*, [online]; available from http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.html.

[1333] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[1334] Ibid. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[1335] Ibid.

[1336] ILO-IPEC, *Combating the Worst Forms of Child Labour in the Dominican Republic - Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labor in the Dominican Republic*, project document, DOM/02/P50/USA, Geneva, September 2002, 13.

[1337] U.S. Department of State, *Country Reports- 2003: Dominican Republic*, Section 5.

[1338] U.S. Embassy- Santo Domingo, *unclassified telegram no. 4809*, August 23, 2004.

[1339] *Código de Trabajo de la República Dominicana 1999*, Articles 245, 46, 47. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 4415*.

[1340] *Código de Trabajo 1999*, Articulos 247, 48. Permission for children under 14 is needed from both the mother and father. If this is not possible, then authorization can be gained from the child's guardian. If there is no tutor, authorization can be granted by a

work and from working more than 12 hours consecutively. Youth under 16 are also prohibited from performing ambulatory work, including delivery work, or work in establishments that serve alcohol.[1341] Article 254 of the Labor Code requires employers to ensure that minors continue their schooling.[1342]

Forced and bonded labor is prohibited under the law.[1343] Articles 410 and 411 of the 2003 Code for the Protection of Children and Adolescents criminalize child prostitution and child pornography.[1344] The code includes penalties of 20 to 30 years of imprisonment, as well as fines, for sexually abusing children.[1345] Seven businesses that promoted prostitution and sex tourism with minors have been closed down, and several ranking diplomats have been fired for suspected complicity in trafficking activities since the code's enactment. Some child trafficking arrests have also been made, but prosecutions are pending.[1346]

The Ministry of Labor is responsible for enforcing child labor laws in coordination with the National Council for Children and Adolescents.[1347] Nationwide, 220 labor inspectors[1348] are charged with the enforcement of child labor laws in the formal sector, health and safety legislation, and the minimum wage. Article 720 of the Labor Code imposes penalties on child labor violators, which include fines and jail sentences.[1349]

In August 2003, the Government of the Dominican Republic promulgated an anti-trafficking law, which outlines measures to be taken by government institutions on protection, prosecution, and prevention efforts against trafficking. The new law prohibits all severe forms of trafficking and includes penalties of 15 to 20 years imprisonment for convicted traffickers.[1350] The Office of the Attorney General and the National Police are responsible for enforcing commercial sexual exploitation and trafficking laws.[1351] However, the government has limited resources for training of police, prosecutors, and judges for

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judge from the child's area of residence. See also Secretary of State of Labor, *Preguntas y Respuestas,* [online] [cited March 18, 2004]; available from http://www.set.gov.do/preguntas/menor.htm.

[1341] *Código de Trabajo 1999*, Articles 246, 49, 53.

[1342] Ibid., Article 254.

[1343] U.S. Department of State, *Country Reports- 2003: Dominican Republic*, Section 6c.

[1344] *Código para la protección de los derechos de los Niños, Niñas, y Adolescentes*, Ley No. 136-03, (July 22,). See also U.S. Department of State, *Country Reports- 2003: Dominican Republic*, Section 5. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 4415*.

[1345] U.S. Department of State, *Country Reports- 2003: Dominican Republic*, Section 6f.

[1346] U.S. Department of State, *Trafficking in Persons Report- 2004: Dominican Republic*.

[1347] U.S. Embassy- Santo Domingo, *unclassified telegram no. 3919*, September 2001. See also U.S. Embassy-Santo Domingo official, electronic communication to USDOL official, February 27, 2004.

[1348] U.S. Embassy Official, email communication to USDOL official, October 28, 2004.

[1349] U.S. Embassy- Santo Domingo, *unclassified telegram no. 2499*, June 2000. See also *Código de Trabajo 1999*, Articles 720-22. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 3869*, October 2002.

[1350] ILO-IPEC, *Technical Progress Report, Supporting the TBP for the elimination of the worst forms of child labor in the Dominican Republic*, September 15, 2003, 2. See also *Ley contra el Tráfico Ilicito de Migrantes y Trata de Personas*, (August 2003). See also U.S. Department of State, *Country Reports- 2003: Dominican Republic*, Section 6f. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 1683*.

[1351] U.S. Department of State, *Country Reports- 2003: Dominican Republic*, Section 6f. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 1683*.

combating trafficking.[1352] According to the U.S. Department of State, the government also lacks effective trafficking law enforcement and victim protection programs.[1353]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 6/15/1999	✓
Ratified Convention 182 11/15/2000	✓
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

The Government of the Dominican Republic, especially the Ministry of Labor, has been supportive of efforts to combat child labor through political and financial commitments. The Dominican Republic is currently participating in several projects funded by USDOL to eliminate the worst forms of child labor in the country.[1354] The Government of the Dominican Republic is participating in a national Timebound Program to eliminate the worst forms of child labor within a specific timeframe. This project began in September 2002, and targets children working under hazardous conditions in agriculture, in the urban informal sector, and engaged in commercial sexual exploitation.[1355] The government is also participating in a Child Labor Education Initiative Program aimed at improving quality and access to basic education, in support of the Timebound Program's efforts.[1356] It is also involved in two ILO-IPEC regional projects to combat child labor in the coffee and tomato sectors,[1357] and a regional Child Labor Education Initiative Program aimed at strengthening government and civil society's capacity to address the educational needs of working children.[1358] With funding from the Government of Canada and other donors, ILO-IPEC is conducting a survey on child labor in the tobacco sector,[1359] and a project in Santo Domingo and Santiago aimed at collecting information, raising awareness, and providing direct services to children involved in domestic work in the homes of third parties.[1360]

[1352] U.S. Embassy- Santo Domingo, *unclassified telegram no. 1683*.

[1353] U.S. Department of State, *Trafficking in Persons Report- 2004: Dominican Republic*.

[1354] ILO-IPEC, *Timebound Program, project document*, 7. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 0292*, January 2001.

[1355] ILO-IPEC, *Timebound Program, project document*, cover, 16.

[1356] This project began in August 2003. *Cooperative Agreement* E-9-K-3-0054, between USDOL and DevTech Systems, on the Combating Child Labor Through Education Project in the Dominican Republic, in support of the Timebound Program.

[1357] ILO-IPEC, *Prevention and Elimination of Child Labor in the Tomato Producing Sector in the Province of Azua, project document*, DOM/00/P50/USA, Geneva, June - July 2000. See also ILO-IPEC, *Prevention and Elimination of Child Labor in the Coffee Industry in the Dominican Republic*, DOM/99/05/050, Geneva, 1999.

[1358] USDOL, "News Release: United States Provides over $110 Million in Grants to Fight Exploitive Child Labor Around the World," October 1, 2004; available from http://www.dol.gov/opa/media/press/ilab/ILAB20041715.htm. See also USDOL/ILAB, *ILAB Technical Cooperation Project Summary: Combating Child Labor through Education in Central America and the Dominican Republic*, 2004.

[1359] ILO-IPEC, *IPEC en la región>Paises>República Dominicana*, [online] [cited March 25 2004]; available from http://www.ipec.oit.or.cr/ipec/region/paises/dominicana.shtml.

[1360] ILO-IPEC official, email communication to USDOL official, May 12, 2004. See also Rigoberto Astorga, ILO official, electronic communication to USDOL official, September 16, 2002.

In August, the Ministry of Labor issued a resolution outlining a list of activities considered as the worst forms of child labor in the Dominican Republic.[1361] In addition, the Ministry of Labor, the National Workers' Confederation, and the Association of Dominican Free Trade Zones signed a protocol of understanding to encourage the adherence of labor laws in free trade zones. This protocol includes a provision prohibiting child labor.[1362]

In support of the anti-trafficking legislation adopted in August 2003, the USAID Mission in the Dominican Republic is providing training to victim protection agencies, as well as justice sector and other government officials.[1363] In cooperation with the Association of Hotels, the Inter-institutional Commission to Prevent and Eliminate Commercial Sexual Exploitation launched a media campaign warning potential abusers of the penalties for the commercial sexual exploitation of minors.[1364] In addition, the Inter-institutional Commission to Prevent and Eliminate Commercial Sexual Exploitation, including the Department of the Tourist Police and the Armed Forces, began an orientation program for adolescent victims of commercial sexual exploitation.[1365] The Ministry of Education has recently trained 3,000 teachers in high-risk areas on the prevention of commercial sexual exploitation.[1366] In the last year, Dominican tourist offices located in Europe, as well as the Hotel and Restaurant Associations, disseminated information on sex tourism.[1367] With funding from the U.S. Department of State, the IOM is providing a recently created *Network of Journalists Covering Stories on Trafficking, Smuggling, and Irregular Migration* (made up of 17 print, radio, and television journalists) with technical and financial assistance.[1368] In February 2004, the IOM launched a countrywide radio soap opera series that depicts the real-life stories of 10 trafficking victims,[1369] and sponsored seminars for more than 120 prosecutors and police officers on the new law against trafficking.[1370]

The new 10-year Strategic Development Plan for Dominican Education (2003-2012) supports ongoing efforts to improve access, retention, and the quality of education, including preschool education.[1371] With

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[1361] This regulation was issued on August 13, 2004. See *Resolución No 52/2004 Sobre Trabajos Peligrosos e Insalubres para Personas Menores de 18 Años*, (August 13,). See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 4809*.

[1362] *Protocolo de Entendimiento para Garantizar la Productividad y la Solucion de Conflictos Laborales en las Zonas Francas de la República Dominicana*, (April 30, 2004).

[1363] U.S. House of Representatives, Committee on Government Reform, Subcommittee on Wellness and Human Rights, Statement by Kent R. Hill, Assistant Administrator, Bureau for Europe and Eurasia, USAID, October 29, 2003, 4.

[1364] Funding for this campaign has been provided by the Governments of the Dominican Republic, Germany, Italy, and the United States. See U.S. Department of State, *Country Reports- 2003: Dominican Republic*, Section 6f. See also U.S. Embassy- Santo Domingo official, electronic communication to USDOL official, February 17, 2004.

[1365] ILO-IPEC, *Technical Progress Report: Stop the Exploitation. Contribution to the prevention and elimination of commercial sexual exploitation of children in Central America, Panama, and the Dominican Republic*, Geneva, March 6, 2004, 5.

[1366] U.S. Department of State, *Country Reports- 2003: Dominican Republic*, Section 6f. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 1683*.

[1367] ILO-IPEC, *March Technical Progress Report: Stop the Exploitation*, 5.

[1368] IOM, Network of Journalists to Cover Trafficking, Smuggling, and Irregular Migration.

[1369] IOM, "Counter-Trafficking Radio Soap Opera in Dominican Republic," *IOM News* (March 2004). See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 1683*.

[1370] U.S. Embassy- Santo Domingo, *unclassified telegram no. 1683*.

[1371] The plan was officially launched on April 30, 2003. See ILO-IPEC, *Combating the Worst Forms of Child Labour in the Dominican Republic - Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labor in the Dominican Republic, Technical*

support from UNICEF, the IDB, and Plan International, the Ministry of Education is expanding the Innovative Multi-Grade School Project to provide instruction to children in two or more grades in one classroom.[1372]

The Government of the Dominican Republic also has several sources of external funding to improve access to and quality of basic education. These projects include a World Bank USD 42 million loan to increase the number of preschools and provide teacher training.[1373] The IDB is also supporting projects, such as a USD 54 million loan program, to improve coverage of the second cycle of basic education, introduce better pedagogic methodologies in multi-grade schools, increase the internal efficiency of basic education, expand the hours of schooling, and modernize the training of basic education teachers.[1374] Another IDB project aims to improve the educational achievement of children in rural and marginal urban areas; enhance the management of schools; and promote initiatives developed under the Educational Development Plan.[1375] Currently, the government is providing a USD 17 monthly stipend to poor mothers who keep their children in school and out of work. The government also provides free school breakfasts, nationwide, in order to promote attendance.[1376] In August 2004, the U.S. Department of Agriculture announced that it will provide funds for agricultural commodities for school meals in the Dominican Republic.[1377]

Progress Report, Geneva, June 15, 2003, 4. See also Ministry of Education, *Plan Estratégico de Desarollo de la Educación Dominicana 2003-2012*, April 2003. See also Secretary of Education of the Dominican Republic, *Construir un futuro solidario: Voluntad de la Nación, Plan Estratégico de la Educación Dominicana 2003-2012* (2003). See also ILO-IPEC, *Timebound Program, project document*, 8.

[1372] *Proyecto Escuela Multigrado Innovada* is aimed at rural schools where low numbers of children do not necessarily justify the construction of additional classrooms. This program has allowed many schools that only offered the first four years of compulsory education to provide the full 8 years of mandatory schooling. The result has been that more children in rural areas have continued their primary education after 4 years instead of leaving school at the end of the first cycle. See ILO-IPEC, *Timebound Program, project document*, 8. See also Secretary of Education of the Dominican Republic and Fundación Volvamos a la Gente, *Síntesis de Resultados, Proyecto: Escuela Multigrado Innovada*, UNICEF, 1. See also Inter-American Development Bank, *Programa Educación Básica III*, January 30, 2002.

[1373] ILO-IPEC, *Timebound Program, project document*, 8. See also World Bank, *Early Childhood Education Project,* in Projects Database, [database online] March 18, [cited March 18, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P054937.

[1374] IDB, *Programa Educación Básica III*, January 30, 2002, 4.

[1375] IDB, *Dominican Republic Multiphase Program for Equity in Basic Education Phase I,* [online] 2002 [cited March 18, 2004], 1; available from http://www.iadb.org/exr/doc98/apr/dr1429e.pdf. See also Inter-American Development Bank, *Approved Projects--Dominican Republic,* [online] June 19 2003 [cited July 13, 2003]; available from http:www.iadb.org/exr/doc98/apr/lcdomi.htm.

[1376] U.S. Embassy- Santo Domingo, *unclassified telegram no. 4415*. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 4809*. See also U.S. Trade Representative official, electronic correspondence to USDOL official, June 2, 2005.

[1377] Eric Green, *U.S. funds will provide school meals in Latin America, Caribbean,* U.S. Department of State: Washington File, [online] August 17, 2004 [cited September 22, 2004]; available from http://usinfo.state.gov/gi/Archive/2004/Aug/18-23606.html.

Ecuador

Incidence and Nature of Child Labor

The ILO estimated that 3.9 percent of children ages 10 to 14 years in Ecuador were working in 2002.[1378] A large percentage of working children between the ages of 5 and 17 years are found in rural areas of the *sierra*, or highlands, followed by the Amazon and urban coastal areas.[1379] In rural areas, young children are often found performing unpaid agricultural labor for their families.[1380] Children as young as 8 years of age have been found working on banana plantations under unsafe working conditions.[1381] Children also work long hours under hazardous conditions in the cut-flower sector.[1382] The migration of the rural poor to cities has increased the number of working children in urban areas.[1383] In urban areas, children work in commerce and services as messengers and domestics.[1384] Many urban children under 12 years of age work in family-owned businesses in the informal sector, including shining shoes, collecting and recycling garbage, selling, and begging on the streets.[1385]

The commercial sexual exploitation of children occurs in Ecuador.[1386] ILO-IPEC estimated that there were 5,200 girls and adolescents in situations of sexual exploitation in 2002, the most recent year for which

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[1378] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[1379] ILO-IPEC, "INDEC, Mintrabajo e INFFA presentan resultados preliminares de Encuesta Nacional: 38.6% de niños y niñas entre 5 y 17 años trabajan en el area rural de Ecuador," *Boletín Encuentros* no. 2 (December 2001 - February 2002); available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/boletin/numero2/Boletindos/notipeca.html. The provinces with the highest percentage of working children are Bolivar, Chimborazo and Cotopaxi. See National Committee for the Progressive Eradication of Child Labor, *Plan Nacional para la Erradicación Progresiva del Trabajo Infantil 2003-2006*, Quito, November, 2002.

[1380] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Ecuador*, Washington D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27896.htm.

[1381] ILO-IPEC, *Supporting the Time-Bound Program for Eliminating the Worst Forms of Child Labor in Ecuador*, Project Document, ECU/03/P50/USA, Geneva, August, 2003, 8-9. See also Human Rights Watch, *Tainted Harvest: Child Labor and Obstacles to Organizing on Ecuador's Banana Plantations*, 2002; available from http://www.hrw.org/reports/2002/ecuador/.

[1382] ILO-IPEC, *Ecuador Time-Bound Program*, 7-8.

[1383] U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Ecuador*, Section 6d.

[1384] Ibid.

[1385] U.S. Embassy- Quito, *unclassified telegram no. 3265*, September 25, 2001.

[1386] ECPAT International, *Ecuador*, in ECPAT International, [online] [cited May 17, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=51&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry. See also U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Ecuador*, Section 6f.

statistics are available.[1387] Ecuador is a country of origin, transit and destination for the trafficking of persons, but most child victims are trafficked internally for prostitution.[1388]

The Constitution requires that all children attend school until they achieve a basic level of education.[1389] The government rarely enforced this requirement due to the lack of schools and inadequate resources in many rural communities, as well as the pervasive need for children to contribute to the family income.[1390] In addition, families often face significant additional education-related expenses such as fees and transportation costs.[1391] Inequitable classroom coverage between primary and secondary levels, poor teaching quality, sparse teaching materials, a short school day and the inefficient distribution of human, financial, and teaching resources are also problems within the educational system.[1392] In 2001, the gross primary enrollment rate was 117 percent, and the net primary enrollment rate was 99.5 percent.[1393] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Ecuador. As of 2000, 78.6 percent of children who started primary school were likely to reach grade 5.[1394]

Child Labor Laws and Enforcement

In July 2003, a new legal Code for Children and Adolescence went into force. The Code includes stipulations that raise the legal age of employment from 14 to 15, including for domestic service, increase penalties against employers of child labor, and expand the class of dangerous work prohibited for minors. This does not apply to children involved in formative cultural or ancestral practices as long as they are not exposed to physical or psychological harm.[1395] The Ministry of Labor provides work authorization for adolescents between the ages of 15 and 18 years.[1396] The Childhood and Adolescence Code prohibits adolescents from working more than 6 hours per day for a maximum of 5 days per week.[1397] The Code also

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[1387] This investigation was conducted through field surveys of 415 girls and adolescents in Guayaquil, Quito, and Machala, 3 of the 4 largest cities in Ecuador. See Mariana Sandoval Laverde, *Magnitude, Characteristics and Environment of Sexual Exploitation of Girls and Adolescents in Ecuador*, ILO-IPEC, Quito, October, 2002, Executive Summary, 3.

[1388] U.S. Department of State, *Trafficking in Persons Report- 2004: Ecuador*, June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004.

[1389] The Ecuadorian National Assembly, *Constitución Política de Ecuador,* [online] 1998 [cited September 17, 2004], article 67; available from http://www.georgetown.edu/pdba/Constitutions/Ecuador/ecuador98.html. The basic education cycle includes 9 years of school. See U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Ecuador*.

[1390] U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Ecuador*, Section 5.

[1391] U.S. Embassy- Quito, *unclassified telegram no. 3265*.

[1392] IDB, *Ecuador Social Sector Reform Program: Loan Proposal*, 1466/OC-EC (EC-0216), June 25, 2003, 8; available from http://www.iadb.org/exr/doc98/apr/ec1466e.pdf.

[1393] World Bank, *World Development Indicators 2004*.

[1394] Ibid.

[1395] See *Código de la Niñez y Adolescencia*, N 2002-100, (January 3, 2003), Title V, Chapter I, Articles 82, 86,87 and 95; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/boletin/documentos/cna.doc..

[1396] U.S. Embassy official, electronic communication to USDOL Official, August 5, 2003.

[1397] *Código de la Niñez y Adolescencia*, Article 84.

prohibits adolescents from working in mines, garbage dumps, slaughterhouses, and quarries, and from working with hazardous materials or in jobs that could be hazardous to the child's physical or mental health.[1398] The Labor Code specifies that minors under 18 years are prohibited from engaging in night work. The Labor Code has not been updated to reflect Ecuador's adoption of ILO Conventions 138 and 182. The Childhood and Adolescence Code, which has been adapted to reflect Ecuador's adoption of ILO Conventions 138 and 182, supersedes provisions in the Labor Code that allowed children under 15 to work aboard fishing vessels with special permission from the court, during school vacation, as long as the work was not likely to harm their health and moral development.[1399]

The 1998 Constitution specifically calls for children in Ecuador to be protected in the workplace against economic exploitation, dangerous or unhealthy labor conditions, and conditions that hinder a minor's personal development or education. The Constitution also protects minors against trafficking, prostitution, pornography, and the use of illegal drugs and alcohol.[1400] The Penal Code prohibits the promotion and facilitation of prostitution and trafficking in persons for the purposes of prostitution.[1401] The penalty is 1-3 years for corruption of minors, and the penalty for employment of minor prostitutes is 6-9 years.[1402] While there are many laws that could be used to address trafficking, they have yet to be applied to prosecute traffickers.[1403] The Childhood and Adolescence Code prescribes sanctions for violations of child labor laws, such as monetary fines and the closing of establishments where child labor occurs.[1404] There are no enforcement mechanisms to eliminate the sexual exploitation of children and adolescents, and no government funding has been allocated for this purpose.[1405]

No single government authority is responsible for the implementation of child labor laws and regulations prohibiting the worst forms of child labor. Public institutions charged with enforcing child labor laws include the Ministry of Labor, Ministry of Social Welfare, and Minors' Tribunals. The Ministry of Labor has created a Social Service Directorate to monitor and control child labor in the formal sector. However, most working children are found in the informal sector, where monitoring is difficult. In some instances, the Directorate has applied sanctions, but in others, it has merely helped to provide work authorization documents to child workers.[1406] The Ministry of Labor employs 19 child labor inspectors, each assigned to a

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[1398] Ibid., Article 87.

[1399] See ILO-IPEC, *Ecuador*, Sistema Regional de Información sobre Trabajo Infantil, Instituto Nacional del Niño y la Familia [INNFA], and Cooperación Española, 1995, Article 138. See U.S. Embassy official, electronic communication, August 5, 2003. See also ILO-IPEC, *Ecuador*, Articles 137 and 47.

[1400] The Ecuadorian National Assembly, *Ecuadorian Constitution*, Article 50.

[1401] The Protection Project, "Ecuador," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002; available from http://protectionproject.org/human_rights/countryreport/ecuador.htm.

[1402] U.S. Embassy Official-Quito, e-mail communication to, Department of Labor Official, May 25, 2005, Interpol, *Legislation of Interpol member states on sexual offences against children,* [online] [cited May 20, 2004]; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaEcuador.asp.

[1403] U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Ecuador*, section 6f.

[1404] *Código de la Niñez y Adolescencia*, Article 95.

[1405] Sandoval Laverde, *Magnitude, Characteristics and Environment*, 3.

[1406] U.S. Embassy- Quito, *unclassified telegram no. 3265*. Human Rights Watch reports that in the banana regions, the regional Labor Inspectorate (responsible for ensuring that employers comply with labor laws) relies heavily on complaints of child labor law

different province[1407] The Ministry of Labor also employs three individuals in a Child Labor Division, which meets with the National Committee for the Progressive Eradication of Child Labor (CONEPTI) on a monthly basis.[1408] The government created a Child Labor Inspection and Monitoring System to enforce the child labor-related legal provisions of the Labor Code and the Labor Inspection System.[1409]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	9/19/2000	✓
Ratified Convention 182	9/19/2000	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		✓
Sector Action Plan (Banana Sector)		✓

The Government of Ecuador, through CONEPTI, oversees its *National Plan for the Progressive Elimination of Child Labor 2003-2006*.[1410] As part of its commitment to ratifying ILO Convention No. 182 on the Worst Forms of Child Labor, the Government has identified the sectors of mining, garbage dumps, construction, flower production, banana production, and commercial sexual exploitation as priorities for the progressive elimination of child labor.[1411] Child labor inspections in the banana sector are ongoing as stipulated in an official agreement to eradicate child labor (for children under the age of 15) from banana plantations, signed by the Ministry of Labor and Human Resources, the banana industry and various national and international organizations.[1412]

The government's National Council on Children and Adolescents is responsible for creating, planning and carrying out national policy on child and adolescent issues in Ecuador.[1413] The National Child and Family Institute (INNFA) implements several educational programs for working children. One program reintegrates working children and adolescents from the ages of 8 to 15 into the school system so that they may complete the basic education cycle. Another program provides vocational training and alternative recreational activities to children between the ages of 8 and 17 years, as well as offering sensitivity training to parents. For adolescents ages 10 to 17 years who have not completed primary schooling and are more

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violations because its resources do not allow for meaningful preventative inspections. See Human Rights Watch, *Comments Regarding Efforts by Ecuador to Eliminate the Worst Forms of Child Labor*, 5.

[1407] The legal requirement is for 22 child labor inspectors, one in each province. The currently employed inspectors lack resources, such as offices, computers and transportation. See U.S. Embassy- Quito, *unclassified telegram no. 2448*.

[1408] U.S. Embassy- Quito, *unclassified telegram no. 2448*.

[1409] National Committee for the Progressive Eradication of Child Labor, *Plan Nacional*, 37-38.

[1410] Ibid. The Ministry of Labor 2003 budget allocated USD 300,000 to implement the National Plan. See U.S. Embassy- Quito, unclassified telegram no. 2567, July 31, 2003.

[1411] ILO-IPEC, *Ecuador Time-Bound Program*, 6.

[1412] The agreement was signed in July 2002. See "Menores de 15 años no trabajarán en bananeras," *El Universo*, July 24, 2002, [cited May 21, 2004]; available from http://www.eluniverso.com/data/modulos/noticias/print.asp?contid=CACCF6FB29A3453798AFCD53C7D4DF89. See also U.S. Embassy official, electronic communication to USDOL official, May 21, 2004.

[1413] ILO-IPEC, *Program to Prevent and Progressively Eliminate Child Labor in Small-scale Traditional Gold Mining in South America*, technical progress report, LAR/00/05/050, Geneva, September 2, 2002, 2.

than 3 years behind, INNFA offers an accelerated learning program to help them complete the equivalent of basic education.[1414]

The Ministry of Education and Culture developed a USD 14 million project that includes vocational training for working children ages 12 to 15 years who are enrolled in the public school system.[1415] Together with the WFP and UNDP, the Ministry of Education also implements a School Feeding Program, which supplies breakfast and lunch to approximately 1.4 million girls and boys between the ages of 5 and 14.[1416] Through its Social Protection (*Frente Social*) program, the Ministry of Social Welfare provides school stipends to children ages 6 to 15 to reduce poverty. The stipend is conditional on school attendance.[1417] The Central Bank of Ecuador runs the Child Worker Program, which, in part, provides working children with scholarships that pay school expenses. In turn, the children are required to participate in after school training programs.[1418] The city of Quito is collaborating with international donors to create shelters for exploited children and adolescents.[1419]

A USDOL-funded 38-month Timebound Program, implemented by ILO-IPEC, complements the government's plan to eliminate the worst forms of child labor in the country.[1420] In addition, a USDOL-funded 4-year program, implemented by Catholic Relief Services, improves the access to and quality of basic education for working children and children at-risk of entering the labor force in the banana and cut-flower sectors.[1421] The second phase of a USDOL-funded ILO-IPEC regional program in Ecuador, Bolivia and Peru aims to prevent and progressively eliminate child labor in small-scale traditional gold mining through awareness-raising and policy development, community development, and production of a child labor elimination model that may be implemented in other communities.[1422]

[1414] National Child and Family Institute (INNFA), *Proyectos,* [online] 2003 [cited May 21, 2004]; available from http://www.innfa.org/paginas/programas/programa_%20trabajador/programa_nino_trabajador.htm. INNFA spends approximately USD 3.5 million per year on these programs. See U.S. Embassy- Quito, *unclassified telegram no. 2567*.

[1415] Ministry of Education and Culture, Plan 50, [online] [cited May 21, 2004], 2; available from http://www.mec.gov.ec/final/plan50/p2.htm.

[1416] Ministry of Education and Culture, *Programa de Alimentación Escolar (PAE) Regresa a Esta Cartera de Estado,* Ministerio de Educación y Culturas, [online] 2003 [cited May 21, 2004]; available from http://www.mec.gov.ec/noticias/abr/p9.htm.

[1417] Ministry of Social Welfare, *Bono Solidario y Beca Escolar: Perfiles de las Familias Beneficiarias. Superar la Pobreza, Objetivo Nacional*, Ministério de Bienestar Social, Quito, December, 2002, 1, 3; available from http://www.pps.gov.ec/boletines.doc/PPS%20boletin%20perfiles%20be%20y%20bs.doc. The Ecuadorian Government's "Frente Social" program is presided over by the Ministry of Social Welfare and is made up of the Ministries of Education and Cultures; Public Health; Labor and Human Resources; Social Welfare; and Urban Development and Housing. See Sistema Integrado de Indicadores Sociales del Ecuador, *Marco Institucional del SIISE: El Frente Social del Ecuador,* [online] 2002 [cited May 24, 2004]; available from http://www.siise.gov.ec/fichas/siis4sz7.htm. See also U.S. Embassy- Quito, *unclassified telegram no. 2448*. As of September 2004, the USD 300,000 in government funds allotted to the Ministry this year had not yet been spent

[1418] In addition, the Program funds alternative educational programs for youth and promotes children's rights. See U.S. Embassy-Quito, *unclassified telegram no. 2567*.

[1419] U.S. Department of State, *Trafficking in Persons Report- 2004*.

[1420] ILO-IPEC, *Ecuador Time-Bound Program*.

[1421] U.S. Department of Labor, *ILAB Technical Cooperation Project Summary: Combating the Worst Forms of Child Labor through Education in Ecuador*, 2004.

[1422] See ILO-IPEC, *Prevention and Progressive Elimination of Child Labor in Small-scale Traditional Gold Mining in South America (Phase II)*, project document, RLA/02/P50/USA, Geneva, September 30, 2002, pages 23 and 26.

A USD 200 million IDB loan for a Social Sector Reform Program supports the government's plan to coordinate fragmented social spending, eliminate duplication, create a unified and transparent allocation system, and improve targeting. Under one component of this program, all child support programs will be reorganized and channeled through a Child Development Fund.[1423] A similar fund will be created for all food, nutrition and school feeding programs.[1424]

[1423] IDB, *Ecuador Social Sector Reform*, 4,18.

[1424] Ibid., 17.

Egypt

Incidence and Nature of Child Labor

The ILO estimated that 8.3 percent of children ages 10 to 14 years were working in Egypt in 2002.[1425] Studies have suggested that rural children and children from poor households account for the overwhelming majority of working children,[1426] with many children working in the agricultural sector.[1427] Children in urban areas work in leather tanneries, pottery kilns,[1428] glassworks,[1429] blacksmith, metal and copper workshops, battery and carpentry shops,[1430] auto repair workshops, and textile and plastics factories.[1431]

Reports indicate a widespread practice of poor rural families making arrangements to send daughters to cities to work as domestic servants in the homes of wealthy citizens.[1432] Urban areas are also host to large numbers of street children who have left their homes in the country-side to find work, and often to flee hostile conditions at home.[1433] Street children work shining shoes, collecting rubbish, begging, cleaning and

[1425] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. In 2001, the Central Agency for Public Mobilization and Statistics (CAPMAS) conducted a household survey at the request of the government for use in formulation of appropriate child labor policies. The results of the survey were not released during the year as had been anticipated. See U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Egypt*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27926.htm.

[1426] U.S. Department of State, *Country Reports- 2003: Egypt*, Section 6d. See also El Daw A. Suliman and Safaa E. El-Kogali, "Why Are the Children Out of School? Factors Affecting Children's Education in Egypt" (paper presented at the ERF Ninth Annual Conference, American University in Sharja, United Arab Emirates, October 28, 2002), 20; available from http://www.erf.org.eg/9th%20annual%20conf/9th%20PDF%20Presented/Labor/L-P%20Suliman%20&%20Safaa.pdf.

[1427] U.S. Department of State, *Country Reports- 2003: Egypt*, Section 6d.

[1428] ILO-IPEC official, email communication to USDOL official, January 7, 2002. See also Tonia Rifaey, Mahmoud M. Murtada, and Mohamed Abd el-Azeem, "Urban Children and Poverty: Child Labor and Family Dynamics- Case Studies in Old Cairo" (paper presented at the Children and the City Conference, Amman, Jordan, December 11-13, 2002), 1; available from http://www.araburban.org/childcity/Papers/English/ToniaRifaey.pdf.

[1429] United Nations, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Addendum-Egypt*, CRC/C/65/Add.9, Committee on the Rights of the Child, November 11, 1999; available from www.unhchr.ch/TBS/DOC.NSF/385c2add1632f4a8c12565a9004dc311/8f1898b2a712708c802568b200501ed2/$FILE/G9945502.doc. See also Church World Service (CWS), *Addressing Child Labor in Old Cairo - CEOSS Egypt*, [online] October 18, 2004 [cited November 22, 2004]; available from http://www.churchworldservice.org/Development/project_description/descriptions/53.html.

[1430] F. Curtale and et al., "Anaemia among Young Male Workers in Alexandria, Egypt," *Eastern Mediterranean Health Journal*, 6 5/6 (September-November 2000); available from www.emro.who.int/Publications/EMHJ/0605/20.htm. See also A. Zaki, M. El-Shazly, M. Abdel-Fattah, K. El-Said, and F. Curtale, "Lead Toxicity among Working Children and Adolescents in Alexandria, Egypt," *Eastern Mediterranean Health Journal*, 4 (3) (1998); available from http://www.emro.who.int/Publications/EMHJ/0403/4313.htm.

[1431] U.S. Embassy- Cairo, *unclassified telegram no. 6469*, Cairo, October 2001.

[1432] Child domestic workers are excluded from the protections of the labor code and are highly susceptible to physical and sexual abuse, harsh working conditions, and exploitation. See Karam Saber, *A Situational Analysis of Commercial Sexual Exploitation of Children in Egypt*, Land Centre for Human Rights (LCHR), March 2003, 10-11; available from http://www.ecpat.net/eng/ecpat_inter/projects/monitoring/rabat/egypt.pdf. See also Dena Rashed, "Born an Adult," *Al-Ahram Weekly* (Cairo), June 19-25, 2003; available from http://weekly.ahram.org.eg/print/2003/643/fe2.htm.

[1433] A survey of urban street children conducted by Human Rights Watch in 2002 found that in almost every case, the children were living and working on the street because of severe family crises. Their experiences as street children are also plagued with trauma

directing cars into parking spaces, and selling food and trinkets.[1434] Street children are particularly vulnerable to becoming involved in illicit activities, including stealing, smuggling, pornography, and prostitution.[1435] In particular, the commercial sexual exploitation of children is greatly under-acknowledged given that Egyptian cities (Alexandria and Cairo in particular) are reported destinations for sex tourism.[1436] Egypt is a country of transit for child trafficking, particularly for underage girls from Eastern Europe and the former Soviet Union who are trafficked into Israel and for forced labor and sexual exploitation.[1437] It is a common practice for underage girls from poor and rural areas to be forced to marry men from the Gulf States, often at the behest of their families.[1438] Although the legal age of consent to marriage in Egypt is 16, falsification of documents enables brokers to sell underage girls into circumstances amounting to forced sexual servitude.

The Constitution guarantees free and compulsory basic education for children ages 6 to 15 who are Egyptian citizens.[1439] Despite the constitutional guarantees to universal education, in practice, education is not free, and parents are increasingly responsible for both the direct and indirect costs of education. In fact, Egyptian law allows for public schools to charge fees for services, insurance, and equipment.[1440] In 2000, the gross primary enrollment rate was 96.6 percent, and the net primary enrollment rate was 89.9 percent.[1441] Girls' enrollment and attendance still lags behind that of boys. In 2000, the gross primary

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as Egyptian police routinely arrest and detain them, often subjecting them to extreme forms of abuse. For a more detailed discussion, see Clarisa Bencomo, *Charged with Being Children: Egyptian Police Abuse of Children in Need of Protection*, Vol.15, No.1, Human Rights Watch (HRW), New York, February 2003, 9, para. 221d; available from http://www.hrw.org/reports/2003/egypt0203/egypt0203.pdf.

[1434] Ibid.

[1435] Ibid. According to research conducted by Dr. Nicholas Ciaccio at the American University of Cairo, more than 80 percent of the estimated 93,000 street children in Egypt are exploited sexually, mainly through prostitution and pornography. See ECPAT International, *Egypt,* in ECPAT International, [database online] [cited May 26, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. Due in part to the extremely taboo nature of sexual issues in Egypt, particularly involving children, information on the extent of commercial sexual exploitation of children is limited. However, crime statistics in Egypt reveal that up to 92 children were prosecuted for child pornography in 2001. See Saber, *Commercial Sexual Exploitation of Children in Egypt*, 5-6.

[1436] The Egyptian Ministry of Social Affairs collaborated with UNICEF recently in a major research project, which highlighted that some poor suburbs in Cairo were major destinations for rich men from the Gulf States, specifically for the purpose of commercial sexual exploitation of children. See U.S. Department of State, *Country Reports- 2003: Egypt*, Section 5. See also ECPAT International, *Egypt*. See also UNICEF, *Profiting from Abuse: An investigation into the sexual exploitation of our children*, New York, November 2001, 11; available from http://www.unicef.org/publications/pub_profiting_en.pdf.

[1437] U.S. Department of State, *Trafficking in Persons Report- 2004: Egypt*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33195.htm.

[1438] See Saber, *Commercial Sexual Exploitation of Children in Egypt*, 6-7. See also ECPAT International, *Five Years After Stockholm*, Bangkok, November 2001, 27; available from http://www.ecpat.net/eng/Ecpat_inter/publication/other/english/Pdf_page/ecpat_5th_a4a_2001_full.pdf.

[1439] *The Constitution of the Arab Republic of Egypt: Amendment Ratified on May 22, 1980*, (May 22), Articles 18 and 20; available from http://www.sis.gov.eg/egyptinf/politics/parlment/html/constit.htm. See also U.S. Department of State, *Country Reports- 2003: Egypt*, Section 5.

[1440] Bencomo, *Charged with Being Children*, 11.

[1441] World Bank, *World Development Indicators 2004*. For a more detailed discussion on the relationship between education statistics and work, see the preface to this report. A recent study on the impact of work on children's schooling in Egypt suggests that decisions regarding school and work participation are jointly determined and that work significantly reduces school attendance for

enrollment rate for girls was 93.1 percent, compared to 99.9 percent for boys. The net primary enrollment rate was 87.5 percent for girls, compared to 92.2 percent for boys.[1442] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, the gross primary attendance rate was 102 percent and the net primary attendance rate was 85 percent.[1443] A 2000 national survey of children ages 6 to 15 years found that 14 percent of girls were not currently attending school, compared to 8 percent of boys who were also not attending school.[1444] Working children are predominantly school dropouts or have never been enrolled in school.[1445] The 2000 Egyptian Demographic and Health Survey of children ages 8 to 10 found that 3.4 percent of boys had never attended school, compared to 8.4 percent of girls in that age group.[1446]

Child Labor Laws and Enforcement

Article 99 of the Labor Law of 2003 prohibits the employment of children below the age of 14 or those not reaching the age of complete elementary education, whichever is older.[1447] The law also prohibits juveniles ages 14 and above from working more than 6 hours per day, requires at least a 1 hour break, and prohibits juveniles from working overtime, on holidays, more than 4 consecutive hours, or between the hours of 7:00 p.m. and 7:00 a.m.[1448] However, the labor law does not apply to children working in the agricultural sector.[1449] This shortcoming is partially compensated for in ministerial decrees complementing the labor law, especially Decree No. 118 of 2003, which prohibits children below 16 from working in 44 hazardous professions, including agricultural activities involving the use of pesticides.[1450] The labor law also stipulates

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girls and boys. See Ragui Assaad, Deborah Levison, and Nadia Zibani, *The Effect of Child Work on Schooling: Evidence from Egypt*, August 2004; available from http://www.hhh.umn.edu/people/dlevison/AssaadLevison&Zibani-2004.pdf.

[1442] World Bank, *World Development Indicators 2004.*

[1443] USAID Development Indicators Service, *Global Education Database,* [online] [cited October 13, 2004]; available from http://qesdb.cdie.org/ged/index.html. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[1444] Mothers of children who had dropped out or never attended school cited cost as the primary reason. Among the poorest households, the distance to school and a need for the child's income from working were also significant reasons for children's non-attendance. See Suliman and El-Kogali, "Why Are the Children Out of School?" 16-19.

[1445] UN Committee on the Rights of the Child, *Committee on the Rights of the Child - NGO Alternative Report*, CRC.26/Egypt, prepared by NGO Coalition on the Rights of the Child, pursuant to Article 44 on the Convention on the Rights of the Child, January 2001, 24; available from http://www.crin.org/docs/resources/treaties/CRC.26/egypt_ngo_report.pdf.

[1446] The American University in Cairo, *Egypt Demographic and Health Survey 2000 (EDHS),* [online] 2000 [cited October 27, 2004]; available from http://www.aucegypt.edu/src/girlseducation/statistics_edhs2000.htm.

[1447] *Labour Law*, Law No. 12/2003, (April 7), Article 99.

[1448] Ibid., Article 101.

[1449] Ibid., Article 103.

[1450] Decree 118 specifically prohibits employment in cotton compressing, leather tanning, bars, auto repair shops, or with explosives and chemicals (including pesticides). The Decree identifies maximum allowable weights that male and female children are allowed to carry and stipulates that employers provide health care and meals for employed children and implement appropriate occupational health and safety measures in the work place. See *Decree Determining the System of Employing Children, and the Conditions, Terms and Cases in which They Are Employed as well as the Works, Vocations, and Industries in which it is Prohibited to Employ Them, According to the Different Stages of Age*, Decree No. 118 of 2003, (June 30), Articles 1-9. See also U.S. Embassy- Cairo, *unclassified telegram no. 6904*, Cairo, August 18, 2003, 1.

penalties pertaining to the employment of children, which include fines that range from 500 to 1,000 Egyptian pounds (about USD 85 to 170) per employee.[1451] Children ages 12 to 18 are permitted to participate in apprenticeship training for a period of up to 3 years provided the work complies with the provisions stipulated for employment of children or juveniles in Law No. 12 of 2003.[1452]

Although Egypt lacks an anti-trafficking law,[1453] it does prohibit forced labor and prostitution.[1454] The Penal Code makes it illegal for a person to entice or assist a male under the age of 21 or a female of any age to depart the country to work in prostitution or other lewd activities. Violations of this law are punishable with imprisonment for 1 to 7 years and fines from 100 to 500 pounds (USD 16 to 81).[1455]

The Ministry of Manpower and Migration (MOMM) is the government agency responsible for enforcing child labor laws.[1456] The Child Labor Unit within the MOMM coordinates investigations of reports of child labor violations and ensures enforcement of the laws pertaining to child labor.[1457] The U.S. Department of State reported that in state-owned enterprises, enforcement is adequate while enforcement in the private and informal sectors is inadequate.[1458] There is a shortage of labor inspectors trained to identify and intervene in cases involving child labor. However, over the past year, a number of cases involving MOMM's enforcement of child labor infractions were reported by the local press. In most of the cases, underage children were withdrawn from the work environment and sanctions were imposed on the employers who were found in violation of child labor laws.[1459] In the past year, the MOMM has trained labor inspectors to more effectively deal with child labor and the new regulations and ministerial decrees pertaining to child labor. The MOMM has also worked with the Ministry of Education to identify governorates with high dropout rates, and has increased child labor inspection in those areas.[1460] There were no reported arrests or prosecutions for trafficking crimes during the last year, and no trafficking victims were identified.[1461]

[1451] Fines double if the violation is repeated. Violations of articles pertaining to occupational health and safety result in imprisonment for a period of at least 3 months and/or a fine of up to 10,000 pounds (USD 1,698). See U.S. Embassy- Cairo, *unclassified telegram no. 6904*, 1. For the currency conversions, see Oanda.com, *FXConverter,* in FXConverter, [online] [cited January 13, 2005]; available from http://www.oanda.com/convert/classic.

[1452] *Decree Concerning the Rules and Procedures Regulating Vocational Apprenticeship*, Decree No. 175 of 2003, (August 31), Articles 1-16.

[1453] U.S. Department of State, *Trafficking in Persons Report- 2004: Egypt*.

[1454] U.S. Department of State, *Country Reports- 2003: Egypt*, Section 6f.

[1455] *Criminal Code of Egypt,* as cited in The Protection Project Legal Library, [database online] [cited May 26, 2004], Section 16.1, Articles 1-3; available from http://209.190.246.239/protectionproject/statutesPDF/EgyptF.pdf. For currency conversion, see XE.COM, *Universal Currency Converter*, XE.COM, [Currency Converter] [cited August 29, 2003]; available from http://www.xe.com/ucc/convert.cgi.

[1456] U.S. Embassy- Cairo, *unclassified telegram no. 6904.*

[1457] Ibid., 2.

[1458] U.S. Department of State, *Country Reports- 2003: Egypt*, Section 6d.

[1459] U.S. Embassy- Cairo, *unclassified telegram no. 6563*, Cairo, September 1, 2004.

[1460] U.S. Department of State, *Country Reports- 2003: Egypt*, Section 6d. See also U.S. Embassy- Cairo, *unclassified telegram no. 6563.*

[1461] U.S. Department of State, *Trafficking in Persons Report- 2004: Egypt*.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/9/1999	✓
Ratified Convention 182	5/6/2002	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		✓
Sector Action Plan		

The National Council for Childhood and Motherhood (NCCM) is implementing the Second Decade of Protection and Welfare of Children action program that includes a component to reintegrate working children into schools, their families, and the community.[1462] The NCCM continues to collaborate with the MOMM, Egyptian Trade Union Federation (ETUF), ILO, UNICEF, and the Ministries of Social Affairs, Agriculture, Education, Health, and Interior to formulate a national strategy to combat child labor and to implement action programs to eliminate the worst forms of child labor.[1463] While the action programs began under the support of ILO-IPEC, the NCCM, ETUF, AFL-CIO Solidarity Center, UNICEF, and MOMM now operate the projects independently without support from ILO-IPEC.[1464] The Ministries of Manpower and Migration and Agriculture are cooperating to prevent underage children from working in the cotton farming season and to provide children working legally with the necessary protection while engaging in agricultural activities.[1465] The NCCM is also implementing projects in the governorates of Sharkia, Menofia, Menya, and Damietta to shift working children into non-hazardous activities and gradually eliminate all forms of child labor.[1466]

The World Bank's Education Enhancement Program Project is working to ensure universal access to basic education, with an emphasis on girls, and to improve the quality of education.[1467]

[1462] The action program will continue through 2006. See The National Council for Childhood and Motherhood (NCCM), *NCCM,* [online] [cited May 26, 2004]; available from http://www.nccm.org.eg/achievements.asp.

[1463] The national strategy was incorporated into the government's annual Economic and Social Plan and into the government's 2002-2007 5-year plan, but implementation will depend on coordination among the concerned parties. See U.S. Embassy- Cairo, *unclassified telegram no. 6563*.

[1464] Upon the completion of MOMM's collaboration with ILO-IPEC in March 2004, five governorates, including New Valley, Luxor, Aswan, North Sinai, and South Sinai, were declared by the Government to be free of the WFCL. See Ibid.

[1465] U.S. Embassy- Cario official, personal communication, to USDOL official, May 26, 2005.

[1466] These four governorates were found to have the highest rates of the worst forms of child labor in a national child labor survey conducted by the Central Agency for Public Mobilization and Statistics (CAPMAS) in 2001. The results of the survey have not yet been released to the public. See U.S. Embassy- Cairo, *unclassified telegram no. 6563*.

[1467] The project is slated for completion in December 2004. See World Bank, *Egypt-Education Enhancement Program Project,* World Bank, [online] [cited May 26, 2004]; available from http://www-wds.worldbank.org/servlet/WDSServlet?pcont=details&eid=000009265_3970311113957.

El Salvador

Incidence and Nature of Child Labor

ILO-IPEC and the Salvadoran General Directorate of Statistics and Censuses estimated that 7.1 percent of children ages 5 to 14 years were working in El Salvador in 2001.[1468] The 2003 Multiple Purpose Household Survey performed by the Salvadoran General Directorate of Statistics and Censuses reported that 16 percent of male children work in comparison with 7 percent of females, and that child participation in the workforce increases with age.[1469] Almost 70 percent of working children are located in rural areas.[1470] Children often accompany their families to work in commercial agriculture, particularly during coffee and sugar harvests.[1471] Children also work in fishing (small-scale family or private businesses), fireworks manufacturing, shellfish harvesting, and garbage scavenging.[1472] Some children also work long hours as domestic servants in third-party homes.[1473] Children from poor families, as well as orphans, work as street vendors[1474] and general laborers in small businesses, primarily in the informal sector.[1475] The 2003 Multiple Purpose Household Survey revealed that 27.5 percent of working children ages 10 to 14 years were employed in commerce, hotels, and restaurants.[1476]

The commercial sexual exploitation and trafficking of children, especially girls, is a problem in El Salvador.[1477] El Salvador is a source, transit, and destination country for children trafficked for commercial sexual exploitation. Salvadoran girls are trafficked to Mexico, the United States, and other Central

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[1468] Another 30 percent of children ages 15 to 17 years were also found working. See ILO-IPEC, *Entendiendo el Trabajo Infantil en El Salvador*, Geneva, 2003, xi, 13, 16. For more information on the definition of working children, please see the section in the front of the report entitled *Statistical Definitions of Working Children*.

[1469] The survey found that 1.5 percent of children ages 5 to 9 years worked, 13 percent of children ages 10 to 14 worked, and 27.6 percent of adolescents ages 15 to 17 worked. See General Directorate of Statistics and Censuses, *Multiple Purpose Household Survey*, 2003.

[1470] ILO-IPEC, *Entendiendo el Trabajo Infantil*, ix, 58-59.

[1471] ILO-IPEC, *Combating Child Labor in the Coffee Industry of Central America*, ELS/99/05/050, Geneva, 1999, 3.See also ILO-IPEC, *Entendiendo el Trabajo Infantil*, 41.

[1472] ILO-IPEC, *Entendiendo el Trabajo Infantil*, 56-57. See also U.S. Embassy- San Salvador, *unclassified telegram no. 3101*, October 2002. See also ILO-IPEC, *Combating the Worst Forms of Child Labor in El Salvador- Supporting the Time-Bound Program for the Elimination of the Worst Forms of Child Labor in El Salvador*, project document, Geneva, July - September 2001, 5-8.

[1473] ILO-IPEC, *Trabajo Infantil doméstico en América Central y Republica Dominicana*, San Jose, December 2002, 11, 60. See also Human Rights Watch, *Abuses Against Child Domestic Workers in El Salvador*, Vol. 16, No. 1 (B), January 2004, 13.

[1474] U.S. Department of State, *Country Reports- 2003: El Salvador*, Section 6d According to a USAID/FUNPADEM study, children younger than 11 years of age can be found working along the streets of San Salvador, for more than 8 hours a day. See FUNPADEM, *Situación Actual de Niños, Niñas, y Adolescentes Trabajadores*.

[1475] U.S. Department of State, *Country Reports- 2003: El Salvador*, Section 6d.

[1476] General Directorate of Statistics and Censuses, *2003 Multiple Purpose Household Survey*.

[1477] U.S. Department of State, *Country Reports- 2003: El Salvador*, Sections 5 and 6f. See also ILO-IPEC, *Time-Bound Program in El Salvador, project document*, 4.

American countries. Some children are also trafficked internally.[1478] Children from Nicaragua, Honduras, and South America have been trafficked to bars in major Salvadoran cities, where they are then forced to engage in prostitution.[1479]

Education is free and compulsory through the ninth grade or up to 14 years of age.[1480] Laws prohibit impeding children's access to school for being unable to pay school fees or wear uniforms. In practice, however, some schools continue to charge school fees to cover budget shortfalls.[1481] The two earthquakes of 2001 destroyed many schools,[1482] and the reconstruction of schools has experienced some delays.[1483] In 2001, the gross primary enrollment rate was 111.8 percent, and the net primary enrollment rate was 88.9 percent.[1484] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2001, approximately 70 percent of working children ages 5 to 14 attended school, while less than 40 percent of children 15 to 17 years of age attended.[1485] The 2003 Multiple Purpose Household Survey found that 8.6 percent of children ages 7 to 15 years did not attend school because of work duties.[1486] As of 2000, 72.8 percent of children who started primary school were likely to reach grade 5.[1487] Gaps in coverage and quality of education between rural and urban areas persist.[1488] UNDP data indicates that while children attend school for an average of 5.3 years at the national level, the average drops to 3.2 years in rural areas.[1489] Many students in rural areas attend classes below their grade level or drop out by the sixth grade due to a lack of financial resources and because many parents withdraw their children from school so they can work.[1490]

[1478] U.S. Department of State, *Trafficking in Persons Report- 2004 El Salvador*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33198pf.htm. See also U.S. Department of State, *Country Reports- 2003: El Salvador*, Sections 5 and 6f. See also U.S. Embassy- San Salvador, *unclassified telegram no. 2399*, August 23, 2004.

[1479] U.S. Embassy- San Salvador, *unclassified telegram no. 2399*.

[1480] Government of El Salvador, *1983 Constitution*, Articles 53-57. See also U.S. Department of State, *Country Reports- 2003: El Salvador*, Section 5.

[1481] U.S. Department of State, *Country Reports- 2003: El Salvador*, Section 5.

[1482] Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding Observations El Salvador*, June 4, 2004, 2.

[1483] United States General Accounting Office, *USAID's Earthquake Recovery Program in El Salvador Has Made Progress, but Key Activities Are Behind Schedule*, March 2003, 2, 16.

[1484] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[1485] ILO-IPEC, *Entendiendo el Trabajo Infantil*, 38.

[1486] General Directorate of Statistics and Censuses, *2003 Multiple Purpose Household Survey*.

[1487] World Bank, *World Development Indicators 2004*.

[1488] Committee on the Rights of the Child, *Concluding Observations El Salvador*, 10.

[1489] ILO-IPEC, *Time-Bound Program in El Salvador, project document*, 10.

[1490] U.S. Department of State, *Country Reports- 2003: El Salvador*, Section 5. See also Salvadoran Foundation for Economic and Social Development, *Invirtamos en educación para desafiar el crecimiento económico y la pobreza, Informe de desarollo económico y social 2002*, San Salvador, May 2002, 29.

Child Labor Laws and Enforcement

The Labor Code and the Constitution set the minimum age for employment at 14 years.[1491] Children ages 12 to 14 can be authorized to perform light work, as long as it does not harm their health and development or interfere with their education.[1492] Children under the age of 18 are prohibited from working at night.[1493] Forced or compulsory labor is prohibited by the Constitution, except in cases specified by the law.[1494] The Constitution makes military service compulsory between the ages of 18 and 30, but voluntary service can begin at age 16.[1495]

The law prohibits all forms of trafficking in persons.[1496] However, convictions are rare.[1497] In 2003, no one was arrested, prosecuted, or sentenced for trafficking and government agencies responsible for enforcing trafficking laws were poorly funded.[1498] Criminal penalties for trafficking range from 4 to 15 years imprisonment.[1499] El Salvador's Penal Code does not criminalize prostitution.[1500] However, the Penal Code provides for penalties of 2 to 4 years imprisonment for the inducement, facilitation, or promotion of prostitution, and the penalty increases if the victim is younger than 18 years old.[1501] On November 25, 2003, the National Assembly approved changes to the Penal Code. These changes establish the trafficking of children for sexual exploitation and the production or possession of child pornography as offenses.[1502] In December 2004 the Legislative Assembly approved further reforms to the Penal Code, which establish trafficking and child pornography as organized crimes and provide for harsher penalties.[1503]

Enforcing child labor laws is the responsibility of the Ministry of Labor.[1504] Limited government funds are allocated to child labor issues.[1505] Labor inspectors focus on the formal sector where child labor is less

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[1491] *Código de Trabajo*, Article 114. See also *1983 Constitution*, Article 38, Part 10.

[1492] *Código de Trabajo*, Article 114-15.

[1493] Ibid., Article 116.

[1494] *1983 Constitution*, Article 9. See also U.S. Department of State, *Country Reports- 2003: El Salvador*, Section 6c.

[1495] *Military Service and Armed Forces Reserve Act*, Articles 2 and 6. See also *1983 Constitution*, Article 215. See also U.S. Embassy- San Salvador, *unclassified telegram no. 2399*.

[1496] U.S. Department of State, *Country Reports- 2003: El Salvador*, Section 6f.

[1497] U.S. Department of State, *Trafficking in Persons Report- 2004: El Salvador*.

[1498] U.S. Department of State, *Country Reports- 2003: El Salvador*, Section 6f.

[1499] Ibid.

[1500] U.S. Embassy- San Salvador, *unclassified telegram no. 2731*, August 2000.

[1501] *Código Penal de El Salvador*, Decree no. 1030, Article 169. See also U.S. Embassy- San Salvador, *unclassified telegram no. 2731*.

[1502] ILO-IPEC, *Timebound Program and Education Initiative Technical Progress Report*, Geneva, March 3, 2004, 4. See also *Decreto No. 210*, (November 25, 2003). These Penal Code reforms came into force in January 2004. See U.S. Embassy- San Salvador, *unclassified telegram no. 2399*.

[1503] ILO-IPEC, *Timebound Program and Education Initiative Technical Progress Report*, Geneva, March 2005. See also ILO-IPEC, *Technical Progress Report: Stop the Exploitation. Contribution to the prevention and elimination of commercial sexual exploitation of children in Central America, Panama, and the Dominican Republic*, March 2005. See also *Decreto No. 457*, (October 7, 2004). See also *Decreto No. 458*, (October 7, 2004).

[1504] U.S. Department of State, *Country Reports- 2003: El Salvador*, Section 6d.

frequent, and few complaints of child labor are presented.[1506] In addition, the difficulties of monitoring the informal sector limit the effectiveness of Ministry of Labor enforcement outside the formal sector, according to the U.S. Department of State.[1507]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	8/13/2001	✓
Ratified Convention 182	6/5/2002	✓
ILO-IPEC Member		✓
National Plan for Children		
National Child Labor Action Plan		✓
Sector Action Plan		

In June 2001, El Salvador became the first country in the hemisphere to initiate a 5-year comprehensive ILO-IPEC Timebound Program. The Government of El Salvador continues to participate in the national Timebound Program, funded by USDOL, to eliminate the worst forms of child labor and provide education and other services to vulnerable children. The Timebound Program focuses on eliminating exploitive child labor in fireworks production, fishing, sugar cane harvesting, commercial sexual exploitation, and garbage dumps scavenging.[1508] In addition, as part of the Timebound Program's efforts, a child labor module and knowledge, attitudes and behavior section regarding child labor and education were added to the 2003 Household Survey. The Ministry of Education also included questions on child labor in their 2004 School Census.[1509]

The government also collaborates with ILO-IPEC on two additional projects funded by USDOL. These projects seek to withdraw child workers from coffee harvesting and the cottage production of fireworks.[1510] In addition, the government is also participating in a USDOL-funded regional Child Labor Education Initiative Program aimed at strengthening government and civil society's capacity to address the educational needs of working children.[1511] With support from other donors, ILO-IPEC is carrying out a regional project aimed at raising awareness and collecting information on children involved in domestic

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[1505] U.S. Embassy- San Salvador, *unclassified telegram no. 2260*, August 2003.

[1506] U.S. Department of State, *Country Reports- 2003: El Salvador*, Section 6d.

[1507] Ibid. See also U.S. Embassy- San Salvador, *unclassified telegram no. 3101*.

[1508] ILO-IPEC, *Time-Bound Program in El Salvador, project document*, 4-8. See also ILO-IPEC, *Combating Child Labor Through Education in the Time-Bound Program of El Salvador*, project document, Geneva, January, 2003, 1.

[1509] ILO-IPEC, *March 2004 Timebound Technical Progress Report*, 6.

[1510] ILO-IPEC, *Combating Child Labor in the Coffee Industry of Central America*. See also ILO-IPEC, *Combating Child Labor in the Fireworks Industry in El Salvador*, ELS/00/05/060, Geneva, 1999. The coffee and fireworks projects completed activities in late 2004. This fireworks project began prior to the Timebound Program; however, the national committee deemed fireworks production a worst form of child labor in El Salvador to be addressed by the Timebound Program. See Government of El Salvador, *Plan de Acción para la erradicación de las peores formas de trabajo infantil en El Salvador: 2001-2004*, 2001. See also ILO-IPEC, *Time-Bound Program in El Salvador, project document*, 3.

[1511] USDOL, "News Release: United States Provides over $110 Million in Grants to Fight Exploitive Child Labor Around the World," October 1, 2004; available from http://www.dol.gov/opa/media/press/ilab/ILAB20041715.htm. See also USDOL/ILAB, *ILAB Technical Cooperation Project Summary: Combating Child Labor through Education in Central America and the Dominican Republic*, 2004.

work in third party homes, and a regional project to reduce scavenging at garbage dumps.[1512] The National Committee for the Progressive Elimination of Child Labor, which provides leadership and guidance to the ILO-IPEC programs,[1513] approved a National Plan for the Progressive Elimination of the Worst Forms of Child Labor 2002-2004.[1514] In 2004, both major presidential candidates included the issue of child labor in their campaign platform.[1515] With support from UNICEF and the Government of the United States, the Government of El Salvador sponsors television public service announcements and radio campaigns aimed at raising awareness on trafficking.[1516]

In addition to participating in the ILO-IPEC Timebound Program, the Ministry of Education supports a number of programs aimed at increasing the quality and coverage of education[1517] and operates a hotline for the public to report school administrators who illegally charge students school fees.[1518] During the past year, the Ministry of Education took an additional step in promoting school enrollment by doing away with public school "voluntary fees."[1519] In addition, as a means to encourage retention and motivate school administrators and teachers, the Ministry of Education agreed to provide schools with USD 10 per pupil enrolled in school who completes the school year.[1520] The Ministry of Education has developed a Ten-Year Education Plan to increase access to primary education, improve the quality and results of learning, and expand basic education services and training in essential skills for youth.[1521]

The Ministry of Education continues to implement a World Bank-funded 7-year Education Reform Project to improve and expand coverage, quality, and efficiency of pre-school and basic education, with a

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[1512] ILO-IPEC official, email communication to USDOL official, May 12, 2004. See also ILO official, electronic communication to USDOL official, November 14, 2002. This project is in addition to the Timebound Program. See also ILO-IPEC, *IPEC en la region, Paises: El Salvador,* [online] [cited March 25, 2004]; available from http://www.ipec.oit.or.cr/ipec/region/paises/elsalvador.shtml.

[1513] This committee is led by the Ministry of Labor and Social Security. See Embassy of El Salvador, written communication to USDOL official in response to International Child Labor Program Federal Register notice of September 2001, October 25, 2001, 5-6.

[1514] Government of El Salvador, *Plan de Acción para la erradicación de las peores formas de trabajo infantil*. A new plan is currently under development. See ILO-IPEC, *Status Report: Time Bound Program & Education Initiative*, Geneva, December 1, 2004, 3.

[1515] ILO-IPEC, *March 2004 Timebound Technical Progress Report*, 3.

[1516] U.S. Department of State, *Trafficking in Persons Report- 2004: El Salvador*.

[1517] These programs include: Healthy School Program, The Open-School Program, Centers of Educational Resources, The Quality Management Model, APREMAT, EDUCO, The Accelerated School Program, The Multi-Grade School Program, The Distance-Learning Program, and a scholarship program. See ILO-IPEC, *Time-Bound Program in El Salvador, project document*, 12-13. See Salvadoran Foundation for Economic and Social Development, *Invirtamos en educación para desafiar el crecimiento económico y la pobreza, Informe de desarollo económico y social 2002*, 35-39.

[1518] U.S. Department of State, *Country Reports- 2003: El Salvador*, Section 5.

[1519] This effort began in October 2003. Government imposed school fees had been previously deemed illegal. See ILO-IPEC, *March 2004 Timebound Technical Progress Report*, 3-4. See also Committee on the Rights of the Child, *Concluding Observations El Salvador*, 10.

[1520] ILO-IPEC, *March 2004 Timebound Technical Progress Report*, 3.

[1521] ILO-IPEC, *Time-Bound Program in El Salvador, project document*, 11-12. See also UNESCO, *Education for All 2000 Assessment: Country Reports- El Salvador*, prepared by Mrs. Darlyn Xiomara Meza Ministry of Education, pursuant to UN General Assembly Resolution 52/84, October 1999; available from http://www2.unesco.org/wef/countryreports/el_salvador/contents.html.

particular emphasis on rural and marginalized urban areas.[1522] The IDB's 4 ½-year Social Peace Program Support Project helps the country promote youth employment through the provision of job training scholarships to adolescent residents of targeted municipalities.[1523] USAID's Earthquake Reconstruction Program is supporting the government's restoration of social infrastructure, including reconstructing and equipping schools and child care centers.[1524]

[1522] This project was funded in 1998. See World Bank, *Education Reform Project*, [online] May 13, 2004 [cited May 13, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P050612.

[1523] This project began in February 2002. See IDB, *Social Peace Program Support Project*, [online] 2002 [cited May 14, 2004]; available from http://www.iadb.org/exr/doc98/apr/es1389e.pdf.

[1524] USAID, *USAID El Salvador: Earthquake Reconstruction*, [online] [cited May 14, 2004]; available from http://www.usaid.gov/sv/er/erir1.htm.

Equatorial Guinea

Incidence and Nature of Child Labor

The ILO estimated that 31.3 percent of children ages 10 to 14 years in Equatorial Guinea were working in 2002.[1525] Children work on family farms and in domestic service, in street vending,[1526] and in bars and grocery stores.[1527] There are reports that children also work in prostitution, particularly in Bata and the capital city of Malabo.[1528] Children are trafficked to Equatorial Guinea from other countries in West and Central Africa, particularly Cameroon, Nigeria, and Benin. Girls are trafficked for commercial sexual exploitation and domestic servitude, while boys are forced to work as farmhands and street hawkers. Boys trafficked from Nigeria reportedly work in market stalls in Bata without pay or personal freedom.[1529]

The Equatorial Guinean Constitution established free and compulsory education through primary school,[1530] but the law is not enforced, and many rural families cannot afford school fees and book expenses.[1531] In 2001, the gross primary enrollment rate was 126.2 percent, and the net primary enrollment rate was 84.6 percent. There was a significant disparity between the net primary enrollment rates of boys and girls, with 91.4 percent of boys enrolled versus 77.9 percent of girls.[1532]

[1525] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[1526] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Equatorial Guinea*, Washington, D.C., February 25, 2004, Section 6d and f; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27725.htm. *See also* UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Equatorial Guinea*, CRC/C/15/Add.245, United Nations, Geneva, November 3, 2004.

[1527] Integrated Regional Information Networks, *Equatorial Guinea; Minors Grounded, Prohibited from Working,* Africa News Service, Inc., [online] August 31, 2001 [cited September 27 2004]; available from www.irinnews.org/print.asp?ReportID=11006.

[1528] Opinions vary on the extent of this problem. See U.S. Department of State, *Country Reports- 2003: Equatorial Guinea*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Equatorial Guinea*, Washington, D.C., June 10, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm. See also Ministry of Labor and Social Security and UNICEF, *Report on Trafficking of Children and Child Labor in Equatorial Guinea*, November 2001. See also AFROL, *Child Labour Increasing in Equatorial Guinea,* [online] November 21, 2000 [cited September 27, 2004]; available from http://www.afrol.com/News/eqg023_child_labour.htm. See also AFROL, *Prostitution Booms in Equatorial Guinea as Education Sector Folds Up,* [online] October 12, 2000 [cited September 27, 2004]; available from http://www.afrol.com/News/eqg013_prostitution.htm.

[1529] U.S. Department of State, *Country Reports- 2003: Equatorial Guinea*, Section 6f. A 2001 child trafficking study by the Equatorial Guinean Ministry of Labor and Social Security in collaboration with UNICEF, that questioned 596 children in urban and rural areas of the country, found up to 150 boys and girls whom had been trafficked from Benin and Nigeria. Ministry of Labor and Social Security and UNICEF, *Child Labor and Trafficking Report*.

[1530] *Constitution of the Republic of Equatorial Guinea*, (January 17, 1995), Item 23; available from http://www.ceiba-guinea-ecuatorial.org/guineeangl/nvelle_const.htm (cited on September 20, 2004).

[1531] U.S. Department of State, *Country Reports- 2003: Equatorial Guinea*, Section 5.

[1532] World Bank, *World Development Indicators 2004*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report. There is a similar disparity in attendance rates between boys and girls. UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child*, Section 54.

Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Equatorial Guinea.[1533] Late entry into the school system and high dropout rates are common, and girls are more likely than boys to drop out of school.[1534] Traditional and cultural perceptions, pregnancy, and the expectation that girls will assist with agricultural work result in lower education attainment levels for girls. While new schools have opened, many lack basics such as books and desks. Most teachers serve as political appointees and are insufficiently trained.[1535] The 2005 budget, passed in September 2004, provided a significant increase in resources for the education and health sectors.[1536]

Child Labor Law and Enforcement

The minimum age for employment is 14 years, but the Ministry of Labor does not enforce the law.[1537] Children as young as13 years old may legally perform light work that does not interfere with their health, growth, or school attendance. Children who are at least 12 years old may work in agriculture or handicrafts, with authorization from the Ministry of Labor. Children under 16 years are prohibited from work that might harm their health, safety, or morals.[1538] In 2001, the government passed a measure banning all children under the age of 17 years from being on the streets and working after 11 p.m. This measure was undertaken by the Ministry of the Interior to curb growing levels of prostitution, delinquency, and alcoholism among youths employed in bars, grocery stores, and as street hawkers. The new law calls for arrest of violators and fining of parents as punishment for violations.[1539] There is no available information assessing the government's enforcement or the impact of this measure.

Forced or bonded labor by children is forbidden, as is prostitution.[1540] In 2004, the Government adopted a new law against smuggling of migrants and trafficking in persons.[1541] The government prosecuted its first trafficking case in 2003, resulting in the conviction of a woman for trafficking and enslaving a young girl from Benin.[1542]

[1533] According to the representative of UNICEF in Equatorial Guinea in 2000, 50 percent of school-age children did not attend primary school. See AFROL, *Child Labour Increasing*, afrol.com, *Child Labour Increasing in Equatorial Guinea,* [online] November 21, 2000 [cited July 15, 2003]; available from http://www.afrol.com/News/eqg023_child_labour.htm.

[1534] UN Economic and Social Council Commission on Human Rights, *Question of the Violation of Human Rights and Fundamental Freedoms in Any Part of the World: Report on the Human Rights Situation in the Republic of Equatorial Guinea submitted by the Special Representative of the Commission, Mr. Gustavo Gallón*, pursuant to Commission resolution 2000/19, E/CN.4/2001/38, United Nations, Geneva, January 16, 2001; available from http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/0c79798828d22553c1256a15005b5ddf/$FILE/G0110211.pdf.

[1535] UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child*. See also U.S. Department of State, *Country Reports- 2003: Equatorial Guinea*, Section 5.

[1536] U.S. Embassy- Yaounde, *unclassified telegram no. 163453*, January 14 2005.

[1537] U.S. Department of State, *Country Reports- 2003: Equatorial Guinea*., Section 6d. *See also* UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child*.

[1538] U.S. Embassy- Yaounde, *unclassified telegram no. 3123*, July 2000.

[1539] Integrated Regional Information Networks, *Equatorial Guinea; Minors Grounded*.

[1540] U.S. Department of State, *Country Reports- 2003: Equatorial Guinea*, Section 6c.

[1541] U.S. Embassy- Yaounde, *unclassified telegram no. 163453*. See also UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child*, Section 56.

[1542] U.S. Department of State, *Trafficking in Persons Report: Equatorial Guinea*.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

On March 2, 2004, the Government of Equatorial Guinea and the UNDP launched a plan to train enough teachers to enable every child in the country, by the year 2010, to finish primary school. Under this plan, the UNDP and Government of Equatorial Guinea have committed to spend USD 5.2 million to train 2,000 teachers, 45 school inspectors, and 35 educational advisors over the next 4 years.[1543]

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/12/1985	✓
Ratified Convention 182	8/13/2001	✓
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

[1543] United Nations Development Program, *$5.2 million investment in Equatorial Guinea aims at early achievement of Millennium education goals,* March 1, 2004; available from http://www.undp.org/dpa/frontpagearchive/2004/march/1mar04/.

Eritrea

Incidence and Nature of Child Labor

The ILO estimated that 37.9 percent of children ages 10 to 14 years in Eritrea were working in 2002.[1544] Children in urban areas work on the streets as vendors selling food, newspapers, cigarettes and chewing gum.[1545] Children living in rural areas work in the agricultural sector, predominantly on family farms, where they gather water and firewood, and herd livestock.[1546] Children are also employed in domestic service and small-scale manufacturing.[1547]

Education is free and compulsory through grade seven.[1548] However, families must bear the cost of school supplies, uniforms and transportation, which impedes many children's access to schooling.[1549] In 2001, the gross primary enrollment rate was 60.5 percent, and the net primary enrollment rate was 42.5 percent.[1550] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Eritrea. There is a significant disparity in educational access between urban and rural-dwelling children. Whereas 79 percent of urban children attended school, only 24 percent of rural children did so.[1551] It is common for girls attending rural schools to leave before the school day ends in order to complete domestic chores.[1552]

[1544] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[1545] Street children are defined by the government as children that work in the streets during the day and return home with their earnings to support their families. See Eritrean Ministry of Labour and Human Welfare, *Child Protection,* Eritrean Early Childhood Development, [online] n.d. [cited June 8, 2004]; available from http://www.siup.sn/ecderitrea/child%20protection.htm.

[1546] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Eritrea*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27726.htm.

[1547] Ibid. ECPAT International reported that commercial sexual exploitation of children in Eritrea is exacerbated by the presence of UN peacekeeping troops. Children as young as 12 years of age are reportedly to be involved in prostitution. Most work on the streets, in bars, or in hotels in Asmara and Massawa. See ECPAT International, *Eritrea,* ECPAT International, [database online] [cited August 2, 2004 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=55&CountryProfile=facts&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Coordination_cooperation,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&DisplayBy=optDisplayCountry#cs1.

[1548] U.S. Department of State, *Country Reports 2003: Eritrea*, Section 5.

[1549] Ibid.

[1550] World Bank, *World Development Indicators 2004*.

[1551] This information is drawn from surveys conducted between 1990 and 1999. See UNICEF, *City to Countryside: A long way to go in schooling,* The Progress of Nations 2000- Lost Children, [online] n.d. 2000 [cited June 7, 2004]; available from http://www.unicef.org/pon00/ctc.htm.

[1552] U.S. Department of State, *Country Reports 2003: Eritrea*, Section 5.

Child Labor Laws and Enforcement

Article 68 of Labor Proclamation No. 118 sets the minimum age of employment at 14 years.[1553] Young persons between the ages of 14 and 18 by regulation may work between the hours of 6 p.m. and 6 a.m., but not more than 7 hours per day. Young persons are not permitted to work in jobs that involve heavy lifting; contact with toxic chemicals; underground work; dangerous machines; or exposure to electrical hazards.[1554]

Forced labor is prohibited by the Constitution of 1996 under article 16.[1555] Penal Code 605 prohibits the procurement, seduction, and trafficking of children for prostitution.[1556] Penal Code 594 prohibits sexual relations with children under 15.[1557] Penal Code 595 bans sexual relations with children ages 15 to 18. Violators are subject to up to 3 years imprisonment.[1558] Inspectors from the Ministry of Labor and Human Welfare (MLHW) are responsible for enforcing child labor laws. Due to the small number of inspectors, however, inspections are rare.[1559]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Eritrea is implementing a National Program of Action on Children, coordinated by its National Committee on the Rights of the Child, which will be in effect through 2006.[1560] The MLHW is implementing child rehabilitation and reintegration programs for victims of child prostitution. The programs include vocational training, healthcare, and education services.[1561] Programs for street

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 2/22/2000	✓
Ratified Convention 182	
ILO-IPEC Member	
National Plan for Children	✓
National Child Labor Action Plan	✓
Sector Action Plan	

[1553] UN Committee on the Rights of the Child, *Addendum: Eritrea*, CRC/C/41/Add.12, United Nations, Geneva, December 23, 2002; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/8a52da90a06e49e7c1256ce000307fc9/$FILE/G0246422.pdf.

[1554] Ibid.

[1555] Government of Eritrea, Constitution of Eritrea, 1996; available from http://www.nitesoft.com/eccm/Constitution_TOC.htm

[1556] Morals and the Family, Articles 589-607; available from http://209.190.246.239/protectionproject/statutesPDF/EriteraF.pdf. The penalty for violation of this law is up to five years in prison or a fine of 10,000 Nakfa or USD 740.74. For currency conversion, see Yahoo converter, [online] [cited August 4, 2004]; available from http://finance.yahoo.com/currency?a=1600&s=AUDI&t=USD&c=0. See also Task Force to Protect Children from Sexual Exploitation in Tourism, *Penalties for Sex Offences in Eritrea,* World Tourism Organization, [online] 1998 [cited June 7, 2004]; available from http://www.world-tourism.org/protect_children/legislation_country/eritrea.htm.

[1557] The penalty for a violation of this law is up to five years in prison. Imprisonment of up to 8 years will be imposed when the victim is under the care of custody of the perpetrator. See Task Force to Protect Children from Sexual Exploitation in Tourism, *Penalties for Sex Offences in Eritrea,* World Tourism Organization, [online] 1998 [cited June 7, 2004]; available from http://www.world-tourism.org/protect_children/legislation_country/eritrea.htm.

[1558] Task Force to Protect Children from Sexual Exploitation in Tourism, *Penalties for Sex Offenses*.

[1559] U.S. Department of State, *Country Reports 2003: Eritrea*, Section 6d.

[1560] UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Eritrea*, CRC/C/15/Add.204, United Nations, Geneva, July 2, 2003, Para.8; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.204.En?OpenDocument.

[1561] ECPAT International, *ECPAT International: Eritrea*.

children aim to reunite them with relatives, enroll them in regular schools, provide financial support to caretaker families, and develop income generating plans and vocational training opportunities for older children.[1562]

The Government of Eritrea is implementing an Eritrean Integrated Early Childhood Development Project.[1563] The program is designed to improve access to education, improve health and nutrition, reunite orphans with extended families, keep vulnerable children in school, and enhance interagency cooperation.[1564] The government is also building new schools in remote areas, recruiting more teachers, and increasing enrollment and retention of girls.[1565] UNICEF has targeted child retention in addition to developing educational materials, training teachers, developing infrastructure, and increasing girls' access to education.[1566] The U.S. Department of Agriculture is likewise working with the government as part of a global effort to provide meals for school children.[1567]

[1562] Eritrean Ministry of Labour and Human Welfare, *Child Protection*.

[1563] The program started in 2000 and is slated to run through 2005. World Bank, *Eritrea: Integrated Early Childhood Development Project*, January 10, 2000; available from http://www.worldbank.org/children/costs/eritrea.htm.

[1564] Ibid.

[1565] Minister of Labour and Human Welfare of the State of Eritrea, H.E. Mrs. Askalu Mekerious, Statement at the United Nations Special Session on Children, May 9, 2002; available from http://www.un.org/ga/children/eritreaE.htm.

[1566] The focus on retention is a result of the persistent drought conditions throughout most of the country. UN Children's Fund, *UNICEF Humanitarian Action: Eritrea Donor Update,* ReliefWeb, [online] January 27, 2003 [cited June 14, 2004]; available from http://www.reliefweb.int/w/rwb.nsf/6686f45896f15dbc852567ae00530132/56240270242aa50685256cbd006cf69e?OpenDocument.

[1567] Washington File, *U.S. Funds Will Provide School Meals in Latin America, Caribbean*, August 17, 2004; available from http://usinfo.state.gov/gi/Archive/2004/Aug/18-23606.html.

Ethiopia

Incidence and Nature of Child Labor

The Ethiopian Central Statistics Authority estimated that 49.0 percent of children ages 5 to 14 in Ethiopia were working in 2001.[1568] About 16.4 percent of children 5 to14 years who attend school engage in productive activities.[1569] The largest number of working children are found in agriculture.[1570] According to a child labor study in rural Ethiopia in 1999, children work on coffee, tea, sugarcane, and cotton plantations, and horticultural farms.[1571] In rural areas, children also engage in activities such as washing, cooking, fetching water, and herding animals, as well as work on family farms. These activities may require children to work long hours, involving excessive physical exertion, and interfering with school, particularly in the case of girls.[1572] In urban areas, children work predominantly in the informal sector in activities such as street peddling, messenger service, shoe-shining, portering, assisting taxi drivers, construction, mining, manufacturing, refuse disposal, and shop and market sales work.[1573] Children are found working in domestic service in both rural and urban areas.[1574] Many child domestics in Addis Ababa are orphans.[1575]

[1568] The survey also found that 67.4 percent of children ages 15 to 17 were working. Children who are working are engaged in productive activities. Productive activities refer to work that involves the production of goods and/or services for sale or exchange and production of certain products for own consumption. See Central Statistical Authority, Ministry of Labor and Social Affairs, and International Labor Organization, *Ethiopia Child Labour Survey Report*, 2001; available from http://www.ilo.org/public/english/standards/ipec/simpoc/ethiopia/.

[1569] Ibid.

[1570] Ibid.

[1571] Children on these plantations and farms may work long hours with no meal breaks, may not use protective devices, may be exposed to pesticides that can be detrimental to their health, especially on cotton farms, and may suffer injuries and sickness at work. The cotton and sugarcane plantations are located in the *kolla* zone, where children tend to be at a higher risk for malaria, yellow fever and snakebites. Education opportunities are also limited on these plantations. See ILO/EAMAT, *A Study on Child Labour in Rural Ethiopia: working paper no. 1*, ILO/Eastern Africa Multidisciplinary Advisory Team, Addis Ababa, 1999, 4-9. See also U.S. Embassy- Addis Ababa, *unclassified telegram no. 1965*, June, 2000.

[1572] Embassy of Ethiopia, *Brief Report on Efforts Made by Ethiopia to Eliminate the Worst Forms of Child Labour*, October 2001, 3.

[1573] Central Statistical Authority, Ministry of Labor and Social Affairs, and International Labor Organization, *Ethiopia Child Labour Survey Report 2001*. Street children are reported to live in urban areas and, in particular, Addis Ababa. Some of these children beg or work in the informal sector in order to survive. See U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Ethiopia*, U.S. Department of State, Washington D.C., February 25, 2004, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27727.htm. See also Save the Children Denmark (SCD) Addis Ababa City Admin Social and NGO Affairs Office - SNGOA, and ANPPCAN-Ethiopia Chapter, *Study on the Worst Forms of Child Labour With Special Focus on Child Prostitution in Addis Ababa*, Addis Ababa, June, 2003, 3; available from http://www.redbarnet.dk/Files/Filer/sexuelt_misbrug/ChildProstitutionStudy.doc.

[1574] Children working as domestic servants are sometimes victims of physical, emotional and sexual abuse, including rape. See ILO/EAMAT, *A Study on Child Labour in an Urban District of Addis Ababa: working paper on child labour no. 2*, ILO/Eastern Africa Multidisciplinary Advisory Team, Addis Ababa, 2000, 1-3. See also Abiy Kifle, *Ethiopia - Child Domestic Workers in Addis Ababa: A Rapid Assessment*, ILO-IPEC, Geneva, July 2002, 1; available from http://www.ilo.org/public/english/standards/ipec/simpoc/ethiopia/ra/domestic.pdf. See also U.S. Department of State, *Country Reports - 2003: Ethiopia*, 6d.

[1575] The hours worked by child domestics may prevent regular attendance at school. Also. these children may not be able to voluntarily quit their job. See Abiy Kifle, *Child Domestic Workers in Addis Ababa: A Rapid Assessment*, 18, 19, 22.

According to reports, the commercial sexual exploitation of children is increasing in Ethiopia.[1576] Girls as young as 11 years old have been reportedly recruited to work in brothels. Girls also work as hotel workers, barmaids, and prostitutes in resort towns and rural truck stops.[1577] Ethiopia is a source country for children trafficked for the purpose of sexual exploitation and forced domestic and commercial labor. Children are also trafficked internally from rural to urban areas for domestic service, prostitution, and forced labor.[1578] Although there were no reports of international trafficking of Ethiopian children in 2004, there have been reports in the past that networks of persons working in tourism and trade have recruited young Ethiopian girls for overseas work and provided them with counterfeit work permits, birth certificates, and travel documents.[1579]

Primary education is compulsory and free, but there are not enough schools to accommodate students.[1580] Students in rural areas often have limited access to education[1581] and girls' enrollment in school remains lower than that of boys.[1582] In 2002, the gross primary enrollment rate was 61.6 percent, and the net primary enrollment rate in 2001 was 46.2 percent.[1583] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, the gross primary school attendance rate was 59.6 percent and the net primary attendance rate was 30.2 percent children were attending school.[1584] As of 2000, 61.3 percent of children who started primary school were likely to reach grade 5.[1585]

[1576] ECPAT International, *Ethiopia,* in ECPAT International, [database online] [cited March 24, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database. See also U.S. Department of State, *Country Reports - 2003: Ethiopia*, Section 5, 6f. See also UN Integrated Regional Information Network, "Ethiopia: Child prostitution on the rise, report says", July 15, 2003; available from http://www.irinnews.org/report.asp?ReportID=35392&SelectRegion=Horn_of_Africa&SelectCountry=ETHIOPIA.

[1577] U.S. Department of State, *Country Reports - 2003: Ethiopia*, Section 6f. Girls as young as 13 have been seen on the street soliciting clients. See ECPAT International, *Ethiopia*.

[1578] U.S. Department of State, *Country Reports - 2003: Ethiopia*, 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Ethiopia*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm.

[1579] See U.S. Department of State, *Country Reports - 2003: Ethiopia*, Section 6f.

[1580] Ibid., Section 5.

[1581] Ibid. See also ILO/EAMAT, *Child Labour in Rural Ethiopia: working paper no. 1*. See also UN Integrated Regional Information Networks, "Focus on Primary Education", [online], July 30, 2002 [cited June 2, 2003]; available from http://allafrica.com/stories/200207300147.html.

[1582] The net primary enrollment rate in 2001 for boys was 51.5 percent, and 40.77 percent for girls. See World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[1583] Ibid.

[1584] USAID Development Indicators Service, *Global Education Database,* [online] [cited October 29, 2004]; available from http://qesdb.cdie.org/ged/index.html.

[1585] World Bank, *World Development Indicators 2004.*

Child Labor Laws and Enforcement

Ethiopia's Labor Proclamation sets the minimum age for employment at 14 years.[1586] Under the Proclamation, employers are forbidden to employ "young workers" when the nature of the job or the conditions under which it is carried out may endanger the life or health of the children. Some prohibited activities include: transporting goods by air, land, or sea; working with electric power generation plants; and performing underground work.[1587] Young workers are prohibited from working over 7 hours per day, overtime' between the hours of 10 p.m. and 6 a.m., during weekly rest days, and on public holidays.[1588] Article 36 of the Constitution also stipulates that children should not be subjected to exploitative work conditions that may be hazardous to their health or well-being.[1589] Ethiopia's Penal Code specifically prohibits child trafficking, which is punishable by imprisonment of up to 5 years and a fine of up to USD 10,000.[1590] The law also prohibits forced or bonded labor of children.[1591] The Ministry of Labor and Social Affairs is responsible for enforcement of child labor laws.[1592] However, insufficient resources for law enforcement and the judicial system prevent adequate enforcement.[1593]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Ethiopia through its Ministry of Labor and Social Affairs (MOLSA) has held consultations with civil society and children in order to provide them with an opportunity to comment on the draft National Plan of Action for Children.[1594] The Children, Youth, and Family Affairs Department at the Ministry of Labour and Social Affairs chairs the National Steering Committee Against Sexual Exploitation of Children.[1595] A "Kids for Kids" postcard campaign was

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 5/27/1999	✓
Ratified Convention 182 9/02/2003	✓
ILO-IPEC Associated Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

[1586] *Proclamation No. 42/1993*, Negarit Gazeta of the Transitional Government of Ethiopia, Part Six, Chapter 2, Article 89, 295.

[1587] A "young worker" refers to those aged 14 to 18. Ibid., Part Six, Chapter Two, Articles 2, 3, 4, at 295.

[1588] Ibid., Part Six, Chapter 2, Articles 90, 91, at 295.

[1589] Embassy of Ethiopia, *Efforts Made by Ethiopia to Eliminate the Worst Forms of Child Labour*, 3.

[1590] *Penal Code of the Empire of Ethiopia*, (1957), 183, Article 605 a, b.

[1591] U.S. Department of State, *Country Reports - 2003: Ethiopia*, Section 6c. See also Getaneh Mitiku, Head, Ethiopian Department of Labor, Interview with USDOL Official, August 7, 2000.

[1592] U.S. Department of State, *Country Reports - 2003: Ethiopia*, Section 6d.

[1593] U.S. Embassy- Addis Ababa, *unclassified telegram no. 3394*, November 9, 2001. See also U.S. Embassy- Addis Ababa, *unclassified telegram no. 1965*.

[1594] *Children to give their ideas on the National Plan of Action for Children,* ReliefWeb, 2004 [cited May 25, 2004]; available from http://www.reliefweb.int/w/rwb.nsf/0/1cf237d5d0fdbda85256e3f006efa3e?OpenDocument. See also "Consutation Meeting on National Plan of Action," *SCD - Ethiopia Programme Newsletter* 1, 1 (March, 2004); available from http://www.redbarnet.dk/Files/Filer/Etiopien/newsletter_Ethiopia_2003.pdf.

[1595] U.S. Department of State, *Country Reports - 2003: Ethiopia*, Section 6f. The Steering Committee coordinates activities to combat the sexual abuse and exploitation of children. See Addis Ababa City Admin Social and NGO Affairs Office - SNGOA, *Study on the Worst Forms of Child Labour*, 5.

organized by the ILO, MOLSA, Save the Children-Sweden, ANPPCAN Ethiopian Chapter and various children on the third World Day Against Child Labor. Children wrote their opinions concerning child domestic labor and sent them to the media.[1596]

The Ministry of Labour and Social Affairs collaborated with the IOM to hold a workshop for government officials, NGO's, the private sector, and civil society on trafficking of women and children.[1597] The IOM is also working with the Ministry of Education on an anti-trafficking and HIV/AIDS project.[1598] With funding from USAID, the Good Samaritan Association opened a rehabilitation and reintegration center in Addis Ababa for victims of trafficking.[1599] Ten police stations in and around Addis Ababa, in coordination with the Forum On Street Children – Ethiopia, a domestic NGO working with disadvantaged children in Ethiopia, have implemented Child Protection Units staffed by two officers who are trained in children's rights and one social worker.[1600]

The government works with the WFP on a U.S. Department of Agriculture-funded school feeding program aimed at improving school children's nutrition, attendance and participation in school, and increase parental involvement in school activities.[1601] UNICEF collaborates with the Ethiopian Government on education and child protection activities.[1602] Another UNICEF campaign focuses on improving education for girls by training female teachers and head teachers, broadcasting radio messages on girls' education, establishing girl-friendly learning environments, development of gender-sensitive instructional materials, and improving school governance and management.[1603]

The Ministry of Education is implementing the World Bank-funded Education Sector Development Project. The project is intended to improve basic and secondary education, link vocational and technical education with the private sector and the job market, expand teacher-training institutes, expand higher education,

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[1596] *Ethiopia - World Day Against Child Labour,* (583), CRINMAIL, [online] June 15, 2004 [cited June 15, 2004].

[1597] "Ethiopia - Workshop on Trafficking in Women and Children," (March 2, 2004); available from http://www.iom.int/en/news/PBN020304.shtml.

[1598] One activity that the project is implementing this year is a nationwide school contest to raise awareness on the issues of HIV/AIDS, human trafficking, and girls' education. See *Ethiopia - School Contest on Trafficking, HIV/AIDS and Girls Education,* International Organization for Migration, 2004 [cited April 27, 2004]; available from http://www.reliefweb.int/w/rwb.nsf/0/c132142eb9035391c1256e7f002f5368?OpenDocument.

[1599] UN Wire, "First Center For Trafficking Victims Opens in Ethiopia", June 29, 2004; available from http://www.unwire.org/UNWire/20040629/449_25369.asp.

[1600] U.S. Department of State, *Country Reports - 2003: Ethiopia*, Section 5. See also ECPAT International, *Good Practices in Combating CSEC,* [online] [cited March 26, 2004]; available from http://www.ecpat.net/eng/CSEC/good_practices/protection_ethiopia.asp.

[1601] The Ministry of Education covers all import duties and taxes relating to any imported ingredients needed for school snacks. See U.S. Department of Agriculture, *The Global Food for Education Pilot Program*, Report to the United States Congress, Washington D.C., February, 2003; available from http://www.fas.usda.gov/excredits/FoodAid/FFE/gfe/congress2003/countryreports.htm.

[1602] *At a glance: Ethiopia*, UNICEF, 2004; available from http://www.unicef.org/infobycountry/ethiopia.html.

[1603] UNICEF, *Girls' Education in Ethiopia,* June 2004 [cited July 13, 2004]; available from http://www.unicef.org/girlseducation/Ethiopia16june.doc.

and improve capacity of the Ministry of Education and other agencies.[1604] USAID is funding a 6-year educational program that focuses on training new teachers, providing in-service training for existing teachers, providing radio instruction opportunities, strengthening community-government partnerships, and improving education management systems.[1605]

[1604] *Education Sector Development Project*, World Bank, May 24, 2004 [cited May 24, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P000732. In June 2002, the Government of Ethiopia became eligible to receive funding from the World Bank and other donors under the Education for All Fast Track Initiative, which aims to provide all children with a primary school education by the year 2015. See World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, (News Release No: 2002/345/S), [online] June 12, 2002 [cited April 8, 2003]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html.

[1605] USAID, *Ethiopia: Program Data Sheet 663-009,* [online] [cited May 27, 2004]; available from http://www.usaid.gov/pubs/cbj2003/afr/et/663-009.html.

Fiji

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Fiji are unavailable.[1606] Children work in agriculture in Fiji, including in the tobacco sector.[1607] Other children, especially those that are homeless, can be found working in the informal sector and on the streets. Children shine shoes, collect bottles, run errands for restaurants, repair cars, and work as domestics in homes.[1608] Children on the streets are susceptible to commercial sexual exploitation,[1609] and are lured into the commercial sex industry by both local and foreign adults wishing to profit from the pornography trade.[1610]

Primary school education is compulsory for children ages 6 to 15.[1611] In 2001, the gross primary enrollment rate was 108.8 percent, and the net primary enrollment rate was 99.8 percent.[1612] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Fiji. The cost of transportation and the imposition of fees at some schools are reported to limit attendance for some children.[1613]

[1606] LABORSTAT, *Fiji: 1A- Total and economically active population, by age group (Thousands)* [Database], Geneva, 05/11/04; available from http://laborsta.ilo.org. While the extent of working children is unknown, recent reports indicate that child labor is a growing concern in the country. See *Child labour on the rise in Fiji,* Pacnews, July 8, 2003 [cited May 7, 2004]; available from http://www.pacificislands.cc/pina/pinadefault.php?urlpinaid=8337, *Fiji sees rise in child labour and poverty,* ABC Radio Australia News, April 4, 2003 [cited May 7, 2004]; available from http://www.abc.net.au/ra/newstories/RANewsStories_824943.htm, *1000 Kids in the Workforce,* The Daily Post, June 7, 2003 [cited May 7, 2004]; available from http://www.fijiwomen.com/news/2003/06/07/07j.html.

[1607] Farm Consultancy Services, *Child Labour in the Fiji Tobacco Industry*, n.p., 2004, 17, 19, and 24; available from http://www.eclt.org/activities/research/fiji.html.

[1608] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Fiji*, Washington, D.C., February 25, 2004, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27770pf.htm, *Child labour on the rise in Fiji*.

[1609] U.S. Department of State, *Country Reports- 2003: Fiji*, Section 5.

[1610] UN Commission on Human Rights, *Rights of the Child: Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography; Addendum, Report on the Mission of the Special Rapporteur to the Republic of Fiji on the Issue of Commercial Sexual Exploitation of Children (October 11-16, 1999)*, E/CN.4/2000/73/Add.3, prepared by Ofelia Calcetas-Santos, December 27, 1999, para. 36, 104; available from http://www.hri.ca/fortherecord2000/documentation/commission/e-cn4-2000-73-add3.htm. Exploitation of children through both prostitution and pornography occurs both by local and foreign abusers. See also The Protection Project, "Fiji," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, 2002, 192-95; available from http://209.190.246.239/ver2/cr/Fiji.pdf.

[1611] UNESCO, *Global Education Digest 2004: Comparing Education Statistics Around the World*, UNESCO Institute for Statistics, Montreal, 2004; available from http://www.uis.unesco.org/TEMPLATE/pdf/ged/2004/GED2004_EN.pdf, U.S. Department of State, *Country Reports- 2003: Fiji*, Section 5.

[1612] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For a detailed explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[1613] U.S. Department of State, *Country Reports- 2003: Fiji,* UN Commission on Human Rights, *Report of the Special Rapporteur on the Sale of Children*, 84.

Child Labor Laws and Enforcement

The Employment Ordinance sets the minimum age for employment at 12 years, and establishes that working children between the ages of 12 and 15 years of age are prohibited from harsh conditions, long hours, and night work.[1614] The Constitution prohibits forced labor,[1615] and the Penal Code prohibits the sale or hiring of minors under 16 years of age for prostitution.[1616] The U.S. Department of State has reported that the country's child labor laws and enforcement mechanisms are insufficient.[1617]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 1/3/2003	✓
Ratified Convention 182 /17/2002	✓
ILO-IPEC Associated Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

The Government of Fiji receives bilateral assistance for the country's development strategy from donor agencies such as AusAID and NZAID to implement new programs in the education sector, particularly in rural and peri-urban areas.[1618] The Government of Fiji has several ongoing education programs being funded by AusAID: the Lautoka Teachers College Upgrade (2002-2005); the Fiji Education Sector Program (2003-2008); and the Rural Schools Infrastructure Project. These projects are intended to train primary school teachers; improve the delivery and quality of educational services; and improve access to schools in rural areas.[1619] NZAID provides the Government of Fiji with resources to support primary school education.[1620]

Save the Children Fiji cooperates with the Ministry of Education to identify schools in need of textbooks and provides money to these schools to purchase textbooks. Children from families with financial need are given school subsidies so that they have access to books.[1621]

[1614] *Employment Ordinance*, (1978); available from http://paclii.org/vu/fj/legis/consol_act/eo202.html, UN Committee on the Rights of the Child, *Initial Reports of States Parties due in 1995, Addendum: Fiji*, CRC/C/28/Add.7, prepared by Government of Fiji, pursuant to Article 44 of the Convention on the Rights of the Child, September 24, 1996, 258.

[1615] *Fiji Constitution, 1988*, Section 24; available from http://www.oefre.unibe.ch/law/icl/fj00000_.html.

[1616] *Penal Code*, (1978), Section 162-63; available from http://www.vanuatu.usp.ac.fj/paclawmat/Fiji_legislation/Consolidation_1978/Fiji_Penal_Code.html.

[1617] U.S. Department of State, *Country Reports- 2003: Fiji*, Section 6d.

[1618] AusAID, *AusAID Pacific Program Profiles 2003-2004- Fiji*, Australian Government, 2003; available from http://www.ausaid.gov.au/publications/pdf/pac_prog_prof.pdf. See also NZAID, *Fiji Overview,* [cited May 11, 2004]; available from http://www.nzaid.govt.nz/programmes/c-fiji.html.

[1619] AusAID, *AusAID Pacific Program Profiles 2003-2004- Fiji*, 13, AusAID, *Australia's $20 Million Boost for Education in Fiji,* AusAID, 2003 [cited May 11, 2004]; available from http://www.ausaid.gov.au/media/release.cfm?BC=Media&Id= 5506_5294_8923_1756_6298.

[1620] NZAID, *Fiji Overview*.

[1621] Save the Children, *Save the Children Fiji,* Save the Children, Southeast, East Asia, and Pacific Region, [cited May 11, 2004]; available from http://www.seapa.net/external/members/sc-fiji.htm, Save the Children, *What We Do and Why: Fiji,* New Zealand, December 15, 2003 [cited May 7, 2004]; available from http://www.savethechildren.org.nz/new_zealand/what_we_do/our_projects/fiji.html.

Gabon

Incidence and Nature of Child Labor

The ILO estimated that 12.4 percent of children ages 10 to 14 years were working in Gabon in 2002.[1622] Children are trafficked into the country from Benin, Nigeria, and Togo.[1623] Children from Benin and Togo, particularly girls, are found working as domestic servants and in the informal commercial sector. Nigerian children are found working as mechanics.[1624] Children are also reported to be trafficked into Gabon from Equatorial Guinea.[1625] Children who are purchased in Benin, Togo and Mali for as little as USD 14 may be sold to commercial farms in Gabon and Côte d'Ivoire for up to USD 340.[1626]

A social practice known as "placement" is also reported to be a problem. According to tradition, poor families send their children to more affluent homes where the children receive an education in exchange for performing various services for their host families. However, the practice has degenerated, and placed children are allegedly trafficked or subjected to commercial sexual exploitation.[1627]

Education is compulsory for children ages 6 to 16 years under the Education Act,[1628] but students must pay for expenses such as books, uniforms, and school supplies.[1629] The government has used oil revenue for school construction, paying teachers' salaries, and promoting education, including in rural areas.[1630] In 2001, the gross primary enrollment rate was 134.4 percent, and in 2000 the net primary enrollment rate was

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[1622] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. Reports indicate that child labor laws are enforced in urban areas among citizen children only, and that many of the children found working are foreign-born. See U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Gabon*, February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27728.htm.

[1623] U.S. Department of State, *Country Reports- 2003: Gabon*, Section 6f. There are reports of children who are trafficked to Gabon for domestic labor, and then fall victims to sexual abuse and prostitution when they escape from their employers. See ECPAT International, *Gabon,* in ECPAT International, [database online] n.d. [cited May 7, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=61&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry.

[1624] U.S. Department of State, *Country Reports- 2003: Gabon*, Sections 6d, 6f.

[1625] ECPAT International, *Gabon*.

[1626] UN Wire, *Ship Carrying 250 Children Forced to Return to Benin,* United Nations Foundation, [online] April 13, 2001 [cited May 10, 2004]; available from http://www.unfoundation.org/unwire/util/display_stories.asp?objid=14230.

[1627] ECPAT International, *Gabon*.

[1628] United Nations, *Gabon Presents Initial Report to Committee on Rights of Child*, press release, January 17, 2002; available from http://www.unhchr.ch/huricane/huricane.nsf/view01/537A47397C7C5527C1256B4500378EC9...

[1629] U.S. Department of State, *Country Reports- 2003: Gabon*, Section 5.

[1630] Ibid. However, a steady decline in oil production has led to cutbacks in education. See Integrated Regional Information Networks, "GABON: Student riots crystalise frustration with education cutbacks", IRINnews.org, [online], January 27, 2004 [cited February 11, 2004]; available from http://www.irinnews.org/report.asp?ReportID=39162.

78.3 percent.[1631] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, the gross primary attendance rate was 141.3 percent and the net primary attendance rate was 92.2 percent.[1632] According to the government, over 40 percent of students drop out before they complete the last year of primary school.[1633] Problems in the education system include poor management and planning, lack of oversight, a shortage of teaching material, poorly qualified teachers, overcrowded classes, and a curriculum that is not always relevant to students' needs.[1634]

Child Labor Laws and Enforcement

The Labor Code prohibits children below 16 years from working without the consent of the Ministries of Labor, Education, and Public Health.[1635] The employment of children in jobs that are unsuitable for them due to their age, state, or condition, or that prevent them from receiving compulsory education is also prohibited.[1636] Children under 18 years are prohibited from working at night in industrial establishments, except in family enterprises.[1637] Forced labor is forbidden by the Labor Code.[1638]

The Criminal Code prohibits procurement of a minor for the purpose of prostitution, which is punishable by imprisonment for 2 to 5 years and a fine of CFA 100,000 to 2,000,000 (USD 192 to 3,830).[1639] Gabonese law prohibits the seduction, procurement, or trafficking in persons for the purpose of prostitution.[1640]

There is no law specifically prohibiting trafficking in persons.[1641] Pursuant to the Criminal Code, accomplices and instigators in child trafficking are subject to the same penalties as the prime offenders.[1642] Child trafficking has also been included in the Penal Code as an offense.[1643]

[1631] World Bank, *World Development Indicators 2004*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[1632] USAID, *Global Education Online Database,* [database online] n.d. [cited March 11, 2004]; available from http://esdb.cdie.org/cgi-bin2/broker.exe?_program=gedprogs.cntry_2.sas&_service=default&cocode=6GAB+.

[1633] UN Committee on the Rights of the Child, *Initial Reports of States Parties due in 1996, Addendum: Gabon*, CRC/C/41/Add.10, prepared by Government of Gabon, pursuant to Article 44 of the Convention on the Rights of the Child, July 13, 2001, para. 214.

[1634] In the capital city, Libreville, classes average 100 students in size, and rural classes average about 40 students. Many rural schools are poorly built and lack furniture and educational material. Sixteen percent of school children have only one teacher for all six primary years, and some schools have no teacher at all. See Ibid., paras. 216, 17.

[1635] Children between 14 and 16 years may work as apprentices with permission from the Ministry of National Education. See *Code du travail*, Loi no 3/94, (November 21, 1994), Articles 82, 177; available from http://natlex.ilo.org/txt/F94GAB01.htm.

[1636] Ibid., Article 6. According to Decree No. 31/PR/MTEFP of January 8, 2002, children under 16 years who have been removed from exploitive labor must be placed in appropriate reception or transit centers, and trafficked children must be repatriated to their country of origin at the expense of their employer or guardian. See ILO, *The effective abolition of child labour*, 2003, 72; available from http://www.ilo.org/public/english/standards/decl/download/review03/childlabour.pdf.

[1637] Children over 16 years can work in certain industries that, by their nature, must be continued at night. *Code du travail*, Articles 167, 68.

[1638] Ibid., Article 4.

[1639] *Criminal Code*, Articles 260, 61; available from http://209.190.246.239/protectionproject/statutesPDF/GabonF.pdf. Currency conversion at FX Converter, [online] [cited May 10, 2004]; available from http://www.oanda.com/convert/classic.

[1640] ECPAT International, *Gabon*.

Minimum age laws were strictly enforced in urban areas among citizen children, but rarely enforced in rural areas.[1644] While the Labor Code is intended to cover all children, in practice it is enforced only in situations involving Gabonese children, and not those who are foreign-born, many of whom work in domestic service or in marketplaces.[1645] The Ministry of Justice is responsible for the enforcement of child labor laws, while the Ministry of Labor is charged with receiving, investigating, and addressing child labor complaints.[1646] However, the U.S. Department of State reported that the number of labor inspectors was reported to be inadequate, complaints were not routinely investigated, and violations were not effectively addressed.[1647]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Gabon is one of nine countries participating in a USDOL-funded ILO-IPEC project to combat the trafficking of children for exploitative labor in West and Central Africa.[1648]

UNICEF has carried out several awareness-raising activities on child trafficking, including workshops and seminars, radio and television messages, and posters,[1649] and has trained police officers and labor inspectors on identifying child trafficking victims and traffickers.[1650] The government regularly hosts regional conferences on cross-border child trafficking.[1651]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182 3/28/2001	✓
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

[1641] U.S. Department of State, *Country Reports- 2003: Gabon*, Section 6f.

[1642] ILO, *Compilation of annual reports by the International Labour Office - Effective abolition of child labour*, Geneva, 2002.

[1643] UNICEF, *At a glance: Gabon*, in UNICEF, [online] [cited March 25, 2004]; available from http://www.unicef.org/infobycountry/gabon.html.

[1644] U.S. Department of State, *Country Reports- 2003: Gabon*, Section 6d.

[1645] Ibid.

[1646] Ibid.

[1647] Ibid.

[1648] The regional child trafficking project covers Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Ghana, Mali, Nigeria, and Togo. The project began in July 2001 and is scheduled for completion in June 2007. See ILO-IPEC, *Combating the Trafficking in Children for Labor Exploitation in West and Central Africa (Phase II)*, project document, RAF/01/P53/USA, Geneva, July 2001, 1, as amended. See also ILO-IPEC, *Combating the trafficking in children for labour exploitation in West and Central Africa (LUTRENA/Phase II)*, technical progress report, Geneva, March 1, 2004, 1.

[1649] UNICEF, *At a glance: Gabon*.

[1650] U.S. Embassy- Libreville, *unclassified telegram no. 649*, October 2004.

[1651] ECPAT International, *Gabon*.

The government, in collaboration with UNICEF, operates a toll-free hotline for child trafficking victims. The call center provides trafficking victims with free transportation to a shelter. The government also operates a shelter for trafficking victims, and an inter-ministerial committee works to combat trafficking in persons.[1652]

In January 2004, representatives from Gabon participated in a regional workshop held in Kinshasa on children's rights. The workshop addressed topics including international legal standards, recruitment of children by armed groups, and unaccompanied and separated children.[1653]

The government has adopted a National Plan of Action for Education for All to improve access and quality of education, and a subsequent plan to reduce repetition rates, particularly among girls.[1654] In June 2004, Gabon participated in a meeting in Nairobi that focused on ways to scale up good practices in girls' education in Africa.[1655]

[1652] The inter-ministerial committee is comprised of representatives from the Ministries of Labor, Justice, Foreign Affairs, and Family Ministries. See U.S. Department of State, *Country Reports- 2003: Gabon*, Section 6f.

[1653] Integrated Regional Information Networks, "DRC: Interview with Christina Linner, UNHCR Senior Coordinator for Refugee Children", IRINnews.org, [online], March 11, 2004 [cited March 12, 2004]; available from http://www.irinnews.org/print.asp?ReportID=39983.

[1654] UNICEF, *At a glance: Gabon*. See also République Gabonaise, *Plan d'Action National: Education Pour Tous*, Libreville, November 2002, 41; available from http://portal.unesco.org/education/en/file_download.php/48c38af334423915b665b87385315c63GabonEPT.doc.

[1655] UNICEF, *Ministers of Education and technical experts meet in Nairobi to discuss scaling up what works for girls' education in sub-Saharan Africa*, press release, June 24, 2004; available from http://www.unicef.org/media/media_21926.html.

The Gambia

Incidence and Nature of Child Labor

UNICEF estimated that 26.9 percent of children ages 5 to 14 years in the Gambia were working in 2000.[1656] Children in rural areas mainly work on family farms and assist with housework. Many girls in rural areas leave school to work, and some migrate to urban areas seeking domestic or other employment.[1657] Other sectors where children are known to work are carpentry, sewing, masonry, plumbing, tailoring, and mechanics.[1658] In urban areas, children are commonly found working as street vendors or taxi and bus assistants. The number of street children is growing[1659] and has led to increased instances of children begging.[1660] Consequently, their vulnerability to exploitation has been exacerbated.[1661]

According to UNICEF, commercial sexual exploitation of children is on the rise. The problem is most acute in the sex tourism industry, where young children, especially girls, are coerced by Gambian adults offering gifts and promises of a better or "more Western" life style.[1662] Child trafficking is also a problem. As a transit and destination country, the Gambia is a transfer point where children are trafficked for the purposes of commercial sexual exploitation and forced domestic and commercial labor. Most children are seized from rural areas and moved to urban centers. Many, ultimately, are trafficked to Europe or South America where they are exploited by the pornography industry.[1663]

[1656] Government of The Gambia in collaboration with UNICEF, *The Gambia Multiple Indicator Cluster Survey Report*, New York, 2000, Standard Tables for Gambia, Tables 2 and 42a; available from http://www.childinfo.org/MICS2/newreports/gambia/gambia.htm. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[1657] UNICEF, *Country Profile: UNICEF in The Gambia, Programme Cycle: 1999-2003*; available from http://www.ungambia.gm/unicef/profile.html.

[1658] U.S. Embassy- Banjul, *unclassified telegram no. 1032*, October 15, 2002.

[1659] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties, Concluding Observations: Gambia*, UNICEF, June 11, 2001; available from http://wwwserver.law.wits.ac.za/humanrts/crc/gambia2001.html.

[1660] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: The Gambia*, Washington, D.C., February 25, 2004; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27729.htm. Section 6

[1661] UN Committee on the Rights of the Child, *Concluding Observations: Gambia*.

[1662] UNICEF, *Child Sex Tourism and Exploitation Increasing in The Gambia*, Press Release, UNICEF, May 5 2004; available from http://www.unicef.org/media/media_20825.html. The Report ,"Study on The Sexual Abuse and Exploitation of Children in Gambia" was a joint project conducted by the Government of the Gambia and UNICEF. The Report cites poverty as the overwhelming factor contributing to the sexual abuse and exploitation of children. Poverty makes children and their families vulnerable to wealthier adults, or "sugar daddies", who are in a position to use money and gifts to secure sexual access to children. The lure of money and replicating the "Western Lifestyle" is an extremely powerful inducement for young girls in their desperation to escape the abject poverty that defines their existence. These vulnerable girls are often lead to a life of prostitution and or being trafficked to Western Europe. The Report can be accessed at http://www.unicef.org/media/files/gambia_report.doc. See also U.S. Department of State, *Country Reports- 2003: The Gambia*, Section 6f.

[1663] U.S. Department of State, *Trafficking in Persons Report 2004: The Gambia*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm.

The Constitution mandates free and compulsory primary education to 8 years of age. However, a lack of resources and educational infrastructure has made implementation difficult.[1664] Consequently, many families are faced with paying school fees or tuition.[1665] In 2001, the gross primary enrollment rate was 78.9 percent and the net primary enrollment rate was 72.9 percent.[1666] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for the Gambia. As of 1998, 69.2 percent of children who started primary school were likely to reach grade 5.[1667] Approximately 20 percent of school-age children attend Koranic schools, which usually have a restricted curriculum.[1668]

Child Labor Laws and Enforcement

The Gambia's statutory minimum age for employment is 14 years.[1669] The legal framework governing child labor in the Gambia is limited, and there are no laws that restrict the sectors in which children can work.[1670] Child labor protection does not extend to youths performing traditional chores on family farms or working for petty traders. Employee labor cards list employee ages with the Labor Commissioner, who is authorized to enforce labor laws but performs few enforcement inspections.[1671] The Criminal Code prohibits procuring a girl under 21 years of age for the purposes of prostitution, either within the Gambia or outside of the country.[1672] The Tourism Offenses Act of 2003 carries severe punishments for tourists found guilty of involvement in child prostitution and pornography.[1673]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of the Gambia began implementing an education initiative in 1998, with USD 15 million in loan support from the World Bank. The project will last until 2005 and is intended to increase the gross enrollment rate to 90 percent, improve educational opportunities for girls,[1674] strengthen basic education

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[1664] U.S. Department of State, Country Reports- 2003: The Gambia, Section 5. See also UNICEF and Government of the Gambia, Programme of Cooperation 1999-2003; available from http://www.ungambia.gm/unicef/pdf/mpopart2.pdf.

[1665] U.S. Department of State, *Country Reports- 2003: The Gambia*, Section 6.

[1666] The gross primary enrollment rate increased from 64.0 percent in 1990 to 79.0 percent in 2002. World Bank, World Development Indicators 2004 [CD-ROM], Washington, D.C., 2004.

[1667] Ibid.

[1668] UNICEF, *Country Profile*.

[1669] U.S. Embassy- Banjul, *unclassified telegram no. 1032*.

[1670] Ibid.

[1671] U.S. Department of State, *Country Reports- 2003: The Gambia*, Section 6d.

[1672] Government of The Gambia, *Criminal Code,* as cited in The Protection Project Legal Library, [database online] 1964; available from http://209.190.246.239/protectionproject/statutesPDF/GambiaF.pdf.

[1673] U.S. Department of State, *Trafficking in Persons Report 2004: The Gambia*.

[1674] One method of improving access to education for girls is the Scholarship Trust Fund, which covers the costs of tuition, textbooks, and examination fees for girls at all levels of education. For more information see *Initiatives in Girls Education: The Scholarship Trust Fund,* Secretary of State for Education, [online] [cited June 27, 2003]; available from http://www.edugambia.gm/Directorates/Current_Projects/Girls_Education/body_girls_education.html.

curricula, and improve teacher training.[1675] The government continues to fund a countrywide program that pays the school fees for girls enrolled in grades 7 through 12 in public schools.[1676] The program also covers girls attending private schools.[1677] However, enrollment of girls remains low in rural areas where cultural factors and poverty discourage parents from sending them to school.[1678] The President's Empowerment of Girls Education project in the Banjul, Western and North Bank is also being implemented.[1679] The U.S. Department of Agriculture is working with the government as part of a global effort to provide meals for schoolchildren.[1680]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 9/4/2000	✓
Ratified Convention 182 7/3/2001	✓
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

[1675] The 1998 project is the continuation of an education program that began in 1988 in the Gambia. See World Bank, *Project Appraisal Document on a Proposed Credit in the Amount of SDR 15.0 Million to the Republic of the Gambia for a Third Education Sector Project in Support of the First Phase of the Third Education Sector Program*, No. 17903-GM, August 7, 1998, 3,5. See also World Bank, *Education and Health in Sub-Saharan Africa: A Review of Sector-Wide Approaches*, The Gambia Education Case Study, January 2001, 107. See also *Education Sector Project (03),* World Bank, [online] June 20, 2003 [cited June 26, 2003]; available from http://www4.worldbank.org/sprojects/Project.asp?pid=P035643. The goal of the Gambian government is that every child receives nine years of schooling, with at least 50 percent attending secondary school. See Satang Jow, *Education Management Project,* Secretary of Station for Education, [online] [cited June 27, 2003]; available from http://www.edugambia.gm/Mission_Statement_And_Policy_/Policy_Documents_and_Reports/EMP/body_emp.html.

[1676] U.S. Department of State, *Country Reports- 2003: The Gambia*, Section 5.

[1677] The Department of State for Education cannot fund the entire program, but works with different partners to ensure financial support. See U.S. Embassy- Banjul, *unclassified telegram no. 0642*, August, 2003.

[1678] U.S. Department of State, *Country Reports- 2003: The Gambia*, Section 5.

[1679] The U.S. Embassy in Banjul contributes funds to this project through the Education for Development and Democracy Initiative Ambassador's Girls Scholarship Fund. See U.S. Embassy- Banjul, *unclassified telegram no. 0642*.

[1680] Washington File, *U.S. Funds Will Provide School Meals in Latin America, Caribbean*, August 17, 2004; available from http://usinfo.state.gov/gi/Archive/2004/Aug/18-23606.html.

Georgia

Incidence and Nature of Child Labor

UNICEF estimated that 28.8 percent of children ages 5 to 14 years in Georgia were working in 1999.[1681] The majority of working children work in family businesses, and in agriculture in rural areas.[1682] There are reports of significant numbers of children, some as young as 5 years old, engaged in begging or working on the streets. Children as young as 9 years old are found working in markets, sometimes at night, and involved in carrying or loading wares. Children also work in cafes, bistros, gas stations, and for street photographers.[1683] According to the UN Committee on the Rights of the Child, police violence against street children is a problem.[1684] In general, there is a lack of social safety services for children living on the street, with disabilities or from dysfunctional households.[1685]

Incidents of the commercial sexual exploitation of children, particularly for prostitution and pornography, are reported, especially among girls.[1686] In 2003, the statistical bureau of the Supreme Court reported 24 registered cases of the use of children in the drug trade and trafficking.[1687] Trafficking of children occurs, and thousands of children living in the streets and in orphanages are vulnerable to trafficking.[1688] Some families experiencing economic hardship have separated, which has increased the number of children living on the street.[1689]

[1681] Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than 4 hours of housekeeping chores in the household, or who have performed other family work. See Government of Georgia and State Department of Statistics - National Center for Disease Control, *Multiple Indicator Cluster Survey (MICS) 1999: Republic of Georgia*, UNICEF, Tbilisi, 2000, 25, 55; available from http://www.childinfo.org/MICS2/newreports/georgia/georgia.pdf.

[1682] There is limited information on child labor or education in South Ossetia and Abkhazia. See Ibid., 39.

[1683] Georgia NGO Convention on the Rights of the Child Coordinative Council, *Implementation of the Convention on Children's Rights in Georgia: A Report of Non-Governmental Organizations*, Tbilisi, 1999, 25; available from http://www.assistancegeorgia.org.ge/common/reports/crc/altngocrce.pdf [hardcopy on file]. See also UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Georgia*, CRC/C/15/Add.124, Geneva, June 28, 2000, para 60-62; available from http://www.unhchr.ch.

[1684] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention*, CRC/C/15/Ad.222, Geneva, October 27, 2003, 64.

[1685] International Monetary Fund, *Georgia: Poverty Reduction Strategy Paper*, 03/265, International Monetary Fund, Washington, D.C., August, 2003; available from http://www.imf.org/external/pubs/ft/scr/2003/cr03265.pdf.

[1686] U.S. Department of State, *Trafficking in Persons Report- 2004: Georgia*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33192.htm. See also UN Committee on the Rights of the Child, *Concluding Observations -- Georgia CRC/C/15/Add.124*, para 66. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention CRC/C/15/Ad.222*, para 64.

[1687] U.S. Embassy- Tbilisi, *unclassified telegram no. 2157*, August 23, 2004.

[1688] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention CRC/C/15/Ad.222*. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Georgia*, Washington, D.C., June 2003; available from http://www.state.gov/g/tip/rls/tiprpt/2003/.

[1689] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention CRC/C/15/Ad.222*, para 64. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Georgia*, Washington, D.C., February 25, 2004, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27838.htm.

Education is mandatory and free for citizens[1690] from the age of 6 or 7 until 16 or 17 years.[1691] In 2001, the gross primary enrollment rate was 92.0 percent and the net primary enrollment rate was 90.7 percent.[1692] In 2000, the net primary school attendance rate for children ages 6 to 15 years in Georgia was 96 percent.[1693] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. The number of children leaving school to get married is reportedly increasing. Girls are removed from school at the age of 13 or upon betrothal in some minority communities.[1694] Although education is free, students are required to purchase their own textbooks,[1695] and many parents have difficulty affording the costs of related expenses, such as school supplies. Moreover, parents are sometimes forced to pay tuition or teacher's salaries, which prevent some children from attending school.[1696]

Child Labor Laws and Enforcement

Article 167[1697] of the Labor Code sets the minimum age for employment in Georgia at 16 years. However, children who are 15 years old may work in jobs that are not dangerous to their health or development, in some jobs in the performing arts, or with special permission from the local trade union.[1698] In exceptional cases, children age 14 are permitted to work on a part time basis as long as permission is granted by their parents and the employment does not conflict with their schooling process. In general, children under 18 years of age may not be hired for unhealthy or underground work, and children ages 16 to 18 years have reduced working hours. The Labor Code prohibits forced labor, including that of minors.[1699] The Office of Labor Inspections in the Ministry of Health, Social Service and Labor and the Juvenile Delinquency Department in the Ministry of Interior are tasked with enforcing these laws.[1700] The actual enforcement of these laws in Georgia is questionable due to a general lack of resources.[1701]

[1690] *Constitution of Georgia*, Article 35, [cited November 5, 2002]; available from http://www.parliament.ge/LEGAL_ACTS/CONSTITUTION/consen.html.

[1691] U.S. Embassy- Tbilisi, *unclassified telegram no. 2157*.

[1692] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[1693] Government of Georgia, *Multiple Indicator Cluster Survey 2 (MICS2): Georgia*, UNICEF, 1999; available from http://www.ucw-project.org/cgi-bin/ucw/Survey/Main.sql?come=Tab_Country_Res.sql&ID_SURVEY=1092.

[1694] ABA CEELI, *CEDAW Assessment Tool Report: Georgia*, American Bar Association- Central European and Eurasian Law Initiative, Washingon, D.C., October 2003, 39.

[1695] UN Committee on the Rights of the Child, *Summary Record of the 915th Meeting*, CRC/C/SR.915, Geneva, October 8, 2003, 33.

[1696] U.S. Department of State, *Country Reports- 2003: Georgia*, Section 5.

[1697] U.S. Embassy- Tbilisi, *unclassified telegram no. 2157*.

[1698] UN Committee on the Rights of the Child, *Initial Reports of States Parties due in 1996, Addendum: Georgia*, *CRC/C/41/Add.4*, prepared by Government of Georgia, pursuant to Article 44 of the Convention on the Rights of the Child, May 26, 1997, paras. 13, 219-20.

[1699] U.S. Embassy- Tbilisi, *unclassified telegram no. 2157*.

[1700] U.S. Department of State, *Country Reports- 2003: Georgia*, Section 6d.

[1701] U.S. Embassy- Tbilisi, *unclassified telegram no. 2157*. See also UN Committee on the Rights of the Child, *Summary Record of the 915th Meeting CRC/C/SR.915*.

Article 171 of the Penal Code includes penalties of imprisonment for up to two years for encouraging minors to engage in prostitution. Article 172 provides for penalties for trafficking of minors, particularly for the purpose of prostitution.[1702] Offenses for involving children in pornography are punishable by a prison sentence of up to three years, while penalties for trafficking of minors include imprisonment for 5 to 15 years.[1703] Articles 171 and 172 of the Penal Code limit prosecution of cases and fail to include many forms of exploitive child labor, including work in agriculture, factories, and forced begging.[1704] Local branches of the Ministry of Internal Affairs are charged with handling crimes against minors, including sexual exploitation of children.[1705]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Georgia, with the help of international organizations, generated brochures and posters that provide information on Convention 182 for public distribution. Representatives from the Ministry of Labor deliver lectures to public groups on child labor issues.[1706] The Ministry of Internal Affairs sponsors a Center for the Rehabilitation of Minors, which regularly provides medical and psychosocial assistance to child and adolescent victims of prostitution before returning them to their guardians.[1707]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 09/23/1996	✓
Ratified Convention 182 7/24/2002	✓
ILO-IPEC Associated Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Trafficking)	✓

The Anti-TIP Unit of the Illegal Detention and Trafficking Division of the Organized Crime in the Ministry of Interior acquired a new office in 2004.[1708] The anti-TIP unit is allocated sufficient resources for its operations and has successfully investigated and made arrests in several trafficking cases. The Government provides protection and assistance to victims discovered in the course of police raids or investigations by referring the victims to government agencies and NGOs.[1709] The Government of Georgia

[1702] UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties due in 2001, Addendum: Georgia*, *CRC/C/104/Add.1*, prepared by Government of Georgia, pursuant to Article 44 of the Convention on the Rights of the Child, April 28, 2003, paras. 286-87. The Protection Project, *Georgia,* [online] 2004 [cited January 26, 2005]; available from http://www.protectionproject.org/se1.htm. See also U.S. Embassy- Tbilisi, email communication to USDOL official, January 28, 2005.

[1703] U.S. Department of State, *Country Reports- 2003: Georgia*, Section 5. See also *Republic of Georgia Criminal Code*, Article 232; available from http://209.190.246.239/protectionproject/statutesPDF/GeorgiaF.pdf.

[1704] Article 172 was originally intended to target illegal adoptions. See Kristi Severance, "Georgia," in *Survey of Legislative Frameworks for Combatting Trafficking in Persons*, *CEELI Research Paper Series* Washington, D.C.: American Bar Association, 2003; available from http://www.abanet.org/ceeli/publications/conceptpapers/humantrafficking/09_georgia.pdf. See also Marc Hulst, "Georgia," in *Analysis of Institutional and Legal Frameworks and Overview of Cooperation Patterns in the Field of Counter-Trafficking in Eastern Europe and Central Asia* Vienna: International Organization for Migration, 2003, 81; available from http://www.iom.int/en/pdf%5Ffiles/other/ct%5Freport%5Fnov2003.pdf.

[1705] UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties due in 2001, Addendum: Georgia* *CRC/C/104/Add.1*, para. 289.

[1706] U.S. Embassy- Tbilisi, *unclassified telegram no. 2157*.

[1707] ABA CEELI, *CEDAW Assessment Tool Report*, 26.

[1708] U.S. Embassy- Tbilisi, *unclassified telegram no. 2157*.

[1709] Foreign national and Georgian victims are provided medical services and referred to NGOs and the IOM as necessary for shelter, psychological assistance, rehabilitation, and repatriation. U.S. Embassy- Tbilisi, email communication, May 18, 2005.

is a member of the Black Sea Economic Cooperation and cooperates with other members to combat organized crime, including criminal activities concerning trafficking in human beings and sexual exploitation of women and children.[1710]

The Government of Georgia is receiving funding from the World Bank for the first phase of a 12-year, USD 25.9 million program that will develop a national curriculum for primary and secondary education, train teachers and principals, and provide basic learning materials through 2005.[1711] The government provides evening classes for out of school youth.[1712] The government also offers education grants and tutoring, including the option of enrolling in military school, to some children who leave the orphanages.[1713]

In August 2004, UNICEF provided school supplies to internally displaced children from South Ossetia in various parts of Georgia. It will work with UNHCR and WFP to continue to assess the needs of the refugees and is planning to provide them with vitamin supplements.[1714] USAID is currently sponsoring several programs targeting local, Abkhaz and internally displaced youth. These programs provide psycho-social assistance, educational activities, and alternative methods of conflict resolution.[1715]

[1710] Georgia is a signatory to the *Agreement Among the Governments of the Black Sea Economic Cooperation (BSEC) Participating States on Cooperation in Combating Crime, In Particular in its Organized Forms*. Participating states include the Republic of Albania, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Bulgaria, Georgia, the Hellenic Republic, the Republic of Moldova, Romania, the Russian Federation, the Republic of Turkey, and Ukraine. See Black Sea Economic Cooperation, *Agreement among the Governments of the Black Sea Economic Cooperation Participating States on Cooperation if Combating Crime, in Particular in its Organized Forms*, October 2, 1998; available from www.bsec.gov.tr/cooperation.htm.

[1711] The World Bank, *Education System Realignment and Strengthening Program,* 2001 [cited April 22, 2004]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20027079~menuPK:34470~pagePK:40651~piPK:40653~theSitePK:4607,00.html. See also The World Bank, *Project Appraisal Document on the First Phase of the Proposed Adaptable Program Credit in the Amount of SDR 19.9 Million to Georgia for an Educational System Realignment and Strengthening Program*, 20952-GE, The World Bank, Washington, D.C., February 22, 2001; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2001/03/27/000094946_01030705343241/Rendered/PDF/multi0page.pdf.

[1712] UN Committee on the Rights of the Child, *Summary Record of the 915th Meeting CRC/C/SR.915*, paras 40, 42.

[1713] Ibid., paras 50, 51.

[1714] UNICEF, *UNICEF provides school supplies and sport equipment to the displaced children from South Ossetia*, press release, UNICEF, Geneva, August 19, 2004; available from http://www.unicef.org/media/media_23130.html.

[1715] USAID, *Georgia,* [online] na [cited October 25, 2004]; available from http://www.usaid.org.ge/activities.shtml.

Ghana

Incidence and Nature of Child Labor

The Ghana Statistical Service estimated that approximately 27.2 percent of children ages 5 to 14 years in Ghana were working in 2001.[1716] The majority of working children are unpaid workers on family farms or family enterprises.[1717] In rural areas, children can be found working in picking, fishing, herding and as contract farm labor.[1718] Children also work as domestics, porters, hawkers, miners and quarry workers, and fare-collectors.[1719]

In urban centers, street children work mainly as truck pushers, porters, and sales workers.[1720] The fishing industry on Lake Volta has a high number of children engaged in potentially hazardous work like casting and drawing nets in deep waters.[1721]

Trokosi, a religious practice indigenous to the southern Volta region, involves pledging children and young women to atone for family members' sins[1722] by helping with the upkeep of religious shrines and pouring libations during prayers.[1723] Trokosis live near shrines, often with extended family members, during their period of service, which lasts from a few months to three years.[1724]

There are reports of children being given away, leased, or sold by their parents to work in various sectors.[1725] Children were also reportedly sold into involuntary servitude for either labor or sexual exploitation.[1726]

[1716] Another 48.5 percent of children ages 15 to 17 years were also found working. See Ghana Statistical Service, *Ghana Child Labour Survey*, March, 2003; available from http://www.ilo.org/public/english/standards/ipec/simpoc/ghana/report/gh_rep.pdf. For more information on the definition of working children, please see the section in the front of this report entitled *Statistical Definitions of Working Children.*

[1717] Sudharshan Canagarajah and Harold Coulombe, "Child Labor and Schooling in Ghana," in *Child Labor and Schooling in Africa: A Case Study of Ghana, Tanzania, Côte d'Ivoire and Zambia* Washington, D.C.: World Bank, 1998; available from http://wbln0018.worldbank.org/HDNet/HDdocs.nsf/globalView/chapter%203.pdf/$File/chapter%203.pdf. Children are inadequately compensated for their work, and often endure physical abuse and receive little or no health care. See U.S. Department of State, *Country Report on Human Rights Practices- 2003: Ghana*, Washington, D.C., February 25, 2004; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27730.htm.

[1718] Line Eldring, Sabata Nakanyane, and Malehoko Tshoaedi, *Child Labour in the Tobacco Growing Sector in Africa*, 21, 2000; available from http://www.fafo.no/english/.

[1719] U.S. Department of State, *Country Reports- 2003: Ghana*, Section 6d.

[1720] Ghana Statistical Service, *Ghana Child Labour Survey*.

[1721] U.S. Department of State, *Country Reports- 2003: Ghana*, Section 6d. See also afrol News, *Progress in freeing Ghanaian slave boys,* afrol News, [online] 2003 [cited October 26 2004]; available from http://www.afrol.com/News2003/gha008_labour.htm.

[1722] Trokosis are most often young girls. See U.S. Department of State, *Country Reports- 2003*: Ghana.

[1723] U.S. Embassy Accra- official, interview, July 21, 2005.

[1724] US Embassy Accra estimates that as of early 2005, there are fewer than 50 individuals serving in *trokosi* shrines.

[1725] Ibid.

Ghana is a source, transit, and destination country for trafficked children.[1727] Internationally, children are trafficked to neighboring countries for forced labor, and young girls are trafficked to the Middle East as domestic workers and to both the Middle East and Europe for purposes of commercial sexual exploitation.[1728] Internally, boys are trafficked from the Northern region to fishing communities in the Volta region or small mines.[1729] Girls are trafficked to Accra and Kumasi to work as domestics, assistants to traders,[1730] and *kayayeis*, porters who trade goods carried on head loads.[1731]

Education is compulsory for children of primary and junior secondary age, the equivalent of grades 1 to 9.[1732] The authorities do not enforce school attendance, however, and parents rarely face penalties if their children do not attend school.[1733] Education can also be costly for poor families who must pay school levies each term, as well as buy textbooks and uniforms.[1734] In 2001, the gross primary enrollment rate was 81.4 percent, and the net primary enrollment rate was 60.2 percent; both rates were higher for boys than for girls.[1735] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Ghana. In 2001, the primary school repetition rate was 5.2 percent. Although 64.3 percent of working children attended school in 2001,[1736] there has been an increase in the school dropout rate, partly because of economic hardship leading to rural-urban migration.[1737]

[1726] Boys ages 10 to 12 years are reported to work for fishermen in exchange for yearly remittances to their families, a practice commonly condoned by impoverished parents. See Ibid. Section 6d.

[1727] Ibid., Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Ghana*, Washington, D.C., June 13, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm.

[1728] U.S. Department of State, *Trafficking in Persons Report- 2004: Ghana*. See also U.S. Department of State, *Country Reports- 2003: Ghana*, Section 6f.

[1729] U.S. Department of State, *Trafficking in Persons Report- 2004: Ghana*. See also U.S. Department of State, *Country Reports- 2003: Ghana*, Section 6f. In February 2004, Gambian authorities cracked a child trafficking ring bringing young people into Ghana to work for Ghanaian fishermen, see Integrated Regional Information Networks, *Gambia-Ghana: Sex slave children trafficked by Ghanaian fishermen*, February 26, 2004; available from http://www.irinnews.org/print.asp?ReportID=39717.

[1730] U.S. Department of State, *Trafficking in Persons Report- 2004: Ghana*.

[1731] Seema Agarwal et al., *Bearing the Weight*, Centre for Social Policy Studies, University of Ghana, Legon, May 1997. According to local NGOs, these children were subjected to dangerous working conditions, sometimes resulting in injury or death, see U.S. Department of State, *Country Reports- 2003: Ghana*, Section 6d.

[1732] U.S. Department of State, *Country Reports- 2003: Ghana*.

[1733] Ibid.

[1734] Ibid., Section 5. Ghana's constitution prohibits the central government from charging school fees, yet individual districts continue to charge levies. See U.S. Embassy- Accra official, email communication, June 23, 2005.

[1735] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[1736] Ghana Statistical Service, *Ghana Child Labour Survey*.

[1737] U.S. Department of State, *Country Reports- 2003: Ghana*, Section 6d.

Child Labor Laws and Enforcement

The Children's Act sets the minimum age for general employment at 15 years, and sets 13 years as the minimum age for light work.[1738] The Children's Act prohibits children under 18 from engaging in hazardous labor, including work in mines or quarries, at sea, in bars, in manufacturing that involves chemicals or machinery, or in any job that involves carrying heavy loads.[1739] Employers who operate in the formal sector must keep a register with the ages of the young people they employ. Failing to keep this register can result in a fine of 10 million cedis (USD 1,121)[1740] or 2 years in prison.[1741]

The Ghanaian Constitution and labor law forbid forced or bonded labor by anyone, including children, but the practice reportedly occurred in the country.[1742] Act 29 prohibits the prostitution of women under the age of 21, with more severe penalties for children under 14.[1743] Ritual servitude is illegal, [1744] but the practice of trokosi is not illegal because it is voluntary.[1745] Although there is no specific law against child trafficking, the government has legal grounds to prosecute traffickers under laws against slavery, prostitution, rape, underage labor, child stealing, kidnapping, abduction, and the manufacture of fraudulent documents.[1746]

Child labor laws are not enforced with any effectiveness or consistency.[1747] Labor authorities carry out routine annual inspections of every workplace in the formal sector, but seldom monitor the informal sector where working children can be found, and there was no record in 2003 of any prosecution for a violation of child labor law. Other law enforcement authorities, including judges and police, lack adequate resources and are largely unfamiliar with child protection laws.[1748]

[1738] Light work is defined as work that is not harmful to the health or development of a child and that does not affect the child's attendance and performance at school. The legislation allows children aged 15 years and above to work in an apprenticeship if the employer provides a safe and healthy work environment, and training. See *The Children's Act, Act 560, 1998*; available from http://natlex.ilo.org/txt/E98GHA01.htm.

[1739] Ibid., Section 91.

[1740] *The Children's Act, Act 560, 1998*; available from http://natlex.ilo.org/txt/E98GHA01.htm.

[1741] Ibid.

[1742] FXConverter, in Oanda.com, [online] [cited September 25, 2004], Section 6c; available from http://www.oanda.com/convert/classic.

[1743] *Penal Code*, Act 29, 107 (1) and 108 (1), (1960); available from http://209.190.246.239/protectionproject/statutesPDF/GhanaF.pdf.

[1744] U.S. Embassy- Accra, *unclassified telegram no. 2657*, October, 2002.

[1745] U.S. Department of State, *Country Reports- 2003: Ghana*.

[1746] *Penal Code*, Act 29, 107 (1) and 108 (1), (1960); available from http://209.190.246.239/protectionproject/statutesPDF/GhanaF.pdf.

[1747] U.S. Department of State, *Country Reports- 2003: Ghana*.

[1748] U.S. Embassy- Accra official, email communication, June 23, 2005.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

In 2004, the Government of Ghana in collaboration with ILO-IPEC, international and non-governmental organizations, continued institutional capacity-building efforts begun in 2001 under the National Plan of Action for the Elimination of Child Labor in Ghana. These efforts include training and sensitization workshops for police, labor inspectors, local governments, and community members.[1749]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182 6/13/00	✓
ILO-IPEC Associated Member	✓
National Plan for Children	✓
National Child Labor Action Plan	✓
Sector Action Plan (Trafficking)	✓

In addition, 2004 saw the launch of the 6-year, USD 5.1 million ILO-IPEC Timebound Program, which sets time frames for progress on the elimination of the worst forms of child labor in Ghana. Several Ghanaian government ministries are partners in the program, which aims to strengthen Ghana's legal framework against child labor, mobilize Ghanaian society against child labor, expand apprenticeship and skills training systems in the country, and develop an integrated policy framework and institutional and technical capacities for addressing child labor issues effectively and sustainably.[1750]

With the active participation of several Ghanaian Government ministries, ILO-IPEC also continued to implement additional programs. The West Africa Cocoa/Commercial Agriculture Program (WACAP), a USD 6 million program, aims to build institutional capacity, promote public education and mobilization, and develop a long-term child labor monitoring system. Among the program's achievements in 2004 were a training manual for farmers, new policy measures from the Ministry of Women's and Children's Affairs aimed at improving access to basic education, and a pilot test of a child labor monitoring and reporting mechanism in five cocoa-producing districts.[1751] The Building the Foundations for Eliminating the Worst Forms of Child Labour in Anglophone Africa is a 4-year, USD 5.3 million project to build technical skills and organizational capacity in government, workers' and employers' organizations, and to identify and disseminate child labor best practice information at the sub-regional level.[1752] Other ILO-IPEC projects include skills training in the urban informal sector in five African countries, and a nine-country study on child exploitation.[1753]

With funding from the World Bank, the government implements projects to raise awareness of child labor, withdraw children from work,[1754] and assist street children.[1755] The Government of Ghana also has a

[1749] U.S. Department of State, *Trafficking in Persons Report- 2004: Ghana*.

[1750] U.S. Embassy- Accra, *unclassified telegram no. 1720*, August 24, 2004.

[1751] The program is slated to run through 2005. See Ibid.

[1752] Ibid. See also ILO-IPEC, *Support for the Implementation of Time-Bound Measures for the Elimination of the Worst Forms of Child Labour in Ghana*, project document, Time-Bound Measures, project document, Geneva, September 3, 2004.

[1753] ILO-IPEC, *West Africa Cocoa/Commercial Agriculture Programme to Combat Hazardous and Exploitative Child Labour (WACAP)*, technical progress report, Geneva, September, 2004.

[1754] ILO-IPEC, *Building the Foundations for Eliminating the Worst Forms of Child Labour in Anglophone Africa (CBP)*, technical progress report, Geneva, September, 2004.

[1755] ILO-IPEC, *IPEC action against child labour: Highlights 2004*, report, October, 2004.

National Plan to Combat Trafficking, and the Ghanaian Parliament and various government agencies have highlighted the issue of trafficking in special events and community education campaigns.[1756] The government also works to bring children who have been sold back home, by offering various financial incentives to parents, such as business assistance and help with school fees and uniforms.[1757]

Ghana is one of nine West and Central African countries participating in a 3-year, USD 4.3 million ILO-IPEC project to prevent trafficking in children and provide rescue and rehabilitation services to child trafficking victims.[1758] In 2003, The Women and Juvenile Unit of the Police Force implemented trafficking awareness campaigns in the Volta region.[1759] The government is also partnering with the IOM in a 21-month project to return and reintegrate children trafficked to the fishing sector in Yeji.[1760]

Through 2005, the Government of Ghana will continue to implement the Free Compulsory Universal Basic Education program, aimed at providing basic education to all school-age children, promoting efficiency, quality, access, and participation.[1761] The government has cooperated with USAID in the implementation of its Education Quality for All (EQUALL) project, which focuses on increasing access to primary education, improving reading instructional systems, and improving education management systems.[1762] Other Ministry of Education efforts include support for "informal" NGO-sponsored schools and increased vigilance over students' progression to higher grades. The Ghana Education Service is implementing activities under its Five-Year Action Plan for Girls' Education in Ghana 2003-2008, including science and mathematics clinics around the country, scholarships for girls, incentives to attract female teachers to rural areas, and awareness-raising activities.[1763] Ghana also has been slated to receive funding from the World Bank and other donors under the Education for All Fast Track Initiative, which aims to provide all children with a primary school education by the year 2015.[1764]

[1756] ILO-IPEC, *List of all non-USDOL projects, Annex 1*, report, Geneva, 2004.

[1757] In 2003, over 1,000 children were repatriated to GhanaILO-IPEC, *National Programme for the Elimination of Child Labor*, technical progress report, March 31, 2003.

[1758] U.S. Department of State, *Trafficking in Persons Report- 2004: Ghana*.

[1759] Ibid.

[1760] Ibid.

[1761] ILO-IPEC, *Combating the Trafficking of Children for Labor Exploitation in West and Central Africa (LUTRENA / Phase II)*, technical progress report, Geneva, September, 2004..

[1762] U.S. Department of State, *Trafficking in Persons Report- 2004: Ghana*.

[1763] IOM, *Assisted Voluntary Return and Reintegration of Ghanaian Children Victims of Trafficking for Labour Exploitation in Yeji Fishing Communities (LEYE),* [online] [cited September 26, 2004]; available from http://www.iom.int/iomwebsite/Project/ServletSearchProject?event=detail&id=GH1Z005.

[1764] *Ghana's Education System,* Republic of Ghana Ministry of Information, [online] n.d. [cited September 26, 2004]; available from http://www.ghana.gov.gh/studying/education/index.php.

Grenada

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Grenada are unavailable.[1765] It has been reported that some children work informally in the agricultural sector.[1766] According to the World Bank, children are becoming involved in commercial sexual exploitation in order to pay for basic needs, such as school fees and food.[1767]

Education is compulsory in Grenada until the age of 16.[1768] In 2000, the gross primary enrollment rate was 94.6 percent, and the net primary enrollment rate was 84.2 percent.[1769] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance rates are not available for Grenada. Despite high enrollment rates, factors such as poverty, poor school facilities, and the periodic need to help with family farm harvests have resulted in a 7 percent absenteeism rate among primary school children.[1770] The government cites high level of emigration of parents, neglect and juvenile crime as the leading causes of children dropping out of school.[1771]

[1765] LABORSTAT, *1A- Total and economically active population, by age group (Thousands)* [Database], Geneva, 2004; available from http://laborsta.ilo.org.

[1766] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Grenada*, Washington, D.C., February 25, 2004, Section 6d; available from www.state.gov/g/drl/rls/hrrpt/2003/27898.htm.

[1767] The World Bank, *Project Appraisal Document on a Proposed IDA Grant in the Amount of SDR 6.1 Million Equivalent to the Caribbean Community (CARICOM) for The Pan Caribbean Partnership Against HIV/AIDS Project*, The World Bank, Washington, D.C., March 4, 2004; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/03/09/000160016_20040309103136/Rendered/INDEX/272670LCR.txt. See also The Protection Project, *Grenada*, Washington, D.C., March, 2002; available from http://209.190.246.239/ver2/cr/Grenada.pdf. It is reported that girls are three times as likely as boys to be infected with the HIV virus. The World Bank, *Project Appraisal Document on a Proposed Loan/Credit in the Amount of US$6.04 Million to Grenada for a HIV/AIDS Prevention and Control Project*, The World Bank, Washington, D.C., July 1, 2002; available from http://www-wds.worldbank.org/servlet/WDSContentServer/ WDSP/IB/2002/07/31/000094946_02071304010345/Rendered/PDF/multi0page.pdf.

[1768] U.S. Department of State, *Country Reports- 2003: Grenada*, Section 5.

[1769] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[1770] U.S. Embassy- Bridgetown, *unclassified telegram no. 1126*, June 23, 2000.

[1771] Committee on the Rights of the Child, *Summary Record of the 608th Meeting*, CRC/C/SR.608, Geneva, March 9, 2000; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/e3ba31066714114280256 8b2004e0df9/$FILE/G0040532.pdf.

Child Labor Laws and Enforcement

The Employment of Women, Young Persons and Children Act of 1999 sets the minimum age for employment in Grenada at 16 years, with the exception of holiday employment.[1772] A person convicted of violating the Act can be subject to a fine of up to USD 3752.35, up to 3 years imprisonment, or both.[1773] The Constitution prohibits forced labor and slavery.[1774] No laws specifically address trafficking in persons, but there were no reports that children were trafficked to, from, within, or through the country.[1775] The Ministry of Labor enforces child labor laws in the formal sector through periodic checks; however, enforcement in the informal sector is not stringent, according to the U.S. Department of State.[1776]

The Child Protection Act of 1998 designates the Child Welfare Authority as responsible for providing protection to children, including in cases of neglect or sexual exploitation.[1777]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 05/14/2003	✓
Ratified Convention 182 05/14/2003	✓
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

The Government of Grenada has also prepared its first comprehensive educational development plan, entitled "Strategic Plan for Educational Enhancement and Development (SPEED)," to be implemented from 2002-2010. The Plan includes providing universal access to education; improving the quality of education; providing learners with relevant knowledge, attitudes and skills; establishing and strengthening relationships with partners in education; improving the effectiveness of management and administration of education at ministry and school levels; and ensuring consistent government financing of education, diversifying the funding sources and making certain that resources are used efficiently.[1778]

The Government of Grenada secured a loan in 2003 from the Caribbean Development Bank to finance the rehabilitation of 13 primary schools, rebuilding of one school, and training of Ministry staff in curriculum development.[1779] The government also received funding from the Caribbean Development Bank to provide

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[1772] *Employment of Women, Young Persons and Children Act, 1999*, Part III, Article 32. as cited in Adrian Hayes, facsimile communication to USDOL official, May 12, 2001.

[1773] *Employment of Women, Young Persons and Children Act, 1999*, Article 35

[1774] *Grenada Constitution Order 1973*, No. 2155, (February 7, 1974), Chapter 1, Section 4(1-2) [cited September 15, 2003]; available from http://www.georgetown.edu/pdba/Constitutions/Grenada/gren73eng.html.

[1775] U.S. Department of State, *Country Reports- 2003: Grenada*, Section 6f.

[1776] Ibid., Section 6d.

[1777] *Child Protection Act*, (1998); available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=GRD&p_classification=04&p_origin=COUNTRY.

[1778] Government of Grenada, *Strategic Plan for Educational Enhancement 2002-2010*, Ministry of Education, January 2002, 21-40.

[1779] Caribbean Development Bank, *Economic Reconstruction Programme- Rehabilitation of Primary Schools in Grenada*, Caribbean Development Bank, March 6, 2003; available from www.caribank.org.

loans to students in vocational, technical and professional training programs. At risk and underprivileged students will also obtain educational loans as part of this program.[1780]

The World Bank approved funding for the second phase of the Organization of Eastern Caribbean States Education Development Program in 2003. This project will rehabilitate schools, expand access to schools by reallocating space, provide additional learning resources, and train teachers. It will support students by developing extra-curricular activities and train administrators in the management of the school system.[1781]

In 2004, the World Bank, in partnership with CARICOM and other international donor organizations, launched a regional HIV/AIDS prevention project in Grenada. This project contains a component focused on prevention of HIV transmission among young people. It will provide support to orphans, increase access to HIV/AIDS prevention and services for out of school youth, integrate HIV/AIDS information into reproductive health programs, and promote peer counseling for youth, parents and teachers. The first phase of this project is expected to end in 2007.[1782]

As part of The World Bank regional HIV/AIDS initiative, the Government of Grenada secured an additional loan for USD 6.04 million to finance a national HIV/AIDS project. This project will include a large educational component, designed to reach every school and every child in Grenada with awareness activities. The project will fund training activities for peer counselors and develop family education materials to reach out of school youth.[1783]

[1780] Caribbean Development Bank, *Funding for Student Loans in Grenada*, Caribbean Development Bank, October 22, 2002; available from http://www.caribank.org.

[1781] The World Bank, *Project Appraisal Document on a Proposed Loan in the Amount of US$4.0 Million and a Proposed Credit in the Amount of SDR 2.9 Million to the Government of Grenada for the (OECS) Education Development Project*, 26042, The World Bank, Washington, D.C., June 3, 2003; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2003/06/16/000160016_20030616170816/Rendered/PDF/2640421Grenada1OECS0Ed0Dev01SecM200310270.pdf.

[1782] The World Bank, *Caribbean HIV/AIDS I-Barbados*, previously online, The World Bank, Washington, D.C., August 17, 2004; available from http://www.wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2001/08/04/000094946_0107704151672/Rendered/PDF/multi0page.pdf [hard copy available].

[1783] The World Bank, *Project Appraisal Document on a Proposed Loan/Credit in the Amount of US$6.04 Million to Grenada for a HIV/AIDS Prevention and Control Project*.

Guatemala

Incidence and Nature of Child Labor

The Guatemalan National Institute of Statistics estimated that 16.3 percent of children ages 6 to 14 years in Guatemala were working in 2000.[1784] Of this population, more males (66 percent) than females (34 percent) were working, and 77 percent of children were employed in rural areas.[1785] Labor force participation rates of children are highest in areas with a large indigenous population.[1786] On average, working children ages 5 to 14 years work 6.5 hours per day and 5 days per week.[1787] Children help harvest commercial crops such as coffee[1788] and broccoli.[1789] Children are also employed in family businesses,[1790] in the fireworks[1791] and stone quarries sectors,[1792] and as domestic servants[1793] and garbage pickers.[1794]

[1784] Another 54.2 percent of children ages 15 to 17 years were also found working. See ILO-IPEC, *Estudio Cualitativo Sobre el Trabajo Infantil en Guatemala: Informe Final*, Guatemala City, April 2003, 30, Cuadro No. 8; available from http://www.ilo.org/public/spanish/standards/ipec/simpoc/guatemala/report/gt_2003.pdf. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[1785] Ibid., 31, Cuadro No. 9.

[1786] Indigenous children comprised 65.9 percent of economically active 7 to 14 year olds. See Ministry of Labor and Social Security, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil y Protección a la Adolescencia Trabajadora, Guatemala*, 2001, 6. According to the National Institute of Statistics, 62.6 percent of children ages 5 to 14 work in agriculture, including forestry, hunting, and fishing. Other sectors employing large numbers of children in this age group include commerce (16.4 percent), manufacturing (10.7 percent), health and personal services (6.0 percent), and construction (3.0 percent). See ILO-IPEC, *Estudio Cualitativo Sobre el Trabajo Infantil en Guatemala*, 37, Cuadro No. 13.

[1787] ILO-IPEC, *Estudio Cualitativo Sobre el Trabajo Infantil en Guatemala*, 40, Cuadro No. 14.

[1788] ILO-IPEC, *Prevention and Progressive Elimination of Child Labor in the Coffee Industry in Guatemala*, technical progress report, GUA/99/05/060, Geneva, March 3, 2004.

[1789] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Guatemala*, Washington D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27900.htm. See also ILO-IPEC, *Progressive Elimination of Child Labor in the Broccoli Sector in Guatemala*, project document, October 2000.

[1790] U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 6d. Many children work for their families without wages. See U.S. Embassy - Guatemala City, *unclassified telegram no. 2108*, Guatemala City, August 19, 2003. It has been reported that children also work as black market traders for US dollars. See Institutional Co-ordinator for Promotion of Children's Rights - CIPRODENI, *Analysis on Progress and Limitations on Compliance of the Children's Rights Convention: Second Independent Report from Non-Government Organizations on Compliance with Children and Youth Rights in Guatemala*, CIPRODENI, Guatemala, September 2000, 27.

[1791] ILO-IPEC, *Linea Basal de comunidades de San Juan Sacatepéquez y San Raymundo*, ILO, 2000.

[1792] ILO-IPEC, *Progressive Eradication of Child Labor in Gravel Production in Samala River, Retalhuleu, Guatemala (Phase 2)*, technical progress report, GUA/01/51P/USA, Geneva, March 5, 2004. See also Gema Palencia, "Novecientos veinticinco mil menores obligados a trabajar agricultura y comercio, sectores que utilizan a mas ninos," *Prensa Libre*, April 29, 2003; available from http://www.prensalibre.com/pls/prensa/detnoticia.jsp?p_cnoticia=54991&p_fedicion=29-04-03.

[1793] The ILO reports that 38,878 children under 18 work under conditions of modern slavery in private homes in Guatemala. See U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 6d.
See also ILO-IPEC, *Trabajo Infantil Doméstico en Guatemala: Informe de Investigación Lineamientos y Recomendaciones para una Propuesta de Intervención del 21 de diciembre 2001 al 31 de marzo de 2002*, Asociación Guatemalteca Pro-Naciones Unidas (AGNU), Guatemala City, 2002.

Street children tend to be especially vulnerable to sexual exploitation and other forms of violence, constituting a serious problem in Guatemala.[1795] In general, child prostitution is on the rise.[1796] Guatemala is considered a source, transit, and destination country for trafficked children. There is also evidence of internal trafficking.[1797] Children from poor families in Guatemala tend to be drawn into trafficking for purposes of prostitution through advertisements for lucrative foreign jobs or through personal recruitment.[1798]

Education is free and compulsory in Guatemala up to grade 6, or from ages 7 to 14.[1799] In 2001, the gross primary enrollment rate was 103.0 percent and the net primary enrollment rate was 85.0 percent.[1800] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Guatemala. As of 2000, 55.8 percent of children who started primary school were likely to reach grade 5.[1801] The inflexibility and irrelevancy of the education system, insufficient academic coverage, and low quality of services have been cited as some of the reasons children leave Guatemalan schools. Economic activity and poor health contribute to the fact that 76 percent of rural children who enter first grade to drop out before completing primary school.[1802] Children who do not attend school are

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[1794] Vilma Duque and Fernando Garcia, *Child Labour in Garbage Dumps: A Rapid Assessment*, ILO, Geneva, May 2002; available from http://www.ilo.org/public/spanish/standards/ipec/simpoc/guatemala/ra/basuras.pdf.

[1795] U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 5. Casa Alianza reports that most children living in the streets of Guatemala City are 7 to 14 years old. See Casa Alianza, *Niños y Niñas de la Calle en Ciudad de Guatemala,* [online] [cited June 8, 2004]; available from http://www.casa-alianza.org/ES/about/offices/guatemala/children.phtml.

[1796] Child prostitution is especially common in the capital and other major cities as well as towns along the borders with El Salvador and Mexico. See U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 6f. Most child victims of commercial sexual exploitation are between the ages of 13 and 17 years. See Casa Alianza, *Casa Alianza Investigation Finds Hundreds of Girls Trafficked in Guatemala,* [online] March 31, 2004 [cited April 2, 2004]; available from http://www.casa-alianza.org/EN/noticias/lmn/noticia863.

[1797] U.S. Department of State, *Trafficking in Persons Report- 2004: Guatemala*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33188.htm.

[1798] U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 6f. A report published by the Children's Defense Department of the Office of the Human Rights Ombudsman entitled "Niñez prostituida: objetos sexuales o subjetos socials?" revealed 83 brothels in Tecun Uman employing girls as young as 13 and 16 years old. See Casa Alianza, "10th Anniversary United Nations Convention on the Rights of the Child," *Special Reports and Coverages*, February 16, 2000; available from http://www.casa-alianza.org/EN/newstuff/crc/childlabor.shtml. Children are also reportedly involved in the trafficking and production of drugs. See ILO, *Review of Annual Reports Under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, Part II Compilation of annual reports by the International Labour Office, Geneva, March 2002, 364.

[1799] UN Commission on Human Rights, *Annual Report of the Special Rapporteur, Katarina Tomasevski, on the Right to Education*, submitted in accordance with Commission on Human Rights Resolution 2000/9, E/CN.4/2001/52, Geneva, 2001, [cited June 8, 2004]; available from http://www.right-to-education.org/content/unreports/unreport5prt1.html.

[1800] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[1801] Ibid.

[1802] ILO-IPEC, *Estudio Cualitativo Sobre el Trabajo Infantil en Guatemala*, 27, Recuadro No. 3. See also USAID, *Regional Strategy for Central America and Mexico FY 2003-2008, Annex E: Guatemala Country Plan*, December 17, 2003, 17; available from http://www.dec.org/pdf_docs/PDABZ676.pdf.

concentrated in rural areas, and a disproportionate number of them are girls in indigenous communities.[1803] Sixty-two percent of working children attend school compared to 78 percent of non-working children. Working children tend to complete only 1.8 years of schooling, roughly half the average years completed by non-working children.[1804]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.[1805] In some exceptional cases, the Labor Inspection Agency can provide work permits to children under the age of 14, provided that the work is related to an apprenticeship, is light work of short duration and intensity, is necessary due to conditions of extreme poverty within the child's family, and enables the child to meet compulsory education requirements.[1806] Minors age 14 to 17 are prohibited from working at night, overtime, in places that are unsafe and dangerous, or in bars or other establishments where alcoholic beverages are served.[1807] The workday for minors under the age of 14 years is limited to 6 hours; minors age 14 to 17 may work 7 hours.[1808] In July 2003, the Law for Integrated Protection of Children and Adolescents entered into force, which called for the establishment of a National Commission on Children and Adolescents and outlined laws governing the protection of children from trafficking and economic and sexual exploitation.[1809]

Article 188 of the Penal Code prohibits child pornography and prostitution.[1810] Procuring and inducing a person into prostitution are crimes that can result in either fines or imprisonment, with heavier penalties if victims under 12 years old are involved.[1811] Trafficking for the purpose of prostitution is punishable by imprisonment of 1 to 3 years and a fine, again, with enhanced penalties if the victim is a minor.[1812] The Constitution prohibits forced or compulsory labor, including by children.[1813]

[1803] According to the UN Verification Mission in Guatemala, Guatemalan children receive, on average, 2.2 years of education, and indigenous children receive an average of 1.3 years. See U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 5.

[1804] ILO, UNICEF, and World Bank, *Understanding Children's Work in Guatemala*, Understanding Children's Work Project, March, 2003, 29. Of working children ages 5 to 14 years, 33.4 percent only work while 66.6 percent combine work with school. The majority of working children (64.1 percent) have not completed primary school. See ILO-IPEC, *Estudio Cualitativo Sobre el Trabajo Infantil en Guatemala*, 34, Cuadro No. 11.

[1805] *Código de Trabajo de la República de Guatemala*, Article 148; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/41345/64970/S95GTM01.htm#t4.

[1806] Ibid., Article 150. In 2003, the Ministry of Labor granted 119 work permits to children under the age of 14, down from 124 granted in 2002 and 1,014 granted in 2001. Recent law reform efforts have been aimed at rescinding the permit program. See U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 6d.

[1807] U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 6d. See also *Código de Trabajo de la República de Guatemala, 1996*, 148.

[1808] U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 6d.

[1809] This law modifies an earlier version passed in 1999. The law does not provide for criminal sanctions. See U.S. Embassy - Guatemala City, *unclassified telegram no. 2108*. See also *Ley de Proteccion Integral de la Niñez y Adolescencia*, Decreto Numero 27-2003, Articulos 50 and 51.

[1810] U.S. Embassy- Guatemala City, *unclassified telegram no. 2507*, August 2000. See also Interpol, *Legislation of Interpol Member States on Sexual Offenses against Children: Guatemala,* [database online] [cited June 26, 2003]; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaGuatemala.asp.

[1811] Article 191 of the Criminal Code as cited by Interpol, *Legislation of Interpol Member States*.

[1812] U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 6f. Penal code reforms increasing trafficking penalties have been accepted for Congressional consideration. See U.S. Embassy - Guatemala City, *unclassified telegram no. 1320*, May 27, 2004.

The Child Workers Protection Unit within the Ministry of Labor is responsible for enforcing restrictions on child labor as well as educating children, parents, and employers on the rights of minors in the labor market. According to the U.S. Department of State, labor laws governing the employment of minors are not well enforced because of the ineffectiveness of labor inspection and labor court systems.[1814] The Defense of Children's Rights unit in the Human Rights Ombudsman's Office and the newly established Minor Victims Section of the Prosecutor's Office investigate trafficking cases.[1815] The Minors Section of the National Civilian Police's Criminal Investigative Service successfully apprehended child traffickers. Rescued underage victims were provided with rehabilitative services primarily run by NGOs, but some shelters were operated by the government.[1816]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 4/27/1990	✓
Ratified Convention 182 10/11/2001	✓
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	✓
Sector Action Plan (Commercial Sexual Exploitation)	✓

The Government of Guatemala, through its National Commission for the Elimination of Child Labor, is implementing the 2001 National Plan for the Prevention and Eradication of Child Labor and the Protection of the Adolescent Worker.[1817] The government included in its 2000-2004 agenda for social programs the goal of decreasing the number of child workers by 10 percent.[1818] The Secretariat of Social Welfare has also published a National Plan of Action focusing specifically on the commercial sexual exploitation of children and adolescents.[1819] As mandated by the Law for Integrated Protection of Children and Adolescents of 2003, a National Commission of Childhood and Adolescence was established in May 2004.[1820] In addition, an anti-trafficking unit was created in the Public Ministry's Office of the Special Prosecutor for Women to lead trafficking investigations.[1821]

[1813] U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 6c.

[1814] Ibid., Section 6d.

[1815] Few cases are prosecuted due to victims' reluctance to press charges. See Ibid., Section 6f.

[1816] U.S. Department of State official, electronic communication with USDOL official, July 8, 2005. See also U.S. Embassy - Guatemala City, *unclassified telegram no. 0545*, March 1, 2005.

[1817] Ministry of Labor and Social Security, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil*. See also U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 6d.

[1818] ILO-IPEC, *Eradication and Prevention of Child Labor in Agriculture in Central America and the Dominican Republic (Phase II)*, technical progress report, RLA/03/P50/USA, March 26, 2004.

[1819] Secretariat of Social Welfare of the Presidency, *Plan Nacional de Acción Contra la Explotación Sexual Comercial de Niñas, Niños y Adolescentes en Guatemala*, Guatemala City, July 2001.

[1820] U.S. Embassy - Guatemala City, *unclassified telegram no. 1320*. See also *Ley de Proteccion Integral de la Niñez y Adolescencia*, Article 85.

[1821] U.S. Embassy - Guatemala City, *unclassified telegram no. 0779*, March 30, 2004.

The Government of Guatemala is collaborating with ILO-IPEC on eight projects aimed at eliminating child labor in various sectors and geographical areas.[1822] ILO-IPEC is assisting the government to include child labor in curriculum review and teacher trainings at the national level, as well as in proposed reforms to the Labor Code.[1823] Guatemala is currently participating in two USDOL-funded ILO-IPEC regional projects aimed at combating commercial sexual exploitation of children[1824] and child labor in commercial agriculture.[1825] The government is also collaborating with ILO-IPEC on USDOL-funded projects aimed at combating child labor in the fireworks,[1826] coffee,[1827] broccoli,[1828] and stone quarrying[1829] sectors. In addition, ILO-IPEC is carrying out a project aimed at raising awareness, collecting information, and providing direct attention to children involved in domestic work in the homes of third parties.[1830] The Ministry of Labor, the Unit for the Protection of Minors at Work, UNICEF, and ILO-IPEC have joined efforts to empower local leaders to monitor and run child labor action programs.[1831] In April 2004, the Solicitor General announced an agreement with the mayor of Guatemala City to develop a plan to rescue street children from exploitation.[1832] The Government of Guatemala is participating in a USD 5.5 million USDOL-funded regional project implemented by CARE, in partnership with Catholic Relief Services, to combat child labor through education.[1833]

[1822] ILO-IPEC, *IPEC en la región: Guatemala,* [online] [cited June 9, 2004]; available from http://www.ipec.oit.or.cr/ipec/region/paises/guatemala.shtml#PA.

[1823] UN Economic and Social Council, *Contemporary Forms of Slavery*, Report of the Secretary-General on the implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour, submitted pursuant to Sub-Commission resolution 1997/22, E/CN.4/Sub.2/2002/2, Paris, May 2002, 5.

[1824] This project includes direct action activities as well as awareness raising, institutional capacity building, and international and national coordination in Guatemala. See ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, technical progress report, RLA/02/P51/USA, ILO-IPEC, Geneva, March 6 2004.

[1825] ILO-IPEC, *Prevention and progressive elimination of child labour in agriculture in Central America, Panama and the Dominican Republic (Phase II)*, project document, September 17, 2003.

[1826] This project seeks to withdraw children from fireworks production in the regions of San Raymundo and Sacatepequez. See ILO-IPEC, *Prevention and Progressive Eradication of Child Labor in Fireworks Production in Guatemala*, technical progress report, GUA/03/P50/USA, Geneva, March 2004.

[1827] This project ended in September 2004. See ILO-IPEC, *Prevention and Progressive Elimination of Child Labor in the Coffee Industry in Guatemala, March 3, 2004*.

[1828] ILO-IPEC, *Progressive Elimination of Child Labor in the Broccoli Sector*.

[1829] ILO-IPEC, *Progressive Eradication of Child Labor in Gravel Production, March 5, 2004*.

[1830] ILO-IPEC, *Trabajo Infantil Doméstico en Guatemala*, 10-12.

[1831] UN Economic and Social Council, *Contemporary Forms of Slavery*, 6.

[1832] U.S. Embassy - Guatemala City, *unclassified telegram no. 1106*.

[1833] U.S. Department of Labor, *United States Provides over $110 Million in Grants to Fight Exploitive Child Labor Around the World,* [online] October 1, 2004 [cited October 21, 2004]; available from http://www.dol.gov/opa/media/press/ilab/ILAB20041715.htm. See also CARE, *CARE's Work: Project Information,* [online] 2004 [cited October 21, 2004]; available from http://www.careusa.org/careswork/projects/SLV041.asp.

The Ministry of Education (MINEDUC) addresses child labor by providing scholarships to children in need,[1834] administering extracurricular programs,[1835] and implementing school feeding programs in rural areas.[1836] MINEDUC continues to implement a bilingual education project[1837] and to reduce the indirect costs of education by providing school supplies to all children in primary school and eliminating their matriculation fees.[1838] MINEDUC's National Self-Management Program for Educational Development provides legally organized communities, particularly in rural, indigenous, and hard to reach areas, with funding to increase access to and improve the quality of primary education.[1839] The World Bank is supporting a Universalization of Basic Education project through 2006, which seeks to improve the coverage, equity, and quality of primary education.[1840] USAID's 2004-2008 Country Plan for Guatemala is focusing on improving public and private educational investments and promoting policies to increase educational quality, reduce drop out and repetition rates, and to close the educational gaps between rural indigenous communities and the rest of Guatemala.[1841] In August 2004, the U.S. Department of Agriculture announced that it will provide funds for agricultural commodities for school meals in Guatemala.[1842]

[1834] MINEDUC's Peace Scholarship Program intends to benefit 14,000 working children between 2001 and 2008. See ILO-IPEC, *Eradication and Prevention of Child Labor in Agriculture (Phase II), March 26, 2004*, 3. In particular, MINEDUC grants scholarships to girls and working or orphaned children. See U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 5.

[1835] Extracurricular programs use modified school hours, flexible course offerings and correspondence courses to provide children with access to basic education outside formal education classrooms. See Nery Macz and Demetrio Cojti, interview with USDOL official, August 16, 2000.

[1836] MINEDUC, through the General Office for Co-Ordination of Support Program, administers three feeding programs: school breakfasts, school snacks and a pilot project for school lunches. See CIPRODENI, *Analysis on Progress and Limitations*, 19.

[1837] The Intercultural Bilingual Program, established in 1984, became the General Directorate of Intercultural Bilingual Education (DIGEBI) in 1995, giving it stronger administrative status and authority in the Ministry's budget structure. As of 2000, DIGEBI was assisting 1,476 schools in 14 linguistic communities. See Ibid., 9-10.

[1838] Macz and Cojti, interview, August 16, 2000. Guatemalan teachers consider the government's efforts to reform the education system to be unsatisfactory.

[1839] ILO, UNICEF, and World Bank, *Understanding Children's Work*, 41.

[1840] World Bank, *Guatemala-Universalization of Basic Education Project*, World Bank, [online] May 2004 [cited October 20, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P048652.

[1841] USAID, *Guatemala Country Plan*, 5. See also USAID, *Guatemala Country Plan*, USAID, *Guatemala: USAID Program Profile*, [online] May 26, 2004 [cited October 20, 2004]; available from http://www.usaid.gov/locations/latin_america_caribbean/country/program_profiles/guatemalaprofile.html.

[1842] Eric Green, *U.S. funds will provide school meals in Latin America, Caribbean*, U.S. Department of State: Washington File, [online] August 17, 2004 [cited August 24, 2004]; available from http://usinfo.state.gov/gi/Archive/2004/Aug/18-23606.html.

Guinea

Incidence and Nature of Child Labor

The ILO estimated that 29.9 percent of children ages 10 to 14 years in Guinea were working in 2002.[1843] Children begin working beside their parents at a young age, often at 5 years in rural areas.[1844] The majority of working children are found in the domestic or informal sectors, carrying out activities such as subsistence farming, petty commerce, fishing, and small-scale mining.[1845] Children also work in gold and diamond mines, granite and sand quarries, and as apprentices to mechanics, electricians, and plumbers, among other professions.[1846] Children are also found working on the streets selling cheap goods for traders, carrying baggage, or shining shoes.[1847]

Children are reported to work in the commercial sex industry.[1848] Guinea is a source, transit and destination country for trafficking in persons, including children, for sexual exploitation and labor.[1849] While there are reports of trafficking in children from neighboring countries, including Mali, there is no available information on the extent of the problem.[1850] Internal trafficking occurs from rural to urban areas.[1851]

War-affected, displaced children in Guinea's forest region are reportedly subject to economic exploitation and sexual abuse.[1852] In 2003, UNICEF estimated that 2,000 Guinean child soldiers, one-fifth of them girls, would require demobilization upon their return from Liberia's recent armed conflict.[1853]

[1843] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[1844] UNICEF, *Situation Des Enfants et Des Femmes, Programme De Cooperation 2002-2006, Republique de Guinee*, Conakry, 2000, 35.

[1845] U.S. Embassy- Conakry, *unclassified telegram no. 1857*, 1998. See also UNICEF, *Situation Des Enfants et Des Femmes*, 83-84.

[1846] UNICEF, *Situation Des Enfants et Des Femmes*, 84.

[1847] U.S. Embassy- Conakry, *unclassified telegram no. 2368*, 2001. See also UN Committee on the Rights of the Child, *Initial Reports Awaited from States Parties for 1992*, CRC/C/3/Add.48, prepared by Government of Guinea, pursuant to Article 44 of the Convention on the Rights of the Child, November 20, 1996, para. 116-17.

[1848] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Guinea*, Washington, D.C., February 25, 2004, Section 6f; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27731.htm. See also UNICEF, *Situation Des Enfants et Des Femmes*, 84-85.

[1849] U.S. Department of State, *Trafficking in Persons Report- 2004: Guinea*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm.

[1850] In November 2003, five minors were detained by Guinean police after admitting they had been trafficked from Mali for domestic work in Conakry. UNICEF and NGOs report that trafficking in children occurs. See U.S. Department of State, *Country Reports- 2003: Guinea*, Section 6f. See also UNICEF, *Situation Des Enfants et Des Femmes*, 85.

[1851] U.S. Embassy- Conakry, *unclassified telegram no. 2368*. See also U.S. Department of State, *Country Reports- 2003: Guinea*, Section 6f.

[1852] *Guinea: New Displacements Poorly Monitored,* IDP Project, [online] 2004 [cited May 17, 2004]; available from http://www.db.idpproject.org/Sites/idpSurvey.nsf/w/ViewSingleEnv/GuineaProfile+Summary. According to various estimates, there are between 100,000 and 150,000 refugees and displaced persons residing in Guinea's forest region. An additional 100,000 people are reported to live in refugee camps in the region. See U.S. Embassy Conakry, U.S. State Department official, interview to USDOL official, April, 2004.

Public education is free[1854] and compulsory for 6 years, between the ages of 7 and 13 years.[1855] In 2001, the gross primary enrollment rate was 77.1 percent, and the net primary enrollment rate was 61.5 percent.[1856] Enrollment remains substantially lower among girls than boys. In 2001, the gross primary enrollment rate was 65.8 percent for girls, compared to 88.1 percent for boys.[1857] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Guinea. Children, particularly girls, may not attend school in order to assist their parents with domestic work or agriculture.[1858] In general, enrollment rates are substantially lower in rural areas.[1859] There is a shortage of teachers, school supplies and equipment, and even school facilities to adequately serve the population of school-age children in Guinea.[1860] Barriers to schooling are particularly acute for many displaced and war-affected children.[1861]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 16 years, although children under the age of 16 can work with the consent of authorities.[1862] The Labor Code permits apprentices to work at 14 years of age. Workers under the age of 18 are not permitted to work at night or work more than 10 consecutive hours per day.[1863] The Labor Code also prohibits forced or bonded labor and hazardous work by children under

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[1853] *Guinea: A Window on West Africa's War-Weary Children,* UNICEF, [online] 2003 [cited February 5, 2004]; available from http://www.unicef.org/media/media_15421.html.

[1854] Republic of Guinea, *Rapport relatif au principe de l'abolition effective du travail des enfants*, Conakry, September 4-8, 2000.

[1855] UNESCO, *National Education Systems - Guinea,* [cited June 13, 2003]; available from http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.html.

[1856] World Bank, *World Development Indicators 2004.*

[1857] Ibid.

[1858] U.S. Department of Agriculture, *Global Food For Education Pilot Program, Guinea: World Food Program,* 2003 [cited June 18, 2003], [previously online]; available from http://www.fas.usda.gov/excredits/gfe/congress2003/counryrpts.htm [hard copy on file]. See also UNICEF, *Situation Des Enfants et Des Femmes*, 70.

[1859] World Bank, *Education for All Project,* [online] 2002 [cited May 17, 2004]; available from http://web.worldbank.org/external/default/main?pagePK=64027221&piPK=64027220&theSitePK=351795&menuPK=351827&Projectid=P050046. See also Mohamed Fofana, USAID Natural Resources Management official, interview with USDOL official, August 12, 2002.

[1860] *USAID Guinea Education & Training, USAID, [online] 2004 [cited May 17, 2004]; available from http://www.usaid.gov/gn/education/background/index.htm.* See also *UNICEF, Situation Des Enfants et Des Femmes, 68.* According to Teacher's Union representatives, it is common for classes to run as large as 100 students, with only one teacher. See also Guinean Teacher's Union (SLECG/FSPE), interview with USDOL official, August 12, 2002.

[1861] *Guinea 2004 Consolidated Appeals Process (CAP)*, United Nations, 2004, 6.

[1862] *Code du Travail de la Republique de Guinée, 1988*, Article 5.

[1863] The penalty for an infraction of the law is a fine of 30,000 to 600,000 GNF (USD 15 to 306). See Ibid., Articles 31, 145-48, 67. For currency conversion see FXConverter, in Oanda.com, [online] [cited May 17, 2004]; available from http://www.carosta.de/frames/convert.htm.

18 years.[1864] Guinea's Penal Code prohibits trafficking of persons, the exploitation of vulnerable persons for unpaid or underpaid labor,[1865] and procurement or solicitation for the purposes of prostitution.[1866] The official age for voluntary recruitment or conscription into the armed forces is 18 years,[1867] and the regulation is reported to be strictly enforced within the government army.[1868]

The government has acknowledged that the implementation and enforcement of labor legislation remains weak.[1869] In 2002, the Labor Inspectorate within the Ministry of Labor had only one inspector and several assistants in each district to enforce relevant legislation.[1870] Under the Labor Code, punishment for infractions of child labor laws range from a fine of up to 800,000 GNF (USD 408) to imprisonment for no more than 2 months.[1871]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Guinea is participating in an ILO-IPEC program funded by USDOL and the Cocoa Global Issues Group that seeks to withdraw children from hazardous work in the cocoa sector, provide income generation and economic alternatives, and promote education.[1872] The USAID-supported Sustainable Tree Crops Program is also working in Guinea to incorporate elements into its program to address child labor in the cocoa sector, and is coordinating with the USDOL-funded ILO-IPEC program.[1873]

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/6/2003	✓
Ratified Convention 182	6/6/2003	✓
ILO-IPEC Member		✓
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

[1864] Section 187 of the Labor Code prohibits hazardous work, defined as any work likely to endanger the health, safety, or morals of children. The Ministry of Labor determines which jobs are considered hazardous. Violations of these laws are punishable by fines ranging from 80,000 to 1,600,000 GNF (USD 40 to 793) and 8 days to 2 months in prison. See *Code du Travail, 1988*, Articles 2, 186, 87, 205. For currency conversion see FXConverter.

[1865] U.S. Embassy- Conakry, *unclassified telegram no. 2368*. The penalty for trafficking is 5 to 10 years imprisonment and the confiscation of money or property received through trafficking activities. See U.S. Department of State, *Country Reports- 2003: Guinea*, Section 6f.

[1866] The fine for violations of the procurement or solicitation law ranges from 100,000 to 1,000,000 GNF (USD 51 to 510) and imprisonment for 2 to 5 years when the crime involves a minor under 18 years. See Government of the Republic of Guinea, *Penal Code*, as cited in The Protection Project Legal Library, [database online], Article 289, as cited in Protection Project [cited May 13, 2004]; available from http://www.protectionproject.org. For currency conversion see FXConverter.

[1867] U.S. Embassy- Conakry, *unclassified telegram no. 2704*, 2001. See also Coalition to Stop the Use of Child Soldiers, "Guinea," in *Global Report 2001*, 2001, Articles 288 and 89, [cited May 17, 2004]; available from http://www.child-soldiers.org/report2001/global_report_contents.html.

[1868] U.S. Embassy-Conakry, *unclassified telegram no. 1239*, August 2003.

[1869] UN Committee on the Rights of the Child, *Initial Reports of States Parties: Guinea*, para. 119.

[1870] Bengaly Camara, interview with USDOL official, August 12, 2002.

[1871] *Code du Travail, 1988*, Article 205. For currency conversion see FXConverter.

[1872] ILO-IPEC, *West Africa Cocoa/Commercial Agriculture Program to Combat Hazardous and Exploitative Child Labor (WACAP)*, project document, RAF/02/P5 0/USA, Geneva, September 26, 2002.

[1873] Ibid.

The Ministry of Pre-Education has overall responsibility for the implementation of a USD 70 million World Bank Education for All Project that aims to promote universal primary schooling, build schools, and improve the quality of education. The program focuses on girls and rural students, and includes street children and is scheduled to end in 2012.[1874] The Government of Guinea is receiving funding from the World Bank and other donors under the Education for All Fast Track Initiative, which aims to provide all children with a primary school education by the year 2015.[1875]

USAID is assisting the Ministry of Education and promoting access to quality basic education by focusing on teacher training and community participation in education and girls' schooling.[1876] UNICEF is implementing an advocacy program to increase girls' enrollment.[1877] In addition, WFP is implementing a school feeding program that offers meals to children as an incentive for school attendance.[1878]

[1874] World Bank, *Education for All Projects*. See also *USAID Education*.

[1875] Funding for this initiative was approved in June 2002. World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, press release, Washington, D.C., June 12, 2002; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html.

[1876] *USAID Education*. See also Fofana, USAID interview, August 12, 2002.

[1877] *At a Glance: Guinea,* UNICEF, [online] 2004 [cited May 17, 2004]; available from http://www.unicef.org/infobycountry/guinea.html.

[1878] *World Hunger - Guinea,* WFP, [online] 2004 [cited May 17, 2004]; available from http://www.wfp.org/country_brief/indexcountry.asp?country=324.

Guinea-Bissau

Incidence and Nature of Child Labor

UNICEF estimated that 65.4 percent of children ages 5 to 14 years in Guinea-Bissau were working in 2000.[1879] Children work in street trading, farming, and domestic labor.[1880] For four months, during the annual cashew harvest, children are withdrawn in part or completely from school in order to work in the fields.[1881] In addition, commercial sexual exploitation of children occurs, but the extent of the problem is unknown.[1882]

Education is compulsory from the age of 7 to 13 years.[1883] In 1999, the gross primary enrollment rate was 69.7 percent, with a higher enrollment rate for males (83.6 percent) than females (56.0 percent). In 1999, the net primary enrollment rate was 45.2 percent. Males had a higher net enrollment rate (52.9 percent) compared with females (37.5 percent).[1884] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Guinea-Bissau. In 2003, the majority of school-age children were unable to receive schooling due to prolonged strikes in state-run schools.[1885] The resulting school closures led to a shut-down of 75 percent of the school system.[1886] In general, access to education is extremely low. There is a shortage of qualified teachers.[1887] There is also an insufficient number of classrooms and schools, particularly in rural areas where the majority of the population resides. According to UNICEF, 25 percent of rural schools offer only 2 grades, and 50 percent offer only 4 grades.[1888] Girls face additional challenges to receiving an education, as they are often kept

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[1879] Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. It was estimated that 5.1 percent of children between ages 5 and 14 engage in paid work; 9.7 percent participate in unpaid work for someone other than a household member. See Government of Guinea-Bissau, *Multiple Indicator Cluster Survey (MICS): Guinea-Bissau*, UNICEF, December 2000; available from http://www.childinfo.org/MICS2/newreports/guineabissau/Guinne%20Bissau~2.pdf.

[1880] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Guinea-Bissau*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27732.htm.

[1881] U.S. Embassy- Dakar, *unclassified telegram no. 2129*, August 2003.

[1882] Prostitution among young people was reported to be reaching alarming proportions. See UN Committee on the Rights of the Child, *Initial reports of States parties due in 1992, Guinea-Bissau*, CRC/C/3/Add.63, prepared by Government of Guinea-Bissau, pursuant to Article 44 of the Convention on the Rights of the Child, July 26, 2001, para. 253.

[1883] UNICEF, *Youth at the UN, Country Profiles on the Situation of Youth: Guinea-Bissau,* UNICEF, 2000 [cited June 19, 2003]; available from http://esa.un.org/socdev/unyin/countrya.asp?countrycode=gw.

[1884] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[1885] U.S. Embassy- Dakar, *unclassified telegram no. 2129*.

[1886] U.S. Department of State, *Country Reports- 2003: Guinea-Bissau*, Section 5.

[1887] World Food Program, *Food Aid for Rehabilitation in Guinea-Bissau, Project Document*, [cited May 28, 2004], para. 18; available from http://www.wfp.org/index.asp?section=5.

[1888] UNICEF, *Girls' Education in Guinea Bissau,* [cited June 19, 2003], [hard copy on file]; available from http://www.unicef.org/girlseducation/Bissaufinal.pdf.

home to assist with domestic work, encouraged to marry at an early age,[1889] and prevented from attending school when pregnant.[1890]

Child Labor Laws and Enforcement

The minimum age for employment is set at 14 years for factory work and 18 years for heavy or dangerous labor, including work in mines.[1891] The law prohibits forced or bonded labor.[1892] The practice of prostitution is illegal in Guinea-Bissau, as are the use of violence, threats, or other coercive actions to transport individuals to foreign countries.[1893] In order to prevent trafficking, the law requires that an individual responsible for a child traveling overseas submit identification documents (birth certificates) to relevant authorities.[1894] According to Decree 20/83, boys under 16 years may volunteer for the armed forces with the consent of their parents/guardians, and all citizens between the ages of 18 and 25 are subject to compulsory military service.[1895]

According to the U.S. Department of State, formal sector employers typically adhere to the minimum age requirements, but child labor occurred in the informal sector without oversight or enforcement by the Ministry of Justice or the Ministry of Civil Service and Labor.[1896] There is no information available on the enforcement of laws pertaining to trafficking or commercial sexual exploitation of children.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Guinea-Bissau developed a Strategic Document for the Reduction of Poverty that includes the elimination of the worst forms of child labor as a key objective.[1897] Small-scale initiatives that focus on children's literacy, education alternatives, and technical training are being implemented by NGOs.[1898]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	✓
Sector Action Plan	

During the past year, the World Bank provided a USD 2.5 million loan to pay teachers 10 months of salary arrears in order to re-open schools.[1899] The World Bank is

[1889] Ibid. See also UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para 33.

[1890] UNICEF, *Girls' Education in Guinea Bissau*.

[1891] U.S. Department of State, *Country Reports- 2003: Guinea-Bissau*, Section 6d.

[1892] Ibid., Section 6c.

[1893] UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para. 259.

[1894] Ibid., para. 176.

[1895] Ibid., para. 137.

[1896] U.S. Department of State, *Country Reports- 2003: Guinea-Bissau*, Section 6d.

[1897] U.S. Embassy- Dakar, *unclassified telegram no. 1798*, August 2004.

[1898] UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para. 252.

[1899] Integrated Regional Information Networks, "Guinea-Bissau: Schools reopen, World Bank pays teachers", IRINnews.org, [online], October 29, 2003 [cited February 12, 2004]; available from http://www.irinnews.org/print.asp?ReportID=37542.

also assisting the Ministry of Education to strengthen the education sector through a 10-year, USD 14.3 million Basic Education Support loan project. The project is expected to end in 2010 and includes infrastructure development, government capacity-building, and improvements in the quality of education services, among other activities.[1900] In addition, UNICEF is implementing a program to promote access to education, particularly among girls.[1901] The WFP is implementing a school feeding program aimed at improving school attendance, and is also promoting vocational training for youth.[1902]

[1900] World Bank, *Basic Education Support Project, World Bank Project Data,* [cited May 28, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P001015.

[1901] UNICEF, *At a Glance: Guinea-Bissau,* [online] 2004 [cited May 28, 2004]; available from http://www.unicef.org/infobycountry/guineabissau.html.

[1902] World Food Program, *Current Operations: Protracted Relief and Recovery Operations,* [online] 2004 [cited May 28, 2004]; available from http://www.wfp.org/country_brief/indexcountry.asp?country=624.

Guyana

Incidence and Nature of Child Labor

UNICEF estimated that 27 percent of children ages 5 to 14 in Guyana were working in 2000.[1903] It is common to see children engaged in street trading.[1904] There are reports of an increase in prevalence of child labor.[1905] Though the government acknowledges the growing street children phenomenon, there is still a need to address the problem sufficiently.[1906] Children are known to work as porters, domestic servants, waitresses, in sawmills and markets, and are also engaged in prostitution, agricultural work, mining, and the illicit drug trade.[1907] Girls in the Hinterland area in particular are recruited to work as domestic servants and waitresses in restaurants.[1908] The Guyana Human Rights Association reported that there were cases where girls as young as 11 are recruited to work in bars and restaurants as prostitutes.[1909] Children are also engaged in prostitution in ports, gold mining areas, and the capital city of Georgetown.[1910] Young women and children are known to be trafficked for the purpose of sexual exploitation mostly within the country.[1911]

[1903] Government of Guyana, *Multiple Indicator Cluster Survey (MICS) 2000 -Guyana*, UNICEF, April 27, 2004, Table 42a, 51; available from http://www.childinfo.org/MICS2/newreports/guyana/guyana.htm. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children. In 2002, approximately 11,000 children ages 15 to 17 years (and of legal working age) were formally employed. See Editorial, "Putting Children First," *Stabroek News*, January 31, 2004; available from http://www.landofsixpeoples.com/news401/ns40131.htm.

[1904] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Guyana*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27901.htm, ILO-IPEC Official, Active IPEC Projects as of May 1, 2004, USDOL Official, 2004. UNICEF reports that 19 percent of children ages 5 to 14 were considered involved in labor activities. See UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention*, prepared by Government of Guyana, pursuant to Concluding Observations: Guyana, February 26, 2004; available from http://www.unhchr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/9a78affeb522f20dc1256e6d0038946a/$FILE/G0440531.pdf.

[1905] UN Committee on the Rights of the Child, *Guyana 2004*, para. 49. There are reports that the child labor trend has worsened over the past 3 years. See Editorial, "Putting Children First."

[1906] UN Committee on the Rights of the Child, *Guyana 2004*, para. 51.

[1907] George K. Dannas, *Guyana The Situation of Children in the Worst Forms of Child Labor: A Rapid Assessment*, International Labour Office, Port of Spain, October 2002, 34.

[1908] UNICEF, *Girls' Education in Guyana,* [hard copy on file] [cited May 22 2003]. See also Editorial, "Putting Children First."

[1909] ECPAT International, *Guyana,* in ECPAT International, [database online] [cited May 13, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/. There is a lack of sufficient studies and specific data on the sexual exploitation of children in Guyana. There is a need to train law enforcement officials, social workers, and prosecutors on managing cases of child sexual exploitation in a child-friendly manner. See UN Committee on the Rights of the Child, *Guyana 2004*, para. 53 and 54.

[1910] ECPAT International, *Guyana*. See also U.S. Department of State, *Country Reports- 2003: Guyana*, Section 6f.

[1911] Foreign victims are also trafficked to Guyana from Brazil and Venezuela, and may be transited through Guyana to Suriname. See U.S. Department of State, *Trafficking in Persons Report- 2004: Guyana*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33198.htm#guyana.

Primary education in Guyana is free and compulsory for children ages 5 to 15 years.[1912] In 1999, the gross primary enrollment rate was 120.2 percent (118.3 percent for girls and 122.2 percent for boys), and the net primary enrollment rate was 98.4 percent (97.1 percent for girls and 99.7 percent for boys).[1913] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Guyana. Though the government has made concerted efforts to increase enrollment rates and to bring dropout children back into school, dropout rates, particularly among boys, remain high.[1914]

Child Labor Laws and Enforcement

The Factories Act and Employment of Women, Young Persons and Children Act of 1999 sets the minimum age for employment at 14 years.[1915] The Employment of Women, Young Persons, and Children Act prohibits children from working in "industrial undertakings" or on a ship, unless their family members are employed in those undertakings. Penalties are a fine of USD 30 for the first offense and USD 12 for subsequent offenses.[1916] Forced labor is prohibited by the Constitution.[1917] Prostitution of a child under 13 years is illegal according to the Criminal Law Offenses Act.[1918] Sections 83-86 of the Act prohibit the abduction of unmarried girls. Although there is no particular offense of child pornography in Guyana, Section 350 of the Act regulates selling, publishing, or exhibiting an obscene matter.[1919] The Ministry of Labor lacks sufficient inspectors to enforce child labor laws effectively, according to the U.S. Department of State.[1920]

[1912] National Development Strategy Secretariat, *National Development Strategy, Vol. 3: The Social Sectors, Ch. 20: Education Policy (draft),* Ministry of Finance, [online] March 26, 1996 [cited May 13, 2004]; available from http://www.guyana.org/NDS/chap20.htm. See also UNESCO, *Guyana - Education System,* [online] 2001 [cited May 13, 2004]; available from http://www.unesco.org/iau/cd-data/gy.rtf.

[1913] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2003. Statistics from the WDI 2004 presented in this year's TDA report may differ slightly from statistics for the same year from the WDI 2003 because of statistical adjustments made in the school-age population or corrections to education data.

[1914] The quality of education, teacher availability and training, and wider educational disparity in the hinterland region contribute to higher dropout rates. See UN Committee on the Rights of the Child, *Guyana 2004*, para. 47.

[1915] U.S. Department of State, *Country Reports- 2003: Guyana*, Section 6d. The Employment Act defines a child as under 14 years of age, and a young person as under 16 years of age. See Government of Guyana, *Employment of Women, Young Persons and Children Act (Chapter 99:01) [consolidated up to 1973]*, No. 14 of 1933; available from http://natlex.ilo.org.

[1916] *Employment of Women, Young Persons and Children Act (Chapter 99:01)*. See also U.S. Department of State, *Country Reports- 2003: Guyana*, Section 6d.

[1917] *Constitution of the Co-operative Republic of Guyana*, Article 140; available from http://www.georgetown.edu/pdba/Constitutions/Guyana/guyana96.html.

[1918] Interpol, *Legislation on Sexual Offences Against Children,* [database online] [cited May 13, 2004]; available from http://www.interpol.int/public/Children/SexualAbuse/NationalLaws/csaGuyana.asp. It is of concern to the UN Committee on the Rights of the Child that the age of sexual consent is age 13 in Guyana. See UN Committee on the Rights of the Child, *Guyana 2004*, paragraph 20.

[1919] Interpol, *Legislation on Sexual Offences Against Children*.

[1920] U.S. Department of State, *Country Reports- 2003: Guyana*, Section 6d.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	✓
Ratified Convention 182	✓
ILO-IPEC Associated Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Trafficking)	✓

The Government of Guyana operates a drop-in center and a shelter for street children. It was established as part of a UNICEF program and operates in collaboration with the Human Services Ministry, the City Constabulary, and the Ministry of Education's Schools' Welfare Department. The center operates 24-hours a day and offers some basic education and vocational training opportunities.[1921] The Ministry of Labor, Human Services and Social Security has several programs to eliminate child labor. These programs include participating in a rapid assessment carried out by ILO-IPEC that revealed the existence of the worst forms of child labor.[1922] A campaign by the National Commission on the Rights of the Child to improve birth registrations resulted in more registrations in 2002 as compared to the previous year.[1923]

The Minister of Labor, Human Services, and Social Security leads an interagency task force on combating trafficking in persons in Guyana.[1924] The government appointed an official to oversee anti-trafficking efforts of the government, NGOs, and law enforcement officers.[1925] In an effort to expand public awareness on the problem of trafficking in persons, the Minister has lead a series of meetings with government officials, religious leaders, business representatives, miners, law enforcement officials, teachers, and other community members to discuss actions to take to combat trafficking.[1926] In June and October 2004, government officials, NGOs, and community members participated in training lead by the IOM and the Inter-American Commission of Women of the Organization of American States to sensitize participants on the impact of trafficking on a national and regional level, and begin development of a comprehensive response to trafficking in persons in Guyana.[1927]

[1921] See Angela Osborne, "Drop In Center Offers a Beacon of Hope For Street Children," *Stabroek News*, May 2, 2004; available from http://www.landofsixpeoples.com/news402/ns4050216.htm. See also UNICEF and Government of Guyana, *Progress Report Towards Attaining the Goals of the World Summit for Children*, October 2000, 31; available from http://www.unicef.org/specialsession/how_country/edr_guyana_en.PDF.

[1922] "Labour Ministry Strives for Social Sector Development - Minister Bisnauth," *Guyana Chronicle*, April 17, 2004 2004; available from http://www.landofsixpeoples.com/gyextejs.htm. ILO-IPEC received funding from the Government of Canada to conduct a rapid assessment of the worst forms of child labor in Guyana that produced an overall description of the child labor situation that was published in a report. See George K. Dannas, *Guyana The Situation of Children in the Worst Forms of Child Labor: A Rapid Assessment*, 3-5.

[1923] Embassy of Guyana Washington DC, *17,688 Births Registered in 2002,* (Guyana Monthly Update, June 2003), [online] 2003 [cited May 13, 2004]; available from http://www.guyana.org/Update/june2003.html.

[1924] U.S. Embassy- Georgetown, *unclassified telegram no. 754*, August 3, 2004.

[1925] White House Office of the Press Secretary, *Memorandum for the Secretary of State: Presidential Determination No. 2004-46: Presidential Determination with Respect to Foreign Governments' Efforts Regarding Trafficking in Persons*, press release, White House, Washington, DC, September 10, 2004; available from http://www.state.gov/g/tip/rls/prsrl/36127.htm.

[1926] U.S. Embassy- Georgetown, *unclassified telegram no. 754*. See also U.S. Embassy- Georgetown, *unclassified telegram no. 664*, July 14, 2004.

[1927] International Organization for Migration (IOM), *Guyana-Counter Trafficking Seminar*, press briefing notes, International Organization for Migration, Washington, DC, October 22 2004. See also International Organization for Migration (IOM), *Guyana-Regional Counter Trafficking Training*, press briefing notes, International Organization for Migration, Washington, DC, June 15, 2004.

From 2003 to 2015, Guyana will be receiving USD 52 million from various donors to support its Education For All initiatives.[1928] The three major EFA initiatives in Guyana are (1) improving the quality of the teaching force in the Hinterland, (2) enhancing the teaching/learning environment in primary schools, and (3) strengthening school community partnerships.[1929] The government is also implementing a Basic Education Access and Management Support Project to improve school performance through curricular and pedagogical reform, education management reform, and school infrastructure development.[1930] In August 2004, the Secondary School Reform Project (SSRP) concluded. The project assisted the government to improve on the quality, relevance, equity and efficiency of education in Guyana.[1931] The Guyana Education Access Project is an ongoing project with similar objectives as the SSRP, and is supported by the Government of the United Kingdom.[1932]

In January 2004, the Ministry of Education launched the Basic Competency Certificate Program, which is piloted in six secondary schools and four instructions centers, in an effort to provide affordable and high quality vocation education to older children.[1933] As part of the Guyana Basic Education Teacher Training Program, three teachers' training centers carry-out activities in the Hinterlands.[1934] The Ministry of Labor, Human Services and Social Security launched a school uniform assistance program for the 2003-2004 school year that provides families with vouchers to purchase school uniforms for approximately 10,000 students of all levels to help remove what is sometimes an obstacle for school attendance.[1935] In an effort to further literacy and numeracy achievement goals, the Ministry of Education provided core-subject textbooks throughout the country for schools through the Fast Track Project for the 2003-2004 school year.[1936]

[1928] Guyana is in the first set of seven countries eligible for the Education For All Fast Track Initiative. See Ministry of Education, *EFA Fast Track Funds Approved for Guyana,* [press release] 2003 [cited May 13, 2004]; available from http://www.sdnp.org.gy/minedu/about/news-220103-01.htm.

[1929] Funding is provided through IDB. See Ministry of Education, *Major MOE Projects,* [online] 2004 [cited May 13, 2004]; available from http://www.sdnp.org.gy/minedu/about/projects.htm.

[1930] Ibid.

[1931] This project was initially funded in 1996. See World Bank, *Secondary School Reform Project,* [online] May 13, 2004 [cited May 13, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P007269.

[1932] Ministry of Education, *Major MOE Projects*.

[1933] Editorial, "Putting Children First."

[1934] This project is funded through the Canadian International Development Agency. See Embassy of Guyana Washington DC, *CPCE Goes to Region One,* (Guyana Monthly Update, September 2003), [online] 2003 [cited May 13, 2004]; available from http://www.guyana.org/Update/sept2003.html.

[1935] The Cabinet approved G$34 million (USD 190,476) for the program and the Ministry of Labor will be responsible for the program. See Embassy of Guyana Washington DC, *School Uniform Assistance Available,* (Guyana Monthly Update, July 2003), [online] 2003 [cited May 13, 2004]; available from http://www.guyana.org/Update/july2003.html.

[1936] Embassy of Guyana Washington DC, *$545 Million for Book Distribution,* (Guyana Monthly Update, July 2003), [online] 2003 [cited May 13, 2004]; available from http://www.guyana.org/Update/sept2003.html.

Haiti

Incidence and Nature of Child Labor

The ILO estimated that 21.8 percent of children ages 10 to 14 years in Haiti were working in 2002.[1937] In general, due to high unemployment and job competition, there is very little child labor in the formal industrial sector. Children are known to work on family farms and in the informal sector in order to supplement their parents' income. A common form of exploitive child labor in Haiti is the traditional practice of trafficking children from poor, rural areas to cities to work as domestic servants for more affluent urban families.[1938] A 2002 survey by the Fafo Institute for Applied Social Sciences estimated that 173,000, or 8.2 percent of children ages 5 to 17 years, were child domestic workers.[1939] Many domestic workers, known as *restaveks*, work without compensation, reach the age of 15 to 17 years without ever having attended school,[1940] are forced to work long hours under harsh conditions, and are subject to mistreatment, including sexual abuse.[1941]

The armed uprising that began in 2004 introduced new hazards for children working in the streets or as child domestics.[1942] Armed gangs in 10 of Haiti's 31 zones have recruited children for participation in the conflict.[1943] During the worst of the crisis, some schools closed for several months. In major cities, students have reported receiving death threats intended to prevent them from attending school. In addition, some families have been displaced.[1944]

[1937] World Bank, *World Development Indicators* [CD-ROM], Washington, D.C., 2004.

[1938] U.S. Department of State, *Country Reports on Human Rights Practices-2003: Haiti*, Washington, D.C., February 25, 2004, Sections 6d and 6f; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27902.htm.

[1939] According to the survey, previous estimates on the number of child domestics have generally been between 100,000 to 200,000 children. The survey notes that quantifying child domestic workers is difficult due to numerous factors. Most notably the total population in Haiti is not known, and therefore extrapolations of working children may vary depending upon which population estimate is used. See Tone Sommerfelt (ed.), *Child Domestic Labor in Haiti: Characteristics, Contexts and Organization of Children's Residence, Relocation, and Work*, The Fafo Institute for Applied Social Sciences, 2002. A survey by the National Coalition for Haitian Rights estimated that 1 in 10 children in Haiti is a domestic worker. See Madeline Baro Diaz, "Study Condemns Child Labor; Tradition Forces 10 Percent of Children Into Domestic Service, Report Says," *South Florida Sun-Sentinel* (Miami), April 13, 2002.

[1940] UNICEF, *Helping Child Servants Who Are Virtual Slaves*, [previously online]; available from http://www.unicef.org/media/storyideas.946.htm [hard copy on file].

[1941] UN Committee on the Rights of the Child, *Concluding Observations: Haiti, Consideration of Reports Submitted by States Parties Under Article 44*, United Nations, Geneva, March 18, 2003, para. 56; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/0993aafea549a989c1256d2b00526ce9?Opendocument.

[1942] Child domestics and other street children are still expected to conduct their shopping or other work, despite the violence that is ongoing in the streets and other public places. See *Les Enfants d'Haiti Face a la Crise: Situation et Realites*, UNICEF, Save the Children/Canada, et al., Port-au-Prince, March, 2004, 19 and 20.

[1943] Ibid., 17. See also *West's Most Neglected Children Bear Brunt of Haiti's Upheaval,* UNICEF, [online] 2004 [cited May 15, 2004]; available from http://www.unicef.org/media/media_20443.html.

[1944] *Les Enfants d'Haiti Face a la Crise*, 24-25. See also *West's Most Neglected Children*.

An estimated 2,500 to 3,000 Haitian children are trafficked annually to the Dominican Republic.[1945] According to UNICEF, the civil unrest in 2004 has resulted in an increased number of children trafficked to the Dominican Republic to work as beggars or prostitutes.[1946]

Estimates on the number of street children in Haiti vary from 5,000 to 10,000, according to studies by UNICEF and Save the Children/Canada, respectively.[1947] There are reported incidents of commercial sexual exploitation of children.[1948]

According to the Constitution, primary school is free and compulsory.[1949] Education is required from the age of 6 to 15 years.[1950] Recent statistics on primary school enrollment in Haiti are unavailable.[1951] In 2000, the gross primary attendance rate was 122.4 percent and the net primary attendance rate was 54.4 percent.[1952] However, according to UNICEF, in 1999 almost two-thirds of Haitian children dropped out of school before completing the full 6 years of compulsory education, and over 1 million primary school children lacked access to schooling.[1953] School facilities are in disrepair, and overcrowding leaves 75 percent of students without a seat in the classroom.[1954] In addition, costs associated with school, including uniforms and books, prevent many children from attending.[1955]

[1945] ILO-IPEC official, electronic communication to USDOL official, August 16, 2002.

[1946] *Les Enfants d'Haiti Face a la Crise*, 29.

[1947] UNICEF, *Haiti Faces Major Education Challenge,* [online] 1999 [cited May 14, 2004]; available from http://www.unicef.org/newsline/99pr19.htm. See also Save the Children/Canada, *Haiti,* [cited May 14, 2004]; available from http://www.savethechildren.ca/en/whatwedo/haiti.html.

[1948] In 2003, ILO-IPEC published a rapid assessment on the commercial sexual exploitation of children in Haiti, which found that the majority of the commercial sex workers surveyed were street children in the 13 to 17 age range, with some as young as 9 or 10 years old. See ILO-IPEC, *Etude Exploratoire sur l'Exploitation Sexuelle Commerciale des Enfants*, Port-au-Prince, April 2003, 50. Other reports indicate that commercial sexual exploitation of children occurs in the capital and other major towns, in connection with the tourist industry. ECPAT International estimates that 10,000 children are involved in commercial sexual exploitation in Haiti. See ECPAT International, *Haiti,* in ECPAT International, [database online] [cited May 14, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index/asp.

[1949] *Constitution of Haiti, as cited in online database "Constitutional Guarantees"*, (1987); available from http://www.right-to-education.org/content/index_4.html, Article 32.

[1950] Le Projet de Loi d'Orientation de l'Education, as cited in UNESCO, *Education for All 2000 Assessment: Haiti*, prepared by Ministry of National Education, Youth, and Sports of Haiti, pursuant to UN General Assembly Resolution 52/84, 2000; available from http://www2.unesco.org/wef/countryreports/haiti/rapport_1.html.

[1951] In 1998, the gross primary enrollment rate was 154 percent and the net primary enrollment rate was 81 percent See USAID Development Indicators Service, *Global Education Database,* [online] [cited October 29, 2004]; available from http://qesdb.cdie.org/ged/index.html. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[1952] Ibid.

[1953] UNICEF, *Haiti Faces Major Education Challenge.*

[1954] Ibid.

[1955] U.S. Department of State, *Country Reports- 2003: Haiti*, Section 5.

Child Labor Laws and Enforcement

The Labor Code of 1984 sets the minimum age for employment at 15 years for work in industrial, agricultural, or commercial enterprises, and establishes 14 years as the minimum age for apprenticeships.[1956] The Labor Code also bans hazardous work for minors and night work in industrial jobs for children under 18 years. Additional provisions regulate the employment of children ages 15 to 18 years[1957] and prohibit forced labor.[1958] In 2003, the Government of Haiti passed legislation prohibiting trafficking and repealing the provisions of the Labor Code that permitted child domestic work.[1959] The Criminal Code prohibits the procurement of minors for the purposes of prostitution.[1960] Legislation also outlaws all forms of violence and inhumane treatment against children.[1961]

The Ministry of Labor and Social Affairs (MOLSA) is responsible for enforcing all child labor legislation, and the Institute for Welfare and Research (IBESR), which is part of the MOLSA, is charged with coordinating the implementation of child labor laws with other government agencies.[1962] However, child labor laws, particularly child domestic labor regulations, are not enforced.[1963] According to the government, the IBESR lacks the resources to adequately monitor the living conditions of child domestic workers, or to enforce protective measures on their behalf.[1964]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Following the end of the Aristide regime in February 2004, an interim government was established. Insufficient time has passed to evaluate the interim government's policies and programs.[1965] The previous

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[1956] Government of Haiti, *Code du Travail*, (1984), 73, 335; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/135/64790/F61HTI01.htm.

[1957] Children under 18 years of age are required to undergo a medical examination before working in an enterprise. Also, children ages 15 to 18 are required to obtain a work permit for agricultural, industrial, or commercial labor, and employers must retain a copy of the permit, along with additional personal information on the employee, in an official register. See Ibid., Articles 333 to 339.

[1958] Ibid., Article 4.

[1959] U.S. Embassy- Port Au Prince, *unclassified telegram no. 00983*, May, 2003.

[1960] Government of Haiti, *Criminal Code,* as cited in The Protection Project Legal Library, [database online], Article 282; available from http://209.190.246.239/protectionproject/statutesPDF/Haiti-1.pdf.

[1961] U.S. Department of State, electronic communication to USDOL official, February 19, 2004.

[1962] U.S. Department of State, *Country Reports- 2003: Haiti*, Section 6d.

[1963] U.S. Embassy-Port Au Prince, *unclassified telegram no. 2570*, October 2001. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Haiti*, Washington, D.C., June 11, 2003; available from http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm.

[1964] UN Committee on the Rights of the Child, *Initial Reports of States parties due in 1997: Haiti*, United Nations, Geneva, 2002, para. 259.

[1965] U.S. Department of State, *Trafficking in Persons Report- 2004: Haiti*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33200.htm.

Government of Haiti acknowledged the problem of internal trafficking for domestic labor, and devoted some of its social welfare budget to combat trafficking in children.[1966] The MOLSA also planned a series of public seminars to raise awareness on child domestic labor, in coordination with the IBESR, the Ministry of Women's Affairs, and the Ministry of Education.[1967]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182	
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

In May 2003, the previous government formed a 20 person police unit to monitor cases of suspected trafficking along the border and to rescue trafficking victims.[1968]

The previous government took steps to promote access to education by offering a 70 percent subsidy to cover educational supplies and calling on families who employ child domestics to release their workers during the afternoon so they can attend school.[1969] Regional government institutions and the Ministry of National Education, Youth and Sports are working with USAID-funded NGOs implementing the "Education 2004" initiative, which aims to improve the quality of teaching in disadvantaged schools and offer bilingual interactive radio instruction through radio stations across the country.[1970]

[1966] U.S. Department of State, *Country Reports- 2003: Haiti*, Section 6f.

[1967] U.S. Department of State official, electronic communication to USDOL official, June 11, 2003.

[1968] U.S. Department of State, *Presidential Determination with Respect to Foreign Governments' Efforts Regarding Trafficking in Persons: Statement of Explanation, Haiti,* [online] 2003 [cited May 14, 2004]; available from http://www.state.gov/g/tip/rls/rpt/25017.htm. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Haiti*. See also U.S. Department of State, electronic communication, February 19, 2004.

[1969] U.S. Department of State, *Country Reports- 2003: Haiti*, Section 6f.

[1970] Jhonny Celicourt, *Interactive Radio Instruction in Haiti: An Enriching Experience,* UNESCO, [previously online] [cited May 14, 2004]; available from http://www.unesco.org/education/efa/know_sharing/grassroots-stories/haiti.shtml [hard copy on file].

Honduras

Incidence and Nature of Child Labor

The Honduran National Institute of Statistics estimated that 9.2 percent of children in Honduras ages 5 to 14 years were working in 2002.[1971] According to a 2003 national survey, the majority of working children ages 5 to 14 are employed in agriculture, forestry, hunting, or fishing.[1972] Working children are also employed in manufacturing, mining, electricity, gas, construction, transportation, or service industries.[1973] Children are also employed as domestic servants,[1974] and there are isolated instances of children under the legal working age in the maquila sector.[1975] Most children work out of economic necessity for their own families in the informal sector, often in rural areas.[1976]

According to the Government of Honduras, the worst forms of child labor in Honduras include: commercial sexual exploitation (particularly in major cities and the tourist sector along the North Coast); fireworks manufacturing (in Copán); marine diving (on lobster boats in the Mosquitia coast); work in limestone quarries and garbage dumps (in the two large cities of Tegucigalpa and San Pedro Sula); mining and dirt extraction (South and East regions); the sale and handling of pesticides (Copán, La Ceiba, and Choluteca); construction; and agricultural work (in the coffee and melon industries).[1977] Children are also involved in the harvesting of sugar cane,[1978] and have been involved in the sale of drugs in Olancho and Comayagua.[1979]

There is evidence of child prostitution in Honduras, particularly in tourist and border areas.[1980] The U.S. Department of State reported that observers have identified over 1,000 victims in 2003.[1981] Honduras serves

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[1971] Another 40.5 percent of children ages 15 to 17 years were also found working. See ILO-IPEC, *Informe Nacional sobre los Resultados de la Encuesta del Trabajo Infantil en Honduras*, San Jose, September 2003; available from http://www.ilo.org/public/spanish/standards/ipec/simpoc/honduras/report/hn_natl.pdf. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[1972] This survey was conducted to effectively target anti-child labor projects. See ILO-IPEC, *Informe Nacional sobre los Resultados de la Encuesta del Trabajo Infantil*, 26.

[1973] Ibid.

[1974] FUNPADEM, *Pobreza y Subsistencia: Trabajo Infantil y Adolescente en los Departamentos de Cortes, Copan, y Santa Barbara*, San José, Costa Rica, 2001, 56-60. In June 2004, ILO-IPEC and the National Institute of Statistics estimated that there are more than 20,000 girls employed as domestic servants in Honduras. See U.S. Embassy- Tegucigalpa, *unclassified telegram no. 1913*, August 26, 2004.

[1975] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Honduras*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27903.htm.

[1976] The majority of children working for their families do not receive compensation See U.S. Embassy- Tegucigalpa, *unclassified telegram no. 1913*.

[1977] National Commission for the Eradication of Child Labor, *Plan de Acción Nacional Para la Erradicación Gradual y Progresiva del Trabajo Infantil en Honduras*, Tegucigalpa, December 2001, 97-98.

[1978] U.S. Embassy- Tegucigalpa, *unclassified telegram no. 2025*, August 2003.

[1979] National Commission for the Eradication of Child Labor, *Diagnóstico y Plan Nacional Para La Erradicación Gradual y Progresiva del Trabajo Infantil*, Tegucigalpa, 2000, 17. See also National Commission for the Eradication of Child Labor, *Plan de Acción Nacional*, 97.

[1980] U.S. Department of State, *Country Reports- 2003: Honduras*, Section 5. See also National Commission for the Eradication of Child Labor, *Diagnóstico y Plan Nacional Para La Erradicación de Trabajo Infantil*, 17.

as a source and transit country for girls trafficked for commercial sexual exploitation. Honduran girls are trafficked internally and to the United States, Mexico, Guatemala, and other Central American countries for the purpose of prostitution.[1982] Children have also been reportedly trafficked to Canada for prostitution and the sale of drugs.[1983]

Education is free and compulsory[1984] in Honduras until the age of 13.[1985] In 2001, the gross primary enrollment rate was 105.8 percent, and the net primary enrollment rate was 87.5 percent.[1986] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Honduras. Among working children, an estimated 34 percent complete primary school.[1987] In May 2004, the Honduran National Institute of Statistics reported that the average number of years of schooling for all Hondurans is 5.5 years (6.9 years in urban areas and approximately 4.1 years in rural areas). Women have an average of 5.6 years of primary education and men have an average of 5.3 years of primary education.[1988] The government estimated that 125,000 children ages of 7 to 12 years fail to receive an education. Of the 125,000, the government estimates that nearly 10,000 will never attend primary school.[1989] In 2003, the government allocated 26.9 percent of its total yearly expenditure to education, including salaries of teachers and administrators.[1990]

A lack of schools prevents many children in Honduras from receiving an education, particularly for preschool and middle school students, as do costs such as enrollment fees, school uniforms, and

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[1981] U.S. Department of State, *Trafficking in Persons Report- 2004: Honduras*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33188.htm. In December 2003, Casa Alianza released a study estimating that there are approximately 8,335 children who are victims of some form of CSEC in Honduras. The report also identified 1,019 children (979 of whom were female) who are being commercially sexually exploited.. See Casa Alianza, *Casa Alianza Honduras reveals the facts on child sexual exploitation,* [online] December 16, 2003 [cited May 19, 2004]; available from http://www.casa-alianza.org/EN/human-rights/sexual-exploit/docs/16122003.phtml.

[1982] Victims trafficked through Honduras originate in Mexico, Guatemala, Belize, and El Salvador. See U.S. Department of State, *Country Reports- 2003: Honduras*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Honduras*.

[1983] U.S. Department of State, *Country Reports- 2003: Honduras*, Section 6f.

[1984] *Constitución de la República de Honduras, 1982*, Capitulo 8, Articulo 171; available from http://www.georgetown.edu/pdba/Constitutions/Honduras/hond82.html.

[1985] U.S. Department of State, *Country Reports- 2003: Honduras*, Section 5. The average age for finishing primary school is 14 years. See also Government of Honduras, *Temas e Indicadores Sobre Trabajo Infantil en Honduras*, September 2001, 8.

[1986] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[1987] ILO-IPEC, *Prevention and Elimination of Child Labor in the Melon Plantations in Honduras*, project document, HON/00/P50/USA, Geneva, July - September 2000, 2.

[1988] FUNPADEM, *Pobreza y Subsistencia*, 63.

[1989] U.S. Department of State, *Country Reports- 2003: Honduras*, Section 5.

[1990] Ibid.

transportation costs. The poor quality of education and the lack of vocational education have been other areas of concern.[1991]

Child Labor Laws and Enforcement

The Labor Code and the Constitution set the minimum age for employment at 16 years.[1992] According to the Labor Code and the Children's Code, children ages 14 to 15 years are permitted to work with parental consent and Ministry of Labor permission. Before granting permission, the Ministry of Labor must conduct a home study to verify there is a need for the child to work and the conditions will be non-hazardous.[1993] If a child 14 to 15 years is hired, an employer must certify that he or she has finished, or is finishing, compulsory schooling.[1994] The Children's Code prohibits a child younger than 14 years of age from working, even with parental permission,[1995] and establishes fines between USD 273 and USD 1,366, as well as prison sentences of 3 to 5 years for individuals who allow or oblige children to work illegally. Fines double if the firm is a repeat offender.[1996] Children under the age of 16 are prohibited from working at night and in clubs, theaters, circuses, cafes, bars, in establishments that serve alcoholic beverages, or in jobs that have been determined to be unhealthy or dangerous.[1997] Hazardous work defined by Honduran law includes standing on high scaffolding, using toxic substances, painting with industrial or lead paint, diving underwater, working in tunnels or underground, working with wood cutting machines, ovens, smelters, or heavy presses, and exposure to vehicular traffic, loud noise, high voltage electrical currents, and garbage.[1998] Children ages 16 to 17 years may only work 6 hours per day.[1999]

The Children's Code protects children 18 years and younger against sexual exploitation, child prostitution, child pornography, and incitement to participate in illegal activities, and mandates 3 to 5 years imprisonment and fines for violators.[2000] The Penal Code punishes those who promote or facilitate prostitution, or corrupt others with 5 to 8 years imprisonment. The sentence is increased by one-half if the victim is under 18 years.[2001] Honduran law also includes provisions that prohibit trafficking in persons,

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[1991] ILO-IPEC, *Prevention and Elimination of Child Labor in the Melon Plantations, project document*, 2.

[1992] *Codigo de Trabajo de la Republica de Honduras y sus reformas, 1959*, Decreto No. 189, Articulo 128; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/29076/64849/S59HND01.htm. See also *Constitución de la República de Honduras, 1982*, Capitulo 5, Articulo 128, Numero 7.

[1993] *Codigo de Trabajo*, Articulos 33 and 128. See also *Código de la Niñez y de la Adolescencia, 1996*, Articulo 119. See also *Constitución de la República de Honduras, 1982*, Capitulo 5, Articulo 128, Numero 7. See also U.S. Embassy- Tegucigalpa, *unclassified telegram no. 1913*.

[1994] U.S. Department of State, *Country Reports- 2003: Honduras*, Section 6d. See *Codigo de Trabajo*, Articulo 133.

[1995] *Código de la Niñez y de la Adolescencia, 1998*, Articulos 119 and 20.

[1996] U.S. Embassy- Tegucigalpa, *unclassified telegram no. 2025*. See also U.S. Department of State, *Country Reports- 2003: Honduras*, Section 6d.

[1997] *Codigo de Trabajo*, Articulo 129. See also *Código de la Niñez y de la Adolescencia, 1996*, Articulo 123.

[1998] U.S. Embassy- Tegucigalpa, *unclassified telegram no. 1913*.

[1999] *Constitución de la República de Honduras, 1982*, Capitulo 5, Articulo 128, Numero 7.

[2000] *Código de la Niñez y de la Adolescencia, 1998*, Articulos 134 and 41.

[2001] Interpol, *Legislation of Interpol member states on sexual offences against children: Honduras*, [database online] 2004 [cited October 15 2004], Articulo 148 de Codigo Penal de Honduras; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaHonduras.asp.

which can carry 6 to 18 years of imprisonment, as well as fines.[2002] However, according to the U.S. Department of State, prosecution and law enforcement efforts are weak due to inadequate police and court systems, corruption, and lack of resources.[2003]

The Ministry of Labor and Social Security (MOLSS) is responsible for conducting child labor inspections.[2004] The country's 119 labor inspectors report violations for administrative action, but may not sanction employers; courts are responsible for determining sanctions.[2005] The Labor Code is more effectively enforced in urban areas and large-scale manufacturing and services,[2006] although violations occur frequently in rural areas or at small companies.[2007] Despite these challenges, the ministry opened a regional office and reinitiated inspections on lobster boats in the Mosquitia area in 2001, where boat captains illegally employ boy divers. Also in 2001, the MOLSS began to conduct special inspections of the melon industry to uncover the incidence of child labor,[2008] and continues to do so in the melon and sugar cane sectors.[2009]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Honduras, through its National Commission for the Gradual and Progressive Eradication of Child Labor,[2010] is currently participating in a number of ILO-IPEC projects. These include a USDOL-funded project to prevent and remove children from full-time work in commercial coffee farms in Santa Barbara,[2011] as well as two USDOL-funded regional projects aimed at combating child labor in

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[2002] U.S. Department of State, *Country Reports- 2003: Honduras*, Section 6f. See also U.S. Embassy- Tegucigalpa, *unclassified telegram no. 2025*.

[2003] U.S. Department of State, *Country Reports- 2003: Honduras*, Section 6f. See also U.S. Embassy- Tegucigalpa, *unclassified telegram no. 1913*.

[2004] Secretary of Labor and Social Security, *Informe Trabajo Infantil en Honduras*, 2000.

[2005] See U.S. Department of State official, electronic correspondence to USDOL official, May 20, 2005.

[2006] U.S. Embassy- Tegucigalpa, *unclassified telegram no. 1913*.

[2007] U.S. Department of State, *Country Reports- 2003: Honduras*, Section 6d.

[2008] U.S. Embassy- Tegucigalpa, *unclassified telegram no. 2025*.

[2009] U.S. Embassy- Tegucigalpa, *unclassified telegram no. 1913*.

[2010] The National Commission was created in 1998. See Presidencia de la Republica de Honduras, *Decreto Ejecutivo Numero PCM-017-98*, Articulos 1-4. The Commission published the Honduran National Plan of Action for the Gradual and Progressive Eradication of Child Labor in 2001. See National Commission for the Eradication of Child Labor, *Plan de Acción Nacional*.

[2011] This project ended in September 2004. See ILO-IPEC, *Prevention and Progressive Elimination of Child Labor in the Coffee Industry in Honduras*, technical progress report, HON/99/05/050, Geneva, February 26, 2004.

commercial agriculture[2012] and the commercial sexual exploitation of children.[2013] Also with technical assistance from ILO-IPEC and funding from USDOL, the Honduras National Institute of Statistics is working in consultation with the MOLSS to conduct a national child labor survey.[2014] With funding from donors such as Spain, Canada, and Italy, ILO-IPEC is carrying out projects aimed at raising awareness, collecting information, and providing direct services to children involved in domestic work in the homes of third parties,[2015] in the lobster diving industry, and in garbage dump scavenging.[2016] In addition, the Government of Honduras is participating in a USD 5.5 million USDOL-funded regional project implemented by CARE to combat child labor through education.[2017]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 6/9/1980	✓
Ratified Convention 182 10/25/2001	✓
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	✓
Sector Action Plan	

In March 2004, a National Commission against Commercial Sexual Exploitation of Children was officially established.[2018] In conjunction with UNICEF, the Government of Honduras has begun a public information campaign against trafficking and commercial sexual exploitation, and has tried to raise awareness of children and women's rights and risks associated with illegal migration.[2019]

The government has initiated several programs in order to improve children's access to quality basic education. Since 1995, USAID has funded the Ministry of Education's Educatodos program, which aims to provide quality education and literacy programs for children and young adults who are excluded from or have dropped out of formal school.[2020] The Ministry of Education makes available radio and long distance learning for children in rural areas with few schools and provides disadvantaged families with stipends for school supplies. Regional committees of child defense volunteers also try to encourage parents to send their children to school.[2021] The Ministry of Education has developed an Education for All plan to increase

[2012] The first phase of this project aims to combat child labor in the melon sector. See ILO-IPEC, *Prevention and Elimination of Child Labor in the Melon Plantations, project document*. See also ILO-IPEC, *Prevention and progressive elimination of child labor in agriculture in Central America, Panama and the Dominican Republic (Phase II)*, project document, September 30, 2003.

[2013] In Honduras, this project focuses primarily on regional collaboration, awareness raising, institutional capacity building, and coordination. See ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, project document, RLA/02/P51/USA, Geneva, 2002, pages 26-28.

[2014] ILO-IPEC, *SIMPOC Central America*, technical progress report, CAM/99/05/050, Geneva, March 26, 2004.

[2015] ILO official, electronic correspondence to USDOL official, September 16, 2002. See also ILO-IPEC, *Trabajo infantil domestico en Honduras*, San Jose, 2003, 13.

[2016] U.S. Embassy- Tegucigalpa, *unclassified telegram no. 1913*. See also ILO-IPEC, *IPEC en la región: Honduras,* [online] 2004 [cited September 7, 2004]; available from http://www.ipec.oit.or.cr/ipec/region/paises/honduras.shtml.

[2017] U.S. Department of Labor, *United States Provides over $110 Million in Grants to Fight Exploitive Child Labor Around the World,* [online] October 1, 2004 [cited October 21, 2004]; available from http://www.dol.gov/opa/media/press/ilab/ILAB20041715.htm. See also CARE, *CARE's Work: Project Information,* [online] 2004 [cited October 21, 2004]; available from http://www.careusa.org/careswork/projects/SLV041.asp.

[2018] ILO-IPEC, *Stop the Exploitation: Contribution to the prevention and elimination of commercial sexual exploitation of children in Central America, Panama and the Dominican Republic*, technical progress report, September 2004, 2,4.

[2019] U.S. Embassy- Tegucigalpa Labor Attaché, electronic communication to USDOL official, February 19, 2004.

[2020] USAID, *Quality Education for all: EDUCATODOS*, brochure.

[2021] U.S. Embassy- Tegucigalpa, *unclassified telegram no. 1913*.

access to primary education; improve the quality of pre-school and primary education by encouraging new teaching methods, improving curriculum, and reducing dropout rates, repetition, and desertion; reduce illiteracy; and expand basic education services and training in essential skills for youth.[2022] By January 2004, Honduras was formally endorsed for financial support through the Education for All Fast Track Initiative process.[2023] In June 2004, the World Bank announced its Poverty Reduction Support Credit in Honduras, which supports community-based school management, including local education development associations.[2024]

[2022] UNESCO, *Education for All 2000 Assessment: Country Reports-Honduras*, prepared by Secretary of Public Education, pursuant to UN General Assembly Resolution 52/84, October 1999, para. 2, [cited June 3, 2004]; available from http://www2.unesco.org/wef/countryreports/honduras/rapport_1.html.

[2023] The Government of Honduras has been leading planning and coordination with key stakeholders, and has developed Memoranda of Understanding with development partners. See World Bank, *Education For All (EFA) - Fast Track Initiative*, progress report, DC2004-0002/1, March 26, 2004, 2, 4; available from http://siteresources.worldbank.org/DEVCOMMINT/Documentation/20190709/DC2004-0002(E)-EFA.pdf.

[2024] World Bank, *The World Bank Approves $87 Million For Poverty Reduction In Honduras*, [online] June 24, 2004 [cited October 26, 2004]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20218161~isCURL:Y~menuPK:34467~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html. See also World Bank, *Poverty Reduction Support Technical Assistance Project*, project appraisal document, June 3, 2004, 44; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/06/04/000160016_20040604170713/Rendered/PDF/290650HN.pdf.

India

Incidence and Nature of Child Labor

The ILO estimated that 11.2 percent of children ages 10 to 14 years in India were working in 2002.[2025] Children work mostly in the agricultural and informal sectors; however, many children can also be found engaging in domestic work and laboring in factories.[2026] Bonded or forced child labor is a problem and exists in several industries.[2027] Recent reports indicate that the practice exists in carpet manufacturing[2028] and silk weaving.[2029] Children work under hazardous conditions in the production of glassware, *bidis* (cigarettes), fireworks, matches, locks, bricks, footwear, brassware, gem stone polishing, stone-quarrying,

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[2025] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. There are no recent and accurate estimates of working children in India. The government maintains that the only reliable statistics on child labor are those of the national census. However, child labor data from the latest national census (2001) have yet to be released. India's 1991 national census found that 11.3 million of the country's children were working. The 55th National Sample Survey conducted in 1999-2000 estimated that the number had declined to 10.4 million. NGOs believe the number is around 55 million, while the International Confederation of Free Trade Unions reports the figure to be as high as 60 million. See Embassy of India, letter to USDOL official in response to USG Federal Register Notice: Volume 67 No. 150, September 5, 2002. See also International Confederation of Free Trade Unions, "India: Economic Boom Masks Widespread Child Labour," *Trade Union World* No. 6 (October 2004), 2. In addition, the government estimated in 2003 that 35 million children ages 6 to 14 were not attending school. See U.S. Embassy- New Delhi, *unclassified telegram no. 5314*, August 26, 2004. For more information on the relationship between primary education and the worst forms of child labor, see the "Preface" and "Data Sources" sections of this report.

[2026] U.S. Embassy- New Delhi, *unclassified telegram no. 5314*. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: India*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27947.htm.

[2027] Except for a few specific sectors, reports on forced or bonded child labor largely date back to the mid-nineties and recent information is not available. See U.S. Department of State, *Country Reports- 2003: India*, Section 6d. See also UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: India*, CRC/C/15/Add.115, Geneva, February 23, 2000, paras. 65-66 and 74-77 available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.115.En?OpenDocument. See also U.S. Embassy - New Delhi, email communication to USDOL official, October 29, 2004. See also International Confederation of Free Trade Unions, "ICFTU Article on Child Labour." The government does however maintain that the overwhelming majority of child labor in India is not "forced or indentured". See Government of India, *Written communication*, submitted in response to U.S. Department of Labor Federal Register Notice (July 14, 2004) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Washington, D.C., August 13, 2004, 2.

[2028] Human rights organizations estimate that many of the 300,000 children estimated to be working in the carpet industry are doing so under conditions of bonded labor. U.S. Department of State, *Country Reports- 2003: India*, Section 6d. See also International Confederation of Free Trade Unions, "ICFTU Article on Child Labour," 7. In addition, it is reported that forced or bonded labor occurs in cottonseed production. Davuluri Venkateswarlu, *Child Labour and Trans-National Seed Companies in Hybrid Cottonseed Production in Andhra Pradesh*, India Committee of Netherlands, n.d., 4,9.

[2029] Human Rights Watch, *Small Change: Bonded Child Labor in India's Silk Industry*, Volume 15, No. 2 (C), January 2003, 9. See also U.S. Department of State, *Country Reports- 2003: India*, Section 6d. See also Zama Coursen-Neff, "Meanwhile: For 15 Million in India, a Childhood of Slavery," *The International Herald Tribune*, January 30, 2003.

leather goods[2030] and sporting goods.[2031] Children are also found living and working on the streets of India.[2032] Commercial sexual exploitation of children, including child sex tourism, occurs in major cities.[2033]

India is a source, destination, and transit country for trafficking of children for the purposes of commercial sexual exploitation and other forms of exploitive labor. Children are reported to be trafficked from India to the Middle East and Western countries such as the United States and Europe; into India from Bangladesh and Nepal; and through the country to Pakistan and the Middle East. Mumbai, Calcutta and New Delhi are major destination cities for young girls trafficked from Nepal and Bangladesh for the purpose of commercial sexual exploitation. Children are also trafficked within India for sexual exploitation and forced or bonded labor. Organized crime and police corruption were common factors that contributed to the overall situation of trafficking in India.[2034] An August 2004 study by the government estimated that almost half of the trafficked children interviewed were between the ages of 11 to 14 years.[2035]

The December 26 tsunami left many children in India orphaned or separated from their families and without access to schooling, increasing their vulnerability to trafficking and other forms of labor exploitation. However, the impact of the disaster on children's involvement in exploitive child labor has yet to be determined.

The Constitution established a goal of providing compulsory and free education for all children until they reach 14 years of age.[2036] The 1986 National Policy on Education and the 1992 Program of Action

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[2030] Because of the various hazards associated with these particular sectors, the work has been identified as harmful to the physical, emotional or moral well being of children. See ILO-IPEC, *Preventing and Eliminating Child Labor in Identified Hazardous Sectors*, project document, IND/01/P50/USA, Geneva, September 2001, 6-7. Past reports have identified the use of forced or indentured child labor in brassware, hand-knotted wool carpets, explosive fireworks, footwear, hand-blown glass bangles, hand-made locks, hand-dipped matches, hand-broken stones, hand-spun silk thread and hand-loomed silk cloth, hand-made bricks, and bidi cigarettes. See U.S. Department of State, *Country Reports- 2003: India*, Section 6d.

[2031] U.S. Department of State, *Country Reports- 2003: India*, Section 6d. See also International Confederation of Free Trade Unions, "ICFTU Article on Child Labour." In addition, it is reported that hazardous child labor exists in shrimp production. *Workshop on Child Labour in Shrimp Culture (Orissa)*, American Centre for International Labour Solidarity, October 2001.

[2032] Children work on the streets doing odd jobs, as rag dealers, shoe shiners and vendors. International Confederation of Free Trade Unions, "ICFTU Article on Child Labour," 2.

[2033] It is estimated that between 15 to 40 percent of the prostitutes in India are children. See U.S. Department of State, *Country Reports- 2003: India*, Section 6f. See also *ECPAT Consultation on Child Sex Tourism in India, Nepal and Sri Lanka: Situational Analysis Studies of Child Sex Tourism in Tourist Destinations of India, Nepal and Sri Lanka*, ECPAT, December 2003. See also ECPAT International, *India Country Profile,* [online] [cited May 26, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=76&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=&DisplayBy=optDisplayCountry.

[2034] U.S. Department of State, *Country Reports- 2003: India*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2004: India*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm.

[2035] The study was partly funded by USAID with the assistance of UNIFEM. The survey interviewed over 500 victims of child trafficking. See U.S. Embassy- New Delhi, *unclassified telegram no. 5314*.

[2036] *The Constitution of India*, (November 26, 1949), Article 45.

reemphasized that goal.[2037] The Parliament passed legislation in December 2002 making education for all children ages 6 to 14 a constitutionally guaranteed fundamental right; however the implementation of this new guarantee has yet to come into force.[2038] Legislation at the state and/or provincial level established compulsory primary education in 14 of the 24 states and 4 union territories.[2039] In 2000, the gross primary enrollment rate was 98.8 percent, and the net primary enrollment rate was 83.3 percent.[2040] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendances statistics are not available for India. As of 1999, 59.0 percent of children who started primary school were likely to reach grade 5.[2041]

Child Labor Laws and Enforcement

India does not have a national minimum age for employment.[2042] However, the Child Labor (Prohibition and Regulation) Act of 1986 prohibits the employment of children under the age of 14 in 13 occupations and 57 processes that are considered hazardous and places restrictions on children's work hours in all other sectors.[2043] In 1996, India's Supreme Court established a penalty for persons employing children in hazardous industries and directed national and state governments to identify and withdraw children from hazardous work and provide them with education. Bonded child labor is prohibited under the Bonded Labor System (Abolition) Act of 1976. Under the Act, allegations of bonded labor and child bonded labor are investigated by district-level Vigilance Committees.[2044] The Penal Code and the Immoral Traffic (Prevention) Act of 1956 prohibit the trafficking and commercial exploitation of children, including sexual exploitation. The penalty for the commercial sexual exploitation of a child is imprisonment for 7 years to

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[2037] UN Committee on the Rights of the Child, *Initial Reports of State Parties due in 1995*, CRC/C/28/Add.10, prepared by the Government of India, pursuant to Article 44 of the Convention on the Rights of the Child, July 7, 1997, para. 221; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.28.Add.10.En?OpenDocument.

[2038] U.S. Embassy- New Delhi, *unclassified telegram no. 5314*.

[2039] These states and union territories are Assam, Andhra Pradesh, Bihar, Delhi, Gujarat, Haryana, Jammu and Kashmir, Karnataka, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Tamil Nadu, Kerala, West Bengal, Chandigarh, Pondicherry, and the Andaman and Nicobar Islands. See Embassy of India, *Child Labor and India,* [online] [cited May 25, 2004]; available from http://www.indianembassy.org/policy/child_labor/childlabor.htm.

[2040] The gross primary enrollment rate for boys (107.4 percent) was much higher than that for girls (75.6 percent). See World Bank, *World Development Indicators 2004*. The government estimates that approximately 20 percent (35 million) of children ages 6 to 14 do not attend school. See U.S. Embassy- New Delhi, *unclassified telegram no. 5314*.

[2041] This report may cite education data for a certain year that is different than data on the same year published in the *U.S. Department of Labor's 2003 Findings on the Worst Forms of Child Labor*. Such data, drawn from the World Bank's *World Development Indicators*, may differ slightly from year to year because of statistical adjustments made in the school-age population or corrections to education data. World Bank, *World Development Indicators 2004*. A 2003 Ministry of Education report states that the drop-out rate remains 53 percent. See U.S. Embassy- New Delhi, *unclassified telegram no. 5314*.

[2042] U.S. Embassy- New Delhi, *unclassified telegram no. 5314*.

[2043] The Act restricts employment by establishing a limit of a six-hour workday for children, including a 1 hour mandatory rest interval after 3 hours of labor; prohibits overtime and work between the hours of 7 p.m. and 8 a.m.; and requires that children be given one full day off per week. Penalties under the Act range from three months - 1 year imprisonment and between 10,000-20,000 rupees. See *Child Labor- Prohibition and Regulation Act 1986*, Part II, Part III, 7 and 8 and The Schedule, Parts A and B [cited May 25, 2004]; available from http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E. See also Embassy of India, letter, September 5, 2002. See also Government of India, *Government of India written communication, August 13, 2004*.

[2044] Government of India, *Government of India written communication, August 13, 2004*, 3.

life.[2045] In May 2003, India ratified the South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.[2046] In 2000, the Government of India issued a notification banning government employees from using child domestic workers.[2047]

There were no new national or judicial efforts in 2004 to strengthen or enforce existing child labor laws and regulations.[2048] The U.S. Department of State reported that enforcement of child labor laws, which falls under the jurisdiction of state governments, is inadequate for a number of reasons, including insufficient government resources, traditional attitudes toward child labor, and the government's inability to provide universal primary education.[2049]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified ILO Convention 138	
Ratified ILO Convention 182	
ILO-IPEC Member	✓
National Plan for Children	✓
National Child Labor Action Plan	
Sector Action Plan (Trafficking)	✓

In January 2004, the Government of India launched National Child Labor Projects (NCLPs) in 50 new districts, bringing the total number of NCLPs to 150 in 20 states.[2050] The government's 2002-2007 10th Five-Year (Development) Plan includes provisions to increase the overall number of NCLP districts to 250.[2051] A major activity of the NCLPs has been the establishment of special schools that provide non-formal education, vocational training, stipends, and nutrition supplements for children withdrawn from hazardous work.[2052] According to the government, as of December 2003, more than 200,000 children have been withdrawn from hazardous work and placed in NCLP schools around the country.[2053] Under the government's current Five-Year Plan, child labor elimination efforts have been integrated with the country's Universal Elementary

[2045] Embassy of India, letter, September 5, 2002, 6-7.

[2046] See "India Keen on Combating Trafficking in Women and Children," *The Hindu*, June 9, 2003.

[2047] U.S. Department of State, *Country Reports- 2003: India*, Section 6d.

[2048] U.S. Embassy- New Delhi, *unclassified telegram no. 5314*.

[2049] U.S. Department of State, *Country Reports- 2003: India*, Section 6d.

[2050] Ministry of Labour Government of India, *Dr. Sahib Singh and DG ILO Jointly Launched the NCLPs in 50 New Districts*, press release, New Delhi, January 14, 2004. See also Ministry of Labour Government of India, *We Will Make All Out Efforts to Attack the Program of Child Labour by Adopting a Focussed, Integrated and Convergent Approach*, New Delhi, February 9, 2004; available from http://pib.nic.in/release/rel_print_page.asp?relid=1061, Ministry of Labor of the Government of India, *Child Labor,* [online] [cited May 25, 2004].

[2051] Government of India, *Government of India written communication, August 13, 2004*, 3-4.

[2052] ILO-IPEC, *Preventing and Eliminating Child Labor: Project Document*, Addendum I. See also Ministry of Finance of the Government of India, *Economic Survey 2002-2003*; available from http://www.indiabudget.nic.in/es2002-03/chapt2003/chap106.pdf. An evaluation of the NCLPs found that the schools were successful in terms of enrollment, attendance, nutrition, teacher training and health, however were deemed unsatisfactory in the areas of providing stipends, mainstreaming, parent teacher interaction, awareness raising, vocational training and school infrastructure. See R. Helen Sekar, *National Child Labor Project Evaluation*, National Resource Center on Child Labor, V.V Giri National Labor Institute, 3.

[2053] Convention on the Rights of the Child, Second Periodic Report of India, January 21, 2004, paragraph 44.

Education program.[2054] In February 2004, the government adopted a National Charter for Children, which calls for free and compulsory primary education and the elimination of all forms of child labor.[2055] The government has in place a Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children.[2056]

With USDOL funding, ILO-IPEC is implementing a USD 40 million multi-year project aimed at eliminating child labor in 10 hazardous sectors in the states of Madhya Pradesh, Maharastra, Tamil Nadu, Uttar Pradesh, and Delhi. The project will support and strengthen the government's existing national child labor and basic education policies and programs with the aim of withdrawing and preventing thousands of children from engaging in hazardous work. The Government of India is contributing USD 20 million toward the project.[2057] The government's annual budget in 2002 and 2003 for child labor was Rs. 730 million rupees (approximately USD 16 million).[2058] Under the Grants in Aid Scheme program, the Ministry of Labor provides funding for 70 NGOs to implement projects aimed at providing working children with education and vocational training opportunities.[2059]

The Government of India has taken a number of steps to improve education and achieve universal enrollment in line with the goals of its NPE. The Ministry of Education's *Sarva Shiksha Abhiyan* (Universal Elementary Education) Program aims to achieve universal elementary education for all children in India ages 6 to 14 by 2010.[2060] To achieve this, the Ministry is implementing a number of programs including the Education Guarantee Scheme to provide alternative and innovative education for the country's out of

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[2054] Government of India, *Ministry of Labor, February 2004 press release*.

[2055] Government of India Ministry of Human Resource Development Department of Women and Child Development, *National Charter for Children, 2003*, New Delhi, February 9, 2004, Sections 7a, 8a and 8c; available from http://wcd.nic.in/nationalcharter2003.doc.

[2056] It is unclear what has been done in terms of implementation of the plan of action. An NGO has filed a suit against the Department of Women and Child Development to find out information on what has been actually done. See Government of India Ministry of Human Resource Development Department of Women and Child Development, *Report of the Committee on Prostitution, Child Prostitutes and Children of Prostitutes: Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children*, 1998. See also U.S. Embassy - New Delhi, email communication, October 29, 2004.

[2057] In August 2000, the Indian Ministry of Labor and USDOL signed a Joint Statement agreeing to collaborate on an ILO-IPEC project to prevent and eliminate child labor in 10 hazardous sectors: bidis (a type of small, hand-rolled cigarette), brassware, bricks, fireworks, footwear, glass bangles, locks, matches, quarrying, and silk. The project is working with the Ministry of Labor's NCLPs and the Ministry of Education's Education for All (SSA) program. See *Joint Statement on Enhanced Indo-U.S. Cooperation on Eliminating Child Labor*, August 31, 2000. See also ILO-IPEC, *Preventing and Eliminating Child Labor: Project Document*, cover, 3, 6-7, and 43.

[2058] U.S. Embassy-New Delhi official, email communication to USDOL official, September 03, 2003. For currency conversion, see FXConverter, in Oanda.com, [online] [cited October 16, 2003]; available from http://www.carosta.de/frames/convert.htm.

[2059] Government of India, *Government of India written communication, August 13, 2004*, 5.

[2060] The SSA program is aimed at covering a total of 192 million children, with a special focus on the needs of girls and vulnerable children. The program takes a community-based approach and works through local groups such as Village Education Committees, Panchayati Raj institutions and women's groups. See Government of India Ministry of Human Resource Development, *Department of Education Annual Report 2002-2003*, New Delhi, 59. See ILO-IPEC, *Preventing and Eliminating Child Labor: Project Document*, 47. See also *Sarva Shiksha Abhiyan: A Programme for Universal Elementary Education,* [online] [cited May 25, 2004]; available from http://www.education.nic.in/htmlweb/ssa/ssa_1.htm.

school children, including child laborers.[2061] In addition, the government is implementing the District Primary Education Program in 273 districts in 18 states with a focus on classroom construction, non-formal education, teacher hiring and training, and services for girls and vulnerable children. Through its National Program of Nutritional Support to Primary Education, the government provides mid-day lunches, including cooked meals to children to increase enrollment and help improve the nutritional status of children.[2062]

The World Bank has supported the government's efforts on improving basic education in particular for girls, working children, and children from disadvantaged backgrounds. Projects have focused on expanding access, improving classroom instruction, increasing community participation and strengthening local and state capacity.[2063] In April 2004, the World Bank approved a USD 500 million credit to support India's Universal Elementary Education program.[2064]

[2061] Ministry of Education of the Government of India, *Education Guarantee Scheme and Alternative and Innovative Education,* [online] [cited May 25, 2004]; available from http://www.education.nic.in/htmlweb/edu_guarantee_sch/edu_guarantee_back.htm. See also Government of India Ministry of Human Resource Development, *Ministry of Education 2002-2003 Annual Report*, 70.

[2062] Government of India Ministry of Human Resource Development, *Ministry of Education 2002-2003 Annual Report*, 65.

[2063] World Bank, *World Bank Support for Education in India,* [online] [cited September 7, 2004]; available from http://wbln1018.worldbank.org/sar/sa.nsf/a22044d0c4877a3e852567de0052e0fa/3436a2c8a70b8463852567ef0066a42e?OpenDocument.

[2064] The credit will fund a number of activities including the construction of schools, training, teacher salaries, special schools, and facilities for girls, provision of free textbooks to girls and children from scheduled castes and tribes, grants to support students with disability, and building of resource centers for teachers, parents and students. Of the total USD 3.5 billion cost for the program, the Government of India will contribute 45 percent, donors 30 percent, and states 25 percent. See World Bank, *India: World Bank to Support India's Goal of Achieving Elementary Education*, online, April 20, 2004, [cited May 26, 2004]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20193977~menuPK:34463~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html.

Indonesia

Incidence and Nature of Child Labor

The ILO estimated that 7.1 percent of children ages 10 to 14 years in Indonesia were working in 2002.[2065] Children work in agriculture and in the rattan and wood furniture, garment, footwear, food processing, toy, fishing, construction, and small-scale mining sectors.[2066] Other children work in the informal sector selling newspapers, shining shoes, scavenging, and working beside their parents in family businesses or cottage industries.[2067] The Indonesian government reports that 6 to 12 million Indonesian children are involved in the worst forms of child labor, identified as prostitution; child trafficking; fishing; woodworking; street vending; drug trafficking; domestic servitude; employment as porters; work on fishing platforms; in diamond, gold, coal, marble, and sand mines; in transportation; on plantations; at dumpsites; in the footwear industry; and in formal sectors (such as food, cigarette, and canned shrimp industries).[2068] Considerable numbers of children work in these worst forms,[2069] and are also used in the production of pornography.[2070] Indonesia is a source, transit and destination country for a significant number of international and internal trafficking victims, including children.[2071] Children are also engaged in

[2065] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[2066] U.S. Department of State, *Country Reports on Human Rights Practices-2003: Indonesia*, Washington, D.C., May 18, 2004, Sections 5, 6c, and 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27771.htm. See also End Child Labor, *Indonesia Child Labor by Industry or Occupation,* [online database] 2004 [cited May 26, 2004]; available from http://www.endchildlabor.org/db_infoBank.cfm?Action=View.

[2067] Government of Indonesia, *The National Plan of Action for the Elimination of the Worst Forms of Child Labor*, August 13, 2002, 5.

[2068] Embassy of the Republic of Indonesia, *Indonesia's Activities on the Elimination of Trafficking in Persons: 2003-2004*, Washington, DC, August 19, 2004, Embassy of the Republic of Indonesia [1], *Indonesia's Activities on the Elimination of Trafficking in Persons: 2003-2004*, Washington, DC, August 19, 2004, 3.3. The ILO has identified 21 areas exhibiting the worst forms of child labor as that in agriculture (especially on plantations); armed conflict; chemical industry; clay pottery; roof tiles and brick-making; construction; domestic work; rattan, garment, and textile industries; fireworks; fisheries; footwear; hat industry; fishing platforms; hand-rolled cigarettes; mining; mosquito coils industry; pearl diving; prostitution; scavengers; stone quarries; street vendors; and child trafficking. See U.S. Embassy- Jakarta, *unclassified telegram no. 8500*, September 8, 2004.

[2069] Ruth Rosenberg, ed., *Trafficking of Women and Children in Indonesia*, 2003, 26; available from www.http://www.icmc.net/files/traffreport.en.pdf. See also U.S. Department of State, *Country Reports- 2003: Indonesia*, Section 6d.

[2070] ECPAT International, *Indonesia,* ECPAT International, [online] [cited May 27, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=77&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=&Nationalplans=&orgWorkCSEC=&DisplayBy=optDisplayCountry. See U.S. Department of State, *Country Reports- 2003: Indonesia*, Section 6d.

[2071] U.S. Department of State, *Country Reports- 2003: Indonesia*, 6d and 6f. See also Rosenberg, *Trafficking of Women and Children in Indonesia*, 26.

the production, trafficking, and/or sale of drugs.[2072] In addition, paramilitary groups and civilian militias, such as The Free Aceh Movement, have recruited children to serve as child soldiers.[2073]

The December 26 tsunami left thousands of children in Indonesia orphaned or separated from their families and without access to schooling, increasing their vulnerability to trafficking and other forms of labor exploitation. However, the impact of the disaster on children's involvement in exploitive child labor has yet to be determined.

Law No. 20 of 2003 on National Education provides for free, compulsory, basic education for children ages 7 to 15.[2074] However, many families cannot afford education costs—such as entrance fees, uniforms, supplies, and fees for parent-teacher associations.[2075] Other obstacles to education also exist, such as distance to schools[2076] and the destruction of schools in conflict areas.[2077] In 2001, the gross primary enrollment rate was 110.9 percent and the net primary enrollment rate was 92.1 percent. Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance rates are not available for Indonesia. As of 2000, 89.3 percent of children who started primary school were likely to reach grade 5.[2078] There is a much higher rate of completion of lower secondary school among youths from urban areas as compared to rural areas.[2079]

[2072] ILO-IPEC, *Assessing the Situation of Children in the Production, Sales, and Trafficking of Drugs in Indonesia, the Philippines and Thailand*, project document, RAS/02/P52/USA, Geneva, September 2001. U.S. Department of State, *Trafficking in Persons Report-2003: Indonesia*, Washington, D.C., June 11, 2003, 6d; available from http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm.

[2073] The Free Aceh Movement is known in Indonesia as Gerakan Aceh Merdeka. Both voluntary and forcible recruitment measures are reportedly used by the group. In addition, the Indonesian armed forces have allegedly begun recruiting children although no children are said to serve in government forces. See Coalition to Stop the Use of Child Soldiers, *Child Soldier Use 2003: A Briefing for the 4th UN Security Council Open Debate on Children and Armed Conflict*, 2004 [cited May 10, 2004]; available from http://www.child-soldiers.org/cs/childsoldiers.nsf/569f78984729860e80256ad4005595e6/ee4c6158b8892d6e80256e2e005d1c7b/$FILE/2004-01-28-CSC-ChildSoldiersUse2003-Indonesia.doc. See also U.S. Embassy- Jakarta, *unclassified telegram no. 8500*.

[2074] While the government does provide some scholarships for poor children, as of 2003 the 9 years of compulsory education are not fully funded. See U.S. Embassy- Jakarta, *unclassified telegram no. 9517*, August 19, 2003. The UN estimates that up to a quarter of all Indonesian children are educated in religious schools. See Katarina Tomasevski, *The Right to Education: Report submitted by Katarina Tomasevski, Special Rapporteur, in accordance with Commission resolution 2002/23: Addendum, Mission to Indonesia, 1-7 July 2002*, UN Document E/CN.4/2003/9/Add.1, 59th Session, Item 10 of the Commission on Human Rights, Geneva, October 18, 2002, Point 18.

[2075] Peter Stalker, *Beyond Krismon: The Social Legacy of Indonesia's Financial Crisis*, UNICEF Innocenti Research Centre, Florence, 2000, 19.

[2076] Tomasevski, *The Right to Education: Report submitted by Katarina Tomasevski*, Point 23.

[2077] Many children in the conflict zones cannot attend school because the schools were destroyed and their teachers fled. In the first four days of resumed conflict in May 2003, more than 280 schools were destroyed, affecting about 60,000 children. See Commission on Human Rights, *Rights of the Child: Annual Report of the Special Representative of the Secretary-General for Children and Armed Conflict, Olara Otunnu*, E/CN.4/2004/70, Geneva, January 28, 2004.

[2078] World Bank, *World Development Indicators 2004*.

[2079] Sulistinah Achmad and Peter Xenos, "Notes on Youth and Education in Indonesia," *East-West Center Working Papers: Population Series* No. 108-18 (November 2001), 8-9, 11.

Child Labor Laws and Enforcement

The Manpower Development and Protection Act No. 13 of 2003 establishes 18 years as the minimum age for employment. The same law permits children ages 13 to 15 years to engage in a maximum of 3 hours of light work per day.[2080] The Act also establishes criminal sanctions of imprisonment from 2 to 5 years for those employing children in the worst forms of child labor.[2081] Former President Megawati signed the National Child Protection Act into law on October 22, 2002. This law provides a strong legal basis for protecting children under age 18 from a variety of abuses and prohibits the employment of children in the worst forms of child labor.[2082] Under Article 78 of the Act, persons who expose children to such hazardous activities are liable to terms of up to 5 years imprisonment and/or a possible maximum fine of 100 million rupiah (USD 10,778). Articles 81 to 83 stipulate that persons involving a child in commercial sexual exploitation or traffic a child could face stiff prison sentences and fines ranging from 60 million to 300 million rupiah (USD 6,467 to USD 32,334). Persons involving children in various forms of armed conflict are subject to imprisonment under Article 87 for up to 5 years and/or a fine of 200 million rupiah (USD 21,556). Persons economically or sexually exploiting children can be imprisoned for up to 10 years according to Article 88, or face fines of up to 200 million rupiah (USD 21,556). Per Article 89, those involving children in the production or distribution of narcotics face prison terms of 5 years to life or the death penalty, and fines of between 50 million and 500 million rupiah (USD 5,389 to USD 53,890).[2083]

Ministry of Home Affairs and Regional Autonomy Decree No. 5 of January 2001 on the Control of Child Workers calls for programs to remove children from hazardous work and assist them in returning to school.[2084] The Penal Code makes it illegal for anyone exercising legal custody of a child under 12 years of age to provide that child to another person, knowing that the child is going to be used for the purposes of begging, harmful work, or work that affects the child's health. The Code imposes a maximum sentence of 4 years imprisonment for violations of this kind.[2085]

The Penal Code prohibits engaging in an obscene act with a person below 15 years of age. The penalty for violations is up to 7 years in prison. The use of force or threats increases the penalties.[2086] The Penal Code also prohibits trafficking of women and younger boys, with a maximum penalty of 6 years imprisonment

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[2080] U.S. Department of State, *Country Reports- 2003: Indonesia*, Section 6d.

[2081] U.S. Embassy- Jakarta, *unclassified telegram no. 8500*. See Embassy of the Republic of Indonesia Deputy Chief of Mission, Indonesian Efforts to Eliminate the Worst Forms of Child Labor, letter to USDOL official, August 1, 2003.

[2082] Government of Indonesia, *Law No. 23 Year 2002 on Child Protection*, Articles 59-63; available from http://www.ri.go.id/produk_uu/uu-2002.htm.

[2083] Article 89 also applies a lesser sentence to persons involving children in the production or distribution of alcohol or other addictive substances. See Ibid., Articles 1, 78, 80-85, 87-89. For currency conversions see FXConverter, in Oanda.com, [online] [cited September 10, 2003]; available from http://www.carosta.de/frames/convert.htm.

[2084] The Ministry of Home Affairs and Regional Autonomy is tasked with oversight. See Government of Indonesia, *Control of Child Workers Decree of the Minister of Home Affairs and Regional Autonomy, 1991*, No. 5 of 2001, (January 8, 2001); available from http://natlex.ilo.org.

[2085] *Penal Code*; available from http://209.190.246.239/protectionproject/statutesPDF/IndonesiaF.pdf.

[2086] Ibid., Articles 289-90. However, the U.S. State Department reported that some corrupt civil servants issued false ID cards to underage girls, thereby facilitating entry into commercial sexual exploitation. See U.S. Department of State, *Country Reports- 2003: Indonesia*.

for violations.[2087] The Law on National Defense of 1982 sets the minimum age for voluntary recruitment into the armed forces at 18 years.[2088]

Ministry of Manpower authorities at the provincial and district levels have the responsibility for enforcing child labor laws.[2089] Due in part to a lack of resources, corruption, and weak law enforcement, the government does not enforce child labor laws in an effective or thorough manner.[2090] The national police's anti-trafficking unit and other law enforcement bodies have increased efforts to combat trafficking of children. The government reported the conviction of 27 traffickers in 2003.[2091] An additional 25 cases involving 57 suspects are pending prosecution.[2092]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 6/07/1999	✓
Ratified Convention 182 3/28/2000	✓
ILO-IPEC Member	✓
National Plan for Children	✓
National Child Labor Action Plan	✓
Sector Action Plan (economic and commercial sexual exploitation)	✓

The Ministry of Manpower and Transmigration issued a decree in 2003 regulating child labor that poses a risk to the health, safety, and morals of the children, and a second decree in 2004 designed to protect the development of working children's talents and interests.[2093] The National Program of Action on the Elimination of the Worst Forms of Child Labor was established in 2002.[2094] This program focuses on efforts to eliminate five worst forms of child labor: commercial sexual exploitation, drug trafficking, footwear production, fishing, and mining.[2095] In July 2003 the government initiated a national campaign against commercial sexual exploitation of children, focusing on the link to tourism.[2096] Local governments of Batam and Bali have followed up with funding for the program, including two new shelters for trafficking victims in Batam.[2097]

[2087] *Penal Code*, Article 297.

[2088] Coalition to Stop the Use of Child Soldiers, "Child Soldiers 1379 Report," 2002; available from http://www.child-soldiers.org/cs/childsoldiers.nsf/6be02e73d9f9cb8980256ad4005580ff/c560bb92d962c64c80256c69004b0797?OpenDocument.

[2089] U.S. Embassy- Jakarta, *unclassified telegram no. 8500*.

[2090] The number of labor inspectors has reportedly decreased in recent years due to the government's decentralization. See U.S. Embassy- Jakarta, *unclassified telegram no. 9517*.

[2091] U.S. Embassy- Jakarta, *unclassified telegram no. 8500*. For details see Embassy of the Republic of Indonesia, *Activities 2003-2004*.

[2092] Embassy of the Republic of Indonesia, *Activities 2003-2004*.

[2093] Ibid, Embassy of the Republic of Indonesia [1], *Activities 2003-2004*, 1. The official decrees are numbers Kep-235/Men/2003 of October 31, 2003 and Kep-115/Men/VII/2004 of July 7, 2004.

[2094] Presidential Decree No. 59 established this Action Plan. See Embassy of the Republic of Indonesia [1], *Activities 2003-2004*, 2.

[2095] U.S. Embassy- Jakarta, *unclassified telegram no. 8500*.

[2096] U.S. Embassy- Jakarta, *unclassified telegram no. 9517*.

[2097] U.S. Embassy- Jakarta, *unclassified telegram no. 8500*.

In 2004, the government established the Commission for the Protection of Indonesian Children (KPAI), which is responsible for receiving complaints and advising the government on issues of public education.[2098] The government is currently finalizing the National Programme for Children through 2015, which will address issues such as the promotion of a healthy life, equal and quality education for all, combating HIV/AIDS and protecting children.[2099]

The Government of Indonesia participates in a USDOL supported ILO-IPEC Timebound Program to progressively eliminate the worst forms of child labor. The program is being implemented from 2004-2009 and focuses on five National Action priority sectors: offshore and deep sea fishing, child prostitution, mining, footwear industry and drug trafficking.[2100] The USDOL also launched a new 4-year USD 6 million project in September 2004 to combat child trafficking in Indonesia.[2101] USAID provides support for capacity building to strengthen the efforts of the Ministry of Women's Empowerment to combat trafficking and to advocate for anti-trafficking laws and policies.[2102] UNICEF also works to support schools and in parts of Aceh and the Malukus to address the effects of the civil conflict.[2103] President Bush has also included Indonesia in his new USD 50 million anti-trafficking-in-persons initiative.[2104]

The World Bank has four active education projects in Indonesia that aim to improve the quality of early basic education and junior secondary education.[2105] The World Bank also funds the Urban Poverty Project in selected areas of Indonesia, which includes the provision of grants to communities or local governments for projects to improve education, among other goals.[2106] AusAID supports government efforts to improve basic education.[2107] The ADB supports two projects undertaking decentralization of education, one focusing on basic education in 21 districts in three provinces,[2108] and the other aiming to assess overall decentralization with a focus on technical and vocational education, girls' education, and open schooling

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[2098] Ibid.

[2099] Committee on the Rights of the Child, *Second periodic report of Indonesia*, CRC/C/SR.920, United Nations, Geneva, January 19 2004.

[2100] Embassy of the Republic of Indonesia, *Indonesia's Activities on the Elimination of The Worst Forms of Child Labor 2003-2005*, Washington, D.C.,, August 19, 2004.

[2101] U.S. Department of Labor, *Enable Program: Enabling Communities to Combat Child Trafficking through Education,* [ILAB Technical Cooperation Project Summary] 2004.

[2102] U.S. Embassy- Jakarta, *unclassified telegram no. 0649*, February 25, 2002.

[2103] UNICEF provides education supplies nationwide, and conducts primary school assessments to determine schooling needs. See UNICEF, *UNICEF Humanitarian Action Donor Update - Indonesia*, May 29, 2002, 2; available from http://www.unicef.org/emerg/Country/Indonesia/020529.PDF.

[2104] U.S. Embassy- Jakarta, *unclassified telegram no. 4763*, May 21, 2004. The President's initiative will extend assistance to prosecutors as well as police to help enforce anti-trafficking laws in Indonesia.

[2105] The projects focus on early childhood development in West Java, Bali and South Salawesi and basic education in West Java and 3 north Sumatran provinces (North Sumatra, Bengkulu and Riau.) See www.worldbank.org.

[2106] World Bank, *Indonesia - Urban Poverty Project (02)*, project document, IDPE72852, May 28, 2002.

[2107] AusAID, *Country Brief Indonesia,* [online] 2004 [cited May 24, 2004]; available from http://www.ausaid.gov.au/country/country.cfm?CountryId=30.

[2108] ADB, *Decentralized Basic Education,* (LOAN: INO 31137-01), [online] 2004 [cited May 24, 2004]; available from http://www.adb.org/Documents/Profiles/LOAN/31137013.ASP.

for dropouts.[2109] An ADB grant also targets the basic education of disadvantaged children and those living in the remote areas of the Nusa Tenggara Barat province.[2110]

After the December tsunami, Indonesian government officials took steps to protect children in Aceh from potential trafficking and exploitation of children by implementing a measure that bars adults from leaving the country with children under the age of 16.[2111]

[2109] Ibid.

[2110] ADB, *Community Based Basic Education for the Poor,* (Grant: INO 35178-01), [online] August 15, 2002 [cited May 26, 2004]; available from http://www.adb.org/Documents/Profiles/GRNT/35178012.ASP.

[2111] CNN.com, *Traffickers Threaten Aceh Orphans,* [online] 2005 [cited February 1 2005]; available from http://www.cnn.com/2005/WORLD/asiapcf/01/04/indonesia.children/index.html.

Iraq

Incidence and Nature of Child Labor

UNICEF estimated that 14.0 percent of children ages 5 to 14 years in Iraq were working in 2000.[2112] More up-to-date statistics since the start of the conflict in Iraq are not available. However, recent information indicates that in urban areas, children are employed in merchant shops, as ticket collectors on buses, and are found washing cars, shining shoes, and cleaning litter from streets. Children work as vendors of cigarettes, gum, candy, food, soft drinks, pornographic videos, fruit, fuel, used clothes, and junk.[2113] Children also work under hazardous conditions in automobile repair shops, and on construction sites.[2114] In rural areas, children herd livestock and perform other agricultural duties.[2115] Anti-government militias, such as Al-Sadr's Mahdi Army, exploit children as young as ten years old as child soldiers.[2116] Children also dig through rubbish,[2117] drive donkey carts and work in brick factories in Iraq.[2118] Since the war, the number of street children in some areas of Baghdad has been increasing.[2119]

The Transitional Administrative Law (TAL) guarantees the right of education for every citizen.[2120] In the 1999-2000 school year, the gross primary enrollment rate was 99 percent, and the net primary enrollment rate was 91 percent.[2121] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. The net

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[2112] The statistics include children working only, children working and studying, and children that carry out household chores for more than 4 hours per day. See Republic of Iraq, *Multiple Indicator Cluster Survey for the Year 2000 (Detailed Report)*, The Central Statistics Organisation, Baghdad, December, 2001, pages 28 and 68; available from http://www.childinfo.org/MICS2/newreports/iraq/Iraqtables.pdf.

[2113] USDOL, *Child Labor in Iraq*, unpublished report, U.S. Department of Labor, Washington, D.C., November 2, 2004. See also Neela Banerjee, "Poverty and Turmoil Cripple Iraq Schools," *The New York Times* (March 14, 2004); available from http://www.nytimes.com/2004/03/14/international/middleeast/14LABO.html?ex=1394600400&en=202ddd0766e0048d&ei=5007&partner=USERLAND. See also IRIN, *Iraq: Children Work Instead of Going to School,* IRIN News.Org, [Online] 2004 [cited September 21, 2004]; available from http://www.irinnews.org/report.asp?ReportID=43204&SelectRegion=Iraq_Crisis&SelectCountry=IRAQ.

[2114] USDOL, *Child Labor in Iraq*. See also Banerjee, "Iraq Schools."

[2115] USDOL, *Child Labor in Iraq*.

[2116] David Clinch, *CNN Daybreak,* pursuant to CNN National, August 24, 2004. See also IRIN, *Children Work*.

[2117] IRIN, *Children Work*.

[2118] Ben Granby, "Report from Iraq," *ZNet* (February 8, 2004); available from http://www.zmag.org/content/print_article.cfm?itemID=4951&sectionID=15. See also Banerjee, "Iraq Schools."

[2119] UNICEF, *UNICEF Iraq Programme Update: 1-31 October 2003*, UNICEF Iraq Support Centre, Amman, Jordan, October 2003, 5; available from http://www.unicef.org/emerg/IraqOct.pdf. See also IRIN, *Children Work*.

[2120] *Transitional Administrative Law*, (March 8, 2004), Article 14; available from http://www.cpa-iraq.org/government/TAL.html. The TAL serves as the interim constitution until an elected government can adopt a new constitution.

[2121] UNESCO, *Global Education Database*, database online, September 15, 2004 2004; available from http://esdb.cdie.org/cgi-bin2/broker.exe?_program=gedprogs.ged_country_une_2.sas&_service=default&cocode=3IRQ+&sscode=UNE06316+&sscode=UNE06314+&sscode=UNE06317+&sscode=UNE06319+&sscode=UNE06315+&sscode=UNE06318+. According to USAID, registration for girls in 2004 was 96 percent and 92 percent for boys. See USAID, *A Year in Iraq,* 2004 [cited September 15, 2004]; available from http://www.usaid.gov/iraq/pdf/AYearInIraq_education.pdf.

attendance rate for primary school was 76.3 percent in 2000.[2122] Of the students who enroll in grade 1, 92.2 percent of the boys and 83.6 percent of the girls reach grade 5. As of 2000, 92.2 percent of boys and 83.6 percent of girls who started primary school were likely to reach grade 5. More recent statistics on primary enrollment and attendance in Iraq are not available.[2123]

Child Labor Laws and Enforcement

The Labor Law of 1987, which remains in force since the start of the conflict in Iraq, sets the minimum age for employment at 15 years.[2124] Coalition Provisional Authority (CPA) Order 89, signed into law in June 2004, amends the 1987 Labor Law. The amendment prohibits the employment of anyone under the age of 18 years in work that is detrimental to the worker's health, safety, or morals.[2125] The Order also establishes a maximum seven-hour workday,[2126] provides a required daily rest period of one hour after four hours of work,[2127] and requires a 30-day paid vacation each year for employees under the age of 18 years.[2128] The Order further requires a pre-employment medical examination for workers of this age group,[2129] and certification of the worker's fitness.[2130] Employers must also maintain a register of names workers in this age group, post at the workplace a copy of the labor provisions protecting young persons, and keep medical fitness certificates on file available for labor inspectors.[2131]

The Criminal Code, which predates the Iraqi conflict but remains in effect, prohibits any form of compulsory or forced labor.[2132]

Order 89 prohibits the worst forms of child labor, which it defines as all forms of slavery, debt bondage, forced labor, trafficking of children, compulsory use of children in armed conflict, child prostitution, illicit

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[2122] Republic of Iraq, *Multiple Indicator Cluster Survey for the Year 2000 (Detailed Report)*, table 11.

[2123] Ibid., table 10.

[2124] *Act No. 71 of 1987 Promulgating the Labour Code*, (July 27, 1987), Article 91. Although in 1985, Iraq ratified ILO Convention 138 that establishes the minimum age a child may enter the workforce at 15 years (or 14 years under certain circumstances in developing nations), supported by this provision in the 1987 Labor Code, Iraq's Revolutionary Command Council Resolution (RCCR) No. 368 lowered the permissible age for a child to work both in hazardous and non-hazardous employment in the private and mixed sectors to 12. Therefore, on May 30, 2004, CPA issued Order # 89, which reversed RCCR No. 368 and upheld the mandate for the minimum age of 15 for entry into any kind of employment in Iraq. See *CPA Order 89*, Article 90.1; available from http://www.iraqcoalition.org/regulations/20040530_CPAORD89_Amendments_to_the_Labor_Code-Law_No.pdf.

[2125] The types of employment forbidden include work conducted underground and underwater, work involving dangerous machinery, in an unhealthy environment or under strenuous conditions, such as exposure to hazardous substances, loud noises, working long hours, and confinement to work premises. See *Order 89*, Articles 91.1 and 91.2.

[2126] Ibid., Article 93.1.

[2127] Ibid., Article 93.2.

[2128] Ibid., Article 93.3.

[2129] Ibid., Article 92.1.

[2130] Ibid., Article 92.2.

[2131] Ibid., Articles 94.1-94.3.

[2132] USDOL, *Child Labor in Iraq*.

activity, including drug trafficking and work likely to harm the health, safety or morals, among others.[2133] The Order criminalizes promotion of, aid to, and benefiting from, the aforementioned worst forms of child labor under the Penal Code.[2134] Penalties for violations of the Order range from imprisonment of ten to 90 days, or fines from 12 times the daily minimum wage to 12 times the monthly minimum wage.[2135] Moreover, the Order requires the Iraqi government to design and implement action programs to eliminate the worst forms of child labor, including mechanisms to withdraw children from the worst forms and provide free basic education and vocational training to these children.[2136] The Ministry responsible for overseeing labor inspections, enforcement, programs to eliminate child labor, and vocational training is the Ministry of Labor and Social Affairs (MOLSA).[2137]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	✓
Ratified Convention 182 3/23/2001	✓
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

With the support of the CPA, the Government of Iraq established a Child Labor Unit (CLU) at the MOLSA in January 2004. The CLU is responsible for raising awareness on the hazards of child labor and the benefits of education, enforcement of child labor legislation through labor inspections, and serves as a coordination body for child labor interventions and activities across the country. The Swedish NGO Diakonia provided psycho-social and basic child labor training to four CLU officials in May 2004.[2138] The Kurdish Ministry of Health and Social Affairs and Kurdish provincial governments support a number of projects to eliminate child labor in the north. The government has assumed ownership of four Diakonia-established education and rehabilitation centers for working street children in Kurdistan.[2139]

Norwegian Church Aid (NCA) provided USD 200,000 for Diakonia's child labor projects in 2004. Diakonia implements five child labor projects in the region, totaling USD 380,000.[2140] The Swedish NGO also has developed a sophisticated psycho-social training program designed to provide social workers, teachers, and other professionals with the required skills for dealing with the special needs of victimized children.

[2133] *Order 89*, Article 91.3.

[2134] This Order excluded youth who have reached 15 years of age if employed in a family enterprise. See Ibid., Article 91.4 and 96.

[2135] Ibid., Article 97.

[2136] If the youth has reached 15 years of age and is employed in a family enterprise, the provisions set forth in Order 89 do not apply, except for the provisions related to hazardous work and the worst forms of child labor. See Ibid., Articles 91.5 and 96.

[2137] The Amendment itself does not specifically name MOLSA as the ministry responsible for oversight and enforcement. Rather, it refers to "the competent Ministry" and "competent authority." At Article 92.7, the latter term is defined as the "Ministry in charge of labor" or "Ministry in charge of health or both." At Article 172, the authority to issue regulations and instructions is "the Ministry," which refers to MOLSA. See Ibid. In addition, the 1987 Labor Code explicitly designates MOLSA as the ministry responsible for labor-related issues. See *1987 Labour Code*, for example, Articles 15, 16, 23, 26, 36(6), 39, 46, 57, and 66(3). In addition, the National Center for Occupational Health and Safety, formerly under the Ministry of Health, was transferred to MOLSA in January 2004.

[2138] USDOL, *Child Labor in Iraq*.

[2139] Diakonia official, email communication to USDOL official, September 16, 2004.

[2140] Ibid.

Based on Diakonia's model, UNICEF has established centers for working children in Irbil.[2141] UNICEF and NCA support a Youth House in Baghdad, which among other programs, hosts activities to combat the worst forms of child labor.[2142] Terre des Hommes, an Italian NGO, and UNICEF operate a center for working street children in Baghdad. The center provides educational, psycho-social, and vocational training services for about 400 children ages 6 to15 years.[2143]

With the support of the CPA and the U.S. Government, the Iraqi Ministry of Education made unprecedented substantial progress in rebuilding the education system in Iraq. USAID rehabilitated over 2,405 schools, trained more than 33,000 secondary school teachers and 3,000 supervisors; and created a 4-year strategy to reorganize and re-staff the ministry, rehabilitate school infrastructure, retrain teachers, and institute a national dialogue and framework for an Iraq-driven curriculum reform.[2144] UNICEF also made a major contribution to rebuild Iraqi education. By October 2003, the UN agency had rehabilitated 119 schools.[2145] USAID provided necessary school equipment and kits for primary and secondary school children across the country. Some 8.7 million revised math and science textbooks were printed and distributed to students grades 1 to 12.[2146] UNICEF also distributed nearly 60,000 education kits, teaching materials, and some 20 million textbooks to provincial ministries of education.[2147] The U.S. Government committed an additional USD 170 million for education in the supplemental appropriation for 2004.[2148] USAID piloted accelerated learning projects in five cities for 500 out-of-school children.[2149] With the assistance of USAID, some 2,700 parent-teacher associations were established in order involved parents and educators in the decision-making process of improving education, spending budgets, and selecting curricula.[2150]

[2141] USDOL, *Child Labor in Iraq*.

[2142] UNICEF, *October Update*, 5.

[2143] Ibid. Terre des Hommes has traditionally run a number of centers for street children in Baghdad. See Terre des Hommes, *Terre des Hommes Condemns the Attack Against the UN in Iraq,* [Press release] 2003 [cited September 21, 2004]; available from http://www.terre-des-hommes.org/en/news/brief.asp?noid=TERR567346. See also Terre des Hommes Italia, *Progetto socio-educativo,* Terre des Hommes Italia, [On-line] [cited September 21, 2004]; available from http://www.tdhitaly.org/scheda_iraq.php. See also Terre des Hommes, *I progetti a Baghdad continuano: Terre des Hommes Italia ha deciso di non sospendere i progetti in corso a Baghdad,* [Online] 2004 [cited September 21, 2004]; available from http://www.tdhitaly.org/news_080904.php.

[2144] CPA, *Iraqi Ministry of Education Enters Final Stage to Sovereignty,* [Press Release] 2004 [cited September 14, 2004]; available from http://www.iraqcoalition.org/cgi-bin/prfriendly.cgi?http://www.iraqcoalition.org/pressreleases/20040403_ed_PR.html. See also USAID, *Assistance for Iraq,* USAID, 2004 [cited September 14, 2004]; available from http://www.usaid.gov/iraq/accomplishments/education.html.

[2145] UNICEF, *October Update*, 4. Although all international UNICEF staff were withdrawn from Iraq in September 2003 after the UN headquarters' bombing a month earlier, UNICEF continued a number of activities from Amman, Jordan.

[2146] USAID, *Assistance for Iraq*.

[2147] UNICEF, *October Update*, 4.

[2148] CPA, *Iraqi MOE Final Stage*.

[2149] USAID, *Assistance for Iraq*.

[2150] USAID, *A Year in Iraq*, 17.

Jamaica

Incidence and Nature of Child Labor

The Statistical Institute of Jamaica estimated that 2.2 percent of children ages 5 to 17 years were working in Jamaica in 2002.[2151] While child labor is not reported to be a significant problem in Jamaica's formal sector,[2152] children are found working in certain sectors, notably fishing, agriculture, and tourism.[2153] More than 2,800 children live on the streets,[2154] and are engaged in work such as newspaper delivery, vending, and domestic service.[2155] Children also work as shop assistants in carpentry and mechanic shops.[2156] In tourist towns, children are reported to work in kitchens, hotels, and recreational and cultural activities.[2157]

A 2001 study funded by ILO-IPEC found that children as young as 10 years old are sexually exploited and engaged in prostitution, catering to tourists.[2158] Young girls are hired by "go-go" clubs or massage parlors.[2159] Children are trafficked internally for sexual exploitation and pornography.[2160]

[2151] A child was considered to have worked if he/she performed any activity to earn cash or payment in kind for at least one hour during the reference week. Unpaid labor in a family business was also defined as work. Due to small sample sizes estimates should be interpreted with caution. Statistical Institute of Jamaica, Report of Youth Activity Survey 2002, June 2005.

[2152] U.S. Embassy- Kingston, *unclassified telegram no. 2589*, October 2001.

[2153] ILO-IPEC, *National Programme for the Prevention and Elimination of Child Labour in Jamaica and SIMPOC Survey*, project document, JAM/P50/USA, Geneva, June 2001, 7,8. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Jamaica*, Washington, D.C., Feb. 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27904.htm.

[2154] UNICEF, *At A Glance: Jamaica*, [online] [cited May 7, 2004]. See also UNICEF, *Situation Analysis of Jamaican Children, update*, February 2005.

[2155] UN Committee on the Rights of the Child, *Second Periodic Report of States parties due in 1998*, CRC/C/70/Add.15, prepared by Government of Jamaica, pursuant to Article 44 of the Convention on the Rights of the Child, May 2000, para. 16; available from http://www.unhchr.ch/tbs/doc.nsf/Documentsfrset?OpenFrameSet. See also Government of Jamaica, *End Decade Assessment of World Summit for Children Year 2000 Goals, National Report: Jamaica*, UNICEF, New York, November 2000; available from http://www.unicef.org/specialsession/how_country/edr_jamaica_en.PDF.

[2156] ILO-IPEC, *National Programme Jamaica, project document*, 7-8.

[2157] Ibid.

[2158] ILO-IPEC, *Situation of Children in Prostitution: A Rapid Assessment*, Geneva, November 2001, 13. ECPAT International notes that Montego Bay, Kingston, Port Antonia, and Negril are areas with a high incidence of child prostitution. See also ECPAT International, *Jamaica*, in ECPAT International, [database online] 2004 [cited May 14, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

[2159] ILO-IPEC, *Situation of Children in Prostitution*, 13, 14. See also ECPAT International, *Ecpat Database*.

[2160] U.S. Department of State, *Trafficking in Persons Report- 2004: Jamaica*, Washington, D.C., June 14 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33198.htm.

Under the Education Act, school is compulsory for children from ages 6 to 12.[2161] In 2001, the gross primary enrollment rate was 100.5 percent, and the net primary enrollment rate was 95.2 percent.[2162] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Approximately 80 percent of primary and 77 percent of secondary school enrollees attended school five days per week.[2163] Despite high enrollment rates, many Jamaican children fail to attend primary school regularly.[2164] One cause of irregular attendance is families' inability to pay school fees.[2165] Although schooling is free at the primary level, reports indicate that some local schools and parent teacher organizations still collect fees.[2166] Other reports attribute low school attendance to the lack of relevant curricula, the lack of space in schools (especially at the secondary level), and the low quality of instruction.[2167]

Child Labor Laws and Enforcement

The Child Care and Protection Act of 2004 prohibits the employment of any child under the age of 13. Children ages 13 to 15 years are limited to work in a prescribed list of occupations, as maintained by the Minister of Labor. However, night work, industrial work, and work that is hazardous or interferes with education is prohibited.[2168] Forced labor is not specifically banned.[2169] The Criminal Code prohibits procuring a girl under 18 years of age for the purposes of prostitution. Acts of prostitution that involve girls under the age of 18 are punishable by up to 3 years imprisonment.[2170] There is limited information available on prosecutions or convictions for offenses related to prostitution, but it is reported that since fines have not kept pace with the depreciation in the exchange rate, judges often impose criminal penalties in lieu of fines.[2171]

The Criminal Code prohibits procuring a woman or girl to leave the island for work in prostitution.[2172] The Child Care and Protection Act of 2004 prohibits the sale or trafficking of any child; however, the term

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[2161] UNESCO, *Index of Education Systems: Jamaica,* UNESCO, [cited May 14, 2004]; available from http://www.unesco.org/iau/cd-data/jm.rtf. See also U.S. Department of State, *Country Reports- 2003: Jamaica*, Section 5.

[2162] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For a detailed explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[2163] UNICEF, *Situation Analysis, update 2005*.

[2164] UNICEF, *Changing the Future for Jamaica's Children*, Kingston, August 1999, 5.

[2165] U.S. Department of State, *Country Reports- 2003: Jamaica*, Section 5.

[2166] U.S. Embassy- Kingston, *unclassified telegram no. 2589*.

[2167] ILO-IPEC, *National Programme Jamaica, project document*, 9-11. See also UNICEF, *Changing the Future*, 6.

[2168] *The Child Care and Protection Act*.

[2169] *Juveniles Act*. See also U.S. Department of State, *Country Reports- 2003: Jamaica*, Section 6c.

[2170] *Criminal Code,* [database online], Article 58; available from http://209.190.246.239/protectionproject/statutesPDF/Jamaica-final.pdf.

[2171] U.S. Embassy- Kingston, *unclassified telegram no. 2907*, October 2002.

[2172] *Criminal Code*, Articles 45, 58 (a), (c). See also Interpol, *Legislation of Interpol member states on sexual offences against children - Jamaica,* [database online] 2003 [cited March 25, 2004]; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaJamaica.asp.

"trafficking" is not defined, resulting in difficulty enforcing the statute.[2173] Assault, immigration, or customs laws may also be applied to prosecute cases of child trafficking.[2174]

Inspectors from the Children's Services Division within the Ministry of Labor are responsible for enforcing child labor laws, and have the authority, along with other government agencies and programs, to provide working children with counseling or support services.[2175] Under the Juveniles Act, child labor violators can be subject to a fine of JMD 67 (USD 1.10) or 3 months imprisonment.[2176] Enforcement of child labor laws in the informal sector is reported to be inconsistent.[2177] There are approximately 30 labor and occupational safety and health inspectors nationwide.[2178]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

In 2004, the Government of Jamaica in cooperation with ILO-IPEC concluded a 3-year USDOL-funded national program on child labor.[2179] The National Steering Committee for the Protection of Children, in conjunction with the ILO-IPEC program, is in the process of collecting information and coordinating an approach to address the child labor problem.[2180] The government is also providing support to NGOs that are working on child labor issues.[2181]

Selected Child Labor Measures Adopted by Governments	
Ratified ILO Convention 138 10/13/2003	✓
Ratified ILO Convention 182 10/13/2003	✓
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

The Ministry of Education has instituted a cost-sharing program to help parents pay school fees at the secondary level.[2182] The government and the World Bank continue to implement a Social Safety Net Program, which includes a child assistance component that

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[2173] *The Child Care and Protection Act*. See also U.S. Department of State official, electronic communication to USDOL official, May 24, 2005.

[2174] U.S. Department of State, *Country Reports- 2003: Jamaica*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Jamaica*, Washington, D.C., June 11 2003; available from http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm.

[2175] UN Committee on the Rights of the Child, *Periodic Reports of States Parties: Jamaica*, para. 285.

[2176] U.S. Embassy- Kingston, *unclassified telegram no. 2589*. For currency conversion see FXConverter, in Oanda.com, [online] [cited May 7, 2004]; available from http://www.carosta.de/frames/convert.htm.

[2177] U.S. Embassy- Kingston, *unclassified telegram no. 2589*.

[2178] Alvin McIntosh, Permanent Secretary, Ministry of Labor and Social Security, Government of Jamaica, interview with USDOL official, May 20, 2003.

[2179] ILO-IPEC, *National Programme Jamaica, project document*, 1, 7, 13, 17, 19. See also ILO-IPEC, *Project Revision Form, National Program for the Prevention and Elimination of Child Labor in Jamaica*, Geneva, February 14, 2003.

[2180] U.S. Department of State, *Country Reports- 2003: Jamaica*, Section 6d.

[2181] Children First and Western Society for the Upliftment of Children received land from the government for permanent facilities. In addition, the Ministry of Labor formed a group of NGOs working on child labor to develop a plan to address the problem. See ILO-IPEC, *Technical Progress Report, National Programme for the Prevention and Elimination of Child Labor and SIMPOC Survey*, technical progress report, JAM/01/P50/USA, Geneva, March, 2004, 4.

[2182] U.S. Embassy- Kingston, *unclassified telegram no. 2589*.

provides grants to at-risk families in order to keep children in school.[2183] The IDB and USAID are funding programs to improve the quality of primary education, and another World Bank initiative is focusing on reforms to secondary education.[2184]

[2183] The program is intended to close in December 2005. See World Bank, *Project Appraisal Document to Jamaica for a Social Safety Net Program*, August 9, 2001, 10; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2001/09/01/000094946010817040116 63/Rendered/PDF/multi0page.pdf.

[2184] Ibid., 6. See also World Bank, *Project Information Document, Reform of Secondary Education Project*, October, 2002; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P071589.

Jordan

Incidence and Nature of Child Labor

The ILO estimated that less than one percent of children ages 10 to 14 years in Jordan were working in 2002.[2185] According to a study by the Ministry of Labor (MOL) published in 2002, children who work are employed in automobile repair, carpentry, sales, blacksmith shops, tailoring, construction, and food services.[2186] Child vendors on the streets of Amman work selling newspapers, food, and gum. Other children provide income for their families by rummaging through trash dumpsters to find recyclable items.[2187] Due to deteriorating economic conditions, the presence of working children, especially as street vendors, may be more prevalent now than it was 10 years ago.[2188] Working children are primarily concentrated in the governorates of Amman, Zarka, Irbid, Balqa, and Ma'an.[2189] Many working children are victims of physical, verbal, and sexual abuse in the workplace and are exposed to hazardous chemicals and dangerous working conditions.[2190]

Education in Jordan is free and compulsory for children ages 6 to 17 years.[2191] The Ministry of Education (MOE) is required to open a school in every community where there are at least 10 students for grades 1 through 4.[2192] In 2001, the gross primary enrollment rate was 98.6 percent and the net primary enrollment rate was 91.3 percent.[2193] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Jordan. Dropout rates are relatively high at the

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[2185] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. Nevertheless, recent studies suggest that tens of thousands of children in Jordan, perhaps more than 290,000, fit the category of working children. See National Council for Family Affairs, *Jordan Country Study of Disadvantaged Children*, The Hashemite Kingdom of Jordan, Amman, May 2004, 7, 48.

[2186] Mohammed Shahateet and Nihaya Issa Dabdub, *A Report on the Status of Child Labour in Jordan-2001*, The Jordanian Ministry of Labour, Amman, July 2002, 15-16.

[2187] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Jordan*, Washington, D.C., February 25, 2004, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27930.htm.

[2188] Ibid., Section 6d. See also National Council for Family Affairs, *Jordan Country Study*, 29.

[2189] Dr. Mohammed Shahateet and Nihaya Issa Dabdub, *Estimating Child Labour in Jordan: 1991-2005*, The Jordanian Ministry of Labour, Amman, October 2002, 11. See also Ministry of Labor, *Towards a Healthy Environment for Children 2003*, Amman, 2003.

[2190] Dr. Muntaha Gharaibeh and Dr. Shirley Hoeman, "Health Hazards and Risks for Abuse among Child Labor in Jordan," *Journal of Pediatric Nursing* 18 no. 2 (April 2003), 140, 43. See also Kamal S. Saleh, *Child Labour in Jordan*, Department of Statistics, Amman, 2003, 6-7.

[2191] Article 10 of the Education Act No. 3 of 1994 states that basic education is free and compulsory for Jordanian children. Basic education extends from first through the end of tenth grade. See UN Committee on the Rights of the Child, *Periodic Reports of States Parties due in 1998 (Addendum)*, CRC/C/70/Add.4, prepared by Government of Jordan, pursuant to Article 44 of the Convention on the Rights of the Child, September 17, 1999, para. 91; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/a06f687951c4fc1080256846003b7763?Opendocument.

[2192] ILO-IPEC, *National Programme for the Prevention and Elimination of Child Labour in Jordan*, project document, Geneva, September 2002, 5.

[2193] In 2001, the gross primary enrollment rate was 98.7 percent for girls and 98.4 percent for boys, while the net primary enrollment rate was 91.7 for girls and 90.9 for boys. See World Bank, *World Development Indicators 2004*.

intermediate stage, particularly in rural areas after children reach the age of 13 years.[2194] The most commonly cited reasons for dropping out of school are poverty, disability, poor academic performance, and parental attitudes.[2195]

Child Labor Laws and Enforcement

The Labor Code sets the minimum legal working age at 16 years.[2196] Minors must be given a break after 4 hours of work, are not allowed to work more than 6 hours per day, and may not work during weekends and holidays, or at night.[2197] Before hiring a minor, a prospective employer must obtain a guardian's written approval, the minor's birth certificate, and a health certificate.[2198] An employer that violates these provisions faces a fine ranging from 100 to 500 dinars (USD 142 to 710). The fine doubles for subsequent infractions.[2199] In February 2003, King Abdullah issued a royal decree requiring that the minimum age for employment of children working in hazardous occupations was raised from 17 to 18 years.[2200] Provisions in the Labor Code do not extend to children employed in the informal sector, which includes agriculture, domestic service, and small family enterprises.[2201]

Compulsory labor is prohibited by the Constitution of Jordan.[2202] While the law does not specifically prohibit forced or bonded labor by children, such practices are not known to occur.[2203] A Jordanian law specifically prohibits trafficking in children, and there is no indication that children were trafficked, to,

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[2194] According to the MOL study conducted in 2001, 60 percent of working children had completed the ninth grade. This study was based on 2,539 working children. See Mohammed Shahateet and Nihaya Issa Dabdub, *Child Labour Report-2001*, 9 and 23. See also Dalya Dajani, "CLU Embarks on New Survey Examining Health, Safety Indicators of Working Children," *The Jordan Times* (Amman), February 23, 2004; available from http://www.amanjordan.org/english/daily_news/wmview.php?ArtID=3984.

[2195] ILO-IPEC, *National Program in Jordan--project document*, 6, 12 and 13. These reasons are based on two studies. One was conducted in 1995 and the other in 2001. See also Dajani, "CLU Embarks on New Survey."

[2196] *Labour Code, Law No. 8 of 1996*, Section 73; available from http://natlex.ilo.org/txt/E96JOR01.htm.

[2197] Ibid., Section 75. The Code does not specify the age of a minor. Young people are defined as individuals of either sex who have not yet reached 18 years of age. Elsewhere in the Code, the use of the term "minor" is qualified as to specify an age. For example, see Section 73 "no minor under sixteen" or Section 74 "no minor under seventeen." Definitions may be found in Section 2 of the Code.

[2198] Ibid., Section 76.

[2199] Ibid., Section 77. For currency conversion, see FXConverter, in Oanda.com, [online] [cited October 29, 2004]; available from http://www.oanda.com/convert/classic.

[2200] Parliament has yet to pass the corresponding law, but draft legislation is pending approval and the Ministry of Labor has issued instructions to inspectors to enforce this change. See U.S. Embassy- Amman, *unclassified telegram no. 6977*, August 19, 2004.

[2201] U.S. Department of State, *Country Reports- 2003: Jordan*, Section 6d. The Labor Law also does not specify a minimum age for vocational training of children. Presently, the law implies that any juvenile over the age of 7 years may be taken on as an apprentice. There are no clear standards to regulate apprenticeships nor are inspection mechanisms in place to ensure children's safety. See National Council for Family Affairs, *Jordan Country Study*, 53.

[2202] In circumstances of war or natural disaster, forced labor may be mandated by the Government. See *Constitution of the Hashemite Kingdom of Jordan*, (1952), Chapter 2, Article 13; available from http://www.parliament.gov.jo/english/legislative/constit.htm.

[2203] Some foreign domestic servants worked under conditions that amounted to forced labor; however, there were no reports of such cases involving children. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Jordan*, Washington, D.C., March 31, 2003, Sections 6c & d; available from http://www.state.gov/g/drl/rls/hrrpt/2002/18279.htm.

from, or within the country.[2204] Inducing a girl under the age of 20 to engage in prostitution and inducing any child under the age of 15 to commit sodomy are prohibited. Sanctions for these offenses include imprisonment for up to 5 years and a fine.[2205]

The Child Labor Unit (CLU) of the MOL is primarily responsible for monitoring child labor, collecting and analyzing data, and reviewing and ensuring the enforcement of existing legislation.[2206] The MOL's inspection division, which is comprised of 21 field offices and 79 inspectors, is mandated to inspect all registered establishments with more than 5 employees.[2207] In 2002, approximately 3,000 child labor allegations were investigated by MOL inspectors, yet none of these cases resulted in sanctions against the employers.[2208] Current inspection mechanisms are inadequate in terms of their frequency, scope, outreach, and quality of reporting.[2209]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	3/23/1998	✓
Ratified Convention 182	4/20/2000	✓
ILO-IPEC Member		✓
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

The Government of Jordan, through its Information Resource Center (IRC) of the King Hussein Foundation, sponsored a 3-day conference in October 2003 for regional experts to collaborate on action plans to combat child labor.[2210] The IRC continues to conduct research on child labor and is also implementing a program for street children in Irbid with support from the Swiss government.[2211] In May 2004, the National Council for Family Affairs in collaboration with the World Bank, concluded a study of disadvantaged children in Jordan, with a particular emphasis on working children and street children.[2212] The Ministries of Labor, Education, and Social Affairs are working

[2204] U.S. Department of State, *Country Reports- 2003: Jordan*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Near East*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33195.htm.

[2205] The law regarding prostitution does not apply if the victim is a "known prostitute" or "known to be of immoral character." See ECPAT International, *Jordan,* in ECPAT International, [database online] [cited May 27, 2004], Protection; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

[2206] ILO-IPEC, *National Program in Jordan--project document*, 20.

[2207] National Council for Family Affairs, *Jordan Country Study*, 58.

[2208] U.S. Department of State, *Country Reports- 2003: Jordan*, Section 6d.

[2209] National Council for Family Affairs, *Jordan Country Study*, 59. The Government has provided little training to labor inspectors on child labor. In 2002, the Ministry of Labor reported that it investigated over 3,000 child labor cases; however, no fines were levied and none of the employers were taken to court as a result. See U.S. Department of State, *Country Reports- 2003: Jordan*, Section 6d.

[2210] The IRC was formerly called the National Task Force for Children. The forum was attended by child labor experts from Morocco, Sudan, Palestine, Egypt, Lebanon, and Jordan. See Dalya Dajani, "Experts Begin Deliberations on Action Plans to Combat Child Labour," *The Jordan Times* (Amman), October 6, 2003; available from http://www.jordanembassyus.org/10062003005.htm.

[2211] U.S. Embassy- Amman, *unclassified telegram no. 6977*.

[2212] National Council for Family Affairs, *Jordan Country Study*.

in collaboration with a British NGO to implement two major projects focusing on juvenile offenders and school dropouts.[2213]

USDOL is supporting a USD 1 million ILO-IPEC project to combat child labor in Jordan, which is being undertaken with the cooperation of the Ministries of Labor, Education, and Social Development.[2214] In June 2004, the CLU of the MOL, with support from ILO-IPEC, conducted a workshop to train 38 teachers and volunteers on the negative consequences of child labor. Subsequently, the participants have begun working with youths in community centers and schools to raise awareness about child labor issues.[2215]

In 2003, the MOE began implementing a USD 120 million World Bank project, the Education Reform for Knowledge Economy Project, which aims to transform the education system at the early childhood, basic, and secondary levels to produce graduates with the skills necessary for the knowledge economy.[2216] This integrated program of education reform is set out in the government's Statement of Sectoral Policy and 2003-2008 Five-Year Implementation Plan.[2217] Recognizing the link between the lack of education and child labor, the MOE intends to address child labor issues in its 2003-2015 Educational Development Plan.[2218]

The Jordanian Women's Federation and the UN Relief and Works Agency are implementing a pilot project in the Baqa refugee camp to reach street children who have dropped out of school by engaging them in non-formal educational activities.[2219]

[2213] The projects are funded by the EU and the World Bank. The first project, which began in 1998, matches juvenile delinquents with mentors from local universities. The program is expected to serve 6,000 children by the end of 2004. The second project provides non-formal education to school drop-outs. Those who earn diplomas through the program are guaranteed one year of vocational training by the government. See U.S. Embassy- Amman, *unclassified telegram no. 6977*.

[2214] The program aims to withdraw child workers from the worst forms of child labor; mainstream them into non-formal and formal education programs; provide them with pre-vocational and vocational training; and support them with counseling, health care, and recreational activities. The project aims to reach 3,000 working children over a three-year period. See ILO-IPEC, *National Program in Jordan--project document*, 26-27.

[2215] U.S. Embassy- Amman, *unclassified telegram no. 6977*.

[2216] World Bank, *Education Reform for Knowledge Economy I Program,* World Bank, [database online] [cited May 27, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P075829.

[2217] World Bank, *Project Appraisal Document on a Proposed Loan in the Amount of US$120 Million to Jordan for an Education Reform for Knowledge Economy I Program*, 25309-JO, April 10, 2003, 3, 14; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2003/05/10/000094946_03043004015982/Rendered/PDF/multi0page.pdf.

[2218] ILO-IPEC, *National Program in Jordan--project document*, 7.

[2219] Mahmoud Al Abed, "Child-to-Child Working to End School Dropouts", [online], May 27, 2004; available from http://www.amanjordan.org/english/daily_news/wmprint.php?ArtID=1049.

Kazakhstan

Incidence and Nature of Child Labor

Recent statistics on working children under the age of 15 in Kazakhstan are unavailable.[2220] Most working children are involved in agriculture in rural areas during harvest time.[2221] In urban areas, the country's increasingly formalized labor market has led to a decrease in many forms of child labor. However, children continue to be found begging, loading freight, delivering goods in markets, washing cars, and working at gas stations.[2222] Reports also indicate a rise in the number of children engaged in commercial sexual exploitation, pornography and drug trafficking in urban areas. Children working as domestic servants are often invisible and, for this reason, also vulnerable to exploitation.[2223] Kazakhstan is a source, transit, and destination country for trafficking for sexual exploitation and forced labor. Girls in their teens are one of the primary targets for trafficking from Kazakhstan to other countries. Internal trafficking from rural to urban areas also occurs.[2224]

The Constitution and the Education Act provide for free and compulsory schooling through grade 9 or up to age 16 years.[2225] The government also provides free secondary vocational and higher vocational education, as well as free and compulsory preparation classes for children age 5 and 6 years.[2226] In 2001, the gross primary enrollment rate was 99.3 percent. In the same year, the net primary enrollment rate was 89.5 percent.[2227] Gross and net enrollment ratios are based on the number of students formally registered in

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[2220] National Labor Force surveys carried out by the Kazakhstan government do not collect employment statistics on children under 15 years. See ILO, *LABORSTAT*, ILO, [online database] 2002 [cited August 23, 2004]; available from http://laborsta.ilo.org/cgi-bin/brokerv8.exe. In 1996, a national household survey on living standards found that 30.2 percent of children ages 7 to 14 years were economically active or economically active and studying in Kazakhstan. The survey also found that a higher percentage of children in Central Kazakhstan work without attending school than children in other regions of the country. See Understanding Children's Work, *Kazakhstan Living Standards Survey*, World Bank, [online database] 1996 [cited May 24, 2004]; available from http://www.ucw-project.org/cgi-bin/ucw/Survey/Main.sql?come=Tab_Country_Res.sql&ID_SURVEY=1095.

[2221] There are indications of a high prevalence of children engaged in tobacco and cotton cultivation. See ILO-IPEC, *Combating Child Labour in Central Asia: Regional Programme with Focus on the Worst Forms of Child Labour, Draft Programme Outline*, Draft Programme Outline, Geneva, 2001, 7. See also "Kazakhstan: Economic Freedom," *Kazakh Service* (2003); available from http://www.rferl.org/bd/ka/info/ka-ec.html.

[2222] ILO-IPEC, *Combating Child Labour in Central Asia*, 5-7. See also U.S. Embassy- Almaty, *unclassified telegram no. 3206*, August 2004.

[2223] ILO-IPEC, *Combating Child Labour in Central Asia*, 9. The Kazakhstan Today News Agency reported that a medical investigation conducted in several cities including Almaty discovered children as young as 10 suffering from sexually transmitted diseases as a result of being sexually abused by tourists. See State Official, electronic communication to USDOL official, October 23, 2001.

[2224] Travel, employment and marriage agencies lured girls into trafficking with promises of good jobs or marriage abroad. See U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Kazakhstan*, online, Washington, D.C., February 25, 2004, Section 6f; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27845.htm. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Kazakhstan*, online, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33192.htm.

[2225] Students may begin technical training at grade 9. See U.S. Department of State, *Country Reports- 2003: Kazakhstan*, Section 5. See also UN Committee on the Rights of the Child, *Initial Reports of States parties due 1996: Kazakhstan, CRC/C/41/Add.13*, prepared by The Republic of Kazakhstan, pursuant to Article 44 of the Convention on the Rights of the Child, September 24, 2002, para 257.

[2226] UN Committee on the Rights of the Child, *Initial reports of Kazakhstan, CRC/C/41/Add.13*, para 257 and 67.

[2227] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

primary school and therefore do not necessarily reflect actual school attendance. In 1999, gross and net primary school attendance rates were 123.8 and 85.6 percent, respectively.[2228] The rates of repetition for males and females in primary schools in 2001 was 22.8 and 10.5 percent, respectively.[2229] Despite efforts to ensure education for all, increases in costs associated with education have limited access to children from disadvantaged families. The quality of education also suffers from regional disparities and untrained teachers. A decrease in the number of pre-schools has limited access to pre-school education and there has also been a recent increase in drop out rates in secondary and vocational education.[2230]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 16 years.[2231] However, children may work at age 15 if they have completed their compulsory education.[2232] With parental consent, children 14 years or older may perform light work, providing that the work does not interfere with school attendance or pose a health threat.[2233] Children under 18 years are prohibited from working in dangerous conditions, overtime, or at night.[2234] The Constitution prohibits forced labor, except under a court mandate or in a state of emergency.[2235] Several Government Decrees also establish guarantees for children and youth in the areas of labor and employment.[2236]

Although the Code of Administrative Offences criminalizes the involvement of minors in the creation and advertisement of erotic products, there is no special law against involving children in the creation, storage, or distribution of products of a "sexual nature" or the use of images of minors for sexual purposes.[2237]

[2228] USAID Development Indicators Service, *Global Education Database,* [online] 2004 [cited October 10, 2004]; available from http://qesdb.cdie.org/ged/index.html. Gross attendance rates greater than 100 percent indicate discrepancies between the estimates of school-age population and reported attendance data.

[2229] World Bank, *World Development Indicators 2004*.

[2230] UN Committee on the Rights of the Child, *Concluding Observations: Kazakhstan, CRC/C/15Add.213*, July 10, 2003, 61. See also UNICEF, *At a Glance: Kazakhstan,* UNICEF, [online] 2004 [cited May 20, 2004]; available from http://www.unicef.org/infobycountry/kazakhstan.html.

[2231] The Republic of Kazakhstan, *Labour Law of the Republic of Kazakhstan, 1999*, (January 2000), Section 11, no. 1; available from http://natlex.ilo.org/txt/E99KAZ01.htm, Ruth Rosenberg, ed., *Trafficking of Women and Children in Indonesia*, 2003; available from www.http://www.icmc.net/files/traffreport.en.pdf.

[2232] U.S. Embassy- Almaty, *unclassified telegram no. 3206*.

[2233] *Labour Law*, Section 11, no. 3.

[2234] Children between ages 16 and 18 years may not work more than 36 hours per week. Children between ages 15 and 16 years (or 14 and 16 years during non-school periods) may not work over 24 hours per week. The labor authorities determine a list of dangerous occupations. See Ibid., Sections 46-49, 115

[2235] *The Constitution of the Republic of Kazakhstan*; available from http://www.president.kz/articles/state/state_container.asp?Ing=eng&art=constitution., Article 24. See also *Labour Law*, Section 6.

[2236] *Government Decree No. 155 of 13 February 2003 on the Programme of Youth Policy for 2003-2004*, (February 13, 2003); available from http://www.ilo.org/dyn/natlex/natlex_browse.byCountry?p_lang=en. See also *Instruction of the President No. 73 of 28 August 1999 on the Fundamentals of State Youth Policy*, (August 28, 1999); available from http://www.ilo.org/dyn/natlex/natlex_browse.byCountry?p_lang=en.

[2237] UN Committee on the Rights of the Child, *Initial reports of Kazakhstan, CRC/C/41/Add.13*, para 355. In practice, however, Article 124 of the Criminal Code - which addresses dissolute or licentious acts (non-violent) with children under 14 - can be used to charge individuals with those offenses. Such offenses can carry a prison term of up to four years.

Procuring a minor to engage in prostitution, begging, or gambling is illegal under Article 201 of the Penal Code and punishable by up to 3 years imprisonment.[2238] Article 128 criminalizes the recruitment of persons for sexual or other exploitation and imposes a 2-year prison sentence for infractions. In 2003, the Penal Code was amended to include punishments for trafficking in persons. Specifically, it imposes a 5-year prison sentence if a minor is involved, and an 8-year sentence if persons are trafficked abroad.[2239] The Code also includes an article establishing penalties for the sale or purchase of minors.[2240] Article 330 of the Code criminalizes organized illegal migration, including the trafficking of minors across borders.[2241] Although the Law Enforcement Coordination Council issued detailed instructions for prosecutors and law enforcement officials, information to date suggests that prosecutions under the Code are rare.[2242]

The Ministry of Labor and Social Protection is responsible for enforcing child labor laws and imposing fines for administrative offenses. The Ministry of the Interior is responsible for investigating criminal child labor offenses.[2243] The Ministry of Labor has increased the number of labor inspectors by 100, bringing the total to 400. Each of the country's 16 districts have labor inspectors. They are empowered to levy fines for labor violations and refer criminal cases to law enforcement authorities.[2244] In August 2003, the Minister of Justice was given responsibility for coordinating all of the government's anti-trafficking activities.[2245]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Kazakhstan has an Interdepartmental Commission which attends to matters relating to the protection of children's rights and interests.[2246] The government also has special units among internal affairs authorities, which focus on the affairs of children, deal specifically with child crime and the protection of the rights, interests, and freedoms of minors.[2247] The government's anti-trafficking Commission is led by the Minister of Justice and

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 5/18/2001	✓
Ratified Convention 182 2/26/2003	✓
ILO-IPEC Associated Member	✓
National Plan for Children	✓
National Child Labor Action Plan	
Sector Action Plan	

[2238] *Criminal Code of the Kazakh Republic*; available from http://209.190.246.239/protectionproject/statutesPDF/KazakhstanFinal.pdf.

[2239] U.S. Department of State, *Country Reports- 2003: Kazakhstan*, Section 6f.

[2240] Aggravating circumstances include: engaging in the same act with two or more minors, selling body parts, and sale by a group of persons or by a person in a position of authority in conjunction with the unlawful transport of a minor in or out of the country or inciting the youth to commit immoral acts. See UN Committee on the Rights of the Child, *Initial reports of Kazakhstan, CRC/C/41/Add.13*, para 358.

[2241] U.S. Department of State, *Country Reports- 2003: Kazakhstan*, Section 6f.

[2242] Ibid.

[2243] Ibid., Section 6d.

[2244] U.S. Embassy- Almaty, *unclassified telegram no. 3206*.

[2245] U.S. Department of State, *Country Reports- 2003: Kazakhstan*, Section 6d and 6f.

[2246] The Republic of Kazakhstan, *Government Decree of 11 March 2004 on the creation of an Interdepartmental Commission on matters relating to the protection of children's rights and interests*, (March 11, 2004); available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=KAZ&p_classification=04&p_origin=COUNTRY.

[2247] UN Committee on the Rights of the Child, *Initial reports of Kazakhstan, CRC/C/41/Add.13*, para 99.

includes the Minister of Interior, the National Security Committee (KNB) Chairman, the Prosecutor General, the Foreign Minister, and the Presidential Commission on Women and Family. The Ministry of the Interior's Gender Crimes Division has provided instructions to its units in how to recognize trafficking cases.[2248] The Ministry of Justice has set up hotlines and is airing public service announcements and preparing educational material on trafficking.[2249] The government has also established a victim referral system.[2250]

The Government of Germany is funding a USD 500,000 ILO-IPEC regional capacity building and direct action program to combat the worst forms of child labor project in Azerbaijan, Kazakhstan, and the Kyrgyz Republic.[2251] USDOL is funding a 3-year USD 2.5 million ILO-IPEC project that will further build capacity of national institutions to eliminate the worst forms of child labor and share information and experiences in the sub-region of Kazakhstan, Tajikistan, Uzbekistan, and the Kyrgyz Republic.[2252]

The government has prioritized efforts to improve educational facilities in rural schools[2253] and provides free textbooks to children from large families, children who receive social assistance, and disabled, orphaned, and institutionalized children.[2254] The Ministry of Education and Science has joined with local representatives and law enforcement agencies to conduct regular searches for school truants and provide services for children in need.[2255] International organizations, such as UNICEF and UNESCO, implement programs aimed at improving the country's education system.[2256]

[2248] The Commission was scheduled to develop a National Plan to combat trafficking by the end of 2003. See U.S. Department of State, *Country Reports- 2003: Kazakhstan*, Section 6f.

[2249] U.S. Department of State, *Trafficking in Persons Report- 2004: Kazakhstan*.

[2250] One-third of regional districts, police departments and NGOS have formalized cooperative agreements to assist victims, conduct training and investigate cases. Informal agreements exist in most of the remaining districts. See Ibid.

[2251] The project was funded by Germany in 2003. See ILO-IPEC - Geneva official, email communication to USDOL official, May 12, 2004.

[2252] The project was funded by USDOL in 2004. See ILO-IPEC, *CAR Capacity Building Project: Regional Program on the Worst Forms of Child Labour*, project document, RER/04/P54/USA, Geneva, September 2004, vii.

[2253] UN Committee on the Rights of the Child, *Initial Report of Kazakhstan (continued), CRC/C/SR.886*, prepared by The Republic of Kazakhstan, pursuant to Article 44 of the Convention on the Rights of the Child, July 24, 2003, para 63.

[2254] *Government Decree No. 738 of 17 May 2000 on levels and sources of social assistance to citizens during the period of their education*, (May 17, 2000); available from http://www.ilo.org/dyn/natlex/natlex_browse.byCountry?p_lang=en.

[2255] The Ministry of the Economy and the Ministry of Internal Affairs have set up a process and criteria for registration of out-of-school age youth. See UN Committee on the Rights of the Child, *Initial reports of Kazakhstan, CRC/C/41/Add.13*, paras 74-75.

[2256] UNICEF, *At a Glance: Kazakhstan*. See also UNESCO, *Education*, in UNESCO-Primary Education, [online database] 2001 [cited August 23, 2004]; available from http://www.unesco.org/education/primary/nat_activities.shtml.

Kenya

Incidence and Nature of Child Labor

The Kenyan Central Bureau of Statistics estimated that 15.2 percent of all children ages 5 to 14 years were working in Kenya in 1998-99.[2257] Children living in rural areas were more likely to work than children living in urban areas.[2258] The commercial and subsistence agriculture and fishing sectors employ the largest number of working children, followed by the domestic service sector.[2259] Children work in the informal sector, predominantly in family businesses, and are found on tea, coffee, sugar, and rice plantations, in restaurants and shops, and in the coastal salt harvesting industry.[2260] There are large numbers of street children in Kenya's urban centers, many of whom are involved in illegal activities such as theft and drug trafficking.[2261]

There is a high incidence of child prostitution in Kenya, particularly in Nairobi and Mombasa.[2262] There are also reports of widespread prostitution among girls who hawk or beg by day, and work as prostitutes by night.[2263] Girls working in the agricultural sector are reportedly sometimes forced to provide sexual services in order to obtain plantation work. Sudanese and Somali refugee children are alleged to be involved in prostitution in Kenya.[2264]

[2257] Another 26.5 percent of children 15 to 17 years were also found working. Child labor was defined as work which hampers school attendance, is exploitive, and is hazardous or inappropriate for children. This definition includes the worst forms of child labor. See Central Bureau of Statistics--Ministry of Finance and Planning, *The 1998/99 Child Labor Report*, September 2001, 33; available from http://www.ilo.org/public/english/standards/ipec/simpoc/kenya/report/ken98.pdf. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[2258] Ibid., 34.

[2259] Ibid., 37.

[2260] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Kenya*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27733.htm. See also Central Bureau of Statistics--Ministry of Finance and Planning, *The 1998/99 Child Labor Report*, 38.

[2261] U.S. Department of State, *Country Reports- 2003: Kenya*, Section 5. HIV/AIDS and poverty are thought to have contributed to a rise in the number of orphans and street children. See Commonwealth News and Information Service, "Better Care Needed for Children Orphaned by HIV/Aids in Kenya", allAfrica.com, [online], April 21, 2004 [cited May 13, 2004]; available from http://allafrica.com/stories/printable/200404210895.html.

[2262] Economic contraction as well as an increase in the number of HIV/AIDS orphans have contributed to a rise in the number of child prostitutes. See U.S. Department of State, *Country Reports- 2003: Kenya*, Section 5. Child prostitution is reported to occur in brothels, massage parlors, streets, bars, and discotheques. The majority of the children are between 13 and 17 years old. See ECPAT International, *Kenya,* in ECPAT International, [database online] n.d. [cited May 13, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=88&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry.

[2263] ECPAT International, *Kenya*.

[2264] Ibid.

Kenya is a source, transit and destination country for trafficked children.[2265] Kenyan children are reportedly trafficked to South Africa,[2266] and there are reports of internal trafficking of children into involuntary servitude, including for work as street vendors, day laborers, and as prostitutes.[2267] Children are also trafficked from Burundi and Rwanda to coastal areas of Kenya for purposes of sexual exploitation.[2268]

The government has provided tuition-free primary education since 2003.[2269] In 2001, the gross primary enrollment rate was 96.0 percent (96.8 percent for boys and 95.1 percent for girls), and the net primary enrollment rate was 69.9 percent (69.4 percent for boys and 70.5 percent for girls).[2270] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Kenya. School completion rates for girls have increased, and the completion rate among girls has been reported to be higher than that for boys.[2271] However, there remains a gender bias in access to education.[2272] As the government expands primary education, it faces the challenges of high numbers of overage students, lack of teachers in some areas, learning material shortages, large class sizes, lack of classrooms, and inadequate facilities.[2273] In 2001, 42 percent of teachers were untrained.[2274] To enhance access to free primary education, the government supports non-formal education schools, especially those for children in urban slums.[2275]

[2265] U.S. Department of State, *Trafficking in Persons Report- 2004: Kenya*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm.

[2266] Jonathan Fowler, "UNICEF: War Fuels Africa Human Trafficking," *The Washington Post* (Washington, D.C.), April 23, 2004; available from http://www.washingtonpost.com/ac2/wp-dyn/A35710-2004Apr23?language=printer.

[2267] U.S. Department of State, *Trafficking in Persons Report- 2004: Kenya*.

[2268] Ibid.

[2269] Unintended results of the policy include overcrowded classrooms due to increased enrollment, insufficient numbers of teachers, and inadequate financial resources. See U.S. Department of State, *Country Reports- 2003: Kenya*, Section 5. Also as a result of this policy, more than 1.3 million children are reported to have enrolled in school for the first time. See UNICEF, *Harry Belafonte urges all countries to end school fees*, press release, Nairobi, February 18, 2004; available from http://www.unicef.org/media/media_19262.html. A new draft constitution, while not yet ratified, contains detailed provisions on children's rights to education. See UN Commission on Human Rights, Kenya's Statement at the 61st Session on the Commission on Human Rights, Agenda Item 13: Rights of the Child, 61st, April 7, 2005; available from http://www.unhcr.info/61st/docs/0408-Item13-Kenya.pdf. See also *The Draft Constitution of Kenya 2004*, (March 15, 2004); available from http://www.kenyaconstitution.org/html/draftconstitution.htm.

[2270] World Bank, *World Development Indicators 2004* [CD-ROM], Washington D.C., 2004.

[2271] Kenya CRC Coalition, *Supplementary Report to Kenya's First Country Report on the Implementation of the UN Convention on the Rights of the Child*, Nairobi, March 2001, 5.

[2272] Ibid.

[2273] Integrated Regional Information Networks (IRIN), "Kenya: Feature: The challenge of providing free primary education", IRINnews.org, [online], February 7, 2003 [cited May 17, 2004]; available from http://www.irinnews.org/print.asp?ReportID=32164. See also UNESCO, *Kenya launches mass literacy*, in UNESCO, [online] n.d. [cited May 17, 2004]; available from http://www.unesco.org/education/efa/news_en/28.05.03_kenya.shtml.

[2274] Kenya CRC Coalition, *Supplementary Report: Kenya*, 5.

[2275] U.S. Embassy-Nairobi Official, email communication to USDOL official, May 31, 2005.

Child Labor Laws and Enforcement

The Children's Act of 2001 prohibits all forms of child labor that are exploitative and hazardous, or that would prevent children under the age of 16 from going to school.[2276] The Children's Act also prohibits child sexual exploitation.[2277] The Constitution prohibits slavery, servitude, and forced labor.[2278] The Penal Code prohibits procurement of a girl under 21 to have unlawful sexual relations in Kenya or elsewhere.[2279] There are no laws in Kenya prohibiting trafficking, but laws prohibiting child labor, the transportation of children for sale, and the commercial exploitation of children can be used to prosecute traffickers.[2280]

The Ministry of Labor and Human Resource Development is responsible for enforcing child labor legislation, with the Child Labor Division staffed by 10 officers.[2281] Based on new instructions issued by the Ministry, findings on child labor must be included in labor inspection reports, and labor inspectors and occupational health and safety officers have been trained to detect and report child labor.[2282] The Department of Children's Services (Office of the Vice President and the Ministry of National Heritage) is responsible for the administration of all laws regarding children, particularly awareness raising regarding children's rights and the management of rehabilitation institutions.[2283]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Kenya is working with ILO-IPEC and the Central Organization of Trade Unions to eliminate child labor.[2284] The government's National Development Plan 2002-2008 recognizes child labor as a problem and calls for an evaluation of the impact of child labor on the individual and the nation, as well as its implications on the quality of the future labor force.[2285]
Kenya participates in a 4-year ILO-IPEC regional program funded by USDOL to withdraw, rehabilitate,

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[2276] U.S. Embassy- Nairobi, *unclassified telegram no. 3531*, August 2003. See also ILO, *NATLEX National Labour Law Database,* [cited March 18, 2004], Children Act, 2001 (No. 8 of 01); available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=KEN&p_classification=04&p_origin=COUNTRY. However, children working in agriculture and as apprentices under the terms of the Industrial Training Act are exempted from the law. See U.S. Department of State, *Country Reports- 2003: Kenya*, Section 6d.

[2277] Integrated Regional Information Network, "Kenya: Focus on New Legislation and Hopes for Child Welfare", IRINnews.org, [online], March 1, 2002 [cited May 17, 2004]; available from http://www.irinnews.org/print.asp?ReportID=23483.

[2278] *The Constitution of Kenya, Revised Edition*, (1998); available from http://kenya.rcbowen.com/constitution/.

[2279] *Penal Code*, Section 147; available from http://209.190.246.239/protectionproject/statutesPDF/Kenya1.pdf. See also ECPAT International, *Kenya*.

[2280] U.S. Department of State, *Country Reports- 2003: Kenya*, Section 6f.

[2281] Central Bureau of Statistics--Ministry of Finance and Planning, *The 1998/99 Child Labor Report*, 7. See also U.S. Embassy- Nairobi, *unclassified telegram no. 3477*, August 2004.

[2282] U.S. Department of State, *Country Reports- 2003: Kenya*, Section 6d.

[2283] Central Bureau of Statistics--Ministry of Finance and Planning, *The 1998/99 Child Labor Report*, 7.

[2284] U.S. Department of State, *Country Reports- 2003: Kenya*, Section 6d.

[2285] ILO-IPEC, *Technical Progress Report: Prevention, withdrawal, and rehabilitation of children engaged in hazardous work in commercial agriculture in Kenya*, Geneva, August 29, 2002, 3.

and prevent children from engaging in hazardous work in commercial agriculture in East Africa.[2286] The government is also taking part in a 3-year USDOL-funded ILO-IPEC regional project aimed at eliminating the worst forms of child labor in Anglophone Africa,[2287] and in a USD 5 million USDOL-funded Timebound Program that will focus on child labor in domestic service; commercial sex; commercial and subsistence agriculture, fisheries and pastoralism; and street working children in informal sectors.[2288] In 2003, a human trafficking unit in the police force was created with U.S. assistance.[2289] The government and ILO-IPEC are also working to train labor inspectors and to strengthen a database on abused children, particularly working children.[2290]

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	4/9/1979	✓
Ratified Convention 182	5/7/2001	✓
ILO-IPEC Member		✓
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

The Department of Children's Services, in collaboration with agencies working with children, developed a Children Information Center (CIC) whose aim is to improve planning and management of children's services, and strengthen partnerships between the government and NGOs.[2291] The government met with community service organizations, the private sector and local authorities in April 2004, to discuss the increase in the number of street children in Mombasa.[2292] The government operates programs to place street children in shelters, and assists NGOs in providing education and protection services to girls who have been abused by employers.[2293] The government also offers an employment program for orphans and abandoned youth that includes training and subsidized employment.[2294]

Education sector reforms undertaken by the government include strengthening the free primary education policy, promoting good governance and management, and curriculum review and development.[2295] The Government of Kenya has also received support from UNICEF to raise the enrollment and primary

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[2286] In Kenya, the project targets children working in coffee and horticulture. See International Child Labor Program U.S. Department of Labor, *Prevention, Withdrawal and Rehabilitation of Children Engaged in Hazardous Work in the Commercial Agriculture Sector in Africa*, Project Summary.

[2287] International Child Labor Program U.S. Department of Labor, *Building the Foundations for Eliminating the Worst Forms of Child Labor in Anglophone Africa*, Project Summary.

[2288] The project supports the National Plan of Action for the Elimination of the Worst Forms of Child Labor in Kenya. See ILO-IPEC, *Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, project document, Geneva, September 30, 2004, vi, 42.

[2289] U.S. Department of State, *Trafficking in Persons Report- 2004: Kenya*.

[2290] U.S. Embassy- Nairobi, *unclassified telegram no. 3477*.

[2291] Kenya Alliance for Advancement of Children, *KAACR Weekly Update, Issue 10*, in Kenya Alliance for Advancement of Children, [online] April 1-7, 2004 [cited May 13, 2004]; available from http://www.kaacr.com/weeklyup.html.

[2292] Ibid.

[2293] U.S. Department of State, *Country Reports- 2003: Kenya*, Section 5.

[2294] The fledgling program can be extended to reach trafficking victims as well. See U.S. Department of State, *Trafficking in Persons Report- 2004: Kenya*.

[2295] Republic of Kenya, *Millennium Development Goals: Progress Report for Kenya*, 2003.

completion rates for girls.[2296] To support the government's policy of free primary education, the World Bank is providing USD 50 million, the majority of which will be used to enhance the provision of textbooks.[2297] The World Bank has also been supporting an early childhood development project, which has among its objectives increasing enrollment and reducing dropout and repetition rates in lower primary school.[2298] The government has made a contribution valued at USD 2.9 million to the WFP's school feeding program.[2299] The U.S. Department of Agriculture is also providing funds to support nutritious school meals for children.[2300] In June 2004, Kenya participated in a meeting in Nairobi that focused on ways to enhance good practices in girls' education in Africa.[2301]

[2296] UNICEF, At a glance: Kenya, in UNICEF, [online] n.d. [cited March 25, 2004]; available from http://www.unicef.org/infobycountry/kenya.html.

[2297] World Bank, *Free Primary Education Support Project*, in World Bank, [online] n.d. [cited April 1, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P082378. See also U.S. Embassy- Nairobi, *unclassified telegram no. 3531*.

[2298] World Bank, *Early Childhood Development Project*, [online] [cited May 17, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P034180.

[2299] Integrated Regional Information Network, "KENYA: WFP hails gov't contribution to school feeding programme", IRINnews.org, [online], December 23, 2003 [cited February 12, 2004]; available from http://www.irinnews.org/print.asp?ReportID=38567.

[2300] U.S. Department of State, *U.S. Funds Will Provide School Meals in Latin America, Caribbean*, press release, Washington, D.C., August 17, 2004; available from http://usinfo.state.gov/xarchives/display.html?p=washfile-english&y=2004&m=August&x=20040817152631AEneerG0.8231623&t=livefeeds/wf-latest.html.

[2301] UNICEF, *Ministers of Education and technical experts meet in Nairobi to discuss scaling up what works for girls' education in sub-Saharan Africa*, press release, June 24, 2004; available from http://www.unicef.org/media/media_21926.html.

Kiribati

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Kiribati are not available.[2302] However, an estimated 2,000 school-aged children are reported to be out of school for reasons that are undocumented.[2303] Some children who are not in school are reported to work in the informal sector, either in small-scale enterprises or in their homes.[2304]

Education is free and compulsory for children ages 6 to 14 years.[2305] Basic education includes primary school for grades one through six, and Junior Secondary School for three additional grade levels.[2306] In 1999, the gross primary enrollment rate was 128 percent, and the net primary enrollment rate is unavailable.[2307] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Kiribati. School quality and access to primary education is still a challenge, particularly in the outer islands.[2308]

Child Labor Laws and Enforcement

Part IX, Section 84 of the Employment Ordinance, Employment of Children and Other Young Persons, sets the minimum age for employment at 14 years,[2309] and children under 16 years are prohibited from industrial employment or jobs aboard ships.[2310] The Constitution prohibits forced labor.[2311] The Penal Code

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[2302] LABORSTAT, *Kiribati: 1A- Total and economically active population, by age group (Thousands)* [Database], Geneva, 06/10/04; available from http://laborsta.ilo.org.

[2303] UN, *United Nations Common Country Assessment: Kiribati,* Office of the United Nations Resident Coordinator, 2002 [cited May 20, 2004], 29; available from http://www.undp.org.fj/documents/Kiribati%20CCA%20small.pdf.

[2304] Informal sector economic activities in the Pacific Islands include small-scale agriculture in rural areas and small enterprises or domestic services in urban areas. The informal sector is not widely visible in Pacific Island towns, because much of the activity is home-based. This makes it particularly difficult to monitor the extent of child labor practices. See UNDP, *Pacific Human Development Report 1999*, Suva, Fiji Islands, June 1999, 42-43,80; available from www.undp.org.fj/Pacific_Human_Dev_Report_1999.htm.

[2305] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Kiribati*, Washington, D.C., February 24, 2004, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27773.htm.

[2306] *Kiribati Education Policy: National Development Strategies 2002-2003,* [online] [cited May 20, 2004]; available from http://www.janeresture.com/kiribati_edupolicy/index.htm.

[2307] UNESCO Institute for Statistics, *Selected Statistics for Kiribati* [Global Education Database], October 13, 2004; available from http://qesdb.cdie.org/ged/index.html.

[2308] ADB, *Millennium Development Goals in the Pacific: Relevance and Progress,* 2003 [cited May 20, 2004]; available from http://www.adb.org/documents/books/MDG_Pacific/mdg.pdf.

[2309] ILO, *Compilation of annual reports by the International Labor Office,* ILO, [Annual Review Database] 2003 [cited May 20, 2004]; available from http://www.ilo.org/dyn/declaris/Show_ARHTML.

[2310] U.S. Department of State, *Country Reports- 2003: Kiribati*, Section 6d.

[2311] *The Constitution of Kiribati*, Chapter II, Section 6 (2); available from http://www.vanuatu.usp.ac.fj/paclawmat/Kiribati_legislation/Kiribati_Constitution.html.

criminalizes the procurement of minors under 15 years of age for the purpose of sexual relations and establishes a penalty of 2 years imprisonment for such offenses.[2312] The Penal Code also bans parents or guardians from prostituting children under 15 years old.[2313] Child labor laws are enforced by the Ministry of Commerce, Industry and Employment.[2314]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

The Government of Kiribati continues to work within the United Nations Development Assistance Framework to support national priorities and initiatives that include promoting the healthy growth and development of Kiribati's children.[2315]

The government is also working with the ADB on the implementation of its 2003-2005 Country Strategy and Program to address key issues that include poverty reduction and human development. Part of its poverty reduction strategy and plan to invest in human capital development focuses on improving quality and relevant education and expanding the coverage of social services, particularly for people living in the outer islands.[2316] AusAID and NZAID are also assisting the country to enhance policy and programs initiatives in the education sector. Bilateral assistance for education programs includes developing curriculum materials, advancing teacher training, and facilitating access to basic education.[2317]

[2312] *Kiribati Penal Code*, (1977), Articles 141-143; available from http://www.vanuatu.usp.ac.fj/paclawmat/Kiribati_legislation/Consolidation_1977/Kiribati_Penal_Code.html,

[2313] *Kiribati Penal Code*.

[2314] U.S. Department of State, *Country Reports- 2003: Kiribati*, Section 6d.

[2315] UN, *Kiribati: United Nations Development Assistance Framework (2003-2007),* Office of the United Nations Resident Coordinator, [online] 2002 [cited May 20, 2004]; available from http://www.undp.org.fj/documents/UNDAF%20KIRIBATI%2024%20JUNE.doc.

[2316] ADB, *Country Strategy and Program Update (2003-2005): Kiribati,* July 2002 [cited May 20, 2004], 6; available from http://www.adb.org/Documents/CSPs/KIR/2002/CSP_KIR_2002.pdf.

[2317] AusAID, *AusAID Pacific Program Profiles 2003-2004- Kiribati,* Australian Government, 2003 [cited May 7, 2004], 22; available from http://www.ausaid.gov.au/publications/pdf/pac_prog_prof.pdf, NZAID, *Strategy for the New Zealand Development Cooperation Programme with Kiribati 2002-2007,* [cited May 11, 2004]; available from http://www.nzaid.govt.nz/programmes/docs/nzaid-kiribati-strategy-0207.pdf.

Kyrgyz Republic

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in the Kyrgyz Republic are unavailable.[2318] However, the government estimated that 2,000 to 15,000 neglected children were living and working on the streets nationwide, depending on the time of year.[2319] Children work selling goods (such as newspapers, cigarettes and candy), in transportation, loading and unloading goods, collecting aluminum and bottles, begging, cleaning and repairing shoes, washing cars, and selling narcotics.[2320] In southern rural areas, children work in mines. Children allegedly are also pulled out of school to harvest cotton. During summer vacations from school, children also work on commercial tobacco farms.[2321] Some schools have reportedly required students to participate in the tobacco harvest on fields located on school grounds.[2322] Children also are found working on family farms and in family enterprises such as shepherding or selling products at roadside kiosks.[2323]

Children are reported to work as prostitutes in urban areas throughout the country.[2324] The Kyrgyz Republic is considered to be primarily a country of origin and transit for the trafficking of children. While the extent of the problem is unknown, there are reports of girls trafficked for prostitution to the United

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[2318] LABORSTAT, *Kyrgyzstan: 1A-Total and economically active population by age group (Thousands)*, Geneva, [database online] 2004 [cited September 16, 2004]; available from http://laborsta.ilo.org.

[2319] Internal migrants make up some 80 percent of street children, who seek temporary shelter at public transportation stations and market places. See U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Kyrgyz Republic*, Washington D.C., February 25, 2004, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27846.htm. See also ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan: An initial study*, draft working paper, Bishkek, 2001, 6. See also National Comprehensive Development Framework Council, *National Poverty Reduction Strategy 2003-2005: Comprehensive Development Framework of the Kyrgyz Republic to 2010, Expanding the Country's Capacity*, 2003, 56; available from http://poverty.worldbank.org/files/Kyrgyz_PRSP.pdf.

[2320] ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan*, 14. See also U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 6d. See also Integrated Regional Information Networks, *Kyrgyzstan: IRIN Focus on Street Children in Bishkek*, July 6, 2001 [cited May 19, 2004]; available from http://www.irinnews.org/report.asp?ReportID=9234&SelectRegion=Central_Asia&SelectCountry=KYRGYZSTAN

[2321] UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child, Kyrgyzstan*, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, CRC/C/15/Add. 127, Geneva, August 9, 2000, para.55. See also U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 6c and 6d.

[2322] Proceeds from the harvest are collected by the schools and do not go to the children. See U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 6c. Students sometimes participate in labor training classes involving cleaning and collecting waste. "Subbotnics" (labor days) are also arranged in city areas. UN Committee on the Rights of the Child, *NGO Commentaries to the Initial Report of the Kyrgyz Republic on the UN Convention on the Rights of the Child*, 26; available from http://www.crin.org/docs/resources/treaties/crc.24/kyrgystanNGOreport.doc.

[2323] Families tend to be large and consider it necessary for children to begin work at a young age to support their families. See U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 6d.

[2324] Children engaged in prostitution are primarily girls between 11 and 16. Boys are also engaged in commercial sex work. See Institute for War and Peace Reporting (IWPR), *Lost Children of Central Asia*, [press release] 2004 [cited June 1, 2004]; available from http://www.iwpr.net/index.pl?archive/rca/rca_200401_257_2_eng.txt. See also IOM, *Trafficking in Women and Children from the Kyrgyz Republic*, Bishek, November 2000, 21.

Arab Emirates, Turkey, and South Korea.[2325] The IOM reported girls as young as 10 years old are trafficked abroad.[2326]

The Constitution establishes free and compulsory education up to the secondary level, which is generally completed by the age of 14.[2327] In 2001, the gross primary enrollment rate was 102.0 percent, and the net primary enrollment rate was 82.5 percent.[2328] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance rates are not available for the Kyrgyz Republic. The national economic crisis continues and declining family incomes have led to an increase in the number of children to drop out of school and take up work.[2329] In April 2003, the government passed a law on education to help the country meet mandatory basic education standards.[2330] Even so, residence registration limits access to education and other social services for refugees, migrants, internally displaced persons, and non-citizens.[2331] Numerous studies carried out by international aid agencies found the number of out-of school children is higher than officially reported because long-term non-attendance of school or "hidden-dropout" is not taken into account.[2332]

Quality of education is poorest in rural areas. Rural schools account for over 80 percent of all schools in the country.[2333] Educational reforms have shifted the burden of financing education to regional authorities and families, often resulting in the inability of low-income families to pay for their children's school supplies and other administrative fees.[2334] Approximately 10 percent of children have access to pre-school education, dramatically reducing children's preparedness for school, and not all school-aged children have access to

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[2325] U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 6f.

[2326] Girls from poor mountain villages are particularly vulnerable to being trafficked. Ibid.

[2327] UNESCO, *Education for All 2000 Assessment: Country Reports-Kyrgyz Republic*, prepared by Ministry of Education, Science, and Culture, pursuant to UN General Assembly Resolution 52/84, 1999; available from http://www2.unesco.org/wef/countryreports/kyrgyz/contents.html. See also Government of Kyrgyzstan, *Constitution*, (February 17, 1996), Article 32; available from http://www.coe.int/T/E/Legal_Affairs/Legal_co-operation/Foreigners_and_citizens/Nationality/Documents/Bulletin_and_national_legislation/Kyrgyzstan%20Constitution%20of%20the%20Kyrghyz%20Republic.asp.

[2328] World Bank, *World Development Indicators 2004* [CD-ROM], Washington D.C., 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[2329] UN Committee on the Rights of the Child, *Concluding Observations*, para. 55. A 2003 UNICEF-supported survey of 207 street and working children in Bishkek found that up to 90 percent did not attend school at all. See UNICEF's Executive Board, *Draft Country Programme Document: Kyrgyzstan*, E/ICEF/2004/P/L.14, United National Economic and Social Council, April 1, 2004, 3; available from http://www.unicef.org/about/04-PL14_Kyrgyzstan.pdf.

[2330] Education through grade 9 is free and mandatory. Article 4 focuses on securing free education through grade 11. See U.S. Embassy- Bishkek, *unclassified telegram no. 1189*, August 15, 2003.

[2331] U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 5.

[2332] National Comprehensive Development Framework Council, *National Poverty Reduction Strategy 2003-2005*, 59.

[2333] UNICEF's Executive Board, *Draft Country Programme Document: Kyrgyzstan*, 3. See also National Comprehensive Development Framework Council, *National Poverty Reduction Strategy 2003-2005*, 60.

[2334] National Comprehensive Development Framework Council, *National Poverty Reduction Strategy 2003-2005*, 59-60. See also U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 5.

secondary education.[2335] In 2001, a national survey on primary education quality found that 80 percent of primary schools lacked textbooks for all students, requiring students to purchase or rent textbooks, and 70 percent lacked teacher's guides.[2336] Wages of teachers start at the equivalent of USD 7 per month and are among the lowest paid in the world. This has impacted the ability to attract and retain professionals to the education sector, and affects the ability of schools to even provide all compulsory subjects.[2337] The severe deterioration of school buildings and lack of heat in winter months have closed schools. Without improvements in school infrastructure, improving teachers' performance and access to school materials will have little impact.[2338]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 16 years. Children who are 14 may work with parental consent, provided that work does not interfere with school attendance or pose a threat to the child's health and development.[2339] The Labor Code prohibits children under 18 years from working overtime hours or at night.[2340] Hazardous work is also prohibited for children under 18 years.[2341] The penalty for preventing a child from attending school ranges from a public reprimand to one year of forced labor.[2342] Both the Constitution and the Labor Code prohibit forced labor under most circumstances.[2343] Unfortunately, aspects of the Labor Code are contradictory.[2344] There are also many omissions and gaps pertaining to definitions of unhealthy and dangerous work.[2345] The Criminal Code provides for punishments up to 8 years in prison for the recruitment of adults and children for exploitation. According to Article 125, the restriction of freedom, unrelated to kidnapping, for adults and children can be punished with 7 to 10 years imprisonment.[2346]

[2335] National Comprehensive Development Framework Council, *National Poverty Reduction Strategy 2003-2005*, 59.

[2336] See Monitoring Learning Achievement: National Survey of Primary Education Quality, Ministry of Education and Culture, UNICEF, UNESCO, and the Center of Opinion Studies and Forecast, Bishkek, 2001, as cited in World Bank, *Project Information Document (PID) Concept Stage*, online, AB195, World Bank,, October 9, 2003; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2003/10/21/000104615_20031021142432/Rendered/PDF/PID.pdf.

[2337] ADB, *Laying Groundwork to Boost Enrollment and Standards in Kyrgyz Schools,* [online press release] 2003 [cited June 1, 2004]; available from http://www.adb.org/Media/Articles/2003/3378_Kyrgyz_Republic_Boost_Enrollment/default.asp.

[2338] UNICEF's Executive Board, *Draft Country Programme Document: Kyrgyzstan*, 6.

[2339] Government of Kyrgyzstan, *Labor Code*, (1997), Article 317.

[2340] Ibid., Article 321.

[2341] Examples of prohibited work include jobs in casinos and night clubs, and in the production, transportation, and marketing of alcohol, tobacco, narcotic and toxic products. See Ibid., Article 319.

[2342] U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 5.

[2343] In both texts, forced labor is prohibited except in cases of war, natural disaster, epidemic, or other extraordinary circumstances, as well as upon sentence by the court. See *Labor Code, 1997*, Article 12. See also *Constitution, 1996*, Article 28.

[2344]Article 285 sets the age for employment in morally and physically dangerous work at 21. However, Article 319 prohibits youth under 18 from engaging in such work. The Labor Code allows children between the ages of 14 and 16 to perform strenuous work with parental consent. However, minors under the age of 18 cannot work underground. See U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 6d.

[2345] ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan*, 33. See also U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 6d.

[2346] ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan*.

The Prosecutor's Office is responsible for enforcing child labor laws as well as monitoring the Ministry of Labor and Social Protection Inspectorate's activities.[2347] The government does not have a defined national child labor policy, administrative structures, or resources to effectively monitor or enforce child labor law.[2348] The Ministry of Internal Affairs (MVD) police has a division of child inspectors mandated to enforce child-related laws. The MVD runs two poorly equipped juvenile rehabilitation centers. During 2003, 1,203 street children were taken to these centers or returned to their families.[2349]

A violation of labor laws is punishable by a fine of up to USD 120 or a ban from working in particular occupations for up to 5 years.[2350] The Criminal Code forbids the recruitment of individuals for exploitation, the trading or selling of children, and coercion into prostitution.[2351] According to IOM, weak legislation and a lack of coordination between government ministries results in the prosecution of few crimes related to the trafficking of people.[2352] In August 2003, the government criminalized trafficking through an amendment to the Criminal Code, punishable by up to 20 years imprisonment.[2353] From 2001 to 2003, 10 people were convicted of child trafficking, and 36 people have been convicted of crimes related to the production of child pornography, child prostitution, and sexual actions against children.[2354]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Representatives from the Government of the Kyrgyzs Republic participated in an assessment mission carried out by ILO-IPEC in May 2004 where preliminary information was gathered about the child labor situation in Central Asia.[2355] As a result, USDOL provided funding to ILO-IPEC for a sub-regional project

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[2347] U.S. Embassy- Bishkek, *unclassified telegram no. 1189*.

[2348] Ibid. The needs of working children are not specifically addressed by the State Commission for Family, Women and Youth Affairs nor by the Commission for Under-age Youth Affairs, which is responsible for protecting children rights. Also, because there are no work contracts for under-aged children in Kyrgyzstan, the Ministry of Labor and Social Protection has no basis to regulate child labor. See ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan*, 35.

[2349] The centers are located in Bishkek and Osh. U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 5.

[2350] Articles 124, 125, 142, and 143 of the Criminal Code US Embassy-Bishkek, *unclassified telegram no. 1189*, August 15, 2003.

[2351] Government of the Kyrgyz Republic, Criminal Code of the Kyrgyz Republic (September 18, 1997), Articles 124, 159, 260, as cited in IOM, *Trafficking in Women and Children from the Kyrgyz Republic*. See also U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 6f.

[2352] IOM, *Trafficking in Women and Children from the Kyrgyz Republic*, 29. Government agencies involved in anti-trafficking include: The Ministry of Foreign Affairs, the Ministry of Interior, the National Security Service, the Ministry of Health, the State Procurator's Department, the State Agency of Migration and the State Committee for Tourism, Sport and Youth policy. See U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 6f.

[2353] One person was convicted and sentenced to 5 years in prison in October 2003. U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 6f.

[2354] Ibid., Section 5.

[2355] ILO-IPEC, *CAR Capacity Building Project: Regional Program on the Worst Forms of Child Labour*, project document, RER/04/P54/USA, Geneva, September 2004, 1. The Government of Germany provided funding in 2003 to carry out the mission. See ILO-IPEC Official, Active IPEC Projects as of May 1, 2004, USDOL Official, 2004.

that will further build capacity of national institutions to eliminate the worst forms of child labor in the Kyrgyz Republic and share information and experiences across the sub-region.[2356]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 3/ 31/92	✓
Ratified Convention 182 5/11/04	✓
ILO-IPEC Associated Member	✓
National Plan for Children	✓
National Child Labor Action Plan	
Sector Action Plan (trafficking)	✓

Since March 2004, the Government of the Kyrgyz Republic funds the Secretariat of the National Council to Combat Trafficking that was previously funding by an international organization.[2357] Over 900 justice and police personnel participated in training on trafficking issues in 2003.[2358]

The government's inter-ministerial body known as the New Generation program monitors child rights, addressing neglected children, the rising number of working children, and children without family care.[2359] The program is housed within the Ministry of Labor and Social Protection and activities should be carried out until 2010.[2360]

Addressing child poverty and education has been given priority in Kyrgyzstan's National Poverty Reduction Strategy as well as in the World Bank's Country Assistance Strategy for the Kyrgyz Republic.[2361] In early 2004, the government provided support for an education development project that will focus on improving sustainability of school facilities, improving quality and availability of school materials, and further developing a learning assessment system to effectively measure students' educational attainment.[2362] USAID is supporting the Basic Education Strengthening Program (2003-2006) that is improving in-service teacher training; learning material and textbook development; parent and community involvement in

[2356] Countries participating in the sub-regional project are Uzbekistan, Kazakhstan, Kyrgyzstan, and Tajikistan. See ILO-IPEC, *CAR Capacity Building Project*, vii.

[2357] U.S. Embassy- Bishkek, *unclassified telegram no. 126629*, June 8, 2004.

[2358] It is suspected that trafficking operations in Kyrgyzstan have involved the cooperation of police and immigration officials. See Ibid.

[2359] National Comprehensive Development Framework Council, *National Poverty Reduction Strategy 2003-2005*, 55-56. New Generation is a consortium composed of international and national organizations that focuses on child welfare issues, and the program is directed from the Office of the Prime Minister. See UNICEF's Executive Board, *Draft Country Programme Document: Kyrgyzstan*, 8.

[2360] Integrated Regional Information Networks, *Kyrgyzstan: Focus on child labour,* [online] February 5, 2003 [cited May 19, 2004]; available from http://www.irinnews.org/report.asp?ReportID=36924&SelectRegion=Central_Asia&SelectCountry=KYRGYZSTAN.

[2361] National Comprehensive Development Framework Council, *National Poverty Reduction Strategy 2003-2005*, 55 and 59. A rural education project is in the pipeline for possible support by the World Bank. The objectives of the project are to improve school attendance and quality of education in grades 1 through 11, and to improve community and parental involvement in school activities. See World Bank, *Project Information Document (PID)*. A direct investment into the education sector has not been by the World Bank, but economic adjustment projects have affected the sector indirectly. See World Bank, *Kyrgyz Republic Country Brief*, September 2002; available from http://lnweb18.worldbank.org/eca/eca.nsf/Countries/Kyrgyz+Republic/3D00E03A802774EB85256C2500613D31?OpenDocument.

[2362] The Government of Kyrgyzstan will contribute USD 120,000 in kind to the project in addition to the technical assistance grant of USD 600,000 provided by ADB's Japan Special Fund. See ADB, *Laying Groundwork to Boost Enrollment*.

education management; capacity of school administration; and school infrastructure rehabilitation.[2363] Through this program, community education committees were established and linked to pilot schools that will undergo infrastructure improvements. Beginning in 2004, these pilots will serve as training and resource hubs for other schools in the surrounding areas.[2364] The U.S. Department of Agriculture is also working with the government as part of a global effort to provide meals for schoolchildren.[2365]

The Government of the Kyrgyz Republic has established on-going national education programs such as Araket (1998-2005), Jetkincheck, and Kadry XXI Veka, which provide school supplies or other educational benefits for low-income families.[2366] Local community efforts have enabled some 11,000 children access to better quality education by improving the infrastructure of 36 schools in 4 rural areas of Nayrn province.[2367]

[2363] USAID, *Kyrgyz Republic Portfolio Overview,* [online] [cited May 17, 2004]; available from http://www.usaid.gov/locations/europe_eurasia/car/pdfs/overkyr.pdf.

[2364] Ibid. In the first year of the program, activities began in 11 principal pilot schools; 532 teachers of primary and secondary schools received training in modern teaching methodologies; and 21 schools administrators received training on school management practices. A working group was established at the Ministry of Education to find solutions to education finance issues. See USAID, *Data Sheet,* [online] 2004 [cited June 1, 2004]; available from http://www.usaid.gov/policy/budget/cbj2005/ee/pdf/116-0340.pdf.

[2365] Washington File, *U.S. Funds Will Provide School Meals in Latin America, Caribbean*, August 17, 2004; available from http://usinfo.state.gov/gi/Archive/2004/Aug/18-23606.html.

[2366] *Araket* aims to improve the economy, eliminate poverty, and advance education. See UNESCO, *EFA 2000 Report: Kyrgyz Republic*. See also U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 5. *Jetkinchek* focuses on education problems in schools and increasing attendance. Kadry XXI Veka (Cadres of the 21st Century), funded by international organizations, supports students who continue education overseas. See ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan*, 34.

[2367] Community mobilization programs get local authorities, communities and families involved in accessing resources to achieve children's right to education and social protection services. It is not clear from this source which organization implemented this activity and in what year. See UNICEF's Executive Board, *Draft Country Programme Document: Kyrgyzstan*, 5.

Lebanon

Incidence and Nature of Child Labor

UNICEF estimated that 45.3 percent of children ages 6 to 14 years in Lebanon were working in 2000.[2368] Children are employed in metal works, handicraft and artisan establishments, automobile repair, carpentry, domestic service, commerce, and construction work.[2369] According to UNICEF, more than half of all children ages 6 to 14 who work are girls.[2370] Working children are more prevalent in poor, rural areas.[2371] The majority of working children ages 6 to 14 years are found in North and South Lebanon and in the Beqaa region.[2372]

Approximately 11 percent of working children are employed in agriculture.[2373] In 2000, a government assessment estimated that 25,000 children ages 7 to14 were working in tobacco cultivation.[2374] The majority of children working in tobacco cultivation are unpaid.. Children ages 10-15 years are involved in tobacco drying, harvesting, and planting; children 5 to 10 years work in seedling transplant and leaf drying; and those under 5 years assist with leaf drying.[2375] Palestinian refugee children are often forced to leave school at an early age to go to work.[2376] It is common for children to earn family income by working in the fields or

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[2368] UNICEF's estimate derives from a broad definition of children's work represented as the proportion of children 6 to 14 years of age who are currently working (paid or unpaid; inside or outside the home). Illegal and undocumented child labor overlap and are excluded from official government figures. Consequently, the MICS2 survey used a broader scope in order to incorporate these sectors. Child labor below the legal age limit is, for instance, included in the MICS2 survey, but not in official figures. See UNICEF, *Preliminary Report on the Multiple Cluster Survey On the Situation of Children in Lebanon*, prepared by Government of Lebanon: Central Bureau of Statistics, February 2001, 11, 33; available from http://childinfo.org/MICS2/newreports/lebanon/lebanon.pdf. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[2369] Partners for Development- Civil Group, *Gender, Education and Child Labour in Lebanon*, ILO, Geneva, 2004, 4, 8, 9, 16, 82; available from http://www.ilo.org/public/english/standards/ipec/publ/download/gender_edu_lebanon_2004_en.pdf. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Lebanon*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27932.htm. ECPAT International, *Lebanon,* in ECPAT International, [database online] [cited May 27, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. See also ILO-IPEC, *Lebanon: Child Labour on Tobacco Plantations: A Rapid Assessment*, Geneva, May 2002, 9; available from http://www.ilo.org/public/english/standards/ipec/simpoc/lebanon/ra/tobacco.pdf.

[2370] UNICEF, *Preliminary Report on the Multiple Cluster Survey*, Table 17.

[2371] ILO-IPEC, *Child Labour on Tobacco Plantations: A Rapid Assessment*, 8.

[2372] UNICEF, *Preliminary Report on the Multiple Cluster Survey*, Table 17. According to a report conducted by UNICEF entitled "State of the Children in Lebanon 2000," child labor is most prevalent in North Lebanon for children ages 10 to 18 years. See Partners for Development, *Gender, Education & Child Labor in Lebanon: A Concept Paper*, Draft 4, submitted to ILO, Beirut, November 28, 2003, 13.

[2373] ILO-IPEC, *Child Labour on Tobacco Plantations: A Rapid Assessment*, 9.

[2374] The survey was conducted by the Consultation and Research Institute in Lebanon with the support of the ILO between July and September 2000. See Ibid., viii, 7-8.

[2375] Ibid., viii.

[2376] U.S. Department of State, *Country Reports- 2003: Lebanon*, Section 5.

begging in the streets.[2377] Non-Lebanese children constitute 10 to 20 percent of children working in the formal sector, but make up a larger share of children working on the street.[2378] There have been reported cases of child prostitution and other situations that amount to forced labor.[2379] Although Lebanon is a destination country for women trafficked from Africa, Asia, Eastern Europe and the former Soviet Union for the purposes of involuntary domestic servitude and prostitution, there are no official government reports of child trafficking in the country.[2380]

Education is free and compulsory through the age of 12.[2381] Despite this legislation, in practice, education is not free.[2382] In the 2003-2004 school year, public school students were not exempted from paying registration fees as they had been the year before.[2383] In addition, public schools reportedly lack proper facilities, equipment, and trained teachers.[2384] Refugees are often unable to afford the tuition costs, and are compelled to withdraw their children from school and send them to work.[2385] In 2001, the gross primary enrollment rate was 102.8 percent, (104.6 percent for boys and 100.9 percent for girls), and the net primary enrollment rate was 89.8 percent (90.1 percent for boys and 89.4 percent for girls).[2386] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Lebanon. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.[2387] Although the majority of the children working in tobacco cultivation enroll in elementary school, work-related absenteeism negatively affects these

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[2377] Ibid.

[2378] Partners for Development, *Gender, Education & Child Labor in Lebanon*, 22. Many street children are Syrian nationals and Palestinian refugees. According to UN estimates, approximately 18 percent of street children in Lebanon are Palestinian. The phenomenon of street children is centered primarily in Mount Lebanon and Beirut. See U.S. Department of State, *Country Reports- 2003: Lebanon*, Section 5. See also U.S. Embassy- Beirut official, personal communication, to USDOL official, March 29, 2004.

[2379] U.S. Department of State, *Country Reports- 2003: Lebanon*, Sections 5 and 6c. See also The Protection Project, "Lebanon," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery* Washington, D.C., 2002; available from http://www.protectionproject.org/human_rights/countryreport/lebanon.htm. cases of street children as young as 12 being forced into prostitution. Street prostitution is most apparent in Maameltein, Jounieh, Dora, and Corniche al-Manara. See ECPAT International, *Lebanon*, Child Prostitution.

[2380] U.S. Department of State, *Trafficking in Persons Report- 2004: Lebanon*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33195.htm.

[2381] U.S. Department of State, *Country Reports- 2003: Lebanon*, Section 5.

[2382] Ibid. Lebanon has a unique education system made up of government and private institutions, to which the government pays partial fees. Primary school is considered free in official State schools or State-funded private institutions. However, in these "free" schools students are responsible for registration and other fees. For a more detailed discussion, see UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties due in 1998*, CRC/C/70/Add.8, pursuant to Article 44 of the Convention on the Rights of the Child, Addendum: Lebanon, Geneva, September 2000, Section 5.2.

[2383] U.S. Embassy- Beirut, *unclassified telegram no. 3922*, August 24, 2004.

[2384] U.S. Department of State, *Country Reports- 2003: Lebanon*, Section 5.

[2385] Lebanese NGO Forum, *Problems Encountered by Refugees,* [online] [cited May 27, 2004]; available from http://www.lnf.org.lb/migrationnetwork/ngo2.html. See also U.S. Department of State, *Country Reports- 2003: Lebanon*, Section 5.

[2386] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. Gross enrollment rates greater than 100 percent indicate discrepancies between the estimates of school-age population and reported enrollment data.

[2387] For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

children's education and contributes to high dropout rates, preventing many from reaching the secondary level.[2388]

Child Labor Laws and Enforcement

The Labor Code of 1996 sets the minimum age for employment at 14 years.[2389] The Labor Code makes a distinction between children ages 13 and younger, and children ages 14 to 17. In the first group, children are prohibited from engaging in any kind of work. In the second group, children may be employed under special conditions relating to matters such as working hours and conditions, and type of work.[2390] In addition, it is illegal to employ a child under the age of 15 in industrial enterprises that are harmful or detrimental to their health, or to hire youth below the age of 16 in dangerous environments that threaten their life, health or morals.[2391]

There are no laws specifically prohibiting trafficking; however, abduction of a person under the age of 18 for purposes of exploitation is prohibited and punishable by up to 3 years imprisonment and a fine.[2392] The law allows for the establishment of licensed brothels in certain areas, providing that women working in such establishments are at least 21 years old and undergo regular medical examinations.[2393] The Ministry of Labor (MOL) is responsible for the enforcement of child labor laws, but the Ministry lacks adequate resources to be effective.[2394] However, the MOL currently has 80 labor inspectors nationwide, an increase from 75 in the previous year.[2395] In 2004, the government caught and broke up three child prostitution rings and the perpetrators were prosecuted.[2396]

[2388] ILO-IPEC, *Child Labour on Tobacco Plantations: A Rapid Assessment*, viii.

[2389] Government of Lebanon, *Code du Travail- Travail des enfants*, Loi no 536, (July 24, 1996); available from http://natlex.ilo.org/txt/F93LBN01.htm#t1c2.

[2390] A 1999 amendment to the Labor Code forbids the employment of children under the age of 18 for more than 6 hours per day. The amendment also requires a 13-hour period of rest between workdays. In addition, youths under the age of 18 must be given an hour break after a 4-hour period of labor. An employer may not employ these youths between the hours of 7:00 p.m. and 7:00 a.m. Adolescents ages 14 to 18 must pass a medical examination to ensure that they can undertake the work for which they are to be engaged, and the prospective employer must request the child's identity card to verify his or her age. See Government of Lebanon, *Modifiant les dispositions des articles 23 et 25 du Code du travail*, (June 14, 1999); available from http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E.

[2391] *Code du Travail*. These types of work include underground mines and quarries, manufacturing of alcohol, chemicals, explosives, asphalt, work in tanneries or with machinery.

[2392] U.S. Department of State, *Country Reports- 2003: Lebanon*, Section 6f. See also ECPAT International, *Lebanon*, Protection.

[2393] In practice, most prostitution is illegal. See U.S. Department of State, *Country Reports- 2003: Lebanon*, Section 5.

[2394] Ibid., Section 6d. See also U.S. Embassy- Beirut, *unclassified telegram no. 3065*, August 11, 2003.

[2395] U.S. Embassy- Beirut, *unclassified telegram no. 3922*.

[2396] See U.S. Embassy- Beirut official, personal communication, to USDOL official, May 27, 2005.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Lebanon has taken steps to improve child labor inspection and monitoring mechanisms. For the first time since its establishment in 2001, the Unit for Combating Child Labor began addressing child labor complaints this year and referring them to the appropriate agencies for action. The MOL also worked with the ILO to hold a training seminar for labor inspectors on child labor.[2397] In 2004, the government began participating in a new USD 3 million ILO-IPEC project funded by USDOL to help support a Timebound program to eliminate the worst forms of child labor.[2398] The MOL continues its collaboration with ILO-IPEC on child labor projects in Nabatiyah, Tripoli, Sin el Fil, Bourj Hammud, and Ain el-Hilweh (the largest Palestinian refugee camp in Lebanon). These programs are aimed at the prevention, rehabilitation, and withdrawal of children from the worst forms of child labor.[2399] In 2004, the government began participating in a new USD 8 million sub-regional project funded by USDOL to combat child labor through education in Lebanon and Yemen.[2400]

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/10/2003	✓
Ratified Convention 182	9/11/2001	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		
Sector Action Plan		

Recently, the Government has taken steps to counter trafficking in persons, including requiring employers to provide higher-value insurance to cover the repatriation expenses of trafficking victims and publishing booklets and brochures explaining the regulations governing migrant workers, their rights and recourses.[2401] The Surete Generale (a combination immigration and security services agency) also signed a memorandum of understanding with the CARITAS Migrants' Center and the International Catholic Migration Commission to cooperate on a USD 660,000 U.S. Government-funded safe house project for the protection of trafficking victims, and immediately began referring cases to CARITAS. In January 2004, in an effort to combat the trafficking of women into situations of forced domestic labor, the government placed a prohibition on advertisements for foreign domestic workers.[2402] In March 2004, the Government began a two-year training program to sensitize judges to the issue of trafficking and the implementation of related laws.[2403]

The World Bank is supporting a USD 56.6 million project designed to enhance the capacity of the Ministry of National Education, Youth and Sport, intended to benefit 150,000 primary and secondary students and

[2397] U.S. Embassy- Beirut, *unclassified telegram no. 3922*.

[2398] U.S. Department of Labor, *United States Provides over $110 Million in Grants to Fight Exploitive Child Labor Around the World*, press release, Washington, DC, October 1, 2004.

[2399] U.S. Embassy- Beirut, *unclassified telegram no. 3065*, 4.

[2400] U.S. Department of Labor, *United States Provides over $110 Million in Grants*.

[2401] U.S. Department of State, *Trafficking in Persons Report- 2004: Lebanon*.

[2402] Ibid.

[2403] The training was provided with financial and technical assistance from the U.S. Department of State. See U.S. Embassy- Beirut, *unclassified telegram no. 1342*, March 26, 2004.

20,000 teachers.[2404] During the year, the Ministry of Interior continued its efforts aimed at raising awareness on the issue of working street children. Ongoing activities include training police on approaching working street children; preparing for a study on the extent of the problem; and airing a public television ad campaign on the issue.[2405]

[2404] This 5-year program, which aims to benefit 20,000 primary and secondary students through school construction, and 130,000 secondary students through the introduction of new technology, and in-service teacher training, began in 2000 and is set close at the end of 2005. See World Bank, *World Bank Approves Loan to Lebanon for General Education*, press release, Washington, D.C., March 31, 2000; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,, contentMDK:20017568~menuPK: 34466~pagePK:34370~piPK:34424~theSitePK:4607,00.html. See also World Bank, *General Education Project*, in Projects Database, [online] [cited May 27, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&theSitePK= 40941&menuPK=228424&Projectid=P045174.

[2405] U.S. Embassy- Beirut, *unclassified telegram no. 3065*, 3. Relevant police authorities worked with a British trainer on how to approach street children. The ad campaign is aimed at preparing the public on how to deal with street children. See U.S. Embassy- Beirut official, personal communication to USDOL official, March 29, 2004. See also U.S. Embassy- Beirut, *unclassified telegram no. 3922*.

Lesotho

Incidence and Nature of Child Labor

UNICEF estimated that 29.5 percent of children ages 5 to 14 years were working in 2000.[2406] Due to poverty and the growing number of HIV/AIDS orphans, the rate of child work is increasing.[2407] A January 2004 study by UNICEF, Save the Children, and the Ministry of Health and Social Welfare estimates the number of HIV/AIDS orphans to be 92,000. Children in families affected by the disease often drop out of school to become caregivers of sick parents or care for younger siblings.[2408] Boys as young as 4 years are employed in hazardous conditions as livestock herders in the highlands, either for their family or through an arrangement where they are hired out by their parents.[2409] Children also work as domestic workers, car washers, taxi fare collectors, and street vendors.[2410] Children are less likely to be found working in the formal sector, due to the high unemployment rate for adults.[2411] Commercial sexual exploitation of children is reportedly a growing problem in Lesotho.[2412]

Primary education is free in Lesotho, though not compulsory.[2413] In 2001, the gross primary enrollment rate was 124.3 percent, and the net primary enrollment rate was 84.4 percent.[2414] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Lesotho.

[2406] Government of Lesotho Bureau of Statistics, *2000 End Decade Multiple Indicator Cluster Survey (EMICS)*, UNICEF, Maseru, May 28, 2002; available from http://www.childinfo.org/MICS2/newreports/lesotho/lesotho.pdf. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[2407] U.S. Embassy- Maseru, *unclassified telegram no. 490*, August 2004. See also U.S. Embassy- Maseru, *unclassified telegram no. 0599*, September 2, 2003.

[2408] U.S. Embassy- Maseru, email communication, May 31, 2004.

[2409] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Lesotho*, Washington, D.C., February 25, 2004; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27734.htm. See also U.S. Embassy- Maseru, *unclassified telegram no. 422*, June 21, 2000. See also Todd Bensman, *Thousands Sold into Servitude in Lesotho as 'Herder Boys'*, [previously online]; available from http://www.pewfellowships.org/stories/lesotho.herder_boys.html [hard copy on file].

[2410] See U.S. Department of State, *Country Reports- 2003: Lesotho*, Section 6d. See also U.S. Embassy- Maseru, *unclassified telegram no. 0599*. See also U.S. Embassy- Maseru, *unclassified telegram no. 490*.

[2411] U.S. Embassy- Maseru, *unclassified telegram no. 0599*. The cost-effectiveness of hiring children rather than adults is limited because so many adults are unemployed and available to work.

[2412] U.S. Department of State, *Country Reports- 2003: Lesotho*, Section 5, 6d.

[2413] U.S. Department of State, *Country Reports- 2003: Lesotho*, Section 5.

[2414] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

As of 2000, 66.9 percent of children who started primary school were likely to reach grade 5.[2415] A large number of children in rural areas do not attend primary education due to the relatively small number of schools, their participation in subsistence activities, and their inability to pay school-related fees such as uniforms and materials.[2416] Boys' attendance in primary school suffers because livestock herding requires long hours in remote locations.[2417]

Child Labor Laws and Enforcement

The Labor Code of 1992 establishes the minimum age for employment at 15 years, although children between 13 and 15 may perform light work in a technical school or approved institution.[2418] The Labor Code prohibits employment of children in work that is harmful to their health or development.[2419] Proclamation No. 14 of 1949 imposes penalties for the procurement of women or girls for purposes of prostitution.[2420] The Sexual Offences Act of 2003 also protects children from sexual exploitation and specifically deals with commercial sexual exploitation of children such as child prostitution and pornography.[2421] The Children's Protection Act of 1980 and the Deserted Wives and Children Order of 1971 provides for the protection of abandoned or orphaned children who are at-risk for involvement in the worst forms of child labor.[2422] There are no specific laws prohibiting trafficking in persons.[2423]

The Ministry of Labor and Employment's Inspectorate is responsible for investigating child labor violations, and according to the U.S. Department of State, does so through quarterly inspections.[2424] An employer found guilty of employing underage children or young children in hazardous conditions can be imprisoned for 6 months, required to pay a fine of M600 (USD 95), or both.[2425]

[2415] Ibid.

[2416] U.S. Department of State, *Country Reports- 2003: Lesotho*, Section 5.

[2417] Ibid. See also ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, project document, Geneva, September 30, 2003, Annex II, 10.

[2418] U.S. Embassy- Maseru, *unclassified telegram no. 0599*. See also *The Effective Abolition of Child Labor: Lesotho*, ILO-IPEC, Geneva, 2001; available from http://www.ilo.org/public/english/standards/relm/gbdocs/gb280/pdf/gb-3-2-abol.PDF.

[2419] The Labour Code neither defines what is considered to be dangerous work nor provides a list of dangerous activities. *ILO Government Report: Lesotho*. See also U.S. Embassy- Maseru, *unclassified telegram no. 0599*.

[2420] UNICEF Eastern and Southern Africa Regional Office and African Network for the Prevention and Protection of Children against Child Sexual Abuse and Neglect, "Lesotho," in *Partnership Project on Sexual Exploitation and Children's Rights: Analysis of the Situation of Sexual Exploitation of Children in the Eastern and Southern Africa Region: Draft Consultancy Report* Nairobi, 2001; available from http://www.unicef.org/events/yokohama/csec-east-southern-africa-draft.html.

[2421] ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, Annex II, 12. See also *Legal Professionals to be Sensitized on Sexual Offenses Act*, The Government of Lesotho, [website] June 7, 2003 [cited February 25, 2004]; available from http://www.lesotho.gov.ls/articles/2003/Legal%20Profession.htm.

[2422] U.S. Embassy- Maseru, email communication May 31, 2005.

[2423] U.S. Department of State, *Country Reports- 2003: Lesotho*, Section 6f.

[2424] Ibid., 6d. See also U.S. Embassy- Maseru, *unclassified telegram no. 0599*.

[2425] U.S. Embassy- Maseru, *unclassified telegram no. 0599*. For currency conversion, see FX Converter, in Oanda.com, [online] [cited April 13, 2004]; available from http://www.oanda.com/convert/classic.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The ILO-IPEC is implementing a USDOL-funded regional child labor project in Southern Africa, which includes Lesotho. Activities in Lesotho are focused on piloting small action programs aimed at children who are working or at risk of working in exploitive labor; conducting research on the nature and incidence of exploitive child labor; and building the capacity of the government to address child labor issues.[2426] The American Institutes for Research was awarded a USD 9 million grant by USDOL in August 2004 to implement a regional Child Labor Education Initiative project in Southern Africa, and will work in collaboration with the Government of Lesotho on activities there.[2427]

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/14/2001	✓
Ratified Convention 182	6/14/2001	✓
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

The Government is implementing a free primary education policy. The policy calls for the eventual provision of free education up to grade seven. The program covers the cost of school fees, books and one meal per day.[2428] Currently, free education is offered through grade 5.[2429] The government is operating an Education Sector Strategic Plan which incorporates the free education policy, and aims to increase access to education, reform curriculum, ensure the provision of teaching and learning materials, and invest in teacher training and professional development. The plan outlines activities in the short term (2003-2006), mid-term (2007-2010), and long-term (2015).[2430]

The Government is implementing a World Bank-funded Second Education Sector Development Project (Phase II) to improve quality and access to education; build capacity in early childhood, vocational, and non-formal education; and strengthen the capacity of the Ministry of Education.[2431] The government is collaborating with UNICEF on teacher training, educational research, construction of school infrastructure, provision of books and materials,[2432] as well as activities designed specifically to improve girls' education.

[2426] ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, 38-39.

[2427] The AIR project aims to improve quality and access to basic and vocational education for children who are working or at-risk of working in the worst forms of child labor. See *Notice of Award: Cooperative Agreement*, U.S. Department of Labor / American Institutes for Research, Washington D.C., August 16, 2004, 1,2.

[2428] Archibald Lesao Leho, "Messages of Ministers of Education" (paper presented at the Education for all learning to live together, Geneva, September 5-8, 2001); available from http://www.ibe.unesco.org/International/ICE/46english/46minise.htm. See also U.S. Department of State, *Country Reports- 2003: Lesotho*, Section 5. See also U.S. Embassy- Maseru, *unclassified telegram no. 490*.

[2429] U.S. Embassy- Maseru, *unclassified telegram no. 490*.

[2430] Government of Lesotho, *Education Sector Strategic Plan: Lesotho,* as cited in UNESCO, EFA National Action Plans, [cited May 13, 2004], Section 1.3.1; available from http://portal.unesco.org/education/en/ev.php-URL_ID=21003&URL_DO=DO_TOPIC&URL_SECTION=201.html.

[2431] World Bank, *Second Education Sector Development Project (Phase II),* [online] April 9, 2004 [cited April 9, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P081269.

[2432] UNICEF, *At a glance: Lesotho,* [website] 2004 [cited April 9, 2004]; available from http://www.unicef.org/infobycountry/lesotho.html.

These activities include developing policy for early childhood development and teen mothers' reentry into school; reexamining the education system and the school curriculum; establishing Child Friendly Environments in schools; and supporting the Girls Leadership Movement.[2433]

[2433] UNICEF, *Girls' Education in Lesotho,* [online] 2002 [cited July 13, 2004]; available from http://www.unicef.org/girlseducation/Lesotho_2003_(w.corrections).doc.

Macedonia

Incidence and Nature of Child Labor

The ILO estimated that less than 1 percent of children ages 10 to 14 years in Macedonia were working in 2002.[2434] Children work in the informal sector, in illegal small businesses,[2435] and on the streets and in markets selling cigarettes and other small items.[2436] Girls are involved in commercial sexual exploitation on the streets of Macedonia.[2437]

Children are trafficked to Macedonia from Moldova, Romania, Bulgaria, and Ukraine. Macedonia is also a transit country for trafficking to Greece, Serbia and Montenegro, Albania, and Western Europe.[2438]

The Constitution mandates free and compulsory primary education and all children are guaranteed equal access,[2439] although students had to pay for books and supplies.[2440] The Law on Primary Education specifies that education is compulsory for 8 years, normally between the ages of 7 to 15.[2441] In 2000, the gross primary enrollment rate was 99.3 percent and the net primary enrollment rate was 92.8 percent.[2442] Gross

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[2434] The ILO reported that 0.02 percent of children in this age group were economically active. See World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[2435] U.S. Embassy- Skopje, *unclassified telegram no. 2616*, November 26, 2001. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: The Former Yugoslav Republic of Macedonia*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27852.htm.

[2436] UN Committee on the Rights of the Child, "Initial Report of States Parties due in 1993: Government of the Former Yugoslav Republic of Macedonia" (Geneva, July 27, 1997), para. 246; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.8.Add.36.EN?OpenDocument. See also U.S. Department of State, *Country Reports- 2003: Macedonia*, Section 6d.

[2437] Barbara Limanowska, *Trafficking in Human Beings in South Eastern Europe: 2003 Update*, UNICEF, UNOHSHR, OSCE/ODIHR, November 2003, 178.

[2438] Barbara Limanowska, *Trafficking in Human Beings in Southeastern Europe: Current Responses to Trafficking in Human Beings in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, The Former Republic of Yugoslavia, The Former Yugoslav Republic of Macedonia, Moldova, Romania*, UNICEF, UNOHCHE, OSCE-ODIHR, June, 2002, 107; available from http://www.child-rights.org/PolicyAdvocacy/pahome2.5.nsf/0/CFA82B758B41BEDB88256E46008360E5/$file/Trafficking%20in%20Human%20Beings%20in%20SE%20Europe%20compressed.pdf. See also U.S. Department of State, *Trafficking in Persons Report- 2003: The Former Yugoslav Republic of Macedonia*, Washington D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33192.htm. See also U.S. Embassy- Skopje, *unclassified telegram no. 126969*, June 2004.

[2439] *Constitution of Macedonia, 1991*, (November 17, 1991), Article 44 [cited March 24, 2004]; available from http://www.uni-wuerzburg.de/law/mk00000_.html.

[2440] The Ministry of Education is proposing that the government provide these materials free of charge through primary school. Transportation is also free for students. See U.S. Embassy- Skopje, *unclassified telegram no. 2616*. See also U.S. Department of State, *Country Reports- 2003: Macedonia*, Section 5.

[2441] UN Committee on the Rights of the Child, "Initial Reports of States Parties: FYROM", para. 20. See also U.S. Embassy- Skopje, *unclassified telegram no. 2616*.

[2442] World Bank, *World Development Indicators 2004*. The enrollment statistics in this year's report differ slightly from those presented in last year's report, even though both reports were based on data from 2000. This discrepancy is a result of either statistical adjustments that were made in the school-age population, or corrections to enrollment data.

and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Macedonia. Dropout rates for girls in primary and secondary school are high, particularly among ethnic Roma or Albanian children.[2443]

Child Labor Laws and Enforcement

The Constitution sets the minimum age for employment at 15.[2444] The Labor Relations Act prohibits overtime work by children under 18, as well as work between 10 p.m. and 6 a.m., or work that may be harmful or threatening to their health or life.[2445] The Constitution prohibits forced labor.[2446] The Macedonian Criminal Code prohibits various acts of sexual exploitation against children, including the recruitment of children for prostitution and/or the procurement of a child for these activities.[2447] Individuals convicted of instigating, recruiting, or procuring a child for prostitution shall be punished with imprisonment of 3 months to 5 years.[2448] The Ministries of Labor and Social Policy, Economy, Health, and Interior, as well as the Ombudsman for the Rights of Children are responsible for investigating and addressing child labor complaints.[2449] However, the U.S. Department of State reported that there are increasing reports of child labor and inadequate implementation of policies and laws.[2450] The Ombudsperson for the Rights of Children investigates violations of children's rights and reports to Parliament on an annual basis.[2451]

The Criminal Code prohibits trafficking in children and punishes those convicted of such an offence with at least 8 years in prison. Individuals who knowingly engage in sexual relations with a trafficked child are also subject to 8 years in prison.[2452] Articles in the criminal code related to prostitution and forced labor can also be used to prohibit and punish those involved in trafficking in persons. The Ministry of Interior's

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[2443] This is due in part to cultural tradition concerning girls participation in school as well as due to a lack of classes in minority languages. See U.S. Department of State, *Country Reports- 2003: Macedonia*, Section 5. See also UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: The Former Yugoslav Republic of Macedonia*, CRC/C/15/Add.118, February 23, 2000, para. 42; available from http://www.hri.ca/fortherecord2000/documentation/tbodies/crc-c-15-add118.htm. See also U.S. Embassy- Skopje, *unclassified telegram no. 2616*.

[2444] *Constitution of Macedonia, 1991*, Article 42(1). In addition, the minimum age for work in mines is 18. See *Labor Relations Act: Macedonia*, (December 27, 1993), Section 7; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/47727/65084/E93MKD02.htm.

[2445] *Labor Relations Act: Macedonia, 1993*, Sections 63, 66 and 67.

[2446] *Constitution of Macedonia, 1991*, Article 11(2).

[2447] Government of Macedonia, *Criminal Code of Macedonia*, as cited in The Protection Project Legal Library, [database online] [cited March 29, 2004], Articles 192-93; available from http://209.190.246.239/protectionproject/statutesPDF/MacedoniaF.pdf. See also UN Committee on the Rights of the Child, "Initial Reports of States Parties: FYROM", para. 259.

[2448] Government of Macedonia, *Criminal Code*, Articles 192-93.

[2449] U.S. Embassy- Skopje, *unclassified telegram no. 1414*, August 2004.

[2450] U.S. Department of State, *Country Reports- 2003: Macedonia*, Section 6d. See also U.S. Embassy- Skopje, *unclassified telegram no. 1414*.

[2451] U.S. Embassy- Skopje, *unclassified telegram no. 2616*. See also UNICEF FYR Macedonia, *Ombudsperson for Children*, UNICEF, [online] 2004 [cited May 12, 2004]; available from http://www.unicef.org/macedonia/protection/protection_rights_content.htm.

[2452] U.S. Embassy- Skopje, *unclassified telegram no. 0494*, April 4, 2004.

Anti-Trafficking Department of the Criminal Police is responsible for enforcing anti-trafficking laws.[2453] In the last year, 19 people were convicted of trafficking offences, with punishments ranging from 3 to 12 years. The government has also convicted several former government officials and police officers on corruption charges related to trafficking in persons.[2454]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Macedonia has an Ombudsperson for the Rights of Children, which is responsible for all child-related matters and is in charge of the Department for Child Protection.[2455] The government operates the "Project for Children on the Streets" to prevent child labor.[2456] The government's National Commission for Prevention and Suppression of Trafficking in Persons has established a Secretariat, which includes police officials, NGOs, the OSCE, and the IOM. A Trafficking of Children sub-group has been formed within the Secretariat.[2457] The government cooperates with IOM to provide a shelter for victims of trafficking.[2458]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 1/17/1991	✓
Ratified Convention 182 5/30/2002	✓
ILO-IPEC Member	
National Plan for Children	✓
National Child Labor Action Plan	
Sector Action Plan (Trafficking)	✓

The government has signed the Agreement on Co-operation to Prevent and Combat Transborder Crime in an effort to prevent trafficking and develop an effective transnational database mechanism.[2459] The countries of the Stability Pact for South Eastern Europe, including Macedonia, operate a Task Force on Trafficking in Human Beings, which is responsible for streamlining and accelerating efforts to combat human trafficking in the region.[2460] The Macedonian government has a national/governmental coordinator

[2453] Barbara Limanowska, *Trafficking in Human Beings in South Eastern Europe: 2003 Update*, 179.

[2454] Article 418a is the relevant legislation. See U.S. Department of State, *Trafficking in Persons Report-2003: Macedonia*.

[2455] U.S. Embassy- Skopje, *unclassified telegram no. 2616*. See also UNICEF FYR Macedonia, *Ombudsperson for Children*. See also *Macedonia,* The Centre for Europe's Children, March 22, 2004 [cited May 12, 2004]; available from http://www.ombudsnet.org/Ombudsmen/Macedonia/Macedonia.htm.

[2456] U.S. Embassy- Skopje, *unclassified telegram no. 1414*.

[2457] U.S. Department of State, *Country Reports- 2003: Macedonia*, Section 6f.

[2458] Fourteen of the trafficking victims assisted at the shelter were under the age of 18. See U.S. Department of State, *Trafficking in Persons Report-2003: Macedonia*. See also Barbara Limanowska, *Trafficking in Human Beings in South Eastern Europe: 2003 Update*, 181, 83. See also U.S. Department of State, *Country Reports- 2003: Macedonia*, Section 6f.

[2459] This agreement links regional governments in information-sharing and planning programs. Other countries involved in this initiative include Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, Moldova, Romania, and Turkey. See UNICEF: Area Office for the Balkans, *Trafficking in Human Beings in SouthEastern Europe*, August 2000, 12, 95.

[2460] The Task Force meets regularly to discuss how to combat trafficking of persons in the region. See Stability Pact for South Eastern Europe, *The Task Force on Trafficking in Human Beings,* 2004 [cited September 1, 2004]; available from http://www.stabilitypact.org/trafficking/info.html. See also Stability Pact for South Eastern Europe, *Conclusions and Progress Report: 6th Anti-Trafficking Meeting, Belgrade, 23-24 March 2004,* Task Force on Trafficking in Human Beings, June 7, 2004 [cited September 1, 2004]; available from http://www.stabilitypact.org/wt3/040607-trafficking.pdf. See also *The Stability Pact for South Eastern Europe (EBRD-Countries),* The Stability Pact, 2004 [cited September 1, 2004]; available from http://www.ebrd.com/country/country/see/pact.htm.

to coordinate anti-trafficking measures within the country and operates multidisciplinary national working groups to work on the issue.[2461]

UNICEF is working to increase quality and access to education for all children as well as enhance services for vulnerable children, and promote and monitor the implementation of the Convention of the Rights of Children.[2462] The government works with Catholic Relief Services on civic education activities and organizing parent groups in schools.[2463] The World Bank currently supports several projects in Macedonia. The Children and Youth Development Project aims to integrate at risk youth from different socio-cultural backgrounds, strengthen institutional capacity, and contribute to the implementation of the Children and Youth Strategy.[2464] The Community Development Project is rehabilitating school heating systems as well as providing school furniture and financing social services.[2465] The Education Modernization project aims to strengthen school management, build capacity of central and local governments to operate in a decentralized education system, and ensure high quality outputs through monitoring and evaluation of the project.[2466]

[2461] Stability Pact for South Eastern Europe, *The Task Force on Trafficking in Human Beings*.

[2462] UNICEF FYR Macedonia, *UNICEF'S Priority: Education Objectives,* [online] [cited May 14, 2004]; available from http://www.unicef.org/macedonia/education/educationContent.htm.

[2463] Catholic Relief Services, *Macedonia,* Catholic Relief Services, [online] 2004 [cited May 14, 2004]; available from http://www.catholicrelief.org/where_we_work/eastern_europe_&_the_caucasus/macedonia/index.cfm.

[2464] World Bank, *Children and Youth Development Project,* World Bank, [online] March 29, 2004 [cited March 29, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P073483.

[2465] World Bank, *Community Development Project,* World Bank, [online] March 29, 2004 [cited March 29, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P076712.

[2466] World Bank, *Education Modernization,* May 12, 2004 [cited May 12, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P066157.

Madagascar

Incidence and Nature of Child Labor

UNICEF estimated that 30 percent of children ages 5 to 14 years were working in Madagascar in 2000.[2467] Children work in agriculture, cattle herding, domestic service, fishing, salt production, gemstone mining, and stone quarries.[2468] Children also work in bars and night-clubs, and as porters and welders.[2469] Commercial sexual exploitation is a problem in most of Madagascar's urban areas and sex tourism is prevalent in small coastal towns and villages.[2470]

According to the Government of Madagascar, the worst forms of child labor in Madagascar are: domestic service, stone quarry work, gemstone mining, hazardous and unhealthy work in the rural and urban informal sectors, and the commercial sexual exploitation of children and related activities. Most working children in Madagascar live in rural areas.[2471] Approximately 83.2 percent of children in Madagascar work for their families, and very few are paid directly for their work.[2472]

The Constitution guarantees children the right to an education,[2473] but parents must pay for furniture and teachers' salaries.[2474] In 2001, the gross primary enrollment rate was 104.2, while the net primary enrollment rate was 68.6 percent.[2475] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance rates are not available for Madagascar, but the government requirement that all

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[2467] Working children are defined as those working for payment or those carrying out at least 28 hours of domestic work per week. See UNICEF, *Multiple Indicator Cluster Survey (MICS) Report for Madagascar: Standard tables for Madagascar*, November 9, 2000, Tables 2 and 42a; available from http://www.childinfo.org/MICS2/newreports/madagascar/madagastables.pdf. and UNICEF, *State of the World's Children, 2005*, New York, New York, 2004. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[2468] ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar--IPEC's Contribution to the National Action Plan to Eliminate Child Labour*, Project Document, MAD/04/P50/USA, Geneva, 2004, 2-8. See also, Demographie et des Statistiques Sociales, *MICS 2000 Madagascar Rapport Complet*, UNICEF, 2000, 151; available from http://www.childinfo.org/MICS2/newreports/madagascar/madagascar.PDF. U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Madagascar*, February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27736.htm.

[2469] ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 7.

[2470] Ibid., 6. See also, U.S. Department of State, *Country Reports- 2003: Madagascar*, Section 5.

[2471] For children ages 10 to 14 years, 13 percent of urban children work, while 22 percent of rural children in rural areas. See ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 2, 5.

[2472] Ibid., 2.

[2473] *Constitution of Madagascar, 1992*, (August 19, 1992), Article 24; available from http://www.oefre.unibe.ch/law/icl/ma00000_.html. See also U.S. Department of State, *Country Reports- 2003: Madagascar*, Section 5.

[2474] UN Committee on the Rights of the Child, *Concluding Observations: Madagascar*, CRC/C/15/Add.218, prepared by Government of Madagascar, pursuant to Article 44 of the Convention on the Rights of the Child, October 27, 2003, para. 57.

[2475] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

children present a birth certificate to enroll in school has limited school attendance.[2476] Student repetition and dropout rates are very high.[2477] Education in Madagascar is hindered by a lack of materials and equipment in schools; unmotivated teachers; uneven class and school sizes, poorly developed vocational and technical training programs, few non-formal education programs for dropouts, and parents' lack of confidence in the education system, among other factors.[2478]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.[2479] The Code also prohibits children from engaging in work that is harmful to their health and normal development.[2480] Children under the age of 18 are also prohibited from performing work at night and on Sundays, and work in excess of 8 hours a day and 40 hours a week.[2481] Children must also undergo a medical examination prior to employment.[2482]

Forced or bonded labor by children is prohibited under the Labor Code.[2483] The Penal Code prohibit engaging in sexual activities of any type with children under the age of 14,[2484] and the production and dissemination of pornographic materials showing minors is illegal.[2485] The government does not have comprehensive legislation prohibiting trafficking in persons.[2486]

The Ministry of Civil Service, Social Laws and Labor enforces child labor laws through inspections.[2487] Violations of labor laws are punishable with fines of up to 1.5 million Malagasy francs (USD 177.96), or imprisonment or closure of the workplace if it poses an imminent danger to workers.[2488] In 2004, there were 60 labor inspectors in Madagascar working primarily in the export zones of capital.[2489] Labor inspectors are

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[2476] ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 3-4.

[2477] The annual drop out rate is 7.4 percent, while the annual repetition rate is 24.5 percent. Ibid., 3.

[2478] Ibid., 4.

[2479] *Labor Code*, (August 25, 1995), Chapter III, Article 100; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/41776/64975/F95MDG01.htm.

[2480] Ibid.

[2481] Ibid., Chapter III, Article 95.

[2482] Ibid., Chapter III, Article 101.

[2483] Ibid., Title I, Article III.

[2484] Ministry of Justice, *Droits de l'Enfant*, UNICEF, December 28, 2001, 441-42.

[2485] Ibid., 423.

[2486] U.S. Department of State, *Trafficking in Persons Report- 2004: Madagascar*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27736.htm.

[2487] ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 10. See also Mamy Ratovomalala, letter to Ambassador of the United States of America in Madagascar, September 4, 2000.

[2488] U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*, October 2001. For currency conversion see FXConverter, [online] [cited May 25, 2004]; available from http://www.oanda.com/convert/classic.

[2489] ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 10.

not responsible for enforcing laws in the informal sector, where most children in Madagascar work, and they lack the resources to enforce labor laws properly.[2490]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	5/31/2000	✓
Ratified Convention 182	10/4/2001	✓
ILO-IPEC Member		✓
National Plan for Children		
National Child Labor Action Plan		✓
Sector Action Plan		

In 2004, the Government of Madagascar began implementing a National Action Plan to Eliminate Child Labor in Madagascar and an ILO-IPEC Timebound Program, funded by USDOL, to eliminate the worst forms of child labor and provide education and other services to vulnerable children.[2491] The Timebound Program focuses on eliminating exploitive child labor in domestic service, stone quarry work, gemstone mining, child prostitution, and hazardous and unhealthy work in the rural and urban informal sectors.[2492] The Timebound Program will target 14,000 working children for support and implement many of the activities of the first phase of Madagascar's 15-year National Plan of Action on Child Labor.[2493] The Government of Madagascar is also establishing a National Observatory on Employment, Vocational and Entrepreneurial Training try to improve the coordination of Madagascar's education, training and labor market needs.[2494] Provincial branches of the observatory will provide recommendations on methodologies for combating the worst forms of child labor. In addition, UNICEF, the National Council for the Fight Against HIV/AIDS and *Groupe Developpement* have collaborated with the Government of Madagascar to raise awareness about CSEC and have indicated their interest in collaborating with the government to implement National Action Plan activities to eliminate this form of child labor in Madagascar.[2495] In June 2004, the Government of Madagascar's Senate approved a law to raise the minimum age for employment to15 years.[2496]

The government recently supplied school materials to primary school children as part of the Education for All program.[2497] The World Bank funded a 7-year program in Madagascar in 1998 that aims to universalize quality primary education; improve the capacity of the education ministry at local levels; and improve access to quality student and teacher learning materials in primary schools.[2498] The Bank also supports a 5-

[2490] Ibid. See also, U.S. Department of State, *Country Reports- 2003: Madagascar*, Section 6d.

[2491] ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, 11, 61-62.

[2492] In the rural informal sector, children working on sisal plantations and in fishing will be targeted for services. Ibid., 43.

[2493] Ibid., iv, 11.

[2494] Ibid., 13.

[2495] Ibid.

[2496] The law will go into affect after it has been approved by Madagascar's High Constitutional Court and President and after the Government of Madagascar has promulgated implementing regulations. See U.S. Embassy - Antananarivo, *unclassified telegram no. 734*, August 2004.

[2497] U.S. Department of State, *Country Reports- 2003: Madagascar*, Section 5.

[2498] World Bank, *Education Sector Development Project,* [online] [cited September 29, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSite.

year multisectoral HIV/AIDS project in Madagascar to contain the spread of the disease in the country.[2499] WFP is collaborating with the Government of Madagascar to improve access to basic education for children, especially girls, through its Madagascar food program.[2500] UNICEF is working with the government on an education report effort to improve the nation's schools; raise literacy rates by implementing a new "competency-based learning system; encourage girls to attend and participate in schools; and provide outreach services to children who are out of school.[2501]

[2499] World Bank, *Multisectoral STI/HIV/AIDS Prevention Project,* [online] [cited September 29, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSite.

[2500] World Food Programme, *World Hunger: Madagascar,* [cited October 29, 2004].

[2501] UNICEF, *At a Glance: Madagascar,* [cited September 29, 2004]; available from http://www.unicef.org/infobycountry/madagascar.html.

Malawi

Incidence and Nature of Child Labor

The Malawi National Statistics Office estimated that 35.5 percent of children ages 5 to 14 years were working in Malawi in 2002.[2502] Children work mainly in farming and domestic service.[2503] To a lesser extent, children also work in other informal sector jobs, such as street-side welding, bicycle repair, furniture making, and brick kilns.[2504] A 1999 study estimated the number of children on the streets of three major cities to be roughly 2,000.[2505] Children in the agricultural sector work alongside their parents in fields where their parents work as tenant farmers.[2506] Children work in crop production on tea estates and on commercial tobacco farms, where the incidence of working children has traditionally been high.[2507] Bonded labor has historically been common among tobacco tenants and their families, including children.[2508] There are also reports that young girls have been traded or sold among tribal chiefs along the border with Tanzania.[2509] Over the past 2 years, the practice of poor families exchanging daughters for cattle or money has reportedly re-emerged, though not in large numbers.[2510]

[2502] Another 44.7 percent of children ages 15 to 17 years were also found working. Working children are defined as children under 14 years who reported working over 7 hours in the week prior to the survey. See Government of Malawi and ILO-IPEC, *Malawi Child Labor 2002 Report*, Lilongwe, February 2004, 19, 32, 50. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[2503] U.S. Department of State, *Country Human Rights Practices- 2003: Malawi*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27737.htm. Most child laborers between the ages of 5 to 17 years are engaged in housekeeping or domestic activities (53.1 percent); followed by agriculture, forestry, hunting and fishing (44 percent); sales work (1.6 percent); and service work (1.2 percent). See Government of Malawi and ILO-IPEC, *Malawi Child Labor 2002 Report*, 39.

[2504] U.S. Department of State, *Country Reports- 2003: Malawi*, Section 6d. See also U.S. Embassy- Lilongwe, *unclassified telegram no. 390*, February 2001. See also The Republic of Malawi, *National Report on The Follow-Up to The World Summit For Children*, UNICEF, 2000, 3; available from http://www.unicef.org/specialsession/how_country/edr_malawi_en.PDF. See also ILO/IFBWW, *Change in Malawi: Children Working in the Brick Kilns*, Geneva, March 2001.

[2505] The Republic of Malawi, *National Report on the Follow-Up*, 16.

[2506] U.S. Embassy- Lilongwe, *unclassified telegram no. 1873*, October 2001. See also Line Eldering, Sabata Nakanyane, and Malehoko Tshoaedi, "Child Labor in the Tobacco Growing Sector in Africa" (paper presented at the IUF/ITGA/BAT Conference on the Elimination of Child Labor, Nairobi, October 8-9, 2000), 38-39. An ILO-IPEC study demonstrated that 94 percent of children working in agriculture in the sample study were under 14 years old, 87 percent missed school as a result of work, and 50 percent were injured on the job during the previous 12 months. See ILO-IPEC, *Malawi Child Labor Baseline Survey Report*, February 12, 2003, 25, 26, 30.

[2507] ILO-IPEC, *Child Labor in Commercial Agriculture in Africa*, Technical Workshop on Child Labour in Commercial Agriculture in Africa; Dar es Salaam, United Republic of Tanzania, August 27-30, 1996, Geneva, para 35; available from http://www.ilo.org/public/english/standards/ipec/publ/policy/papers/africa/index.htm. See also U.S. Department of State, *Country Reports- 2003: Malawi*, Section 6d. See also Eldering, Nakanyane, and Tshoaedi, "Child Labor in the Tobacco Growing Sector in Africa", 39-40.

[2508] Liv Tørres, *The Smoking Business: Tobacco Tenants in Malawi*, Fafo Institute for Applied Social Sciences, 2000. See also International Confederation of Free Trade Unions, *Report for the WTO General Council Review of Trade Policies of Malawi*, online, Geneva, February 6-8, 2002; available from http://www.icftu.org/displaydocument.asp?Index=991214742&Language=EN&Printout=Yes.

[2509] U.S. Embassy- Lilongwe, *unclassified telegram no. 199*, March 2004.

[2510] U.S. Department of State, *Country Reports- 2003: Malawi*, Section 5.

Malawi is a source country for children trafficked regionally and internationally for menial labor or commercial sexual exploitation.[2511] There are also unconfirmed reports of small numbers of children trafficked internally to resort areas around Lake Malawi for sex tourism.[2512] In Malawi, the HIV/AIDS epidemic has left close to half a million children orphaned. Many of these children rely on informal work to supplement lost family income, and some work as caregivers for sick adults.[2513] The epidemic has also increased the demand for younger prostitutes who are perceived as healthier by their exploiters.[2514]

Primary education is free and guaranteed by the Constitution, although it is not compulsory.[2515] In 2001-2002, the gross primary enrollment rate was 146 percent and the net primary enrollment rate was 81 percent.[2516] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, the gross primary attendance rate was 109.7 percent, and the net primary attendance rate was 78.2 percent.[2517] The rate of repetition in 2001-2002 was 14 percent.[2518] According to a study carried out in 2003, 10.5 percent of girls who enrolled in school each year dropped out compared to 8.4 percent of boys. Approximately 22 percent of primary school age girls were not in school, and another 60 percent of those enrolled were found not to attend school regularly.[2519] Indirect costs of education, family illnesses, and lack of interest in

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[2511] U.S. Department of State, *Trafficking In Persons Report- 2004: Malawi*, U.S. Department of State, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm. However, there is insignificant data to qualify Malawi as a country with a significant number of victims of severe forms of trafficking. See U.S. Embassy- Lilongwe, *unclassified telegram no. 199*.

[2512] U.S. Department of State, *Trafficking In Persons Report- 2004: Malawi*.

[2513] UNAIDS/WHO, *Epidemiological Fact Sheet on HIV/AIDS and sexually transmitted infections: 2002 Update,* [online database] 2002 [cited February 27, 2004], 2; available from http://www.who.int/emc-hiv/fact_sheets/pdfs/Malawi_EN.pdf. See also ILO-IPEC Director General, "A Future without Child Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights to Work" (paper presented at the International Labour Conference, 90th Session 2002, Geneva, 2002), 41-43; available from http://www.ilo.org/public/english/standards/decl/download/global3/part1chapter3.pdf.

[2514] U.S. Department of State, *Trafficking In Persons Report- 2004: Malawi*. Within a sample of 549 children involved in commercial sexual exploitation 14.9 percent were under the age of 14 years. See Government of Malawi and ILO-IPEC, *Malawi Child Labor 2002 Report*, 87.

[2515] *Constitution of the Republic of Malawi*, Chapter IV, Human Rights, 25. -1., 2.; available from http://www.sdnp.org.mw/constitut/chapter4.html#15. Families are responsible for school fees, book fees, and uniforms. See U.S. Department of State, *Country Reports- 2003: Malawi*, Section 5.

[2516] UNESCO Institute for Statistics, *Global Education Digest* [CD-ROM], Montreal, 2004; available from http://portal.unesco.org/uis/TEMPLATE/html/HTMLTables/education/gerner_primary.htm. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[2517] USAID Development Indicators Service, *Global Education Database,* [online] 2004 [cited October 10, 2004]; available from http://qesdb.cdie.org/ged/index.html.

[2518] UNESCO Institute for Statistics, *Global Education Digest*.

[2519] Integrated Regional Information Networks, "Malawi: Girls still disadvantaged, despite free schooling", IRINnews.org, [online], August 11, 2004; available from http://www.irinnews.org/report.asp?ReportID=42628&SelectRegion=Southern_Africa. There are also gaps in the achievement levels between boys and girls as well as gaps in secondary school attendance. See U.S. Department of State, *Country Reports- 2003: Malawi*, Section 5.

education are lowering school attendance.[2520] The sexual abuse of female students has also had a negative impact on girls' attendance.[2521] Insufficient finances, lack of teachers and teaching materials, poor sanitation, poor teaching methods, and inadequate classrooms have contributed to the government's inability to consistently provide quality education.[2522]

Child Labor Law and Enforcement

The Employment Act of 2000 sets the minimum age of employment at 14 years. Exceptions are made for work done under certain conditions in vocational technical schools, other training institutions, and in homes.[2523] The Act prohibits children between the ages of 14 and 18 from performing hazardous work or work that interferes with their attendance at school or any vocational or training program.[2524] The Constitution of Malawi protects children against economic exploitation as well as treatment, work or punishment that is hazardous; interferes with their education; or is harmful to their health or physical, mental or spiritual and social development.[2525] There is no specific legal restriction on the number of hours children may work.[2526] Employers are required to keep a register of all employees under the age of 18 years, and violation of the law can result in a fine of Malawi Kwacha (MK) 20,000 (USD 186) and 5 years imprisonment.[2527] Both the Constitution and the Employment Act prohibit forced and compulsory labor. Violators are liable for penalties of MK 10,000 (USD 93) and 2 years imprisonment under the Employment Act.[2528]

Although there are no specific protections against the sexual exploitation of children, the age of consent is 14 years.[2529] Trafficking in persons is not specifically prohibited by law, but the penal code contains several

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[2520] Samer Al-Samarrai and Hassan Zaman, *The Changing Distribution of Public Education Expenditure in Malawi, Africa Region Working Paper Series No. 29*, World Bank, Washington D.C., May 26, 2002, 5; available from http://www.worldbank.org/afr/wps/wp29.htm. See also Esme Kadzamira and Pauline Rose, *Educational Policy Choice and Policy Practice in Malawi: Dilemmas and Disjunctures*, IDS Working Paper 124, Institute of Development Studies, 2001, 10, 16; available from http://www.ids.ac.uk/ids/bookshop/wp/wp124.pdf.

[2521] Integrated Regional Information Networks, "Southern Africa: Sexual abuse of schoolgirls largely unpunished", IRINnews.org, [online], February 6, 2004 [cited February 11, 2004]; available from http://www.irinnews.org/print.asp?ReportID=39353.

[2522] Samer Al-Samarrai and Hassan Zaman, *The Changing Distribution of Public Education Expenditure in Malawi*, 5. The education budget has decreased over the past four years. See UN Committee on the Rights of the Child, *Initial report of Malawi (continued), CRC/C/SR.766*, prepared by The Republic of Malawi, pursuant to Article 44 of the Convention on the Rights of the Child, April 27, 2003, paras 51, 52.

[2523] *Employment Act of 2000*, (2000), Part IV-Employment of Young Persons, 21; available from http://www.sdnp.org.mw/~esaias/ettah/employment-act/.

[2524] Ibid., Part IV-Employment of Young Persons, 22.

[2525] The Constitution defines children as under 16 years old. See *Constitution of the Republic of Malawi*, Chapter IV, Human Rights, 23.

[2526] U.S. Department of State, *Country Reports- 2003: Malawi*, Section 6d.

[2527] *Employment Act*, Part IV-Employment of Young Persons, 23-24. For currency conversion see FXConverter, in Oanda.com, [online] [cited May 28, 2004]; available from http://www.oanda.com/convert/classic.

[2528] *Constitution of the Republic of Malawi*, Chapter IV, Human Rights, 27. See also *Employment Act*, Part II-Fundamental Principles, 4. (1)-(2). For currency conversion see FXConverter.

[2529] U.S. Department of State, *Country Reports- 2003: Malawi*, Section 5.

provisions which may be used to prosecute human traffickers.[2530] Specifically, it prohibits the procurement of any girl under the age of 21 years to have unlawful sexual relations, either in Malawi or elsewhere.[2531] The procurement, promotion, management, and transporting of a person for prostitution carries a 14-year sentence.[2532]

The Ministry of Labor and Vocational Training (MOLVT) and the police are charged with enforcing child labor laws, and recent efforts to strengthen enforcement are ongoing.[2533] There were three prosecutions or convictions in the past year.[2534] The Labor Commissioner reports that the government has trained 120 out of 150 labor officers in child labor monitoring, reporting and inspection. The Ministry has also organized youth village committees to monitor and report on child labor. The Ministry of Gender, Child Welfare, and Community Services handles trafficking cases.[2535] Interpol and the South African Regional Police Chiefs Organization are working with the Malawian police to identify and investigate traffickers.[2536] The government provides some assistance, commensurate with its limited resources and capacity, to victims of trafficking. In partnership with various NGOs, the government provided counseling, rehabilitation, and reintegration services for abused and exploited children.[2537] According to the U.S. Department of State, enforcement of child labor laws by the police and MOLVT inspectors is limited due to resource and capacity constraints.[2538]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Malawi through its MOLVT chairs a National Steering Committee on Child Labor,[2539] which has developed an action plan against child labor.[2540] A Child Rights Unit within the Human Rights

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[2530] Ibid., Section 6f. Legislation to criminalize trafficking in persons was introduced into Parliament in 2003 but not passed. See U.S. Embassy- Lilongwe, *unclassified telegram no. 199*.

[2531] Government of Malawi, *The Penal Code,* as cited in The Protection Project Legal Library, 140; available from http://209.190.246.239/protectionproject/statutesPDF/UgandaF.pdf.

[2532] U.S. Department of State, *Trafficking In Persons Report- 2003: Malawi*, U.S. Department of State, Washington, D.C., June 11, 2003; available from http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm.

[2533] U.S. Department of State, *Country Reports- 2003: Malawi*, Section 6d. See also U.S. Embassy- Lilongwe official, email communication to USDOL official, May 20, 2005.

[2534] U.S. Embassy- Lilongwe, *unclassified telegram no. 821*, August 2004. See also U.S. Embassy- Lilongwe official, email communication, May 20, 2005.

[2535] U.S. Department of State, *Country Reports- 2003: Malawi*, Section 6f.

[2536] U.S. Department of State, *Trafficking In Persons Report- 2004: Malawi*.

[2537] U.S. Embassy- Lilongwe official, email communication, May 20, 2005.

[2538] U.S. Department of State, *Country Reports- 2003: Malawi*, Section 6d and 6f.

[2539] The Labor Commissioner chairs the committee. Membership includes government, donors, workers, employers, representatives and civil society organizations. See ILO-IPEC, *Baseline Survey Report*, 49.

[2540] The plan includes the drafting of a national policy against child labor, reviewing existing legislation, adopting a code of conduct against the employment of children, training more labor inspectors, establishing child labor monitoring committees, and coordinating income generation activities. See Committee of Experts on the Application of Conventions and Recommendations, *Minimum Age Convention, 1973 (No. 138) Malawi (ratification: 1999) Observation, CEAR 2003/74th Session*, 2003. See also ILO-IPEC, *Baseline Survey Report*, 50.

Commission protects children from abuse, violence, and exploitation.[2541] The Ministry of Gender, Child Welfare, and Community Services formulates policy on childcare and protection and relies on the Child Rights Unit and other partners to help carry out those policies.[2542] The Ministry also collaborates with stakeholders to form the National Task Force on Children and Violence, which deals with child labor as well as other threats to children's health and well-being.[2543] Street children receive assistance through the Department of Social Welfare and the Ministry of gender, Child Welfare, and Community Services.[2544] The government is also carrying out a campaign to raise awareness of the UN Convention on the Rights of the Child as part of the National Program of Action for the Survival and Development of Children.[2545] In 2003, the government provided teenage boys that had been sexually exploited in areas around Lake Malawi with counseling, rehabilitation and relocation assistance.[2546]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 11/19/1999	✓
Ratified Convention 182 11/19/1999	✓
ILO-IPEC Associated Member	✓
National Plan for Children	✓
National Child Labor Action Plan	✓
Sector Action Plan	

The government is participating in an ILO-IPEC regional program funded by USDOL to withdraw and rehabilitate children engaged in hazardous work in the commercial agriculture sector in East Africa as well as an ILO-IPEC project to conduct child labor research.[2547] The Norwegian Agency for Development Cooperation and UNICEF-Malawi is working with the government, employers, trade unions, donors and civil society to carry out child labor prevention activities.[2548] Tobacco-exporting companies also support programming to combat child labor in the tobacco growing industry.[2549]

The government is implementing a long-term education strategy, called Vision 2020, focusing on improving access, quality and equity in primary, secondary and tertiary education, strengthening the

[2541] The Right Honorable Justine C. Malewezi, Vice President of the Republic of Malawi, Statement at the UN Special Session on Children, May 8, 2002, Para 11; available from http://www.un.org/ga/children/malawiE.htm.

[2542] UN Committee on the Rights of the Child, *Initial report of Malawi*, CRC/C/SR.765, prepared by The Republic of Malawi, pursuant to Article 44 of the Convention on the Rights of the Child, January 31, 2002, Para 20 and 54; available from http://www.unhchr.ch/TBS/doc.nsf/e121f32fbc58faafc1256a2a0027ba24/1e631bcfbb5f333ec1256b5a005a5c68?OpenDocument.

[2543] ILO-IPEC, *Regional Programme on Prevention, Withdrawal and Rehabilitation of Children engaged in Hazardous Work in Commercial Agriculture in Kenya, Tanzania, Uganda, Zambia and Malawi*, technical progress report,, RAF/00/P51/USA, Geneva, March 30, 2002, 18. See also ILO-IPEC, *Baseline Survey Report*, 50.

[2544] The Republic of Malawi, *National Report on the Follow-Up*, para 57.

[2545] UN Committee on the Rights of the Child, *Initial Report of Malawi, CRC/C/SR.766*, para. 5.

[2546] U.S. Department of State, *Trafficking In Persons Report- 2004: Malawi*.

[2547] The commercial agriculture project is scheduled to close in December 2004. See ILO-IPEC, *Targeting the Worst Forms of Child Labor in in Commercial Agriculture in Kenya, Malawi, Tanzania, Uganda, and Zambia*, technical progress report,, RAF/00/P51/USA, Geneva, March, 2004. The statistical project closed in June 2004. See ILO-IPEC, *Statistical Programme for Advocacy on the Elimination of Child Labour and the Protection of Working Children in Malawi*, technical progress report, MLW/01/P50/USA, Geneva, March 2004.

[2548] Committee of Experts on the Application of Conventions and Recommendations, *Minimum Age Convention, 1973 (No. 138) Malawi (ratification: 1999) Observation*, 2004.

[2549] Together Ensuring Children's Security is raising funds to implement projects to eliminate child labor in the tobacco industry in 60 villages in two target districts. See ECLT Foundation, *ECLT Foundation Program in Malawi with "Together Ensuring Children's Security" (TECS), 2002-2006*, [online] 2003 [cited May 26, 2004]; available from http://www.eclt.org/filestore/TECSProgramme.pdf. See also ILO-IPEC, *Baseline Survey Report*, 53.

science, technical, vocational and commercial components of school curriculum, improving special education, improving the performance of supporting education institutions, and developing an effective and efficient education management plan.[2550] Several international organizations support the government's education efforts, including UNICEF, Save the Children-USA, UNESCO, USAID, CIDA and PLAN Malawi.[2551]

[2550] Ministry of Education, Science, and Technology, *Vision for Education*, [cited May 20, 2004]; available from http://www.malawi.gov.mw/educ/educvis.htm. This education strategy is intended to update and improve the Education Policy and Investment Framework developed in 1995, which outlined education policy over a ten-year period in an attempt to accommodate free primary education and other reforms. See Science and Technology Ministry of Education, *Role of Education in National Development*; available from http://www.malawi.gov.mw/educ/educrole.htm. See also Kadzamira and Rose, *Educational Policy Choice and Policy Practice in Malawi*, 8.

[2551] UNICEF, *At a glance: Malawi,* [online] 2004 [cited November 1, 2004]; available from http://www.unicef.org/infobycountry/malawi.html. See also Save the Children - USA, *Malawi,* October 7, 2003 [cited November 1, 2004]; available from http://www.savethechildren.org/countries/africa/malawi.asp. See also National Commission for UNESCO Malawi, *Community-Oriented Primary Education (COPE)*, Lilongwe, 2003; available from http://www.ibe.unesco.org/International/Databanks/Dossiers/imalawi.htm. See also USAID, *Malawi: Congressional Budget Justification 2005,* [online] 2004 [cited November 1, 2004]; available from http://www.usaid.gov/policy/budget/cbj2005/afr/mw.html. See ILO-IPEC, *Baseline Survey Report*, 52, 53.

Mali

Incidence and Nature of Child Labor

The ILO estimated that 49.8 percent of children ages 10 to 14 years in Mali were working in 2002.[2552] Children carry out household or field work, including activities such as cleaning, carrying water, and tending to animals starting at a young age.[2553] Children are found working in the agricultural sector, in mining and gold washing, and as domestic servants in urban areas.[2554] In some cases, children work as street beggars under a traditional Koranic educational system in which the children are forced into begging by their religious teachers as part of the learning process.[2555]

Mali is a source of trafficked children, most of who are sold into forced labor in Côte d'Ivoire to work on coffee, cotton, and cocoa farms, or in domestic labor.[2556] Organized networks of traffickers promise parents that they will provide paid employment for their children, but then sell the children to commercial farm owners for a profit.[2557] Mali is also reported to be a transit country for children trafficked to and from neighboring countries.[2558]

Primary education is compulsory and free through the age of 12. However, students must pay for their own uniforms and school supplies to attend public schools.[2559] The Malian education system is marked by extremely low rates of enrollment, attendance, and completion, particularly among girls. In 2001, the gross primary enrollment rate was 57.1 percent.[2560] Gross and net enrollment ratios are based on the number of

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[2552] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, DC, 2004.

[2553] Sarah Castle and Aisse Diarra, *The International Migration of Young Malians: Tradition, Necessity or Rite of Passage*, Save the Children, UNICEF, Bamako, 2004, 17.

[2554] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention on the Rights of the Child: Concluding Observations of the Committee on the Rights of the Child: Mali*, CRC/C/15/Add.113, November 1999, para. 32; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.113.En?OpenDocument. See also ILO-IPEC, *Combating the Trafficking of Children for Labor Exploitation in West and Central Africa (Phase II): Country Annex VII: Mali*, project document, RAF/01/P53/USA, Geneva, July 2001.

[2555] Committee for the Elimination of Racial Discrimination, *Addendum to the Fourteenth Periodic Report of States Parties due in 2001*, CERD/C/407/Add.2, prepared by Government of Mali, pursuant to Article 9 of the Convention on the Elimination of Racial Discrimination, February 2002, para. 49 [cited July 1, 2003]; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/b9dfff8e90ea9ca2c1256c0e004b0b2b/$FILE/G0242546.doc. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Mali*, Washington, D.C., February 25, 2004, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27738.htm.

[2556] U.S. Department of State, *Country Reports- 2003: Mali*, Sections 6d and 6f.

[2557] Ibid., Section 6f.

[2558] U.S. Department of State, *Trafficking in Persons Report- 2004: Mali*, Washington, D.C., June 14, 2004 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm.

[2559] U.S. Department of State, *Country Reports- 2003: Mali*, Section 5.

[2560] Statistics provided by the Malian Ministry of Education show a net primary enrollment rate for Mali in 2003-2004 of 53 percent overall, but 61.4 percent and 45.7 percent for boys and girls respectively. This report may cite education data for a certain year that is different than data on the same year published in the U.S. Department of Labor's 2003 Findings on the Worst Forms of Child Labor. Such data, drawn from the World Bank's World Development Indicators, may differ slightly from year to year because of

students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2001, the gross primary attendance rate was 52.5 percent and the net primary attendance rate was 38.3 percent.[2561] The quality of education services in Mali is also poor due to a lack of adequate infrastructure and trained teachers, as well as the use of curriculum that has little relevance for students' lives.[2562]

Child Labor Laws and Enforcement

Article 187 of Labor Code of 1992 sets the general minimum age for employment and apprenticeship at 14 years.[2563] Decree No. 96-178 of 1996 establishes more detailed regulations with regard to children's work. It allows children from the ages of 12 to 14 to work in certain occupations, including domestic or seasonal work. However, they may not be employed for more than 4.5 hours per day (2 hours a day, if they are in school), or without the authorization of a parent or guardian.[2564] The decree also prohibits children under 16 from working in certain strenuous occupations, including mining.[2565] Finally, children under 18 years are not allowed to engage in work that threatens their safety or morals, work more than 8 hours per day, or work at night.[2566] The Labor Code prohibits forced or obligatory labor.[2567] The Labor Code establishes penalties for violations of the minimum age law, and range from a fine of 20,000 to 200,000 F (USD 35 to 351).[2568]

Legislation passed in 2001 made the trafficking of children punishable by 5 to 20 years of imprisonment.[2569] The government also requires that Malian children under 18 years of age carry travel documents in an

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statistical adjustments made in the school-age population or corrections to education data. See World Bank, World Development Indicators 2004.

[2561] USAID Development Indicators Service, *Global Education Database,* [online] [cited October 26, 2004]; available from http://qesdb.cdie.org/ged/index.html.

[2562] USAID, *USAID Mali Strategic Objectives: Basic Education*, [online] [cited May 17, 2004]; available from http://mali.viky.net/usaid/cgi-bin/view_article.pl?id=129.

[2563] *Loi no 92-020 portant Code du Travail*, (September 23, 1992), Article 187; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/32274/64878/F92MLI01.htm.

[2564] *Decret no. 96-178/P-RM portant Application de Diverses Dispositions de la Loi no 92-20 portant Code du Travail*, (June 13, 1996), Articles 189/35-36; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/32274/64878/F92MLI01.htm.

[2565] Ibid., Articles 189/24-30. The Government of Mali has developed a list of occupations that are considered to be worst forms of child labor, as required under Article 4 of ILO Convention No. 182. These occupations include: traditional gold mining by boys; agricultural sector occupations, and informal sector work such as young girls working as housemaids, bar/restaurant waitresses, cooks, or the use of children for money laundering schemes. See U.S. Embassy - Bamako, *unclassified telegram no. 1171*, August 19, 2003.

[2566] *Decret no 96-178/P-RM*, Article 189/14-16.

[2567] *Code du Travail*, Article 6.

[2568] Ibid., Article 326. For currency conversion see FXConverter, [online] [cited May 12, 2004]; available from http://www.oanda.com/convert/classic.

[2569] Integrated Regional Information Network, *Mali: Ban on Child Trafficking and the Bartering of Women,* [online] July 3, 2001 [cited August 17, 2004]; available from http://www.irinnews.org/report.asp?ReportID=9073&SelectRegion=West_Africa&SelectCountry=MALI. See also U.S. Department of State, *Country Reports- 2003: Mali*, Section 6f.

attempt to slow cross-border trafficking.[2570] However, a recent study concluded that the legislation is largely ineffective and may result in increased vulnerability of children due to corruption.[2571] Article 183 of the Criminal Code establishes penalties for sexual exploitation and abuse.[2572]

Labor inspectors from the Ministry of Employment and Civil Service conduct surprise and complaint-based inspections in the formal sector, but, according to the U.S. Department of State, lack resources to effectively monitor and enforce child labor.[2573] Labor inspections were also conducted by government monitors when NGOs or the media reported cases of abusive child labor, as part of ILO-IPEC's work in the country.[2574] The frontier police, INTERPOL, and territorial and security authorities are responsible for enforcing the cooperative agreement to curb cross-border trafficking signed between the Governments of Côte d'Ivoire and Mali.[2575]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Mali is one of nine countries participating in the USDOL-funded ILO-IPEC project to combat the trafficking of children for exploitive labor in West and Central Africa.[2576] The government is also participating in a USDOL-funded program to increase access to quality, basic education to children at risk of child trafficking in Mali.[2577]

Selected Child Labor Measures Adopted by Governments	
Ratified ILO Convention 138 3/11/2002	✓
Ratified ILO Convention 182 7/14/2000	✓
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Trafficking)	✓

Several Malian government ministries have collectively developed a program to assist trafficking victims, raise public awareness about the problem, and strengthen the legal system as it applies to the trafficking of minors. As an element of this initiative, the government operates welcome centers in several cities to aid

[2570] *Government of Mali, Determinant les Specifications Techniques du Titre de Voyage Tenant Lieu D'Autorisation de Sortie Pour Les Enfants Ages de Zero a Dix-Huit Ans*, (February 20,). See also Integrated Regional Information Network, *Mali: Children to Carry Mandatory Travel Documents,* [online] August 10, 2001 [cited May 17, 2004]; available from http://www.irinnews.org/report.asp?ReportID=90738.SelectRegion=West_Africa&SelectCountry=MALI. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Mali*, Washington, DC, June 10, 2003; available from http://www.state.gov/r/pa/ei/rls/21475.htm.

[2571] Sarah Castle and Aisse Diarra, *International Migration of Young Malians*, Executive Summary.

[2572] UN Committee on the Rights of the Child, *Initial Reports of States Parties due in 1992: Mali*, CRC/C/3/Add.53, prepared by Republic of Mali, pursuant to Article 44 of the Convention on the Rights of the Child, September 1997, para. 172; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.3.Add.53.En?OpenDocument.

[2573] U.S. Department of State, *Country Reports- 2003: Mali*, Section 6d.

[2574] Ibid.

[2575] ILO-Committee of Experts on the Application of Conventions and Recommendations, *Individual Observation Concerning Convention no. 29, Forced Labor, 1930 Mali (ratification: 1960)*, Geneva, 2002; available from http://www.ilo.org/ilolex/english.

[2576] The regional child trafficking project now covers Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Ghana, Mali, Nigeria, and Togo. The Government of Mali will continue to participate in the project through June 2007. See ILO-IPEC, *Combating the Trafficking of Children (Phase II), project document*, 1, as amended.

[2577] U.S. Department of Labor, *ICLP Projects Funded in FY 2003*, September 2003. See also ILO-IPEC, *Combating the Trafficking of Children (Phase II), project document*.

child trafficking victims to return to their families.[2578] In coordination with Malian authorities, UNICEF, IOM, Save the Children/Canada, Save the Children/US, and local NGOs are supporting the anti-trafficking efforts through sensitization, rehabilitation, and reintegration initiatives.[2579]

In March 2004, the IOM hosted a 2-day workshop on child trafficking in Bamako, the capital of Mali, with participation by the Governments of Mali, Senegal and Guinea, as well as European countries and the United States. The workshop aimed to promote regional strategies for combating the problem.[2580] In addition, the Government of Mali maintains a September 2000 agreement with Côte d'Ivoire including provisions for the two countries to develop national plans of action covering the prevention of child trafficking, controlling and monitoring child trafficking, and repatriating and rehabilitating children who have been trafficked.[2581]

The Government of Mali continues to implement a 10-year education sector policy that aims to reach a primary enrollment rate of 75 percent and improve educational quality and outcomes by 2008.[2582] The government is also being supported by a 45 million World Bank loan for ongoing education sector improvements, including measures to improve the quality of schooling, increase access through the construction of new schools, and build the capacity of local government systems and personnel.[2583]

Through a USD 62.5 million bilateral agreement with the Government of Mali signed in 2001, USAID is working with the Ministry of Education to improve the quality of learning by training teachers, improving the national curriculum, and increasing community and parent participation in schooling.[2584] Through the U.S. Government's Africa Education Initiative, USAID will also assist the Ministry of Education to reach teachers in remote rural areas through a radio education program.[2585] UNICEF is supporting an education for life initiative to promote access to quality education and provide life skills to children, particularly girls, who have dropped out or are not enrolled.[2586]

[2578] Government agencies working on this initiative include the Ministry for the Promotion of Women, Children and the Family, the Ministry of Labor and Civil Service, the Ministry of Foreign Affairs, and the Ministry of Territorial Administration. See U.S. Department of State, *Country Reports- 2003: Mali*, Section 6f.

[2579] UNICEF, *Rapport Annuel 2001: Mali*, Bamako, 2001, 43-44; available from http://www.un.org.ml/textes/rapan01.pdf. See also Sarah Castle and Aisse Diarra, *International Migration of Young Malians*, 175-80.

[2580] IOM, *Press Briefing Notes 23 March 2004,* IOM, [online] 2004 [cited May 17, 2004]; available from http://www.iom.int/en/news/pbn230304.shtml.

[2581] ILO-IPEC, *Combating the Trafficking of Children (Phase II), project document*, 8 .

[2582] USAID/Mali, *Programme Decennal de Developpement de l'Education (PRODEC),* [online] 2003 [cited May 17, 2004]; available from http://mali.viky.net/usaid/cgi-bin/view_article.pl?id=111. See also Andrea Rugh, *Starting Now: Strategies for Helping Girls Complete Primary*, Academy for Educational Development, Washington, D.C., November, 2000, 181; available from http://www.dec.org/pdf_docs/PNACK223.pdf.

[2583] The loan was issued in 2000. See World Bank, *Education Sector Expenditure Project,* [online] 2003 [cited May 12, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P040650.

[2584] USAID, *USAID's Education Programs in Africa, Country Summaries: Mali*, USAID, 2003, 18-19; available from http://www.usaid.gov/locations/sub-saharan_africa/sectors/ed/afr_ed_profiles.pdf.

[2585] Ibid. See also U.S. Department of State, electronic communication to USDOL official, February 19, 2004.

[2586] *At a Glance: Mali,* UNICEF, [online] 2004 [cited May 17, 2004]; available from http://www.unicef.org/infobycountry/mali.html.

Mauritania

Incidence and Nature of Child Labor

The ILO estimated that 21.4 percent of children ages 10 to 14 years in Mauritania were working in 2002.[2587] In rural areas, children traditionally perform family tasks as a means of survival. Activities include farming, herding, and fishing.[2588] Children perform a wide range of urban informal activities, such as street work and domestic work, as well as work as cashiers,[2589] dishwashers in restaurants, car washers,[2590] and apprentices in garages.[2591] In addition, some children living with *marabouts*, or Koranic teachers, are forced to beg, sometimes for over 12 hours a day.[2592]

Education is compulsory between the ages of 6 and 14.[2593] In 2001, the gross primary enrollment rate was 86.5 percent, and the net primary enrollment rate was 66.7 percent.[2594] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, the gross primary school attendance rate was 92.8 percent and the net primary attendance rate was 60.6 percent.[2595] However, a lack of adequate school facilities and teachers, particularly in rural areas, is likely to impede the full realization of the government's goal of universal primary education in Mauritania until at least 2007.[2596]

Public school is free, but other costs such as books and lunches make education unaffordable for many poor children.[2597] Ongoing challenges to the provision of quality education in Mauritania include high

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[2587] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[2588] UN Committee on the Rights of the Child, *Initial reports of states parties due in 1993*, CRC/C/8/Add.42, prepared by Government of Mauritania, pursuant to Article 44 of the Convention on the Rights of the Child, January 10, 2001, para. 327; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/4ec6bda0d30ae362cl256a64002c7a85?0opendocument. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Mauritania*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/29677.htm.

[2589] Nahah, Secretary General, Confederation General des Travailleurs de Mauritania, interview with USDOL official, August 14, 2002.

[2590] Ely Samake, UNICEF official, interview with USDOL official, August 15, 2002.

[2591] Nahah, interview, August 14, 2002.

[2592] U.S. Department of State, *Trafficking in Persons Report- 2004: Mauritania*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm.

[2593] The legislation establishes monitoring procedures and fines for offenders. See Government of Mauritania, *Written Replies by the Government of Mauritania Concerning the List of Issues Received by the Committee on the Rights of the Child Relating to the Consideration of the Initial Report of Mauritania*, CRC/C/Q/MAU/1, August 16, 2001, 9; available from http://www.unhchr.ch/html/menu2/6/crc/doc/replies/wr-mauritania-1.pdf.

[2594] World Bank, *World Development Indicators 2004*.

[2595] USAID Development Indicators Service, *Global Education Database,* [online] 2004 [cited October 10, 2004]; available from http://qesdb.cdie.org/ged/index.html.

[2596] U.S. Department of State, *Country Reports- 2003: Mauritania*, Section 5.

[2597] Ely Samake, interview, August 15, 2002.

dropout and repetition rates, inadequate curriculum,[2598] and a poor national infrastructure, which prevents children from traveling to and from schools.[2599] In 2002, a WFP survey of out-of-school children in Mauritania found that 25 percent did not attend school due to the need to support their families or perform domestic work, and another 22 percent did not attend due to the distance to school.[2600]

Child Labor Laws and Enforcement

The 2004 Labor Code sets the minimum age for employment at 14 years, and defines what the government considers to be worst forms of child labor.[2601] The Labor Law also prohibits forced and compulsory labor[2602] and sets 18 years as the minimum age for work requiring excessive force, or that could harm the health, safety, or morals of children.[2603] The Criminal Code establishes strict penalties for engaging in prostitution or procuring prostitutes, ranging from fines to imprisonment for 2 to 5 years for cases involving minors.[2604] The Law Against Human Trafficking expands the scope of trafficking for cases involving children.[2605] Fines for violation of the law include 5 to 10 years of forced labor and a fine.[2606] In addition, the Criminal Code sets a penalty of 5 to 10 years' imprisonment for the use of fraud or violence to abduct minors.[2607]

The Ministry of Labor and Employment is the primary agency responsible for enforcing child labor laws and regulations. The Ministry has an institutional mechanism in place to receive child labor complaints. However, the labor inspectorate lacks the capacity to investigate and address potential violations due to a lack of resources. There are eight labor inspectors assigned to cover the entire country, and they are reported to lack adequate vehicles, telephones, and other requisite equipment.[2608]

[2598] UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Mauritania, CRC/C/15/Add.159*, UN, Geneva, November 6, 2001, [cited May 21, 2004], para. 45; available from http://www.unhchr.ch.

[2599] Ely Samake, interview, August 15, 2002.

[2600] World Food Program, *Country Programme- Mauritania (2003-2008)*, September 2, 2002, 8.

[2601] Worst forms of child labor are defined as all forms of slavery and child exploitation, activities that exceed the physical capacity of a child or can be considered degrading, work connected to trafficking in children, activities that require children to handle chemicals or dangerous materials, work on Fridays or holidays, and work outside of the country. Provisions establishing the minimum age for employment are found in Articles 153 and 154. See U.S. Embassy- Nouakchott, *unclassified telegram no. 1050*, August 4, 2004.

[2602] Government of Mauritania, *Code du Travail, 1963*, Loi N. 63.023, (January 1963).

[2603] Ibid., Livre Deuxième, Article 47.

[2604] *Criminal Code of Mauritania*; available from http://209.190.246.239/protectionproject/statutesPDF/Mauritania.pdf.

[2605] U.S. Department of State, electronic communication to USDOL official, February 19, 2004. See also Government of Mauritania, *Public Comments to USDOL*, July 30, 2004.

[2606] Mauritania, *Public Comments*.

[2607] UN Committee on the Rights of the Child, *Initial Reports of States Parties: Mauritania*, [cited May 21, 2004], para. 345. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Mauritania*, Washington, D.C., June 11, 2003; available from http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm.

[2608] U.S. Embassy- Nouakchott, *unclassified telegram no. 1050*.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments		
Ratified ILO Convention 138	12/3/2001	✓
Ratified ILO Convention 182	12/3/2001	✓
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

The Government of Mauritania held public awareness campaigns on radio, television and newspaper to publicize provisions in the new Labor Code and Law Against Human Trafficking.[2609] The government is also implementing a program aimed at increasing school attendance among street children.[2610]

The Government of Mauritania continues to implement its current educational plan, adopted in 1999, which is intended to run for 15 years. The plan aims to provide all children with 10 years of basic schooling (elementary plus the first secondary level), followed by training opportunities tailored to the requirements of the labor market.[2611]

In 2004, the Government of Mauritania provided USD 20.2 million to match USD 16.1 million provided by donors under the Education For All Fast Track Initiative program. Efforts to promote access to quality education include the increased use of multi-grade classrooms, the provision of allowances for teachers in remote schools, and improvements in the teacher to student ratio.[2612] The World Bank is assisting the government to achieve education sector goals through a USD 49.2 million education loan project aimed at increasing enrollment, particularly among girls and in low-performing regions, among other activities.[2613] The government is also receiving funds from the African Development Bank for a 5-year education sector improvement project, including the promotion of girls' and women's education and literacy, and increased government capacity for education planning and management.[2614]

[2609] Ibid. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Mauritania*.

[2610] U.S. Department of State, *Country Reports- 2003: Mauritania*, Section 5.

[2611] New emphasis is being placed on pre-school education that prepares children for basic education and on creating incentives to encourage private investment to promote private education. The goals for elementary school education are to achieve universal access by 2005, raise the retention rate from 55 percent to 78 percent by 2010, eliminate gender and regional disparities, improve the quality and relevance of education, and lower the pupil-teacher ratio. See Association for the Development of Education in Africa (ADEA), *Mauritania: Debt Relief Will Facilitate Implementation of the Ambitious Ten-Year Program for Education, ADEA Newsletter, vol. 13, no. 2 (April-June 2001),* 2001 [cited May 20, 2004]; available from http://www.adeanet.org/newsletter/latest/06.html.

[2612] In June 2002, the Government of Mauritania became eligible to receive funding from the World Bank and other donors under the Education for All Fast Track Initiative (FTI), which aims to provide all children with a primary school education by the year 2015. *Education for All (EFA) - Fast Track Initiative Progress Report*, International Monetary Fund and World Bank, March 26, 2004; available from [hard copy on file]. See also World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, press release, Washington, D.C., June 12, 2002; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html.

[2613] Souleymane Sow, Senior Operations Manager, World Bank, interview with USDOL official, August 15, 2002. For a summary of other project components, see World Bank, *Education Sector Development Program,* [cited May 19, 2004]; available from http://web.worldbank.org/external/default/main?pagePK=64027221&piPK=64027220&theSitePK=362340&menuPK=362372&Projectid=P071308.

[2614] The program received funding in 2000. See African Development Bank Group, *Project Information Sheet- Mauritania: Education Development Support Project,* [online] [cited May 20, 2004]; available from http://www.afdb.org/projects/projects/education_Mauritania.htm.

WFP is implementing a school feeding program intended to increase school enrollment, particularly among girls.[2615] UNICEF is also supporting the government's education sector reforms, with a particular focus on adolescent girls' enrollment, improving parent and student associations, and assisting children who have never attended school or who have dropped out.[2616]

[2615] World Food Program, *World Hunger - Mauritania,* [online] 2004 [cited May 20, 2004]; available from http://www.wfp.org/country_brief/indexcountry.asp?country=478. See also World Food Program, *Country Programme-Mauritania*, pg. 3.

[2616] UNICEF, *At a Glance: Mauritania,* [online] 2004 [cited May 19, 2004]; available from http://www.unicef.org/infobycountry/mauritania.html.

Mauritius

Incidence and Nature of Child Labor

The ILO estimated that 1.4 percent of children ages 10 to 14 years in Mauritius were working in 2002.[2617] Children are usually found working on the streets, in small businesses, and in agriculture.[2618] On the island of Rodrigues, children reportedly work in homes, on farms, and in shops.[2619] Mauritius has an estimated 2,600 child prostitutes and is a source and destination country for children trafficked for the purpose of commercial sexual exploitation. Children are also trafficked internally for exploitation in the sex tourism industry.[2620]

The Education Act provides for compulsory and free primary schooling until the age of 12.[2621] The government also subsidizes school fees for 4-year old children to ensure that students begin primary school with at least one year of preschool education.[2622] In 2001, the gross primary enrollment rate was 106.0 percent, and the net primary enrollment rate was 93.2 percent.[2623] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Mauritius. Repetition rates for boys and girls were 4.9 and 3.7 percent respectively in 2001. As of 2000, 99.3 percent of children who started primary school were likely to reach grade 5.[2624] In 2002, 65 percent of students who took part in the Certificate of Primary Education Exam passed.[2625]

[2617] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[2618] Dr. U. Jeetah, Mauritius embassy official, survey questionnaire response to USDOL official, September 2004, 12.

[2619] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Mauritius*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27739.htm.

[2620] U.S. Department of State, *Trafficking in Persons Report- 2004: Mauritius*, Washington, D.C., June 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm. In 1998, the UNICEF/WHO study on commercial sexual exploitation of children indicated that children as young as 13 are engaged in prostitution in several districts. See ILO, *Individual Observation concerning Convention no. 29, Forced Labor,1930 Mauritius (ratification: 1969)*, ILO-Committee of Experts on the Application of Conventions and Recommendations, Geneva, 2002; available from http://www.ilo.org/ilolex/english/newcountryframeE.htm. See also Ministry of Women, Family Welfare, and Child Development of Mauritius, *Report on Commercial Sexual Exploitation of Children in Mauritius and Rodrigues,* [online] [cited September 27, 2004]; available from http://women.gov.mu/docs/finalrp.rtf.

[2621] Children begin primary school at the age of 5 and are expected to complete primary education at age 12. See Dr. U. Jeetah, Child Labor Questionnaire response, September 2004, 3, 10.

[2622] UNESCO, *Education for All 2000 Assessments: Country Reports - Mauritius*, prepared by Ministry of Education and Human Resource Development, pursuant to UN General Assembly Resolution 52/84, Chapter II [cited June 14, 2004]; available from http://www2.unesco.org/wef/countryreports/mauritius/contents.html.

[2623] World Bank, *World Development Indicators 2004*. For a detailed explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[2624] World Bank, *World Development Indicators 2004.*

[2625] Girls performed more successfully on the exam than boys. See Central Statistics Office, *Education Statistics 2003*, online, Ministry of Finance and Economic Development, Port Louis, Mauritius, January 2004, 8; available from http://ncb.intnet.mu/education/.

Child Labor Laws and Enforcement

The Labor Act of 1975 sets the minimum age for employment at 15 years. Young persons between the ages of 15 and 18 are not allowed to work in activities that are harmful to health, dangerous, or otherwise unsuitable for a young person. The Occupational Safety, Health, and Welfare Act of 1988, prohibits young persons, who have not been fully instructed and have not been adequately supervised, from being required to operate dangerous machinery.[2626] The Protection of the Child (Miscellaneous Provisions) Act 1998 prohibits the handling of explosives by minors and prohibits the employment of a child by a shop owner if the child is under the age of 15 years.[2627] The Merchant Shipping Act includes provisions for children working aboard ships.[2628] The Criminal Code contains provisions prohibiting child prostitution, the keeping of brothels where children are prostituted, the corruption of youth, and the sale, trafficking, and abduction of children.[2629] Violators are fined up to 100,000 rupees (USD 358) or sentenced up to 8 years in prison.[2630] The Constitution prohibits slavery and prostitution.[2631]

The Ministry of Labor and Industrial Relations and Employment (MLIRE) enforces child labor laws. Labor inspectors carry out child labor inspections in the course of their daily routine inspection visits.[2632] Between June 2002 and May 2003, 4,777 inspections were carried out and 17 cases of child labor involving 19 children were found.[2633] Persons identified as employing children receive a warning. Repeat offenders are fined up to 2,000 rupees (USD 69).[2634] The police enforce laws against child prostitution.[2635] In 2003, the government established a Tourism Police Force to monitor trafficking in tourist sites and identify victims of the sex tourism trade.[2636] According to a June 2000 report by the Working Group on Contemporary Forms of Slavery, existing legal provisions on child prostitution were inadequate to effectively prosecute child sexual exploitation. In addition, the ILO's Committee of Experts on the Application of Conventions

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[2626] Dr. U. Jeetah, Child Labor Questionnaire response, September 2004.

[2627] *Protection of the Child (Miscellaneous Provisions) Act 1998*, (August 18, 2004); available from http://www.ilo.org/dyn/natlex/natlex_browse.byCountry?p_lang=en.

[2628] R. Sukon, Mauritius embassy official, survey questionnaire response to USDOL official, August 12, 2004, 5.

[2629] The Criminal Code was amended in 1998. See ILO, *Individual Observation- Convention 29*. See also R. Sukon, Child Labor Questionnaire response, September 2004, 3.

[2630] Dr. U. Jeetah, Child Labor Questionnaire response, September 2004, 3. See also R. Sukon, Child Labor Questionnaire response, September 2004, 4. For currency conversion, see FXConverter, [online] [cited May 28, 2004]; available from http://www.oanda.com/convert/classic.

[2631] U.S. Department of State, *Trafficking in Persons Report- 2004: Mauritius*.

[2632] ILO, *Individual Observation concerning Convention no. 138, Minimum Age,1973 Mauritius (ratification: 1990)*, ILO-Committee of Experts on the Application of Conventions and Recommendations, Geneva, 2004; available from http://www.ilo.org/ilolex/english/newcountryframeE.htm.

[2633] After employers were warned, the employment of the 19 children was terminated and no prosecutions were made. See Ibid.

[2634] U.S. Embassy- Port Louis, *unclassified telegram no. 658*, August 18, 2003.

[2635] *ILO, Individual Observation- Convention 29.*

[2636] U.S. Department of State, *Trafficking in Persons Report- 2004: Mauritius*.

and Recommendations has found that there is insufficient police resolve, capacity, and sensitivity to intervene in cases of child prostitution in the country.[2637]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	7/30/1990	✓
Ratified Convention 182	6/8/2000	✓
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Commercial Sexual Exploitation)		✓

The Government of Mauritius has an Office of Ombudsperson for Children. The Ombudsperson promotes compliance with the UN Convention on the Rights of the Child and protects the rights of children, including the investigation of suspected cases of child labor.[2638] The National Children's Council, under the authority of the Ministry of Women, Family Welfare and Child Development (MWFWCD), coordinates efforts between governmental and non-governmental organizations to provide for the welfare and protection of children.[2639] The Child Development Unit, also under the MWFWCD, advocates for the implementation of the Convention on the Rights of the Child, ensures enforcement of the Child Protection Act, and promotes appropriate child welfare legislation.[2640]

The government also has a National Plan of Action on the Protection of Children Against Sexual Abuse including Commercial Sexual Exploitation.[2641] The MWFWCD and the Ministry of Health coordinate a National Sensitization Campaign on Commercial Sexual Exploitation.[2642] In late 2003, the Mauritius Family Planning Association, in collaboration with the MWFWCD, opened a "Drop-In Center" for child victims of sexual abuse and exploitation.[2643] The MWFWCD implements a Child Watch Network to coordinate NGOs and professionals working with children to detect cases of child abuse, including child prostitution.[2644] The Ministry has collaborated with the Mauritian Police Force to conduct training for NGOS on combating commercial sexual exploitation of children. The Ministry of Tourism seeks to discourage child prostitution in tourist destinations. The government also sponsors a media campaign to combat sexual exploitation and child prostitution.[2645]

[2637] *ILO, Individual Observation- Convention 29.*

[2638] *Ombudsperson for Children Act*, (November 10, 2003); available from http://www.ilo.org/dyn/natlex/natlex_browse.byCountry?p_lang=en.

[2639] *Protection of the Child (Miscellaneous Provisions) Act 1998*.

[2640] Ministry of Women, Family Welfare, and Child Development of Mauritius, *Children's Development Unit,* [online] [cited September 27, 2004]; available from http://women.gov.mu/child/sscdu.htm.

[2641] U.S. Department of State, *Trafficking in Persons Report- 2004: Mauritius*.

[2642] Ministry of Women, Family Welfare, and Child Development of Mauritius, *National Children's Council,* [online] [cited May 6, 2004]; available from http://women.gov.mu/child/ssncc.htm.

[2643] U.S. Department of State, *Trafficking in Persons Report- 2004: Mauritius*.

[2644] Ministry of Women, Family Welfare, and Child Development of Mauritius, *Childwatch,* [online] [cited September 27, 2004]; available from http://women.gov.mu/child/sschildwatch.htm. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Mauritius*.

[2645] U.S. Department of State, *Trafficking in Persons Report- 2004: Mauritius*.

Through the Zones d'Education Prioritaires program, the government has made efforts to improve the performance of low achieving schools in areas experiencing high levels of poverty.[2646] The government has also introduced a Literacy and Numeracy Strategy to ensure that every child leaving primary school has learned to read and write.[2647] Various projects have been introduced to integrate out-of-school children into the school system.[2648] The Industrial and Vocational Training Board provides courses for primary school drop-outs between the ages of 12 to 14 years at pre-vocational Training Centers.[2649] Based upon the country's improved economic performance and government achievements in improving the well-being of children and young people, UNICEF closed-programs in Mauritius at the end of 2003.[2650]

[2646] Ministry of Education and Scientific Research, *From Special Support Schools to 'Zones d'Education Prioritaires': A New Strategy Built on Partnerships*, June 2002; available from http://ncb.intnet.mu/education/newstat.htm. See also R. Sukon, Child Labor Questionnaire response, September 2004, 1.

[2647] The strategy was piloted in 2004 and will be finalized by 2005. See Ministry of Education and Scientific Research, *National Literacy and Numeracy Strategy*, February 2003; available from http://ncb.intnet.mu/education/natlit.htm.

[2648] ILO, *Individual Observation- Convention 29*. The government assigns a social worker to truant children and their families to reduce school absenteeism. See U.S. Department of State, *Trafficking in Persons Report- 2003: Mauritius*, Washington, D.C., June 2003; available from http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm.

[2649] R. Sukon, Child Labor Questionnaire response, September 2004, 2.

[2650] UNICEF, *At a Glance: Mauritius,* UNICEF, [online] [cited May 6, 2004]; available from http://www.unicef.org/infobycountry/mauritius.html.

Moldova

Incidence and Nature of Child Labor

UNICEF estimated that 37.1 percent of children ages 5 to 14 years in Moldova were working in 2000.[2651] Moldova is a primarily agricultural country, and it is common for children in rural areas to work on family farms or help with household chores.[2652]

According to the IOM, Moldova is considered the primary country of origin in Europe for trafficking of women and children for prostitution to the Middle East, Balkans, and Europe.[2653] A December 2003 UN report reveals that Moldovan children are also being trafficked to Russia for begging and to Ukraine for working on farms. The report states that while trafficking to the Balkans appears to have decreased, new trafficking patterns are emerging, with Russia being a primary destination point for victims, including children.[2654] Young women in rural areas are frequently the target population for traffickers who offer transportation to jobs overseas, but upon arrival, confiscate passports and require payments earned through prostitution.[2655] According to information gathered by ILO-IPEC through a rapid assessment survey, boys and girls as young as 12 years old are trafficked, many of them recruited by people they know.[2656] Estimates on the numbers of child trafficking victims remain limited. However IOM statistics from 2000-2003 indicate that 42 percent of the trafficking victims who were returned to Moldova were minors.[2657]

[2651] The total number of working children included "children who have done any paid or unpaid work for someone who is not a member of the household or who did more than four hours of housekeeping chores in the household or who did other family work." Ten percent of children ages 5 to 14 did unpaid work for someone other than a household member, and 2 percent engaged in paid work. See Government of Moldova, *Multiple Indicator Cluster Survey (MICS) 2*, UNICEF, 2000, 6, 24, Table 2; available from http://www.childinfo.org/MICS2/newreports/moldova/moldova.pdf.

[2652] U.S. Embassy Chisinau, *unclassified telegram no. 1400*, September 2001.

[2653] Women and children are trafficked to Bosnia-Herzegovina, Macedonia, Serbia-Montenegro, Kosovo, Italy, France, Portugal, Germany, Romania, Bulgaria, Hungary, Slovakia, Czech Republic, Poland, Greece, Cyprus, Turkey, Lebanon, Israel, United Arab Emirates, Pakistan, and Afghanistan. Transnistria, the country's border region not under the government's control, is a source and transit point for trafficking. The government recognizes that Moldova is one of the most significant source countries for trafficking in the world. See U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Moldova*, Washington, D.C., February 25, 2004, Section 6f; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27854.htm. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Moldova*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33192.htm.

[2654] The Temporary Center for Minors in Moscow reported that at least half of the child beggars in Moscow are Moldovan. Children are reported as being kidnapped or deceptively taken by members of the Roma community. See Barbara Limanowska, *Trafficking in Human Beings in Southeastern Europe*, UNICEF, UNOHCR, OSCE-ODIHR, December 2003, 73, 84, 85. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Moldova*.

[2655] According to Save the Children and the Association of Women in Law, many of the traffickers are women. Young women were being approached by friends or acquaintances, particularly in rural areas, who would offer assistance in finding a job abroad. See U.S. Department of State, *Country Reports- 2003: Moldova*, Section 6f.

[2656] ILO-IPEC, Combating the Trafficking in Children for Labour and Sexual Exploitation in the Balkans and Ukraine, Geneva, September 2003, 10.

[2657] Centre for the Prevention of Trafficking in Women, *Trafficking in Children for Sexual Exploitation in the Republic of Moldova*, Chishinau, 2003, 7.

Education for children is compulsory for 9 years, beginning at age 7.[2658] While the Constitution guarantees free public education,[2659] families face significant additional expenses, including supplies, clothes, and transportation fees.[2660] In September 2003, the government helped vulnerable families purchase school supplies by providing them with direct monetary assistance.[2661] In 2001, the gross primary enrollment rate was 85.3 percent, and the net primary enrollment rate was 78.3 percent.[2662] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. The net primary school attendance rate was approximately 98.0 percent.[2663] According to the government, about 800 children did not attend school; however, press reports indicate that the number is higher, particularly in rural areas.[2664]

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 16 years. In certain cases children 15 years of age can work with parental or legal authorization and providing that the work will not interfere with the child's education or growth.[2665] Children under 18 years are prohibited from participating in hazardous work, including work involving gambling, night clubs, selling tobacco or alcohol.[2666] Employees who are children must pass a medical exam every year until they reach 18 to be eligible to work.[2667] Legal remedies, civil fines and criminal penalties exist to enforce labor legislation, with prison terms of up to three years for repeat offenses.[2668] The Constitution prohibits forced labor and the exploitation of minors.[2669] A Criminal Code is in force, which provides for 10 years to life imprisonment for trafficking and the use of children in

[2658] UNESCO, *Education for All 2000 Assessment: Country Reports - Moldova*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, 1999, Part I and II; available from http://www2.unesco.org/wef/countryreports/moldova/rapport_1.html.

[2659] *Constitution of the Republic of Moldova, 1994*, Article 35; available from http://oncampus.richmond.edu/~jjones//confinder/moldova3.htm.

[2660] U.S. Embassy Chisinau, *unclassified telegram no. 1400*.

[2661] The government provided vulnerable families between USD 7-22 per child for school supplies. See U.S. Department of State, *Country Reports- 2003: Moldova*, Section 5.

[2662] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[2663] While the official age to enter primary school is 7 years, a number of children go to school before the age of 7. To account for these children, the primary school attendance rate includes all children of primary school age who were currently attending school in the school year immediately preceding the survey. See Government of Moldova, *MICS2*, 14.

[2664] U.S. Department of State, *Country Reports- 2003: Moldova*, Section 5.

[2665] Article 46 of the Labor Law, as cited in U.S. Embassy Chisinau, unclassified telegram no. 0959, August, 2003. Articles 96 and 100 state that children between the ages of 15 and 16 can only work a maximum of 24 hours a week, and no more than 5 hours a day. Children between the ages of 16 and 18 years can only work a maximum of 35 hours a week, and no more than 7 hours a day.

[2666] Article 255 of the Labor Law, as cited in Ibid. The government approved a list in 1993 of hazardous work that children cannot participate in, including underground work, metal work, energy and heat production and well drilling.

[2667] Article 152 of the Labor Law, as cited in Ibid.

[2668] Article 183 of the Labor Law, as cited in U.S. Embassy Chisinau, *unclassified telegram no. 1499*, October 2002.

[2669] *Constitution of the Republic of Moldova*, Articles 44 and 53.

the worst forms of child labor.[2670] The Law on Children's Rights protects children under 18 years of age from prostitution or sexual exploitation.[2671]

The Labor Inspection Office is responsible for enforcing all labor laws, including those pertaining to child labor. While child labor violations are known to occur, they have not been formally reported or uncovered.[2672] An anti-trafficking unit comprised of approximately 30 police officers within the Ministry of Internal Affairs has reportedly improved police investigations on trafficking, and prosecutions have more than doubled in 2004 from 2003 [2673] The Ministry of Internal Affairs cited 382 trafficking investigations in 2004, including 33 cases related to the trafficking of children. The General Prosecutor's Office reported 95 convictions in 2004 for trafficking and pimping combined.[2674]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified ILO Convention 138 09/21/1999	✓
Ratified ILO Convention 182 06/14/2002	✓
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Trafficking)	✓

The Government of Moldova is participating in a USDOL-funded ILO-IPEC regional project to combat the trafficking of children for labor and sexual exploitation. The project is working in partnership with local organizations.[2675] The government also participates in the Stability Pact for South Eastern Europe Task Force on Trafficking in Human Beings, which fosters regional cooperation and offers assistance to governments to combat trafficking.[2676] The National Committee on Anti-trafficking, a government working group, established local committees in each region to provide information on the anti-trafficking efforts. In partnership with OSCE and the Council of Europe, the Ministry of Internal Affairs and the Ministry of Labor conducted a special training for trafficking investigators. The Ministry of Labor has partnered with international and local NGOs, to provide employment assistance to victims of

[2670] U.S. Embassy Chisinau, *unclassified telegram no. 1499*. See also U.S. Department of State, *Country Reports- 2003: Moldova*, Section 6d. According to a 2002 report submitted to the UN Committee on the Rights of the Child by Moldovan NGOs, the new Criminal Code has inadequate measures for the enforcement of trafficking legislation, or for the protection and rehabilitation of victims. See *Complementary Report of the Non-Governmental Organizations on the Implementation of the UN Convention on the Rights of the Child in the Republic of Moldova*, Chisinau, 2002; available from http://www.crin.org/docs/resources/treaties/crc.31/Moldova_ngo_report.pdf.

[2671] U.S. Embassy Chisinau, *unclassified telegram no. 2236*, August 2000. Prostitution is also illegal under Article 105-1 of the Criminal Code, and punishable by imprisonment from six months to one year. See Barbara Limanowska, *Trafficking in Human Beings in Southeastern Europe*, UNICEF, UNOHCR, OSCE-ODIHR, June 2002, 29.

[2672] U.S. Embassy Chisinau, *unclassified telegram no. 0959*.

[2673] Limanowska, *Trafficking in Human Beings, 2003*, 77. Centre for the Prevention of Trafficking in Women, *Trafficking in Children Report*, 23. U.S. Embassy Chisinau, *unclassified telegram no. 232 (2005).*

[2674] U.S. Department of State, *Country Reports- 2003: Moldova*, Section 6f. U.S. Embassy Chisinau, *unclassified telegram no. 232 (2005).*

[2675] The 3-year project began in September 2003 and in addition to Moldova, is implementing activities in Albania, Romania and Ukraine. See ILO-IPEC, *ILO-IPEC Child Trafficking Project, project document*.

[2676] The Task Force has assisted a number of countries, including Moldova, in developing national action plans as well supports projects on prevention of trafficking, protection of victims and prosecution of traffickers. See Organization for Security and Cooperation in Europe, *Stability Pact for Southeastern Europe: Task Force on Trafficking in Human Beings,* [online] [cited May 11, 2004]; available from www.osce.org/attf/index.php3?sc=Introduction.

trafficking.[2677] Despite government efforts, due to a lack of funds at the national level, as well as corruption and linkages between government officials and organized crime, the majority of trafficking protection and awareness raising measures are being implemented by Moldovan NGOs.[2678]

[2677] Limanowska, *Trafficking in Human Beings, 2003*, 76. See also Centre for the Prevention of Trafficking in Women, *Trafficking in Children Report*, 25.

[2678] Limanowska, *Trafficking of Human Beings, 2002*, 30-32. IOM is implementing a trafficking awareness raising campaign; UNICEF assists girls at risk of trafficking and prostitution; and other NGOs, including La Strada and Association for Women Lawyers, are working on the issue. For the most part, these activities are planned and implemented independently; however, the government is planning to cooperate with La Strada to implement an awareness raising campaign in schools. Save the Children Moldova has a program to provide assistance to victims of trafficking, including repatriation assistance, psychological counseling, and vocational training. See *Program for Social Assistance to Trafficked Human Beings*, Save the Children Moldova, [online] [cited October 28, 2004]; available from http://scm.ngo.moldnet.md/trafic.html. See also Centre for the Prevention of Trafficking in Women, *Trafficking in Children Report*, 23.

Mongolia

Incidence and Nature of Child Labor

UNICEF estimated that 36.6 percent of children in Mongolia ages 5 to 14 years were working in 2000.[2679] Children herd livestock and work as domestic servants.[2680] Other children sell goods, polish shoes, act as porters, scavenge for saleable materials, beg, and act as gravediggers.[2681] Children also work in informal coal mining, either in the mines or scavenging for coal outside,[2682] as well as in informal gold mining.[2683] There are increasing numbers of children living on the streets in Ulaanbaatar who may be at risk of engaging in hazardous work[2684] or face sexual exploitation.[2685] Urban children often work in small enterprises such as food shops or in light industry.[2686] While comprehensive information about the nature and extent of trafficking in Mongolia is not available, it is reported that Mongolia is a source and transit point for teenage trafficking victims for the purpose of commercial sexual exploitation.[2687]

Article 16 of the Mongolian Constitution provides for free basic education.[2688] The revised Law on Primary and Secondary Education of May 2002 expanded compulsory education to 9 years of schooling, or from ages 8 to 15, lowered the age of enrollment to 7 years, formally defined the non-formal educational

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[2679] Government of Mongolia, *Multiple Indicator Cluster Survey (MICS) from Mongolia: Preliminary Report*, UNICEF, September 28, 2000, Table 42a; available from http://www.childinfo.org/MICS2/newreports/mongolia/mongolia.htm. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children. The 2003 TDA publication reported only 1.2 percent of Mongolian children 10 to 14 years working. At the time the 2003 TDA report was written, the only data available on working children in Mongolia were from the World Bank's World Development Indicators 2003, which, for some countries such as Mongolia, is known to have grossly underestimated children's work. As new and better data became available, more accurate estimates of children's work are surfacing.

[2680] ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia, Phase II*, project document, MON/02/P50/USA, Geneva, April 9, 2002, 16-18.

[2681] Ts. Ariuntungalag, "Child Labour in Mongolia" (Ulaanbaatar: Save the Children Fund, 1998), as quoted in Ibid., 16.

[2682] Most mines in Nalaikh were closed almost a decade ago, but since many of the openings still exist, in practice coal mining continues. For a discussion of the conditions children face working in the sector, see the Mongolian Women's Federation Study, commissioned by ILO-IPEC in 2000, as cited in Ibid., 22-23.

[2683] Children do not work in formal (registered) gold mining due to labor inspections and high rates of adult participation, but children are engaged in illegal informal mining, in which individuals work in former gold mines year-long, or in legal mines when they are not in actual operation, such as during winter months. See Ibid., 23-25.

[2684] ECPAT International, *Mongolia,* in ECPAT International, [database online] [cited June 1, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database. See also World Vision, *World Vision in Mongolia,* [online] [cited June 1, 2004]; available from http://www.wvasiapacific.org/country.asp?id=1.

[2685] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Mongolia*, Washington, D.C., February 25, 2004, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27781.htm.

[2686] The State Labour and Social Welfare Inspection Agency conducted a study of small enterprises in several province centers and the capital. See ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 21.

[2687] U.S. Department of State, *Country Reports- 2003: Mongolia*, Section 6f.

[2688] *Constitution of Mongolia, 1992*, (January 13, 1992), Article 16(7); available from http://www.law.nyu.edu/centralbankscenter/texts/Mongolia-Constitution.html.

structure, and directed local governments to cover the costs of non-formal education.[2689] Children who enroll in non-formal education are entitled to take the formal school exams in order to receive primary or secondary school certifications.[2690] The Law on Vocational Education, also adopted in May 2002, provides public funds to cover the cost of primary level vocational courses and dormitory costs for students. The law also allows students to join short-term skills training courses without providing a certificate of completion for compulsory schooling.[2691] The National Programme of Action for the Development and Protection of Children aims to increase the number of children attending pre-school, primary school, and basic education.[2692]

In 2002, the gross primary enrollment rate was 96.6 percent.[2693] In 2001, the net primary enrollment rate was 86.6 percent.[2694] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, at the national level, 75.6 percent of children ages 7 to 12 attended school at the primary level,[2695] and 68.6 percent of children who started primary school were likely to reach grade 5.[2696] In rural areas, enrollment and completion levels are lower[2697] since young boys often leave school to assist their families with livestock and perform other types of labor.[2698] Because Mongolia is largely rural, the government has subsidized dormitories to allow children to stay near schools, although this practice is declining.[2699] However, teacher and school material shortages persist at all levels of education.[2700]

[2689] Educational Law and Law on Primary and Secondary Education, cited in ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia: Status Report*, MON/99/05/050, Geneva, June 14, 2002, 2.

[2690] ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 11.

[2691] Law on Vocational Education, cited in ILO-IPEC, *National Program in Mongolia: Status Report, June 2002*, 2-3.

[2692] Government of Mongolia, *National Programme of Action for the Development and Protection of Children 2002-2010*, Ulaanbaatar, December 2002, 15-16, objectives 8,9.

[2693] National Statistical Office of Mongolia, *Mongolian Statistical Yearbook 2002*, Ulaanbaatar, 2003, 243.

[2694] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. This report may cite education data for a certain year that is different than data on the same year published in the *U.S. Department of Labor's 2003 Findings on the Worst Forms of Child Labor*. Such data, drawn from the World Bank's *World Development Indicators*, may differ slightly from year to year because of statistical adjustments made in the school-age population or corrections to education data.

[2695] Government of Mongolia, *MICS from Mongolia: Preliminary Report*, [cited July 2003], 7.

[2696] Ibid., 18. Government statistics suggest that more than 130,000 children ages 8 to 17 years are not in school. See Government of Mongolia, *Survey on the Secondary School Dropouts*, Ulaanbaatar, October 10, 2000.

[2697] World Bank, *Interim Poverty Reduction Strategy Paper*, Ulaanbaatar, June 2001, 17; available from http://poverty.worldbank.org/files/Mongolia_IPRSP.pdf.

[2698] U.S. Department of State, *Country Reports- 2003: Mongolia*, Section 6d.

[2699] UNESCO, *Education for All 2000 Assessment: Country Reports-Mongolia*, 1997; available from www2.unesco.org/wef/countryreports/mongolia/rapport_2.html.

[2700] U.S. Department of State, *Country Reports- 2003: Mongolia*, Section 5.

Child Labor Laws and Enforcement

Article 109 of the Labor Law sets the minimum age for employment at 16 years, although children aged 15 may work with the permission of a parent or guardian. Children aged 14 may be engaged in vocational training or employment with the permission of both the parent or guardian and a government authority. The Labor Law prohibits minors from being required to work overtime, on holidays or on weekends, and limits the hours of legal employment based on the age of the minor.[2701] In 1999, the government developed a list of prohibited hazardous employment activities for minors.[2702] Article 16 of the Constitution of Mongolia prohibits forced labor.[2703]

The revised Criminal Code prohibits forced child labor and trafficking in persons. Trafficking of children is punishable by a prison term of 10 to 15 years, and violations of forced child labor provisions are punishable with a fine or up to 4 years imprisonment.[2704] The Criminal Code also prohibits prostitution of individuals under the age of 16, and penalties apply to facilitators, procurers, and solicitors of prostitution. Penalties range from fines to imprisonment of up to 5 years.[2705] The production and dissemination of pornographic materials is also illegal under the Criminal Code, with imprisonment of up to 2 years or correctional work for a maximum of 1.5 years, or a monetary fine.[2706] In accordance with the National Program of Action,[2707] provisions prohibiting child trafficking, slavery, and forced child labor have been recently included in the Law on the Protection of the Rights of the Child.[2708]

The Labor Inspection Department under the State Inspection Agency is responsible for enforcing child labor laws, and now collects data on children engaged in hazardous work.[2709] However, there are only a

[2701] Children ages 14 and 15 may not work more than 30 hours, and children ages 16 and 17 may not work more than 36 hours per week. Article 141.1.6 assesses the penalty for violation of child labor laws at between 15,000 and 30,000 tughriks (USD 13 to 27). See ILO-IPEC, *National Program in Mongolia: Status Report, June 2002*, (Ulaanbaatar: "Bit Service" Co., Ltd., with permission of the Ministry of Justice, May 5, 1999), Articles 71, 109-110, and 141. For currency conversion, see FXConverter, [cited June 1, 2004]; available from http://www.oanda.com/convert/classic.

[2702] Prohibited types of employment include underground work, mining, exploration and mapping, metal processing, and energy, ceramic, and glass production. See *List of Prohibited Jobs for Minors/People under 18*, Order No. A/204, (August 13, 1999).

[2703] *Constitution of Mongolia, 1992*, Article 16(4).

[2704] Revised Criminal Code, cited in ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 27.

[2705] *Criminal Code of Mongolia,* as cited in The Protection Project Legal Library, [database online], Articles 110-11; available from http://209.190.246.239/protectionproject/statutesPDF/MongoliaF.pdf.

[2706] Ibid., Article 256

[2707] One of the goals of the National Program of Action was to amend children's rights legislation. See Government of Mongolia, *National Programme of Action*, 31.

[2708] ILO-IPEC, *National Program for the Prevention and Elimination of Child Labour in Mongolia (Phase II): Status Report*, MO/02/P50/USA, Geneva, June 2003, Annex II, 3. See also UNICEF, "National Programme of Action for Children Implementation on Track," *Mongolia's Children First,* vol. 23 (April-June, 2003); available from http://www.un-mongolia.mn/unicef/newsletters/jun03.pdf.

[2709] ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 29.

small number of labor inspectors, and labor inspectors rarely inspect medium and small enterprises.[2710] Reports indicate that trafficking has been facilitated by corruption and weak border controls.[2711]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 12/16/2002	✓
Ratified Convention 182 2/26/2001	✓
ILO-IPEC Member	✓
National Plan for Children	✓
National Child Labor Action Plan	
Sector Action Plan	

The Government of Mongolia, through its National Council for Children, reviews policies and mobilizes resources for the protection of children.[2712] The National Children's Committee, under the Minister for Social Welfare and Labor, oversees the implementation of the government's policies on children, provides training to child specialists, and provides operational assistance to NGOs working on children's issues.[2713] The Government of Mongolia is also participating in an ILO-IPEC country program funded by USDOL.[2714] With funding from the ADB, and technical assistance from ILO-IPEC's SIMPOC, the Mongolian National Statistical Office is integrating a child labor module into the national labor force survey.[2715] The Government of Mongolia's National Programme of Action for the Development and Protection of Children 2002-2010[2716] includes provisions to combat the worst forms of child labor, the improvement of working conditions and wages for adolescents, and access to education and health services.[2717] The Mongolian National Department for Children administers a program to increase the capacity of government child protection and welfare officials in addressing child labor.[2718] The government also provides funds to shelters for vulnerable children.[2719] The Confederation of Mongolian Trade Unions implements a program to strengthen the capacity of trade unions in combating the worst forms of child labor.[2720] On May 28, 2004 the Government of Mongolia, the Mongolian Tourism Association of private

[2710] Enforcement has also been limited by the growth of independent enterprises. See U.S. Department of State, *Country Reports- 2003: Mongolia*, Section 6d. See also ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 29.

[2711] U.S. Department of State, *Country Reports- 2003: Mongolia*, Section 6f.

[2712] The Council was established in 1994 and is led by the Prime Minister. See ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 30-31.

[2713] It was recently upgraded to agency status. See Ibid., 30.

[2714] The second phase of the ILO-IPEC country program aims to assist the Government of Mongolia in the implementation of ILO Convention 182 through awareness raising, direct action programs, capacity building, and data collection and research on the worst forms of child labor in Mongolia. See Ibid., 5.

[2715] ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia: Technical Progress Report*, Geneva, March 24, 2003, 8. Data has been collected; however, the finalization of the report has been postponed. See ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia (Phase II)*, status report, MO/02/P50/USA, Geneva, December 16, 2003, 10.

[2716] The Action Program was officially launched in February 2003. See UNICEF, *Mongolia's Second NPA launched officially*, [online] [cited June 1, 2004]; available from http://www.un-mongolia.mn/unicef/show_news.php?uid=111.

[2717] Government of Mongolia, *National Programme of Action*, 9-10.

[2718] ILO-IPEC, *National Program in Mongolia: Status Report, December 2003*, 4.

[2719] U.S. Department of State, *Country Reports- 2003: Mongolia*, Section 5.

[2720] ILO-IPEC, *National Program in Mongolia: Status Report, December 2003*, 4.

companies, ECPAT International, and UNICEF jointly launched the Mongolian Code of Conduct for the protection of children from sexual exploitation in the travel and tourism industries.[2721]

The government operates a national non-formal education system to provide assistance and training on non-formal education techniques, materials and curricula.[2722] The Non-Formal and Distant Education Center has developed an action plan aiming to improve the quality and delivery of non-formal training for the prevention of child labor.[2723] The Governor Office of Uvurkhangai Aimag has developed a program to prevent child labor by enhancing educational opportunities for school dropouts.[2724] The government continues to provide school materials to children from poor families to encourage them to stay in the formal school system.[2725] The ADB is supporting a program to make the education sector more effective, cost efficient and sustainable.[2726] The program will also assist the government to implement a Second Education Development Project that will improve access to and quality of education at the basic, non-formal, and secondary levels, and create a technical education and vocational training program.[2727] The World Bank administers a project providing microfinance to vulnerable rural families.[2728] The World Bank approved a USD 8 million loan for a project to support the Government of Mongolia's Economic Growth Support and Poverty Reduction Strategy. The strategy aims to efficiently deliver high quality basic social services such as health care and education to all Mongolians.[2729] In February 2004, the Government of Mongolia became eligible for the Education for All Fast Track Initiative, which calls for countries, by the

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[2721] UNICEF, *Mongolia's Children First*, Volume 27, April-June 2004, [cited September 3, 2004]; available from http://www.un-mongolia.mn/unicef/newsletters/Apr-Jun-2004Eng.pdf.

[2722] ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 10. The non-formal education system functions with the assistance of UNICEF, UNESCO, ILO, and other international organizations in Mongolia. See also Government of Mongolia, *Second National Report of Mongolia on Implementation of the UN Convention on the Rights of the Child*, CRC/C/65/Add.32, 2004, 36; available from http://www.unhchr.ch/html/menu2/6/crc/doc/report/srf-mongolia-2.pdf.

[2723] ILO-IPEC, *National Program in Mongolia: Status Report, December 2003*, 4. The Center conducted training of non-formal education methodologists on organizing NFE training using the basic education equivalent program and textbooks. See ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia*, technical progress report, September 2004, 4.

[2724] This program was established in October 2003. See ILO-IPEC, *National Program in Mongolia: Status Report, December 2003*, 4.

[2725] Between 2000-2002, approximately 70,000 children received one-time assistance of this nature; however, assistance was not available to children in non-formal education settings. See ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 12. See also Government of Mongolia, *Second National Report of Mongolia*, 37.

[2726] ADB, *Country Assistance Plans- Mongolia,* [online] 2003 [cited June 1, 2004]; available from www.adb.org/Documents/CAPs/MON/0303.asp?p=ctrymon.

[2727] ADB, *Mongolia: Second Education Development Project*, [project profile] 2004 [cited June 1, 2004]; available from http://www.adb.org/Documents/Profiles/LOAN/31213013.ASP. The SEDP is also supported with funds from the Japanese government and the Nordic Development Fund, and will include construction of schools. See ADB, *Pioneer Project in Mongolia Supports Preschool and Disabled Children,* press release, [online] August 8, 2002 [cited June 1, 2004]; available from http://www.adb.org/Documents/News/2002/nr2002128.asp.

[2728] World Bank, *Sustainable Livelihoods Project,* [online] June 1, 2004 [cited June 1, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P067770.

[2729] World Bank, *World Bank Provides US$8 Million Credit to Support Mongolia's Public Sector Reform Program,* [online] June 25, 2003 [cited June 1, 2004]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20116974~menuPK:34465~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html.

end of the decade, to meet the basic learning needs of all children and adults; provide universal access to education for all; create equity in education for women and other underserved groups; focus on actual learning acquisition; broaden the types of educational opportunities available to people; create better learning environments for students, and create Action Plans.[2730]

[2730] World Bank, *Education for All (EFA) - Fast Track Initiative*, progress report, DC2004-0002/1, March 26, 2004, Annex 3; available from http://siteresources.worldbank.org/DEVCOMMINT/Documentation/20190709/DC2004-0002(E)-EFA.pdf. For more information on Education For All, please see the the glossary of terms in this report.

Morocco

Incidence and Nature of Child Labor

The Moroccan Statistics Directorate estimated that 11.1 percent of children ages 7 to 14 years in Morocco were working in 2000.[2731] The majority of working children can be found in rural areas in the agricultural sector.[2732] Children in rural areas are reportedly six times more likely to be working than those in urban areas.[2733] Children also work in informal textile, carpet, and other manufacturing.[2734] An estimated 36,000 children work as junior artisans in the handicraft industry, many of them working as apprentices before they reach 12 years of age and under substandard health and safety conditions.[2735]

A 2001 study found that street children in Morocco engage in diverse forms of work including selling cigarettes, begging, shining shoes, and other miscellaneous occupations.[2736] In urban areas, girls can be found working as domestic servants, often in situations of unregulated "adoptive servitude."[2737] In these situations, girls from rural areas are trafficked, "sold" by their parents, and "adopted" by wealthy urban families to work in their homes.[2738] Girls and boys working as domestic servants and street vendors are

[2731] See Understanding Children's Work (UCW), *Understanding Children's Work in Morocco*, prepared by World Bank, pursuant to Report prepared for the UCW Project, a research co-operation initiative of the, March 2003, 18; available from http://www.ucw-project.org/pdf/publications/report_morocco_draft.pdf.

[2732] Bureau of Statistics Government of Morocco, *Emploi et Chomage- 2002*, Casablanca, 2002. A Ministry of Finance and Planning labor force study by the Statistics Directorate concluded that nearly 9 out of 10 child workers are found in rural areas, and 84 percent of these are engaged in farm work. See U.S. Consulate - Casablanca, *unclassified telegram no. 1830*, October 2002. See also U.S. Consulate - Casablanca, *unclassified telegram no. 0884*, August 25, 2004.

[2733] U.S. Consulate - Casablanca, *unclassified telegram no. 0884*.

[2734] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Morocco*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27934.htm. UNICEF estimates that 5,000 to 10,000 children work in the artisan carpet industry, and it is estimated that up to 3,000 are producing carpets for export. A Ministry of Employment and ILO-IPEC investigation found that 98 percent of children in this sector are under the age of 13. See also U.S. Consulate - Casablanca, *unclassified telegram no. 1830*.

[2735] U.S. Consulate - Casablanca, *unclassified telegram no. 0884*. See also U.S. Consulate - Casablanca, *unclassified telegram no. 1830*. See also U.S. Department of State, *Country Reports- 2003: Morocco*, Section 6d.

[2736] Kingdom of Morocco, Ministry in Charge of the Condition of Women, the Protection of the Family, Childhood, and the Integration of the Handicapped, *Synthèse d'une étude preliminaire sur les enfants de la rue*, Rabat, October 2001.

[2737] U.S. Department of State, *Country Reports- 2003: Morocco*, Section 5. There are an estimated 36,000 child maids in Morocco, close to 23,000 of whom are in Casablanca, and 59 percent of whom are under age 15. See U.S. Consulate - Casablanca, *unclassified telegram no. 0884*.

[2738] U.S. Consulate- Casablanca, *unclassified telegram no. 1157*, October 2001. U.S. Department of State, *Trafficking in Persons Report - 2004: Morocco*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33195.htm. UNICEF estimates the average age of all child maids was less than 11 years old and the Morocco Statistics Directorate estimates that child maids work on average 67 hours per week. See U.S. Consulate - Casablanca, *unclassified telegram no. 1830*. Of the estimated 36,000 child maids in Morocco, 22, 940 are estimated to be working in Casablanca, 80 percent are estimated to be illiterate and 59 percent are under 15 years old. See U.S. Consulate - Casablanca, *unclassified telegram no. 0884*. A 2002 NGO report also indicates that close to one third of a sample of single mothers in Casablanca were child maids under the age of 15. See U.S. Department of State, *Country Reports- 2003: Morocco*, Section 5.

increasingly targets of child sex tourism, particularly in the cities of Marrakech and Casablanca.[2739] Use of minors as prostitutes for sex tourists from Europe and the Gulf region has occurred in the village of El Hajeb near Meknes.[2740] Children are also "rented" out by their parents to other adults to beg.[2741]

As a result of a school attendance act adopted in January 2000, education is free and compulsory for children ages 6 to 15 years.[2742] In 2001, the gross primary enrollment rate was 107.0 percent, and the net primary enrollment rate was 88.4 percent.[2743] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Morocco. A recent government study indicated, however, that 800,000 children under the age of 14 did not attend school.[2744] Morocco has high dropout rates, particularly for rural girls who often do not complete primary school.[2745] In 2004, the government began to take steps to enforce the 2000 school attendance law.[2746]

Child Labor Laws and Enforcement

Morocco has recently updated legislation relating to child labor. A new labor code was published in the Official Bulletin on December 8, 2003 and went into effect on June 7, 2004.[2747] The new Labor Code raises the minimum age for employment from 12 to 15 years.[2748] The minimum age restriction applies to the industrial, commercial, and agricultural sectors and also extends to children working in apprenticeships and family enterprises.[2749] According to the Labor Code, children under the age of 16 are prohibited from working more than 10 hours per day, including at least a 1 hour break.[2750] Children under the age of 18 are

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[2739] The prostitution of boys is reportedly a growing problem in Morocco. See UNICEF, *Profiting from Abuse: An investigation into the sexual exploitation of our children*, New York, November 2001, 11; available from http://www.unicef.org/publications/pub_profiting_en.pdf. See also Dr. Najat M'jid, "Rapport sur la situation de l'exploitation sexuelle des enfants dans la région MENA" (paper presented at the Arab-African Forum against Commercial Sexual Exploitation, Rabat, Morocco, October 26, 2001); available from http://www.unicef.org/events/yokohama/backgound8.html#_edn1. See also U.S. Department of State, *Country Reports- 2003: Morocco*, Section, 6f.

[2740] U.S. Department of State, *Country Reports- 2003: Morocco*, Section 6f.

[2741] U.S. Consulate - Casablanca, *unclassfied telegram no. 0950*, September 15, 2004. Children are reportedly rented out for as little as USD 5.55 per week.

[2742] U.S. Consulate - Casablanca, *unclassified telegram no. 0884*. See also U.S. Consulate - Casablanca, *unclassified telegram no. 1257*, August 3, 2003.

[2743] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. Gross enrollment rates greater than 100 percent indicate discrepancies between the estimates of school-age population and reported enrollment data.

[2744] U.S. Department of State, *Country Reports- 2003: Morocco*, Section 5.

[2745] U.S. Consulate - Casablanca, *unclassified telegram no. 0884*.

[2746] Ibid.

[2747] *Law No. 65-99 relative to the Labor Code*, (December 8, 2003), as cited in the Bulletin Officiel. See also Management Systems International, *Technical Progress Report. Project Adros. Combatting Child Labor Through Education in Morocco*, Rabat, March 31, 2004, 3. See also U.S. Consulate - Casablanca, *unclassified telegram no. 0884*.

[2748] *Labor Code*, Article 143. See also U.S. Consulate - Casablanca, *unclassified telegram no. 0884*.

[2749] U.S. Department of State, *Country Reports- 2003: Morocco*, Section 6d.

[2750] U.S. Consulate- Casablanca, *unclassified telegram no. 1157*.

not permitted to work in hazardous occupations or at night between the hours of 9:00 p.m. and 6:00 a.m. in non-agricultural work.[2751] The Labor Code also prohibits children under 18 from working in stone quarries and mines[2752] and from performing activities that pose an extreme danger to them, exceed their capacities, or result in the breach of public morals.[2753]

The Labor Code prohibits forced or compulsory labor including by children, but these provisions have been difficult to enforce in the informal sector and private homes where most of this labor occurs.[2754] A 1993 law provides protection for abandoned children in Morocco. According to this law, persons younger than 18 and unable to support themselves economically are identified as abandoned if their parents are unknown, unable to be located, or incompetent of assuming a parental role.[2755] These children are then considered eligible for adoption, and adoptive parents are entitled to a stipend from the government. There has been some concern that girls are being fostered at higher rates than boys, and that some girls are being adopted into circumstances equivalent to forced domestic servitude.[2756] The new Family Code, which was published and took effect in February 2004, will protect and give rights to illegitimate and abandoned children who have often found themselves in desperate situations leading to child labor.[2757]

The prostitution of children, corruption of minors, and involvement of children in pornography are prohibited under the Criminal Code.[2758] Soliciting for the purposes of prostitution, as well as aiding, protecting, or profiting from the prostitution of others, are also banned by the Criminal Code.[2759] In December 2003, Parliament changed the Code to make child sexual abuse a crime and to increase penalties against those who hire children under age 18 for purposes of sexual exploitation.[2760]

[2751] Hazardous work includes work that involves operating heavy machinery and exposure to toxic materials or emissions. Ibid. Children are also prohibited from performing night work in agriculture between 8:00 p.m. and 5:00 a.m. See *Labor Code*, Article 172.

[2752] *Labor Code*, Article 179.

[2753] Ibid., Article 180.

[2754] U.S. Department of State, *Country Reports- 2003: Morocco*. Under the new Labor Code, Ministry of Labor inspectors are now able to charge individuals who recruit children under age 15 for work in the informal sector or domestic service, and courts can take action once two witnesses file a complaint. But few employers of child maids have been prosecuted. See U.S. Consulate - Casablanca, *unclassified telegram no. 0884*.

[2755] Under this "*kafala*" system, foster parents assume the same entitlements as birth parents; however, foster children do not have the same rights as legitimate children. See UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Morocco, Concluding observations*, CRC/C/15/Add.211, pursuant to Article 44 of the Convention on the Rights of the Child, July 2003, paras. 18-19.

[2756] UN Committee on the Rights of the Child, *Summary Record of the 882nd Meeting, Consideration of Reports Submitted by States Parties (continued): Second Periodic Report of Morocco (continued)*, CRC/C/SR/.882, pursuant to Article 44 of the Convention on the Rights of the Child, July 16, 2003, para. 43; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/8e3b9ac683d8dd0ac1256d7a004a2b52/$FILE/G0342258.pdf.

[2757] Management Systems International, *Project Adros, Technical Progress Report March 2004*, 3-4.

[2758] *Criminal Code of Morocco,* as cited in The Protection Project Legal Library, [database online] [cited October 19, 2004], Articles 497-504; available from http://209.190.246.239/protectionproject/statutesPDF/MOROCCO.pdf.

[2759] The Protection Project, "Morocco," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery* Washington, D.C., 2002; available from http://209.190.246.239/ver2/cr/Morocco.pdf.

In 2003, the Immigration and Emigration Act came into effect, prohibiting trafficking of persons through the levying of strict fines and prison sentences against individuals involved in or failing to prevent trafficking in persons, including government officials.[2761] There are several statutes under which traffickers can be prosecuted, including laws on kidnapping, forced prostitution, and coercion.[2762] Law enforcement agencies actively investigate, prosecute, and convict traffickers.[2763] In November 2003, King Mohammed VI instructed the Ministry of Interior to form a new anti-smuggling/human trafficking agency to prevent trafficking in persons.[2764] In December 2003, Morocco signed an agreement with Spain for the repatriation of Moroccan minors living on Spanish soil.[2765]

The Ministry of Employment, Social Affairs, and Solidarity is responsible for implementing and enforcing child labor laws and regulations.[2766] The Labor Code provides for legal sanctions against employers who recruit children under the age of 15.[2767] Legal remedies to enforce child labor laws include criminal penalties, civil fines, and withdrawal or suspension of one or more civil, national, or family rights, including denial of residence for a period of 5 to 10 years.[2768] The new labor Code and amendments allow inspectors and the police to bring charges against employers of children under age 15.[2769] To carry out these new responsibilities, the Ministry of Employment announced in June 2004 that it would hire and train an

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[2760] U.S. Consulate - Casablanca, *unclassified telegram no. 0884*. The Criminal Code revisions approved by Parliament in January 2004 raised penalties against those involved in child abuse, child pornography, child sex tourism and abusive child labor. Under Criminal Code Article 497 (revised), anyone who incites a minor under age 18 to commit a vice or who contributes to the corruption of a minor is subject to a prison sentence of 2 to 10 years, and a fine of up to 200,000 dirhams (USD 21,739). The same penalties apply in cases where an attempt was made to commit such offenses or when part of the offense was committed outside Morocco. See U.S. Consulate-Casablanca, electronic communication to USDOL official, March 25, 2004.

[2761] U.S. Department of State, *Trafficking in Persons Report-2003: Morocco*, Washington, D.C., June 11, 2003; available from http://www.state.gov/g/tip/rls/tiprpt/2003/21273.htm. This law went into effect on November 20, 2003 as Law 02-03. See U.S. Consulate - Casablanca, *unclassified telegram no. 0066*, December 30, 2003. See also U.S. Department of State, *Country Reports- 2003: Morocco*, Section 6f.

[2762] U.S. Department of State, *Trafficking in Persons Report- 2003: Morocco*. According to Articles 472-478 of the Penal Code, any person who uses violence, threats, or fraud to abduct (or attempt to abduct) a minor under 18 years of age, or facilitate the abduction of a minor may be imprisoned for up to 5 to 10 years. If the minor is under the age of 12, the sentence is doubled, from 10 to 20 years. See UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Morocco, Second periodic reports of States parties due in 2000*, CRC/C/93/Add.3, pursuant to Article 44 of the Convention on the Rights of the Child, February 12, 2003, para. 665.

[2763] U.S. Department of State, *Trafficking in Persons Report- 2003: Morocco*.

[2764] See U.S. Consulate - Casablanca, *unclassified telegram no. 0347*, March 30, 2004.

[2765] U.S. Consulate - Casablanca, *unclassified telegram no. 0014*, January 6, 2004.

[2766] U.S. Consulate- Casablanca, *unclassified telegram no. 1157*.

[2767] Employers who hire children under age 15 may be punished with a fine of 25,000 to 30,000 dirhams (USD 2,759 to 3,311). See *Labor Code*, Article 151. In the past, legal penalties were only applied in cases in which child workers had lodged a complaint of abuse or maltreatment against an employer. See ILO, UNICEF, and World Bank, *Understanding Children's Work in Morocco*, prepared by Inter-Agency Research Cooperation Initiative, March 2003, 38; available from http://www.ucw-project.org/pdf/publications/report_morocco_draft.pdf.

[2768] UN Committee on the Rights of the Child, *Consideration of Reports: Morocco*, para. 647.

[2769] U.S. Department of State, *Country Reports- 2003: Morocco*, Section 6d.

additional 100 inspectors by January 1, 2005.[2770] Labor inspectors can now take action against abusive employers of child maids under 15, and courts can take action once two witnesses file a complaint, but few employers of child maids have been prosecuted.[2771]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 1/06/2000	✓
Ratified Convention 182 1/26/2001	✓
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	✓
Sector Action Plan (agriculture and herding, industry [carpets and stitching], metal and auto work, construction, the hospitality industry, food production, and the informal sector)	✓

The Government of Morocco has established national and sectoral action plans to combat child labor, especially its worst forms.[2772] The focus of the national plan includes improving implementation and raising awareness of child labor laws, and improving basic education.[2773] Sectoral plans target children in agriculture and herding, the industrial sector (carpets and stitching), metal and auto work, construction, the hospitality industry, and food production, as well as children working in the informal sector.

In 2004, with the adoption of the new Labor Code, the Ministry of Handicrafts and Social Economy announced its intention to enforce prohibitions against hiring apprentices under the age of 15, and to work with the Ministry of National Education, ILO-IPEC and UNICEF to provide work-study programs for older working adolescents interested in returning to school.[2774] In regard to human trafficking, the government's policy involves investigating and dismantling human smuggling rings, funneling economic development assistance to regions of Morocco where persons are recruited, and raising alerts to the dangers of illegal migration.[2775] In 2004, with the sponsorship of Princess Lalla Meryem, the National Observatory of Children's Rights began a national awareness raising campaign regarding the sexual exploitation of children.[2776] The government also provides in-kind support to NGOs offering services to victims of trafficking.[2777]

The Government of Morocco is participating in two USDOL-funded projects to eliminate child labor and provide educational opportunities for working children. The first USDOL-funded project includes a USD 3 million ADROS project executed by Management Systems International that aims to eliminate the practice of selling and hiring child domestic workers and to create educational opportunities for child laborers and

[2770] U.S. Consulate - Casablanca, *unclassified telegram no. 0884.*

[2771] Ibid.

[2772] U.S. Consulate- Casablanca, *unclassified telegram no. 1157.* See also Kingdom of Morocco, *Plans national et sectoriels d'action de la lutte contre le travail des enfants au Maroc*, October 1999.

[2773] Kingdom of Morocco, *Plans national et sectoriels d'action*, 5-6.

[2774] U.S. Consulate - Casablanca, *unclassified telegram no. 0884.* The work study programs are being implemented in Fez. Out of an estimated 36,000 junior artisans, 6,700 adolescents have been enrolled.

[2775] U.S. Consulate - Casablanca, *unclassified telegram no. 0363*, April 5, 2004. Areas of high recruitment include Beni Mellal, Settat, Khouribga, Kelaat des Sraghna, and Taounate.

[2776] Management Systems International, *Project Adros, Technical Progress Report March 2004*, 7.

[2777] U.S. Department of State, *Country Reports- 2003: Morocco*, Section 6f.

those vulnerable to child labor.[2778] The second USDOL-funded project in the amount of USD 2 million is an ILO-IPEC child labor project in Morocco, which aims to strengthen national efforts against the worst forms of child labor in Morocco and to remove and prevent children from work in rural areas of the country.[2779]

The government has taken steps to improve the quality of primary education by reforming the curriculum, training and hiring more teachers, and assigning teachers to their hometowns to reduce absenteeism.[2780] The Ministry of National Education and Youth (MNEY) also implements programs for out-of-school children under its Non-Formal Education Program.[2781] In February 2004, the Directorate of Non-Formal Education launched its new strategy that aims to progressively increase access to education programs for children who have either dropped out or never attended school.[2782] The MNEY's Non-formal Education Program is working in close collaboration with USDOL's ADROS Child Labor Education Initiative Project to combat the illegal employment of girls under age 15 as domestics, to provide them with remedial educational and vocational training, and to reinsert girls ages 7 to 11 into regular school.[2783]

In June 2003, MNEY announced that the government was increasing the number of schools and classrooms.[2784] In September 2003, the government initiated coursework in the Berber language in 317 primary schools serving primarily a Berber population, with plans to expand the program throughout the country by 2008 should it result in reduced drop-out rates among such children.[2785] The Government of Morocco continues to work with international organizations and local partners to increase school attendance. MNEY is implementing a World Bank-funded program to strengthen institutional capacity, improve teaching quality, and build or rehabilitate rural schools.[2786] In March 2004, the Directorate of

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[2778] USDOL, *Letter of Agreement between the U.S. Department of Labor, the Moroccan Ministry of National Education, and the Moroccan Ministry of Employment, Vocational Training, Social Development and Solidarity Regarding the U.S. Department of Labor Child Labor Education Initiative*, Washington, D.C., January 2003.

[2779] The project works in the World Bank, *Documents and Reports: Morocco - Education Reform Support Project*, project information document, PID10151, Rabat, March 6, 2001; available from http://www-wds.worldbank.org/servlet/WDS_IBank_Servlet?pcont=details&eid=000094946_01041102152241. The Gharb region near Rabat and the Massa-Sousa-Daraa region in the environs of Agadir. See U.S. Consulate - Casablanca, *unclassified telegram no. 0884*.

[2780] U.S. Consulate- Casablanca, *unclassified telegram no. 1157*. The teacher-student ratio is still high with 52.5 students per class in urban schools and 38.2 in rural schools. See U.S. Consulate - Casablanca, *unclassified telegram no. 1830*.

[2781] Since its inception in 1997, the Ministry's non-formal education program has given remedial instruction to 164,076 children and is working to adapt the curriculum to make it more relevant to the needs of older students. See U.S. Consulate - Casablanca, *unclassified telegram no. 1257*.

[2782] The Directorate aims to reach 152,000 children in the 2004/05 academic year, and to progressively increase the number to 200,000 per year between 2007 and 2010. See Management Systems International, *Project Adros, Technical Progress Report March 2004*, 7. By June 2004, the Directorate had enrolled 128, 331 children in remedial and formal education programs. See U.S. Consulate - Casablanca, *unclassified telegram no. 0884*.

[2783] U.S. Consulate - Casablanca, *unclassified telegram no. 0331*, March 26, 2004.

[2784] U.S. Embassy Morocco official, Electronic communication to USDOL official, June 12, 2003. In 2003 the Ministry of Education planned to open 32 new primary schools and 50 junior highs. Another 380 schools are being built in poor neighborhoods. See U.S. Consulate - Casablanca, *unclassified telegram no. 1257*.

[2785] U.S. Consulate - Casablanca, *unclassified telegram no. 1257*.

[2786] World Bank, *Morocco - Education Reform Support Project, project information document*, [cited October 22, 2004].

Literacy of the State Secretariat in Charge of Literacy and Non-Formal Education held a forum on literacy with UNESCO to review actions and discuss future strategy to eradicate illiteracy by 2015.[2787]

[2787] Management Systems International, *Project Adros, Technical Progress Report March 2004*, 6. Budget allocations for combating illiteracy have been increased by 100 percent since 1999.

Mozambique

Incidence and Nature of Child Labor

The ILO estimated that 31.9 percent of children ages 10 to 14 years in Mozambique were working in 2002.[2788] A joint Ministry of Labor and UNICEF rapid assessment survey of children under 18 working in selected areas estimated that approximately 50 percent of working children begin to work before the age of 12.[2789] Among those sampled, eighty percent of working children are 12 to 15, and the rest of the children are below the age of 12.[2790] Poverty, the HIV-AIDS epidemic, lack of employment for adults, and lack of education opportunities are among the many factors that push children to work at an early age.[2791]

Children work on family farms and in informal work including guarding cars, collecting scrap metal, and selling goods in the streets.[2792] Large numbers of children in the informal sector work in transport, where they are employed as conductors, collecting fares in minibus taxis known as "chapas."[2793] Other forms of informal work done by children include collecting scrap metal, and selling of food or trinkets in the street.[2794] In rural areas, they work on commercial farms alongside their parents or as independent workers, often picking cotton or tea.[2795] An increasing number of children, mostly girls, also work as domestic servants.[2796] In some cases, children are forced to work in order to settle family debts.[2797] The number of children in prostitution is growing in both urban and rural regions, particularly in Maputo, Nampula, Beira, and along key transportation routes.[2798] Many child victims of commercial sexual exploitation have

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[2788] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[2789] Government of Mozambique, Ministry of Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, Geneva, 1999/2000, 36.

[2790] UNICEF, *Child Workers in the Shadow of AIDS: Listening to the Children* (Nairobi, Kenya: UNICEF Eastern and Southern Africa Regional Office, 2001), 52; available from http://www.synergyaids.com/documents/2646_unicefCL.pdf.

[2791] U.S. Embassy - Maputo, *unclassified telegram no. 1366*, October 13, 2004, UNICEF, *Latest News: Increasing number of orphaned children need care and support,* 2003 [cited August 18, 2004]; available from http://www.unicef.org/mozambique/latest_news_12Dez03_01.htm.

[2792] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Mozambique*, February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27740.htm. See also Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 54. In one sample of working children, over 40 percent of children work as traders and hawkers, see UNICEF, *Child Workers in the Shadow of AIDS*, 58.

[2793] Child Labour News Service Update, *Union Puts Child Labor in Mozambique Under Spotlight,* February 2, 2002 [cited May 24, 2004]; available from http://www.sweatshopwatch.org/swatch/headlines/2002/childlabour_feb02.html.

[2794] U.S. Embassy - Maputo, *unclassified telegram no. 1366*.

[2795] U.S. Department of State, *Country Reports- 2003: Mozambique*, Section 6d. See also Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 61-76.

[2796] U.S. Department of State, *Country Reports- 2003: Mozambique*, Section 6d. See also Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 47.

[2797] U.S. Department of State, *Country Reports- 2003: Mozambique*, Section 6c.

[2798] Ibid., Section 5.

been infected with HIV/AIDS.[2799] Street children are reported to suffer from police beatings and sexual abuse.[2800] Mozambique is a source country for child trafficking.[2801]

Education is compulsory and free through the age of 12 years, but there is a matriculation fee that is a burden for many families.[2802] Families below the poverty line can obtain a certificate waiving the fee.[2803] Enforcement of compulsory education laws is inconsistent, because of the lack of resources and the scarcity of schools in the upper grades.[2804]

In 2001, the gross primary enrollment rate was 98.9 percent, and the net primary enrollment rate was 59.7 percent.[2805] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance rates are unavailable for Mozambique.[2806] As of 2000, 51.9 percent of children who started primary school were likely to reach grade 5.[2807] At the end of 2003 an estimated 370,000 children in Mozambique were AIDS orphans.[2808] It is estimated that AIDS could lead to a 17 percent decline in teacher numbers by 2010.[2809]

[2799] U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Mozambique*, Washington, D.C., March 31 2003, Section 6f; available from http://www.state.gov/g/drl/rls/hrrpt/2002/18217.htm. Some young prostitutes in Mozambique choose to have unprotected sex to increase their income, see HIVdent, *Child Laborers at Risk for AIDS,* July 25, 2001 [cited May 24, 2004]; available from http://www.hivdent.org/pediatrics/pedclarfa072001.htm. See also chapter on Mozambique in UNICEF, *Child Workers in the Shadow of AIDS*, 49-60.

[2800] U.S. Department of State, *Country Reports- 2003: Mozambique*, Section 5.

[2801] Ibid., Section 6f. See also ECPAT International, *Mozambique,* [database online] January 6, 2004 [cited September 2, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. Reliable numbers on the extent of the problem are not available, but a 2003 study reported that 1,000 women and children were trafficked from Mozambique to South Africa in 2002 to work as prostitutes, in restaurants, and on South African farms. See International Organization for Migration, *The Trafficking of Women and Children in the Southern Africa Region. Presentation of Research Findings*, March 24, 2003, 1 See also U.S. Department of State, *Country Reports- 2003: Mozambique*, Section 6f. See also U.S. Embassy - Maputo, *unclassified telegram no. 126543*, June 8, 2004.

[2802] U.S. Department of State, *Country Reports- 2003: Mozambique*, Section 5. See also U.S. Embassy - Maputo, *unclassified telegram no. 1366*.

[2803] U.S. Department of State, *Country Reports- 2003: Mozambique*, Section 5. See also U.S. Embassy - Maputo, *unclassified telegram no. 1366*.

[2804] In the 1990s almost half of Mozambique's 3,200 primary schools were destroyed, and learning materials were in short supply. See UNICEF, *Child Workers in the Shadow of AIDS*, 55.

[2805] World Bank, *World Development Indicators 2004.*

[2806] For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

[2807] World Bank, *World Development Indicators 2004.*

[2808] UNICEF, *Latest News,* December 1, 2003 [cited May 26, 2004]; available from http://www.unicef.org/mozambique/late_news.htm.

[2809] UN Committee on the Rights of the Child, *Summary Record of 762nd Meeting. Consideration of Reports of State Parties. Initial report of Mozambique*, February 28, 2003.

Child Labor Laws and Enforcement

Law 8/98 sets the minimum age for employment at 15 years. In exceptional cases, the law allows children between the ages of 12 and 15 to work with the joint approval of the Ministries of Labor, Health, and Education.[2810] The Law sets restricted conditions on the work minors between the ages of 15 and 18 may perform, limits the number of hours they can work, and establishes training, education, and medical exam requirements.[2811] Children between the ages of 15 and 18 are prohibited from being employed in unhealthy or dangerous occupations or occupations requiring significant physical effort, as determined by the Ministry of Labor.[2812] According to Article 79 of the Labor Law, employers are required to provide children between 12 and 15 with vocational training and offer age appropriate work conditions.[2813] The Constitution prohibits forced labor, except in the context of penal law.[2814] The age for conscription and voluntary recruitment into the military is 18 years.[2815] In times of war, however, the minimum age for military conscription may be changed.[2816]

The Penal Code prohibits the offering or procuring of prostitution of any form, including that of children.[2817] In May 1999, the National Assembly passed a law prohibiting the access of minors to bars and clubs in an effort to address the problem of child prostitution.[2818] Some provisions of the Penal Code protect minors against exploitation, incitement, or compulsion to engage in illegal sexual practices.[2819] There is no law against trafficking, but some police have been trained on how to recognize and investigate trafficking

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[2810] U.S. Department of State, *Country Reports- 2003: Mozambique*, Section 6d. See also U.S. Embassy - Maputo, *unclassified telegram no. 1366*.

[2811] U.S. Embassy - Maputo, *unclassified telegram no. 1366*. See also U.S. Department of State, *Country Reports- 2003: Mozambique*, Section 6d.

[2812] U.S. Embassy - Maputo, *unclassified telegram no. 1366*. For children under 18, the maximum orkday is seven hours, and the maximum workweek is 38 hours.

[2813] UN Committee on the Rights of the Child, *CRC Initial Report of Mozambique*. UNICEF estimates that only about 14 percent of employers paid for school fees for boys employed in trade. See UNICEF, *Child Workers in the Shadow of AIDS*, 53.

[2814] *Constitution of Mozambique, 1990*, (November 1990), Article 88(3) [cited May 27, 2004]; available from http://confinder.richmond.edu/MOZ.htm.

[2815] U.S. Embassy- Maputo, *unclassified telegram no. 2544*, September 2001.

[2816] Coalition to Stop the Use of Child Soldiers, *Mozambique,* May 2001 [cited May 28, 2004]; available from http://www.child-soldiers.org/cs/childsoldiers.nsf/fffdbd058ae1d99d80256adc005c2bb8/271431570d2ec5d980256b1e004dc637?OpenDocument&Highlight=0,mozambique.

[2817] U.S. Department of State, *Country Reports- 2003: Mozambique*, Section 5. See also *Criminal Code of Mozambique,* as cited in The Protection Project Legal Library, [database online] [cited May 27, 2004]; available from http://209.190.246.239/ver2/cr/Mozambique.pdf.

[2818] U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Mozambique*, Washington, D.C., March 4, 2002; available from http://www.state.gov/g/drl/rls/hrrpt/2001/af/8394.htm.

[2819] Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 80.

cases.[2820] Three pilot programs were set up in police stations in the provinces to assist child trafficking victims.[2821]

The Ministry of Labor has the authority to enforce and regulate child labor laws in both the formal and informal sectors.[2822] Labor inspectors may obtain court orders and use the police to enforce compliance with child labor legislation.[2823] Child labor inspectors have not received specialized training. The police are responsible for investigating complaints relating to child labor offences punishable under the Penal Code.[2824] According to the U.S. Department of State, both the Labor Inspectorate and police lack adequate staff, funds, and training to investigate child labor cases, especially outside the capital.[2825] In theory, violators of child labor laws would be subject to fines ranging from 1 to 10 times the minimum wage.[2826] The Government of Mozambique has recently launched a review of its existing laws regarding children for the purpose of undertaking legal reforms in areas including child labor, child trafficking, child prostitution, and child sexual abuse.[2827]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Mozambique is collaborating with UNICEF and ILO-IPEC to implement a plan of action which calls for the prevention of child labor and for the protection and rehabilitation of child workers.[2828]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 6/16/2003	✓
Ratified Convention 182 6/16/2003	✓
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	✓
Sector Action Plan	

Government policies to assist the poor and most vulnerable, such as child laborers, include its Poverty Alleviation Action Plan, and a multi-sectoral approach to HIV/AIDS,[2829] which

[2820] U.S. Department of State, *Trafficking in Persons Report- 2003: Mozambique*, June 11, 2003; available from http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm. Prosecution of cases of sexual assault and rape, some which are trafficking-related, have increased.

[2821] U.S. Department of State, *Country Reports- 2003: Mozambique*.

[2822] U.S. Embassy- Maputo, *unclassified telegram no. 2817*, October 12, 2001.

[2823] Ibid.

[2824] Ibid.

[2825] U.S. Department of State, *Country Reports- 2003: Mozambique*, Section 6d.

[2826] U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

[2827] Republic of Mozambique, "Speech of the Minister of Justice, His Excellency Jose Abudo on the occasion of the launch of the Study of Legal Reform for the Protection of Children in Mozambique," (September 1, 2003); available from http://www.unicef.org/mozambique/pdfs/latest_news/210903/discurso_ministro_justica.pdf. See also U.S. Department of State, *Country Reports- 2003: Mozambique*., Section 5.

[2828] U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

[2829] See UNICEF, *Social Policy, Information and Monitoring*; available from http://unicef.org/mozambique/social_policy.htm. The government is also working with UNICEF on social protection programs necessitated by the combined effects of poverty, HIV/AIDS, and social dislocation. These programs include supporting the process of legal reform and policy development to benefit vulnerable women and children, and capacity development for special protection. See UNICEF, *Special Protection*; available from http://www.unicef.org/mozambique/crmp_rights3.htm.

often forces children to drop out of school to support their families.[2830] The government's poverty reduction strategy includes investment in education.[2831] The Ministry for Women and the Co-ordination of Social Action established a multi-sectoral coordination body in support of orphans and vulnerable children.[2832]

The government fights child prostitution and sexual abuse by disseminating pamphlets and flyers and issuing public service announcements.[2833] The government has trained some police officials about child prostitution and pornography and initiated a rehabilitation program for children in prostitution by providing education referrals and training opportunities.[2834] The Ministry of Women and Social Action Coordination is strengthening its efforts to increase the birth registration of children, protect them against abuse, and enhance their access to education.[2835] The government has also launched a program to enhance child protection laws and to enact child trafficking laws.[2836] The Ministry of Women and Social Action has provided provincial hospitals with staff trained to assist victims of trafficking.[2837] The government participates in the Campaign Against Trafficking in Children with a number of public and religious personalities and is establishing an assistance center to aid repatriated victims of child trafficking at the border post of Ressano Garcia.[2838]

The government is revising the national Strategic Plan for Education (1999-2003) and the Ministry of Education has developed a strategy to reduce the gender gap between boys and girls in terms of access and retention.[2839] The ministry also aims to improve school quality through teacher training and improved materials, and to build capacity for contingency planning in response to emergencies.[2840] As a means to increase access and reduce the drop out rate, the government has introduced a reformed basic education curriculum which is better adapted to community and regional economic development needs.[2841] The government is also working with international donors to expand the primary school network.[2842]

[2830] UNICEF, *Child Workers in the Shadow of AIDS*, 51.

[2831] His Excellency Joaquim Alberto Chissano, Statement at UN Special Session on Children, 2002, 3; available from http://www.un.org/ga/children/mozambiqueE.htm.

[2832] UNICEF, *Latest News: First national seminar on children orphaned and made vulnerable by HIV/AIDS,* December 1, 2003 [cited August 18, 2004]; available from http://www.unicef.org/mozambique/late_news.htm#1625316523.

[2833] U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

[2834] Ibid.

[2835] U.S. Department of State, *Country Reports- 2003: Mozambique*, Section 5.

[2836] Ibid., Section 6f.

[2837] U.S. Embassy - Maputo, *unclassified telegram no. 126543*.

[2838] Ibid. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Mozambique*.

[2839] Ministry of Education, *Speech by his His Excellency Alcido Nguenha--Minister of Education--on the Occasion of the Launch Ceremony of the 2004 State of the World's Children's Report*, January 21, 2004; available from http://www.unicef.org/mozambique/pdfs/latest_news/160204/Min.%20Education.pdf.

[2840] UNICEF, *Basic Education,* [cited September 2, 2004]; available from http://www.unicef.org/mozambique/education_2.htm.

[2841] Ministry of Education, *Speech by his His Excellency Alcido Nguenha--Minister of Education--on the Occasion of the Launch Ceremony of the 2004 State of the World's Children's Report*.

[2842] U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

In addition, the government operates a scholarship program to cover the costs of school materials and fees for children, with a special focus on girls and children whose parents have died of HIV/AIDS.[2843] Mozambique also receives funds and agricultural commodities to support nutritious school meals for children through the U.S. Department of Agriculture's McGovern-Dole International Food for Education and Child Nutrition Program.[2844]

[2843] U.S. Embassy - Maputo, *unclassified telegram no. 1366*.

[2844] U.S. Department of State, *Washington File: U.S. Funds Will Provide School Meals in Latin America, Caribbean,* August 17, 2004 2004 [cited September 2, 2004]; available from http://usinfo.state.gov/gi/Archive/2004/Aug/18-23606.html.

Namibia

Incidence and Nature of Child Labor

The Namibian Central Bureau of Statistics estimated that 14.4 percent of children ages 6 to 14 years were working in 1999.[2845] A majority of working children live in rural areas and work in agriculture. Children also work in the informal sector.[2846] Commercial sexual exploitation of children is reportedly a problem in cities and along main highways.[2847]

Primary education is compulsory and free in Namibia. Children are required to be in school until they complete their primary education or until the age of 16.[2848] However, there are numerous school-related fees for such items as uniforms, books, and school improvements that prevent some poor children from attending school.[2849] Many children of the San tribe did not attend school.[2850] In 2001, the gross primary enrollment rate was 106.0 percent, and the net primary enrollment rate was 78.2 percent.[2851] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Namibia. As of 2000, 94.2 percent of children who started primary school were likely to reach grade 5.[2852] While enrollment rates reflect a level of commitment to education, they do not always reflect children's participation in school.[2853]

[2845] Another 20.1 percent of children ages 15 to 17 years were also found working. See Government of the Republic of Namibia, *Namibia Child Activities Survey 1999: Report of Analysis*, Ministry of Labour, Windhoek, December 2000, 42; available from http://www.ilo.org./public/english/standards/ipec/simpoc/namibia/report/namibia.pdf. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[2846] Ibid., 5 and 46. See also U.S. Embassy- Windhoek, *unclassified telegram no. 0593*, August 2004.

[2847] ECPAT International, *Namibia,* in ECPAT International, [database online] n.d. 2004 [cited March 24, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=119&CountryProfile=&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=&orgWorkCSEC=&DisplayBy=optDisplayCountry. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Namibia*, Washington, D.C., February 25, 2004, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27741.htm.

[2848] *Constitution of the Republic of Namibia, 1990*, (February 1990), Chapter III, Article 20; available from http://www.oefre.unibe.ch/law/icl/wa00000_.html.

[2849] U.S. Department of State, *Country Reports- 2003: Namibia*, Section 5. See also *Constitution of the Republic of Namibia, 1990*, Article 20.

[2850] U.S. Department of State, *Country Reports- 2003: Namibia*, Section 5. The San people are nomadic and live in the remote areas of Namibia. See *The people of Namibia: Information on ethnic groups,* Namibweb.com, 2004 [cited December 1, 2004]; available from http://www.namibweb.com/people.html.

[2851] World Bank, World Development Indicators 2004 [CD-ROM], Washington, D.C., 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report. See also U.S. Embassy- Windhoek, *unclassified telegram no. 0315*, April 2002.

[2852] World Bank, *World Development Indicators 2004*.

[2853] For a more detailed discussion on the relationship between education statistics and child work, see the preface to this report.

Child Labor Laws and Enforcement

The Labor Act sets the minimum age for employment at 14 years. The Act prohibits the employment of children under the age of 15 in any mine, industrial, or construction setting; prohibits children under the age of 16 from working underground; and prohibits children under the age of 18 from working at night.[2854] The Constitution provides that children under the age of 16 are to be protected from economic exploitation and are not to be employed or required to perform work that is likely to be hazardous, harmful to their health or physical, mental, spiritual, moral, or social development, or to interfere with their education.[2855]

The Constitution prohibits slavery and forced labor, but does not specifically refer to children.[2856] The Prevention of Organized Crime Act, enacted in November 2004, specifically prohibits trafficking in persons.[2857] Section 14 in the Combating of Immoral Practices Act of 1980 prohibits any male from having sexual relations with, or soliciting an indecent act from, any girl who is under the age of 16.[2858]

The Ministry of Labor and Social Welfare is responsible for enforcing the Labor Act.[2859] The Ministry has continued to hire and train additional inspectors to identify and report on child labor.[2860] Prosecution of offenders involves a complicated procedure that must be initiated through a civil legal process.[2861]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Namibia is working with ILO/IPEC to implement a USDOL-funded regional child labor project in Southern Africa, which includes activities in Namibia. Activities in Namibia are focused on programs aimed at children who are working or at-risk of working in exploitative labor, conducting research on the nature and incidence of exploitative child labor, and building the capacity of the government to address child labor issues.[2862] The American

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 11/15/2000	✓
Ratified Convention 182 11/15/2000	✓
ILO-IPEC Associated Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

[2854] *Labor Act*, (2004), Chapter 2, sections 3 and 4; available from http://www.mol.gov.na/acts/gaz3339.pdf.

[2855] *Constitution of the Republic of Namibia, 1990*, Article 15.

[2856] Ibid., Article 9.

[2857] U.S. Embassy- Windhoek, email communication to USDOL official, May 22, 2005.

[2858] *Sexual Offences Laws - Namibia,* Interpol, 2004 [cited April 7, 2004]; available from http://www.interpol.int/Public/Children/Sexual/Abuse/NationalLaws/csaNamibie.asp.

[2859] ILO, *The Effective Abolition of Child Labour: Review of Annual Reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, GB.280/3/2, Geneva, March 2001, 321; available from http://www.ilo.org/public/english/standards/relm/gb/docs/gb280/pdf/gb-3-2-abol.pdf.

[2860] U.S. Embassy- Windhoek, email communication, May 22, 2005.

[2861] U.S. Embassy- Windhoek, *unclassified telegram no. 0593*.

[2862] ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, Geneva, September 30, 2003, 38-39.

Institutes for Research was awarded a USD 9 million grant by USDOL in August 2004 to implement a regional Child Labor Education Initiative project in Southern Africa.[2863] The Ministry of Education is implementing the National Plan of Action 2002-2015 for education.[2864]

The Government of Namibia's Ministry of Gender Equality and Child Welfare and the Ministry of Health and Social Services provide grants and scholarships to orphans and other vulnerable children.[2865] In collaboration with the Ministry of Gender Equality and Child Welfare and NGOs, USAID is building community capacity to provide for the needs of orphans and vulnerable children. USAID also supports school programs, strengthens psychosocial services for children, supports the Orphans and Vulnerable Children Permanent Task Force, and provides technical assistance to the Orphans and Vulnerable Children Trust Fund.[2866]

UNICEF's country program for the 2002-2005 cycle includes a focus on children's health, care, and development.[2867] UNICEF also supports the development of educational programs, the improvement of quality of education, and the strengthening of families and communities capacity to plan and manage education for their children, particularly girls.[2868] The European Commission is funding a second phase of the Human Resources Development Program, which focuses on the development of education opportunities.[2869]

[2863] The AIR project aims to improve quality and access to basic and vocational education for children who are working or at risk of working in the worst forms of child labor. See *Notice of Award: Cooperative Agreement*, U.S. Department of Labor / American Institutes for Research, Washington D.C., August 16, 2004, 1,2.

[2864] Government of Namibia, *National Plan of Action 2002-2015,* as cited in UNESCO, Education Plans and Policies, [cited May 13, 2004]; available from http://portal.unesco.org/education/en/ev.php-PRL_ID=20935&URL_DO=DO_TOPIC&URL_SECTION=201.html.

[2865] These scholarships are directed especially towards child-headed households. See U.S. Embassy- Windhoek, *unclassified telegram no. 0593*.

[2866] *USAID - Namibia,* April 2, 2004 [cited April 15, 2004]; available from http://www.usaid.org.na/project.asp?proid=5.

[2867] *Government of Namibia/UNICEF Country Programme of Co-operation 2002-2005,* UNICEF Nambia, [online] [cited April 15, 2004]; available from http://www.un.na/unicef/projects.htm.

[2868] *At a glance: Namibia,* [website] 2004 [cited March 26, 2004]; available from http://www.unicef.org/infobycountry/namibia.html.

[2869] Maggi Barnard, *Two Schools Launched,* November 28, 2003 [cited April 15, 2004]; available from http://www.namibian.com.na/2003/november/national/03C92EC92.html.

Nepal

Incidence and Nature of Child Labor

The ILO estimated that 40.8 percent of children ages 10 to 14 years in Nepal were working in 2002.[2870] The majority of economically active children participate in the agriculture sector, while others work in the service sector, transportation, and communication.[2871] Throughout the country, children carry heavy loads as short-distance and long-distance porters.[2872] Over 10,000 children are estimated to work in stone quarries.[2873] In Kathmandu alone, an estimated 21,000 children under 14 years old are domestic servants. Children scavenge for plastic, metal, and glass to recycle. To a lesser extent, children are engaged in brick making. Children make up an estimated 2 percent of the workforce in the export-oriented carpet industry, though more are estimated to work in family-based weaving operations and smaller factories.[2874] According to ILO-IPEC, most working children do not receive wages.[2875] They often work under exploitive and hazardous conditions.[2876]

The government has reported a range of estimates for the number of child trafficking victims. Some 5,000 to 12,000 girls may be trafficked for commercial sexual exploitation annually, and as many as 200,000 trafficked Nepalese girls are estimated to reside in Indian brothels.[2877] Girls as young as 9 years old have been trafficked. In 2001, a local NGO recorded 265 cases of girl trafficking victims, of which 34 percent

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[2870] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[2871] According to the National Child Labor Study, 50 types of paid economic activities outside the home have been recorded where children are involved. See Kamal Banskota, Bikash Sharma, and Binod Shrestha, *Study on the Costs and Benefits of the Elimination of Child Labor in Nepal*, Study for the International Labor Office International Program on the Elimination of Child Labor (IPEC), Kathmandu, 2002, 5-6. Over 80 percent of the population in Nepal support themselves with subsistence agriculture. See U.S. Department of State, *Country Reports on Human Rights Practices-2003: Nepal*, Washington, D.C., February 25, 2004, Introduction; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27949.htm.

[2872] Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*, Kathmandu, 2004, Annex 1.5. See also Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*.

[2873] The majority of the children are 11 to 13 years old and more girls than boys work in quarries. Twenty-five percent of the children work 4 to 8 hours a day; 67 percent work 9 to 10 hours per day. See Suresh Pradhan, ILO-IPEC Nepal Official, Presentation on Child Labor in Stone Quarries in Nepal, Consultation Meeting on Child Labor in Artisanal and Small-Scale Mining, World Bank, April 29, 2004.

[2874] U.S. Department of State, *Country Reports-2003: Nepal*, Section 6d. See also Nepal Rugmark Foundation, *Rugmark Bulletin 2004*, Kathmandu, January 1, 2004.

[2875] ILO-IPEC, *Strategic Plan for 2000-2007: Nepal*, Geneva, February 4, 2000, Section 2.1.1. Approximately 95 percent of child laborers are employed in the informal sector. See U.S. Embassy- Kathmandu, *unclassified telegram no. 1661*, August 20, 2004.

[2876] The hazards children face when engaged in the 16 worst forms of child labor are described in the National Master Plan on Child Labor. For example, children working in small restaurants and bars and in domestic service lack rest, work long hours, are under the control of their employers, and are at risk of sexual exploitation. When making bricks or in carpet factories, children inhale dust and risk bodily deformation from work posture or carrying heavy loads. See Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*, Annex 1.7.

[2877] Ministry of Women, Children, and Social Welfare, *National Plan of Action Against Trafficking in Children and Women for Sexual and Labour Exploitation*, Kathmandu, 2001, 5. See also Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*, 3.

were below 16 years of age.[2878] While trafficking of children often leads to their sexual exploitation, there is also demand for trafficked boys and girls to work in the informal labor sector.[2879] A 2001, study found 30 percent of commercial sex workers in Kathmandu were below 18 years old.[2880]

A Maoist insurrection continues throughout Nepal with violence directed at government, security, and civilian targets. There are reports that Maoist insurgents use children as soldiers, cooks, and messengers.[2881] There is anecdotal evidence that unaccompanied children are fleeing areas of civil unrest and migrating to urban areas because of economic hardship and to avoid recruitment by Maoist insurgents. There is concern among government officials and NGOs that these children are much more vulnerable to labor or sexual exploitation, or living on the streets.[2882] A network of NGOs that monitor violations against children in armed conflict have documented cases of insurgents destroying schools and using school premises to abduct and recruit tens of thousands of students and teachers from schools, creating an atmosphere of fear and violence.[2883] Schools have been battle zones for both the insurgents and the Royal Nepal Army.[2884]

Education is not compulsory in Nepal. The Constitution states that it is a fundamental right for each community to operate primary schools and educate children in their mother language. It is government policy to raise the standard of living of the population through development of education and other social investments, making special provisions for females, economically and socially disadvantaged groups, and by making gradual arrangements for free education.[2885] Primary schools commonly charge non-tuition fees to pay for other school expenses,[2886] and families frequently do not have the money to pay for school supplies and clothing.[2887] In 2001, the gross primary enrollment rate was 121.6 percent. There are wide disparities between primary school enrollment rates of girls and boys. In 2001, gross enrollment rates were 112.9 percent and 129.8 for girls and boys respectively. Net primary enrollment rates are unavailable for 2001. In 2000, net enrollment rates were 66 percent and 74.6 percent for girls and boys respectively.[2888] Gross and net enrollment ratios are based on the number of students formally registered in primary school

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[2878] Child Workers in Nepal (CWIN), *The State of the Rights of the Child in Nepal, 2002, National Report*, 1st ed. (Kathmandu: 2002), 33.

[2879] Ministry of Women, Children, and Social Welfare, *National Plan of Action Against Trafficking in Children and Women for Sexual and Labour Exploitation*, Kathmandu, 2002, 6, 9.

[2880] U.S. Department of State, *Country Reports-2003: Nepal*, Section 6f.

[2881] Ibid., Introduction and Section 5, 6d.

[2882] U.S. Embassy- Kathmandu, *unclassified telegram no. 1661*.

[2883] Watchlist on Children and Armed Conflict, *Nepal's Children Devastated by Raging Armed Conflict: Call for Immediate Action*, press release, Kathmandu and New York, January 26, 2005; available from http://www.watchlist.org/reports/nepal.pr.20050120.php.

[2884] Some efforts are underway by the Ministry of Education and local NGOs to make schools a "place of peace" and safer to attend. U.S. Embassy- Kathmandu, *unclassified telegram no. 1661*.

[2885] *Constitution of the Kingdom of Nepal*, (November 9, 1990), Part 3, Article 18 (2) and Part 4, Articles 26 (1, 7-10); available from http://www.oefre.unibe.ch/law/icl/np00000_.html.

[2886] ILO-IPEC, *Sustainable Elimination of Bonded Labor in Nepal*, project document, NEP/00/P51/USA, Geneva, December 2000, 1.

[2887] U.S. Department of State, *Country Reports-2003: Nepal*, Section 5.

[2888] World Bank, *World Development Indicators 2004*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

and therefore do not necessarily reflect actual school attendance. In 2000, the gross primary attendance rate was 116.9 percent and the net primary attendance rate was 73 percent.[2889]

Child Labor Laws and Enforcement

The Labor Act of 1992 and the Children's Act of 1992 set the minimum age for employment at 14 years.[2890] The Child Labor Prohibition and Regulation Act of 2000 (Child Labor Act) consolidates child labor provisions in the Labor and Children's Acts and lists different occupations in which children below 16 years cannot be employed, provides for penalties for those who do not comply, and calls for establishment of a Child Labor Elimination Committee and Child Labor Elimination Fund. Children can work up to 6 hours a day and 36 hours a week, between 6 a.m. and 6 p.m.[2891] The Child Labor Act only covers formal sectors of employment, leaving the majority of child laborers who work in the informal sectors without legal protection. The Child Labor Act imposes a punishment of up to 3 months in prison, a fine of up to 10,000 RS (USD 145) or both for employing an underage child. Employing a child in dangerous work or against their will is punishable with imprisonment for up to one year, a fine of up to 50,000 (USD 725) or with both.[2892] The Labor Act also allows for a fine to be levied against employers in violation of labor laws.[2893]

The primary anti-trafficking law is the Human Trafficking Control Act of 1986.[2894] The *Kamaiya* system, a form of bonded labor, was banned in 2000, and the *Kamaiya* Labor (Prohibition) Act came into effect in February 2002. The Act outlaws keeping or employing any person as a bonded laborer and cancels any unpaid loans or bonds between creditors and *Kamaiya* laborers.[2895] The Constitution of Nepal prohibits the employment of minors in factories, mines or other hazardous work.[2896]

[2889] USAID Development Indicators Service, *Global Education Database,* [online] 2004; available from http://qesdb.cdie.org/ged/index.html.

[2890] The Labor Act defines a child as anyone below the age of 14 years and a minor as anyone between the ages of 14 and 18 years. See Government of Nepal, *Labor Act, 1992*, Chapter 1, Section 2 (h) and (i); available from http://natlex.ilo.org/txt/E92NPL01.htm. The Children's Act identifies a child as below the age of 16 years. See Government of Nepal, *Children's Act, 2048*, (1992), Chapter 1, sec. 2(a) and Chapter 5, sec. 47(1); available from http://www.labournepal.org/labourlaws/child_act.html.

[2891] Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*, 10. The original Master Plan on Child Labor was developed in 2001 and revised in 2004. This revised plan has been submitted to the Cabinet but has not yet been approved. See U.S. Embassy- Kathmandu, *unclassified telegram no. 1661*. The Child Labor Act defines children as below the age of 16 years, and permits the employment of children 14 years and older. See Government of Nepal, *Child Labor (Prohibition and Regulation) Act (No. 14)*, (2000), Sections 2 (a), 3 (1), 9 (1) and (2); available from http://natlex.ilo.org/txt/E00NPL01.htm. The act, however, did not take full effect until November 2004 (see below).

[2892] *Child Labor (Prohibition and Regulation) Act (No. 14)*, Section 19 (1) and (2). For currently conversion, see FXConverter, [online] [cited February 15, 2005]; available from http://www.oanda.com/convert/classic.

[2893] Persons in violation of this Act may be subject to fines between 1,000 and 5,000 Nepalese Rupees (USD 14 and 72). *Labor Act (1992)*, Section 55. For currency conversion, see FXConverter.

[2894] U.S. Department of State, *Trafficking in Persons Report-2004: Nepal*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33197.htm#nepal.

[2895] Shiva Sharma, Bijendra Basnyat, and G.C. Ganesh, *Nepal Bonded Labor Among Child Workers of the Kamaiya System: A Rapid Assessment*, ILO-IPEC, Geneva, November 2001, 6, 10; available from http://www.ilo.org/public/english/standards/ipec/simpoc/ra/index.htm. See also Government of Nepal, *The Kamaiya Labor (Prohibition) Act*, (2002).

[2896] *Constitution of the Kingdom of Nepal*, Article 20.

The Central Child Welfare Board and Child Welfare Officers have the responsibility of enforcing child rights legislation.[2897] The Ministry of Labor and Transport Management's Child Labor Section and Labor Offices are responsible for enforcing child labor issues.[2898] Despite legal protections, resources devoted to enforcement of child labor laws are limited and the Ministry employs too few inspectors to address the problem effectively. There are 14 labor inspectors located in 14 offices in Nepal, who are responsible for conducting inspections of 20,000 corporations registered with the Ministry of Labor. Last year, the Ministry of Labor carried out 500 inspections; according to a Ministry official, no instances of child labor were found.[2899]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

In February 2004, the Ministry of Labor and Transport Management of Nepal revised a national Master Plan on Child Labor for 2004-2014. The revised plan calls for eliminating the worst forms of child labor by 2009 and all forms of child labor in by 2014. It identifies 16 worst forms of child labor; the IPEC Core Timebound program will target seven worst forms of child labor in 35 districts of Nepal in two phases (totaling seven years). Targeted children are porters, rag pickers (recyclers), domestic workers, laborers in the carpet industry and in mines, bonded laborers, and children trafficked for sexual or labor exploitation.[2900] In November 2004, the Child Labor Prohibition Act of 2000 was formally enacted, enabling the government to enforce the act's provisions.[2901] The government has a National Plan of Action to Combat Trafficking and has established a 16-member National Coordination Committee with a National Task Force that provides policy direction and coordinates activities on child trafficking.[2902]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 5/30/97	✓
Ratified Convention 182 1/3/02	✓
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	✓
Sector Action Plan (Trafficking)	✓

The government continues to take action in order to rescue and rehabilitate freed bonded laborers and has established a Freed *Kamaiya* Rehabilitation and Monitoring Committee to promote this work at the district

[2897] *Children's Act, 2048*, Sections 32 and 33.

[2898] Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*, 10.

[2899] U.S. Embassy- Kathmandu, *unclassified telegram no. 1661*. In 2002, the Ministry of Labor conducted 369 inspections in carpet factories and found 63 children under 14 years old; however, no convictions for employment violations were made. U.S. Department of State, *Country Reports-2003: Nepal*, Section 6d.

[2900] Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*, 1, 3, Annex 1.7.

[2901] ILO-IPEC, *Supporting the Timebound Program in Nepal: The IPEC Core TBP Project*, technical progress report, Geneva, December 2004, 3.

[2902] The Ministry of Women, Children and Social Welfare has been appointed the national focal point for anti-trafficking initiatives. See Ministry of Women, Children, and Social Welfare, *National Plan of Action Against Trafficking in Children and Women*, 8. Nepal's District, Municipality, and Village Task Forces in four districts are engaged in capacity-building activities in cooperation with ILO-IPEC and will play a part in cross-sectoral coordination of implementing and enforcing the National Plan of Action to Combat Trafficking. See U.S. Embassy- Kathmandu, *unclassified telegram no. 2168*, November 2002.

level. In 2000, USDOL funded a project that is on-going to support former child bonded laborers and their families.[2903]

With funding from USDOL in 2000, the Government of Nepal and local partner organizations continue to implement a comprehensive ILO-IPEC Core Timebound Program.[2904] World Education and its local partner organizations also continue to implement a child labor educational initiative program that was funded by USDOL in 2002 that works closely with the ILO-IPEC Core Timebound Project.[2905] Nepal continues to be a part of an ILO-IPEC regional project to combat trafficking in Asia.[2906]

In July 2004, the World Bank approved a USD 50 million credit that will be pooled with about USD 100 million in grant funding from other donors to support the Government of Nepal's Education for All program to finance basic and primary education expenditures over the next 5 years.[2907] The Seventh Education Amendment was passed in 2002, which began the government's commitment to decentralization of the education system.[2908] The Community School Support Project received funding in 2003 from the World Bank in support of the government policy of providing communities incentives to take over the management of government-funded schools.[2909] The Basic and Primary Education Project has been underway since 1993 and works to improve quality, access and retention of students, and

[2903] *The Kamaiya Labor (Prohibition) Act*, Section 8 and preamble. The government categorized the ex-Kamaiyas into categories based on socio-economic indicators, and the poorest were distributed land successfully. Still other ex-Kamaiyas have not received government support or benefits. Some observers are concerned this could lead to a reoccurrence of a bonded labor system. See U.S. Embassy- Kathmandu, *unclassified telegram no. 1661*. See also ILO-IPEC, *Bonded Labor in Nepal, project document*, 3.

[2904] ILO-IPEC, *Supporting the Timebound Program in Nepal: The IPEC Core TBP Project*, project document, NEP/01/P50/USA, Geneva, September 2001.

[2905] World Education, *Projects by Region,* [online] 2004 [cited March 25, 2003]; available from http://www.worlded.org/projects_region_asia.html#nepal.

[2906] This project is funded by USDOL. See ILO-IPEC, *Combating Child Trafficking for Labor and Sexual Exploitation (TICSA Phase II)*, project document, RAS/02/P51/USA, Geneva, February 2002, 8.

[2907] The program primarily targets girls and children from disadvantaged groups and provides scholarships to attend primary school, as well as expands teacher training and institutional capacity. See World Bank, *World Bank To Support Nepal's Education For All Goals,* [News Release No:2005/12/SAR] July 8, 2004 [cited September 6, 2004]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20223949~menuPK:34465~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html#.

[2908] "The New Approach," *The Kathmandu Post* (Kathmandu), October 25, 2002; available from http://www.kantipuronline.com/archive/kpost/2002-10-25/kp_editorial.htm.

[2909] Incentives include grants to about 1,500 schools, scholarships to out-of-school children from poor households to attend primary school, and support for capacity building to assist communities in school management. World Bank, *Nepal: World Bank Approves Credit for Community School Support Project,* [online news release] 2003 [cited June 7, 2004]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20117923~menuPK:34463~pagePK:34370~piPK:34426~theSitePK:4607,00.html.

institutional capacity.[2910] The Primary Education Development Project has been underway since 1992 and prepares new primary school teachers and constructs schools.[2911]

[2910] International Bureau of Education - UNESCO, *World Data on Education: Nepal Country Report*, Geneva, revised February 2003; available from http://nt5.scbbs.com/cgi-bin/om_isapi.dll?clientID=531873&COUNTRY=nepal&FREETEXT=&KEYWORD=&REGION=&THEME=&WCount=4&advquery=%5bHeadings%20Country%2c%20nepal%5d&depth=2&headingswithhits=on&hitsperheading=on&infobase=iwde.nfo&record={A60}&softpage=PL_frame. See World Bank, *Basic and Primary Education Project,* World Bank, [online] June 7, 2004 [cited June 7, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&theSitePK=40941&menuPK= 228424&Projectid=P040612.

[2911] The Primary Education Development Project is funded by the ADB. See International Bureau of Education - UNESCO, *World Data on Education: Nepal Country Report*.

Nicaragua

Incidence and Nature of Child Labor

The Nicaraguan National Institute of Statistics and Censuses estimated that 9.9 percent of children in Nicaragua ages 5 to 14 years were working in 2000.[2912] The agriculture, forestry and fishing sectors employ the largest percentage of child workers (53.1 percent); followed by business, restaurants and hotels (19.2 percent); services such as domestic services within the home and community (11.1 percent); and industrial manufacturing (10.7 percent).[2913] In rural areas, children work in the production of export crops such as coffee, bananas, tobacco, and sugar, as well as in fishing, stockbreeding and mining.[2914] In urban areas, children work in the streets selling merchandise, cleaning car windows, or begging.[2915] Some children are forced by their parents to beg, and some are "rented" out by their parents to organized groups of beggars.[2916] Child prostitution is a problem in Nicaragua, particularly in Managua, port cities, along the Honduran and Costa Rican borders, and near highways. Prostitution also occurs in rural areas.[2917] Nicaragua is considered to be a source and transit country for trafficking within Central America and Mexico.[2918]

[2912] Another 30.3 percent of children ages 15 to 17 years were also found working. According to the survey, 71.5 percent of working children between the ages 5 to 17 are boys and 28.5 percent are girls. The survey acknowledges that these numbers may not present an accurate reflection of the gender balance among working children due to the invisibility of work commonly done by girls. See Ministry of Labor, ILO-IPEC, and CNEPTI, *Encuesta Nacional de Trabajo Infantil y Adolesente*, ILO, 2003, 16; available from http://www.ilo.org/public/spanish/standards/ipec/simpoc/nicaragua/reports/ni_rep.pdf.

[2913] The percentages of children found working in other sectors are as follows: construction (3.7 percent), transport (1.6 percent), financial establishments (0.3 percent) mines and quarries (0.2 percent) and electricity, gas and water (0.1 percent). Some children working in these sectors begin work when they are 5 and 6 years old. Thirteen percent of working children have been found to work more than eight hours a day. See Ibid., 60, 17.

[2914] CNEPTI, *Plan estratégico nacional para la prevención y erradicación del trabajo infantil y protección del adolescente trabajador: Nicaragua, 2001-2005*, Managua, October 2000, 32-33. See also ILO-IPEC, *Prevention and Elimination of Child Labor in the Farming and Stockbreeding Sectors in the Department of Chontales*, technical progress report, NIC/00/05/050, ILO-IPEC, Geneva, September 20, 2004, 1. An estimated 300 to 400 children were reported to be working in mines in Northern Nicaragua in 2004. See U.S. Embassy-Managua, *unclassified telegram no. 2368*, August 2004.

[2915] Over 6,000 children work on the streets of Managua. See U.S. Department of State, *Country Reports on Human Rights Practices-2003: Nicaragua*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27906.htm. A survey released by the Commission on Child Labor of the Youth Coordinator (CODENI) in July 2004 found that 82.1 percent of the 585 child workers surveyed in the municipal marketplace in Jinotega were between the ages of 5 and 10 years. See U.S. Embassy- Managua, *unclassified telegram no. 2368*.

[2916] U.S. Department of State, *Country Reports- 2003: Nicaragua*, Section 6c, 6d. A Ministry of Labor survey also reported that at least 1 percent of working children are paying off debts and live in a highly vulnerable situation. See Roberto Fonseca, *Child Slavery in Nicaragua,* (Edition No. 52), in Angel de la Guarda, [online] July-August 2002 [cited May 26, 2004]; available from http://www.angel.org.ni/2002-52/temacentral-i.html.

[2917] OAS noted an increase in prostitution among girls as young as 10. See U.S. Department of State, *Country Reports- 2003: Nicaragua*, Section 5. See also The Protection Project, "Nicaragua," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, 2002; available from http://www.protectionproject.org/main1.htm.

[2918] U.S. Department of State, *Trafficking in Persons Report- 2004: Nicaragua*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33198.htm. See also International Human Rights Law Institute, *In Modern Bondage: Sex Trafficking in the Americas*, DePaul University College of Law, DePaul, October 2002, 4, 47.

Education is free and compulsory through the sixth grade in Nicaragua. However, this provision is not enforced.[2919] In 2001, the gross and net enrollment rates for students in primary school were 104.7 and 81.9 percent, respectively, and the repetition rate for primary school was 6.7 percent.[2920] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. That same year, the gross and net primary school attendance rates were 101.3 and 77.1 percent, respectively.[2921] As of 2000, 54.2 percent of children who started primary school were likely to reach grade 5.[2922] Only 29 percent of students in Nicaragua complete primary school, taking on average, 10.3 years to complete the required 6 grades.[2923] In 2000, 49 percent of working children did not attend school.[2924]

Child Labor Laws and Enforcement

The Labor Code of 1996 sets the minimum age for employment at 14 years.[2925] Under the Labor Code, adolescents cannot work over 6 hours a day or 30 hours a week.[2926] Adolescents 14 to 16 years old cannot work without parental permission.[2927] The Labor Code prohibits young people under the age of 18 from engaging in work that endangers their health and safety, such as work in mines, garbage dumps and night entertainment venues. Recent amendments to the Labor Code expand the list of conditions under which adolescents are forbidden to work and grant CNEPTI the authority to further amend the list.[2928] It also prohibits any employment of adolescents that could adversely affect normal development or interfere with schooling.[2929] On October 15, 2003, the 1996 Labor Code was amended in an effort to strengthen protections against hazardous child labor and harmonize Nicaraguan legislation with internationally accepted standards. The amendment eliminates the legal loophole that previously allowed children under 14 to work under special circumstances and strengthens provisions for adolescent workers. It also makes

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[2919] *Constitución de Nicaragua*, (1987), Article 121; available from http://www.georgetown.edu/pdba/Constitutions/Nica/nica87.html. See also U.S. Department of State, *Country Reports- 2003: Nicaragua*, Section 5.

[2920] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For a detailed explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[2921] USAID Development Indicators Service, *Global Education Database,* [online] 2004 [cited October 10, 2004]; available from http://qesdb.cdie.org/ged/index.html.

[2922] Enrollment rates are slightly higher for females. The repetition rate is higher for males and the persistence rate to grade 5 is higher for females. See World Bank, *World Development Indicators 2004*.

[2923] UNICEF, *At a glance: Nicaragua,* [on line] [cited May 20, 2004]; available from http://www.unicef.org/infobycountry/nicaragua.html.

[2924] Ministry of Labor, ILO-IPEC, and CNEPTI, *Encuesta Nacional de Trabajo Infantil y Adolesente en Nicaragua ENTIA 2000*, 18.

[2925] *Código del Trabajo*, Ley. No. 185, Article 131; available from http://natlex.ilo.org/txt/S96NIC01.htm#l1t6c1. See also *Código de la Niñez y la Adolescencia, Ley. No. 287*, (May 1998), Article 73; available from http://www.asamblea.gob.ni/frameserviciosinformacion.htm.

[2926] *Código del Trabajo*, Article 134.

[2927] U.S. Department of State, *Country Reports- 2003: Nicaragua*, Section 6d.

[2928] *Código del Trabajo*, Article 133 and 36. See also U.S. Embassy- Managua, *unclassified telegram no. 3312*, October 2003.

[2929] *Código del Trabajo*, Article 132.

obtaining permission to work more difficult for children ages 14 to 16 years, raises fines for violations, and gives inspectors the authority to close facilities that employ children.[2930]

The Child and Adolescent Code prohibits adolescents from engaging in work in unsafe places, work that endangers their life, health, or physical, psychological, or moral integrity, work in mines, underground, in garbage dumps, night clubs, work with dangerous or toxic objects, or night work in general. The Code also threatens sanctions for those who exploit children (and especially those who profit from the exploitation of children), reinforces restrictions against involving children under 14 years old in work, and reaffirms the responsibility of the Ministry of Labor to ensure compliance with these laws.[2931] The Interministerial Resolution to Establish Minimum Protection Standards for Work at Sea prohibits contracting children under 16 for investigation or other work in sea waters and work on vessels used for fishing, shipment, transport of passengers, and tourism. Another Ministerial Regulation prohibits contracting work with children under 14 years in the Free Trade Zones.[2932] The Constitution prohibits slavery and servitude and provides protection for youth from economic or social exploitation.[2933] Title II, Chapter IV of the Criminal Code also prohibits forced labor and coercion of any kind.[2934] Amendments to the Labor Code significantly raised penalties for violating child labor laws to between USD 5 to 15 times the average minimum wage in Nicaragua. As of May 2004, minimum wages were between 669 cordobas (USD 42) per month in agriculture to 1578 cordobas (USD 98) per month in banking and construction. After fining businesses in violation of child labor laws three times, inspectors have the authority to close offending businesses. Revenues for fines are assigned to CNEPTI.[2935]

Although prostitution is legal for persons 14 years and older, laws prohibit the promotion of prostitution. The Penal Code establishes a penalty of 4 to 8 years imprisonment for those found guilty of recruiting children under 16 years into prostitution and 12 years imprisonment for recruiting children under 12 years.[2936] The Children and Adolescents' Code forbids any person from promoting, filming or selling child pornography.[2937] The law specifically prohibits trafficking and imposes a penalty of up to 10 years imprisonment for those found in violation of the law.[2938] The Public Prosecutor of the Republic is

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[2930] Articles 130 through 135 of the Labor Code were amended. See U.S. Embassy- Managua, *unclassified telegram no. 3312*. See also Santiago Alvira-Lacayo Nicaraguan Embassy Counselor, letter to USDOL official, August 16, 2004, 3. See also U.S. Department of State, *Country Reports- 2003: Nicaragua*, Section 6d.

[2931] *Código de la Niñez y la Adolescencia*, Articles 26, 74, and 75.

[2932] Ministry of Labor, ILO-IPEC, and CNEPTI, *Encuesta Nacional de Trabajo Infantil y Adolesente en Nicaragua ENTIA 2000*, 43. See also U.S. Embassy - Managua, to USDOL official, December 20, 2004.

[2933] *Constitución de Nicaragua*, Articles 40, 84. Prohibitions against forced labor in the Constitution do not specifically address forced or bonded labor by children. See U.S. Department of State, *Country Reports- 2003: Nicaragua*, Section 6c.

[2934] Nicaraguan Embassy Counselor, letter, August 16, 2004, 5.

[2935] U.S. Embassy Official, Email communication to USDOL official, November 1, 2004. See also U.S. Embassy- Managua, unclassified telegram no. 3312.

[2936] U.S. Embassy Official, Email communication, November 1, 2004. See also U.S. Department of State, *Country Reports- 2003: Nicaragua*, Section 6f.

[2937] The Republic of Nicaragua, *Código de la Niñez y la Adolescencia, Ley. No. 287*, (May 1998), Article 69; available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/55822/65191/S98NIC01.htm.

[2938] U.S. Department of State, *Country Reports- 2003: Nicaragua*, Section 6f.

responsible for initiating criminal action for the crimes of rape, procuring and trading in persons, and sexual abuse of victims under 16 years old.[2939]

The government has a Child Labor Inspector's Office within the MOL's Inspector General's Office; however, the Office does not have its own inspectors. The country's 72 general inspectors and 18 hygiene and safety inspectors are responsible for carrying out regular inspections through out the country monitoring labor conditions and examining, among other violations, reports of child labor.[2940] The Ministries of Family, Health, and Education are responsible for the creation and enforcement of policies against trafficking and other forms of commercial sexual exploitation.[2941] The Special Ombudsman for Children and Adolescents defends children's rights against violations by agents of the Judiciary System.[2942] Due to poverty, cultural norms that accept child work, and a lack of effective enforcement mechanisms, child labor laws are rarely enforced outside of the small formal sector.[2943]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Through the National Commission for the Eradication of Child Labor (CNEPTI), the Government of Nicaragua, in collaboration with international organizations, NGOs and the private sector, has a four-year strategic plan (2001-2005) for addressing child labor in the country and organized programs to eradicate child labor.[2944] The government also has a National Council for the Integral Attention and Protection of Children and Adolescents (CONAPINA), which oversees the application of the Child and Adolescent Code,[2945] directs National Plan Against the Commercial Sexual Exploitation of

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 11/2/1981	✓
Ratified Convention 182 11/6/2000	✓
ILO-IPEC Member	✓
National Plan for Children	✓
National Child Labor Action Plan	✓
Sector Action Plan (Commercial Sexual Exploitation)	✓

[2939] *Penal Code*, Article 205; available from http://209.190.246.239/protectionproject/statutesPDF/NicaraguaF.pdf.

[2940] U.S. Embassy- Managua, *unclassified telegram no. 2368*.

[2941] U.S. Department of State, *Country Reports- 2003: Nicaragua*, Section 6f.

[2942] Nicaraguan Embassy Counselor, letter, August 16, 2004, 6.

[2943] U.S. Department of State, *Country Reports- 2003: Nicaragua*, Section 6d.

[2944] *Decreto núm. 43-2002 por el que se crea la Comisión Nacional para la Erradicación del Trabajo Infantil y Protección de Adolescentes Trabajadores, adscrita al Ministerio del Trabajo.*, (May 7, 2002); available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=NIC&p_classification=04&p_origin=COUNTRY. A National Network of Occupational Health Against Risky Child Labor provides technical support to CNEPTI. See Nicaraguan Embassy Counselor, letter, August 16, 2004, 7. See also CNEPTI, *Plan estratégico nacional para la prevención y erradicación del trabajo infantil*, 2. See also U.S. Embassy-Managua, *unclassified telegram no. 3312*.

[2945] *Ley núm. 351 de organización del Consejo Nacional de atención y protección integral a la niñez y la adolescencia y la Defensoría de las niñas, niños y adolescentes*, (May 29, 2000); available from http://ilis.ilo.org/cgi-bin/gpte/stbna/natlexe?wq_fld=B380&wq_val=Nicaragua&wq_rel=AND&wq_fld=B250&wq_val=adolescencia&wq_rel=AND&wq_fld=B520&wq_val=&wq_rel=AND&wq_fld=B500&wq_val=&wq_rel=AND&wq_fld=B380&wq_val=. See also Xanthis Suarez Garcia, *Labor de CONAPINA en el 2002*, in Bolsa de Mujeres, [database online] December 23, 2002 [cited June 3, 2004]; available from http://www.grupoese.com.ni/2002/bm/ed71/conapina70.htm.

Children (2003-2008) and participates in an Alliance against Trafficking. The Alliance against Trafficking includes the Ministry of State, the Ministry of the Family, Legislative Assembly and other organizations.[2946] The Ministry of Family has consolidated its work with urban youth at risk under the Program for Children and Adolescents at Risk (PAINAR), and coordinates the Social Protection Network for disadvantaged rural youth.[2947]

The Ministry of Family provides support to children and adolescents who have been victims of commercial sexual exploitation in Managua.[2948] The Ministry of Labor has signed agreements with owners of nightclubs and restaurants pledging to comply with labor laws.[2949] The Government is also implementing an awareness campaign specifically for border police and immigration officials, and has an Anti-Trafficking in Persons Unit within the police.[2950] In July 2004, a Trafficking in Persons Office opened within the Ministry of Government. It is intended to serve as a reference library and a primary point of contact for actors in the anti-trafficking campaign.[2951]

The Ministry of Labor and Ministry of Education, Culture and Sport (MECD) works with ILO-IPEC to carry out several USDOL-funded projects to eliminate child labor. These projects include programs for children working in commercial sexual exploitation;[2952] on coffee farms;[2953] in farming, stockbreeding, and agriculture;[2954] and as garbage scavengers.[2955] Nicaragua is also participating in ILO-IPEC projects funded by the Canadian government, including two projects targeting children engaged in domestic child labor.[2956] In 2004, USDOL funded a USD 5.5 million project implemented by CARE-USA to combat exploitive child labor through education in Central America and the Dominican Republic.[2957]

[2946] CONAPINA, "Plan Nacional Contra La Explotiatión Sexual Comercial de Niñas, Niños y Adolescentes 2003-2008," (November 2003). See also ILO-IPEC, *"Stop the Exploitation" ("Alto a la exploitacion") Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, technical progress report, RLA/02/P51/USA, March 2004, 3.

[2947] U.S. Embassy- Managua, *unclassified telegram no. 3312*.

[2948] Nicaraguan Embassy Counselor, letter, August 16, 2004, 6.

[2949] The Ministry reports to conduct inspections several times a year to ensure that strip clubs do not employ underage workers. See U.S. Department of State, *Country Reports- 2003: Nicaragua*, Section 6d, 6f.

[2950] The Women's Commission of the Police is implementing a nationwide trafficking awareness campaign in high schools on the dangers of trafficking. See Ibid., Section 6f.

[2951] U.S. Embassy- Managua, *unclassified telegram no. 2362*, August 2004.

[2952] ILO-IPEC, *"Stop the Exploitation," technical progress report, March 2004*.

[2953] This project closed in June 2004. See ILO-IPEC, *Prevention and Progressive Elimination of Child Labour in the Coffee Industry in Nicaragua (Phase I)*, technical progress report, NIC/99/05/P050, March 2004.

[2954] ILO-IPEC, *Combating Child Labor in the Commercial Agriculture Sector in Central America and the Dominican Republic*, technical progress report, RLA/00/P54/USA, ILO-IPEC, Geneva, March 2004.

[2955] ILO-IPEC, *Elimination of Child Labor in the Dump Yard of Managua, Acahualinca's Neighborhood "La Chureca" (Phase I)*, technical progress report, NIC/00/50P/USA, Geneva, March 2004. USDOL funds another project for children working as scavengers through Winrock International's Circle Project. See U.S. Embassy- Managua, *unclassified telegram no. 2368*.

[2956] ILO-IPEC - Geneva official, email communication to USDOL official, May 12, 2004.

[2957] U.S. Department of Labor, *News Release: United States Provides over $110 Million in Grants to Fight Exploitative Child Labor Around the World*, October 1, 2004.

The MECD is implementing a 15-year National Education Plan. The plan outlines strategies for general improvements to the quality of education including strategies for making education more equitable and reaching out to particularly vulnerable children.[2958] Nicaragua's Extra Edad program targets children over 14 years old who wish to complete primary school.[2959] A Bilingual Education program supports students at 120 schools.[2960] The Ministry also implements a special education program, a long-distance radio learning program and a program for the prevention of school violence.[2961] International organizations and donors such as USAID, the World Bank, UNICEF, and the WFP also support education projects in Nicaragua.[2962] The Government of Nicaragua is receiving funding from the World Bank and other donors under the Education for All Fast Track Initiative, which aims to provide all children with a primary school education by the year 2015.[2963]

[2958] The Ministry of Education, Sport, and Culture, *Plan Nacional de Educación*, Managua, 2000, [cited October 16, 2003]; available from http://www.mecd.gob.ni/plannac.asp. No longer available online. Hardcopy on file. See also ILO-IPEC, *"Stop the Exploitation," technical progress report, March 2004*, 13. Budget constraints have prevented sufficient funding for children's programs and primary education. See also Ministry of Labor, ILO-IPEC, and CNEPTI, *Encuesta Nacional de Trabajo Infantil y Adolesente en Nicaragua ENTIA 2000*, 47-48.

[2959] Classes are offered after work to accommodate students' work schedule. See Drusilla K. Brown, *Child Labor in Latin America: Policy and Evidence*, Working Paper, Department of Economics at Tufts University, Medford, MA, February, 2001, 17.

[2960] Ministry of Public Education, *Bilingue Intercultural*, Managua, no date given.

[2961] Ministerio de Educación Cultura y Desportes, *Educación Especial: Introducción,* Derechos Reservados, [online] 2004 [cited May 20, 2004]; available from http://www.mecd.gob.ni/espec1.asp. See also Ministerio de Educación Cultura y Desportes, *Nueva Opción: Enseñanza Radiofónica,* Derechos Reservados, [online] 2004 [cited May 20, 2004]; available from http://www.mecd.gob.ni/radiof4.asp. See also Ministerio de Educación Cultura y Desportes, *Programa de Prevención de Violencia en Comunidades Escolar,* Derechos Reservados, [online] 2004 [cited May 20, 2004]; available from http://www.mecd.gob.ni/vida4.asp.

[2962] USAID, *Nicaragua: USAID Program Profile,* USAID, [on line] June 29, 2004 [cited October 25, 2004]; available from http://www.usaid.gov/locations/latin_america_caribbean/country/program_profiles/nicaraguaprofile.html. See also The World Bank Group, "Nicaragua: Country Assistance Strategy," (Washington, D.C.), March 13, 2003; available from http://lnweb18.worldbank.org/external/lac/lac.nsf/0/4751254F621B340585256CE7007990F2?OpenDocument. See also The World Bank Group, *Nicaragua - Poverty Reduction Support Credit (PRSC I),* in Projects and Programs, [online] 2004 [cited May 20, 2004]; available from http://www-wds.worldbank.org/servlet/WDS_IBank_Servlet?pcont=details&eid=000104615_20031106090911. See also UNWire, "UNICEF Expands Its $2.1 Million Healthy Schools Initiative", [online], February 21, 2003 [cited May 26, 2004]; available from http://www.unwire.org/unwire/20030221/32170_story.asp. See also UNWire, "Nicaragua: UNICEF-Funded Program Launched to Promote Child Rights", [online], February 7, 2002 [cited May 26, 2004]; available from http://www.unfoundation.org/unwire/util/display_stories.asp?objid=23665. See also UNWire, "WFP, Government Work To Keep Children In School", [online], March 20, 2003 [cited May 26, 2004]; available from http://www.unwire.org/unwire/20030320/32697_story.asp.

[2963] The World Bank Group, *EFA-FTI Catalytic Fund Progress Report*, April 23, 2004. See also World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, press release, Washington, D.C., June 12, 2002; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html.

Niger

Incidence and Nature of Child Labor

UNICEF estimated that 70.1 percent of children ages 5 to 14 years were working in Niger in 2000.[2964] Children work primarily in the informal and agricultural sectors.[2965] Children in rural areas mainly work on family farms gathering water or firewood, pounding grain, tending animals, or working in the fields.[2966] Children as young as 6 years old are reported to work on grain farms in the southwest.[2967] Children also shine shoes; guard cars; work as apprentices for artisans, tailors, and mechanics; perform domestic work; and work as porters and street beggars.[2968] Children work under hazardous conditions in small trona, salt, gypsum, and gold mines and quarries; prostitution; and drug trafficking;[2969] as well as in slaughterhouses.[2970]

Niger serves as a source and transit country for children trafficked into for domestic service and commercial labor, including commercial sexual exploitation.[2971] Some Koranic teachers indenture young boys and send them to beg in the streets.[2972] Forced domestic service and commercial sexual exploitation of girls is a problem in Niger.[2973]

[2964] The survey also found that 60.9 percent of children ages 5 to 9 and 82.6 percent of children ages 10 to 15 were working.. The statistics include children working only, children working and studying, and children that carry out household chores for more than 4 hours per day. See Republic of Niger, *Enquête a indicateurs mulitiples de la fin de la décennie (draft) (MICS2) Standard Tables*, UNICEF, November 2000, 67; available from http://www.childinfo.org/MICS2/newreports/niger/nigertables.pdf.

[2965] International Confederation of Free Trade Unions (ICFTU), *Internationally Recognised Core Labour Standards in Niger and Senegal*, ICFTU, Geneva, September 24, 2003, 1; available from http://www.icftu.org/www/pdf/nigersenegalclsreport.pdf.

[2966] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Niger*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27742.htm.

[2967] Integrated Regional Information Networks, "Niger: Child Labour Project Launched", IRINnews.org, [online], September 13, 2001 [cited May 27, 2004]; available from http://www.irinnews.org/print.asp?ReportID=11374.

[2968] UN Committee on the Rights of the Child, *Examen des Rapports Présentés par les États Parties en Application de l'Article 44 de la Convention, Rapports initiaux devant être soumis en 1992, Niger*, CRC/C/3/Add.29/Rev. 1, Geneva, October 2001, para. 381. See also U.S. Department of State, *Country Reports- 2003: Niger*, Section 6d.

[2969] In 2000, the ILO estimated that 57 percent of the workers in small quarries in Niger were children. Some 250,000 children were estimated to be working in small scale mines and quarries. In the shantytowns that spring up around the mines, there are reports that girls as young as 10 are involved in prostitution and that both boys and girls are exploited in drug trafficking. See Soumaila Alfa, *Child Labour in Small-Scale Mines in Niger*, working paper, ILO, Geneva, September 28, 2000; available from http://www.ilo.org/public/english/dialogue/sector/papers/childmin/137e1.htm#Niger. Also see U.S. Embassy- Niamey, *unclassified telegram no. 1166*, August 15, 2003.

[2970] U.S. Embassy- Niamey, *unclassified telegram no. 1166*. See also Integrated Regional Information Networks, "Niger: Child Labour Project Launched". Girls are also forced into prostitution. See U.S. Department of State, *Country Reports- 2003: Niger*, Section 6d.

[2971] U.S. Department of State, *Trafficking in Persons Report- 2004: Niger*, Washington, D.C., June 11, 2004. See also U.S. Department of State, *Country Reports- 2003: Niger*, Section 6f.

[2972] U.S. Department of State, *Trafficking in Persons Report- 2004: Niger*. U.S. Department of State, *Country Reports- 2003: Niger*, Sections 6f.

[2973] U.S. Department of State, *Trafficking in Persons Report- 2004: Niger*. See also ECPAT International, *Niger,* in ECPAT International, [database online] November 28, 2003 [cited May 27, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=125&CountryProfile

Primary education is compulsory for six years.[2974] In 2001, the gross primary enrollment rate was 40.1 percent, and the net primary enrollment rate was 34.2 percent.[2975] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Niger. As of 2000, 71.1 percent of children who started primary school were likely to reach grade 5.[2976] Children are often forced to work rather than attend school, particularly during planting or harvest periods. In addition, nomadic children in northern parts of the country often do not have the opportunity to attend school.[2977]

Among the challenges faced by the Nigerian education system are outdated primary teaching methodologies; pre-school education that is restricted primarily to urban areas; parental attitudes towards Nigerien education; inadequate infrastructure; and lack of supplies.[2978]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years although children under 14 may work with special authorization. Children 14 to 18 years old may not work for more than 4.5 hours per day or in industrial jobs.[2979] The Labor Code prohibits forced and bonded labor, except for work by legally convicted prisoners.[2980] The law also requires that employers guarantee minimum sanitary working conditions for children.[2981] The Penal Code criminalizes the procurement of a minor for the purpose of prostitution.[2982] The Ministry of Labor is charged with enforcing labor laws, but has very limited resources with which to do so.[2983]

=&CSEC=Overview&Implement=&Nationalplans=&orgWorkCSEC=&DisplayBy=optDisplayCountry. See also U.S. Department of State, *Country Reports- 2003: Niger*, Section 5.

[2974] U.S. Department of State, *Country Reports- 2003: Niger*, Section 5.

[2975] There is significant gender disparity in gross primary enrollment rates between boys (47.5 percent) and girls (27.5 percent) for 2001. See World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[2976] World Bank, *World Development Indicators 2004.*

[2977] U.S. Embassy- Niamey, *unclassified telegram no. 2219*, July 2000.

[2978] UN Committee on the Rights of the Child, *Rapports initiaux*, para. 302, 03, 05, 06.

[2979] U.S. Embassy- Niamey, *unclassified telegram no. 0822*, February 1998.

[2980] In addition to the existing prohibition of forced labor in the Labor Code, a new law was passed in May 2003 to outlaw all forms of slavery and to assign prison sentences of 10 to 30 years for those in violation. Despite these legal proscriptions, a traditional caste system is practiced by some ethnic minorities, which promotes slave-like relationships between the upper and lower castes. See International Confederation of Free Trade Unions (ICFTU), *Core Labour Standards in Niger and Senegal*, 8-9. Forced child labor does occur. See also U.S. Department of State, *Country Reports- 2003: Niger*, Section 6c.

[2981] U.S. Department of State, *Country Reports- 2003: Niger*, Section 6d.

[2982] The penalty for procuring a minor is two to five years' imprisonment and a fine of 50,000 to 5,000,000 francs (USD 93.56 to 9,355.52). See Government of Niger, *Criminal Code: Chapter VIII- Offenses Against Public Morals,* as cited in The Protection Project Legal Library, [database online], Articles 291 and 92; available from http://209.190.246.239/protectionproject/statutesPDF/NigerF.pdf. For currency conversion, see *Universal Currency Converter,* in XE.com, [online] [cited May 27, 2004]; available from http://www.xe.com/ucc/convert.cgi.

[2983] U.S. Embassy- Niamey, *unclassified telegram no. 1166*. As of August 2003, there were only 8 labor inspectors in the country, one for each region. See also U.S. Department of State, *Country Reports- 2003: Niger*, Section 6d.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The government conducts anti-trafficking information and education campaigns, and supports two NGO programs that provide assistance to trafficked victims. The government also provided anti-trafficking training to police and border officials. The Ministry of Justice created a national commission to coordinate anti-trafficking activities, and the government signed an anti-trafficking declaration issued by the Economic Community of West African States (ECOWAS).[2984]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 12/4/1978	✓
Ratified Convention 182 10/23/2000	✓
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

Education is a cornerstone of the country's Poverty Reduction Strategy Paper under the IMF's Enhanced Highly Indebted Poor Countries Initiative.[2985] The goals of this initiative include increasing primary school enrollment and completion rates, especially among girls, as well as enrollment in rural secondary schools.[2986] UNICEF is also supporting government education efforts to improve primary education through programs like the African Girls' Education Initiative.[2987] The Government of Niger is participating in a 4-year USD 2 million USDOL Education Initiative project designed to provide increased access to basic education for 17,800 working or at risk-children.[2988] WFP is also active in Niger, implementing activities to increase enrollment and attendance in primary schools through a school food program.[2989]

[2984] U.S. Department of State, *Trafficking in Persons Report- 2004: Niger*.

[2985] Republic of Niger, *Full Poverty Reduction Strategy*, Niamey, January 2002, 62. See also U.S. Embassy- Niamey, *unclassified telegram no. 1645*, October 2001.

[2986] Republic of Niger, *Poverty Reduction Strategy*, 62.

[2987] UNICEF, *UNICEF- At a Glance: Niger- The Big Picture,* [online] [cited May 27, 2004]; available from http://www.unicef.org/infobycountry/niger.html.

[2988] U.S. Department of Labor, *Combating Exploitive Child Labor Through Education in Niger*, [Tables on website] 2004 [cited October 27, 2004].

[2989] WFP, *World Hunger - Niger,* [online] [cited June 17, 2004]; available from http://www.wfp.org/country_brief/indexcountry.asp?country=562.

Nigeria

Incidence and Nature of Child Labor

The ILO estimated that 23.2 percent of children in Nigeria ages 10 to 14 years were working in 2002.[2990] Most children work in agriculture, usually on family farms, in fishing, and as cattle herders. Children also work on commercial farms.[2991] In urban areas, children work as domestic servants, street hawkers, vendors, beggars, scavengers, shoe shiners, car washers/watchers, and bus conductors.[2992] Children also work in cottage industries as mechanics, metal workers, carpenters, tailors, weavers, caterers, barbers, and hairdressers.[2993] Child begging is especially widespread in northern Nigeria and southern urban centers.[2994]

Commercial sexual exploitation of children occurs in many cities in Nigeria.[2995] The country is a source, transit, and destination country for trafficked children.[2996] Children from Benin and other African countries are trafficked to Nigeria, where some are forced to work as domestic workers, prostitutes,[2997] or in other forced labor conditions.[2998] Nigerian children are trafficked internally and to West and Central Africa for domestic labor and street hawking, and to Europe for commercial sexual exploitation.[2999] Girls are sometimes sold into marriage.[3000]

[2990] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[2991] Anthony Hodges, *Children's and Women's Rights in Nigeria: A Wake-up Call, Situation Assessment and Analysis 2001* (Lagos: UNICEF and the Nigeria National Planning Commission, 2001), 204.

[2992] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Nigeria*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27743.htm. See also Hodges, *Children's and Women's Rights in Nigeria*, 204. Children from poorer families are hired by families as domestic helpers, where they may be exploited. See ECPAT International, *Nigeria,* in ECPAT International, [database online] 2002 [cited June 4, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

[2993] Hodges, *Children's and Women's Rights in Nigeria*, 205.

[2994] As poverty increases in Nigeria, the *almajiranci* system of semi-formal Koranic education has come to rely on child pupils engaging in begging to support their *mallam*, or Islamic teacher. It is reported that the Nigerian government has done little to address the problem of child begging. See Ibid., 209.

[2995] Ibid., 209-10. An NGO has reported that the average age of commercial sex workers is reportedly 16 years. See ECPAT International, *Nigeria*.

[2996] U.S. Department of State, *Trafficking in Persons Report- 2004: Nigeria*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33188.htm. See also ILO-IPEC, *Combating the trafficking of children for labour exploitation in West & Central Africa (Phase I)*, project document, RAF/01/P53/USA, Geneva, July 1999, 2.

[2997] ILO-IPEC, *Combating the trafficking of children in West & Central Africa (Phase I)*, 1.

[2998] U.S. Department of State, *Trafficking in Persons Report- 2004: Nigeria*.

[2999] Ibid. Child trafficking routes have been identified from Nigerian children to the Middle East and East Africa for labor exploitation. See U.S. Department of State, *Country Reports- 2003: Nigeria*, Section 6f.

[3000] U.S. Department of State, *Country Reports- 2003: Nigeria*, Section 5.

Nigerian law calls for universal basic education throughout the country; however, authorities do not consistently enforce laws on compulsory education.[3001] Education in Nigeria is compulsory for 9 years.[3002] In 2001, the gross primary enrollment rate was 96.5 percent, with 85.6 percent of females enrolled compared to 107.0 percent of males.[3003] Net enrollment rates are unavailable for Nigeria. Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Nigeria. Access to education is hindered by the costs of books, transportation, and uniforms.[3004] Girls are particularly affected by lack of access to education. If families are unable to send their female children to school, girls are often required to work as domestics or street vendors.[3005]

Child Labor Laws and Enforcement

The Labor Act sets the minimum age for employment at 15 years, except for light agricultural or domestic work performed for the family,[3006] and13 years for apprenticeships.[3007] The law prohibits children from lifting or carrying any load likely to inhibit physical development, and establishes a minimum age of 15 years for industrial work and maritime employment.[3008] Children under 16 years are prohibited from working underground, on machines, at night, in employment that is dangerous or immoral, for more than 4 consecutive hours, or more than 8 hours a day.[3009] The law does not specifically criminalize child domestic service, although it provides for regulations to be mandated by the Minister.[3010]

In July 2003, a comprehensive anti-trafficking law, the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, was passed, which established a national agency to investigate and prosecute offenders of the Act and provide for victim rehabilitation. Section 11 of the Act stipulates life imprisonment for any persons who traffic children under 18 years into or out of Nigeria. The Act also stipulates prison terms for any persons who procure, either for themselves or others, any children under

[3001] Ibid. Authorities do not effectively enforce laws on compulsory education. See U.S. Consulate-Lagos, *unclassified telegram no. 1914*, September 2004.

[3002] UNESCO, *Education for All 2000 Assessment: Country Reports-Nigeria*, prepared by Federal Ministry of Education, pursuant to UN General Assembly Resolution 52/84, 2000; available from http://www2.unesco.org/wef/countryreports/nigeria/rapport_3.html. See also British Council, *Nigeria: Country education profile*, [online] [cited June 2, 2004]; available from http://www2.britishcouncil.org/home/learning/globalschools/globalschools-partnership/globalschools-resources-countries/globalschools-resources-countries-nigeria.htm.

[3003] World Bank, *World Development Indicators 2004*.

[3004] U.S. Consulate- Lagos, *unclassified telegram no. 1914*.

[3005] U.S. Department of State, *Country Reports- 2003: Nigeria*, Section 5.

[3006] *Nigeria Labour Act*, Articles 49 and 59 available from http://natlex.ilo.org/scripts/natlexcgi.exe. See also U.S. Department of State, *Country Reports- 2003: Nigeria*, Section 6d.

[3007] U.S. Consulate- Lagos, *unclassified telegram no. 1914*.

[3008] *Nigeria Labour Act*, Articles 59 and 61.

[3009] Ibid., Articles 59 and 60.

[3010] Ibid., Articles 59 and 65.

the age of 18, and for any persons who commit children under 18 years in their care to prostitution or indecent assault.[3011] .

The Ministry of Employment, Labor, and Productivity is responsible for enforcing legal provisions regarding working conditions and worker protection. However, there are fewer than 50 labor inspectors, and inspections are conducted only in the formal business sector where there are few occurrences of child labor.[3012] Enforcement provisions have not deterred violations. The Nigeria Police Force (NPF) has established anti-trafficking units in eleven states with the worst trafficking problems.[3013] At the institutional level, government authorities do not facilitate or condone trafficking; however, the National Agency for the Prohibition of Traffic in Persons (NAPTIP) has received reports from informants and foreign officials that law enforcement officers and individuals in the immigration and airport authorities collaborated in trafficking across the Nigeria's borders. The law provides punitive measures for officials who aid or abet trafficking; however, during the year, NAPTIP and NPF found no evidence of official complicity, and no officials were prosecuted, tried, or convicted for trafficking-related charges.[3014]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Nigeria is participating in two USDOL-funded ILO-IPEC projects. These projects include a regional project to combat the trafficking of children,[3015] and a project funded in part by the Cocoa Global Issues Group that seeks to withdraw children from hazardous work in the cocoa sector, generate income for families, and promote education.[3016] In addition, the USAID-supported Sustainable Tree Crops Program is incorporating child labor

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	10/2/2002	✓
Ratified Convention 182	10/2/2002	✓
ILO-IPEC Member		✓
National Plan for Children		
National Child Labor Action Plan		✓
Sector Action Plan		

[3011] The Act also prohibits forced labor, trafficking in slaves, pornography, drug trafficking, or forced or compulsory recruitment into armed conflict. The Act applies to all residents of Nigeria, and to Nigerians who are convicted outside of Nigeria for trafficking-related offenses. It also provides for the rights of victims of trafficking, including the right to access health and social services while a temporary resident, protection of identity, and the right to press charges against the trafficker. See *Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003*, (July 2003), Sections 11-19, 21, 23, 25-26, 36-38.

[3012] Ibid., Section 6d. Other agencies responsible for enforcing child labor laws include the Federal Ministry of Women Affairs and Youth Development, the Child Rights Department of the National Human Rights Commission, and the local government within the 36 states and capital territory. See U.S. Consulate- Lagos, *unclassified telegram no. 1914*.

[3013] U.S. Department of State, *Country Reports- 2003: Nigeria*, Section 6f.

[3014] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Nigeria*, Washington, D.C., February 28, 2005, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41620.htm. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Nigeria*. Victims interviewed by UNODC identified the complicit and collaborative behavior of police, security force, immigration, and customs officials. NAPTIP briefed the heads of police and immigration on the issue. NAPTIP also worked with the Minister of Aviation to address corruption among airport officials. U.S. Consulate-Lagos, Email communication, June 1, 2005.

[3015] The project began in 1999 and is currently in its second phase. See ILO-IPEC, *Combating the trafficking of children for labour exploitation in West & Central Africa (Phase II)*, project document, RAF/01/P53/USA, Geneva, March 2001, 2.

[3016] ILO-IPEC, *West Africa Cocoa/Commercial Agriculture Programme to Combat Hazardous and Exploitative Child Labour (WACAP)*, project document, RAF/02/P50/USA, Geneva, September 2002, 1, 12.

issues into its program, and is coordinating with the USDOL-funded ILO-IPEC program to address child labor in the cocoa sector.[3017] The ILO and the News Agency of Nigeria launched a program in August 2004 to raise awareness and build the capacity of the media to eliminate child labor and trafficking.[3018]

The Government of Nigeria is working with the UN Office on Drugs and Crime's Global Program Against Trafficking in Human Beings to strengthen anti-trafficking efforts. The UN Office is providing technical assistance in areas such as research, law enforcement training, and the creation of regional anti-trafficking networks.[3019] In addition, the Governments of Nigeria and Italy are committed to a UN Interregional Crime and Justice Research Institute pilot project, which aims to build capacity to reduce child trafficking from Nigeria to Italy.[3020] With the involvement of the government, UN agencies, and civil society institutions, IOM is leading an anti-trafficking victim assistance and awareness-raising project in Nigeria.[3021] In July 2004, with funding from USAID, the IOM and NAPTIP opened a shelter in Lagos for returned trafficking victims.[3022] Since opening, the shelter has assisted more than 300 victims.

The Government of Nigeria launched a poverty reduction strategy entitled, "National Economic Empowerment Development Strategy" (NEEDS), which sets a developmental agenda for the country through 2007. The NEEDS document seeks to provide a safety net to vulnerable groups and emphasizes the importance of education and the protection of children from all forms of abuse including hazardous work, sexual exploitation, and trafficking.[3023] In addition, the Government of Nigeria also launched a 2004-2007 Strategic National Education Plan, which aims to improve the quality of education at all levels.[3024]

[3017] Ibid., 8 and 12. See also USAID, *Trafficking in Persons: USAID's Response*, September 2001, 4; available from http://www.usaid.gov/wid/pubs/traffickinginpersons.pdf.

[3018] U.S. Consulate- Lagos, *unclassified telegram no. 1914*. See also Kabissa, *ILO, NAN to train journalists on child trafficking,* [previously online] August 8, 2004 [cited October 28, 2004]; available from http://lists.kabissa.org/lists/archives/public/womensrightswatch-nigeria/msg00957.html [hard copy on file].

[3019] The project is supported by funds from Canada, France and Norway. See UN Office on Drugs and Crime, *Pilot Projects,* [online] [cited September 8, 2004]; available from http://www.odccp.org/odccp/trafficking_projects.html.

[3020] UNICEF, *Trafficking in Human Beings, Especially Women and Children, in Africa*, Innocenti Research Center, Florence, September 2003, 38-39.

[3021] IOM, *Online Project Compendium,* [online] [cited June 4, 2004]; available from http://www.iom.int/iomwebsite/Project/ServletSearchProject?event=detail&id=SN1Z027.

[3022] Habiba Adamu, *The Other Side of Human Trafficking,* all Africa, [online] January 4, 2005 [cited January 21, 2005]; available from http://allafrica.com/stories/printable/200501040198.html. See also Funmi Komolafe, *Human trafficking thrives, barons escape justice,* Vanguard Online Edition, [online] August 29, 2004 [cited January 21, 2005]; available from http://www.vanguardngr.com/articles/2002/features/fe529082004.html.

[3023] Education strategies include full implementation of the free and compulsory education requirement, a review of school curricula at all levels, and increasing the number of vocational centers. See Government of Nigeria, *Nigeria: National Economic Empowerment and Development Strategy*, March 2004, 5, 54, 101, 08; available from http://www.nigeria.gov.ng/e Government/Needs.PDF. See also Daily Champion (Lagos), *Osuji Takes SNEP to UNESCO,* allAfrica, [online] September 29, 2004 [cited October 28, 2004]; available from http://allafrica.com/stories/200409290567.html.

[3024] UNESCO, *Nigeria: Minister of Education,* [online] 2004 [cited October 28, 2004]; available from http://www.ibe.unesco.org/International/ICE47/english/MesMOE/messages/nigeria.html.

UNICEF, in collaboration with the government, has launched a Strategy for Acceleration of Girls Education in Nigeria to promote equal access to education for girls by 2005.[3025] UNICEF also works to improve enrollment and retention in primary school by focusing on teaching and learning practices.[3026] The Government of Nigeria is implementing a USD 101 million Universal Basic Education Project supported by the World Bank, which aims to improve the quality of schools, increase access to education, and strengthen the Education Management Information System in Nigeria.[3027] The World Bank is also supporting the Second Primary Education Project, which is improving the quality of primary education through teacher training, enhancing the educational environment by setting up focus schools, improving quality and availability of curriculum materials, and developing an information base for decision making.[3028] USAID funds support teacher training, community participation and policy planning on schooling in three states (Lagos, Kano, and Nasarawa), as well as youth skills development for unemployed youth in Delta, Lagos, and Kano.[3029]

[3025] Andrew Ahiante, *Nigeria: Challenges of the Girl Child,* [online] August 19, 2003 [cited May 19, 2004]; available from http://www.globalmarch.org/clns/mail-clns/clns-mail-sept-detail.html.

[3026] UNICEF, *UNICEF: At a glance: Nigeria - the big picture,* [online] July 24, 2003 [cited June 2, 2004]; available from http://www.unicef.org/infobycountry/nigeria.html.

[3027] The project began in 2002. See World Bank, *Universal Basic Education Project,* [online] June 2, 2004 [cited June 2, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P071494.

[3028] The Bank is providing USD 55 million to the effort, which began in May 2000 and is scheduled to close at the end of December 2004. See World Bank, *Nigeria: Primary Education II,* [online] June 2, 2004 [cited June 2, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P066571.

[3029] USAID, *S03 - Basic Education,* [online] no date [cited June 2, 2004]; available from http://www.usaid.gov/ng/so3.htm.

Oman

Incidence and Nature of Child Labor

The ILO estimated that less than one percent of children ages 10 to 14 years in Oman were working in 2000.[3030] Child labor is not known to exist in any formal industry, but children are known to work in family businesses, particularly in the agricultural and fisheries sectors.[3031]

Education is free but not compulsory for all children ages 6 to18 years.[3032] A new educational system introduced in the Muscat Governorate makes education compulsory through grade 10. Due to budgetary constraints, however, this system will gradually be adopted nationwide over the next 10 to 15 years.[3033] In order to achieve the goal of education for all, the government provides free transportation to and from school.[3034] In 2001, the gross primary enrollment rate was 82.9 percent (82.2 percent for girls and 83.7 percent for boys). The net enrollment rate for that year was 74.5 percent (74.9 percent for girls and 74.1 percent for boys).[3035] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Oman.

Child Labor Laws and Enforcement

The Oman Labor Law of 2003 sets the minimum age for employment at 15 years. A minor is defined as anyone age 15 to 18 years.[3036] The employment of minors is permitted between the hours of 6 a.m. and 6 p.m., and minors are prohibited from working overtime.[3037] In addition, working children cannot be compelled to stay at the workplace beyond their specified working hours, with a maximum of 6 hours per day mandated by law. A workplace employing minors is required to post the following items for display: a copy of the regulations pertaining to non-adult workers; a schedule of work hours, periods of rest, and

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[3030] A 2000 labor force survey found that 0.1 percent Omani children ages 10 to 14 years old were economically active. See LABORSTAT, *Oman: 1A-Total and economically active population by age group (Thousands),* Geneva, [Database] 2004 [cited September 9, 2004]; available from http://laborsta.ilo.org.

[3031] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Oman*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27935.htm.

[3032] UNESCO, *Education for All 2000 Assessment: Country Reports- Oman*, prepared by Ministry of Education Planification and Education Information, pursuant to UN General Assembly Resolution 52/84, 1999, Part II.1; available from http://www2.unesco.org/wef/countryreports/oman/contents.html. See also U.S. Department of State, *Country Reports- 2003: Oman*, Section 5.

[3033] U.S. Embassy- Muscat official, email communication to USDOL official, March 1, 2004. Prior to hiring a young person, employers typically require documentation that indicate a child has completed basic education through grade 10. See U.S. Embassy- Muscat, *unclassified telegram no. 1449*, August 23, 2004.

[3034] UNESCO, *EFA Country Report: Oman*, Section II, 3.2.1.

[3035] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[3036] Royal Decree 35/2003, *Royal Decree no. 35/2003: Oman Labour Law*, (May 3, 2003), Part II, Employing Minors. According to the Ministry of Manpower, regulations stipulate children under 18 should not work in hazardous occupations. See U.S. Embassy- Muscat, *unclassified telegram no. 1449*.

[3037] *Oman Labour Law*, Part II, Employing Minors.

weekly holidays; and a list of minors employed.[3038] The Ministry of Manpower is responsible for enforcing child labor laws in the formal sector.[3039] While restrictions on youth employment are generally followed, enforcement often does not extend to some small family enterprises, particularly in the agricultural and fisheries sectors. The Ministry of Social Development employs social workers responsible for monitoring the informal, family-based economy for signs of exploitive child labor. The government has not reported finding any such abuse.[3040]

Bonded child labor is prohibited by law and it is not recognized as a problem.[3041] The Penal Code assigns a penalty of at least 5 years imprisonment for individuals found guilty of enticing a minor into an act of prostitution.[3042]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182 6/11/2001	✓
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

The Government of Oman participated in a UNICEF sponsored conference in June 2004 that emphasized child protection and the reduction of child illiteracy and abuse. Participants included members of the Consultative and State Councils, members of the National Committee on the Rights of the Child, the Royal Oman Police, and local NGOs.[3043]
The Government of Oman, through the Ministry of Education, is working to increase net enrollment among children and improve the education curriculum. The Basic Education Program provides support for the development and implementation of an educational management database for policy planning; curriculum reform in math, science, and life skills for grades 1 through 10. The initiative will provide training to support the national education reform process and monitor learning achievements of students in grades 7 through 10.[3044] As of October 2004, 352 public schools in Oman were implementing the Basic Education program.[3045]

[3038] Ibid.

[3039] Ibid.

[3040] U.S. Department of State, *Country Reports- 2003: Oman*, Section 6d. See also U.S. Embassy- Muscat, *unclassified telegram no. 1449*.

[3041] Ibid.

[3042] Government of Oman, *Article 220 of the Penal Code: Child Prostitution,* Interpol: Legislation of Interpol member states on sexual offences against children, [cited May 17, 2004]; available from http://www.interpol.int/public/Children/SexualAbuse/NationalLaws/csaOman.asp.

[3043] UNICEF is partnering with the Ministry of Social Development to establish an educational management database in which data on school enrollment and attendance is disaggregated. See U.S. Embassy- Muscat, *unclassified telegram no. 1449*.

[3044] UN, *Youth at the United Nations: Country Profiles on the Situation of Youth- Oman,* UN, [online] 2000 [cited May 17, 2004]; available from http://esa.un.org/socdev/unyin/countrya.asp?countrycode=om.

[3045] Ministry of National Economy, *Statistical Yearbook, October 2004;* available from http://www.moneoman.gov.om/123/education/8-19.htm There are a total of 1,022 public schools. An additional 40 schools will be added to the program each year. See U.S. Embassy- Muscat official, email communication, March 1, 2004.

Pakistan

Incidence and Nature of Child Labor

The ILO estimated that 14.4 percent of children ages 10 to 14 years in Pakistan were working in 2002.[3046] Most working children are found in agriculture, followed by informal activities in the non-agricultural sector, such as domestic work, street vending, and work in family businesses. Children are also employed in several hazardous sectors, including leather tanning, surgical instruments manufacturing, coal mining, deep sea fishing, brick-making,[3047] and glass bangle manufacturing.[3048] Bonded child labor is still reported in Pakistan, most commonly in agriculture, the brick-making industry, mining, and carpet production.[3049] Further, the exploitation of children in the sex and drug trades continues to be a problem.[3050]

Pakistan is a source, transit, and destination country for child trafficking victims.[3051] Girls are trafficked into Pakistan, primarily from Bangladesh, Afghanistan, Iran, Burma, Nepal, and Central Asia, for the purposes of sexual exploitation and bonded labor. Girls are also trafficked internally for commercial sexual exploitation and other types of exploitative labor.[3052] Boys studying at local madrassas (Islamic theological schools) are recruited, often forcibly, as child soldiers to fight with Islamic militants in Afghanistan and Kashmir.[3053] Bangladeshi boys trafficked to Pakistan often work in manufacturing and sweatshops.[3054] Although boys continue to be trafficked from Pakistan to Gulf countries to serves as camel jockeys, more stringent enforcement efforts by authorities in both regions appear to have reduced the numbers.[3055]

[3046] World Development Indicators 2004, Washington, D.C.

[3047] U.S. Department of State, "Country Reports on Human Rights Practices- 2003: Pakistan," (Washington, D.C.: 2004), Section 6d. See also U.S. Embassy- Islamabad, "Unclassified Telegram No. 6012," (2003), 2.

[3048] ILO-IPEC, "Supporting the Time-Bound Programme on the Elimination of the Worst Forms of Child Labour in Pakistan," (Geneva: 2003), 10.

[3049] U.S. Department of State, "Country Reports- 2003: Pakistan," Section 6c. See also Anti-Slavery International, "The Enslavement of Dalit and Indigenous Communities in India, Nepal and Pakistan through Debt Bondage," (London: 2001), 3. See also Anti-Slavery International, "Contemporary Forms of Slavery Related to and Generated by Discrimination: Forced and Bonded Labour in India, Nepal and Pakistan," (London: 2003). See also Ahmad Saleem, "A Rapid Assessment of Bonded Labour in Pakistan's Mining Sector," (Geneva: ILO, 2004).

[3050] Afghan refugee children residing in urban Pakistan are among the most vulnerable to hazardous and exploitative labor conditions. See Women's Commission for Refugee Women and Children, "Fending for Themselves: Afghan Refugee Children and Adolescents Working in Urban Pakistan," (New York: IRC, 2002), 13-15. See also ECPAT International, *Pakistan* [database online] (in ECPAT International, 2004 [cited June 1, 2004]); available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

[3051] U.S. Department of State, "Trafficking in Persons Report- 2004: Pakistan," (Washington, D.C.: 2004), U.S. Department of State, "Trafficking in Persons Report- 2004: Pakistan," (Washington, D.C.: 2004). See also ECPAT International, *Pakistan* ([cited).

[3052] U.S. Department of State, "Trafficking in Persons Report- 2004: Pakistan." See also IOM, "New Iom Figures on the Global Scale of Trafficking," *Trafficking in Migrants - Quarterly Bulletin* 23, no. April (2001).

[3053] U.S. Department of State, "Trafficking in Persons Report- 2004: Pakistan." See also Coalition to Stop the Use of Child Soldiers, "Child Soldiers 1379 Report," (London: 2002).

[3054] ILO, "Getting at the Roots: Stopping Exploitation of Migrant Workers by Organized Crime" (paper presented at the The UN Convention Against Transnational Organized Crime: Requirements for Effective Implementation, Geneva, February 22-23, 2002), 11. See also ECPAT International, *Pakistan* ([cited).

The law does not make basic education free or compulsory.[3056] In 1998, the Ministry of Education set a goal for universal basic education as part of the National Education Policy.[3057] In 2001-2002, the gross primary enrollment rate was 72 percent (61 percent for girls and 83 percent for boys), and the net primary enrollment rate was 42 percent (38 percent for girls and 46 percent for boys).[3058] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Pakistan. Even those children who attend school often fail to learn to read and write.[3059]

Child Labor Laws and Enforcement

The Employment of Children Act of 1991 prohibits the employment of children in specified occupations and processes deemed dangerous or hazardous to their health but not from working in family-run enterprises or government schools. The law limits the workday of a child to 7 hours, all of which must be between the hours of 8 a.m. and 7 p.m., and it provides for a 1-hour break after 3 hours of labor. A working child must be given at least one day off per week, and it is illegal to require or allow a child to work overtime. Employers must maintain an employment register of working children.[3060] The 1995 Employment of Children Rules details employers' requirements for maintaining minimum standards of health and safety in a child's working environment.[3061] Violations of these provisions can result in a maximum 1-year prison term and/or a fine of 20,000 rupees (approximately USD 352).[3062]

Forced labor is prohibited by the Constitution and by the Bonded Labor System (Abolition) Act of 1992, which was designed to abolish the bonded labor system, emancipate bonded laborers, and cancel remaining debts.[3063] Those found in violation of these provisions can face 2 to 5 years imprisonment and

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[3055] U.S. Department of State, "Trafficking in Persons Report- 2004: Pakistan." See also U.S. Department of State, "Country Reports- 2003: Pakistan," Section 6f.

[3056] U.S. Department of State, "Country Reports- 2003: Pakistan," Section 5. See also World Education Services- Canada, *Pakistan* [database online] ([cited); available from http://www.wes.org/ca/wedb/pakistan/pkfacts.htm. While education is not compulsory, the Constitution, which was fully restored following the 2002 election of President Pervez Musharraf, stipulates that the government "shall remove illiteracy and provide free and compulsory secondary education within a minimum possible period." See *The Constitution of the Islamic Republic of Pakistan*, Part II, Chapter 2, 37b.

[3057] Government of Pakistan, "National Education Policy (1998-2010)," (Islamabad: Ministry of Education, 1998).

[3058] These figures refer to enrollment in grades 1 through 5. See Federal Bureau of Statistics, "Pakistan Integrated Household Survey," (Islamabad: Government of Pakistan, 2002), 23 and 29.

[3059] In 2001, UNICEF reported that 33 percent of a nationwide sample of fifth graders could read with comprehension, while 17 percent were able to write a simple letter. See U.S. Department of State, "Country Reports- 2003: Pakistan," Section 5.

[3060] The Act defines "child" as anyone below the age of 14 years and "adolescent" as anyone who has reached 14 but not 18 years of age. The list of hazardous occupations includes work on trains, in the construction of railways, explosives, carpet weaving and manufacturing where toxic chemicals are used. See *Employment of Children Act*, (June 4, 1991), Parts II and III.

[3061] *Employment of Children Rules*, (1995). This law was written in exercise of the authority conferred by sections 13 and 18 of the Employment of Children Act, 1991.

[3062] *Employment of Children Act, Section 14.* For currency conversion see FXConverter, [database online] ([cited June 3, 2004]); available from http://www.oanda.com/convert/classic.

[3063] *Bonded Labour System (Abolition) Act*, (1992). See also U.S. Department of State, "Country Reports- 2003: Pakistan," Section 6c.

fines of 50,000 rupees (approximately USD 881).[3064] In August 2002, the Government of Pakistan passed the Prevention and Control of Human Trafficking and Smuggling Ordinance, which prohibits trafficking in persons and assigns strict penalties for individuals or groups found guilty of engaging in or profiting from such activities.[3065]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Pakistan is implementing a National Policy and Action Plan to Combat Child Labor that calls for immediate eradication of the worst forms of child labor and the progressive elimination of child labor from all sectors of employment. It further seeks to prevent children from entering the work force by offering education as an alternative.[3066]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182 10/11/2001	✓
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	✓
Sector Action Plan (bonded labor)	✓

The National Commission for Child Welfare and Development is coordinating the National Project on the Rehabilitation Child Labour to withdraw children from hazardous employment and promote education.[3067] Pakistan Bait-ul-Mal, a government welfare agency, operates 87 non-formal education centers, providing education to working children in all four provinces.[3068] Pakistan Bait-ul-Mal also is providing free school uniforms, books, nutritious meals, de-worming tablets, and a stipend to 500,000 girls in 26 of the poorest districts in Pakistan. The centers assist in withdrawing children from hazardous work environments and providing them with informal and primary education, vocational training, medical care and stipends for income generation activities. Approximately 120 children are enrolled in each center.[3069]

The government's Poverty Reduction Strategy Paper incorporates the reduction of child labor into its target-setting process. The National Committee on Abolition of Bonded Labour and Rehabilitation of

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[3064] *Bonded Labour System (Abolition) Act*. For currency conversion, see FXConverter, ([cited).

[3065] The law specifically makes the smuggling of children for the purposes of unlawful entertainment and sexual abuse a criminal offence. See Staff Reporter, "Law to Check Trafficking in Human Beings Approved," *Dawn*, August 29, 2002. See *Saarc Convention on Preventing and Combating Trafficking in Women and Children for Prostitution*, (January 5, 2002).

[3066] Child Labour Unit, "National Policy and Action Plan to Combat Child Labour," (Islamabad: Government of Pakistan, Ministry of Labour, Manpower and Overseas Pakistanis, 2000), 7 and 11.

[3067] The National Commission for Child Welfare and Development was established in 1980 to promote child welfare, formulate policies to support children, and propose legislation to deter child abuse in all of its forms. See Government of Pakistan, "National Commission for Child Welfare and Development: Introduction and Objectives," (Islamabad: National Commission for Child Welfare and Development).

[3068] Of the total number of centers, 74 are for boys, 2 for girls, and 11 are co-educational. See ILO-IPEC, "Combating Child Labour in the Carpet Industry in Pakistan--Phase Ii: Technical Progress Report--September 2004," (2004), 3. Under the program, children receive a stipend of Rs. 1,200 (USD 20) per year and a Rs. 500 (USD 8) per year for textbooks and educational supplies. Parents receive a stipend of Rs. 2,400 (USD 40) per year if they maintain their children in school. See Government of Pakistan, "Pakistan Bait-Ul-Mal: Projects," (Islamabad: Ministry of Women Development, Social Welfare, and Special Education). See U.S. Embassy-Islamabad, electronic communication, March 16, 2004. See also U.S. Department of State, "Country Reports- 2003: Pakistan," Section 6d.

[3069] ILO-IPEC, "Timebound Program Technical Progress Report," (Geneva: 2004), 3.

Freed Bonded Laborers oversees the implementation of the National Policy and Plan of Action for the Abolition of Bonded Labour. Major accomplishments include establishing a bonded labor unit, registering brick kilns under the Factory Act, and creating Legal Aid Cells for workers trapped in bonded labor.[3070]

The government is participating in an ILO-IPEC Timebound Program designed to remove and rehabilitate child workers in six identified sectors over the next 5 to 10 years. The activities are glass bangle making, surgical instruments manufacturing, tanneries, coal mining, scavenging, and deep-sea fishing/seafood-processing.[3071] In addition, as of May 2004, ILO-IPEC was supporting over 17 active projects in Pakistan to prevent, withdraw, and rehabilitate child laborers.[3072] The two largest of these programs focused on the elimination of child labor in the carpet weaving and soccer ball stitching industries.[3073] In addition, a number of ILO-IPEC Action Plans have further formalized activities to combat child labor and helped to coordinate the efforts to eliminate child labor on the part of government organizations, NGOs, trade unions, employers' bodies, and other interested parties.[3074] In cooperation with the Government of Pakistan, USDOL is funding a USD 5 million Save the Children-UK project designed to withdraw children in Punjab from hazardous labor and to provide them with educational and training services.[3075]

The provincial government of the Punjab is making efforts to improve education and stem the flow of yearly dropouts, estimated at four million. Programs include free textbooks through grade 5, hiring 16,000 additional teachers, stipends to support literacy projects for girls, and the establishment of a new district-level monitoring team. The Northwest Frontier Province also provides free textbooks through grade five.[3076] The Central Zakat Council administers 56 vocational training centers in the Punjab. Students receive a monthly stipend for attending and a tool allowance of Rs. 5,000 (USD 87) upon completion of the course.[3077]

[3070] Ibid.

[3071] In September 2002, as part of its obligations under ILO Convention 182, a tripartite committee formed by the Ministry of Labor identified 29 occupations as hazardous for workers under 18 years. Activities banned for workers under 18 years of age include working in mines, stone crushing, carpet weaving, ship breaking, deep-sea fishing; producing glass bangles, fireworks, and tobacco; and work with heavy machinery, live electrical wires, and between the hours of 10 p.m. and 8 a.m. See Government of Pakistan, "Related Definitions," (Islamabad: Ministry of Labour, Manpower, and Overseas Pakistanis). Six of these activities were chosen by the government and ILO-IPEC for prioritized action under a Timebound Program to assist the Government of Pakistan in its efforts to eliminate the worst forms of child labor. See ILO-IPEC, "March 2004 Timebound Technical Progress Report," 2. See also ILO-IPEC, "Time-Bound Program in Pakistan, Project Document," 32 and 48.

[3072] ILO-IPEC Official, August 16, 2003.

[3073] In September 2002, ILO-IPEC initiated the second phase of a program to remove children from the carpet sector. ILO-IPEC, "Combating Child Labour in the Carpet Industry in Pakistan (Phase Ii)," (Geneva: 2002). From August 1997 to June 2004, a USDOL-funded project worked to remove and rehabilitate child workers from the soccer ball stitching industry in the Sialkot district. Since the project began, the incidence of child labor in the soccer ball stitching industry in Sialkot has been significantly reduced, and the ILO-IPEC monitoring system established has been replicated in other industries that rely heavily on labor from child workers, including carpet-weaving and surgical instruments manufacturing. See Sarah Javeed, F.S. Lavador, and Mohammad Saifullah, "Midterm Self Evaluation of Elimination of Child Labour in the Soccer Ball Industry in Sialkot, Pakistan, Phase Ii," (Islamabad: ILO, 2002), 6.

[3074] Government of Pakistan, "Child Labour Programmes: Ipec," (Islamabad). See also ILO, "The Effective Abolition of Child Labour: Review of Annual Reports under the Follow-up to the Ilo Declaration on Fundamental Principles and Rights at Work," (Geneva: 2002), 447-48. See also Child Labour Unit, "National Policy and Action Plan," 44.

[3075] Save the Children - UK, "Addressing Child Labour through Quality Education for All Technical Progress Report," (London: 2004).

[3076] ILO-IPEC, "Tpr-Sept. 2004," 3.

[3077] Ibid.

Due to critical needs in its education system, the Government of Pakistan is receiving intensified support from the World Bank in order to expedite its eligibility for fast track financing for the Education for All program. The Education for All Fast Track Initiative, which is funded by the World Bank and other donors, aims to provide all children with a primary school education by the year 2015.[3078] In addition, the ADB has supported multiple education projects in the Southern Punjab and the Sindh Province to provide incentives for girls to attend school and to promote the attendance, access, and quality of educational programs in general.[3079]

[3078] World Bank, "World Bank Announces First Group of Countries for 'Education for All' Fast Track," (Washington, D.C.: 2002).

[3079] ADB, *Primary School Quality Improvement* [online] (2001 [cited June 3, 2004]); available from http://www.adb.org/Documents/Profiles/PPTA/30208012.ASP. See also ADB, *Decentralized Elementary Education Project (Sindh)* [online] (2002 [cited June 3, 2004]); available from http://www.adb.org/Documents/Profiles/LOAN/30208013.ASP.

Panama

Incidence and Nature of Child Labor

The Panama Census and Statistics Directorate estimated that 3.6 percent of children ages 5 to 14 years were working in Panama in 2000.[3080] Most working children in Panama live in rural areas and are engaged in agricultural activities.[3081] Rates of work also tend to be higher among indigenous than non-indigenous children.[3082] Children are found working during the harvesting periods for sugar cane, coffee, bananas, melons, and tomatoes.[3083] Some children, including children from indigenous communities in Panama, migrate with their families to other regions of the country and to Costa Rica to participate in crop harvests.[3084]

Children are also found working in urban areas in Panama, especially in the informal sector,[3085] in street vending and performing, washing cars, and running errands for business or crime groups.[3086] Children also work informally in urban markets and trash dumps.[3087] Supermarkets reportedly allow young children to bag groceries in return for tips.[3088] Children in Panama also work as domestic servants.[3089] Panama is a transit and destination country for girls, primarily from Colombia and the Dominican Republic, trafficked for commercial sexual exploitation. Children are also trafficked within Panama for sexual exploitation, and are involved in child pornography.[3090]

[3080] Another 23.0 percent ofchildren ages 15 to 17 years were also found working. See Census and Statistics Directorate, *Informe Nacional de los Resultados de la Encuesta del Trabajo Infantil*, ILO-IPEC, May, 2003, 50. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[3081] Ibid., 52, 85, 91.

[3082] Ibid., 53.

[3083] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Panama*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27907.htm. See also U.S. Embassy - Panama, facsimile communication to USDOL official, March 22, 2004.

[3084] See ILO-IPEC, *Informe Final sobre el Estudio Diagnóstico de la Dimensión, Naturaleza, y Entorno Socioeconómico del Trabajo Infantil y de la Adolescencia Trabajadora en el sector del café en la Provincia de Chiriquí*, September 2002, 24, 27.

[3085] ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, Geneva, September 2002, 3.

[3086] U.S. Department of State, *Country Reports- 2003: Panama*, Section 6d.

[3087] Census and Statistics Directorate, *Informe Nacional del Trabajo Infantil*, 86. See also ILO-IPEC, *Estudio para la determinación de línea de base trabajo infantil y adolescente peligroso en áreas urbanas de los distritos de Panamá y San Miguelito de la Provincia de Panamá: Informe Final*, Panamá, May 13, 2004, 4.

[3088] Although not formally employed by the supermarket, these children conform to schedules, wear uniforms, comply with codes of conduct, and take orders from supermarket employees. See U.S. Department of State, *Country Reports- 2003: Panama*, Section 6d.

[3089] Commission on Women's Issues, the Rights of Children, Youth, and Family, *Condición del trabajo infantil y juvenil en las cañaverales de las provincias Cocle y Veraguas*, Panama, 2000, 16.

[3090] U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33198pf.htm.

In Panama, education is compulsory and free through the equivalent of ninth grade.[3091] In 2001, the gross primary enrollment rate was 110.0 percent, and the net primary enrollment rate was 99.0 percent.[3092] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. According to the Panama Census and Statistics Directorate, 15.1 percent of children ages 5 to 17 did not attend school in 2000.[3093] In that same year, 93.7 percent of children who started primary school were likely to reach grade 5.[3094]

Compared to national averages, school attendance is lower among older children in rural areas and children from indigenous communities.[3095] Many rural areas do not have access to secondary education and the government does not cover transportation costs.[3096] Children often do not attend school due to financial considerations, lack of transportation, and the need to migrate with their families during the harvesting season.[3097] About one-third of children from the Ngobe-Bugle indigenous community miss the first 3 months of the academic year to work in the coffee harvest.[3098]

Child Labor Laws and Enforcement

The Family Code, the Labor Code, and the Constitution of Panama set the minimum age for employment at 14 years of age. Children who have not completed primary school, however, may not begin work until 15 years of age.[3099] The law does permit children ages 12 to 15 to perform farm labor as long as the work is light and does not interfere with schooling.[3100] The law also prohibits youth ages 14 to 18 from potentially hazardous work, such as work with explosives and flammables; work underground; work with radioactive substances; work in transportation and electric energy, as well as in nightclubs, bars, or other places where alcohol is consumed. Youth may engage in work with explosives and in transportation, electricity, and mines if the minor performs the job as part of vocational training and work is conducted under the supervision of competent authorities.[3101] Children younger than 18 may work no more than 6 hours a day

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[3091] U.S. Department of State, *Country Reports- 2003: Panama*, Section 5. See also *Political Constitution of Panama*, (1994), Article 91; available from http://www.georgetown.edu/pdba/Constitutions/Panama/panama1994.html.

[3092] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[3093] Census and Statistics Directorate, *Informe Nacional del Trabajo Infantil*, 64-65.

[3094] World Bank, *World Development Indicators 2004.*

[3095] Census and Statistics Directorate, *Informe Nacional del Trabajo Infantil*, 65, 68.

[3096] U.S. Embassy- Panama, *unclassified telegram no. 3473*, October 2002.

[3097] U.S. Department of State, *Country Reports- 2003: Panama*, Section 5, 6d.

[3098] U.S. Embassy- Panama City, *Communication from American Embassy in Panama - unclassified excerpt from telegram no. 2080*, July 2003.

[3099] Government of Panama, *Código de la familia*, (1994), Article 508. See also Government of Panama, *Código de Trabajo*, Article 117. See also *Constitution of Panama*, Article 66.

[3100] *Código de Trabajo*, 119 As noted in the 2004 Annotated Labor Code, the 1998 Annotated Family Code, and the Supreme Court Decision of November 30, 1995, the provision of the labor code permitting children to perform domestic work between the ages of 12 and 15 was declared unconstitutional. See also *Código de la familia*, Article 510. See also *Código del Trabajo (annotated).*

[3101] *Código de Trabajo*, Articles 118, 23. See also *Código de la familia*, Article 510.

or 36 hours per week. Children under the age of 18 may not work between the hours of 6 p.m. and 8 a.m.[3102] Businesses that employ an underage child are subject to civil fines, while employers who endanger the physical or mental health of a child can face 2 to 6 years of imprisonment.[3103]

The Labor Code also prohibits forced labor by children.[3104] The Penal Code criminalizes pimping of children and child pornography.[3105] Trafficking in children is prohibited under the Penal Code.[3106] In March 2004, the Government of Panama enacted Law 16, which strengthens provisions against a variety of forms of sexual exploitation of children, including paying minors for sex, Internet pornography, sex trafficking, and the promotion of sex tourism involving minors. Penalties for both commercial sexual exploitation of minors and trafficking of minors for sexual purposes include 8 to 10 years in prison and fines. The law expands police powers to investigate and prosecute these crimes by eliminating the need for a formal complaint before an investigation can occur and by eliminating the option of bail in sex crime cases involving minors, among other provisions.[3107]

The Superior Tribunal for Minors and the Superior Tribunal for Families are the judicial bodies responsible for overseeing the protection and care of children. The Ministry of Youth, Women, Children, and Family proposes and reviews laws and monitors government performance with regard to children's issues.[3108] Children may file complaints about possible violations of their rights with the National Council for Children and Adolescents Rights, the Children's Delegate in the Ombudsperson's Office or the Ministry of Youth, Women, Children, and Family, although the UN Committee of the Rights of the Child has expressed concern that there is a lack of access to and coordination among these bodies.[3109]

The Ministry of Labor responds to child labor complaints and has the authority to order the termination of unauthorized employment. As of August 2004, the Ministry of Labor's Child Labor Unit had seven full-time staff members, and received assistance from 10 to 15 additional inspectors for child labor raids. In the period September 2003 to February 2004, the Child Labor Unit requested penalties against five businesses for child labor violations; fines were subsequently levied against two of the businesses.[3110] However, the ministry claims it lacks sufficient staff to enforce some child labor provisions in rural areas where most working children can be found.[3111] Although Panama has developed a legal framework to combat the worst

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[3102] *Código de la familia*, Article 512.

[3103] U.S. Embassy- Panama City, *unclassified telegram no. 3286*, October 2001.

[3104] U.S. Department of State, *Country Reports- 2003: Panama*, Section 6c.

[3105] *Código de la familia*, Article 501. See also *Código Penal*, Articles 231-31G.

[3106] U.S. Department of State, *Country Reports- 2003: Panama*, Section 6f. [This reference is outdated, because of the passage of Law 16 of 2004. You can cite 2004 Codigo Penal, Sections 231-231-G.] Child prostitution, as opposed to pimping children, has not been and currently is not criminalized].

[3107] Government of Panama, *Ley No. 16*, (March 31, 2004), Articles 6-10. See also U.S. Embassy- Panama City, *unclassified telegram no. 2153*.

[3108] U.S. Department of State, *Country Reports- 2003: Panama*, Section 5.

[3109] UN Commitee on the Rights of the Child, *Concluding Observations: Panama*, CRC/C15/Add.233, Geneva, June 4, 2004, 3.

[3110] In the period October 2003 to May 2004, the Child Labor Unit conducted 130 routine inspections of children working. See U.S. Embassy- Panama City, *unclassified telegram no. 2153*.

[3111] U.S. Embassy - Panama, email communication to USDOL official, June 17, 2005.

forms of child labor and has conducted several child labor inspections in the coffee, sugar, melon, and tomato sectors,[3112] child labor violations continue to occur, especially in rural areas during the harvest of sugar cane, coffee, bananas, and tomatoes, and in urban areas.[3113]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 10/31/2000	✓
Ratified Convention 182 10/31/2000	✓
ILO-IPEC Member	✓
National Plan for Children	✓
National Child Labor Action Plan	
Sector Action Plan (Commercial Sexual Exploitation)	✓

The Government of Panama is implementing a 12-year National Strategic Plan on Children and Adolescents (2003-2015), and has developed subplans to address child labor and sexual exploitation of children.[3114] The government is also participating in a USDOL-funded ILO-IPEC program aimed at institutional capacity building, strengthening of law enforcement mechanisms, awareness raising, and combating child labor in the rural and urban informal sectors,[3115] as well as regional projects aimed at combating commercial sexual exploitation and exploitive child labor in agriculture.[3116] In 2004, the government began participating in a new USD 3 million project funded by USDOL to combat child labor through education in Panama.[3117] Through a Canadian-funded ILO-IPEC project, the National Committee for the Eradication of Child Labor and Protection for Working Minors and the Ministry of Labor are coordinating with ILO-IPEC to develop action programs aimed at raising awareness and removing the most vulnerable children from domestic work.[3118] The Government of Panama also receives support from the Interamerican Institute of the Child, an arm of the Organization of American States, to implement plans of action to assist street children, working children, and children involved in sexual exploitation.[3119]

The Ministry of Youth, Women, Children, and Family has created training and assistance centers for children living in urban areas such as Panama City and Colón, and for those living in rural areas including Chiriquí, Veraguas, and Coclé. The centers, known as Centros de Asistencia Integral, provide health care, education opportunities, and vocational and social skills training to children and their families in an effort

[3112] U.S. Embassy- Panama City, *unclassified telegram no. 3286*. See also U.S. Embassy- Panama, *unclassified telegram no. 3615*, November 2001.

[3113] U.S. Department of State, *Country Reports- 2003: Panama*, Section 6d.

[3114] ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, technical progress report, Geneva, March 2004, 2. The government is developing a National Child Labor Action Plan. See ILO- IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, technical progress report, Geneva, September 2004.

[3115] ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama, project document*, 1.

[3116] In Panama, this project focuses primarily on regional collaboration, awareness raising, institutional capacity building, and coordination. See ILO-IPEC, *La explotación sexual comercial de niños, niñas, y adolescentes en Panamá*, June 2002, 5, 27-28. See also ILO-IPEC, *Prevention and progressive elimination of child labour in agriculture in Central America, Panama and the Dominican Republic (Phase II)*, RLA/03/P50/USA, September 2003.

[3117] U.S. Department of Labor, *United States Provides over $110 Million in Grants to Fight Exploitive Child Labor Around the World*, press release, Washington, DC, October 1, 2004.

[3118] ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama, project document*, 8.

[3119] National Director for Childhood Dr. Maribel López de Lobo, letter to U.S. Department of State official, August 26, 2004.

to prevent child labor.[3120] In addition to these centers, the ministry has an agreement with the NGO Casa Esperanza to monitor the situation of children working in sugar cane and coffee, to provide awareness raising training to Ministry of Labor officials, and to establish commissions to address the problem of child labor in the Cerro Patacón garbage dump and in supermarkets.[3121] The Ministry of Youth, Women, Children and Family also works with the Office of the Attorney General and police forces to find children at risk of child labor.[3122] In 2004, the government established a high level commission to study and make recommendations for action on the issues of sexual exploitation of children and trafficking in persons.[3123]

Through its Education for All efforts and its 10-year strategy for education (1997-2006), the government seeks to provide greater opportunity, access and services to groups such as marginalized rural and urban populations, indigenous populations and the disabled.[3124] Panama's Ministry of Education conducts a program in the provinces of Panama and Colon titled "In Search of a Better Tomorrow", which encourages children to complete primary school.[3125] The World Bank is providing a loan of USD 35 million to help the government improve the quality and efficiency of basic education in a project that runs through 2005. The funds are being used to upgrade, expand and rehabilitate run-down or inadequate school buildings; provide textbooks and instructional materials and poverty-based scholarships at public schools, including scholarships targeted toward indigenous children; enhance teacher training in rural and marginal urban communities; expand early childhood and pre-school education programs; and strengthen the Ministry of Education's capacity and decentralization efforts.[3126]

[3120] Ministry of Youth, Women, Children, and Family, *Programas y proyectos contra el trabajo infantil*, Panama, 2000, 10-19. See also U.S. Embassy- Panama official, electronic communication to USDOL official, May 13, 2004.

[3121] Dr. Maribel López de Lobo.

[3122] Ibid.

[3123] Ministry of Government and Justice, *Decreto Ejecutivo No. 97, Gaceta Oficial*, (April 2, 2004).

[3124] UNESCO, *Education for All 2000 Assessment: Country Reports- Panama*, prepared by Dra. Luzmila C. de Sánchez, pursuant to UN General Assembly Resolution 52/84, 1999, Section I.1; available from http://www2.unesco.org/wef/countryreports/panama/rapport_1.html. See also ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama, project document*, 7.

[3125] U.S. Embassy- Panama City, *unclassified telegram no. 2153*.

[3126] World Bank, *Basic Education Project (02),* June 20, 2003 [cited May 12, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P052021. See also IDB, *Ecuador Social Sector Reform Program: Loan Proposal*, 1466/OC-EC (EC-0216), June 25, 2003; available from http://www.iadb.org/exr/doc98/apr/ec1466e.pdf.

Papua New Guinea

Incidence and Nature of Child Labor

The ILO estimated that 16.4 percent of children ages 10 to 14 years in Papua New Guinea were working in 2002.[3127] Children work as domestic servants,[3128] in subsistence agriculture, and in family-related businesses.[3129] Children are also victims of commercial sexual exploitation.[3130]

Education is not compulsory or free in Papua New Guinea.[3131] In 2001, both the gross primary enrollment rate and the net primary enrollment rate were approximately 77 percent.[3132] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Papua New Guinea. In rural areas, the lack of access to schools reportedly contributes to low enrollment.[3133]

Child Labor Laws and Enforcement

The Employment Act sets the minimum age for employment at 18 years, but children ages 11 to 18 may work in family businesses with parental permission, medical clearance, and a work permit from the labor office.[3134] The Constitution prohibits forced labor.[3135] The Criminal Code prohibits procuring, luring, or

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[3127] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[3128] UN Committee on the Rights of the Child, *Consideration of Reports Submitted By States Parties Under Article 44 of the Convention, Concluding Observations: Papua New Guinea*, CRC/C/15/Add.229, February 26, 2004, para. 57.

[3129] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Papua New Guinea*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27785.htm. There have been reports that children work in the commercial agriculture sector, including on tea and coffee farms. See Pacific Islands Report, *Child Labor Claimed at PNG Highlands Tea and Coffee Plantations,* Post-Courier/PINA Nius Online, [online] 2000 [cited July 9, 2003]; available from http://166.122.164.43/archive/2000/March/03-23-14.htm.

[3130] UN Committee on the Rights of the Child, *Consideration of Reports: Papua New Guinea*, para. 59. See also ECPAT International, *Papua New Guinea,* ECPAT, [database online] 2003 [cited May 28, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. The commercial sex sector, while still relatively undeveloped, is expanding, particularly in urban areas. See John C. Caldwell and Geetha Isaac-Toua, *AIDS in Papua New Guinea: Situation in the Pacific* (Canberra: National Centre for Epidemiology and Population Health of Australian National University, 2002), 104-11. There is very limited information on trafficking in Papua New Guinea. While it does not appear to be a problem (i.e. there was no evidence of trafficking during 2002), there is a concern that the country may be used as a route for trafficking to Australia. See also U.S. Department of State, *Country Reports- 2003: Papua New Guinea*, Section 6f.

[3131] UN Committee on the Rights of the Child, *Summary Record (Partial) of the 934th Meeting: Papua New Guinea*, CRC/C/SR.934, January 2004, para. 4; available from http://www.unhchr.ch. See also U.S. Department of State, *Country Reports- 2003: Papua New Guinea*, Section 5.

[3132] World Bank, *World Development Indicators 2004.*

[3133] ADB, *Millennium Development Goals in the Pacific: Relevance and Progress*, March 2003, 25; available from http://www.adb.org/documents/books/MDG_Pacific/mdg.pdf. Children may have to spend several hours a day walking to and from school. See also UNICEF, *Real Lives: An Identity for Joe's Booboo - Birth Registration in Papua New Guinea,* [online] October 7, 2002 [cited May 28, 2004]; available from http://www.unicef.org/infobycountry/papuang_1612.html.

[3134] U.S. Department of State, *Country Reports- 2003: Papua New Guinea*, Section 6d.

[3135] *Constitution of the Independent State of New Guinea*; available from http://www.vanuatu.usp.ac.fj/Paclawmat/PNG_legislation/Constitution.htm.

abducting women or girls for sexual relations or for confinement in a brothel.[3136] Information on the enforcement of child labor legislation is not available.[3137]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified ILO Convention 138 6/02/2000	✓
Ratified ILO Convention 182 6/02/2000	✓
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

The Government of Papua New Guinea has a "National Child Protection Service" to combat the commercial sexual exploitation of children.[3138] UNICEF, with the support of the government, is also implementing a child protection program that includes advocacy for the elimination of the worst forms of child labor, with a particular focus on commercial sexual exploitation. In addition, UNICEF is working to promote girls' access to basic education through education reform activities and awareness-raising about the value of schooling.[3139] The Government of Papua New Guinea is implementing education sector reforms aimed at increasing children's access to education.[3140] AusAID currently supports government reform efforts through basic education projects that aim to improve teacher training, building and renovating classrooms, providing equipment and textbooks, and promoting teaching in local languages.[3141]

[3136] The section on abduction specifies that this applies to girls under the age of 18. See *Papua New Guinea Criminal Code,* as cited in The Protection Project Legal Library, [database online], Chapter 262, Sections 18-21; available from http://209.190.246.239/protectionproject/statutesPDF/PapuaNewGuineaF.pdf.

[3137] U.S. Department of State, *Country Reports- 2003: Papua New Guinea*, Section 6d.

[3138] ECPAT International, *Papua New Guinea*. See also UN Committee on the Rights of the Child, *Consideration of Reports: Papua New Guinea*, para. 59.

[3139] UNICEF, *At A Glance: Papua New Guinea,* [online] 2004 [cited May 28, 2004]; available from http://www.unicef.org/infobycountry/papuang.html.

[3140] UN Committee on the Rights of the Child, *Press Document: Committee on Rights of the Child Considers Initial Report of Papua New Guinea,* [online] 2004 [cited February 10, 2004]; available from http://www.unog.ch/news2/documents/newsen/crc04009e.htm.

[3141] Australian Agency for International Development, *Australia and Papua New Guinea: Development Cooperation Program 2000-2003*, 2004, 17, 19; available from http://www.ausaid.gov.au/publications/pdf/australia_png.pdf.

Paraguay

Incidence and Nature of Child Labor

ILO-IPEC and UNICEF estimated that 7.9 percent of children ages 5 to 14 years were working in Paraguay in 2001.[3142] The largest percentage of working children were found in the agriculture and fishing sectors (40.8 percent); followed by the informal sector (30.3 percent); the services and sales sector (14.9 percent); and the handicraft and mechanical work sector (11 percent).[3143] Children work in family enterprises, in the home and alongside their parents in fields.[3144] Poor families often send their daughters to work as domestic servants in the homes of friends or relatives in exchange for room, board, and financial support for schooling.[3145]

Paraguay is a source country for women and children trafficked to Argentina and Spain for sexual exploitation and forced labor as well as a destination country for girls trafficked from neighboring countries for sexual exploitation.[3146] There are reports of children working as prostitutes in the border regions of Ciudad del Este, Hernandarias and Encarnación, where trafficking is a particular problem.[3147] Children from poor families are trafficked internally from rural to urban areas.[3148] Forcible recruitment of adolescents into the armed forces has decreased in recent years due to public pressure.[3149]

The General Education Law establishes free and compulsory basic education for 9 years. However, the education provided by the government does not adequately meet the needs of the population.[3150] In 2001, the gross primary enrollment rate was 111.8 percent, and the net primary enrollment rate was 91.5

[3142] Another 36.2 percent of children ages 15 to 17 years were also found working. See Roberto Céspedes, *Seguimiento de indicadores sobre la niñez trabajadora de Paraguay segun la encuesta de hogares*, ILO-IPEC, UNICEF, 2003, 18.

[3143] Informal work includes unskilled work as street vendors, porters, guards, messengers, window cleaners and garbage collectors among other activities. Work in the service sector includes domestic work. Work in the handicraft and mechanical sector includes construction, metal work, work with machines, as well as the making of crafts with other materials. See Ibid., 29.

[3144] U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Paraguay*, Washington D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27915.htm.

[3145] Ibid.

[3146] U.S. Department of State, *Trafficking in Persons Report - 2004: Paraguay*, U.S. Department of State, Washington D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33198.htm.

[3147] U.S. Department of State, *unclassified telegram no. 118*, January 25, 2002. See also U.S. Department of State, *Trafficking in Persons Report-2004: Paraguay*. Paraguay borders Bolivia, Brazil and Argentina. See CIA, *The World Factbook,* [online] September 14, 2004 2004 [cited September 24, 2004]; available from http://www.cia.gov/cia/publications/factbook/geos/pa.html.

[3148] U.S. Department of State, *Trafficking in Persons Report-2004: Paraguay*.

[3149] Some adolescents are enlisted during house to house recruitment drives among poor, isolated, rural communities. Children as young as 12 years have reportedly been recruited for armed service. See Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=835. See also U.S. Department of State, *Country Reports-2003: Paraguay*, Section 5 and 6c.

[3150] U.S. Department of State, *Country Reports-2003: Paraguay*, Section 5.

percent.[3151] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent national primary school attendance rates statistics are not available for Paraguay. In 2001, 82.7 percent of working children between the ages of 5 to 14 years were reported to be attending school.[3152] The repetition rate was 8 percent in 2001. As of 2000, 77.2 percent of children who started primary school were likely to reach grade 5.[3153] The Ministry of Labor and Justice reported in 2001 that only 50 percent of children who start the first grade complete elementary education. In rural areas, the completion rate drops to 10 percent.[3154] Girls have less access to education than boys, especially in rural areas.[3155]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment in industrial, public, or private businesses at 15 years, but makes an exception for children who work in family businesses.[3156] Children ages 14 to 18 years are permitted to work in non-industrial settings under specific conditions.[3157] Sanctions are established for those employing children under age 12, or employing children or adolescents under hazardous conditions or for nighttime industrial work.[3158] The Children's and Adolescents' Code prohibits children ages 14 to 18 years from working underground, underwater, or under any other conditions that might be physically, mentally or morally dangerous or harmful to their well being.[3159] Children ages 14 to 16 years may not work in excess of 4 hours a day and 24 hours a week. Children age 16 to 18 years may not work more than 6 hours a day and 36 hours a week.[3160] The Code includes special provisions for child domestic workers that make it unlawful to contract children for domestic work outside of Paraguay; limit the workday for adolescent domestic workers to 6 hours (4 hours if the adolescent is attending school); and require that employers facilitate the school attendance of adolescent domestic workers.[3161] Paraguayan law prohibits the

[3151] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2003. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[3152] Céspedes, *Seguimiento de indicadores sobre la niñez trabajadora de Paraguay*, 50.

[3153] The repetition rate is higher for males. Females are more likely to reach grade 5. See World Bank, *World Development Indicators 2004*.

[3154] Government of Paraguay, *Information on Efforts by Paraguay to Eliminate the Worst Forms of Child Labor*, Ministry of Justice and Labor, Viceministry of Labor and Social Security, National Employment Service Bureau, International Affairs, Asunción, October 24, 2001, 1.

[3155] U.S. Department of State, *Country Reports-2003: Paraguay*, Section 5.

[3156] *Código del Trabajo*, Ley Núm. 213, que establece el Código del Trabajo, Article 119, [cited May 26, 2004]; available from http://www2.paraguaygobierno.gov.py/gacetaoficial/codigolaboral.PDF.

[3157] The conditions include the following: Minors must have completed obligatory education, or work must not impede school attendance; minors must obtain required work certification; work must be light and take place during the day; minors must have legal authorization from a guardian to work; minors must observe daily and weekly maximum work hours; and the minor must not work on Sundays or holidays. See Ibid., Article 120.

[3158] Ibid, Article 389.

[3159] *Código de la Niñez y la Adolescencia*, Ley No. 1680, Titulo II, de la Protección a los Adolescentes Trabajadores, Chapter II, Article 54.

[3160] *Código de la Niñez y la Adolescencia*, Chapter II, Article 58.

[3161] Ibid., Chapter II, Article 64, 67.

involvement of children and adolescents in illicit activities and provides sanctions for employing children in the trafficking of narcotics.[3162]

The Constitution prohibits any form of slavery, repression or trade in human beings.[3163] The commercial sexual exploitation of children and adolescents, and the production or distribution of pornographic publications, are prohibited under the Children's and Adolescents' Code.[3164] The Penal Code imposes penalties for prostituting children under 18 years but does not expressly establish penalties for other forms of commercial sexual exploitation.[3165] The Penal Code also prohibits any individual from putting the life or liberty of another individual in danger by forcing, deceiving or coercing a person to leave the country. The maximum jail sentence for trafficking is 10 years.[3166] If the perpetrator acts for profit or if the victim is under 14 years, the penalty can increase.[3167] In cases in which a crime, such as trafficking in persons, is committed abroad by a Paraguayan national and the act is illegal in both Paraguay and the country where the act was committed, Paraguay's criminal law allows for extraterritorial jurisdiction.[3168] The Law on Compulsory Military Service requires men over 18 years to perform military service and makes exceptions for young men under 18 years in exceptional circumstances, where there is "justified reason."[3169]

The Ministry of Labor and Justice's Director General for the Protection of Minors is responsible for enforcing child labor laws.[3170] Seventy-five labor inspectors conduct regular inspections.[3171] Municipal offices established under the Children's and Adolescents' Code are charged with carrying out activities to protect the rights of children, such as maintaining registries of working adolescents, mediating disputes, and referring cases to judicial authorities. The Office of Juvenile Complaints also receives reports of child rights violations,[3172] but according to the U.S. Department of State, the government generally does not enforce regulations on the minimum age for employment.[3173] Paraguay's basic anti-trafficking statute and other laws that could potentially be used to prosecute traffickers are not adequately enforced.[3174] The

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[3162] U.S. Department of State, *Trafficking in Persons Report- 2004: Paraguay*.

[3163] *Constitución Nacional*, Parte I, Titulo II, De los Derechos, de los Deberes y de las Garantías, Seccion III, Capítulo II, De la Libertad, Articulo 10, De la Proscripción de la Esclavitud y Otras Servidumbres; available from http://www.senado.gov.py/constitu.html.

[3164] *Código de la Niñez y la Adolescencia*, Chapter II, Article 31.

[3165] U.S. Department of State, *Trafficking in Persons Report- 2004: Paraguay*.

[3166] U.S. Department of State official, electronic communication to USDOL official, February 19, 2004, Ley No. 1160, Libro Segundo, Título I, Capítulo 4, Artículo 125, Extrañamiento de Personas, Artículo 139, Proxenetismo.

[3167] ECPAT International, *Paraguay,* in ECPAT International, [database online] [cited September 24, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

[3168] ECPAT International, *Paraguay in ECPAT International*.

[3169] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*.

[3170] U.S. Department of State, *Country Reports-2003: Paraguay*, Section 6d.

[3171] Forty inspectors have been trained in the worst forms of child labor but frequent rotation in staff prevents the development of expertise on this issue. See U.S. Department of State, *unclassified telegram no. 1178*.

[3172] Ibid.

[3173] U.S. Department of State, *Country Reports-2003: Paraguay*, Section 6d.

[3174] U.S. Department of State, *Trafficking in Persons Report-2004: Paraguay*.

Secretariat for Repatriations works as the lead agency with the Foreign Ministry to facilitate the return of trafficking victims,[3175] however, Paraguay does not monitor its borders sufficiently to prevent trafficking.[3176]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	3/3/2004	✓
Ratified Convention 182	3/7/2001	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		✓
Sector Action Plan (Commercial Sexual Exploitation)		✓

The Government of Paraguay has a National Commission on Child Labor.[3177] The Children's and Adolescents' Code provides for a Secretariat level office in addition to municipal offices to promote the rights of children and adolescents.[3178] A National Plan of Action for Childhood and Adolescence (2003 – 2008) outlines activities to integrate national sectoral plans, such as those that address the sexual exploitation of children and child labor, into national policy.[3179] The Ministry of Education and Culture, the Ministry of Public Health, the Institute of Well-Being, and the Social Action Secretariat of the President's Office, support projects that provide at-risk children with social services.[3180] The Ministry of Public Health's Social Welfare Office has developed ongoing programs that offer financial help to vulnerable groups including street children.[3181] In June 2004, a Presidential Declaration introduced a National Plan for the Prevention and Eradication of Child Labor and the Protection of Adolescent Workers.[3182] The government has also adopted a recent national plan to prevent internal trafficking of children.[3183]

[3175] Ibid.

[3176] Ibid.

[3177] Government of Paraguay, *Information on Efforts by Paraguay*, 2-3.

[3178] The Secretaria Nacional de la Niñez y la Adolescencia received no budget appropriation in 2003 and has not been effective. However, the number of municipalities with Child and Adolescent offices grew from 60 to 120 between 2001 and 2003. See U.S. Department of State, *Country Reports-2003: Paraguay*, Section 5. See also ILO-IPEC, *Prevention and Elimination of Child Domestic Labour in South America*, technical progress report, RLA/00/P53/USA, Geneva, March 2004, 3.

[3179] Secretaria Nacional de la Niñez y la Adolescencia de la Presidencia de la Republica del Paraguay, *Construir Otro Paraguay para Los Niños, Niñas y Adolescentes: Plan Nacional de Acción por la Niñez y la Adolscencia*, Asunción, July, 2003, cover, 35-38.

[3180] Proyecto de Asistencia Integral a Menores en Situación de Alto Riesgo (AMAR), *El Proyecto AMAR*, [no longer available online, hard copy on file] [cited July 2, 2003]; available from http://www.pamar.org/py/novedades.php?seccion=sa and http://www.pamar.org/py/novedades.php?seccion=ed. See also Dr. Carlos Alberto Arestivo, *Informe Gubernamental sobre la Explotación Sexual - República del Paraguay*, PDF online, Instituto Interamericano del Niño; available from http://www.iin.oea.org/C.A._Arestivo_Paraguay.PDF. See also World Bank, *Project Appraisal Document on a Proposed Loan in the Amount of US $9.0 Million to the Republic of Paraguay for a Paraguay Pilot Community Development Project*, [no longer available online, hard copy on file], 23688-PA, Washington, D.C., March 4, 2002, 7; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2002/03/22//000094946_02030704010785/Rendered/PDF/multi0page.pdf.

[3181] World Bank, *Project Appraisal Document*, 8. See also UNDP, *El Gasto Público en Servicios Sociales Básicos en Paraguay: Análisis desde la Perspectiva de la Iniciativa 20/20: Estudio elaborado por el Sistema de las Naciones Unidas*, online, Asunción, September 2000, [cited August 27, 2004], 25; available from http://www.undp.org/rblac/documents/poverty/gastosoc/gastosoc_par.pdf.

[3182] U.S. Department of State, *unclassified telegram no. 1178*.

[3183] The plan is in the beginning stages of implementation. See U.S. Department of State, *Trafficking in Persons Report-2004: Paraguay*.

The Government of Paraguay and the other MERCOSUR[3184] member governments, the Government of Chile, and ILO-IPEC have also developed a 2002–2004 regional plan to combat child labor.[3185] The government is participating in two regional USDOL-funded ILO-IPEC projects to target children involved in domestic work[3186] and commercial sexual exploitation[3187] as well as a regional project targeting both sectors.[3188] The government is also a part of a Netherlands-funded ILO-IPEC project to carry out a regional program to combat child domestic labor.[3189] Government funds support an NGO that operates a hotline and shelter for trafficking victims in the border region with Argentina and Brazil.[3190]

The Ministry of Education and Culture is implementing a 5-year program (2000-2005) to strengthen basic education reform.[3191] The Ministry also implements an innovative, community-based bilingual education program in rural and urban schools and has made efforts to improve school management and pedagogical training.[3192] The government provides funds to all regional departments to establish school feeding programs.[3193] The IDB supports a government program to achieve universal preschool and improve the quality of early education, in particular targeting children at social and educational risk.[3194] The Government of Spain's Development Agency is supporting a program to reform curriculum, provide

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[3184] MERCOSUR (El Mercado Común del Sur) refers to the Common Market of the South (America). Member countries include Argentina, Brazil, Paraguay and Uruguay. MERCOSUR, *La Página Oficial del MERCOSUR: Antecedentes del MERCOSUR,* [online] [cited August 27, 2004]; available from http://www.mercosur.org.uy/espanol/sinf/varios/introduccion.htm.

[3185] Cristina Borrajo, "Mercosur y Chile: una agenda conjunta contra el trabajo infantil: La defensa de la niñez más allá de las fronteras," *Encuentros: Boletín Electronico del Programa Internacional para la Erradicación del Trabajo Infantil, IPEC-Sudamérica* vol. 2, is. 6, (August 2002), 2,6 [hard copy on file, no longer available online]; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/boletin/numero6/ipeacciondos.html. See also ILO-IPEC Regional Office for Latin America and the Caribbean, *Plan Subregional para la Erradicación del Trabajo Infantil en los países del Mercosur y Chile*, Lima, 5; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/doc/documentos/folletomercosur.doc.

[3186] Other countries participating in this project include Brazil, Colombia and Peru. See ILO-IPEC, *Prevention and Elimination of Child Domestic Labour in South America*, project document, RLA/00/P53/USA, Geneva, September 2000, cover page.

[3187] Brazil also participates in this project. See ILO-IPEC, *Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents*, project document, RLA/00/P55/USA, Geneva, September 2000. The Government of Argentina is also participating in this project with funding from the Government of Spain. See ILO-IPEC, *Prevention and Elimination of Commercial Sexual Exploitation, project document*, 1.

[3188] Other countries participating in this project include Chile, Colombia and Peru. The project was recently funded in 2004. See ILO-IPEC, *Prevention and Elimination of Child Domestic Labour (CDL) and of Commercial Sexual Exploitation of Children (CSEC) in Chile, Colombia, Paraguay and Peru*, project document, RLA/00/P53/USA, Geneva, September 30, 2004.

[3189] Other countries participating in this project include Peru and Venezuela. See ILO-IPEC official, email communication to USDOL official, May 12, 2004.

[3190] U.S. Department of State, *Trafficking in Persons Report-2004: Paraguay*.

[3191] IDB, *Program to Strengthen Basic Education Reform*, [online], [cited May 26, 2004]; available from http://www.iadb.org/exr/doc98/apr/pr1254e.pdf.

[3192] Ministry of Education and Culture, *Escuela Viva,* Ministerio de Educación y Cultura, [hard copy on file, no longer available online] [cited July 7, 2003]; available from http://www.escuelaviva-mec.com.py/escuela_1.html.

[3193] WFP, "Paraguay: Disbelief and Economic Setbacks," in *Global School Feeding Report 2002*, 2002, 43. See also U.S. Department of State, *unclassified telegram no. 1178*.

[3194] IBD, *IDB Approves $23.4 Million Loan to Paraguay to Improve Preschool and Early Education,* [online] 2003 [cited May 26, 2004]; available from http://www.iadb.org/NEWS/display/PRView.cfm?PR_Num=131_03&Language=English.

educational services to adolescents who do not have a primary school education, and address the educational needs of street children.[3195] In 2004, the World Bank approved a USD 24 million loan to improve the management and efficiency of Paraguay's education system, and to support achievement and equity in secondary education.[3196]

[3195] U.S. Department of State, *unclassified telegram no. 1178*.

[3196] World Bank Group, *World Bank Approves $24 Million For Education Reform in Paraguay*, DevNews Media Center, [online] 2003 [cited June 2, 2004]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20121951~menuPK:34467~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html.

Peru

Incidence and Nature of Child Labor

The ILO estimated that 1.7 percent of children ages 10 to 14 years in Peru were working in 2002.[3197] Children are employed in the agricultural sector (including in coca cultivation), fireworks factories, stone quarries, and the brick-making sector. Children are also found loading and unloading produce in markets, collecting garbage, and working in informal gold mining sites.[3198] In urban areas, children often sell in the streets and in markets.[3199]

Many children, most of whom are girls, move from rural areas to urban areas where they live with families and perform domestic work.[3200] In 2003, there were reports of children serving in the army in the Department of Loreto.[3201] Boys and girls are also victims of commercial sexual exploitation.[3202] There is internal trafficking of children for commercial sexual exploitation and domestic service in Peru.[3203]

The General Education Law establishes free and compulsory public education through secondary school.[3204] In 2000, the gross primary enrollment rate was 121.3 percent and the net primary enrollment was 99.9 percent.[3205] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, the gross primary

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[3197] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. As noted in the "Data Sources" chapter of this report, estimates on the number of working children are likely to be underestimates because the nature of household surveys do not lend themselves to collecting data on children who are working in the informal or illegal sectors of the economy, particularly children engaged in the worst forms of child labor.

[3198] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Peru*, U.S. Department of State, Washington D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27916.htm.

[3199] Dirección Técnica de Demografía e Indicadores Sociales, *Visión del Trabajo Infantil y Adolescente en el Perú, 2001*, Institución Nacional de Estadistica e Informatica, Lima, October 2002, 39; available from http://www.oit.org.pe/ipec/tid/docs/la_ninez_en_el_peru.pdf.

[3200] U.S. Department of State, *Country Reports - 2003: Peru*, Section 6d.

[3201] U.S. Embassy- Lima, *unclassified telegram no. 1123*, March 4, 2003. The lack of precise documentation of many citizens, particularly in the countryside and in remote, poor, rural areas, may lead to the admission of underage soldiers in the military. U.S. Embassy Official-Quito, e-mail communication to, Department of Labor Official, May 25, 2005.

[3202] ECPAT International, *Peru,* in ECPAT International, [database online] [cited May 25, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

[3203] U.S. Department of State, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report*, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004.

[3204] El Presidente de la República, *Ley General de Educación*, 28044, Lima, July 17, 2003, articles 4, 8 and 12. The General Education Law was passed on July 17, 2003 and includes articles on bilingual, intercultural, and vocational education, as well as on regular and alternative basic education for working children and adolescents. See El Presidente de la República, *Ley General de Educación*, articles 20, 36 and 37.

[3205] World Bank, *World Development Indicators 2004.* For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

attendance rate was 110.5 percent and the net primary attendance rate was 75.6 percent.[3206] School attendance is lower in rural and jungle areas, and girls attend at a lower rate than boys.[3207] Indigenous children and those from rural areas lack access to the education system.[3208] The average total number of years of schooling and student performance is also sharply lower in rural areas than in urban areas.[3209] The Child and Adolescent Code provides for special arrangements and school timetables so that working children and adolescents can attend school regularly.[3210]

Child Labor Laws and Enforcement

Children ages 12 to14 may perform certain jobs if they obtain legal permission from the Ministry of Labor and can certify that they are attending school.[3211] According to the legislation modifying Article 51 of the Child and Adolescent Code, the minimum age for employment in non-industrial agricultural work is 15 years, 16 years for work in the industrial, commercial, and mining sectors, and 17 years for work in the industrial fishing sector.[3212] Work that might harm a child's physical or mental health and development, including underground work or work that involves heavy lifting, night work, or work that might serve as an obstacle to continued school attendance, is prohibited for children under 18 years of age.[3213] Working children must be paid at the same rate as adult workers in similar jobs.[3214]

The Child and Adolescent Code prohibits forced and slave labor, economically exploitative labor, prostitution, and trafficking.[3215] Laws prohibiting kidnapping, the sexual abuse of minors, and illegal employment are enforced and can be used to sanction individuals who traffic children for exploitative

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[3206] USAID Development Indicators Service, *Global Education Database,* [online] [cited October 13, 2004]; available from http://qesdb.cdie.org/ged/index.html.

[3207] World Bank, *World Development Indicators 2004*.

[3208] International Confederation of Free Trade Unions, *Peru: Report on Core Labour Standards for the WTO: ICFTU Report for the WTO General Council Review of the Trade Policies of Peru*, Geneva, May 30-31, 2000, [cited May 24, 2004]; available from http://www.icftu.org.

[3209] World Bank, *Peru-Rural Education and Teacher Development Project*, project information document, PID10829, Washington, D.C., April 1, 2002, 1; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2001/12/21//000094946_01122104030511/Rendered/PDF/multi0page.pdf.

[3210] ILO, *The Effective Abolition of Child Labor: Peru*, January 2001, 344 [cited May 26, 2004]; available from http://www.ilo.org/public/english/standards/relm/gb/docs/gb280/pdf/gb-3-2-abol.pdf.

[3211] U.S. Department of State, *Country Reports - 2003: Peru*, Section 6d. See also *Ley que Modifica el Artículo 51 de la Ley No. 27337, Código de los Niños y Adolescentes*; available from http://www.cajpe.org.pe/rij/bases/legisla/peru/27571.htm. Working adolescents are not required to register with the Ministry of Labor if they are performing unpaid family work; however, the head of the household for which they work must register them in the municipal labor records. See *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Ley no. 27337*, Capitulo IV, Régimen para el adolescente trabajador, Artículo 50; available from http://www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html.

[3212] *Ley que Modifica el Artículo 51*.

[3213] U.S. Embassy-Lima, *unclassified telegram no. 3996*, August 15, 2003. See also *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Ley no. 27337*. Children aged 12 to 14 years are prohibited from working more than 4 hours a day, or over 24 hours a week, and adolescents between 15 and 17 years may not work more than 6 hours a day, or over 36 hours a week.

[3214] *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Ley no. 27337*, Artículo 59.

[3215] Ibid., Artículo 4.

labor.[3216] New regulations require that underage children working in domestic service must have access to education.[3217]

In 2004, new laws were enacted by the Government to protect children from exploitation by adults, including trafficking in persons and sexual exploitation.[3218] The Ministry of Women and Social Development (MIMDES) is raising awareness on the new legislation through radio and other means.[3219] Also in 2004, the Government of Peru elevated the penalties against perpetrators of child pornography and prostitution.[3220]

Investigators employed by the Ministry of Labor have authority to investigate violations of child labor laws. As of August 2004, the Ministry had 200 labor inspectors, over two-thirds of whom work in Lima. Inspections are primarily conducted in the formal sector,[3221] and enforcement remedies are generally adequate to punish and deter violations.[3222] However, many children work in the informal economy where government labor law enforcement is limited.[3223]

The national police and local prosecutors have law enforcement authority over child labor violations, [3224] and the national police operate a Division for Matters Concerning Children and Adolescents to address cases concerning the rights of children and adolescents.[3225] The Directorate of Children and Adolescent Affairs, an office within MIMDES, is charged with developing and coordinating national policy on youth, especially for children and adolescents exposed to violence, extreme poverty, discrimination and social exclusion.[3226] A federal level multi-agency working group coordinates state action on the elimination of trafficking in persons and the Ministry of the Interior's anti-trafficking unit conducts raids on brothels and rescues victims.[3227] The Office of Child Protection, Safety and Health in the Workplace within the Ministry of Labor and Social Promotion protects the rights of minors in the workplace.[3228] The Municipal Child and

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[3216] U.S. Department of State, *Country Reports - 2003: Peru*, Section 6f.

[3217] U.S. Embassy-Lima, *unclassified telegram no. 4110*, August 2004.

[3218] Ibid.

[3219] Ibid.

[3220] Ibid.

[3221] Ibid.

[3222] U.S. Embassy- Lima, *unclassified telegram no. 5249*, October 7, 2002.

[3223] U.S. Department of State, *Country Reports - 2003: Peru*, Section 6d.

[3224] U.S. Embassy- Lima, *unclassified telegram no. 5249*.

[3225] Estudio Torres y Torres Lara, *Directiva No. 19-95-DIVIPOLNA Sobre Atención y Intervención Policial con Niños y Adolescentes (25 de abril de 1995)*, [cited August 28, 2003]; available from http://www.asesor.com.pe/teleley/direc-19-95.htm.

[3226] Ministry of Women and Social Development, *Gerenta de Promoción de la Niñez y la Adolescencia*, [online] [cited May 26, 2004]; available from http://www.mimdes.gob.pe/dgnna/dgnnaweb1.htm. See also U.S. Embassy- Lima, *unclassified telegram no. 5249*.

[3227] U.S. Department of State, *Trafficking in Persons Report*.

[3228] Nestor Popolizio, *Cuestionario sobre Trabajo Infantil*, Fax to DOL Official, Embassy of Peru, September 5, 2002, 4.

Adolescent Defender Centers work with local governments to supervise investigations, apply punishments, and monitor compliance of child labor laws.[3229]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Peru supports and contributes to USDOL-funded programs to eliminate exploitive child labor in the small-scale traditional mining and domestic service sectors.[3230]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 11/13/2002	✓
Ratified Convention 182 1/10/2002	✓
ILO-IPEC Member	✓
National Plan for Children	✓
National Child Labor Action Plan	
Sector Action Plan (Commercial Sexual Exploitation)	✓

The Government of Peru heads the National Committee to Prevent and Eradicate Child Labor, a permanent organization composed of representatives from various ministries, NGOs, labor unions and employers' organizations.[3231] The Committee is responsible for addressing social and economic issues related to child labor and fulfilling Peru's international commitments to fight child labor.[3232] MIMDES has a National Action Plan for Children and Adolescents 2002 – 2010. The plan focuses on improving health for children 5 years and below, providing quality, intercultural basic education and the elimination of the worst forms of child labor for children ages 6 to 11 years, and promoting control over working conditions for adolescents at or above the legal working age as part of its strategic objectives.[3233] The Ministries of Labor and Social Promotion, Health, Energy and Mines, and Education operate a system that allows the government to monitor and verify progress in the elimination of child labor in small-scale mining for a 10-year period (2002-2012).[3234]

With technical assistance from the ILO, MIMDES is implementing a 10-year plan to attack child sexual exploitation called *Network Now Against Child Sexual Exploitation*.[3235]

The National Institute of Family Well-Being has a program that provides a variety of services to working youth, including school support, school reinsertion, reintegration into the family, and vocational training.[3236] The Ministry of Health's School and Adolescent Health Program provides medical services to

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[3229] U.S. Embassy-Lima, *unclassified telegram no. 4110*. See also *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Ley no. 27337*, Artículo 70.

[3230] Both ILO-IPEC regional projects are in their second phases. Other regional countries in the mining program are Bolivia and Ecuador. See ILO-IPEC, *Prevention and Progressive Elimination of Child Labor in Small-scale Traditional Gold Mining in South America (Phase II)*, project document, RLA/02/P50/USA, Geneva, September 2002.

[3231] U.S. Embassy-Lima, *unclassified telegram no. 4110*.

[3232] Ibid.

[3233] Government of Perú, *Plan Nacional de Acción para la Infancia y la Adolescencia 2002 - 2010: Construyendo un Perú Mejor para la Niñas, Niños y Adolescentes*, 2002, 12-13, [previously online]; available from http://www.minmimdes.gob.pe/indiceorg.htm [hard copy on file].

[3234] U.S. Embassy-Lima, *unclassified telegram no. 3996*.

[3235] U.S. Embassy-Lima, *unclassified telegram no. 4110*.

[3236] National Institute of Family Welfare, *Educadores de calle,* [online] [cited May 26, 2004]; available from http://www.inabif.gob.pe/lineas/educadores.htm.

children throughout the country beginning at age 5, with the aim of promoting healthy behavior.[3237] The Ministry of Education implements a basic education program that improves the quality of education throughout the country by strengthening teachers' skills and providing them with free educational materials, especially in rural areas.[3238] The Ministry also operates a tutoring program for children formerly excluded from the public system, including working children,[3239] and is establishing night classes and lengthening matriculation periods for youth employed as domestics in private homes.[3240] In addition, The Ministry of Education oversees *Proyecto Materiales Educativos* (Teaching Materials Project), which strengthens national capacity to develop innovative teaching materials.[3241] With funds from the OAS, the Ministry has a program to educate young children in rural areas through radio learning.[3242]

The Government of Peru, in collaboration with other public and private institutions, has a National Plan for Education for All that is being executed from 2004-2015. The Plan aims to improve educational coverage and access, equalize opportunities for bilingual, rural, and female children, and improves the quality, pertinence, and efficiency of education.[3243] USAID, in collaboration with the Ministry of Education, is expanding a girls' education initiative to provide technical assistance, develop models of educational decentralization, and strengthen local educational capacity.[3244]

The IDB is providing a social development loan to the Government of Peru that includes an infrastructure component for kindergarten and primary schools in rural areas.[3245] The IDB is also providing a loan to the Ministry of Labor and Social Promotion to expand the vocational training services offered through the ministries' *ProJoven* program and to strengthen the link between training institutions and the private

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[3237] Ministry of Health, *Programa Salud Escolar y Adolescente,* Bureau of the Woman, Child and Adolescent, [online] [cited May 26, 2004]; available from http://www.minsa.gob.pe/psea/index.htm.

[3238] This project includes public schools in marginal urban, rural, border and emergency zones at the pre-school, primary and secondary levels. See Ministry of Education, *Programa de educación básica para todos,* [online] [cited May 26, 2004]; available from http://www.minedu.gob.pe/secretaria_general/of_administracion/proyectos/educ_basic.htm.

[3239] U.S. Embassy-Lima, *unclassified telegram no. 4110*.

[3240] U.S. Embassy-Lima, *unclassified telegram no. 3996*.

[3241] Ministry of Education, *Proyecto Materiales Educativos,* [online] [cited May 26, 2004]; available from http://www.minedu.gob.pe/gestion_pedagogica/dir_edu_inicial_primaria/proyectos/materiales_edu/materiales_educa.htm.

[3242] Ministry of Education, *Descripción de la estratégia prioritaria para el período 2004-2005: Campaña de lectura, escritura, y matemática,* [online] [cited October 21, 2004]; available from http://www.mineduc.cl/basica/p900/N2003091216395329578.html.

[3243] The National Forum on Education For All was formed in October 2002 within the Ministry of Education, with support from UNESCO, UNICEF, UNFPA, UNDP and other public institutions. Ministry of Education, *Plan Nacional de Educación para Todos*, San Borja, April 7, 2003, 1, 88; available from http://www.minedu.gob.pe/educacionparatodos/plan_nacional/dir.php?obj=dbase.htm.

[3244] USAID, *Peru: Program Data Sheet 527-006,* USAID, [online] 2002 [cited May 26, 2004]; available from http://www.usaid.gov/pubs/cbj2003/lac/pe/527-006.html.

[3245] Inter-American Development Bank, *Peru: Stage Three of the National Program to Support Operations of the Compensation and Social Development Fund (FONCODES III)*, PE-0193, The Inter-American Development Bank, September 11, 2002, 11; available from http://www.iadb.org/exr/doc98/apr/pe1421e.pdf.

sector.[3246] With financing from the World Bank, the Ministry of Education implements a project to extend access to rural basic education, improve teaching quality and motivation in rural areas, and strengthen education management.[3247]

[3246] Inter-American Development Bank, *Peru: Youth Labor Training Program*, PE-0241, 2004, 1; available from http://www.iadb.org/exr/english/projects/pe1534e.pdf. See also Inter-American Development Bank, *List of Recently Approved Projects,* [online] 2004 [cited September 22, 2004]; available from http://www.iadb.org/exr/english/projects/ltnew.htm.

[3247] World Bank, *Peru-Rural Education, project information document*.

Philippines

Incidence and Nature of Child Labor

The Philippine National Statistics Office estimated that 11 percent of children ages 5 to 14 years in the Philippines were working in 2001.[3248] The survey found that of the country's 24.9 million children ages 5 to 17 years, 2.4 million work under hazardous conditions. Child labor is more prevalent in rural areas, and almost half of all child workers are engaged in agricultural activities.[3249] Other children work in pyrotechnics production, deep-sea fishing, mining, and quarrying.[3250] Children living on the streets engage in informal labor activities such as scavenging or begging. Children are also engaged in domestic service[3251] and are involved in the commercial sex industry,[3252] including the use of children in the production of pornography and the exploitation of children by sex tourists.[3253] Children are reportedly trafficked internally for purposes of commercial sexual exploitation and labor.[3254] Children are also known to be involved in the trafficking of drugs within the country.[3255] There are no reports of child soldiers in the government armed forces, but children under the age of 18 are used as soldiers in paramilitary and armed opposition groups such as the Moro Islamic Liberation Front, the Abu Sayyaf Group and the New People's Army.[3256]

[3248] Another 36.9 percent of children ages 15 to 17 years were also found working. There statistics are the most recent available data on child labor in the Philippines. See National Statistics Office, *2001 Survey on Children, 5-17 Years Old: Final Report*, International Labour Organization, Manila, Philippines, May 2003. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[3249] Ibid.

[3250] Godelia E.S. Ricalde, Nonita Adan-Perez, and Mark Anthony P. Nucum, *An Annotated Bibliography of Child Labor in the Philippines*, The PIDS-ILO Joint Project on Child Labor, 2002, [cited June 1, 2004] 2, 4, 42; available from http://dirp3.pids.gov.ph/dpnet/documents/annotated%20bibliography.pdf. See also ILO-IPEC, *Supporting the Time-Bound Program on the Elimination of the Worst Forms of Child Labor in the Republic of the Philippines*, project document, Geneva, September 25, 2002.

[3251] Ricalde, *An Annotated Bibliography of Child Labor in the Philippines*, 11, 13, 26. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Philippines*, Washington, D.C., February 24, 2004; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27786.htm.

[3252] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Philippines*, Washington, D.C., February 28, 2005; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27786.htm. See also Department of Social Welfare and Development and UNICEF, *Commercial Sexual Exploitation of Children in the Philippines: A Situation Analysis (Executive Summary)*, 1999, 7-8.

[3253] ECPAT International, *Philippines,* in ECPAT International, [database online] [cited June 6, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. U.S. Department of State, *Country Reports- 2003: Philippines*, Sections 5 and 6f.

[3254] U.S. Department of State, *Country Reports- 2004: Philippines*, Sections 6c and 6f. See also ILO, *The ILO-Japan Asian Meeting on the Trafficking of Children for Labour and Sexual Exploitation: Country Report- Philippines* [CD-ROM], Manila, 2001.

[3255] ILO-IPEC, *Assessing the Situation of Children in the Production, Sales and Trafficking of Drugs in Indonesia, the Philippines, and Thailand*, project document, Geneva, September 17, 2002, 6-8. See also Magdalena Lepiten, *Children's Involvement in the Production, Sale and Trafficking of Drugs in Cebu City: A Rapid Assessment*, no. 22, ILO-IPEC, Geneva, February 2002.

[3256] U.S. Department of State, *Country Reports- 2004: Philippines*, Section 5. See also Rufa Cagoco-Guiam, *Child Soldiers in Central and Western Mindanao: A Rapid Assessment*, no. 21, ILO-IPEC, Geneva, February 2002.

The Philippine Constitution mandates six years of compulsory primary education for children,[3257] and the government offers free primary and secondary education, although families must cover related costs such as transportation and supplies.[3258] The Governance of Basic Education Act (Republic Act No. 9155) of 2001 formalized the structure of the Department of Education (DepED) and outlined the roles and responsibilities of the national, regional and local levels of the administration. The Act aims to improve the local relevance of education by expanding input into the system.[3259] In 2001, the gross primary enrollment rate was 112.1 percent, and the net primary enrollment rate was 93.0 percent. The net enrollment for girls was 94.1 percent and the rate for boys was 92.0 percent.[3260] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. The primary attendance rate in 1999 was approximately 86 percent.[3261] Many children who enroll in school fail to complete the year, with 67.1 percent of children who enrolled in school completing the year in 2000.[3262]

Child Labor Laws and Enforcement

Republic Act No. 7658 of 1993 and the Labor Code of 1993 prohibit the employment of children under the age of 15, except when working directly with a parent and when the work does not interfere with schooling.[3263] Additionally, it is permissible for a child to work as an apprentice at age 14.[3264] In December 2003, Republic Act No. 9231 was signed into law, creating measures to prevent the worst forms of child labor. Also known as the Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Strong Protection for the Working Child, the Act effectively codifies in domestic law the provisions of ILO Convention 182. It prohibits children under 15 years from working without a permit, unless the Department of Labor grants a special permit. The Act also limits the number of working hours for children, requires formal administration of working children's income, initiates trust funds for working children, and guarantees their access to education and training.[3265]

[3257] The Philippine Constitution, Article XIV, Section 2 (para 1, 2), 1987, as cited in Feny de los Angeles-Bautista and Joanna C. Arriola, *To Learn and To Earn: Education and Child Labor in the Philippines*, *Working Paper Series on Child Labor* (Manila: ILO-IPEC, 1995), 2.

[3258] "Republic Act No. 6655," in *Laws and Issuances on Children* Council for Welfare of Children and UNICEF, 2001. See also U.S. Department of State, *Country Reports- 2003: Philippines*, Section 5.

[3259] *Governance of Basic Education Act (Republic Act No. 9155)*, (2001).

[3260] World Bank, World Development Indicators 2004 [CD-ROM], Washington, D.C., 2004. This report may cite education data for a certain year that is different than data on the same year published in the U.S. Department of Labor's 2003 Findings on the Worst Forms of Child Labor. Such data, drawn from the World Bank's World Development Indicators, may differ slightly from year to year because of statistical adjustments made in the school-age population or corrections to education data. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[3261] Government of the Philippines, Preliminary Report of the Multiple Indicator Cluster Survey (MICS) for the Philippines, 1999, UNICEF, [cited May 28, 2004]; available from http://www.childinfo.org/MICS2/newreports/philippines/philippines.htm.

[3262] UNDP, *Philippine Progress Report on the Millennium Development Goals*, January 29, 2003, 25; available from http://www.undp.org/mdg/countryreports.html.

[3263] *Philippines Labour Code*, Article 139; available from http://www.chanrobles.com/legal4labor1.htm#BOOK%20II. See also "Republic Act No. 7658 of 1993," in *Laws and Issuances on Children* Council for Welfare of Children and UNICEF, 2001, 59-60.

[3264] *Philippines Labour Code*, Article 59.

[3265] U.S. Embassy- Manila, *unclassified telegram no. 0962*, February 27, 2004.

In addition to setting the minimum age for work, the Labor Code gives the Secretary of Labor and Employment the authority to limit working hours for children ages 15 to18 years, and prohibits hazardous work for children less than 18 years of age.[3266] The Department of Labor and Employment's Order No. 4 of 1999 prohibits the handling of dangerous machinery or heavy loads; work that entails exposure to extreme elements of cold, heat, noise, or pressure; work that exposes children to physical, psychological, or sexual abuse; and work that is hazardous by its nature.[3267] Policy Instruction No. 23 of 1977 prohibits night work for children under the age of 16 years from 6 p.m. to 6 a.m. and forbids children ages 16 to 18 years from working after 10 p.m.[3268]

A new counter-trafficking law, Republic Act No. 9208, was enacted in May 2003.[3269] The Act criminalizes trafficking for the purposes of exploitation, including trafficking under the guise of arranged marriage, adoption, sex tourism, prostitution, pornography, or the recruitment of children into armed conflict.[3270] The Act considers the trafficking of children as "qualified," and sets out higher penalties of life imprisonment and a fine of two million to five million pesos (USD 36,085 to 90,212).[3271] Those who use the services of trafficked persons are also liable under the law to penalties of 15 years imprisonment and a fine of 500,000 to 1 million pesos.[3272] The Act also sets out additional penalties for government employees breaking the law, and mandates immediate deportation of foreign offenders following the completion of the sentence.[3273] Slavery and forced labor are prohibited under Articles 272 and 274 of the Revised Penal Code,[3274] and the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act protects children under 18 years from all forms of abuse, cruelty, and exploitation and prohibits child prostitution and child trafficking.[3275] The Revised Penal code also prohibits engaging in, profiting from, or soliciting prostitution from children.[3276]

[3266] *Philippines Labour Code*, Article 139.

[3267] Government of the Philippines: Department of Labor and Employment, *Hazardous Work and Activities to Persons Below 18 Years of Age*, Department Order No. 04, 1999.

[3268] *Opening Doors: A Presentation of Laws Protecting Filipino Child Workers*, rev. ed. (Makati City: Ateneo Human Rights Center and ILO, 1997), 71-72.

[3269] U.S. Embassy- Manila, *unclassified telegram no. 4653*, August 29, 2003.

[3270] *Anti-Trafficking in Persons Act of 2003*, Republic Act 9208, Sections 3-4; available from Coalition Against Trafficking in Women - Asia Pacific (CATW-AP) at http://www.catw-ap.org/.

[3271] The Act also provides for confiscation of any proceeds deriving from trafficking crimes. See Ibid., Section 6, 10, 14. For currency conversion, see Oanda, *FXConverter - 164 Currency Converter,* [online] [cited January 24, 2005]; available from http://www.oanda.com/convert/classic.

[3272] *Anti-Trafficking in Persons Act*, Section 5, 10. This is the equivalent of USD 8,993 to USD 17,987. See also FXConverter, [online] [cited September 9, 2003]; available from http://www.carosta.de/frames/convert.htm.

[3273] *Anti-Trafficking in Persons Act*, Section 6, 10. See also U.S. Embassy- Manila, *unclassified telegram no. 4072*, August 4, 2004, U.S. Department of State, *Trafficking in Persons Report- 2004: Philippines*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33191.htm.

[3274] *Revised Penal Code,* as cited in The Protection Project Legal Library, [database online] [cited May 28, 2004], Act No. 3815; available from http://209.190.246.239/protectionproject/statutesPDF/PhilippinesF.pdf.

[3275] Government of the Philippines, *Special Protection of Children against Child Abuse, Exploitation and Discrimination Act*, (Republic Act No. 7610 of 1992), Sections 2, 3, 5, 7; available from http://natlex.ilo.org/txt/E92PHL01.htm.

[3276] *Revised Penal Code*, Articles 202, 341.

The Department of Labor and Employment (DOLE) is responsible for enforcing child labor laws through the labor standards enforcement offices. The government has also begun institutionalizing a computer database on children identified as child laborers that includes their needs and identifies appropriate assistance.[3277] However, child labor enforcement is reportedly weak due to a lack of resources, inadequate judicial infrastructure, low rates of convictions, and legislative shortcomings such as absence of coverage in the informal sector.[3278] In the formal sector, 43 minors were rescued from working in exploitive occupations during the past year.[3279] The National Bureau of Intelligence, the Bureau of Immigration and Detention, and the Philippine National Police (PNP) Criminal Investigation and Detection Group are tasked with counter-trafficking activities.[3280]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The *Philippine National Strategic Framework for Plan Development for Children, 2000-2025*, also known as "Child 21", and the *National Program Against Child Labor (NPACL) Framework 2001-2004*, serve as the primary government policy instruments for the development, implementation, monitoring, and evaluation of programs designed to address the prevention and elimination of child labor in the Philippines.[3281]

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/4/1998	✓
Ratified Convention 182	11/28/2000	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		✓
Sector Action Plans (Commercial Sexual Exploitation, Armed Conflict)		✓

The Government of the Philippines is participating in a USD 10.2 million USDOL-funded Timebound Program implemented by ILO-IPEC and World Vision to eliminate child labor in specified worst forms. The program targets children involved in commercial sexual exploitation, mining and quarrying, pyrotechnics, deep-sea fishing, domestic service, and work on commercial sugar cane farms.[3282] UNICEF also works actively with the government to promote children's rights, assist children in need of special protection, including working children, and support educational improvements.[3283]

[3277] U.S. Embassy- Manila, *unclassified telegram no. 4653.*

[3278] Ibid, U.S. Embassy- Manila, *unclassified telegram no. 4072.*

[3279] U.S. Department of State, *Country Reports- 2003: Philippines*, Section 6d.

[3280] Ibid., Section 6f.

[3281] Council for the Welfare of Children, *Philippine National Strategic Framework for Plan Development for Children, 2000-2005*, Makati City, Philippines, 2000. Department of Labor and Employment, *National Program Against Child Labor Framework 2000-2004.* Child 21 and NPACL also fall within the government's overall development agenda for poverty reduction as outlined in its 2015 Millennium Development Goals and the Medium-Term Development Plan 2001-2004.

[3282] ILO-IPEC, *Supporting the Time-Bound Program, project document*, 85, Inc. World Vision, *The ABK Initiative: Combating Child Labor Through Education in the Philippines*, project document, World Vision, Inc., Christian Children's Fund, ERDA, Washington, D.C., 2003.

[3283] UNICEF, *CPC V 1999-2003: Country Programme for Children,* [cited May 28, 2004]; available from http://www.unicef.org/philippines/programmes/cpcv.html.

Additional government projects contributing to the Timebound Program include a 2-year project to combat child labor in tobacco production in Region I (Ilocos Region),[3284] and an ILO-IPEC inter-regional child soldiers project funded by USDOL in 2003 to remove and prevent children from becoming involved in armed conflict in the Mindanao region.[3285] The Government of the Philippines has also committed to systematically monitoring the situation of child labor on a nationwide basis. The National Statistics Office includes children 5 years and above in its quarterly Labor Force Survey when measuring the economically active population in the Philippines.[3286]

There are several departmental agencies in the Philippines that have on-going programs to address the needs of vulnerable children.[3287] Since 1994, the DOLE has implemented the "Sagip Batang Manggagawa" (SBM-"Rescue the Child Workers") Program to monitor suspected cases of child labor and intervene on behalf of children in affirmed cases.[3288] In addition, DOLE has a number of social welfare programs targeting working children, including the Working Youth Center and the Bureau of Women and Young Workers' Family Welfare Program.[3289] The Department of Social Welfare and Development is the lead government agency that provides social welfare support for victims of trafficking,[3290] and also operates programs that provide social services to children in armed conflict and children who have been exploited or abused, or rescued from living on the streets.[3291]

The government has also implemented a number of education programs that benefit children, including establishing new elementary schools, school feeding, and quality improvement projects.[3292] DepEd is implementing functional education and literacy programs that provide working children with basic education and skills training. DepEd's Bureau of Non-formal Education (NFE) collaborates with donors and local government bodies to provide non-formal education under the NFE Accreditation and

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[3284] ECLT Foundation, *ECLT Foundation Program in the Philippines with the Department of Labor and Employment 2003 - 2005,* [online] 2003 [cited June 19, 2003]; available from www.eclt.org/activities/philippines.html.

[3285] ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict: an Inter-Regional Program*, project document, Geneva, September 2003.

[3286] ILO-IPEC, *Supporting the Time-Bound Program on the Elimination of the Worst Forms of Child Labor in the Republic of the Philippines*, technical progress report, PHI/02/P50/USA, March 12 2004. The Philippine National Statistics Office has conducted two stand-alone surveys. The first survey was conducted in 1995 and the second in 2001. Both surveys were implemented with technical assistance from ILO-IPEC's SIMPOC and funding from USDOL. See ILO-IPEC, *Reporting on the State of the Nation's Working Children: A Statistical Program for Advocacy on the Elimination of Child Labor and the Protection of Working Children in the Philippines*, project document, 2001. ILO-IPEC, *Reporting on the State of the Nation's Working Children: A Statistical Program for Advocacy on the Elimination of Child Labor and the Protection of Working Children in the Philippines*, project document, 1995.

[3287] U.S. Department of State, *Country Reports- 2003: Philippines*, Section 6d.

[3288] Department of Labor and Employment: Bureau of Women and Young Workers, *Historical Milestones of the NPACL,* Bureau of Women and Young Workers, [cited June 10, 2004]; available from http://www.bwyw.dole.gov.ph/NPACL%20Milestones.htm.

[3289] U.S. Embassy- Manila, *unclassified telegram no. 4653.*

[3290] U.S. Department of State, *Country Reports- 2003: Philippines*, Section 6f.

[3291] U.S. Embassy- Manila, *unclassified telegram no. 4653,* Department of Social Welfare and Development, *Retained Programs/Services for Children,* DSWD, 2004 [cited July 7, 2004]; available from http://www.dswd.gov.ph/ProgProj.php?id=32.

[3292] UNDP, *Philippine Report on Millennium Development Goals*, 25-26. In 2001, DepEd implemented the Zero Collection Fees system that banned collections of fees from students in public schools, leading to an increase in enrollment. See U.S. Embassy- Manila, *unclassified telegram no. 4653.*

Equivalency System.[3293] In support of the Timebound Program, the DepEd recently issued Bulletin No.4 Series 2003 instructing education officials at the national, regional, and local levels to make interventions to reduce or eliminate child labor.[3294] DepEd also issued Order No. 30 Series 2004 regulating the collection of voluntary contributions from students in public elementary and secondary schools, which are prohibited from collecting fees as a condition for enrollment.[3295]

International financial institutions and development agencies continue to assist the Philippine government in its efforts to provide children and youth in financial need with educational opportunities. ADB and AusAID are also assisting in the delivery of quality primary and secondary education services, as well as improving access to basic education in Mindanao.[3296]

[3293] Department of Education: Bureau of Nonformal Education, *Innovations in Nonformal Education: The Challenge for Teacher Training Institutions*, Pasig City, 2001, 4-8. As part of its EFA 2005 initiative, DepEd is in the process of developing a system to provide alternative education to children ages 6 – 12 who are out of school. See U.S. Embassy- Manila, *unclassified telegram no. 4653.*

[3294] *DepED BULLETIN No. 4 S. 2003, Philippine Time-Bound Program (PTBP) for the Elimination of the Worst Forms of Child Labor (WFCL)*, (2003).

[3295] *DepED ORDER No. 30 S. 2004, Regulating the Collection of Voluntary Contributions from Students of Public Elementary and Secondary Schools*, (2004).

[3296] ADB, *Philippines: Country Strategy and Program Update 2004-2006*, 2003 [cited May 20, 2004], 4; available from http://www.adb.org/Documents/CSPs/PHI/2003/CSP_PHI_2003.pdf, AusAID, *Country Brief- Philippines*, 2003 [cited May 11, 2004]; available from http://www.ausaid.gov.au/country/cbrief.cfm?DCon=1148_8702_9418_7487_8517&CountryId=31.

Romania

Incidence and Nature of Child Labor

The National Institute of Statistics estimated that 2.3 percent of children ages 5 to 14 in Romania were working in 2000-2001.[3297] The majority of working children are engaged in chores on the family farm or in the household, particularly in rural areas.[3298] Street children, children in urban areas, and Roma children are the most vulnerable to the worst forms of child labor.[3299] Street children are found begging, washing cars, selling merchandise, performing household work, collecting waste products, loading and unloading merchandise, stealing, and engaging in prostitution.[3300] It is estimated that about 30 percent of sex workers in Bucharest are under 18 years of age.[3301] There are indications that Romanian teenage boys and girls are involved in the sex trade in the countries of Western Europe.[3302] Romania is a country of origin and transit for internationally trafficked women and girls from Moldova, Ukraine, and other parts of the former Soviet Union to Bosnia, Serbia and Montenegro, Macedonia, Kosovo, Albania, Austria, Greece, Cyprus, Turkey, Italy, France, Germany, Hungary, the United Kingdom, the Netherlands, Poland, Spain, Portugal, the United Arab Emirates, Japan, and Cambodia for the purpose of sexual exploitation.[3303]

[3297] The survey also found that 9.4 percent of children ages 15 to 17 were working. See National Institute of Statistics, *Survey on Children's Activity in Romania: Country report*, ILO, Bucharest, 2003, 173. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[3298] Ibid., 4. See also U.S. Embassy- Bucharest, *unclassified telegram no. 2362*, August 27, 2004.

[3299] Street children are particularly prevalent in the larger cities such as Bucharest. Nationwide there are an estimated 2,000 children who are homeless and living in the streets. See Ministry of Labor, Social Solidarity, and Family, *Statistics on Child Labour in Romania*, press release, Bucharest, May 10, 2004; available from http://www.mmssf.ro/e_comunicate/e_130504press2.htm. See also U.S. Embassy- Bucharest, *unclassified telegram no. 2362*.

[3300] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Romania*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27860.htm. See also Gabriela Alexandrescu, *Romania: Working Street Children in Bucharest: A Rapid Assessment*, ILO-IPEC, Geneva, March 2002, 27-28; available from http://www.ilo.org/public/english/standards/ipec/simpoc/romania/ra/streetcld.pdf.

[3301] UNICEF, UNOHCHR, and OSCE-ODIHR, *Trafficking in Human Beings in Southeastern Europe: 2003 Update on Situation and Responses to Trafficking in Human Beings in Romania,* November 2003, 38; available from http://www.child-rights.org/PolicyAdvocacy/pahome2.5.nsf/0/CFA82B758B41BEDB88256E46008360E5/$file/Trafficking%20in%20Human%20Beings%20in%20SE%20Europe%20compressed.pdf.

[3302] Ibid. In September 2003, French police arrested 67 adults in a Roma encampment outside Paris and charged them with organizing sexual enslavement of Roma children allegedly kidnapped and brought to France for the purposes of forced prostitution and stealing. See U.S. Department of State, *Country Reports- 2003: Romania*, Section 6f.

[3303] U.S. Department of State, *Country Reports- 2003: Romania*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report - 2004: Romania*, June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33192.htm. See also U.S. Department of State, *Trafficking in Persons - 2004*. See also Permanent Mission of Romania to the United Nations Office, *Progress Report on the Measures Taken by the Romanian Authorities to Combat Trafficking of Human Beings*, UN, February 25, 2002; available from http://missions.itu.int/~romania/strategies/index.html. See also Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Romania (unedited version)*, January 31, 2003, para. 58; available from http://193.194.138.190/html/menu2/6/crc/doc/co/co-romania-2.pdf.

The Constitution provides for free and compulsory education for 10 years.[3304] In 2000, the gross primary enrollment rate was 98.8 percent, and the net primary enrollment rate was 92.8 percent.[3305] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. During the 2001-2002 school year, approximately 96 percent of primary school-age children attended school, including kindergarten.[3306] School participation is significantly lower among ethnic Roma children and street children.[3307] According to a study on street children in Bucharest, 62.7 percent of those interviewed had dropped out of school.[3308]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age of employment at 16 years, but children may work with the consent of parents or guardians at age 15, although only "according to their physical development, aptitude, and knowledge."[3309] The Constitution prohibits the exploitation and employment of children in activities that might be physically or morally unhealthy or put their lives or normal development at risk.[3310] Young persons aged 15 can be employed with the consent of their parents or legal guardian on the condition that the work performed is in accordance with their health and abilities and does not interfere with their education.[3311] According to Article 155 of the General Norms of Labor Protection, children under the age of 16 cannot be used for loading, unloading, and handling operations.[3312] Young persons ages 16 and over are permitted to work, but may not be placed in hazardous workplaces and may not be made to work overtime, at night, or for more than 6 hours per day or 30 hours per week.[3313] The Constitution and the Labor Code prohibit forced labor, including by children.[3314] Article 329 of the Criminal Code prohibits

[3304] Beyond the compulsory education period, schools charge fees for books, which discourages attendance for lower income children, particularly Roma. *Constitution of Romania*, (December 8, 1991), Article 32; available from http://www.oefre.unibe.ch/law/icl/ro00000_.html. See also U.S. Department of State, *Country Reports- 2003: Romania*, Section 5. See also U.S. Embassy-Bucharest, *unclassified telegram no. 2723*, August 20, 2003.

[3305] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[3306] U.S. Department of State, *Country Reports- 2003: Romania*, Section 5.

[3307] Sorin Cace and Ioan Marginean, *Roma Working Children and their Families: Socio-Cultural Characteristics and Living Conditions*, ILO-IPEC, UNICEF, ECHOSOC Foundation, Ministry of National Education and Research, 2002, 7-8. See also Alexandrescu, *Romania: Working Street Children*, 29.

[3308] One-hundred and fifty children ages 4 to 17 were interviewed. See Alexandrescu, *Romania: Working Street Children*, 25-29.

[3309] *Labor Code, Law No. 53/2003*, (January 24,), Article 13 (1); available from http://www.mmssf.ro/e_legislatie/law53.htm. See also U.S. Department of State, *Country Reports- 2003: Romania*, Section 6d.

[3310] *Constitution of Romania*, Article 45 (3) and (4).

[3311] *Labor Code*, Article 13 (2).

[3312] Ministry of Labor and Social Solidarity: Labor Inspection, *National Legislation on Child Labor-Summary*, 2001.

[3313] Young people under 18 years of age must be given a lunch break of at least 30 minutes, if the length of the working day exceeds 4 ½ hours. See *Labor Code*, Articles 109, 21, 25, and 30.

[3314] *Constitution of Romania*, Article 39 (1). See also *Labor Code*, Article 4 (1).

individuals from prostituting children.[3315] The law obliges employers to ensure that work does not preclude children under the age of 16 from gaining access to education.[3316]

Enforcement of labor laws that protect children falls under the mandate of the Labor Inspectorate of the Ministry of Labor, Social Solidarity and Family (MLSSF).[3317] Violations of the child labor laws are punishable by imprisonment for periods of 2 months to 3 years,[3318] and by fines of 50,000,000 to 100,000,000 ROL (USD 1,520 to 3,041).[3319] Forcing an individual to work against his or her will is punishable with 6 months to 3 years imprisonment.[3320] Law No. 678/2001 on preventing and combating trafficking in human beings protects children under the age of 19 years from being trafficked and applies more severe punishments when the child is under 15 years of age.[3321] Trafficking of children ages 15 through 18 years carries a prison term of 3 to 12 years; for 2 or more victims, in cases where a victim suffers serious bodily harm, or if the victim is below the age of 15, penalties increase to 5 to 15 years. If a minor was trafficked through the use of coercion, an additional two years of prison time can be added. Article 18 of Law 678 also criminalizes child pornography.[3322] There were no reports in 2003 of anyone being charged or convicted under any of the child labor provisions.[3323]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Romania, through the National Steering Committee of the MLSSF, continues to elaborate the National Action Program to Elimination Child Labor developed in 2003, and has made significant progress in its efforts to address the problem of child trafficking.[3324] The government has significantly increased the number of trafficking convictions and is working to address corruption among law enforcement and border officials. Ongoing anti-corruption measures for border police include psychological testing, ethics briefings, best practices manuals, random integrity tests, routine searches, and the establishment of a hotline.[3325] The Ministry of Education and Research is training school personnel on

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[3315] The punishment for such offenses is imprisonment for a period of 3 to 10 years. Government of Romania, *Criminal Code,* as cited in The Protection Project Legal Library, [database online] [cited September 10, 2004], Article 329; available from http://209.190.246.239/protectionproject/statutesPDF/RomaniaF.pdf.

[3316] U.S. Department of State, *Country Reports- 2003: Romania*, Section 6d.

[3317] Embassy of Romania Washington D.C. official, Combating the Worst Forms of Child Labor, letter to U.S. Department of Labor official, September 25, 2000.

[3318] U.S. Department of State, *Country Reports- 2003: Romania*, Section 6d.

[3319] *Labor Code*, Article 276 (1e). For currency conversion, see FXConverter, in Oanda.com, [online] [cited May 18, 2004]; available from http://www.oanda.com/convert/classic.

[3320] Labor Code, established under Law No. 10/1972 as cited in Alexandrescu, *Romania: Working Street Children*, 10.

[3321] This law went into effect in February 2003. See U.S. Department of State, *Country Reports- 2003: Romania*, Section 6f. See also Permanent Mission of Romania to the United Nations Office, *Progress Report on the Measures Taken*, 2.

[3322] Traffickers can be prosecuted under the relevant provisions of the Law 678/2001 (articles 12 and 13) and under the Criminal Code (Articles 328, 329, 189, 190, 197, 198, 201, 202, and 203). See Permanent Mission of Romania to the United Nations Office, *Progress Report on the Measures Taken*.

[3323] U.S. Department of State, *Country Reports- 2003: Romania*, Section 6d.

[3324] Ibid.

[3325] U.S. Department of State, *Trafficking in Persons - 2004*.

how to raise awareness of trafficking issues among students and parents. Also, regional education commissions monitor teachers' implementation of the anti-trafficking provisions.[3326]
The MLSSF is working jointly with Save the Children Romania to elaborate a National Action Plan for Preventing and Fighting Child Trafficking and to conduct an awareness raising campaign on the issue.[3327]
In addition, the National Authority for Child Protection and Adoption (NACPA) provides assistance and rehabilitation services to child trafficking victims.[3328] The government is working with IOM, UNICEF, UNDP, and other NGOs to combat trafficking and to carry out trafficking prevention activities.[3329] With support from IOM, the government organized a Counter Trafficking Steering Committee with participants from all the relevant ministries and also broadcasted anti-trafficking messages on government-sponsored television to raise awareness of the problem.[3330] Romania continues to participate in an ILO-IPEC regional project funded by USDOL to combat child trafficking in the Balkan region.[3331]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 11/19/1975	✓
Ratified Convention 182 12/13/2000	✓
ILO-IPEC Member	✓
National Plan for Children	✓
National Child Labor Action Plan	✓
Sector Action Plan (Trafficking)	✓

The government operates a supplementary nutrition program to provide milk and bread for all children attending primary school,[3332] and provides school supplies to primary school children from low-income families.[3333] The World Bank continues to support the Rural Education Project, which aims to improve teaching and learning in rural schools; improve school-community partnerships through a grants program; strengthen the capacity of the Ministry of Education and Research to monitor, evaluate and analyze policy; and strengthen the project's management capacity.[3334] A portion of the Social Development Fund Project is

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[3326] Ibid.

[3327] Ministry of Labor, Social Solidarity, and Family, *Invitation to Attend Press Conference*, press release, Bucharest, April 28, 2004; available from http://www.mmssf.ro/e_communicate/e_290404press1.htm.

[3328] With support from the Southeast European Cooperation Initiative for Combating Trans-border Crime (SECI Center), NACPA operates a pilot center in Bucharest and plans regional centers in six other counties. See U.S. Embassy- Bucharest, *unclassified telegram no. 2362*.

[3329] UNICEF, UNOHCHR, and OSCE-ODIHR, *Trafficking in Human Beings in Southeastern Europe: 2003 Update on Situation and Responses to Trafficking in Human Beings in Romania*, November 2003, 44-46.

[3330] U.S. Department of State, *Country Reports- 2003: Romania*, Section 6f.

[3331] The project was funded in September 2003. See ILO-IPEC, *Combating Trafficking in Children for Labor and Sexual Exploitation in the Balkans and Ukraine*, project document, RER/03/P50/USA, September 2003.

[3332] The school feeding program was established under Government Order No. 96/2002 and launched in September 2002. See U.S. Embassy- Bucharest, *unclassified telegram no. 2723*. See also ILO-IPEC and Salvati Copiii, *IPEC Romania at a Glance, 2000-2003: Integrated Program for the Elimination of the Worst Forms of Child Labor in Three Selected Metropolitan Areas in Romania - an IPEC Action Program*, Bucharest, January 2003, 3.

[3333] Government Order No. 496/2001 as cited in ILO-IPEC and Salvati Copiii, *IPEC Romania at a Glance, 2000-2003: Integrated Program*, 5.

[3334] World Bank, *Rural Education Project*, [online] May 7, 2004 [cited May 7, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&theSitePK=40941&menuPK=228424&Projectid=P073967.

specifically aimed to give grants to fund community-based social services in poor, rural areas for disadvantaged children such as orphans and abandoned children, and for shelters for street children.[3335]

[3335] This USD 20 million project is funded by the World Bank and is slated to end in August 2006. See World Bank, *Project Appraisal Document in the Amount of US$20 Million for the Social Development Fund (02) Project*, 22876-RO, November 26, 2001; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2002/01/10/000094946_01120704034240/Rendered/PDF/multi0page.pdf. See also World Bank, *Social Development Fund (02) Project*, [online] May 7, 2004 [cited May 7, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&theSitePK=40941&menuPK=228424&Projectid=P068808.

Russia

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Russia are unavailable. However, reports indicate that child labor is a problem in the informal sector.[3336] The breakup of the Soviet Union and the transition to a market economy have increased poverty levels in Russia, and in 2002, the World Bank reported that children had a higher poverty rate than the population as a whole.[3337] Economic downturn, the deterioration of social services, increase in domestic violence[3338] and the breakdown of family structures have led to an increase in the number of street children in the country.[3339] Estimates of the number of street children range from 100,000 to 150,000, with possibly 4 million additional children at risk of living on the streets.[3340] Homeless children often receive no education, are more susceptible to substance abuse, and frequently engaged in criminal activities, including prostitution, to survive.[3341] Without educational opportunities or family support, youth form or join gangs or groups and turn to crime.[3342] In 2004, seven persons were sentenced for acts involving the recruitment and sexual exploitation of children.[3343]

[3336] ILO-IPEC, *In-Depth Analysis of the Situation of Working Street Children in Moscow 2001*, Moscow, 2002, 36; available from http://www.ilo.org/public/english/standards/ipec/simpoc/russia/ra/street_m.pdf. See also U.S. Embassy- Moscow, *unclassified telegram no. 15120*, September 16, 2003.

[3337] World Bank, *Memorandum of the President of the International Bank for Reconstruction and Development and the International Finance Corporation to the Executive Directors on a Country Assistance Strategy of the World Bank Group for the Russian Federation*, Report No: 24127-RU, Washington, D.C., May 14, 2002, 1, 3; available from http://www.worldbank.org.ru/ECA/Russia.nsf/ECADocByUnid/B38DE4AEF2AEB41EC3256CB50033CC73/$FILE/Russia%20CAS%2024127-RU.pdf.

[3338] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Russia*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27861pf.htm.

[3339] Ibid. See also ILO-IPEC, *Analysis of the Situation of Working Street Children in Moscow*, 17. See also UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Russian Federation*, CRC/C/15/Add.110, United Nations, Geneva, November 1999, para. 12; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/f60a0928c30f787980256811003b8d5d?Opendocument.

[3340] World Bank, *Memorandum of the President*, 4. See also U.S. Department of State, *Country Reports- 2003: Russia*, Section 5.

[3341] U.S. Department of State, *Country Reports- 2003: Russia*, Section 5. See also Social and Cultural Rights UN Committee on Economic, *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Russian Federation*, E/C.12/1/Add.94, United Nations, Geneva, December 2003, para 37; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/5192a0b3c292a7ecc1256e12003abf2d?Opendocument. See also "Number of Orphans in Russia Has Nearly Doubled," *Rosbalt* (Moscow), May 13, 2004; available from http://www.rosbaltnews.com/2004/05/28/66583.html.

[3342] Pierella Paci, *Gender in Transition*, The World Bank, Washington, D.C., May 21, 2002, xvi, 78; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2002/08/23/000094946_0208130410249/Rendered/PDF/multi0page.pdf.

[3343] U. S. Department of State, *Trafficking in Persons Report- 2004: Russia*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33192.htm.

Children work in informal retail services, sell goods on the street, wash cars, make deliveries, collect trash,[3344] and beg.[3345] Children are trafficked globally for sexual exploitation from Russia,[3346] and are trafficked internally generally from rural to urban areas.[3347] There were reports of kidnapped or purchased children being trafficked for sexual exploitation, child pornography, or harvesting of body parts.[3348] There are confirmed cases of sex trafficking of children and child sex tourism in Russia, a major producer and distributor of child pornography over the internet.[3349]

There are reports that rebel forces in Chechnya recruit and use child soldiers. These forces also are using children to plant landmines and other explosives.[3350]

Although no law makes education compulsory, the Constitution holds parents responsible for ensuring their children receive basic education. Federal law stipulates free education to all children up to grade 11, but the Law on Education allows a child to finish school at the age of 14 with parental and government approval.[3351] In 2001-2002, the gross primary enrollment rate was 114 percent.[3352] Net enrollment rates are unavailable for Russia.[3353] Gross enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Russia.[3354] Most families pay additional fees for books and school supplies.[3355] Children of unregistered persons, asylum seekers, and migrants are frequently denied access to

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[3344] ILO-IPEC, *Analysis of the Situation of Working Street Children in Moscow*, 36.

[3345] U.S. Department of State, *Country Reports- 2003: Russia*, Sections 6c, 6d.

[3346]Ibid., Section 6f.

[3347] Donna M. Hughes, *Trafficking for Sexual Exploitation: The Case of the Russian Federation*, No. 7, IOM, Geneva, June 2002, 17; available from http://www.iom.int/documents/publication/en/mrs%5F7%5F2002.pdf. See also U.S. Department of State, *Country Reports- 2003: Russia*, Section 6f. See also U. S. Department of State, *Trafficking in Persons Report- 2004: Russia*.

[3348] U.S. Department of State, *Country Reports- 2003: Russia*, Section 6f.

[3349] Ibid. See also "American Doctor Suspected of Child Sex Abuse Arrested in St. Petersburg," *Rosbalt* (St. Petersburg), April 29, 2004; available from http://www.rosbaltnews.com/2004/05/28/66499.html. [cited May 28, 2004]

[3350] UN General Assembly Security Council, *Children and Armed Conflict: Report of the Secretary- General*, A/58/546-S/2003/1053, November 10, 2003, 11. Chechen and Ingush guerrillas took as hostage children from Beslan School #1 on September 1, 2004. Hundreds of children, parents and teachers, as well as the guerrillas, died when guerrillas blew up the school on September 3, 2004. See also Peter Baker, "A Stricken Town Seeks Scapegoats," *Washington Post* (Beslan), October 17, 2004, A16; available from http://www.washingtonpost.com/ac2/wp-dyn/A38750-2004Oct16?language=printer.

[3351] See U.S. Department of State, *Country Reports- 2003: Russia*, Section 5. See also U.S. Embassy- Moscow, *unclassified telegram no. 15215*, October 2002.

[3352] UNESCO Institute for Statistics, *Global Education Digest 2004*, [CD-ROM] 2004 [cited November 9, 2004]; available from http://portal.unesco.org/uis/TEMPLATE/html/HTMLTables/education/gerner_primary.htm. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[3353] While school enrollment is high, truancy is a growing problem in poorer regions of the country. See U.S. Embassy- Moscow, *unclassified telegram no. 15215*.

[3354] Ibid.

[3355] Ibid.

education by country and regional authorities.[3356] Poor regions struggle to maintain basic education requirements and receive little assistance from the Ministry of Education. Vocational education graduates often lack basic learning skills that would enable them to continue to learn and problem solve effectively.[3357]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for regular employment at 16 years,[3358] and regulates the working conditions of children under 18, including bans on overtime, hazardous work, and night work.[3359] Children may work at ages 14 and 15 with parental approval, as long as such work does not threaten their health and welfare.[3360] The Constitution prohibits forced labor.[3361]

The government passed comprehensive legislation in December 2003 that criminalizes human trafficking, forced labor, the distribution of pornography, the recruitment of prostitutes, and the organization of a prostitution business.[3362] As of June 2004, investigations under this new legislation were being carried out, but there were no convictions reported.[3363] Articles 131, 132, 134 and 135 of the Penal Code prohibit forcing a minor under the age of 14 to engage in sex or any acts of perversion, while Article 151 of the Code prohibits involvement of a minor in prostitution.[3364] Article 152 prohibits Trade in Minors, defined as the purchasing or selling of a minor, or business regarding transfer or ownership of a minor and is punishable by compulsory work for 180 to 240 hours, correctional labor for 1 to 2 years or to 5 years of imprisonment.[3365] Article 135 has been used to prosecute child pornographers.[3366] There were reports of corrupt government officials facilitating human trafficking,[3367] including one organized crime group in the

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[3356] U.S. Department of State, *Country Reports- 2003: Russia*, Section 1d, 5.

[3357] World Bank, *Project Appraisal Document on a Proposed Loan in the Amount of US$100 Million to the Russian Federation for an E-Learning Support Project*, 27757-RU, Washington, D.C., January 20, 2004, 5, 8; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/02/12/000012009_20040212103556/Rendered/PDF/276500RU.pdf.

[3358] *Labor Code*, (February 1, 2002), Article 63.

[3359] U.S. Department of State, *Country Reports- 2003: Russia*, Section 6d. The new labor code came into force on February 1, 2002. See U.S. Department of State official, electronic communication to USDOL official, November 29, 2002.

[3360] U.S. Department of State, *Country Reports- 2003: Russia*, Section 6d.

[3361] *Constitution of the Russian Federation*, Article 37; available from http://www.friends-partners.org/oldfriends/constitution/russian-const-ch2.html. [cited May 21, 2004]

[3362] U.S. Department of State, *Country Reports- 2003: Russia*, Section 6f.

[3363] U. S. Department of State, *Trafficking in Persons Report- 2004: Russia*. Criminals were prosecuted under other laws against sexual exploitation of children, however; see above.

[3364] U.S. Embassy- Moscow, *unclassified telegram no. 15215.* See also Kristi Severance, "Russia," in *Survey of Legislative Frameworks for Combating Trafficking in Persons* Washington, D.C.: American Bar Association, 2003, 130, 32; available from http://www.abanet.org/ceeli/publications/conceptpapers/humantrafficking/16_russia.pdf. See also Interpol, *Legislation of Interpol Member States on Sexual Offences Against Children- Russia,* Interpol, n.d. [cited May 21, 2004]; available from http://www.interpol.int/public/children/sexualabuse/nationallaws/csaRussia.asp.

[3365] Severance, "Legislative Frameworks for Combating TIP," 130.

[3366] U.S. Embassy- Moscow, *unclassified telegram no. 15215.*

[3367] U.S. Department of State, *Country Reports- 2003: Russia*, Section 6f.

Ministry of Interior accused of protecting a prostitution business.[3368] The government has successfully prosecuted several criminals engaged in the production and distribution of child pornography.[3369]

The Ministry of Health and Social Development and the Ministry of Interior are responsible for the enforcement of child labor laws, but fail to do so effectively. The ministry reported that 12,000 child labor violations were registered in 2001,[3370] and that 36 children died in work-related accidents in 2002. The police attempt to address the issue of street children. In 2001, for example, 253,000 parents were cited for leaving children unsupervised. Some of these children were returned to their families and provided assistance from social workers, while in other cases, parents were denied custody or faced criminal charges.[3371]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 05/03/1979	✓
Ratified Convention 182 03/25/2003	✓
ILO-IPEC Associated Member	✓
National Plan for Children	✓
National Child Labor Action Plan	
Sector Action Plan	

The Ministry of Health and Social Development continues to work with UNICEF to establish a number of regional child rights ombudsmen.[3372] The government has established a commission headed by the Minister of Health and Social Development to focus on child labor and education issues.[3373] The government has engaged in various awareness-raising efforts on the problem of trafficking, but has not provided budgetary support to trafficking prevention programs. Government officials collaborated with a local NGO to develop guidelines for Ministry of Interior employees working with children.

In 2004, the Government of Russia announced it would develop a central coordinating authority for all anti-trafficking policies.[3374] The government is also a member of the Black Sea Economic Cooperation and works with other members to combat organized crime, including criminal activities concerning trafficking

[3368] U. S. Department of State, *Trafficking in Persons Report- 2004: Russia*.

[3369] U.S. Embassy- Moscow, *unclassified telegram no. 15120*.

[3370] U.S. Department of State, *Country Reports- 2003: Russia*, Section 6d.

[3371] U.S. Embassy- Moscow, *unclassified telegram no. 15120*.

[3372] Such positions have been established in the cities of Moscow, St. Petersburg, and Yekaterinburg, and in the regions of Arzamas Volkskiy, Novgorod, Chechnya, Ivanovo, and Volgograd. Ombudsmen only have the authority to request enforcement actions from government agencies. See U.S. Department of State, *Country Reports- 2003: Russia*, Section 5.

[3373] In addition to government efforts to assist children at risk of working or living on the street, USAID is working with international and local NGOs on an "Assistance to Russian Orphans" project that seeks to prevent child abandonment, promote policy change and increase public awareness of the problems of orphans. See U.S. Embassy- Moscow, *unclassified telegram no. 15215*.

[3374] U. S. Department of State, *Trafficking in Persons Report- 2004: Russia*.

in human beings and sexual exploitation of women and children.[3375] The government did not pass trafficking victim protection legislation in 2004. However, progress was made on draft legislation for a witness protection program. Currently, no specific legislation provides trafficking victims with assistance, protection, or referrals to assistance programs.[3376]

The Government of Russia is participating in the second phase of an ILO-IPEC project to rehabilitate working street children in St. Petersburg.[3377] The program has included awareness-raising workshops for local government officials and the development of policy recommendations for city government.[3378] The government is also participating in a new ILO-IPEC action program to provide at-risk children in the Leningrad Region with social, psychological, and educational services.[3379]

The Government of Russia's Education for All plan seeks to improve the quality and accessibility of education to create better standards of living and increase the global competitiveness of Russia's population.[3380]

The World Bank loaned Russia USD 30 million to implement an Education Reform Project that began in 2001 and will end in 2006. This project promotes better use of scarce funding for education, modernizes the structure of the education system, and improves the general quality and standards of education.[3381]

In 2004, Russia secured a loan for USD 100 million from the World Bank for an E-Learning Support Project." The project will develop a system to electronically distribute and store learning materials for

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[3375] The Russian Federation is a signatory to the *Agreement Among the Governments of the Black Sea Economic Cooperation (BSEC) Participating States on Cooperation in Combating Crime, In Particular in its Organized Forms*. Participating states include the Republic of Albania, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Bulgaria, Georgia, the Hellenic Republic, the Republic of Moldova Romania, the Russian Federation, the Republic of Turkey, and Ukraine. See Black Sea Economic Cooperation, *Agreement among the Governments of the Black Sea Economic Cooperation Participating States on Cooperation if Combating Crime, in Particular in its Organized Forms*, October 2, 1998; available from www.bsec.gov.tr/cooperation.htm.

[3376] U. S. Department of State, *Trafficking in Persons Report- 2004: Russia,* U.S. Embassy- Moscow, *unclassified telegram no. 4732*, April 04, 2004.

[3377] U.S. Consulate- St. Petersburg, *unclassified telegram no. 1504*, July 17, 2002.

[3378] The action committee consists of trade union, police, academic, employers, religious and other NGO representatives. See Ibid. The project has also established teacher training in schools with high dropout rates, directed families with at-risk children to existing services, and provided rehabilitation, food, health care, and other necessities to street children. See U.S. Embassy- Moscow, *unclassified telegram no. 15215*.

[3379] ILO-IPEC, *News*, ILO-IPEC, St. Petersburg, 2004; available from http://www.unoffice.spb.ru/ipec/index_en.html. [cited May 21, 2004]

[3380] Government of the Russian Federation, *Education for All: Russia's National Framework for Action*, UNESCO, October 2, 2003, 18, 19; available from http://portal.unesco.org/education/fr/file_download.php/8e40598bc1035e1ff54dfb4cc1a9e0fcEFARussia.doc.

[3381] World Bank, *Project Appraisal Document on a Proposed Loan in the Amount of US$30 Million to the Russian Federation for an Education Reform Project*, 21782-RU, Washington, D.C., April 30, 2001; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P050474. See also World Bank, *Documents and Reports: Russia- Education Reform Project*, World Bank, Washington, D.C., May 26, 2001; available from http://www-wds.worldbank.org/servlet/WDS_IBank_Servlet?pcont=details&eid=000094946_01051604004481.

general education students,[3382] from grade 1 through 11,[3383] across Russia. It will support the training of teachers and administrators in new technologies and generate additional teacher training materials. Finally, this project will create a network of interschool resource centers to introduce vocational training in technology and allow centers to communicate with each other to support the e-learning system. This first phase of the government's educational modernization program will last until 2008.[3384]

[3382] World Bank, *Russia: World Bank Supports E-Learning Programs*, press release, World Bank, Washington, D.C., March 2, 2004; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20171404~menuPK:34463~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html#. [cited August 31, 2004]

[3383] World Bank, *Project Appraisal Document on a Proposed Loan in the Amount of US$100 Million to the Russian Federation for an E-Learning Support Project*, 3.

[3384] World Bank, *Russia: World Bank Supports E-Learning Programs, "press release"*.

Rwanda

Incidence and Nature of Child Labor

UNICEF estimated that 41.8 percent of children between the ages of 5 and 14 years were working in Rwanda in 2000.[3385] Children are found working in sectors that the Government of Rwanda has identified as worst forms, including domestic work for third party households;[3386] agricultural activities on tea, rice, and sugar cane plantations; work in brickyards and sand extraction quarries; crushing stones; prostitution;[3387] and various other forms of work in the informal economy.[3388]

There are an estimated 7,000 street children in Rwanda's capital city, Kigali, and in provincial capitals[3389] who work as porters and garbage collectors or sell small items such as cigarettes and candy.[3390] Such children are at significant risk of commercial sexual exploitation, such as the exchange of sex for services (e.g. food or protection).[3391]

A study by the Ministry of Labor and UNICEF estimated that 2,140 children are engaged in prostitution in urban areas.[3392] There are isolated cases of Rwandan children being trafficked for the purposes of commercial sexual exploitation, labor, and soldiering. Children, specifically, have been trafficked to Burundi and the Democratic Republic of the Congo,.[3393] While the Government of Rwanda no longer recruits children for the official Rwanda Defense Forces (RDF, formerly the Rwanda Patriotic Army, or

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[3385] UNICEF, *Enquete A Indicateurs Multiples (MICS2) Tables*, Kigali, January 11 2001; available from http://www.childinfo.org/MICS2/newreports/rwanda/rwandatables.pdf. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[3386] Some children taken in by foster families report that they were given room and board, but expected to perform domestic labor for the family. In this position, they were often unable to attend school. *Lasting Wounds, Consequences of Genocide and War on Rwanda's Children*, Human Rights Watch, New York, March, 2003, 49-50.

[3387] U.S. Embassy- Kigali, conference call with USDOL official, February 24, 2004. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Rwanda*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27744.htm.

[3388] *Lasting Wounds*, 62-64.

[3389] Human Rights Watch, *Rwanda - Lasting Wounds: Consequences of Genocide and War for Rwanda's Children*, Vol. 15, No. 6, New York, March 2003, 62; available from http://www.hrw.org.

[3390] *Lasting Wounds*, pg. 63.

[3391] Padraig Quigley Angela Veale, Theoneste Ndibeshye, and Celestin Nyirimihigo, *Struggling to Survive: Orphan and Community Dependent Children in Rwanda*, Government of Rwanda and UNICEF, 2001, xv. See also U.S. Embassy- Kigali, conference call, February 24, 2004.

[3392] Integrated Regional Information Networks, *Rwanda: Interview with UNICEF representative Theophane Nikyema,* [online] 2002 [cited May 18, 2004]; available from http://www.irinnews.org/report.asp?ReportID=28223&SelectRegion=Great_Lakes&SelectCountry=RWANDA.

[3393] U.S. Department of State, *Trafficking in Persons Report 2004- Rwanda*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm.

RPA),[3394] Rwanda-supported rebel groups have continued to recruit child soldiers for combat against armed groups in the DRC and Burundi. The Government of Rwanda officially withdrew from the conflict in the Democratic Republic of the Congo (DRC) in 2002. [3395]

In 2002, over 600,000 children in Rwanda were orphans. Of this number, 43 percent were HIV/AIDS orphans (264,000).[3396] As many as 13 percent of all households are headed by children (between 200,000 and 300,000 children),[3397] and a large number are headed by girls.[3398] Children who head households in Rwanda care for siblings and engage in informal work activities for survival. Over 60 percent of child-headed households rely on subsistence agriculture for survival, and 95 percent do not have adequate access to education or health facilities.[3399] Children in these households, and girls in particular, are extremely vulnerable to commercial sexual exploitation.[3400]

The Constitution guarantees free, compulsory education in Rwanda from the age of 7 to 12 years.[3401] In 2001, the gross primary enrollment rate was 117.0 percent and in 1999, the net primary enrollment rate was 96.1 percent.[3402] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, the gross

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[3394] Coalition to Stop the Use of Child Soldiers, *Child Soldier Use 2003: A Briefing for the 4th UN Security Council Open Debate on Children and Armed Conflict, Rwanda*, London, January 16, 2004. The rebel Rwandan Liberation Army reportedly had several hundred child soldiers in their ranks, some of whom served in combat. See Human Rights Watch, "Rwanda: Human Rights Developments," in *World Report 2002*, 2002; available from http://www.hrw.org/wr2k2/africa9.html#developments. See also U.S. Department of State, electronic communication to USDOL official, February 24, 2004.

[3395] See U.S. Department of State, electronic communication, February 24, 2004. See also Coalition to Stop the Use of Child Soldiers, *Child Soldier Use 2003: Rwanda*. In 2003 it was reported that children had been abducted by Rwandan-supported Congolese militia to serve as combatants, perform forced labor, or for sexual exploitation. There is no current information on this matter. See U.S. Department of State, *Trafficking in Persons Report 2003- Rwanda*, Washington, D.C., June 11, 2003; available from http://www.state.gov/g/tip/rls/tiprpt/2003/21277.htm#rwanda. See also Human Rights Watch, "World Report 2002: Rwanda." See also U.S. Department of State, electronic communication, February 24, 2004.

[3396] *Children on the Brink 2002: A Joint Report on Orphan Estimates and Program Strategies*, UNAIDS, UNICEF, and USAID, July, 2002, 22.

[3397] Angela Veale, *Struggling to Survive*, xi. See also Human Rights Watch, *Lasting Wounds*, 47.

[3398] The number of orphans may now be closer to 1 million, with 40,000 child-headed households. See U.S. Embassy- Kigali, email communication, May 27, 2005. IRC estimated that 45,000 families were headed by children. See Jill Donahue John Williamson, and Lynne Cripe, *A Participatory Review of the Reunification, Reintegration, and Youth Development Program of the International Rescue Committee in Rwanda*, USAID, July, 2001, 2.

[3399] Human Rights Watch, *Lasting Wounds*, 47-48.

[3400] Ibid., 48. Prostitution or the exchange of sex for services (food, protection) has become part of some children's survival strategy. See Angela Veale, *Struggling to Survive*, xv.

[3401] UN Committee on the Rights of the Child, *Second Periodic Reports on States Parties due in 1998*, CRC/C/70Add.22, prepared by Government of Rwanda, pursuant to Article 44 of the Convention on the Rights of the Child, October 8, 2003, para. 81. See also UNICEF, *Enquete A Indicateurs Multiples (MICS2)*, Kigali, January 11 2001, 7; available from http://www.childinfo.org/MICS2/newreports/rwanda/rwanda.pdf.

[3402] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

primary attendance rate was 88.7 percent, and the net primary attendance rate was 71.6 percent.[3403] As of 2000, 40.0 percent of children who started primary school were likely to reach grade 5.[3404]

Public schools lack basic supplies and cannot accommodate all primary age school children, and private schools are inaccessible or too costly for the majority of the population.[3405] Despite a 2003 announcement that primary education would be free for all Rwandan children, as of December 2003, the policy is not fully implemented and children are required to pay tuition fees.[3406] Even in cases where tuition has been waived, expenses such as books, uniforms, and transportation are prohibitively expensive for many poor families. In addition, over half of primary school teachers lack basic qualifications.[3407]

Child Labor Laws and Enforcement

The Labor Code establishes the minimum age of employment at 16 years.[3408] However, the Minister of Labor can make exceptions for children aged 14 to 16, depending on the child's circumstances, such as allowing a child with parental authority to work. Children under 16 are prohibited from night work or any work deemed hazardous or difficult, as determined by the Minister of Labor.[3409] The minimum age for apprenticeships is 14 years, provided the child has finished primary school.[3410] Forced labor is prohibited by Article 4 of the Labor Code.[3411]

Trafficking is not specifically prohibited by law.[3412] The Criminal Code prohibits prostitution and compelling another person to become engaged in prostitution.[3413] Law No. 27/2001, Relating to the Rights and Protection of the Child Against Violence, sets the minimum age of military service at 18.[3414]

[3403] USAID Development Indicators Service, *Global Education Database,* [online] [cited October 25, 2004]; available from http://qesdb.cdie.org/ged/index.html.

[3404] World Bank, *World Development Indicators 2004*.

[3405] U.S. Department of State, *Country Reports- 2003: Rwanda*, Section 5.

[3406] U.S. Embassy- Kigali, conference call, February 24, 2004. See also U.S. Department of State, *Country Reports- 2003: Rwanda*, Section 5.

[3407] *Lasting Wounds*, pg. 50.

[3408] *Law No. 51/2001 Establishing the Labour Code*, (December 12, 2001), Article 11; available from www.rwandainvest.gov.rw/lawlab.htm.

[3409] Night work is defined as work between 7 p.m. and 5 a.m.; children also must have a rest period of at least 12 hours between work engagements. See Ibid., Articles 11, 60-66.

[3410] U.S. Department of State, *Country Reports- 2003: Rwanda*, Section 6d.

[3411] *Labour Code*, Article 4.

[3412] U.S. Department of State, *Trafficking in Persons Report- 2004: Rwanda*.

[3413] Punishment for these crimes is imprisonment for up to 5 years and a fine. Penalties are doubled if the crime is committed against a minor under 18 years old. See Government of Rwanda, *Criminal Code, as cited in the Protection Project Database,* [online database] [cited May 17, 2004], Articles 363-65, 74; available from http://www.protectionproject.org.

[3414] The law was passed in April 2001, and entered into force in 2002. However, it apparently does not apply to government-organized civilian militia. See *Lasting Wounds*, 16.

According to the U.S. Department of State, the Ministry of Labor and the Ministry of Local Government do not effectively enforce child labor laws.[3415] The Ministry of Labor maintains one office that focuses on children. This office is severely under-funded, as evidenced by the Ministry's Inspector Program, which has only one inspection office in each of the country's 12 provinces to follow up on child labor reports.[3416]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

With assistance from UNICEF, the Government of Rwanda adopted a National Policy for Orphans and Other Vulnerable Children in 2003 that identified some of the worst forms of child labor and sets strategies to ensure that children are protected from labor exploitation.[3417]

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	4/15/1981	✓
Ratified Convention 182	5/23/2000	✓
ILO-IPEC Associated Member		✓
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

The Government of Rwanda is one of seven countries participating in a USDOL-funded ILO-IPEC program to prevent the involvement of children in armed conflict and support the rehabilitation of former child soldiers.[3418] In 2004 the government opened a demobilization center for child soldiers returning from the Democratic Republic of the Congo that provides counseling, medical screening, and schooling. Former child soldiers returning to their home communities receive financial support from the Ministry of Local Government and Social Affairs in the form of school fees, uniforms, and supplies.[3419]

Currently, the Ministry of Gender and Family Promotion implements a limited vocational training program, and runs "solidarity camps" to assist street children.[3420] The Ministry for Local Administration and Social Affairs (MINALOC) maintains safe houses for street children in each of the 12 provinces.[3421]

MINALOC has also been responsible for administering two funds, which provide partial educational assistance for orphans to attend secondary school and assistance for genocide survivors to cover school fees.[3422] The World Bank is implementing a 6-year USD 35 million program that began in 2000 to build the

[3415] U.S. Department of State, *Country Reports- 2003: Rwanda*, Section 6d.

[3416] U.S. Embassy- Kigali, *unclassified telegram no. 1216*, August 23, 2004. See also U.S. Embassy- Kigali, conference call, February 24, 2004.

[3417] U.S. Embassy- Kigali, conference call, February 24, 2004. See also *National Policy for Orphans and Other Vulnerable Children in Rwanda*, 19-20. See also U.S. Department of State, *Country Reports- 2003: Rwanda*, Section 6d. See Section 1 of this country report for a list of worst forms identified by the government.

[3418] ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict: an Inter-Regional Program*, project document, INT/03/P52/USA, Geneva, September 30, 2003.

[3419] U.S. Department of State, *Trafficking in Persons Report- 2004: Rwanda*.

[3420] U.S. Embassy- Kigali, conference call, February 24, 2004.

[3421] U.S. Embassy- Kigali, *unclassified telegram no. 1216*, U.S. Embassy- Kigali, *unclassified telegram no. 1473*, August 14, 2003.

[3422] Reports indicate that these funds do not sufficiently meet the needs of the target population. In addition, in some cases, budget shortfalls have led to delayed school fee payments, causing children to drop out of school. See *Lasting Wounds*, pg. 53.

capacity of the Ministry of Education.[3423] The program includes school construction and other components designed to increase access to primary schools, enhance the quality of education, improve teacher training and curriculum development, provide more textbooks, and strengthen the administration of and community involvement in the educational system.[3424] UNICEF, in cooperation with other donors, is supporting the establishment of the government's National Education Statistical Information System, which will facilitate data collection. UNICEF also works to meet the goal of universal quality primary education, and has established a national Education For All committee that has taken up the issue of girls' education.[3425] The World Food Program, in collaboration with the Ministry of Gender and Family Promotion, provides food for children in 200 schools in 5 provinces.[3426]

[3423] World Bank, *Human Resource Development Project*, [online] November 5, 2003 [cited May 19, 2004]; available from http://www.worldbank.org/external/projects/main?pagePK=73230&thesitePK=409418menuPK=2284248Projectid=P045091.

[3424] Ibid.

[3425] UNICEF, *At a glance: Rwanda, the big picture*, [cited May 19, 2004]; available from http://www.unicef.org/infobycountry/rwanda.html.

[3426] U.S. Department of State, electronic communication, February 24, 2004.

Saint Kitts and Nevis

Incidence and Nature of Child Labor

Statistics on the number of working children in St. Kitts and Nevis are unavailable[3427], and there is limited information on the nature of child labor. Children work in agriculture and domestic service, usually to help their families. Domestic work is not viewed as exploitive for children by society.[3428] According to the World Bank, children are reportedly involved in commercial sexual exploitation in order to pay for basic needs, such as food.[3429] Children may also be involved in pornography, prostitution, and the distribution of drugs.[3430]

Education is free and compulsory between the ages of 5 and 16 years.[3431] Recent primary school attendance statistics are not available for Saint Kitts and Nevis. In 2000, the gross primary enrollment rate was 117.3 percent, and the net primary enrollment rate was 95.5 percent.[3432] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary schools suffer from high rates of truancy, high dropout rates and poor literacy skills (for boys especially), absence of relevant learning materials, and insufficient numbers of trained, qualified teachers.[3433]

Child Labor Laws and Enforcement

The 1966 Employment of Children Ordinance and the Employment of Women, Young Persons, and Children Act were both amended in 2002 to set the minimum legal working age at 16 years.[3434] In 1999, the government began reviewing the child labor laws in an effort to incorporate them into a national Labor

[3427] LABORSTAT, *1A- Total and economically active population, by age group (Thousands)* [Database], Geneva, 2004; available from http://laborsta.ilo.org.

[3428] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Saint Kitts and Nevis*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27917.htm.

[3429] The World Bank, *Project Appraisal Document on a Proposed IDA Grant in the Amount of SDR 6.1 Million Equivalent to the Caribbean Community (CARICOM) for The Pan Caribbean Partnership Against HIV/AIDS Project*, The World Bank, Washington, D.C., March 4, 2004; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/03/09/000160016_20040309103136/Rendered/INDEX/272670LCR.txt.

[3430] U.S. Embassy- Bridgetown, *unclassified telegram no. 1791*, September 2001.

[3431] Government of Saint Kitts and Nevis, *The Education Act*, No. 18 of 1975, (July 31, 1975). See also U.S. Department of State, *Country Reports- 2003: Saint Kitts and Nevis*, Section 5.

[3432] The World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[3433] UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Saint Kitts and Nevis*, CRC/C/15/Add.104, Geneva, August 24, 1999, para. 28; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/b5d52fb968f8571a80256797004a6e81?OpenDocument.

[3434] U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Saint Kitts and Nevis*, Section 6d. Washington, D.C., March 31, 2003; available from http://www.state.gov/g/drl/rls/hrrpt/2002/18343.htm.

Code. The Employment of Children Ordinance and the Constitution prohibit slavery, servitude and forced labor.[3435]

Although there is no comprehensive anti-trafficking law, trafficking can be prosecuted under various provisions of the Penal Code.[3436] Procurement of persons by threats, fraud, or administrating drugs for prostitution is illegal.[3437] Kidnapping or abduction of a female under the age of 16 for sexual purposes is considered a misdemeanor offense and punishable by 2 years of imprisonment.[3438] Engaging in sexual relations with a girl under 14 years is considered a felony, and offenders over 16 years can be sentenced to imprisonment for life.[3439] Engaging in sexual relations with girls between 14 and 15 years of age is considered a misdemeanor offense, punishable by a prison term of not more than 2 years with or without hard labor. These offenses are punishable up to 1 year after the incident.[3440]

The Ministry of Labor of St. Kitts and Nevis is responsible for investigating child labor complaints.[3441] The Ministry of Labor relies on school truancy officers and its community affairs division to monitor compliance with child labor provisions.[3442]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

In 2004, The World Bank, in partnership with CARICOM and other international donor organizations, launched a regional HIV/AIDS prevention project active in Saint Kitts and Nevis. This project contains a component focused on prevention of HIV transmission among young people. It will provide support to orphans, increase access to HIV/AIDS prevention and services for out of school youth, integrate HIV/AIDS information into reproductive health programs, and promote peer counseling for youth, parents and teachers. The first phase of this project is expected to end in 2007.[3443]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182 10/12/2000	✓
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

[3435] U.S. Department of State, *Country Reports- 2003: Saint Kitts and Nevis*. Section 6d. See also *Constitution of Saint Christopher and Nevis, 1983*, Article 6 (1), (2), (June 22, 1983); available from http://www.georgetown.edu/pdba/Constitutions/Kitts/stkitts-nevis.html.

[3436] U.S. Department of State, *Country Reports- 2003: Saint Kitts and Nevis*, Section 6f.

[3437] *Criminal Code*, Section 2; available from http://209.190.246.239/protectionproject/statutesPDF/St.Kitts&NevisF.pdf.

[3438] Ibid., Section 6.

[3439] Ibid., Section 3.

[3440] Ibid., Section 4.

[3441] U.S. Embassy- Bridgetown, *unclassified telegram no. 1791*. See also U.S. Department of State, *Country Reports- 2003: Saint Kitts and Nevis*, Section 6d.

[3442] U.S. Department of State, *Country Reports- 2003: Saint Kitts and Nevis*, Section 6d.

[3443] The World Bank, *Project Appraisal Document on a Proposed Loan in the Amount of US$4.045 Million to St. Kitts/Nevis*, 25210-SC, Washington, D.C., December 13, 2002; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2003/01/17/000094946_03010904013882/Rendered/PDF/multi0page.pdf.

In 2002, the Caribbean Development Bank approved a USD 3 million loan to the government to provide training for Ministry of Education staff, school principals, and teachers. The loan was for acquiring new sites for schools, the construction or rehabilitation of 13 existing primary and secondary schools, new equipment, and technical assistance for the projects.[3444] The government initiated the construction of its seventh new high school in January 2004.[3445] The Caribbean Development Bank is planning to fund a proposed project to reform the juvenile justice system, develop life management training classes in schools, and rehabilitate facilities that house juvenile offenders.[3446]

In 2002, the Ministry of Education acquired funding from The World Bank to make secondary schools more accessible to a larger proportion of the population through the construction of additional schools, improvement of the curriculum and quality of teaching, provision of books and other education materials, funding of fellowships, and other programs targeting disadvantaged youth. This program, expected to end in 2008, will encourage greater parental involvement in the education of their children.[3447]

[3444] Caribbean Development Bank, *Additional Financing for a Basic Education Project in St. Kitts and Nevis*, press release, October 22, 2002; available from www.caribank.org.

[3445] The Government of St. Kitts and Nevis, *Saddlers school will be 7th High School established under a Labour Government*, press release, Basseterre, January 25, 2004; available from http://www.stkittsnevis.net/media/january04-59.html.

[3446] Caribbean Development Bank, *Pipeline Projects,* Caribbean Development Bank, [online] n.d. [cited August 11, 2004]; available from www.caribank.org.

[3447] *Project Appraisal Document (OECS) Education Development Program*, The World Bank, Washington, D.C., May 15, 2002; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2003/11/11/000012009_20031111091449/Rendered/PDF/241590EBoard.pdf.

Saint Lucia

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Saint Lucia are unavailable. Some children work in rural areas, where they help harvest bananas on family farms. Children also work in urban food stalls and as street traders during non-school and festival days.[3448] According to the World Bank, children are becoming involved in commercial sexual exploitation in order to pay for basic needs, such as school fees and food.[3449]

Education in St. Lucia is compulsory between the ages of 5 and 15 years, but registration fees are required.[3450] In 2001, the gross primary enrollment rate was 111.3 percent.[3451] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent school attendance statistics are not available for Saint Lucia. Only about one-third of primary school children continue on to secondary school.[3452]

Child Labor Laws and Enforcement

The Employment of Women, Young Persons and Children Law sets 14 years as the minimum age for employment, 18 years in industrial settings,[3453] and prohibits night work for children under 16 years.[3454] The Education Act of 1999 sets the minimum age for employment at 16 years during the school year.[3455] Hazardous work is not defined in a single law, but is covered through a combination of legislation and regulations.[3456] The penalties for violation of child labor laws do not exceed USD 200, or 3 months

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[3448] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: St. Lucia*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27918.htm. See also Government of St. Lucia, *Child Labour*, information submitted in response to U.S. government inquiry, Castries, October 12, 2004, 4.

[3449] The World Bank, *Project Appraisal Document on a Proposed IDA Grant in the Amount of SDR 6.1 Million Equivalent to the Caribbean Community (CARICOM) for The Pan Caribbean Partnership Against HIV/AIDS Project*, The World Bank, Washington, D.C., March 4, 2004, 5; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/04/23/000012009_20040423141603/Rendered/PDF/AB531.pdf. See also Felicia Robinson, *Saint Lucia Report to the Regional Congress*, Ministry of Health, Human Services and Family Affairs and Gender Relations; available from http://www.iin.oea.org/ST_LUCIA_ing.PDF.

[3450] U.S. Department of State, *Country Reports- 2003: St. Lucia*.

[3451] The World Bank, *World Development Indicators 2004*, [CD-ROM], Washington, D.C., 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[3452] U.S. Department of State, *Country Reports- 2003: St. Lucia*, Section 5.

[3453] The government recognizes that the age for the end of compulsory schooling does not correspond with the minimum age for employment, and has submitted a draft revision of the Labor Code to the legislature to address this by increasing the minimum age for employment to 16 years. See Ibid., Section 6d. The government has drafted legislation to increase the minimum age of employment to 16 years. See U.S. Department of State, *Country Reports- 2003: St. Lucia*, Section 6d.

[3454] *Employment of Women, Young Persons and Children Act*, 136.

[3455] Government of Saint Lucia, *Education Act*, Articles 27 and 47.

[3456] ILO, *Review of Annual Reports under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, GB.283/3/1, Geneva, March 2002, 25, para. 121.

imprisonment.[3457] The Constitution prohibits slavery, servitude, or forced labor, except for labor required by law, court order, military service, or public emergency.[3458] The Criminal Code bans the procurement of women and girls for prostitution, as well as the abduction of any female for the purpose of forced sexual relations.[3459] Procurement is punishable with imprisonment for 2 years, and abduction for the purpose of sexual relations is punishable with imprisonment for 14 years.[3460] Information on trafficking in persons is unavailable for Saint Lucia,[3461] and there are currently no laws that specifically address trafficking in persons.[3462]

The Department of Labor of the Ministry of Labor Relations, Public Service, and Cooperatives is responsible for implementing statutes on child labor. There were no reports of violations of child labor laws, or of trafficking in persons in 2003.[3463]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

On June 21, 2004, the International Organization for Migration (IOM) trained government authorities in counter-trafficking issues during a one-day workshop. Officials received training in building awareness, networking regionally to combat trafficking, identifying trafficking victims and vulnerable groups, data gathering, and providing assistance to victims.[3464] The IOM returned to Saint Lucia to conduct an additional training for national authorities September 28-29, 2004.[3465]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182 12/06/2000	✓
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

In 2003, UNESCO funded the Youth Poverty Alleviation through Tourism and Heritage Project, which trained 25 people in tourism development and management with the goal of providing them with necessary skills for employment.[3466]

[3457] U.S. Embassy- Bridgetown, *unclassified telegram no. 1792*, September 2001.

[3458] *Constitution of Saint Lucia, 1978*, (February 22, 1979), Section 4; available from http://www.georgetown.edu/pdba/Constitutions/Lucia/Luc78.html.

[3459] *Criminal Code*, as cited in The Protection Project Legal Library, [database online], Articles 103 and 225; available from http://209.190.246.239/protectionproject/statutesPDF/St.Lucia.pdf.

[3460] Ibid., Articles 225 and 106.

[3461] The Protection Project, *Saint Lucia*, Washington, DC, March, 2002; available from http://www.protectionproject.org/main1.htm.

[3462] U.S. Department of State, *Country Reports- 2003: St. Lucia*, Section 6f.

[3463] Ibid., Sections 6d, 6f..

[3464] Jean Philippe Chauzy, *Guyana- Regional Counter-Trafficking Training*, press release, International Organization for Migration, June 15, 2004; available from http://www.iom.int/en/archive/pbn150604.shtml.

[3465] Niurka Pineiro, *Caribbean- Counter Trafficking Training Seminars*, press release, International Organization for Migration, September 24, 2004; available from http://www.iom.int/en/news/pbn240904.shtml.

[3466] Claudia Monlouis, *Youth Poverty Alleviation Programmes for Dennery*, press release, Government of Saint Lucia, May 19, 2003; available from http://www.stlucia.gov.lc/pr2003/youth_poverty_alleviation_programmes_for_dennery.htm.

The Government of St. Lucia has given high priority to bettering educational opportunities for its children and supports programs such as subsidized meals in a number of schools and building new schools.[3467] The Caribbean Development Bank approved a loan to the Government of Saint Lucia in March 2003 for the rehabilitation of eleven primary schools and the provision of equipment to renovate the schools.[3468] On February 21, 2004, the Government of Saint Lucia opened a new school equipped with computer technology to help students develop skills for future employment. [3469]

In 2002, the Ministry of Education acquired funding from The World Bank to make secondary schools more accessible to a larger proportion of the population through the construction of additional schools, improvement of the curriculum and quality of teaching, provision of books and other education materials, funding of fellowships, and other programs targeting disadvantaged youth. This program, expected to end in 2008, will encourage greater parental involvement in the education of their children.[3470]

In 2004, The World Bank, in partnership with CARICOM and other international donor organizations, launched a regional HIV/AIDS prevention project active in Saint Lucia. This project contains a component focused on prevention of HIV transmission among young people. It will provide psychosocial and basic material support to orphans, increase access to HIV/AIDS prevention and services for out of school youth, integrate HIV/AIDS information into reproductive health programs, promote peer counseling for youth, parents, and teachers, and train teachers to address HIV/AIDS issues in the classroom. The first phase of this project is expected to end in 2007.[3471]

[3467] U.S. Department of State, *Country Reports- 2003: St. Lucia*, Section 5. See also U.S. Embassy- Bridgetown, *unclassified telegram no. 1792*.

[3468] Caribbean Development Bank, *Economic Reconstruction Programme- Rehabilitation of Primary Schools and Health Centres in St. Lucia*, press release, Caribbean Development Bank, March 6, 2003; available from www.caribank.org.

[3469] Virnet St. Omer-Fontenelle, *Ciceron Secondary School: An Education Model*, press release, Government of Saint Lucia, February 25, 2004; available from http://www.stlucia.gov.lc/pr2004/february/ciceron_secondary_school_an_education_model.htm.

[3470] The World Bank, *Project Appraisal Document for Proposed Loans and Credit in the Amount of US$5.0 Million to St. Kitts and Nevis and $6.0 Million and SDR 4.8 Million to St. Lucia*, D.C., Washington, May 15, 2002; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2003/11/11/000012009_20031111091449/Rendered/PDF/241590EBoard.pdf.

[3471] The World Bank, *Project Appraisal Document on a Proposed IDA Grant in the Amount of SDR 6.1 Million Equivalent to the Caribbean Community (CARICOM) for The Pan Caribbean Partnership Against HIV/AIDS Project*. See also The World Bank, *Project Appraisal Document on a Proposed Loan in the Amount of US$3.2 Million and Proposed Credit in the Amount of SDR1.15 Million and Proposed Grant in the Amount of SDR1.15 Million to Saint Lucia*, The World Bank, Washington, D.C., June 1, 2004; available from http://www-wds.worldbank.org/servlet/WDSP/IB/2004/06/17/000012009_20040617132504/Rendered/PDF/291290SL.pdf.

Saint Vincent and the Grenadines

Incidence and Nature of Child Labor

Statistics on the number of working children in St. Vincent and the Grenadines are unavailable.[3472] Children work on family-owned banana farms, mainly during harvest time, in family-owned cottage industries,[3473] and in marijuana fields.[3474] According to the World Bank, children are becoming involved in commercial sexual exploitation in order to pay for basic needs, such as school costs and food.[3475] Street children and boys in particular, have been found to engage in commercial sexual exploitation.[3476]

Education at government primary schools is free.[3477] Although the 1992 Education Act provides for compulsory education, it is not yet enforced.[3478] In 2001, the gross primary enrollment rate was 101.2 percent, and the net primary enrollment rate was 91.9 percent.[3479] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Saint Vincent and the Grenadines. Government school-feeding and textbook loan programs substantially contribute to improving the participation rate of children at the primary level.[3480] The government investigates cases in which children are withdrawn from school before the age of 16, but there is as much as 13 percent truancy

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[3472] LABORSTAT, *1A- Total and economically active population, by age group (Thousands)* [Database], Geneva, 2004; available from http://laborsta.ilo.org.

[3473] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Saint Vincent and the Grenadines*, Washington, D.C., February 25, 2004, Section 6d; available from www.state.gov/g/drl/rls/hrrpt/2003/27919pf.htm.

[3474] UN Committee on the Rights of the Child, *Consideration of Reports by States Parties: Summary record of the 797th Meeting*, Geneva, June 10, 2002; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/39d61c982067b61ac1256bd8003b7fbd?Opendocument.

[3475] The World Bank, *Project Appraisal Document on a Proposed IDA Grant in the Amount of SDR 6.1 Million Equivalent to the Caribbean Community (CARICOM) for The Pan Caribbean Partnership Against HIV/AIDS Project*, The World Bank, Washington, D.C., March 4, 2004, 5; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/03/09/000160016_20040309103136/Rendered/INDEX/272670LCR.txt.

[3476] 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*, CRC/C/28/Add.18, UN, Geneva, October 10, 2001, 70; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/233cbd03c45af4fec1256b490053e099/$FILE/G0145063.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*, CRC/C/15/Add.184, UN, Geneva, June 13, 2002, para. 48; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/d40d2e0630491d59c1256bd6004a471f?Opendocument.

[3477] UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para. 317. Although education at government schools is free, other costs of school attendance must be borne by parents, such as the cost of textbooks, food, and transportation. These costs present an obstacle to poor families and contribute to children's non-attendance. UN Committee on the Rights of the Child, *Initial Reports of States Parties*. para. 305, 313, and 350.

[3478] UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para. 313-15. See also UN Committee on the Rights of the Child, *Concluding Observations*, para. 42.

[3479] The World Bank, *World Development Indicators 2004* [CD-ROM], 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[3480] UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para. 350.

among primary school children because of poverty, low quality of schools, and a perception that there are few jobs available after education is completed.[3481]

While most children complete primary school, there is a decrease in enrollment into secondary school as a result of the entrance exams.[3482] Many children who do not pass the exams drop out of school and enter the work force.[3483]

Child Labor Laws and Enforcement

The Employment of Women, Young Persons and Children's Act of 1990 prohibits employment of youth under the age of 14.[3484] Children often leave school at the age of 15 and many begin to work as apprentices at that age.[3485] Any person who employs a child in an industrial undertaking is liable to a USD 100 fine for their first offense, and a USD 250 fine for each subsequent offense.[3486] Forced or compulsory labor is prohibited by the Constitution, and it is not known to occur.[3487]

The Labor Inspectorate at the Department of Labor received, investigated and addressed child labor complaints and conducted annual workplace inspections.[3488] No violations have been reported, and employers are believed to generally respect the law in practice.[3489]

There are no laws that specifically address trafficking in persons, but there are various laws that could be applied to trafficking in the country's Penal Code.[3490] There are no reports that children were trafficked to, from, or within the islands of Saint Vincent and the Grenadines.[3491] Causing or encouraging prostitution of

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[3481] U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Saint Vincent and the Grenadines*, Washington, D.C., March 31, 2003, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2002/18344.htm. See U.S. Embassy-Bridgetown, *unclassified telegram no. 1758*, September 2001.

[3482] UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para. 318-22.

[3483] UN Committee on the Rights of the Child, *Summary Record of the 797th Meeting*, para. 65.

[3484] Government of St. Vincent and the Grenadines, *Written correspondence*, information submitted in response to U.S. government inquiry, Kingstown, September 13, 2004.

[3485] U.S. Department of State, *Country Reports- 2003: Saint Vincent and the Grenadines*, Section 6d.

[3486] U.S. Embassy- Bridgetown, *unclassified telegram no. 1758*.

[3487] *Constitution of Saint Vincent and the Grenadines*, Article 4; available from http://www.georgetown.edu/pdba/Constitutions/Vincent/stvincent79.html. See also U.S. Department of State, *Country Reports- 2003: Saint Vincent and the Grenadines*, Section 6c.

[3488] U.S. Department of State, *Country Reports- 2003: Saint Vincent and the Grenadines*, Section 6d. See also U.S. Embassy-Bridgetown, *unclassified telegram no. 1758.*

[3489] U.S. Embassy- Bridgetown, *unclassified telegram no. 1758*.

[3490] U.S. Department of State, *Country Reports- 2003: Saint Vincent and the Grenadines*, Section 6f. See also *Criminal Code*, as cited in The Protection Project Legal Library; available from http://209.190.246.239/protectionproject/statutesPDF/St.Vincent&GrenF.pdf.

[3491] U.S. Department of State, *Country Reports- 2003: Saint Vincent and the Grenadines,* Section 6f.

girls under the age of 15 is prohibited by the Penal Code and is punishable with imprisonment for 7 years.[3492] It is also illegal to have intercourse with a girl under the age of 15 years.[3493] Kidnapping and abduction with the intent to take the person out of St. Vincent and the Grenadines are offenses punishable with 14 years of imprisonment.[3494]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182 12/04/2001	✓
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

The Government of Saint Vincent and the Grenadines is in the process of finalizing construction of primary and secondary schools, completing computerization of all learning institutions, expanding the vocational training program at the school for children with special needs, and constructing a national library and library facilities at one primary school.[3495] The Ministry of Education is participating in the implementation of the OECS Education Strategy, through which the OECS territories aim to improve their education systems. The government is also collaborating with UNICEF, UNESCO, and other organizations to improve the level of educational services.[3496]

In 2004, the Government of Saint Vincent and the Grenadines secured funding from The World Bank to implement the third phase of the OECS Education Development Project, which will support the construction of new schools, teacher and administrator trainings, and improve the administration of school programs and the larger school system.[3497] This project will fund literacy training, peer mentoring programs, and train guidance counselors and special education specialists.[3498] The Caribbean Development Bank is also funding a Basic Education II project to improve the management of the school system.[3499]

In 2004, The World Bank, in partnership with CARICOM and other international donor organizations, launched a regional HIV/AIDS prevention project active in Saint Vincent and the Grenadines. This project

[3492] *Criminal Code, Article 130.*

[3493] Sexual intercourse with a girl under 13 years of age is an offense and punishable with imprisonment for life. Sexual intercourse with a girl above the age of 13 but below the age of 15 is punishable with imprisonment for 5 years. See Ibid., Articles 124 and 25.

[3494] Ibid., Article 201.

[3495] Embassy of St. Vincent and the Grenadines, *Education,* [online] August 19, 2002 [cited August 13, 2004]; available from http://www.embsvg.com/Education.asp.

[3496] UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para. 311.

[3497] The World Bank, *St. Vincent and the Grenadines- OECS Education Development Project, Vol 1 of 1,* (n.d.), The World bank, [online] 2004 [cited August 24, 2004]; available from http://www-wds.worldbank.org/servlet/WDS_IBank_Servlet?pcont=details&eid=000012009_20040614170953.

[3498] The World Bank, *Project Appraisal Document on a Proposed Loan int he Amount of US$3.1 Million and Credit in the Amount of SDR2.2 Million to the Government of Saint Vincent and the Grenadines*, The World Bank, Washington, D.C., May 27, 2004; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/06/14/000012009_20040614170953/Rendered/PDF/290470OECS.pdf.

[3499] Caribbean Development Bank, *Pipeline Projects*, Caribbean Development Bank, [online] n.d. 2004 [cited August 11, 2004]; available from http://www.caribank.org.

contains a component focused on prevention of HIV transmission among young people. It will provide support to orphans, increase access to HIV/AIDS prevention and services for out of school youth, integrate HIV/AIDS information into reproductive health programs, and promote peer counseling for youth, parents and teachers. The first phase of this project is expected to end in 2007.[3500]

As part of the February 2004 update to the National HIV/AIDS/STI Strategic Plan 2001-2006, the World Bank will fund a USD 7 million project in St. Vincent and the Grenadines to combat the spread of HIV/AIDS. Several government ministries will be involved in HIV/AIDS prevention activities. The Ministry of Education, Youth, and Sports will sponsor interventions through the school system. The Ministry of Social Development will provide family services, address child abuse cases, supply school dropouts with vocational and technical skills training, and target orphans and juvenile delinquents.[3501]

[3500] The World Bank, *Caribbean HIV/AIDS I-Barbados*, previously online, The World Bank, Washington, D.C., August 17, 2004; available from http://www.wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2001/08/04/000094946_0107704151672/Rendered/PDF/multi0page.pdf [hard copy available].

[3501] The World Bank, *Project Appraisal Document on a Proposed Loan in the Amount of US$3.5 Million Credit in the Amount of SDR1.25 Million and Grant in the Amount of SDR1.25 Million to St. Vincent and the Grenadines*, The World Bank, Washington, D.C., May 27, 2004; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/06/17/000012009_20040617160435/Rendered/INDEX/282361ST0V.txt.

Samoa

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Samoa are unavailable.[3502] Children are found working in rural areas selling agricultural products at roadside stands[3503] and as vendors of goods and food on the streets of the capital.[3504] There were no reports of bonded labor by children, but some children are forced by family members to work for their village, most frequently on village farms.[3505]

Education in Samoa is compulsory through 14 years of age.[3506] Education requirements are not enforced by authorities, and an inability to pay school fees prevents some children from attending school.[3507] In 2001, the gross primary enrollment rate was 102.6 percent, and the net primary enrollment rate was 94.9 percent.[3508] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Samoa. As of 2000, 93.8 percent of children who started primary school were likely to reach grade 5.[3509]

Child Labor Laws and Enforcement

The Labor and Employment Act of 1972 sets the minimum age of employment at 15 years except in "safe and light" work suited to the child's capacities.[3510] A child under the age of 15 is not permitted to work with dangerous machinery; under conditions that are likely to harm physical or moral health; or on a vessel that is not under the personal charge of his or her parent or guardian.[3511] The Constitution prohibits forced or

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[3502] LABORSTAT, *1A-Total and economically actively active population, by age group (Thousands)* [database online] Geneva, 2004 [cited September 2004]; available from http://laborsta.ilo.org.

[3503] U.S. Embassy- Apia, *unclassified telegram no. 0195*, October 2001.

[3504] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Samoa*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27787pf.htm.

[3505] Ibid.

[3506] Ibid., Section 5.

[3507] Ibid.

[3508] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater t+han 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[3509] World Bank, *World Development Indicators 2004.*

[3510] Employment is subject to the conditions decided by the Commissioner of Labor. Government of Samoa, *Labour and Employment Act*, (1972), para. 32; available from http://www.vanuatu.usp.ac.fj/Paclawmat/Samoa_legislation/1972/Samoa_Labour.html.

[3511] Ibid.

bonded labor;[3512] however, work or service that is required by Samoan custom or fulfills a "normal civic obligation" is not prohibited.[3513]

The Penal Code makes prostitution and the procurement of women and girls illegal in Samoa.[3514] The kidnapping of an individual with the intent to transport the individual out of the country or hold the individual for service is a crime and is punishable by up to 10 years imprisonment.[3515] In addition, it is against the law to abduct any child under the age of 16 years, and to detain or take away any woman or girl with intent to cause her to have sexual intercourse with any other person.[3516] The Commissioner of Labor is responsible for responding to complaints about illegal child labor.[3517] Situations requiring enforcement of law are referred to the Attorney General.[3518]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	N/A[3519]
Ratified Convention 182	N/A
ILO-IPEC Member	
National Plan for Children	✓
National Child Labor Action Plan	
Sector Action Plan	

The Ministry of Women, Community and Social Development developed its Strategic Plan for the National Youth Policy: 2001-2010 (Taking Youth into the New Millennium).[3520] The policy addresses strategic areas of education and training, and youth employment.[3521] The primary economic and social development plan in Samoa is the government's Strategy for the Development of Samoa (2002-2004), which includes activities for improving education standards in the country.[3522] In support of this strategy, AusAID is providing funding through 2004 for school materials; teacher

[3512] *Constitution of the Independent State of Western Samoa*, (May 1, 1920), Part II, para. 8; available from http://www.vanuatu.usp.ac.fj/paclawmat/Samoa_legislation/Samoa_Constitution.html.

[3513] Ibid., Part II, para 8(2)d.

[3514] Receiving income from the prostitution of another person or soliciting for a prostitute regardless of whether compensation is received, is illegal under the Samoan Penal Code. See Government of Samoa, *Crimes Ordinance*, (January 1, 1961), para 58L, 58M; available from http://www.vanuatu.usp.ac.fj/paclawmat/Samoa_legislation/1961/Crimes.html.

[3515] Ibid., Article 83 A.

[3516] The crime is punishable by up to seven years imprisonment. See Ibid., Articles 83 and 83 B.

[3517] U.S. Department of State, *Country Reports- 2003: Samoa*, Section 6d.

[3518] No cases were prosecuted during 2003. See Ibid.

[3519] The Government of Samoa is not a member of the ILO, and is thus unable to ratify ILO conventions.

[3520] See Youth and Gender Sensitive Public Expenditure Management in the Pacific and Samoa Pacific Project, *Government References - Samoa* [online] 2002 [cited May 18, 2004]; available from http://www.unisa.edu.au/pacificproject/sam_research3.html.

[3521] The policy was launched in February 2003. "Youth" are defined between 12 and 29 years of age. See UN, *Youth at the United Nations: Country Profiles on the Situation of Youth: Samoa* [online] 2002 [cited April 25, 2004]; available from http://esa.un.org/socdev/unyin/country4.asp?countrycode=ws. See also Youth and Gender Sensitive Public Expenditure Management in the Pacific and Samoa Pacific Project, *Samoa 2002-2003 Diary* [online] 2002 [cited May 18, 2004]; available from http://www.unisa.edu.au/pacificproject/sam_diary.html.

[3522] AusAID is the Australian government's overseas aid program. AusAID, *Samoa Program Details* [online] April 5, 2004 [cited May 18, 2004]; available from http://www.ausaid.gov.au/country/cbrief.cfm?DCon=9205_8231_8940_8250_1457&CountryId=18.

training and resources for grades one through three; and to support the Samoan Department of Education's efforts to manage educational reforms.[3523] In partnership with the ILO and the Ministry of Education, Sports and Culture, UNDP is providing funds outlined in its 2004-2007 country program to support the establishment of the Samoa Qualifications Authority that will set education standards to meet labor market demands, and develop a policy framework for an education system that is responsive to market needs.[3524]

In support of the Ministry of Education, the Asian Development Bank approved a loan for USD 7 million to finance an Education Sector Project in Samoa.[3525] This project aims to rehabilitate and expand 25 to 30 schools, develop curriculum, improve teachers' skills and reform the public education management system.[3526]

[3523] Ibid.

[3524] UNDP, *Samoa Country Programme 2004 - 2007* [online] 2004 [cited May 18, 2004]; available from http://www.undp.org.ws/CPOSamoapage.htm.

[3525] An estimated 12,000 primary and secondary school children will benefit from the project. See ADB, *Giving Children of Samoa a Better Education* September 5, 2000 [cited April 25, 2004]; available from http://www.adb.org/Documents/News/2000/nr2000085.asp.

[3526] Ibid.

São Tomé and Principe

Incidence and Nature of Child Labor

UNICEF estimated that 19.8 percent of children ages 5 to 14 years in São Tomé and Principe were working in 2000.[3527] Almost 5 percent of the working children within this age group perform domestic work for 4 or more hours per day,[3528] which may include such tasks as cooking, collecting water, and watching younger siblings.[3529] About 10 percent of children ages 5 to 14 work for their families in the streets, on commercial farms, or in other activities in the informal sector.[3530] From an early age, children reportedly work in subsistence agriculture, on plantations, and in informal commerce.[3531] Children also work in auto mechanic shops, cabinetry, and tailoring.[3532] There is little information about the commercial sexual exploitation of children in the country, but the government anticipates that, with the increase in tourism, the establishment of tax-free zones, oil exploration, and increased migration to São Tomé, children are at risk of such exploitation.[3533]

Education is free, universal, and compulsory through the sixth grade.[3534] Although education is compulsory through the sixth grade, many children work in the absence of educational opportunities beyond the fourth grade.[3535] Buying books and uniforms is the responsibility of the family, but the government provides assistance to those who cannot afford them.[3536] In 2001, the gross primary enrollment

[3527] Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. See Government of São Tomé and Príncipe, *Multiple Indicator Cluster Survey (MICS) 2000 - São Tomé and Príncipe*, UNICEF, 2000, 64; available from http://www.childinfo.org/MICS2/newreports/saotome/STPtables.pdf.

[3528] Ibid.

[3529] Government of São Tomé and Príncipe, *Enquête de grappes à indicateurs multiples MICS: Rapport d'analyse*, UNICEF, July 14, 2000, 9; available from http://www.childinfo.org/MICS2/newreports/saotome/SaoTome&Principe.PDF.

[3530] Ibid. The largest percentage of child workers from this group is found in Principe (18 percent) and in the north (15 percent).

[3531] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: São Tomé and Príncipe*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27746.htm. Child labor is seen to be increasing particularly in the urban centers. See UN Committee on the Rights of the Child, *Initial Reports of States Parties Due in 1993*, CRC/C/8/Add.49, prepared by Government of São Tomé and Príncipe, pursuant to Article 44 of the Convention on the Rights of the Child, March 4, 2003, para. 430.

[3532] Ambrósio Quaresma, *Unicef quer conhecer a realidade de mão de obra infantil em S. Tomé e Príncipe,* UNICEF, [online] [cited May 24, 2004]; available from http://www.unicef.org/saotome/trabalho.htm.

[3533] ECPAT International, *São Tomé and Principe,* in ECPAT International, [database online] 2002 [cited May 24, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

[3534] U.S. Department of State, *Country Reports- 2003: São Tomé and Príncipe*, Section 5.

[3535] UNICEF, *Education Programme,* [online] 2000 [cited May 24, 2004]; available from http://www.unicef.org/saotome/educatio.htm.

[3536] U.S. Department of State, *Country Reports- 2003: São Tomé and Príncipe*.

rate was 126.5 percent.[3537] Gross enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for São Tomé and Principe.

Class time is insufficient because of a triple-shift system, which designates shifts of 4 hours. In reality, students attend between 2 and 3 hours of class time per day.[3538] The educational system suffers from poorly-trained and underpaid teachers, a shortage of classrooms, inadequate textbooks and materials, high rates of repetition, poor educational planning and management, and a lack of community involvement in school management.[3539] Only about 78 percent of children who enter first grade reach fourth grade and 52 percent reach eighth grade.[3540] Coordination among government ministries on education issues is poor,[3541] and a lack of domestic funding for the school system leaves the system highly dependent on foreign assistance.[3542]

Child Labor Laws and Enforcement

The minimum age for employment of a child is 16 years as established by national legislation.[3543] The law applies to commercial agriculture and export processing zones but not to family-owned or -operated farms and enterprises, domestic services, or light work.[3544] It is illegal for children under 18 years to work at night, more than 7 hours per day, or more than 35 hours per week.[3545] The Penal Code prohibits the commercial

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[3537] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[3538] World Bank, *Project Appraisal Document on a Proposed Grant in the Amount of SDR 1.1 Million (US$ 1.5 Million Equivalent) to the Democratic Republic of São Tomé and Principe for a Social Sector Support Project*, no. 28319-STP, Washington, D.C., April 22, 2004 2004, 2; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/04/29/000160016_20040429122636/Rendered/INDEX/28319.txt. Only about 35 percent of primary school teachers are trained educators.

[3539] United Nations House, *São Tomé and Principe: Common Country Assessment*, [cited May 24, 2004]; available from http://www.uns.st/uns/Summary.html.

[3540] World Bank, *São Tomé and Principe- Social Sector Support*.

[3541] UNESCO, *L'evaluation de l'education pour tous a l'an 2000: Rapport de pays: São Tomé and Principe*, prepared by Ministry of Education and Culture, pursuant to UN General Assembly Resolution 52/84, 2000; available from http://www2.unesco.org/wef/countryreports/saotome_principe/contents.html.

[3542] United Nations House, *São Tomé e Principe: Common Country Assessment*.

[3543] ILO, *Review of Annual Reports under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, Geneva, March 2002, Part II. The U.S. Department of State reports that the minimum age for employment was 18 in the formal sector. See U.S. Department of State, *Country Reports- 2003: São Tomé and Príncipe*, Section 6d. According to the Ministry of Foreign Affairs and Cooperation, the legal age of employment of children is 14. See Ministère des Affaires Étrangères et de la Coopération, *Rapport Initial sur l'Application de la Convention sur les Droits de l'Enfant*, July, 2001, 16.

[3544] ILO, *Review of Annual Reports*, Part II.

[3545] Ministère des Affaires Étrangères et de la Coopération, *Rapport Initial sur l'Application de la Convention sur les Droits de l'Enfant*, 16, 48.

sexual exploitation of children. There have been few prosecutions.[3546] Forced and bonded labor, including by children, is prohibited and not known to exist.[3547]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of São Tomé supports a number of non-formal education initiatives through various ministries.[3548] WFP assists the government by supplying meals to primary school students.[3549] UNICEF's school garden program provides an alternative learning environment for the students, as well as vegetables to supplement the food supplied by the WFP.[3550]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

[3546] ECPAT International, *São Tomé and Principe*. While there have been few cases involving child exploitation, it has been noted that the exploitation of children for financial gain is believed to be on the rise. See UN Committee on the Rights of the Child, *Initial Reports of State Parties: Sao Tome and Principe*, para. 405.

[3547] U.S. Department of State, *Country Reports- 2003: São Tomé and Príncipe*, Section 6c.

[3548] The Ministry of Education and Culture, Ministry of Agriculture, Ministry of Fishing and Rural Development, Ministry of Labor and Solidarity, and Ministry of Youth and Sports all support non-formal education programs. UNESCO, *Education Pour Tous-EPT: Plan Nacional d'Action 2002-2015*, November 18, 2002, 15; available from http://portal.unesco.org/education/en/file_download.php/7e1173d3d3e6b9fdc9ce582c6fa1e723PNA_EPT_SaoTomeetPrincipe.doc.

[3549] WFP, *World Hunger - Sao Tome and Principe,* 2004 [cited May 24, 2004]; available from http://www.wfp.org/country_brief/indexcountry.asp?country=678.

[3550] UNICEF, *At a glance: Sao Tome and Principe,* [online] 2004 [cited May 24, 2004]; available from http://www.unicef.org/infobycountry/stp.html.

Senegal

Incidence and Nature of Child Labor

UNICEF estimated that 40.4 percent of children ages 5 to 14 years were working in Senegal in 2000.[3551] Children are found working in activities that the Government of Senegal has identified as the worst forms of child labor. These activities include: child begging; forced child labor; prostitution; drug trafficking and illegal activities; recycling of waste and garbage; and slaughtering of animals. The government has also identified "extremely hard labor," including carrying heavy loads, gold mining, and work underwater; and "very dangerous work," including work with toxic chemicals, as the country's worst forms of child labor.[3552] Children can be found working on rural family farms, and in fishing, gold and salt mining, stone quarries, and small businesses. Accurate statistics are unavailable, but many Koranic students are involved in organized and exploitive street begging.[3553] Children are also reported to be working in domestic service, public transportation, and dumpsites.[3554]

Senegal is a source and transit country for child trafficking to Europe for sexual exploitation.[3555] Senegal is also a destination country for children trafficked from surrounding countries.[3556] Most trafficking victims are young males forced into exploitive begging for Koranic teachers.[3557] These boys, known as *talibés*, spend the majority of the day begging for their Koranic teachers and are vulnerable to sexual and other exploitation.[3558] Domestically, some Koranic teachers bring children from rural areas to Senegal's major

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[3551] Government of Senegal, *Multiple Indicator Cluster Survey 2*, 2000; available from http://www.ucw-project.org/cgi-bin/ucw/Survey/Main.sql?come=Tab_Country_Res.sql&ID_SURVEY=218. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[3552] ILO, *NATLEX National Labour Law Database,* [cited March 18, 2004], Arrêté no. 003749/MFPTEOP/DTSS du 6 juin 2003, Arrêté no. 51/MFPTEOP/DTSS du 6 juin 2003, Arrêté no. 50/MFPTEOP/DTSS du 6 juin 2003; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=SEN&p_classification=04&p_origin=COUNTRY. See also U.S. Embassy- Dakar, *unclassified telegram no. 2131*, August 2003.

[3553] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Senegal*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27748.htm. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Senegal*, Washington, D.C., March 31, 2003, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2002/18223.htm. See also Djiga Thiao et. al., *Etude des Pires Formes de Travail des Enfants dans le Secteur de la Peche Artisanale Maritime Senegalaise: Rapport final*, Dakar, December, 2002. See also Serigne Mor Mbaye et. al., *Le Travail des Enfants dans l'Orpaillage, les Carrières et l'Exploitation du Sel*, Dakar, March, 2003.

[3554] ILO-IPEC, *Support for the implementation of the Senegal Time-Bound Programme*, project document, Geneva, September 2003, v.

[3555] U.S. Department of State, *Country Reports- 2003: Senegal*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Senegal*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm.

[3556] U.S. Department of State, *Country Reports- 2003: Senegal*, Section 6f. See also ECPAT International, *Senegal,* in ECPAT International, [database online] n.d. [cited May 11, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=152&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry.

[3557] U.S. Embassy- Dakar official, email communication to USDOL official, May 31, 2005.

[3558] ECPAT International, *Senegal*.

cities, holding them under conditions of involuntary servitude.[3559] Children from Guinea and Guinea-Bissau can also be found begging in Senegal's streets as part of this exploitive practice.[3560]

There are reports of Gambian girls working in the Senegalese sex industry.[3561] Senegalese girls are reported to work in Gambia in conditions of sexual exploitation, and some who go for domestic service become vulnerable to commercial sexual exploitation.[3562]

Articles 21 and 22 of the Constitution adopted in January 2001 guarantee access to education for all children.[3563] A new law passed in 2004 made education compulsory and free up to the age of 16. Due to limited resources and low demand for secular education in areas where Islamic education is more prevalent, however, the law is not fully enforced.[3564] In 2001, the gross primary enrollment rate was 75.3 percent (79.0 percent for boys and 71.5 percent for girls) and the net primary enrollment rate was 57.9 percent (61.2 percent for boys and 54.5 percent for girls).[3565] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Senegal. As of 2000, 67.5 percent of children who started primary school were likely to reach grade 5.[3566]

Child Labor Laws and Enforcement

The Constitution, by reference to the Convention on the Rights of the Child, protects children from economic exploitation and from involvement in hazardous work.[3567] The minimum age for employment, including apprenticeships, is 15 years,[3568] although children 12 years and older may perform light work within a family setting.[3569] Children are prohibited from working at night and on Sundays and holidays, and cannot work more than 8 hours a day.[3570] Activities considered to be the worst forms of child labor or

[3559] U.S. Department of State, *Country Reports- 2003: Senegal*, Section 6d.

[3560] Ibid., Section 6f. See also ECPAT International, *Senegal*.

[3561] ECPAT International, *Senegal*.

[3562] Ibid.

[3563] *Constitution*, (January 7, 2001); available from http://www.primature.sn/textes/constitution.pdf.

[3564] U.S. Department of State, *Country Reports- 2003: Senegal*, Section 5. See also U.S. Embassy- Dakar official, email communication to USDOL official, May 26, 2004. See also USAID official, email communication U.S. Embassy- Dakar official, May 12, 2004. See also U.S. Embassy- Dakar official, email communication, May 31, 2005.

[3565] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[3566] Ibid.

[3567] U.S. Department of State, *Country Reports- 2003: Senegal*, Section 6d. See also U.S. Department of State official, electronic communication regarding Constitution of Senegal to USDOL official, August 18, 2003. See also *Constitution*.

[3568] *Code du Travail*, Loi No. 97-17, (December 1, 1997), Article L. 145; available from http://www.gouv.sn/textes/TRAVAIL.cfm.

[3569] ILO, *NATLEX*, Arrêté no. 003748/MFPTEOP/DTSS du 6 juin 2003 relatif au travail des enfants.

[3570] Ibid.

that endanger the health, security, or morality of children are also prohibited by law.[3571] In addition, children under 16 are prohibited from working on fishing vessels.[3572]

According to the U.S. Department of State, the Ministry of Labor closely monitors and enforces minimum age laws in the formal sector, including in state-owned corporations, large private enterprises, and cooperatives.[3573]

Prostitution is illegal for youths under the age of 21, as specified by Article 327 of the Penal Code.[3574] Procuring a minor for the purpose of prostitution is punishable by imprisonment for 2 to 5 years and a fine of 300,000 to 4,000,000 CFA francs (USD 542.28 to USD 7,230.35).[3575] The Labor Code prohibits forced and compulsory labor.[3576] At the end of 2004 there was no specific anti-trafficking legislation, but the law prohibited the sale of persons, abduction, and hostage-taking.[3577]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Senegal is participating in a USD 2 million USDOL-funded Timebound Program focused on child labor in agriculture, fishing, begging, and domestic service.[3578] The Family Ministry, in cooperation with the Government of Italy and UNICEF, has a similar program to withdraw children from the worst forms of child labor, including begging, domestic work, and sexual exploitation.[3579] As part of this program, in 2004, the government sensitized over 5,000 youths to the dangers of underage prostitution.[3580] UNICEF also works

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 12/15/1999	✓
Ratified Convention 182 6/1/2000	✓
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	✓
Sector Action Plan (Commercial Sexual Exploitation)	✓

[3571] Ibid., Arrêté no. 003749/MFPTEOP/DTSS du 6 juin 2003, Arrêté no. 51/MFPTEOP/DTSS du 6 juin 2003, Arrêté no. 50/MFPTEOP/DTSS du 6 juin 2003. See also U.S. Embassy- Dakar, *unclassified telegram no. 2131*.

[3572] U.S. Embassy- Dakar, *unclassified telegram no. 2131*.

[3573] U.S. Department of State, *Country Reports- 2003: Senegal*, Section 6d. Labor and Social Security inspectors can require a medical exam to ensure that work does not exceed a child's capabilities. See *Code du Travail*, Articles L. 141, L. 46.

[3574] *Criminal Code of Senegal*, in Interpol, *Legislation of Interpol Member States on Sexual Offenses against Children: Senegal*, [database online] [cited March 25, 2004]; available from http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaSenegal.asp.

[3575] Government of Senegal, *Criminal Code, Section V: Offenses Against Public Morals*, as cited in The Protection Project Legal Library, [database online], Articles 323, 24; available from http://209.190.246.239/protectionproject/statutesPDF/Senegal.pdf. For currency conversion see FXConverter, [online] [cited May 11, 2004]; available from http://www.oanda.com/convert/classic.

[3576] *Code du Travail*, Article L. 4.

[3577] U.S. Department of State, *Country Reports- 2003: Senegal*, Section 6f. Several members of the Senegalese Police and Gendarmerie recently completed a training course on recognizing, investigating, prosecuting, and preventing trafficking. See U.S. Department of State, *Trafficking in Persons Report- 2004: Senegal*.

[3578] The 3-year program was funded in 2003. See International Child Labor Program U.S. Department of Labor, "Support for the Implementation of the Senegal Time-Bound Program, project summary."

[3579] The 4-year program was launched in 2002. See ILO-IPEC, *Senegal Time-Bound, project document*, 24.

[3580] U.S. Embassy- Dakar official, email communication, May 31, 2005.

to increase basic education enrollment, particularly for girls, and operates a school-feeding program in the Casamance region of Senegal.[3581]

The government continues to participate in a USAID girls' education project, which is part of its Education for Development and Democracy Initiative,[3582] and continues to work to achieve its Ten-Year Education and Training Program.[3583] This initiative aims to achieve universal enrollment in primary education by 2010.[3584] The World Bank funds the Quality Education for All Project in Senegal, due to close in December 2004, which supports the implementation of the government's educational policy framework. The project's three components focus on increasing access to education; improving educational quality; and supporting personnel management, decentralized planning, community participation, financial management, and policy, monitoring, and program evaluation.[3585] The government encourages conventional as well as non-conventional modes of education, including community-based schools and Koranic schools.[3586] To reduce the incidence of exploitive begging, the Family Ministry has developed a new program to help support Koranic schools whose teachers do not force their students into exploitive begging. This program currently includes 48 Koranic schools.[3587]

In March 2004, the government participated in a workshop in Mali to discuss regional strategies for addressing child trafficking in West Africa.[3588] In July 2004, Senegal signed a bilateral agreement with Mali to combat child trafficking between the two countries.[3589] Since 2003, Senegal's Family Ministry has operated the "Ginddi Center" in Dakar to receive and care for street children, including trafficking victims.

[3581] UNICEF, *At a glance: Senegal*, in UNICEF, [online] n.d. [cited March 25, 2004]; available from http://www.unicef.org/infobycountry/senegal.html.

[3582] The project is scheduled to end in fiscal year 2005. See USAID, *Senegal: Activity Data Sheet 685-008,* [previously online] [cited September 13, 2002]; available from http://www.usaid.gov/country/afr/sn/685-008.html [hard copy on file].

[3583] Implementation of the program began in 2000-2001. See Government of Senegal, *Synthèse et Réalisations du Gouvernement--Ministère de l'Education Avril 2000 - Décembre 2001,* [previously online] [cited August 14, 2003]; available from http://www.primature.sn/ministeres/meduc/bilan02.html [hard copy on file]. See also Government of Senegal, *Senegal: Enhanced Structural Adjustment Facility Economic and Financial Policy Framework Paper: 1999-2001*, prepared in consultation with the International Monetary Fund and World Bank, Dakar, June 4, 1999, Section VI.A [cited August 14, 2003]; available from http://www.imf.org/external/np/pfp/1999/senegal/index.htm.

[3584] Government of Senegal, *Senegal: Enhanced Structural Adjustment Facility*. Due to a delay in beginning implementation of the plan, the end year was updated from 2008 to 2010. See U.S. Department of State official, electronic communication regarding Constitution of Senegal, August 18, 2003.

[3585] World Bank, *Quality Education for All Project,* [online] [cited May 12, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P047319.

[3586] UNICEF, *At a glance: Senegal*.

[3587] U.S. Embassy- Dakar official, email communication, May 31, 2005.

[3588] IOM, "Mali - Workshop on Child Trafficking in West Africa", IOM, [online], March 23, 2004 [cited May 11, 2004]; available from http://www.iom.int/en/archive/pbn230304.shtml.

[3589] UN Wire, "Mali Signs Agreement With Senegal To Curb Child Trafficking", [online], July 23, 2004 [cited July 23, 2004]; available from http://www.unwire.org/UNWire/20040723/449_26148.asp.

Pursuant to Senegal's 2004 anti-trafficking accord with Mali, trafficked Malian children are kept at the Ginddi Center prior to repatriation.[3590]

Senegal has been named among the first group of countries eligible to apply for aid under the U.S. Millennium Challenge Account.[3591]

[3590] At the Ginddi Center children receive educational, medical, nutritional and other assistance. See U.S. Embassy- Dakar official, email communication, May 31, 2005.

[3591] Eligibility for the Millennium Challenge Account is based on satisfying requirements for good governance, rule of law, and economic reform. Countries selected may submit funding proposals indicating priorities for economic growth. See Elise Labott, "U.S. picks 16 nations eligible for new aid fund", CNN.com, [online], May 10, 2004 [cited May 11, 2004]; available from http://www.cnn.com/2004/US/05/10/us.millennium.challenge/index.html.

Seychelles

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Seychelles are unavailable,[3592] and there have been no reports of child labor in the country.[3593] Education is compulsory up to the age of 16 and free through secondary school up to the age of 18.[3594] Students must cover the costs for uniforms, but not for tuition and books.[3595] Recent primary school attendance statistics are not available for Seychelles. In 2001, the gross primary enrollment rate was 116.5 percent and the net primary enrollment rate was 99.4 percent.[3596] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Attendance rates are not available for Seychelles.

Child Labor Laws and Enforcement

Article 31 of the Constitution protects children under the age of 15 from economic exploitation and hazardous employment, but allows children under the age of 15 to be employed part-time in light work that is not harmful to their health, morals or education.[3597] However, there appears to some discrepancy between the Constitution and the Employment Act, which stipulates that any child under the age of 15 is prohibited from working. The Employment Act also considers children ages 16 to 18 as adults in the labor market, with no special protections for this age group.[3598] The Employment of Young Persons and Children Act of 1981, however, amended the Persons and Children Act by specifically prohibiting children under 18 from working in hotels, restaurants and shops.[3599] Violations of the minimum age regulation are punishable by a fine of SCR 6,000 (USD 1,090).[3600] The Constitution provides for freedom from slavery, servitude, or forced or obligatory labor.[3601] The Penal Code prohibits the procuring of "any girl or woman

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[3592] LABORSTAT, *Seychelles: 1A-Total and economically active population by age group (Thousands),* Geneva, [database online] 2004 [cited September 29, 2004]; available from http://laborsta.ilo.org.

[3593] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Seychelles*, Washington, D.C., February 25, 2004; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27749.htm.

[3594] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention on the Rights of the Child: Initial Reports of States Parties due in 1995: Seychelles*, CRC/C/3/Add.64, United Nations, January 2002, para. 359; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.3.Add.64.En?OpenDocument. See also U.S. Department of State, *Country Reports- 2003: Seychelles*, Section 5.

[3595] U.S. Department of State, *Country Reports- 2003: Seychelles*. Section 5.

[3596] World Bank, *World Development Indicators 2004* [CD-ROM], Washington D.C., 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[3597] UN Committee on the Rights of the Child, *Consideration of Reports: Initial Reports: Seychelles*, para 482-83.

[3598] Ibid., para. 484.

[3599] ILO, *Natlex: Seychelles,* [cited May 20, 2004]; available from http://www.ilo.org/dyn/natlex/natlex_browse.country?p_lang=en&p_country=SYC.

[3600] U.S. Department of State, *Country Reports- 2003: Seychelles*, Section 6d.

[3601] Droit Francophone, *Seychelles: Constitution des Seychelles*, 2004 [cited December 2, 2004], Article 17; available from http://droit.francophonie.org/doc/html/sc/con/fr/1993/1993dfscco1.html.

under the age of 21 years, not being a common prostitute or of known immoral character, to have unlawful carnal connection, either in the Seychelles or elsewhere, with any other person or persons." The Penal Code also prohibits procuring any woman or girl for the purpose of becoming a prostitute or inducing her to leave the country to work in a brothel.[3602] The Ministry of Employment and Social Services enforces child labor laws and investigates claims of child labor abuses.[3603]

In 2003, there were no reported cases of child labor requiring investigation by the Ministry of Employment and Social Services, no known cases of forced or bonded labor by children, and no reports of trafficking in persons to, from, or within the country.[3604]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Seychelles, through the Division of Social Affairs in the Ministry of Social Affairs and Manpower Development, works to protect children's rights.[3605] The National Commission for Child Protection is responsible for overall child protection policies.[3606]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 (3/07/2000)	✓
Ratified Convention 182 (9/28/1999)	✓
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

[3602] Article 138 (a), (b), and (c) of the Penal Code. The Protection Project, "Seychelles," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, 2002; available from http://209.190.246.239/ver2/cr/Seychelles.pdf.

[3603] U.S. Department of State, *Country Reports- 2003: Seychelles*., Section 6d.

[3604] Ibid., Section 5.

[3605] Ibid.

[3606] The National Commission for Child Protection was established in 1996. Government of Seychelles Ministry of Social Affairs and Manpower Development, "Seychelles- Putting Children First," *African Newsletter, Finish Institute of Occupational Health and Safety*, August 2000; available from http://www.ttl.fi/Internet/English/Information/Electronic+journals/African+Newsletter/2000-02/06.htm. See also ATLAS Seychelles Ltd., *The Historical Perspective of NCC,* [online] [cited May 20, 2004]; available from http://www.seychelles.net/ncc/about.htm.

Sierra Leone

Incidence and Nature of Child Labor

UNICEF estimated that 71.6 percent of children aged 5 to 14 years in Sierra Leone were working in 2000. Two percent of these children were paid, while a large percentage performed unpaid work for someone other than a household member.[3607] Children in Sierra Leone work in family businesses and as petty vendors, and on family subsistence farms.[3608] Street children are employed by adults to sell, steal and beg. Children, some of whom are forced, also mine in alluvial diamond fields.[3609] Child prostitution is an increasing problem.[3610]

Trafficking in persons declined with the demobilization of child soldiers following the end of the civil conflict.[3611] Children have been trafficked to Liberia as forced conscripts, and to Europe where they were exploited through fictitious adoption schemes.[3612] Internally, children continue to be trafficked from rural areas to Freetown and to diamond mining areas for purposes of sexual exploitation and forced labor.[3613]

The law mandates primary school attendance, and government policy officially calls for free primary education.[3614] In 2000, the gross primary enrollment rate in Sierra Leone was 78.9 percent.[3615] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Attendance rates are not available for Sierra Leone.[3616]

[3607] The provisional results of the census are now in – the estimated number of the entire Sierra Leone population is 4.9 million, which means that this number is grossly inflated. Gov't was still at war in 2000 – no way could the numbers have been accurate. Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than 4 hours of housekeeping chores in the household, or who have performed other family work. See Government of Sierra Leone, *The Status of Women and Children in Sierra Leone: A Household Survey Report (MICS-2)*, November, 2000, 60; available from http://www.childinfo.org/MICS2/newreports/sierraleone/sierraleone.PDF and http://www.childinfo.org/MICS2/newreports/sierraleone/sierraleonetables.pdf.

[3608] Email. "FW: Worst Forms of Child Labor Report Clearance." U.S. Department of State. May 24, 2005.

[3609] Ibid. Section 6d.

[3610] U.S. Department of State, *Trafficking in Persons Report- 2004: Sierra Leone*, Washington, D.C., June 13, 2004 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2003/21277.htm.

[3611] U.S. Department of State, *Country Reports- 2003: Sierra Leone*. Section 6f. Email. "FW: Worst Forms of Child Labor Report Clearance." U.S. Department of State. May 24, 2005.

[3612] Ibid. Section 6f.

[3613] U.S. Department of State, *Trafficking in Persons Report: Sierra Leone*. available from http://www.state.gov/g/tip/rls/tiprpt/2003/21277.htm

[3614] U.S. Department of State, *Country Reports- 2003: Sierra Leone*, Section 5. See also Inaugural Address by His Excellency Alhaji Dr. Ahmad Tejan Kabbah, First Session of the First Parliament of the Third Republic, July 12, 2002; available from http://www.sierra-leone.org/kabbah071202.html. See also Government of Sierra Leone, *Letter of Intent and Memorandum of Economic and Financial Policies*, Freetown, August 12, 2002; available from http://www.imf.org/external/np/loi/2002/sle/02/index.htm.

[3615] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[3616] For a more detailed discussion of the relationship between education statistics and work, see the preface to this report.

Schools throughout the country were looted or destroyed in the 11-year conflict that ended in 2002.[3617] While the majority of schools have been rebuilt, staffing problems continue.[3618] The lack of schools and teachers and the fact that schooling is not free in reality due to the imposition of administrative fees have made implementation of compulsory education impossible.[3619]

Child Labor Laws and Enforcement

The minimum age for employment in Sierra Leone is 15. The employment of children is permitted in certain non-hazardous occupations, provided the child has parental consent.[3620] The official workweek for a person of any age is 38 hours, but this guideline is not enforced.[3621] The use of forced and bonded labor, including children, is prohibited by the Constitution.[3622]

The "Prevention of Cruelty to Children" section of the Laws of Sierra Leone prohibits commercial sexual exploitation of children and defines a child as under the age of 16. Procuring a woman or girl for prostitution is punishable by up to 2 years in prison, and soliciting of prostitution is punishable by fine.[3623] There is no law that specifically prohibits trafficking in persons, but traffickers may be prosecuted under anti-prostitution laws.[3624]

The U.S. Department of State reported that the Government of Sierra Leone lacks the resources to enforce existing labor laws.[3625]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Sierra Leone has established a National Commission for War-Affected Children whose goals are to provide support to demobilized child combatants, to develop and implement strategies to ensure that the needs of young girls are addressed, and to continue to provide services for children who are separated from their parents.[3626] Efforts continue under Sierra Leone's National Youth Policy, approved

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[3617] U.S. Department of State, *Country Reports- 2003: Sierra Leone*, Section 5.

[3618] UNICEF, *At a glance: Sierra Leone,* UNICEF, [online] n.d. [cited October 27 2004]; available from http://www.unicef.org/infobycountry/sierraleone.html.

[3619] U.S. Department of State, *Country Reports- 2003: Sierra Leone*, Section 5.

[3620] Government of Sierra Leone, *Employers and Employed Act, Amendment No. 23*, (1962); available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=SLE&p_classification=04&p_origin=COUNTRY. The U.S. Department of State reports that the minimum age is 18 years. See U.S. Department of State, *Country Reports- 2003: Sierra Leone*, Section 6d.

[3621] Email. "FW: Worst Forms of Child Labor Report Clearance." May 24, 2005.

[3622]U.S. Department of State, *Country Reports 2003: Sierra Leone*, Section 6c.

[3623] The Protection Project, *Commercial Sexual Exploitation of Women and Children: A Human Rights Report- Sierra Leone*, Washington, D.C., 2002; available from http://209.190.246.239/ver2/cr/sl.pdf.

[3624] U.S. Department of State, *Trafficking in Persons Report: Sierra Leone*.

[3625]. "FW: Worst Forms of Child Labor Report Clearance." May 24, 2005.

[3626] Government of Sierra Leone, *Sierra Leone: Post-Conflict Development Agenda: Strategies for Growth and Poverty Reduction*, Paris, November 13-14, 2002, 28; available from http://www.undpsalone.org/files/Programmes/SIL%20Medium%20Term%20Post-conflict%20Agenda.pdf.

in 2003, to target assistance to key groups such as young girls.[3627]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182	
ILO-IPEC Member	
National Plan for Children	✓
National Child Labor Action Plan	
Sector Action Plan	

USAID, in coordination with UNICEF and the International Rescue Committee, completed two programs in 2004 aimed at reintegrating ex-child soldiers through community-based education and skills training.[3628]

In the area of trafficking, the government has formed a multi-sectoral Trafficking in Persons Action Committee to clarify and coordinate roles in combating trafficking, and has held anti-trafficking training for police officers.[3629]

The government has created a National Education Action Plan that emphasizes improving the quality and relevance of education, expanding access to primary education, especially for girls and the rural poor, and enhancing the planning and management capacity of the Ministry of Education, Science and Technology.[3630] UNICEF is engaged in projects to renovate schools, distribute teaching materials and equipment, retrain teachers, and promote girls' education.[3631]

[3627] *Sierra Leone Approves National Youth Policy,* UNFPA, [online] n.p. 2004 [cited October 27, 2004]; available from http://www.unfpa.org/parliamentarians/news/newsletters/issue20.htm.

[3628] *DCOF Country Programs: Sierra Leone,* USAID, [online] n.d. [cited October 27, 2004].

[3629] U.S. Embassy- Freetown, *unclassified telegram no. 730*, August, 2004.

[3630] Government of Sierra Leone, *Sierra Leone: Post-Conflict Development Agenda*.

[3631] UNICEF, *Sierra Leone: Donor Update*, July 14, 2004; available from http://www.reliefweb.int/w/rwb.nsf/0/dd5e173e8571e21ac1256ed1003e7263?OpenDocument.

Solomon Islands

Incidence and Nature of Child Labor

The ILO estimated that 22.4 percent of children ages 10 to 14 years in the Solomon Islands were working in 2002.[3632] Commercial sexual exploitation of children is reportedly a growing problem in the Solomon Islands.[3633] It was reported in 2000 that several hundred child soldiers were fighting in the ranks of the Guadalcanelese and Malaitan militias. Dozens of these children are reportedly still affiliated with their former commanders in quasi-criminal gangs.[3634]

Education in the Solomon Islands is not compulsory,[3635] and school fees are high relative to local family incomes.[3636] Many children are reportedly denied access to education due to early entrance into work.[3637] Gross and net primary enrollment rates are unavailable for the Solomon Islands.[3638] However, some education data show that only 60 percent of school-age children have access to primary education.[3639] Recent primary school attendance statistics are not available for the Solomon Islands. The state of education is reported to have worsened in recent years due to poor infrastructure, lack of financial resources, and irregular payment of teachers. This has caused some schools to shut down completely.[3640]

[3632] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[3633] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Solomon Islands*, online, CRC/C/51/Add.6, Geneva, July 12, 2002, 115; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.51.Add.6.En?OpenDocument. See also Global March Against Child Labor, *Worst Forms of Child Labour: Solomon Islands,* [online] [cited February 11, 2004]; available from http://www.globalmarch.org/worstformsreport/world/solomon-islands.htm.

[3634] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Solomon Islands,* February 25, 2004 [cited February 26, 2004]; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27789.htm. See also Amnesty International, *Solomon Islands: A Forgotten Conflict,* [online] 2000 [cited February 10, 2004]; available from http://web.amnesty.org/ai.nsf/Index/ASA430052000?OpenDocument&of=COUNTRIES\SOLOMON+ISLANDS.

[3635] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Solomon Islands*, 89.

[3636] U.S. Department of State, *Country Reports- 2003: Solomon Islands*, Section 5. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Solomon Islands*, 90.

[3637] UN Committee on the Rights of the Child, *Concluding Observations: Solomon Islands*, CRC/C/15/Add.208, Geneva, July 2, 2003, 14; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/ccf51b3b3aa93c91c1256db90024ca4c?Opendocument.

[3638] World Bank, *World Development Indicators 2004*.

[3639] UN Committee Economic Social and Cultural Rights, *Review of the Implementation of CESCR: Solomon Islands*, E/C.12/1/Add.33, Geneva, May 1999, 23; available from http://www.unhchr.ch/tbs/doc.nsf/(symbol)/E.C.12.1.Add.33.En?opendocument.

[3640] U.S. Department of State, *Country Reports- 2003: Solomon Islands*, Section 5.

Child Labor Laws and Enforcement

The Labor Act prohibits the employment of children below the age of 12. Children may participate in light agricultural or domestic labor if they are employed by, or in the company of their parents.[3641] Children under the age of 16 are prohibited from working in industry or on ships, except on approved training ships, and children under the age of 16 may not work underground in mines.[3642] The Constitution prohibits slavery and forced labor.[3643] The procurement of girls under 18 years of age for the purposes of prostitution is prohibited under Part XVI of the Penal Code ("Offences Against Morality").[3644] The Penal Code, Part XXVI, "Offences Against Liberty," provides for sanctions for the abduction of children.[3645]

The Labor Division of the Ministry of Commerce, Trade, and Industry is tasked with enforcing child labor laws,[3646] but information of the effectiveness of this Division and other enforcement measures is not available.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of the Solomon Islands has a National Youth Policy to address the welfare needs of youth ages 14 to 29, and also those of children below the age of 14 facing difficult situations.[3647] There is weak government support for the National Advisory Committee on Children (NACC) and it has limited effectiveness in coordinating the implementation of the Convention on the Rights of the Child.[3648]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182	
ILO-IPEC Member	
National Plan for Children (Youth Policy)	✓
National Child Labor Action Plan	
Sector Action Plan	

The UN Development Assistance Framework 2003-2007, which was based on the government's Common Country Assessment, aims to improve access, quality and delivery of basic services, including basic education.[3649] The country's National Education Master Plan

[3641] Section 84 of the Labor Act, as cited in UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Solomon Islands*, 111.

[3642] Ibid., 112.

[3643] *Constitution of the Solomon Islands, 1978*, Chapter II, Article 6; available from http://www.vanuatu.usp.ac.fj/paclawmat/Solomon_Islands_legislation/Solomons_Constitution.html.

[3644] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Solomon Islands*, 56.

[3645] Section 246 of the Penal Code as cited in Ibid., 55.

[3646] U.S. Department of State, *Country Reports- 2003: Solomon Islands*, Section 6d.

[3647] UN, *Common Country Assessment: Solomon Islands*, previously online, Office of the United Nations Resident Coordinator, 2002, 75; available from http://www.undp.org.fj/CCAs.htm [hard copy on file].

[3648] Ibid., 76. See also Dr. Dennie Iniakwala, *Presentation of the National Initial CRC Implementation report to the Committee on the Rights of the Child*, Geneva, May 26, 2003, 3. See also UN Committee on the Rights of the Child, *Concluding Observations: Solomon Islands*, 2.

[3649] UN, *Solomon Islands: United Nations Development Assistance Framework (2003-2007)*, Office of the United Nations Resident Coordinator, [online] 2002 [cited July 21 2003,], Foreword, 11; available from http://www.undp.org.fj/documents/UNDAF_SOLIS_17%20JULY.doc.

1999-2010 also includes provisions to improve the quality, scope, and relevance of education.[3650] The Ministry of Education has developed various training programs and services to equip primary and secondary school teachers and education administrators.[3651]

[3650] Mr. Johnson Moffat Ramoni, *Education for All 2000 Assessment: Country Reports- Solomon Islands,* UNESCO, [online] [cited February 11, 2004]; available from http://www2.unesco.org/wef/countryreports/solomon_islands/rapport_3.html.

[3651] UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Solomon Islands*, 90.

Somalia

Incidence and Nature of Child Labor

Although instability in the country complicates the gathering of statistics, UNICEF estimated that 41.9 percent of children ages 5 to 14 years were working in Somalia in 1999.[3652] Formal employment of children is rare, with the vast majority of working children engaged in herding, agriculture, and domestic service.[3653] A 2002 World Bank study observed urban-rural differences in working children's employment relationships. Self-employment and casual labor were more often observed in urban areas, while unpaid farm labor was the primary form observed in rural areas.[3654] Children are also conscripted by armed Somali militias and used for forced labor or sexual exploitation.[3655] Boys as young as 14 or 15 have participated in combat and many belong to gangs who raid indiscriminately.[3656] Trafficking networks exist that transport children to South Africa and promote their commercial sexual exploitation. The Middle East and Europe are also trafficking destinations.[3657]

Somalia has no government to provide free or compulsory education. Results from the UNICEF Primary Schools' Survey of 1998-1999 indicate that 62 percent of primary schools in Somalia required families to pay fees. Another study estimated that the fees were approximately USD 15.60 per year for each child.[3658] In addition, many schools lack textbooks and running water.[3659] Gross and net enrollment rates are not available for Somalia. In 1999 UNICEF estimated that 58.4 percent of primary school-age children attended

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[3652] UNICEF, *Multiple Indicator Cluster Survey (MICS2)- Somalia: List of Tables,* [online] [cited November 9, 2004], Table 42; available from http://www.childinfo.org/MICS2/natlMICSrepz/Somalia/TablesFinal150101.pdf. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[3653] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Somalia*, Washington, D.C., February 25, 2004; available from http://www.state.gov/g/drl/rls/hrrpt/2002/18226.htm.

[3654] World Bank, *Socio-Economic Survey Somalia 2002*, 1, May 28, 2003; available from http://www.worldbank.org/afr/so/surveydoc.htm.

[3655] U.S. Department of State, *Trafficking in Persons Report- 2004: Somalia*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/.

[3656] U.S. Department of State, *Country Reports- 2003: Somalia*. Section 5

[3657] U.S. Department of State, *Trafficking in Persons Report- 2004: Somalia*.

[3658] UNESCO, *Education for All 2000 Assessment: Country Reports- Somalia,* pursuant to UN General Assembly Resolution 52/84, 2000; available from http://www2.unesco.org/wef/countryreports/somalia/rapport_2.html.

[3659] U.S. Department of State, *Country Reports- 2003: Somalia*, Section 5.

school, and that 72.5 percent of children who had started primary school were likely to reach grade 5.[3660] Many students attend Koranic schools, though these schools do not provide broad-based education.[3661]

Child Labor Laws and Enforcement

Somalia has no national government and no means of enforcing labor laws.[3662]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

With no national government, Somalia has no national education policies or programs on child labor or education.[3663] Since 1996, the international effort to improve education in Somalia has been coordinated by the Education Sectoral Committee of the Somalia Aid Coordination Body (SACB), made up of UN agencies, donors, and international NGOs.[3664] The major goals of the SACB include improving access to education, improving learning conditions, enhancing teacher training, and establishing a viable financial management system.[3665] UNICEF, in concert with other partners and local authorities, is working on projects to reform the education system, develop curriculum, train teachers, develop and distribute standardized textbooks, establish educational standards, and develop management information systems.[3666] UNICEF, UNESCO-PEER and some NGOs have also distributed textbooks and other instructional materials to a small number of Koranic schools in Somalia and have created a program under which Koranic schools supplement or substitute for formal primary education.[3667]

[3660] UNICEF's MICS2 study looked at the education of children ages five and older. According to UNICEF, 77 percent of children in the central-south of Somalia who entered grade 1 reached grade 5, as did 74 percent in the northeast and 80 percent in the northwest. See UNICEF, *Somalia: List of Tables*. See also Government of Somalia, *Multiple Indicator Cluster Survey 2 (MICS2)*, UNICEF; available from http://www.ucw-project.org/cgi-bin/ucw/Survey/Main.sql?come=Tab_Country_Res.sql&ID_COUNTRY=193&anno=?anno. NetAid, an NGO, estimates that "four out of every five children have no access to any schooling whatsoever." See also NetAid, *Somalia- Concern,* NetAid.org, [online] [cited November 26, 2003]; available from http://www.netaid.org/projects/project_index.pt?project_id=10231. The U.S. Department of State's Human Rights Report also cites the 10-20 percent enrollment figure. See U.S. Department of State, *Country Reports- 2003: Somalia*, Section 5.

[3661] UK Save the Children, *Emergency Updates-Somalia,* [previously online] 2002 [cited September 12, 2002]; available from http://savethechildren.org.uk/emer_updates/Somalia.html. [hard copy on file].

[3662] U.S. Department of State, *Background Note: Somalia*, October 2003; available from http://www.state.gov/r/pa/ei/bgn/2863.htm. See also UN Somalia, *Somalia History,* United Nations, [previously online] [cited October 4, 2002]; available from http://www.unsomalia.org/infocenter/history.htm [hard copy on file].

[3663] The Transitional National Government, based in Mogadishu, represents Somalia in the UN and other international organizations. It has yet to establish its authority over most of the country and has little control over most government services.

[3664] Somalia Aid Coordination Body, *The Somalia Aid Coordination Body on the Net,* [cited October 29, 2004]; available from http://www.sacb.info/main_intro.htm.

[3665] Somalia Aid Coordination Body, *SACB Education Sectoral Strategy,* [cited October 29, 2004]; available from http://www.sacb.info/commitees/education/SACB%20EDUCATION%20SECTORAL%20STRATEGY.doc.

[3666] UNICEF, *UNICEF Humanitarian Action: Somalia Donor Update 27 January 2003,* [online] 2003 [cited July 23, 2003]; available from http://www.reliefweb.int/w/rwb.nsf/0/0541ED3A1C22572E85256CBD006DE4FA?OpenDocument.

[3667] UNESCO, *EFA 2000 Assessment: Somalia*, [cited November 3, 2003].

South Africa

Incidence and Nature of Child Labor

The Government of South Africa estimated that 32.5 percent of children ages 5 to 14 years were working in 1999.[3668] Working children are most often found in the rural agricultural sector and the urban informal economy. Children work in commercial agriculture, on subsistence farms, and on small farms planting and harvesting vegetables, picking and packing fruit, and cutting flowers.[3669] Children perform domestic tasks in their own households, and work as paid domestic servants in the homes of non-family members. Children working as paid domestic servants are compensated with cash, accommodation, rations, or any combination of these.[3670]

In urban areas, children work as street hawkers, especially around taxi stands and near public transportation,[3671] and as car guards.[3672] There are reports that child prostitution is increasing.[3673] There have been reports that some cities are becoming destinations for tourists seeking sex with minors.[3674] South Africa is an origin, transit, and destination country for children trafficked for the purpose of commercial sexual exploitation and forced labor. Children are reportedly trafficked from Botswana, Angola, the Democratic Republic of Congo, Ethiopia, Malawi, Zimbabwe, Swaziland, Lesotho, Mozambique, Zambia, Russia, Ukraine, Slovakia, and Thailand.[3675] Children are also trafficked from rural areas to urban areas for

[3668] The survey also found that 48.7 percent of children ages 15 to 17 were working. The definition of working children includes children who work at least 3 hours per week in economic activities, 5 hours per week in school labor, and 7 hours per week for household chores. See Dr. FM Orkin, *Child Labor in South Africa: Tables, Survey of Activities of Young People 1999*, Statistics South Africa, 2000, 30, 70; available from http://www.ilo.org/public/english/standards/ipec/simpoc/southafrica/report/indexpr.htm. A majority of "black" children are involved in potentially hazardous forms of labor. See Bill Rau, *Combating Child Labour and HIV/AIDS in Sub-Saharan Africa*, Paper No. 1, ILO-IPEC, July 2002, 25.

[3669] More children are involved in work in rural areas than in urban areas. See U.S. Consulate- Johannesburg, *unclassified telegram no. 382*, 2004. See also U.S. Consulate- Johannesburg, *unclassified telegram no. 0655*, June 2000.

[3670] The ILO estimates that less than 10,000 children are estimated to perform paid domestic service that is likely to be harmful to their health or development. See Debbie Budlender and Dawie Bosch, *Child Domestic Workers: A National Report*, ILO-IPEC, Geneva, May, 2002, ix, x; available from http://www.ilo.org/public/english/standards/ipec/simpoc/southafrica/others/domestic.pdf. Many of these children come from migrant populations. See also U.S. Consulate- Johannesburg, *unclassified telegram no. 0655*.

[3671] U.S. Consulate- Johannesburg, *unclassified telegram no. 0655*.

[3672] ILO-IPEC, *HIV/AIDS and Child Labour in South Africa: A rapid assessment*, Paper No. 4, March 2003.

[3673] ECPAT International, *South Africa,* [database online] n.d. 2004 [cited March 24, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: South Africa*, Washington, D.C., February 25, 2004, 6f; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27752.htm. There were reports that children were forced by their parents into prostitution. See U.S. Consulate- Johannesburg, *unclassified telegram no. 382*.

[3674] Swedish International Development Agency, *Looking Back, Thinking Forward: The Fourth Report on the Implementation of the Agenda for Action Adopted at the First World Congress against Commercial Sexual Exploitation of Children in Stockholm, Sweden, 28 August 1996*, ECPAT International, Bangkok, 2000, 30; available from http://www.ecpat.net/eng/Ecpat_inter/Publication/Other/English/Pdf_page/csec_4th_a4a_2000.pdf. Children are also allegedly exploited sexually in return for the liquidation of family debts or to raise income for the family. See Suchilla Leslie, *Report on the Commercial Sexual Exploitation of Children in South Africa*, South Africa National Council for Child and Family Welfare, June 9, 2000, 1, 8; available from http://www.childwelfaresa.org.za/report.doc.

[3675] See U.S. Department of State, *Trafficking in Persons Report- 2004: South Africa*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm. See also The Protection Project, "South Africa," in *Human Rights Report*

the purpose of domestic service.[3676] Children are also reportedly involved in pornography.[3677] Children orphaned by HIV/AIDS and children heading households are especially vulnerable to exploitative work and find it difficult to remain in school.[3678]

The Constitution guarantees every child the right of access to basic education.[3679] The South African Schools Act of 1996 makes school compulsory for children ages 7 to15 and prohibits public schools from refusing admission to any child on the grounds of learning ability or race.[3680] Public schools may not refuse admission to students who are unable to pay school fees.[3681] However, costs such as school fees, transportation, and school uniforms prevent some children from attending school. Many schools also continue to face significant infrastructure and other problems that have a negative impact on the quality of education.[3682]

Recent primary school attendance statistics are not available for South Africa. In 2001, the gross primary enrollment rate was 105.1 percent, and the net primary enrollment rate was 89.5 percent.[3683] The gross enrollment rate was higher for boys (107.2 percent) than for girls (103.1 percent), while the net enrollment rate for both boys and girls was approximately 89 percent.[3684] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance.

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on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery, March 2002; available from http://209.190.246.239/ver2/cr/saf.pdf. See also U.N. Wire, *South Africa A Hub of Child Trafficking, Study Says,* [newswire] May 11, 2004 [cited May 11 2004]; available from http://www.unwire.org/UNWire/20040511/499_23683.asp. See also UNICEF Innocenti Research Center, *Trafficking in Human Beings, Especially Women and Children, In Africa*, Florence, September 2003, 12.

[3676] U.S. Consulate- Johannesburg, *unclassified telegram no. 382*.

[3677] Swedish International Development Agency, *Looking Back, Thinking Forward*, 30, 31. See also Suchilla Leslie, *Report on the Commercial Sexual Exploitation of Children*, 9.

[3678] School fees and harassment served as barriers to accessing education. See ILO-IPEC, *Combating Child Labour and HIV/AIDS in Sub-Saharan Africa*, Paper No. 1, July 2002, 23, 24, 26, U.S. Department of State, *Trafficking in Persons Report- 2004: South Africa*.

[3679] *Constitution of the Republic of South Africa*, (December 10, 1996), Chapter 2, Section 29(1)(a); available from http://www.concourt.gov.za/constitution/const02.html#28.

[3680]*South African Schools Act, No. 84 of 1996, (November 15, 1996), Chapter 2, Sections 3(1), 5, 6.*

[3681] Ibid., Chapter 2, Section 5(3)(a).

[3682] U.S. Consulate- Johannesburg, *unclassified telegram no. 1245*, October 2001. See also Government of South Africa- Department of Education, *Education for All: The South African Assessment Report*, Pretoria, March 2000, 38-39. However, the 2003 plan of action focuses on the poorest 40 percent of students and seeks to remove barriers to school access in a three year span. See Government of South Africa- Department of Education, *Plan of Action: Improving access to free and quality basic education for all*, June 14, 2003, 2.

[3683] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For a detailed explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[3684] Ibid.

Child Labor Laws and Enforcement

The Basic Conditions of Employment Act sets the minimum age for employment at 15 years, and prohibits the employment of children who are under the legal minimum school leaving age of 15 years.[3685] For children over age 15 and no longer subject to compulsory schooling, the Employment Act allows for the Minister of Labor to set additional prohibitions or conditions on their employment.[3686] The maximum penalty for illegally employing a child, according to the Employment Act, is 3 years imprisonment.[3687] The Employment Act and the Constitution prohibit all forms of forced labor.[3688] The Constitution also provides for the right of every child, defined as a person under 18 years of age, to be protected from exploitative labor practices. It also prohibits children from performing work or providing services that are age-inappropriate or that put at risk a child's well being or development.[3689] The Constitution also prohibits the use of children under the age of 18 in armed conflicts.[3690] In July 2004, the South African Department of Labor (SADOL) passed regulations concerning the employment of children in the film, entertainment, sports, and advertising industries. Employers wishing to hire children must first apply for a license, set permissible hours, and provide schooling, transportation, and chaperone services.[3691]

Sexual Offences Act No. 23 of 1957 establishes prostitution as a criminal offence. Children can be arrested for prostitution under the Sexual Offences Act despite being victims of commercial sexual exploitation. Such cases, however, are generally referred by the Office of the National Director of Public Prosecutions to children's courts where a determination is made regarding a child's need for care and the prosecution of persons exploiting children.[3692] In 1999, the Government of South Africa amended the Child Care Act of 1983 to include a more comprehensive prohibition on the commercial sexual exploitation of children. The Child Care Act sets a penalty of up to 10 years imprisonment and/or a fine for any person who participates or is involved in the commercial exploitation of children.[3693] In 2004, the National Assembly approved the Films and Publication Amendment Bill, which prohibits the creation, production, possession, and distribution of child pornography, as well as the failure to report it. Persons convicted of offenses related to child pornography face up to 10 years in prison.[3694]

[3685] Republic of South Africa, *Basic Conditions of Employment Act 75 of 1997*, (December 5, 1997), 43(1)(a)(b), 43(3), 93; available from http://www.workinfo.com/free/Sub_for_legres/data/bcea1998.htm.

[3686] Ibid., Sections 44(1), 44(2).

[3687] Ibid., Sections 43(1)(a)(b), 43(3), 44(2), 93.

[3688] Ibid., Section 48(1). In general, the Employment Act does not apply to informal work unless it constitutes forced labor. See *Constitution of the Republic of South Africa*, Chapter 2, Section 13.

[3689] *Constitution of the Republic of South Africa*, Chapter 2, Sections 28(3), 28(1)(e) and (f).

[3690] Ibid., Chapter 2, Section 28(1)(i), 28(3).

[3691] U.S. Consulate- Johannesburg, *unclassified telegram no. 382*.

[3692] ILO-IPEC, *The National Child Labour Action Programme for South Africa (Draft)*, Draft 3.1, August 2003, 9. See also *Forbidden or forgiven? The legal status of sex work in South Africa,* Community Law Centre, October 1999 [cited May 20, 2004]; available from http://www.communitylawcentre.org.za/gender/gendernews1999/1999_2_sex.php#sex.

[3693] *Child Care Amendment Act*, (1999), Section 50A.

[3694] Seshoane Masitha, "New Law Enhances Children's Protection", [online], February 20, 2004, [cited May 20, 2004]; available from http://allafrica.com/stories/200402200166.html.

SADOL effectively enforces child labor laws in the formal non-agricultural sector but less effectively in other sectors, according to the U.S. Department of State.[3695] However, there have been several successful prosecutions for violations of child labor laws over the last year.[3696] There are approximately 1,000 labor inspectors nationwide, although none are specifically tasked with monitoring child labor.[3697] The Child Protection Unit (CPU) and the Family Violence, Child Protection, and Sexual Offenses Unit (FCS) within the South African Police Service also oversee child protection issues. There are 28 CPUs and 14 FCSs located across the country.[3698]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

SADOL chairs the Child Labor Intersectoral Group (CLIG), a national stakeholder group that coordinates services provided by the government and NGOs and raises awareness about child labor and the enforcement of child labor laws.[3699] The Department of Welfare administers social safety net programs that help prevent children from entering the workforce.[3700] SADOL has included modules on child labor as part of its training for labor inspectors,[3701] and has begun an awareness-raising program to educate farmers about the rights of children.[3702]

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	3/30/2000	✓
Ratified Convention 182	6/07/2000	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		
Sector Action Plan (Commercial Sexual Exploitation)		✓

In collaboration with the government, ILO/IPEC is implementing a USDOL-funded regional child labor project in Southern Africa, which includes South Africa. Efforts in South

[3695] U.S. Department of State, *Country Reports- 2003: South Africa*, Section 6d. See also U.S. Consulate- Johannesburg, *unclassified telegram no. 382*. See also U.S. Consulate- Johannesburg, *unclassified telegram no. 1245*.

[3696] U.S. Consulate- Johannesburg, *unclassified telegram no. 382*.

[3697] Ibid.

[3698] *Child Protection Unit,* South African Society for the Prevention of Child Abuse and Neglect, December 2, 2002 [cited May 20, 2004]; available from http://www.saspcan.org.za/childprot.htm. See also *Establishment of the SA Police Child Protection Unit,* Crime Busters of South Africa, March 2000 [cited May 20, 2004]; available from http://www.100megspop2.com/crimebusters/ChildAbuse.html.

[3699] There are 10 CLIG offices located in the provinces. See Fatima Bhyat, *Meeting Notes*, prepared by USDOL official, July 26, 2000. See also Government of South Africa, *Implementation of the Convention on the Rights of the Child: South Africa's Supplement to the Initial Country Report*, January 2000, 56. See also Speech at the Launch of the International Labour Organization's Third Global Report on a Future Without Child Labour, May 6, 2002; available from http://www.labour.gov.za/docs/sp/2002/may/06_mdladlana.htm.

[3700] South Africa Department of Social Services and Population Development, "Discussion Document in Relation to Child Labor in South Africa," in *Network Against Child Labour (NACL): Background (Documents to be discussed at the Meeting of 17 January 2000)* Johannesburg, 2000, 5-6.

[3701] See Mdladlana Statement: Launch of the International Labour Organization's Third Global Report, 2002.

[3702] U.S. Consulate- Johannesburg, *unclassified telegram no. 382*.

Africa are focused on supporting the Government of South Africa's CLAP framework.[3703] The American Institutes for Research was awarded a USD 9 million grant in August 2004 to implement a regional Child Labor Education Initiative project in Southern Africa, and will work in collaboration with the Government of South Africa.[3704]

The government is implementing the National Program of Action for Children (NPA). The NPA aims to advance the best interests of children, promote the realization of children's rights, and mobilize resources to address children's issues. The Office of the Rights of Children (also known as the Office on the Status of Children) in the Presidency coordinates the NPA and is also responsible for coordinating all policies concerning child welfare and child related programs.[3705] The Department of Social Development provides social grants to children and their caregivers to help provide for basic necessities.[3706] The government provides up to 4.6 million students with school meals.[3707]

The government provided training courses for the police and judiciary on the commercial sexual exploitation of children, and has deployed a special Anti-Trafficking Unit at the Johannesburg airport.[3708] South Africa's National Prosecuting Agency co-sponsored a three-day conference on human trafficking in June[3709] and has formed an interagency task force that drafted a national plan on trafficking.[3710] UNICEF also supports activities aimed at improving equitable access to quality primary education, strengthening early childhood development, and protecting children's rights.[3711] The government has sought to address issues of inequity in its educational system by allocating more resources to the most deprived schools in its

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[3703] Activities include awareness-raising, enhancing capacity for policy implementation and monitoring, and piloting direct action programs. See ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labor in South Africa's Child labor Action Programme and laying the basis for concerted action against Worst Forms of Child Labor in Botswana, Lesotho, Namibia, and Swaziland*, September 30, 2003, 30.

[3704] The AIR project aims to improve quality and access to basic and vocational education for children who are working or are at risk of working in the worst forms of child labor. *Notice of Award: Cooperative Agreement*, U.S. Department of Labor / American Institutes for Research, Washington D.C., August 16, 2004, 1,2.

[3705] Office of the President, Improvement of the Life and Status of Women, Children, Youth and the Disabled: Joint Committee Meeting, June 13, 2003; available from http://www.pmg.org.za/docs/2003/viewminute.php?id=2914. See also Statement: United Nations General Assembly Special Session on Children, May 8, 2002; available from http://www.gcis.gov.za/media/minister/020508.htm. See also *National Programme of Action: 2000 and Beyond,* Office of the Rights of the Child, [website] 2004 [cited May 19, 2004]; available from http://www.children.gov.za/About.html.

[3706] *Over 3 million child support grants,* BuaNews, July 24, 2003 [cited May 19, 2004]; available from http://www.southafrica.info/ess_info/sa_glance/social_delivery/childgrants-210703.htm. See also Department of Social Development, *You and Your Grants 2003,* [website] November 11, 2003 [cited May 19, 2004]; available from http://www.welfare.gov.za/Services/serv01.htm.

[3707] UN Integrated Regional Information Network, "UN Integrated Regional Information Network,", July 2, 2004; available from http://www.irinnews.org/report.asp?ReportID=41983&SelectRegion=Southern_Africa&SelectCountry=SOUTH_AFRICA.

[3708] U.S. Department of State, *Country Reports- 2003: South Africa*, Section 6f.

[3709] U.N. Wire, *Conference on Human Trafficking Opens in South Africa,* June 23, 2004 [cited June 23, 2004]; available from http://www.unwire.org/UNWire/20040623/449_25178.asp.

[3710] U.S. Department of State, *Trafficking in Persons Report- 2004: South Africa*.

[3711] UNICEF, *At a glance: South Africa,* UNICEF, 2004 [cited August 25, 2004]; available from http://www.unicef.org/infobycountry/southafrica.html.

provinces and to predominantly black schools.[3712] The Department of Education is implementing an action plan to improve access to free and quality basic education for the most disadvantaged learners.[3713] The Curriculum 2005, an educational reform program,[3714] is providing learning materials to schools in a more equitable fashion and standardizing the content of training courses for teachers in all districts.[3715]

[3712] See U.S. Department of State, *Country Reports- 2003: South Africa*, Section 5. See also Government of South Africa- Department of Education, *Plan of Action: Improving access to free and quality basic education for all*, Foreword. See also Government of South Africa- Department of Education, *Education for All: South Africa*, 26, 27, 32.

[3713] Government of South Africa- Department of Education, *Plan of Action: Improving access to free and quality basic education for all*, Foreword.

[3714] *Report of the Review Committee on Curriculum 2005*, Review Committee on Curriculum 2005, Pretoria, May 31, 2000; available from http://education.pwv.gov.za/Policies%20and%20Reports/2000_Reports/2005/Chisholm_2005.htm.

[3715] Government of South Africa, *Implementation of the Convention on the Rights of the Child*, 45.

Sri Lanka

Incidence and Nature of Child Labor

The Sri Lankan Department of Census and Statistics estimated in 1999 that 14.9 percent of children ages 5 to 14 years in Sri Lanka were working.[3716] According to the survey, the majority of working children are in the agricultural sector.[3717] Children are also found working in the informal manufacturing, hotel, and trade industries, and working as craft workers, street peddlers,[3718] and domestic servants.[3719] Some children from rural areas are reportedly sent to work as domestic servants in urban households where, due to debts owed by their parents to traffickers, they may find themselves in situations that amount to debt bondage.[3720] The government estimates that more than 2,000 children are engaged in prostitution. The majority of children engaged in prostitution are victimized by local citizens, though there are reports of sex tourism as well.[3721] Trafficking of children typically does not cross national borders; children are trafficked within the country to work as domestic servants and for the purposes of sexual exploitation, especially at tourist destinations.[3722]

Child soldiering remains a persistent problem.[3723] Despite the ceasefire, reports indicate that children continue to be recruited, released and re-recruited to serve as soldiers by the Liberation Tigers of Tamil

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[3716] It was reported that 25,533 children were not attending school, and 449,998 working children were attending school while working. Another 38.9 percent of children ages 15 to 17 years and of legal working age were found working. Of them, 209,085 were not attending school, and 241,422 were attending school while working. See Department of Census and Statistics and Ministry of Finance and Planning, *Child Labor Survey in Sri Lanka*, Government of Sri Lanka, 1999, Tables 7 and 18. In 2004, the Government of Sri Lanka reported a declining trend in child labor overall, primarily attributed to increasing public awareness and strengthened regulation of child labor. See U.S. Embassy- Colombo, *unclassified telegram no. 1396*, August 23, 2004.

[3717] Sixty-four percent of working children ages 5 to 17 years were found in the agricultural sector. See Department of Census and Statistics and Ministry of Finance and Planning, *Child Labor Survey*, Table 3.16.

[3718] Department of Census and Statistics, *Summary of Findings of Child Labor Survey in Sri Lanka,* Government of Sri Lanka, [online] 1999 [cited May 21, 2004], 5-6; available from http://www.ilo.org/public/english/standards/ipec/simpoc/srilanka/report/srilan99/indexpr.htm.

[3719] The situation of domestic service is not regulated or well documented, although many thousands of children are believed to be employed in domestic service. A 2003 survey of 4,076 families found 61 child domestic workers under 18 years old. Of these children, 8.2 percent (5 children) were below 14 years old, thereby under the legal working age of domestic workers according to law. See Nayomi Kannangara, Harendra de Silva, and Nilaksi Parndigamage, *Sri Lanka Child Domestic Labour: A Rapid Assessment*, ILO-IPEC, Geneva, September 2003; available from http://www.ilo.org/public/english/standards/ipec/simpoc/srilanka/ra/domestic.pdf.

[3720] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Sri Lanka*, Washington, D.C., February 25, 2004, Section 6c; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27951.htm.

[3721] Local groups speculate that the number of child prostitutes is significantly higher than 2,000. Ibid., Section 5.

[3722] U.S. Embassy- Colombo, *unclassified telegram no. 1436*, August 18, 2003. See also ILO, *The ILO-Japan Asian Meeting on the Trafficking of Children for Labor and Sexual Exploitation: Country Report- Sri Lanka* [CD-ROM], Manila, 2001. See also Sarath W. Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children: A Rapid Assessment*, ILO-IPEC, Geneva, February 2002, 16; available from http://www-ilo-mirror.cornell.edu/public/english/standards/ipec/simpoc/srilanka/ra/cse.pdf.

[3723] U.S. Embassy- Colombo, *unclassified telegram no. 1396*.

Eelam (LTTE).[3724] Between January 2002 and November 2004, UNICEF documented 4,600 cases of child recruitment by the LTTE, but only 1,208 children released from its forces.[3725]

Under the Compulsory Attendance of Children at School Regulation No.1 of 1997, primary education is free and compulsory for children 5 to 14.[3726] In 2001, the gross primary enrollment rate was 110.4 percent.[3727] The gross enrollment ratio is based on the number of students formally registered in primary school and therefore does not necessarily reflect actual school attendance. Primary attendance rates for Sri Lanka are not available.

Educational reforms to improve the quality of education were initiated by the government in 1999, but education authorities and parents in rural and conflict-affected areas are not fully informed that education is to be free and compulsory, and that monitoring and evaluation of educational reforms are to involve school authorities, parents, and students.[3728] Education facilities in the northeast of Sri Lanka have been badly affected by the civil war. UNICEF estimates that 50,000 children are out of school and that more than 6,000 secondary school teachers are needed to fill vacant posts.[3729]

The December 26 tsunami left thousands of children in Sri Lanka orphaned or separated from their families and without access to schooling, increasing their vulnerability to trafficking and other forms of labor exploitation. However, the impact of the disaster on children's involvement in exploitive child labor has yet to be determined.

[3724] From 1983 to 2001, the Government of Sri Lanka fought the LTTE, an armed terrorist group fighting for a separate ethnic Tamil state in the North and East of the island. The LTTE use children for work as cooks, messengers, clerks, and as laborers for building. See U.S. Department of State, *Country Reports- 2003: Sri Lanka*, Section 1, 5 and 6d. See also Human Rights Watch, *Living in Fear: Child Soldiers and the Tamil Tigers in Sri Lanka*, Vol.16, No.13 (C), November, 2004, 49, 53; available from http://hrw.org/reports/2004/srilanka1104/srilanka1104.pdf.

[3725] In March 2004, the LTTE split into two factions. The Karuna LTTE was disbanded in April after being defeated by the Vanni LTTE and all the child soldiers in the Karuna forces were allowed to return home or were released to their families. In June 2004, however, the Vanni forces started an intense campaign to re-recruit Karuna's disbanded soldiers. Between April and August 2004, almost 100 cases of child re-recruitment was documented by UNICEF. Human Rights Watch, *Living in Fear*, 15, 30, 37, 49. During the fighting between the two factions, a 17 year old female child soldier was killed. See UN News Service, *UNICEF calls for Sri Lanka Rebels to End Recruitment of Child Soldiers,* [hard copy on file] April 19, 2004 [cited May 25, 2004]. See also U.S. Embassy-Colombo, *unclassified telegram no. 1396*.

[3726] UNESCO, *Education for All 2000 Assessment: Country Reports- Sri Lanka*, prepared by Ministry of Education and Higher Education, pursuant to UN General Assembly Resolution 52/84, 2000; available from http://www2.unesco.org/wef/countryreports/sri_lanka/contents.html. See also Government of Sri Lanka, *Compulsory Attendance of Children at Schools, Regulation No. 1 of 1997*; available from http://www.labour.gov.lk/documents/9_1_chap.htm.

[3727] Net enrollment rates are not available for Sri Lanka. See World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For a detailed explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[3728] UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Sri Lanka (Unedited Version)*, CRC/C/15/Add.207, prepared by Government of Sri Lanka, pursuant to Consideration of Reports Submitted by State Parties Under Article 44 of the Convention, June 6, 2003, para. 42-43.

[3729] UNICEF Press Center, *Call to Increase Action for Sri Lanka's War Affected Children,* [online] 2004 [cited May 25, 2004]; available from http://www.unicef.org/media/media_19036.html. An estimated one-third of school-aged children in the areas of the north controlled by the LTTE have either dropped out or never attended school. See UNICEF, *At a Glance: Sri Lanka,* August 17, 2003 [cited May 21, 2004]; available from http://www.unicef.org/infobycountry/srilanka.html.

Child Labor Laws and Enforcement

The minimum age for employment in most occupations is 14 years. Gazette No. 1116/5 sets the minimum age for employment in domestic work at 14 years.[3730] The Shop and Office Employees Act of 1954 prohibits the employment of children under the age of 14 in shops and offices.[3731] The Employment of Women, Young Persons, and Children Act No. 47 of 1956 prohibits work by children that may be injurious, work by children during school hours, and work by children under 18 years in industrial settings at night.[3732] In 2003, this Act was amended to allow children below 14 years old to work only in part-time family agricultural work or participate in technical training. Children below 14 years old are prohibited to work in any family-run industrial operations. Children under 15 years are no longer allowed to work at sea on family-owned vessels.[3733] The Factories Ordinance requires medical certification of children under 16 years old prior to employment, and prohibits children below 18 years old from engaging in hazardous employment.[3734] In 2004, the National Labor Advisory Council chaired by the Minister of Labor approved a list of 50 occupations considered to be the worst forms of child labor.[3735]

Forced labor is prohibited under the Abolition of Slavery Ordinance of 1844.[3736] The Penal Code contains provisions prohibiting sexual violations against children, particularly with regard to child pornography, child prostitution, and the trafficking of children.[3737] Penalties for trafficking children include imprisonment of 5 to 20 years and a fine.[3738] The minimum age for recruitment into the armed forces is 18 years old.[3739]

[3730] U.S. Embassy- Sri Lanka, letter to USDOL official, September 21, 2000. However, younger children are allowed to be employed by their parents or guardians for limited work in agriculture. See Government of Sri Lanka, *Employment of Women, Young Persons, and Children Act No. 47 of 1956*, Part III, para 14(1) (a) (i); available from http://www.labour.gov.lk/documents/4_5_chap.htm.

[3731] Government of Sri Lanka, *Shop and Office Employees Act No. 19 of 1954*; available from http://www.labour.gov.lk/documents/4_4_chap.htm.

[3732] The Children and Young Persons Ordinance of 1956 also has similar provisions that address the employment of children. See *Employment of Women, Young Persons, and Children Act*, Part I.

[3733] The amendment increased penalties for child labor violations to Rs 10,000 (approximately USD 97) and 12 months imprisonment. See the Employment of Women, Young Persons, and Children (Amendment Act) No. 8 of 2003 as cited in U.S. Embassy- Colombo, *unclassified telegram no. 1436*. See also *Employment of Women, Young Persons, and Children (Amendment) Act No. 8 of 2003*, (March 17, 2003), [hard copy on file]. For currency conversion, see FXConverter, [online] [cited May 25, 2004]; available from http://www.oanda.com/convert/classic.

[3734] U.S. Embassy- Colombo, *unclassified telegram no. 1436*. See also U.S. Department of State, *Country Reports- 2003: Sri Lanka*, Section 6d.

[3735] The list is pending approval by the Cabinet and Parliament. Upon approval of the list, amendments to existing laws will become necessary to harmonize regulations and laws. U.S. Embassy- Colombo, *unclassified telegram no. 1396*.

[3736] U.S. Embassy- Sri Lanka, letter to USDOL official, November 8, 2001. See also U.S. Department of State, *Country Reports- 2003: Sri Lanka*, Section 6c.

[3737] Government of Sri Lanka, *Penal Code (Amendment), 1995*, Act no. 22. See also Government of Sri Lanka, *Penal Code (Amendment), 1998*, Act no. 29.

[3738] U.S. Department of State, *Country Reports- 2003: Sri Lanka*, Section 6f.

[3739] Coalition to Stop the Use of Child Soldiers, *Child Soldiers 1379 Report*, [online] 2002 [cited May 21, 2004], 90; available from http://www.child-soldiers.org/cs/childsoldiers.nsf/6be02e73d9f9cb8980256ad4005580ff/ c560bb92d962c64c80256c69004b0797?OpenDocument.

The National Child Protection Authority (NCPA) is the primary oversight agency for the protection of children against any form of abuse.[3740] The Department of Police is responsible for enforcing all complaints related to the worst forms of child labor since most offences are to be prosecuted under the Penal Code.[3741] The Department of Labor enforces labor laws through regional offices and, in many instances, in collaboration with the police. The Department of Probation and Child Care Services is responsible for providing protection and shelter to child victims of all forms of abuse.[3742]

From January to June 2004, a total of 64 complaints on child labor violations were reported by the Department of Labor, of which 19 were prosecuted.[3743] Through the NCPA cyber watch unit that monitors websites for advertisements soliciting children, 11 investigations and 2 arrests were carried out on charges of child pornography and pedophilia.[3744]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Children's Charter is the primary policy document that promotes the rights of the child.[3745] The Government of Sri Lanka, through the NCPA, conducts training programs on child protection issues, including child labor, for government and social welfare officials, medical professionals, and the police.[3746] The Department of Labor also trained 300 labor, probation and police officers on child labor issues in 2003-2004.[3747] The NCPA carries out public awareness campaigns on child trafficking and

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 2/11/00	✓
Ratified Convention 182 3/1/01	✓
ILO-IPEC Member	✓
National Plan for Children	✓
National Child Labor Action Plan	
Sector Action Plan (Trafficking)	✓
Sector Action Plan (War-affected children)	✓

[3740] Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children*, 17. See also Government of Sri Lanka, *National Child Protection Authority Act No. 50 of 1998*; available from http://www.labour.gov.lk/documents/10_chap.htm. NCPA works with 450 social welfare officers at the community level and has also established 11 district child protection committees to further raise awareness of child abuse issues, including child labor. See U.S. Embassy- Colombo, *unclassified telegram no. 1396*.

[3741] Embassy of Sri Lanka in the United States of America, Information on efforts made by Sri Lanka to Eliminate Worst Forms of Child Labor -- U.S. Department of Labor, letter, to USDOL official, August 30, 2004.

[3742] Ibid.

[3743] U.S. Embassy- Colombo, *unclassified telegram no. 1396*.

[3744] From January to August 2004, 11 investigations (6 of which were of foreign suspects) and 2 arrests (both of foreign suspects) were made. See Ibid.

[3745] The Children's Charter was enacted in 1992 and represents the provisions of the UN Convention of the Rights of the Child (CRC). A monitoring committee was established to promote legal reforms and monitor the government's commitment to the CRC. See Save the Children- UK, *Country Report- Sri Lanka,* [previously online] [cited June 14, 2003], 13, [hard copy on file].

[3746] Training includes trauma and psychosocial counseling, surveillance, legal awareness, as well as training of trainers on these issues. See U.S. Embassy- Colombo, *unclassified telegram no. 1396*.

[3747] Ibid.

commercial sexual exploitation of children, and provides counseling services to child victims of commercial sexual exploitation and to former child soldiers.[3748] The Tourist Bureau also conducts awareness-raising programs for at-risk children in resort regions prone to sex tourism.[3749]

The Government of Sri Lanka is currently participating in several projects funded to eliminate child labor in the country. These projects include the ILO-IPEC regional project funded by USDOL to combat child trafficking in Asia,[3750] and an inter-regional ILO-IPEC project that provides vocational training and skills development for former child soldiers and the creation of sustainable employment opportunities for children above legal working age.[3751] Other international and local NGOs are working towards eradicating child labor and sexual exploitation of children.[3752] In collaboration with ILO-IPEC and UNICEF, the NCPA has assisted in establishing rehabilitation centers that provide protection to child victims of trafficking, as well as vocational training and counseling services.[3753] Vocational training and skills development for former child soldiers will be provided that will include the creation of sustainable employment opportunities.[3754]

The government and the LTTE's Action Plan for Children Affected by War to end child recruitment outlined actions that the government, LTTE, local NGOs, and UN agencies needed to take to meet the education, health, and social welfare needs of children and their families in 2004. UNICEF, ILO-IPEC, Save the Children, the Ministry of Social Welfare, Tamil Rehabilitation Organization, UNDP, and UNCHR are implementing various components of plan.[3755]

In an effort to get more children into school, the second phase of the General Education Project, funded by the World Bank, aims to improve the quality, access, and management of schools, including improved

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[3748] U.S. Department of State, *Trafficking in Persons Report-2004: Sri Lanka*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33197.htm#srilanka.

[3749] The Bureau comes under the Ministry of Tourism. See Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children*, 16.

[3750] ILO-IPEC, *Combating Child Trafficking for Labor and Sexual Exploitation (TICSA Phase II)*, project document, RAS/02/P51/USA, Geneva, September 30, 2002, 8.

[3751] Partnering government agencies will include the Departments of Agriculture and Industry, and other organizations at the district level. See ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflicts: An Inter-Regional Program, Sri Lanka Country Annex*, Geneva, 2004, 8. The Government of Norway provided funding to ILO-IPEC for development of a concept paper on children affected from war. ILO-IPEC official, Active IPEC Project list, annex 1, email correspondence to USDOL official, August 25, 2004.

[3752] Organizations working to combat child labor and sexual exploitation of children include ILO/IPEC, UNICEF, UNHCR, Redd Barna, Save the Children (UK), Swedish International Development Cooperation, Sarvodaya Suwasetha Sangamaya, Don Bosco Technical Training Center, Community Health Foundation, Social Economic and Development Center, Eradicating Sexual Child Abuse, Prostitution and Exploitation, and Protecting Environment and Children Everywhere. See Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children*, 17-20.

[3753] U.S. Embassy- Colombo, *unclassified telegram no. 1396*. The Department comes under the Ministry of Social Services. See Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children*, 16. According to the Committee on the Rights of the Child, government bodies such as the National Monitoring Committee, the National Child Protection Authority, and the Department for Probation and Child Care Services do not effectively coordinate the implementation of the UN Convention on the Rights of the Child, and the roles of these bodies are not clearly defined. See UN Committee on the Rights of the Child, *Concluding Observations*, para. 13.

[3754] ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict, Sri Lanka Country Annex*, 2.

[3755] The Ministry of Social Welfare is expanding its capacity on child care. UNICEF Press Center, *Call to Increase Action*.

curriculum management and the training of teachers for grades one to nine.[3756] The government operates a school meal program for first-year students in areas that have high malnutrition and provides school uniform material to needy children.[3757]

[3756] The USD 83 million project began in 1997 and is scheduled to end in December 2004. See World Bank, *General Education Project (02),* May 21, 2004 [cited May 21, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P010525.

[3757] U.S. Embassy- Colombo, *unclassified telegram no. 1436*.

Suriname

Incidence and Nature of Child Labor

The ILO estimated that less than 1 percent of children ages 10 to 14 years in Suriname were working in 2002.[3758] According to the ILO, economically active children work in agriculture, fishing, timber production, mining, domestic service, construction, the furniture industry, and as street vendors.[3759] The ILO found that while hours of work vary substantially, 41 percent of those surveyed worked more than 5 hours per day. Children also work without adult supervision in some cases.[3760] Commercial sexual exploitation of girls and boys is allegedly increasing in Suriname.[3761] There were reports of girls being trafficked to and through the country for commercial sexual exploitation.[3762] Sexual exploitation of Maroon girls in the interior of the country is also reportedly a concern.[3763] Young Maroon children also work in the transportation and agricultural sectors.[3764]

The Constitution of Suriname mandates free and compulsory primary education.[3765] Despite this Constitutional guarantee, most public schools impose school fees.[3766] Under the Compulsory School Attendance Act, children in Suriname must be provided with the opportunity to attend school between ages 7 and 12.[3767] In 2001, the gross primary enrollment rate was 125.8 percent, and the net primary

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[3758] According to the ILO, 0.4 percent of children were working. See World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[3759] Marten Schalkwijk and Wim van den Berg, *Suriname The Situation of Children in Mining, Agriculture, and other Worst Forms of Child Labour: A Rapid Assessment*, ILO Subregional Office for the Caribbean, Port of Spain, November 2002, 30, 46, 52, 60; available from http://www.ilocarib.org.tt/system_links/link6tst.html.

[3760] Ibid., 49, 70.

[3761] UN Committee on the Rights of the Child, *Initial Report of States Parties Due in 1995*, CRC/C/28/Add.11, prepared by Government of Suriname, pursuant to Article 44 of the Convention on the Rights of the Child, September 1998, para 166; available from http://www.hri.ca/fortherecord2000/documentation/tbodies/crc-c-28-add11.htm. See also Marten Schalkwijk and Wim van den Berg, *Suriname The Situation of Children in Mining, Agriculture, and other Worst Forms of Child Labour*, 46. See also Arnold Halfhide Ambassador of Suriname to the United States, letter to USDOL official, November 29, 2000.

[3762] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Suriname*, Washington, D.C., February 25, 2004, Section 6f; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27920.htm. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Suriname*, Washington, DC, June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33198.htm.

[3763] U.S. Embassy- Paramaribo, *unclassified telegram no. 431*, June, 2004. Maroon people are descendants of African slaves and have a distinct culture based on African and Amerindian traditions. Numbering approximately 60,000 people, they represent 15% of the total population in Suriname. See *Suriname Background,* Rainforest Foundation US, 2004 [cited November 30, 2004]; available from http://www.rainforestfoundation.org/1surinameback.html.

[3764] U.S. Embassy- Paramaribo, *unclassified telegram no. 678*, August 2004.

[3765] Right to Education, *Constitutional Guarantees: Suriname,* [database online] [cited March 24, 2004], Article 39; available from http://www.right-to-education.org/content/consguarant/suriname.html.

[3766] U.S. Department of State, *Country Reports- 2003: Suriname*, Section 5.

[3767] UN Committee on the Rights of the Child, *Initial Reports of States Parties: Suriname*, para. 118.

enrollment rate was 97.4 percent.[3768] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, the net primary attendance rate was 78 percent. School attendance is significantly lower in the rural interior than in the rest of the country at 61.2 percent. As of 2000, 84.0 percent of children who started primary school were likely to reach grade 5.[3769] Problems within the education system include an inefficient allocation of resources, low teacher quality, outdated curricula, a shortage of instructional materials, and limited monitoring of school performance. Less than 1 percent of children finish senior secondary school (12 years of schooling).[3770] In addition, classes are taught in Dutch.[3771] Although the government covers the majority of primary school costs, parents must pay school registration fees and provide school supplies and uniforms. These costs limit access to education for children from poor and large families.[3772] Lack of transportation, appropriate facilities, and a teacher shortage also present barriers to school attendance.[3773] Parents who permit their children to work, in violation of child labor laws, can be prosecuted.[3774]

Child Labor Laws and Enforcement

The Labor Act sets the minimum age for employment at 14 years.[3775] Under Article 18 of the Labor Act, children who have reached age 12 may work if it is necessary for training or is specifically designed for children, does not require much physical or mental exertion, and is not dangerous.[3776] Article 20 of the Labor Act prohibits children from performing night work or work that is dangerous to their health, life, or morals.[3777] Children below the age of 15 are prohibited from working on fishing boats. Violations of child labor laws are punishable by fines and up to 12 months in prison.[3778]

The Constitution prohibits forced labor.[3779] Prostitution is illegal,[3780] and procuring a minor child for sexual

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[3768] World Bank, *World Development Indicators 2004*. For a detailed explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[3769] Government of Suriname, *Multiple Indicator Cluster Survey 2- Suriname: Final Report (draft)*, UNICEF, March 2001, 6; available from http://www.childinfo.org/MICS2/newreports/surinam/surinamreport.PDF.

[3770] IDB, *Profile I- Suriname: Support for Primary Education*, project document, February 10, 2000, 2 - 4; available from http://www.iadb.org/EXR/doc98/pro/psu0023.pdf.

[3771] Ibid., 4.

[3772] U.S. Embassy- Paramaribo, *unclassified telegram no. 810*, October 2001. See also U.S. Department of State, *Country Reports- 2003: Suriname*, Section 5.

[3773] U.S. Department of State, *Country Reports- 2003: Suriname*, Section 5.

[3774] U.S. Embassy- Paramaribo, *unclassified telegram no. 678*.

[3775] U.S. Embassy- Paramaribo, *unclassified telegram no. 810*.

[3776] Ambassador of Suriname to the United States, letter, November 29, 2000.

[3777] Ibid.

[3778] U.S. Embassy- Paramaribo, *unclassified telegram no. 568*, September 8, 2003.

[3779] *Constitution of Suriname 1987, with 1992 reforms*, Article 15; available from http://www.georgetown.edu/pdba/Constitutions/Suriname/english.html.

[3780] U.S. Department of State, *Trafficking in Persons Report- 2004: Suriname*.

activities is prohibited and punishable with up to three years in prison.[3781] The legal age for sexual consent is 14 years.[3782]

The Ministry of Labor's Department of Labor Inspections, in cooperation with the Juvenile Police Division, enforces child labor laws.[3783] However, due to staff shortages and lack of funding, child labor investigations are inadequate and do not take place outside of urban areas.[3784] The Labor Inspection office does not enforce the laws in the informal sector.[3785] No violations of child labor laws were reported in 2003.[3786] The Ministry of Social Affairs' Bureau for Child Rights is responsible for implementing the UN Convention on the Rights of the Child.[3787]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Suriname developed a Policy Plan Concerning Children 2002-2006, which addresses child policies and the worst forms of child labor.[3788] The government coordinates with ILO/IPEC on the second phase of a regional child labor project in the English and Dutch-speaking Caribbean. The project aims to identify and raise awareness about specific worst forms of child labor in Suriname, establish a national child labor committee, and train labor inspectors and other personnel.[3789]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182	
ILO-IPEC Associated Member	✓
National Plan for Children	✓
National Child Labor Action Plan	
Sector Action Plan	

The Justice Department has been reviewing national legislation on child abuse and exploitation to ensure its conformity with the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. The Bureau for Child Development, an office within the Foundation for Human Development, provides training to the Department of Justice, the police, and health workers to sensitize them to child rights and child abuse issues. This exercise is now a standard

[3781] Article 305 as cited in *Suriname: Articles relating to trafficking of women and children, prostitution, coercion, and procuring,* in The Protection Project Legal Library, [database online] [cited April 30, 2004]; available from http://209.190.246.239/protectionproject/statutesPDF/Suriname.pdf.

[3782] See U.S. Department of State, *Country Reports- 2003: Suriname*, Section 5.

[3783] U.S. Embassy- Paramaribo, *unclassified telegram no. 810.* See also U.S. Embassy- Paramaribo, *unclassified telegram no. 568*. See also U.S. Embassy- Paramaribo, *unclassified telegram no. 678*.

[3784] U.S. Embassy- Paramaribo, *unclassified telegram no. 568*. See also U.S. Embassy- Paramaribo, *unclassified telegram no. 810*.

[3785] U.S. Embassy- Paramaribo, *unclassified telegram no. 972*, October 16, 2002. See also U.S. Embassy- Paramaribo, *unclassified telegram no. 568*.

[3786] U.S. Embassy- Paramaribo, *unclassified telegram no. 568*.

[3787] U.S. Embassy- Paramaribo, *unclassified telegram no. 678*.

[3788] The government established a steering committee composed of representatives from relevant agencies to coordinate and implement the plan. See Department of Labour, Technological Development, and Environment, *Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labour*, October 11, 2002.

[3789] The project is being implemented in Trinidad and Tobago, Barbados, Bahamas, Suriname, Belize, and Guyana. ILO-IPEC official, email communication to USDOL official, May 4, 2004.

component of police cadet training.[3790] The Ministry of Justice and Police heads an anti-trafficking commission comprised of several government ministries and a local NGO. The Public Prosecutor's Office established a "Special Victims Unit" and telephone hotline to assist victims of trafficking and commercial sexual exploitation.[3791] In July, members of government and civil society attended a one-day counter-trafficking training session provided by the IOM that focused on strengthening their capacity to respond to the trafficking of women and children.[3792] A follow-up 2-day counter-trafficking seminar was held in October 2004 for government counterparts, NGOs, and community representatives.[3793]

The Ministry of Education and Community Development will implement an Inter-American Development Bank (IDB) funded project to reform the education sector. Project activities include the creation of a new curriculum, teacher training, rehabilitation of schools, improving school management, and building the capacity of the Ministry of Education and Community Development.[3794]

[3790] ECPAT International, *Suriname,* in ECPAT International, [database online] 2003 [cited July 7, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

[3791] U.S. Department of State, *Country Reports- 2003: Suriname*, Section 6f.

[3792] Niurka Pineiro, *Suriname - Counter-Trafficking Training for National Authorities,* IOM, July 16, 2004 [cited August 20, 2004]; available from http://www.iom.int/en/news/pbn160704.shtml.

[3793] Jean Phillipe Chauzy, *Suriname- Counter-Trafficking Seminar*, Press Briefing Notes, IOM, October 26, 2004.

[3794] *Suriname, IDB Sign Loans for Education and Health,* Inter-American Development Bank, March 31, 2004 [cited April 7, 2004]; available from http://www.iadb.org/NEWS/display/PRView.cfm?PR_Num=73_04&Language=English.

Swaziland

Incidence and Nature of Child Labor

UNICEF estimated that 11.8 percent of children ages 5 to 14 years were working in 2000.[3795] Children work in agriculture (particularly in the eastern region), and as domestic workers and herders.[3796] Children are also found working on the streets as traders, hawkers, bus and taxi conductors, load bearers, and car washers.[3797] There are reports that girls from Swaziland and Mozambique are increasingly found working in child prostitution in Swaziland.[3798]

Education is neither free nor compulsory in Swaziland. In 2001, the gross primary enrollment rate was 100.4 percent, and the net primary enrollment rate was 76.7 percent.[3799] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Swaziland. As of 2000, 73.9 percent of children who started primary school were likely to reach grade 5.[3800] The government pays teacher salaries, while students are required to pay fees for books, transportation, uniforms, boarding, and building upkeep.[3801] These fees make it difficult for poor children, especially those affected by HIV/AIDS, to attend school.[3802]

[3795] Government of Swaziland, *Multiple Indicator Cluster Survey Model: Full Report*, 2000, 25; available from http://www.childinfo.org/MICS2/newreports/swaziland/swaziland.pdf. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[3796] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Swaziland*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27754.htm.

[3797] ILO-IPEC., *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, project document, Geneva,, September 30, 2003, Annex 2, 22-23.

[3798] U.S. Department of State, *Country Reports- 2003: Swaziland*, Section 5. ILO-IPEC., *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, Annex 2, 22 - 23.

[3799] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For a detailed explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[3800] Ibid.

[3801] U.S. Department of State, *Country Reports- 2003: Swaziland*, Section 5. See also Integrated Regional Information Network, "Swaziland: AIDS and economic decline hamper school enrolments", January 12, 2004; available from http://www.irinnews.org/report.asp?ReportID=38872&SelectRegion=Southern_Africa&SelectCountry=SWAZILAND.

[3802] Integrated Regional Information Network, "Swaziland: AIDS and economic decline hamper school enrolments".

Child Labor Laws and Enforcement

The minimum age of employment is set at 15 years for industrial work, although children may work in the commercial sector beginning at age 13.[3803] Children under 15 are allowed to work in family industrial firms or in technical schools under supervision of a teacher or other authorized person.[3804] The Employment Act prohibits children and young persons under 18 years working in mines, quarries or underground work, in premises that sell alcohol for consumption on site, or in any sector that is dangerous to their safety, health or moral development.[3805] The Employment Act also prohibits children from working during school hours, between the hours of 6 pm and 7 am, and for more than 4 hours continuously.[3806] Children are limited to 6 hours of work per day and 33 hours per week.[3807] The Ministry of Labor is responsible for enforcing child labor laws, but its effectiveness is limited by shortages of personnel, according to the U.S. Department of State.[3808]

The Penal Code prohibits the procurement of a girl unless she is a "common prostitute" or "of known immoral character" for purposes of prostitution.[3809] Forced and bonded labor, including by children, is also prohibited. Children are protected by law against child pornography and sexual exploitation.[3810] There is no law prohibiting trafficking in persons.[3811]

[3803] The minimum age for light work varies between 13 and 15 years of age depending on the sector. See ILO-IPEC, *Report VI (1) Child Labour: Targeting the Intolerable*, Geneva, 1998, 77; available from http://www.ilo.org/public/english/comp/child/publ/target/target.pdf.

[3804] U.S. Department of State, *Country Reports- 2003: Swaziland*, Section 6d.

[3805] ILO-IPEC, *Child Labour: Targeting the Intolerable*, 74, 77. See also ILO-IPEC., *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, Annex II, 21.

[3806] ILO-IPEC., *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, Annex II, 21.

[3807] U.S. Department of State, *Country Reports- 2003: Swaziland*, Section 6d.

[3808] Ibid.

[3809] The Protection Project, "Swaziland," in *Human Rights Report on the Trafficking of Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002; available from http://209.190.246.239/ver2/cr/Swaziland.pdf. See also *The Crimes Act*, 6/1889, Section V, Article 42, n.d. 15.

[3810] U.S. Department of State, *Country Reports- 2003: Swaziland*, Section 5, 6c.

[3811] Ibid., Section 6f.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 10/23/2002	✓
Ratified Convention 182 10/23/2002	✓
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

The Government of Swaziland's Children's Unit collaborates with law enforcement on child protection issues, has developed guidelines for management of child abuse cases, and has established professional networks through cooperation with the government's legal branch and NGOs.[3812] USDOL supports two regional child labor projects in Southern Africa that include Swaziland. The ILO/IPEC implements one USDOL-funded project which in Swaziland is focused on piloting small action programs aimed at children who are working or at-risk of working in exploitative labor; conducting research on the nature and incidence of exploitive child labor; and building the capacity of the government to address child labor issues.[3813] The American Institutes for Research was awarded a USD 9 million grant by USDOL in August 2004 to implement a regional Child Labor Education Initiative project in Southern Africa, and will work in collaboration with the Government of Swaziland on activities there.[3814]

The government continues to fund a program to keep children already attending school in class when they become financially at risk of dropping out. In 2004, an additional USD 3 million was allotted to the program to allow children who dropped out of school due to AIDS in the family to re-enroll.[3815] At least 44 new community schools and 198 Neighborhood Care Points opened in 2004. These Care Points provide nutritional, medical, and counseling needs for orphans and vulnerable populations.[3816] In 2004, the Swaziland Schools Headteachers Association changed its policy to guarantee that girls who become pregnant will no longer be expelled from school.[3817]

The government collaborates with UNICEF on the "Shoulder to Cry On" volunteer program. The program receives financial and technical assistance from UNICEF. The Deputy Prime Minister's office trains community volunteers through the Women's Resource Center. The volunteers assist orphans and

[3812] The Honorable Dr. Phetsile Dlamini, Minister of Health and Social Welfare, Statement at the United Nations Special Session on Children, May 10, 2002; available from http://www.un.org/ga/children/swazilandE.htm.

[3813] ILO-IPEC., *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, Annex 2, 38-39.

[3814] The AIR project aims to improve quality and access to basic and vocational education for children who are working or at-risk of working in the worst forms of child labor. See *Notice of Award: Cooperative Agreement*, U.S. Department of Labor / American Institutes for Research, Washington D.C., August 16, 2004, 1,2.

[3815] Integrated Regional Information Network, "Swaziland: Campaign to Help Aids-Hit Education System", March 31, 2004; available from http://allafrica.com/stories/200403310055.html.

[3816] Integrated Regional Information Network, "Swaziland: Plight of orphans and vulnerable children highlighted", 2003. See also Integrated Regional Information Network, "Swaziland: Innovative project cares for AIDS orphans", May 25, 2004; available from http://www.irinnews.org/report.asp?ReportID=41260&SelectRegion=Southern_Africa&SelectCountry=SWAZILAND.

[3817] Integrated Regional Information Network, "Swaziland: Pregnant school girls no longer face expulsion", June 21, 2004; available from http://www.irinnews.org/report.asp?ReportID=41797&SelectRegion=Southern_Africa&SelectCountry=SWAZILAND.

vulnerable children with their nutritional, medical, educational, and psychological needs.[3818] The government also receives assistance from UNICEF on a pilot program aimed at collecting data on orphans and vulnerable children. Information from the data collection will be used to identify which children will receive government assistance for school expenses.[3819] UNICEF is also implementing the "Education for All Community Grants" initiative, which assists the most vulnerable children in reenrolling in school.[3820]

Save the Children Swaziland implements a program to promote inclusive education for disabled children, provides technical advice on school feeding programs, and carries out awareness-raising sessions on HIV/AIDS for children.[3821] A UN-supported local branch of the Global Campaign for Education was established in Swaziland in 2004. The goal of the group is to ensure that Swazi children are provided with free and quality education.[3822]

[3818] Integrated Regional Information Network, "Swaziland: Community provides "shoulders to cry on"", December 11, 2003; available from http://www.irinnews.org/report.asp?ReportID=38365&SelectRegion=Southern_Africa&SelectCountry=SWAZILAND.

[3819] Integrated Regional Information Network, "Swaziland: Project aims to identify vulnerable children", May 27, 2004; available from http://www.irinnews.org/report.asp?ReportID=41302&SelectRegion=Southern_Africa&SelectCountry=SWAZILAND.

[3820] Integrated Regional Information Network, *Southern Africa: UNICEF appeals for assistance for region's children,* December 2, 2003 [cited February 5, 2004]; available from http://www.irinnews.org/report.asp?ReportID=38196&SelectRegion=Southern_Africa&SelectCountry=southern%20africa.

[3821] Save The Children, *Swaziland: What we do,* [website] November 18, 2003 [cited March 26, 2004]; available from http://www.savethechildren.net/swaziland/.

[3822] Integrated Regional Information Network, "Swaziland: Campaign to Help Aids-Hit Education System".

Tanzania

Incidence and Nature of Child Labor

The Tanzanian National Bureau of Statistics estimated that 35.4 percent of children ages 5 to 14 years in Tanzania were working in 2000-2001.[3823] The survey found that majority of working children were unpaid family workers who engaged in agricultural and non-agricultural work on family farms. An estimated 77.4 percent of children ages 5 to 14 work in the agricultural, forestry, and fishing sectors, while 49.9 percent of children ages 5 to 14 engage in housekeeping activities.[3824] The survey found that 55.7 percent of working children ages 5 to 14 years attended school.[3825]

Children work on commercial tea,[3826] coffee,[3827] sugar cane,[3828] sisal, cloves,[3829] and tobacco farms,[3830] and in the production of wheat and corn.[3831] Children also work in underground mines and near mines in bars and restaurants.[3832]

In the informal sector, children are engaged in scavenging, fishing, fish processing, and quarrying.[3833]

[3823] The survey also found that 58.9 percent of children ages 15 to 17 were working. According to the survey, economically active children are defined as working children who supplied labor for payment in cash or in kind or who were self employed for profit or family gain. Collecting firewood, fetching water, and working as domestic servants in other households were included as economic activities. Unpaid domestic work in children's own homes was considered non-economic; these activities included cooking, cleaning, washing dishes, taking care of young children or the elderly, and shopping. See National Bureau of Statistics, *Child Labor in Tanzania, Country Report: 2000/2001 Integrated Labour Force and Child Labour Survey*, no date, 10, 22, 39.

[3824] Ibid., 22, 34.

[3825] Ibid., 53-54.

[3826] M. J. Gonza and P. Moshi, *Tanzania Children Working in Commercial Agriculture-Tea : A Rapid Assessment*, ILO-IPEC, Geneva, January 2002.

[3827] George S. Nchahaga, *Children Working in Commercial Agriculture- Coffee: A Rapid Assessment*, ILO-IPEC, Geneva, 2002, 29-32.

[3828] ILO-IPEC, *Investigating the Worst Forms of Child Labour in Tanzania: Rapid Assessments in the Informal Sector, Mining, Child Prostitution and Commercial Agriculture (Draft Report)*, Dar es Salaam, 2000, 4.

[3829] ILO-IPEC, *Tanzania: Focusing on the Worst Forms of Child Labour*, Dar es Salaam, 2001.

[3830] A. Masudi, A. Ishumi, F. Mbeo, and W. Sambo, *Tanzania Child Labour in Commercial Agriculture-Tobacco: A Rapid Assessment*, ILO-IPEC, Geneva, November 2001.

[3831] U.S. Embassy- Dar es Salaam, *unclassified telegram no. 1653*, August 24, 2004.

[3832] Children ages 7 to 13 years work in mine pits an average of 4 to 5 hours per day, while children ages 14 to 18 years work on average 7 hours per day. J. A. Mwami, A.J. Sanga, and J. Nyoni, *Tanzania Children Labour in Mining: A Rapid Assessment*, ILO-IPEC, Geneva, January 2002, 37-39. Children, known as "snake boys," crawl through narrow tunnels in unregulated gemstone mines to help position mining equipment and explosives. See U.S. Embassy- Dar es Salaam, *unclassified telegram no. 1653*. Children ages 10 to 13 years work an average of 14 hours per day in bars and restaurants near mines. See Mwami, Sanga, and Nyoni, *Tanzania Children Labour in Mining*, 37-39.

[3833] C. Kadonya, M. Madihi, and S. Mtwana, *Tanzania Child Labour in the Informal Sector: A Rapid Assessment*, ILO-IPEC, Geneva, January 2002, 33-48.

Other children work as barmaids, street vendors, car washers, shoe shiners, cart pushers, carpenters, auto repair mechanics, and in garages.[3834] Children also work in paid domestic service.[3835]

Girls as young as 7 years, and increasingly boys, are reportedly victims of commercial sexual exploitation.[3836] According to an ILO study, children have been exploited in the production of pornographic films.[3837] Children from Kenya, Uganda, and Rwanda also engage in prostitution in Tanzania.[3838] Children are reportedly trafficked internally to work in the fishing industry, mines, commercial agriculture, and domestic service.[3839] Children are trafficked from rural areas for exploitation in the commercial sex sector.[3840] It is reported that girls are trafficked from Tanzania to South Africa, the Middle East, and Europe for the purpose of commercial sexual exploitation. Children are also trafficked from Tanzania for the purpose of forced labor. Children are reportedly trafficked into Tanzania from India, Kenya, Burundi, and the Democratic Republic of the Congo to work in forced agricultural labor and prostitution.[3841]

Education in Tanzania is compulsory for 7 years, until children reach the age of 15 years.[3842] In 2001, the gross primary enrollment rate was 70 percent, and the net primary enrollment rate was 54.4 percent.[3843] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2001, 56.9 percent of children aged 5 to

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[3834] U.S. Department of Labor, *By the Sweat and Toil of Children: Efforts to Eliminate Child Labor (Volume 5)*, Washington, D.C., 1998, 165. See also ILO, *Baseline study and attitude survey on child labour and its worst forms*, Dar es Salaam, June 2003, 10.

[3835] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Tanzania*, Washington, D.C., May 24, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27756.htm. See also ILO, *Baseline study and attitude survey on child labour and its worst forms*, 10. Research published by the Tanzania Media Women's Association suggests that 60 percent of female domestic servants, or "housegirls," are sexually abused in the workplace. See Daniel Dickinson, *Tanzania 'housegirls' face sexual abuse,* BBC News, May 10, 2003 [cited May 24, 2004]; available from http://news.bbc.co.uk/1/hi/world/africa/3015223.stm. In 2000, a survey indicated that children younger than 17 years comprise 80 percent of domestic workers in Tanzania. See Bill Rau for ILO-IPEC, *Combating Child Labour and HIV/AIDS in Sub-Saharan Africa*, no. 1, Geneva, July 2002.

[3836] U.S. Embassy- Dar es Salaam, *unclassified telegram no. 1948*, August 18, 2003. See also The Protection Project, "Tanzania," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002; available from http://209.190.246.239/ver2/cr/Tanzania.pdf. UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations of the Committee on the Rights of the Child: United Republic of Tanzania*, CRC/C/15/Add.156, United Nations, Geneva, July 2001, para 62; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/6828b7389ae0a66fc1256a7600453ede?Opendocument.

[3837] E. Kamala, E. Lusinde, J. Millinga, J. Mwaitula, M.J. Gonza, M.G. Juma, and H.A. Khamis, *Tanzania Children in Prostitution: A Rapid Assessment*, ILO-IPEC, Geneva, November 2001, 23. See also Kadonya, Madihi, and Mtwana, *Tanzania Child Labour in the Informal Sector*.

[3838] Kamala, Lusinde, Millinga, Mwaitula, Gonza, Juma, and Khamis, *Tanzania Children in Prostitution*, 20.

[3839] U.S. Department of State, Trafficking in Persons Report- 2004: Tanzania, Washington, D.C., June 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm. See also ILO, Baseline study and attitude survey on child labour and its worst forms., page 24.

[3840] Such children are often lured with false promises of work in urban areas as house girls, barmaids, and in hair salons. See Kamala, Lusinde, Millinga, Mwaitula, Gonza, Juma, and Khamis, *Tanzania Children in Prostitution*, 20. See also U.S. Department of State, *Trafficking in Persons Report: Tanzania*.

[3841] U.S. Department of State, *Trafficking in Persons Report: Tanzania*.

[3842] U.S. Department of State, *Country Reports- 2003: Tanzania*, Section 5.

[3843] World Bank, *World Development Indicators 2004* [CD-ROM], Washington D.C., 2004.

17 years attended school.[3844] The Tanzanian Parliament voted in 2002 to drop primary school fees, but a lack of resources for additional teachers, classrooms, books, or uniforms, led to primary schools becoming overwhelmed by the massive increase in children seeking to take advantage of free primary education.[3845] Moreover, families must pay for enrollment fees, books, and uniforms. In contrast to mainland Tanzania, tuition also must be paid on Zanzibar.[3846]

Child Labor Laws and Enforcement

The Employment Ordinance of 1955 prohibits employment of children under the "apparent" age of 12 years. This ordinance also prohibits children under the age of 15 years and young people under the age of 18 years from employment in any work that could be injurious to health, dangerous or otherwise unsuitable. It prohibits children under the age of 15 years from working near machinery, and young people under the apparent age of 18 years from engaging in underground work. Children under the "apparent" age of 18 years are prohibited from working between the hours of 6 p.m. and 6 am. The law does not restrict children from family work or light agriculture work that has been approved by the proper authority.[3847] Under the Employment Ordinance, employers are obliged to maintain registers listing the age of workers, working conditions, the nature of employment, and commencement and termination dates.[3848] In Zanzibar, the law prohibits employment of children under the age of 18 years depending on the nature of the work.[3849]

Tanzania's Constitution prohibits forced or compulsory labor.[3850] Tanzanian law considers sexual intercourse with a child under the age of 18 years to be rape, which is punishable with life imprisonment. Tanzanian law prohibits the procuring of a child under the age of 18 for the purpose of sexual intercourse or indecent exhibition. The law further prohibits the procurement or attempted procurement of a person under the age of 18 years for the purpose of prohibited sexual intercourse either inside or outside the

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[3844] School attendance peaked in the 10 to 14 age group, or the age of completion of primary school. See National Bureau of Statistics, *2000/2001 Integrated Labour Force Survey*, 24, 25.

[3845] U.S. Embassy- Dar es Salaam, *unclassified telegram no. 1653*.

[3846] Ibid, U.S. Department of State, *Country Reports- 2003: Tanzania*, Section 5.

[3847] The Employment Ordinance states that any employer found to be in violation of child labor laws is subject to a fine of 2,000 shillings (USD 1.93). See FXConverter, Currency Conversion Results, [cited November 3, 2004]; available from http://www.oanda.com/convert/classic.) and/or 3 months of imprisonment. See Law Reform Commission of Tanzania, Report of the Commission on the Law Relating to Children in Tanzania, Dar es Salaam, 1997, 131-32. See also United Republic of Tanzania, Information on Efforts by Tanzania to Eliminate the Worst Forms of Child Labor, letter to USDOL USDOL official, October 4, 2002. References to the "apparent age" of a child are based on language in the Employment Ordinance of 1955. The Ordinance does not provide a specific definition for the term "apparent age." See Child Labor Research Initiative, Tanzania Child Labor Legislation: Employment Ordinance, 1955-Part IX Recruitment, University of Iowa, 2003 [cited May 26, 2004]; available from http://db.uichr.org/docs/530.html.

[3848] Law Reform Commission of Tanzania, *Report of the Commission*, 131.

[3849] 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 Party due in 1993*, CRC/C/8/Add.14/Rev.1, United Nations, Geneva, September 25, 2000, para 355; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/a4d65ef2bb2bc3b6c12569cb003aa328/$FILE/G0044600.pdf.

[3850] *Constitution of the United Republic of Tanzania of 1977*, Chapter 1, Section 25(2); available from http://www.tanzania.go.tz/images/theconstitutionoftheunitedrepublicoftanzania1.pdf.

country.[3851] In 2001, the Tanzanian Penal Code was amended to include a provision criminalizing trafficking of persons within or outside Tanzania.[3852]

Several government agencies have jurisdiction over areas related to child labor, but primary responsibility for enforcing the country's child labor laws rests with the Ministry of Labor, Youth Development and Sports. The ministry's Child Labor Unit works together with other government ministries and networking with other stakeholders. It gathers, analyzes, and disseminates child labor related data, and is involved in training and sensitizing labor inspectors on child labor issues. The Child Labor Unit also acts as the secretariat for the National Child Labor Elimination Steering Committee (NCLESC). The NCLESC is responsible for defining objectives and priorities for child labor interventions, approving and overseeing implementation of child labor action projects, and advising the government on various child labor issues.[3853] At the community level, child labor monitoring committees have been established in areas with a high incidence of child labor.[3854] The Ministry of Labor, Youth Development and Sports, however, lacks sufficient inspectors to monitor for child labor violations.[3855]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Tanzania is working with ILO-IPEC to implement a Timebound Program (TBP) to eliminate the worst forms of child labor in the country by 2010, including child labor in commercial agriculture, domestic service, mining, and commercial sexual exploitation of children.[3856] The Child Labor Unit of the Ministry of Labor, Youth Development and Sports is working with ILO-IPEC under the TBP to provide training for district child labor coordinators and district officials in the TBP's 11 target districts, to increase their capacity to combat the worst forms of child labor.[3857] In 2004, the Department of Information Services conducted 11 orientation workshops to raise awareness among communities and the media about the

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 (12/16/1998)	✓
Ratified Convention 182 (09/12/2001)	✓
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	✓
Sector Action Plan	

[3851] Section 130 of the Penal Code. See Child Labor Research Initiative, *Tanzania Child Labor Legislation: Sexual Offences Special Provisions Act, 1998-Part II: Amendment of the Penal Code,* University of Iowa, 2003 [cited May 26, 2004]; available from http://db.uichr.org/docs/449.html.

[3852] U.S. Department of State, *Trafficking in Persons Report- 2003: Tanzania*, Washington, D.C., June 2003; available from http://www.state.gov/g/tip/rls/tiprpt/2003/.

[3853] National Roundtable Discussion on the Time-Bound Program on the Worst Forms of Child Labor, Time-Bound Program on the Worst Forms of Child Labor in Tanzania: Summary of the Institutional and Policy Study, April, 2001, 15-16.

[3854] ILO-IPEC, *Supporting the Time-Bound Program on the Elimination of the Worst Forms of Child Labor in Tanzania*, project document, Geneva, 2001, 17-18. See also U.S. Embassy- Dar es Salaam, *unclassified telegram no. 1948*, para 10. U.S. Embassy- Dar es Salaam, *unclassified telegram no. 2966*, October 23, 2002.

[3855] U.S. Department of State, *Country Reports- 2003: Tanzania*, Section 6d.

[3856] This project, funded by the U.S. Department of Labor, focuses on 11 target districts. ILO-IPEC, *Supporting the Time-Bound Program*, vii and 27. See President of the United Republic of Tanzania, His Excellency Mr. Benjamin Mkapa, Address at the Special High-level Session on the Launch of the Time Bound Programme on the Worst Forms of Child Labour in the Republic of El Salvador, the Kingdom of Nepal and the United Republic of Tanzania, June 12, 2001; available from http://www.ilo.org/public/english/standards/relm/ilc/ilc89/a-mkapa.htm.

[3857] ILO-IPEC, *Action Programme to Protect Working Children and to Combat and Eliminate Child Labour by the Child Labour Unit, Ministry of Labour, Youth Development and Sports*, ILO-IPEC, Dar es Salaam, October 21, 2002.

worst forms of child labor.[3858] As part of the TBP, the Ministry of Education's Complementary Basic Education in Tanzania (COBET) Program its Vocational Education Training Authority (VETA) are providing basic education and vocational training to children withdrawn or prevented from involvement in the worst forms of child labor in the TBP's 11 target districts.[3859]

In addition, the Government of Japan, through UNICEF, is supporting a basic education project targeting out-of-school children in Tanzania that will provide text books, reading materials on HIV/AIDS, and community workshops on HIV/AIDS with support from COBET.[3860] Tanzania is also working with four other countries participating in an ILO-IPEC program, funded by USDOL, to remove children from exploitative work in commercial agriculture.[3861]

In March 2004, the Tanzanian Ministry of Education and Culture signed an MOU with the NGO Education Development Center (EDC) stipulating areas of collaboration, roles, and responsibilities in support of the education component of the Tanzania TBP. The EDC project seeks to ensure that children engaged in or at risk of engaging in the worst forms of child labor have access to basic, quality education, as a means of helping to eliminate the worst forms of child labor.[3862]

The Government of Tanzania's Poverty Reduction Strategy Paper includes the elimination of child labor as an objective and the preparation of a child labor action plan in its workplan.[3863] The strategy paper established the Poverty Monitoring Master Plan (PMMP), which includes children in the labor force as a poverty monitoring indicator.[3864] An Education Fund to support children from poor families is called for within the PMMP strategy paper.[3865] Tanzania's Development Vision 2025 and its Poverty Eradication

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[3858] ILO-IPEC, *Tanzania Timebound Program June 2004 Technical Status Report*, Dar es Salaam, June 2004.

[3859] ILO-IPEC, *Programme to Provide Basic Education to 16,000 Children Withdrawn from and/or at Risk of Getting into Worst Forms of Child Labour in 11 Target Districts in Tanzania by Ministry of Education and Culture*, ILO-IPEC, Dar es Salaam, November 10, 2003. ILO-IPEC, *Action Programme for Elimination of the Worst Forms of Child Labor through the Provision of Vocational Skills Training in Eleven TBP Target Districts in Tanzania by Vocational Education and Training Authority (VETA)*, ILO-IPEC, Dar es Salaam, November 11, 2003. The government aims to scale up nationally the provision of basic education through COBET, and eliminate gender stereotypes by undertaking a review of curriculum, text books, and classroom practices. IRINNews, *Tanzania: UNICEF calls for more efforts to educate girls,* UN Office for the Coordination of Humanitarian Affairs, December 11, 2003 [cited February 12, 2004]; available from http://www.irinnews.org/print.asp?reportID=38364.

[3860] IRINNews, *Tanzania: Japan boosts basic education for out-of-school youth,* UN Office for the Coordination of Humanitarian Affairs, December 18, 2003 [cited February 12, 2004]; available from http://www.irinnews.org/print.asp?reportID=38486.

[3861] Other countries participating in the project include Kenya, Malawi, Uganda, and Zambia. See ILO-IPEC, *Prevention, Withdrawal and Rehabilitation of Children Engaged in Hazardous Work in the Commercial Agricultural Sector in Africa*, program document, November 1, 2000.

[3862] Education Development Center, *Status Report: Time Bound Programme on Eliminating Child Labour in Tanzania*, Geneva, July 2004. The EDC project is supporting the operation of 186 Mambo Elimu learning centers in Tanzania where approximately 875 children are currently receiving basic education through a radio-based distant learning curriculum. See Education Development Center, *Technical Progress Report: Time Bound Programme on Eliminating Child Labour in Tanzania*, Geneva, April 9, 2004.

[3863] United Republic of Tanzania, *Poverty Reduction Strategy Paper: Progress Report 2000/2001*, August 14, 2001, 4, 43. See also ILO-IPEC, *IPEC Action Against Child Labour 2000-2001: Progress and Future Priorities*, paper, Geneva, January 2002, 15; available from http://www.ilo.org/public/english/standards/ipec/about/implementation/ipecreport.pdf.

[3864] Government of Tanzania, *The United Republic of Tanzania Poverty Monitoring Master Plan - Tanzania,* ILO, [online] 2001 [cited August 15, 2003]; available from http://www.logos-net.net/ilo/150_base/en/init/tan_2.htm.

[3865] United Republic of Tanzania, *Poverty Reduction Strategy Paper: Progress Report 2000/2001*, 4, 44.

Strategy 2015 both identify education as a strategy for combating poverty. The country's poverty eradication agenda includes ensuring all children the right to basic quality education.[3866]

The government's Basic Education Master Plan aims to achieve universal access to basic education for children over the age of 7 years, and ensure that at least 80 percent of children complete primary education and are able to read and write by the age of 15 years.[3867] The government is implementing a 5-year Primary Education Development Plan (PEDP), begun in 2002, which aims to expand enrollment, improve the quality of teaching, and build capacity within the country's educational system. Under the PEDP, the government has committed up to 25 percent of its overall recurrent expenditures on the education sector, with 62 percent to be allocated to primary education.[3868] The government abolished school fees to promote children's enrollment in primary school under the PEDP.[3869]

The Government of Tanzania receives funding from the World Bank and other donors under the Education for All Fast Track Initiative, which aims to provide all children with a primary school education by the year 2015.[3870]

[3866] UNESCO, *Education for All 2000 Assessment: Country Reports- Tanzania*, prepared by Ministry of Education and Culture, pursuant to UN General Assembly Resolution 52/84, 1999; available from http://www2.unesco.org/wef/countryreports/tanzania/contents.html.

[3867] Ibid., 2.2 See also U.S. Embassy- Dar es Salaam, *unclassified telegram no. 2966*.

[3868] Government of the United Republic of Tanzania, *Education Sector Development Programme: Primary Education Development Plan (2002-2006)*, Dar es Salaam, July 2001, iv, 21; available from http://www.tanedu.org/educationsctordevelopment1.pdf. The government has received a USD 150 million credit from the World Bank to support this program. See World Bank, *Tanzania-Primary Education Development Program*, October 10, 2001; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20012776~menuPK:34466~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html.

[3869] IRINNews, *Tanzania: UNICEF calls for more efforts to educate girls*.

[3870] World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, press release, Washington, D.C., June 12, 2002; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html.

Thailand

Incidence and Nature of Child Labor

The ILO estimated that 10.8 percent of children ages 10 to 14 years in Thailand were working in 2002.[3871] Children work in the agriculture, construction, manufacturing, commerce, service, and fishing sectors.[3872] Children also work in domestic service.[3873] Children are likewise involved in the trafficking of drugs in Thailand,[3874] and are victims of commercial sexual exploitation, including child pornography.[3875] Thailand is a source, transit and destination country for trafficking in persons, including children, for both labor and commercial sexual exploitation.[3876] Trafficking is exacerbated by sex tourism.[3877] Domestic NGOs report that girls ages 12 to 18 are trafficked from Burma, China, and Laos for the purposes of commercial sexual exploitation.[3878] Children are also trafficked into Thailand from Cambodia and Burma to work as beggars, as domestic workers[3879], in sweatshops, and in commercial sexual exploitation.[3880] Internal trafficking of children, especially of members of northern Thailand's stateless ethnic tribes, also occurs.[3881]

[3871] World Bank, World Development Indicators 2004.

[3872] Vichitra Phromphantum, Study Report: The Worst Forms of Child Labor, ILO-IPEC and Office of the Permanent Secretary for Ministry of Labor and Social Welfare, Bangkok, September 20, 2001. See also U.S. Department of State, Country Reports on Human Rights Practices- 2003: Thailand, Washington D.C., February 26, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27790.htm.

[3873] See Nawarat Phlainoi, Child Domestic Workers: A Rapid Assessment, no. 23, ILO, Geneva, April 2002, 16, 44, 64.

[3874] Somphong Chitradub, Child Labour in the Trafficking of Drugs in Thailand, ILO-IPEC, Bangkok, 1999. See also Vittawan Sunthornkajit, Thankakorn Kaiyanunta, Pornvisid Varavarn, and Somrouy Varatechakongka, Thailand - Child Labor in Illicit Drug Activities: A Rapid Assessment, ILO-IPEC, Geneva, August 2002. Available at http://www.ilo.org/public/english/standards/ipec/simpoc/thailand/ra/drugs.pdf

[3875] ECPAT International, Thailand, in ECPAT International, [database online] 2004 [cited June 8, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. See also U.S. Embassy- Bangkok, unclassified telegram no. 6410, September 10, 2004.

[3876] The December 26 tsunami appears to have orphaned a very small number of children. The Thai government has protections in place to protect against the trafficking of children who lost guardians in the disaster. See U.S. Embassy- Bangkok, *unclassified telegram no. 306*, January 12, 2005.

[3877] U.S. Department of State, Trafficking in Persons Report- 2004: Thailand, Washington, D.C., August 13, 2004, Section 6d; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33191.htm, U.S. Department of State, Country Reports-2003: Thailand. See also U.S. Embassy- Bangkok, unclassified telegram no.6410.

[3878] Ibid. See also Christina Wille, Thailand - Lao People's Democratic Republic and Thailand - Myanmar Border Areas: Trafficking in Children into the Worst Forms of Child Labor: A Rapid Assessment, ILO-IPEC, Geneva, November 2001. Available at http://www.ilo.org/public/english/standards/ipec/simpoc/thailand/ra/border.pdf

[3879] Royal Thai Embassy, facsimile communication to USDOL official, September 5, 2002. See also Phlainoi, Child Domestic Workers.

[3880] U.S. Department of State, Country Reports-2003: Thailand, Section 6f. For a report on trafficking from Thailand to Japan, including allegations on trafficking of Thai children under the age of 18, see Human Rights Watch, Owed Justice: Thai Women Trafficked into Debt Bondage in Japan, Asia/ Women's Rights Divisions, Washington, D.C., September 2000, 62.

[3881] U.S. Department of State, *Country Reports-2003: Thailand*.

The National Education Act of 1999 provides for a compulsory education period of 9 years, beginning at age 7,[3882] and free schooling for 12 years.[3883] In 2001, the gross primary enrollment rate was 97.7 percent. The net primary enrollment rate for the same year was 86.3 percent, with 85.1 percent of girls enrolled compared to 87.5 percent of boys.[3884] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Thailand.

Child Labor Laws and Enforcement

Chapter Four of Thailand's Labor Protection Act of 1998 sets the minimum age for employment at 15 years. Employers are required to notify labor inspectors if children under age 18 are hired, and the law permits children ages 15 to 18 to work only between the hours of 4 p.m. and 10 p.m. with written permission from the Director-General or a person assigned by the Director-General.[3885] Children under age 18 may not be employed in hazardous work, which is defined by the law to include any work involving metalwork, hazardous chemicals, poisonous materials, radiation, harmful temperatures or noise levels, exposure to toxic micro-organisms, the operation of heavy equipment, and work underground or underwater. The maximum penalty for violation of the child labor sections of the Labor Protection Act is one year of imprisonment and fines of 200,000 baht (USD 4,783).[3886]

The 1998 Labor Protection Act does not apply to the agricultural and informal sectors (including domestic household) work.[3887] However, Section 22 of the Act allows for protection in these sectors as prescribed through separate ministerial regulations, and in early 2004, the Ministry of Labor issued regulations to increase protections for child workers in informal sector work.[3888] On March 30, 2004, the Child Protection Act came into force. The Act guarantees the rights of all children "in Thailand" or "of all nationalities" to be protected by the State against violence and unfair treatment.[3889] Violations, such as forcing children to become beggars, work in dangerous conditions, or to perform obscene acts all carry penalties of three months imprisonment or a fine of 30,000 baht (USD 731), or both.[3890]

[3882] Ibid., Section 6d.

[3883] National Education Act B.E. 2542 and Excerpt of Office of the National Education Commission, *Education in Thailand,* Articles 10, 17, 1999, in U.S. Department of State official, personal communication.

[3884] World Bank, *World Development Indicators 2004*.

[3885] The Director-General may delegate authority to grant permission. *Labour Protection Act of 1998*, Sections 44-45 and 47 [cited August 30, 2002]; available from http://natlex.ilo.org/txt/E98THA01.htm.

[3886] Under Section 50, children are banned from work in places where alcohol is sold, in hotels, or in massage parlors. Ibid., Sections 22, 49-50, 148. For currency conversion see FXConverter, *available from http://www.carosta.de/frames/convert.htm*.

[3887] U.S. Embassy- Bangkok, *unclassified telegram no.6410*. Together the agricultural and informal sectors employ about two-thirds of all workers in Thailand, including many workers in the 15-17 year age bracket, as well as underage workers, Royal Thai Governmant, L*abour Protection Act of 1998*. .

[3888] Ibid.

[3889] Neil Stoneham, "Who Cares, Wins," *Bangkok Post* (Bangkok), June 14, 2004; available from http://www.bangkokpost.net/education/site2004/cvjn0804.htm.

[3890] U.S. Embassy-Bangkok, *unclassified telegram no. 1519*, March 2, 2005. (For currency conversion see FXConverter, [online] [cited June 21, 2005], available from http://www.oanda.com/convert/classic.)

The Prostitution Prevention and Suppression Act of 1996 prohibits all forms of prostitution and provides specific penalties for cases involving children under the age of 18.[3891] Fines and terms of imprisonment under the law are based on the age of the child involved, with more severe terms established for prostitution involving children under the age of 16. For example, the prostitution of children ages 16 to 18 are subject to jail terms of up to 15 years and maximum fines of 300,000 baht (USD 491 to 7,174), while the penalties are nearly twice as much for those pimping and patronizing children ages 15 and under. Under Section 12, government officials who compel others to engage in commercial sexual exploitation face penalties of 15 to 20 years of imprisonment and/or substantial fines ranging between 300,000 and 400,000 baht (USD 7,174 to 9,565).[3892] The Prevention and Suppression of Trafficking in Women and Children Act of 1997 expands the list of activities that can be sanctioned under the law, extends legal protection to victims from other countries, and provides for basic protection for victims.[3893] The Penal Code Amendment Act of 1997 also establishes penalties for traffickers of children under the age of 18, regardless of the victim's nationality.[3894] The Criminal Procedure Amendment Act of 1999 provides protection for child victims in the course of testifying in cases of sexual exploitation.[3895]

Child labor laws are enforced by four government agencies: the Royal Thai Police, the Office of the Attorney General, the Ministry of Justice, and the Ministry of Labor. Both periodic and complaint-driven labor inspections are conducted, and inspecting officers have the right to remove child workers from businesses and place them in government custody before court decisions on the cases.[3896] In general, the labor inspection system tends to be more reactive than proactive, with inspectors usually responding to public complaints or newspaper reports, according to the U.S. Department of State.[3897] A new series of Memoranda of Understanding (MOU) in 2003 between government agencies and domestic NGOs has provided new guidelines for the treatment of trafficked persons. In line with these guidelines, police will be trained to treat them as victims of trafficking rather than as illegal immigrant workers, and victims are to become the responsibility of the Public Welfare Department instead of being deported.[3898]

[3891] Royal Thai Government, *Prevention and Suppression of Prostitution Act B.E. 2539 (1996)*, Sections 8-12; available from http://natlex.ilo.org/txt/E96THA01.htm. A mother who sold her 12 year-old girl into prostitution was convicted to seven years in prison. A police lieutenant working with her received an 18-year sentence; the sergeant 8 years and the madame received 240 years in prison. U.S. Department of State, *Country Reports-2003: Thailand*, Section 6f.

[3892] See *Prevention and Suppression of Prostitution Act*, Sections 8-12. (For currency conversion see FXConverter, *available from http://www.carosta.de/frames/convert.htm*.)

[3893] The government reported 211 trafficking related arrests, 86 prosecutions and 20 convictions. See U.S. Department of State, *Trafficking in Persons- 2004: Thailand*. See also U.S. Department of State, *Country Reports-2003: Thailand*.

[3894] Royal Thai Government, *Penal Code Amendment Act (no. 14) of 1997,* as cited in Royal Thai Government of Thailand Ministry of Labor, *Domestic Efforts to Strengthen the Enforcement of Child Labour and Education Laws, and Changes in Domestic Child Labour and Education Laws*, submission by the Ministry of Labor to the U.S. Embassy-Thailand, September 2000, 6.

[3895] Royal Thai Embassy, facsimile communication, September 5, 2002, 8.

[3896] U.S. Embassy- Bangkok, *unclassified telegram no. 6420*, September 2000.

[3897] U.S. Department of State, *Country Reports-2003: Thailand*, Section 6d. In addition when the MOL does initiate inspections, it tends to focus its efforts on larger factories in an effort to reach the largest portion of the workforce, with relatively fewer inspections of smaller workplaces where child labor may more easily go unnoticed. See U.S. Embassy- Bangkok, *unclassified telegram no. 6420*.

[3898] U.S. Department of State, *Country Reports-2003: Thailand*, Section 6f.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 5/11/2004	✓
Ratified Convention 182 8/16/2001	✓
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	✓
Sector Action Plan (Trafficking and Commercial Sexual Exploitation)	✓

In 2004, the Royal Thai Government folded a National Policy and Plan of Action for the Prevention and Eradication of the Commercial Sexual Exploitation of Children into a larger National Plan on Trafficking of Women and Children.[3899] Thailand also ratified ILO Convention 138 on Minimum Age for Admission to Employment on May 11, 2004.[3900]

The government maintains a child labor reporting hotline, facilitates the participation of communities in anti-child labor activities, and has initiated a public awareness campaign that includes information about child labor laws.[3901] The Department of Social Development and Welfare (DSDW) has established shelters for street children[3902] and provides child victims legal assistance, including counseling and rehabilitation services.[3903] The Department also provides vocational training to improve children's skills and prevent them from entering work prematurely.[3904] In each province, the government has established "Women and Children Labor Assistance Centers" to oversee provincial concerns on child labor and included the issue in school curricula.[3905]

The government collaborates on trafficking in persons issues with governments of neighboring countries, NGOs, and international organizations to raise awareness, provide shelters and social services, and assist in the repatriation of victims.[3906] The DSDW and IOM cooperate in assisting foreign trafficking victims in Thailand,[3907] and the DSDW works with its counterpart agencies in both Laos and Cambodia to repatriate their nationals.[3908]

[3899] This plan was approved by the Royal Thai Government cabinet in July 2003. Implementation is expected to begin in early 2005. See U.S. Embassy- Bangkok, *unclassified telegram no.6410*.

[3900] ILO, *Ratifications by Country*.

[3901] U.S. Embassy- Bangkok, *unclassified telegram no. 5802*, September 10, 2003.

[3902] U.S. Embassy- Bangkok, *unclassified telegram no. 6420*.

[3903] Royal Thai Embassy, facsimile communication, September 5, 2002.

[3904] "Thailand Country Paper" (presented at the ILO/Japan Asia Meeting on the Trafficking of Children for Labour and Sexual Exploitation, Manila, October 10-12,2001), 8.

[3905] Royal Thai Embassy, facsimile communication to USDOL official, September 30, 2002.

[3906] Thailand has an MOU with Laos and Cambodia that covers victim repatriation. See U.S. Department of State, *Trafficking in Persons- 2004: Thailand*. The DSDW assisted 913 foreign victims between 2000 and 2002, of whom 770 ere repatriated. See Royal Thai Embassy, facsimile communication, September 5, 2002, 13.

[3907] "Thailand Country Paper", 8.

[3908] Royal Thai Embassy, facsimile communication, September 5, 2002, 9. See also, U.S Embassy-Bangkok, *unclassified telegram no. 0357*, April 6, 2004.

Thailand is included in an ILO-IPEC Sub-Regional Project funded by the United Kingdom through April 2008 to combat trafficking of women and children for exploitive labor in the Mekong sub-region[3909] and a USDOL-funded project to combat the involvement of children in the drug trade.[3910] Thailand cooperates as part of a project between ASEAN and AUSAID on the elimination of trafficking in women and children in Southeast Asia and Yunnan Province.[3911]

[3909] The project, which began in 2000, also includes activities in China (Yunnan Province), Cambodia, Lao People's Democratic Republic (PDR), and Vietnam. ILO-IPEC, *ILO Mekong Sub-Regional Project to Combat Trafficking in Children and Women*, Bangkok. U.S. Department of Labor, *USDOL-funded Projects and Activities on International Child Labor 1995-2002,* [online] 2004 [cited May 24, 2004]; available from http://www.dol.gov/ilab/programs/iclp/projectchart95-02.pdf.

[3910] U.S. Department of Labor, *ICLP projects 1995-2002*. See also ILO-IPEC, *Assessing the Situation of Children in the Production, Sales, and Trafficking of Drugs in Indonesia, the Philippines and Thailand*, technical progress report, Geneva, September 10, 2004.

[3911] Royal Thai Embassy, *Thailand's Actions for the Prevention of Trafficking in Women and Children,* [online] 2004 [cited June 9, 2004]; available from http://www.thaiembdc.org/socials/actionwc.html.

Togo

Incidence and Nature of Child Labor

UNICEF estimated that 66.2 percent of children ages 5 to 14 years were working in Togo in 2000.[3912] Children are found working in both urban and rural areas, particularly in family-based farming and small-scale trading.[3913] In rural areas, young children are sometimes placed in domestic work in exchange for a one-time fee of 15,000 to 20,000 CFA francs (USD 27.47 to 36.63) paid to their parents.[3914] Some children work in factories,[3915] and others work as hawkers or beggars in Lomé.[3916] Children are also employed as prostitutes in bars, restaurants and hotels.[3917]

In remote parts of the country, a form of bonded labor occurs in the traditional practice known as *trokosi*, where young girls become slaves to priests for offenses allegedly committed by a member of their family.[3918] Abuse of the cultural practice of *Amegbonovei*, through which extended family relations help to place children (usually from rural areas) with families who agree to pay for the children's education or provide them with a salary in exchange for domestic work, contributes to the incidence of child trafficking. Often the intermediaries who arrange the placements abuse the children and rape the girls. These children are also sometimes mistreated by the families with whom they are placed.[3919]

[3912] Government of Togo, *Multiple Indicator Cluster Survey 2*, Lomé, 2000; available from http://www.childinfo.org/MICS2/newreports/togo/togotables.pdf. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[3913] U.S. Department of State, Country Reports on Human Rights Practices- 2003: Togo, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27757.htm.

[3914] Ibid. For currency conversion, see FX Converter, [online] [cited May 20, 2004]; available from http://www.oanda.com/convert/classic.

[3915] U.S. Department of State, *Country Reports- 2003: Togo*, Section 6d.

[3916] ILO-IPEC, *Combating the trafficking in children for labour exploitation in West and Central Africa (LUTRENA/Phase II)*, technical progress report, Geneva, March 1, 2004, 5.

[3917] Integrated Regional Information Networks, "TOGO: Child prostitution goes unchecked in Togo", IRINnews.org, [online], April 23, 2004 [cited May 19, 2004]; available from http://www.irinnews.org/print.asp?ReportID=40715. Some children who work as market vendors for older women are prostituted at night. See ECPAT International, *Togo,* in ECPAT International, [database online] n.d. [cited May 19, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=174&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry.

[3918] U.S. Department of Labor, "Combating Child Trafficking in Togo through Education," *Federal Register* 67, no. 75 (April 22, 2002), 19257. See also Nirit Ben-Ari, *Liberating girls from 'trokosi'*, (Vol. 15 #4), Africa Recovery, [online] December 2001 [cited May 21, 2004]; available from http://www.un.org/ecosocdev/geninfo/afrec/vol15no4/154troko.htm.

[3919] Suzanne Aho, Togo Ministry of Social Affairs, Protection Project Fact-Finding Mission, Lomé, Togo, August 2001, as cited in The Protection Project, "Togo," in *Human Rights Reports on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002, 546-47 available from http://209.190.246.239/ver2/cr/Togo.pdf.

Togo is a source, transit, and destination country for trafficking in persons.[3920] Four primary routes for child trafficking in Togo have been documented: (1) trafficking of Togolese girls for domestic and market labor in Gabon, Benin, Niger and Nigeria; (2) trafficking of girls within the country, particularly to the capital city, Lomé, often for domestic or market labor; (3) trafficking of girls from Benin, Nigeria and Ghana to Lomé; and (4) trafficking of boys for labor exploitation, usually in agriculture, in Nigeria, Benin and Côte d'Ivoire.[3921] Trafficked boys sometimes work with hazardous equipment, and some describe conditions similar to bonded labor.[3922] Children are also trafficked from Togo to the Middle East and Europe, and there are reports that girls are trafficked to Nigeria for prostitution.[3923] Parents sometimes sell children to traffickers in exchange for bicycles, radios, or clothing.[3924] Togo also serves as a transit country for children trafficked from Burkina Faso, Ghana, Côte d'Ivoire, and Nigeria.[3925]

Education is compulsory until 15 years,[3926] and school fees range from 4,000 to 13,000 CFA francs (USD 7.33 to 23.81).[3927] In 2001, the gross primary enrollment rate was 124.2 percent (136.5 percent for boys, 111.9 percent for girls), and the net primary enrollment rate was 91.8 percent (100.0 percent for boys, 83.6 percent for girls).[3928] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, the net primary attendance rate was 63.0 percent.[3929] As of 2000, 84.3 percent of children who started primary school were likely to reach grade 5.[3930] Some of the shortcomings of the education system include teacher shortages, lower educational quality in rural areas, and high repetition and dropout rates.[3931]

[3920] U.S. Department of State, *Country Reports- 2003: Togo*, Section 6f.

[3921] Almost none of the girls interviewed in the study received remuneration for their services. Most boys worked long hours on farms, seven days a week, as part of short-term assignments. See Human Rights Watch, *Borderline Slavery: Child Trafficking in Togo*, Vol. 15, No. 8 (A), New York, April, 2003, 1-2; available from http://www.hrw.org/reports/2003/togo0403/.

[3922] Ibid., 2.

[3923] U.S. Department of State, *Country Reports- 2003: Togo*, Section 6f.

[3924] Ibid.

[3925] There are reports of Nigerian children being trafficked through Togo to Europe for prostitution. Ibid.

[3926] *Projet de Code de l'Enfant*, (November, 2001), Articles 249, 50. See also U.S. Department of State, *Country Reports- 2003: Togo*, Section 5.

[3927] Human Rights Watch, *Borderline Slavery: Child Trafficking in Togo*, 1. For currency conversion, see FX Converter.

[3928] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[3929] The net primary attendance rate in 2000 was 67.0 percent for boys and 58.9 percent for girls. See Government of Togo, *Multiple Indicator Cluster Survey 2*.

[3930] World Bank, *World Development Indicators 2004*.

[3931] M. Egnonto Koffi-Tessio, *Human Resource Development for Poverty Reduction and Household Food Security: Situation of Education and Training in Togo*, University of Lome, Advanced School of Agronomy, Lome, 2000. See also World Bank, *Togo Country Assistance Evaluation*, no. 21410, Operations Evaluation Department, November 20, 2000, 5.

Child Labor Laws and Enforcement

The Labor Code sets the minimum employment age in any enterprise at 14 years, unless an exemption is granted by the Ministry of Labor.[3932] However, children may not begin apprenticeships before 15 years.[3933] Children are forbidden from working at night without special permission from the ministry in charge of professional training.[3934] The Children's Code prohibits the employment of children in the worst forms of child labor, as well as the trade of children for the purposes of sexual exploitation or forced labor or servitude.[3935] Certain industrial and technical jobs set a minimum age of 18.[3936] The U.S. Department of State reported that the Ministry of Labor enforces the law only in the urban, formal sector.[3937] The Ministry of Social Affairs, Promotion of Women, and Protection of Children is responsible for enforcing laws prohibiting the worst forms of child labor, but according to the U.S. State Department, lacks resources to implement its mandate.[3938] In 2000, the government revised portions of the Apprenticeship Code, resulting in guidelines governing the length of the workday, working conditions, and apprenticeship fees.[3939]

Togolese law does not specifically prohibit forced or bonded labor by children,[3940] or trafficking in persons, but statutes against kidnapping, procuring, and other related crimes may be used to prosecute traffickers.[3941] Article 78 of the Penal Code prohibits the corruption, abduction or transfer of children against the will of a child's guardian.[3942] Articles 91 to 94 of the Penal Code prohibit the solicitation and procurement of minors for the purpose of prostitution.[3943]

[3932] *Code du Travail*, Ordonnance No. 16, (May 8, 1974), Article 114. See also *Projet de Code de l'Enfant*, Article 298.

[3933] An exception is made for children who have abandoned school or who were not able to attend school. These children may begin apprenticeships at 14 years. See *Projet de Code de l'Enfant*, Articles 259 and 60.

[3934] Ibid., Article 274.

[3935] The worst forms of child labor are defined to include all forms of slavery; forced and compulsory labor; forced recruitment of children for use in armed conflicts; use or recruitment of children for purposes of prostitution or pornography; use or recruitment of children for illicit activities including the trafficking of drugs; and any work which is harmful to the health, safety or morals of the child. See Ibid., Articles 311, 12, 460.

[3936] U.S. Department of State, *Country Reports- 2003: Togo*, Section 6d.

[3937] Ibid.

[3938] Several ministries, including Social Affairs, Health, Interior and Security, and Justice, along with security forces (particularly police, army, and customs units) are involved in combating trafficking. Ibid.

[3939] Republic of Togo, *Rapport National de Fin de Décennie sur "Le Suivi du Sommet Mondial pour les Enfants"*, 16.

[3940] U.S. Department of State, *Country Reports- 2003: Togo*, Section 6c.

[3941] Ibid., Section 6f. The government has drafted a law that imposes a 5 to 10 year prison term on traffickers or a fine of up to 10 million CFA francs (USD 18,313.70). The law includes penalties on parents of trafficked children. See Human Rights Watch, *Borderline Slavery: Child Trafficking in Togo*, 3. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Togo*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm. For currency conversion, see FX Converter.

[3942] UN Committee on the Rights of the Child, *Consideration of Initial Reports of States Parties: Summary Record of the 422nd Meeting*, CRC/C/SR.422, prepared by Government of Togo, pursuant to Article 44 of the Convention on the Rights of the Child, February 3, 1998, para. 37.

[3943] Penalties may include fines of up to 1,000,000 francs (USD 1,831.37) and up to 10 years' imprisonment. See *Penal Code*; available from http://209.190.246.239/protectionproject/statutesPDF/Togo.pdf. For currency conversion, see FX Converter.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Togo is one of nine countries participating in a USDOL-funded ILO-IPEC project to combat the trafficking of children for exploitative labor in West and Central Africa.[3944] The government is also participating in a USD 2 million USDOL-funded education initiative in Togo to promote education for victims of child trafficking and children at risk of being trafficked.[3945]

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	3/16/1984	✓
Ratified Convention 182	9/19/2000	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		✓
Sector Action Plan		

During the past year, the Ministers of Labor and Social Affairs traveled to all regions of the country to raise awareness of child trafficking and to establish local prevention and rehabilitation committees. In his end-of-year message, the Togolese president appealed to development organizations to support the fight against child trafficking.[3946]

The government funds a Social Center for Abandoned Children.[3947] Togo also cooperates with the Governments of Benin, Ghana and Nigeria under a Quadripartite Law that enables expedited extraditions.[3948] The government has a National Plan of Action on child abuse, child labor, and child trafficking that includes activities such as strengthening border controls, awareness-raising campaigns, and establishing community structures for prevention and reintegration of child trafficking victims.[3949] UNICEF is assisting Togo to strengthen community capacity to combat child trafficking.[3950]

[3944] The regional child trafficking project covers Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Ghana, Mali, Nigeria, and Togo. The project began in July 2001 and is scheduled for completion in June 2007. See ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (Phase II)*, project document, Geneva, 2001, as amended.

[3945] The 4-year project began in 2002. See International Child Labor Program U.S. Department of Labor, *Combating Child Trafficking in Togo through Education (COMBAT)*, project summary, 2003.

[3946] ILO-IPEC, *LUTRENA technical progress report*, 5. Over 250 vigilance committees have been created in villages throughout the country. See AFP, "Des comités de "vigilance" aux trousses des trafiquants d'enfants", [online], October 13, 2004 [cited October 23, 2004]; available from http://www.izf.net/izf/AFP/francais/topics/togo/041013071825.8xydbnl2.html.

[3947] U.S. Department of State, *Country Reports- 2003: Togo*, Section 6f.

[3948] Ibid. In 2004, the Ministry of Justice hosted a regional anti-trafficking workshop that focused on strategies to combat trafficking in Benin, Nigeria, and Togo. See U.S. Department of State, *Trafficking in Persons Report: Togo*.

[3949] ECPAT International, *Togo*.

[3950] UNICEF, *At a glance: Togo,* in UNICEF, [online] n.d. [cited March 25, 2004]; available from http://www.unicef.org/infobycountry/togo.html.

Tonga

Incidence and Nature of Child Labor

Recent statistics on the number of working children under 15 in Tonga are unavailable.[3951] The U.S. Department of State reported that there was no child labor in the formal economy in 2003.[3952]

The Education Act of 1974 provides for free and compulsory education for children ages 6 to 14.[3953] In 2001, the gross primary enrollment rate was 112.4 percent, and the net primary enrollment rate was 99.9 percent.[3954] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Tonga. Although the quality of schooling in Tonga has been criticized, education is available through high school and the country has been recognized as having achieved universal primary education.[3955] In addition, retention rates to secondary school are high.[3956]

Child Labor Laws and Enforcement

There is no legislation in Tonga that specifically prohibits child labor.[3957] The Constitution prohibits forced or bonded labor.[3958] Technically, prostitution is not illegal, but owning and/or operating a brothel, pimping, and soliciting in a public place are all prohibited activities under the Criminal Code.[3959] Penalties for offenses range from imprisonment for 6 months to 2 years. Males convicted a second time of profiting

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[3951] The most recent statistics are from 1993 and 1994 when 2.1 percent of children ages 10 to 14 years were reportedly working in Tonga. See LABORSTAT, *Tonga:1A-Total and econmically active population, by age group (Thousands),* [Database] [cited August 30, 2004]; available from http://laborsta.ilo.org/.

[3952] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Tonga*, Washington D. C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27791.htm.

[3953] Government of Tonga, *Ministry of Education,* [online] [cited May 19, 2004]; available from http://pmo.gov.to/ministry_of_education.htm.

[3954] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, DC, 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[3955] U.S. Department of State, *Country Reports-2003: Tonga*. See also UNESCO, *Education for All 2000 Assessment: Country Reports - Tonga*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, 2000, Section 1.2; available from http://www2.unesco.org/wef/countryreports/tonga/contents.html.

[3956] ADB, *Millenium Development Goals in the Pacific: Relevance and Progress*, Manila, March 2003, 48; available from http://www.adb.org/documents/books/MDG_Pacific/mdg.pdf#page=48.

[3957] U.S. Department of State, *Country Reports-2003: Tonga*.

[3958] Regarding forced labor, the Constitution states, "No person shall serve another against his will except he be undergoing punishment by law..." See *Constitution of Tonga*, Part I, Clause 2; available from http://www.vanuatu.usp.ac.fj/paclawmat/Tonga_legislation/Tonga_Constitution.html. There is no evidence that forced or bonded labor occurs in the country. See U.S. Department of State, *Country Reports-2003: Tonga*.

[3959] U.S. Department of State, *Country Reports-2003: Tonga*. Section 5. See Sections 80-81 in Government of Tonga, *Criminal Code of Tonga*; available from http://www.vanuatu.usp.ac.fj/Paclawmat/Tonga_legislation/Consolidation_1988/Tonga_Criminal_Offences.html.

from prostitution may be subject to whipping.[3960] The Criminal Code prohibits any person from procuring or attempting to procure any girl under the age of 21 for the purposes of trafficking for prostitution. The punishment for this offense is imprisonment for up to 5 years. The abduction of women and girls is also illegal under the Criminal Code, with penalties ranging from 5 to 7 years imprisonment.[3961]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Tonga has established goals to further improve the educational system through the Ministry of Education's 1996 Strategic Plan. The plan calls for an increase by 2010 in the compulsory school age to 17 years, and for the establishment of universal access to quality education up to age 17.[3963] It also calls for strengthening the Ministry of Education and enhancing training, expanding and developing vocational and distance education, and establishing formal pre-school programs.[3964]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	N/A[3962]
Ratified Convention 182	N/A
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

AusAID is the largest aid donor to Tonga and provides financial assistance to the Ha'apai Development Fund, which supports projects in the Ha'apai islands of Tonga. The fund is overseen by government and community representatives and has involved the construction of teacher housing.[3965]

Tonga is part of the Pacific Regional Initiative for Delivery of Basic Education (PRIDE), which will harmonize basic education plans in the region and place qualified teachers in all primary schools in the Pacific. This program is funded by NZAID in cooperation with the University of the South Pacific and the Pacific Islands Forum Secretariat. NZAID will also build a high school for 200 children in Niuas, the northernmost outer islands of Tonga.[3966] Forty percent of New Zealand's USD 5.6 million aid for Tonga for 2003-2004 will focus on education and training.

UNICEF works with government agencies and NGOs to address children's health and youth development in the country.[3967]

[3960] *Criminal Code of Tonga*, Articles 80-81.

[3961] Ibid., Articles 126, 28-29. Sections 126, 128-129.

[3962] The Government of Tonga is not a member of the ILO, and is thus unable to ratify ILO conventions.

[3963] The plan calls for an increase in compulsory age to 17 years or "Form 6 level" and for universal access to quality education up age 17 years or Form 6. Form 6 is presumed to be the highest secondary education level that can be achieved in Tonga. UNESCO, *EFA Country Report: Tonga*.

[3964] Ibid., Part 3, 11.0.

[3965] AusAID, *Tonga Program Details,* [online] 2004 [cited May 13, 2004]; available from www.usaid.gov.au/country/cbrief.cfm?DCon=8494_3966_5283_4961_7927&Country.

[3966] NZAID, *NZAid June 2003 Newsletter,* [online] 2004 [cited May 13, 2004]; available from www.nzaid.govt.nz/library/newsletters/o306-newzaid.html.

[3967] UNICEF, *UNICEF's Programme of Assistance to Pacific Island Countries,* [online] [cited May 19, 2004]; available from http://www.undp.org.fj/un/UNICEF/UNICEF_PIC.htm.

Trinidad and Tobago

Incidence and Nature of Child Labor

UNICEF estimated that 4.1 percent of children ages 5 to 14 years in Trinidad and Tobago were working in 2000.[3968] Children are engaged in agriculture, scavenging, loading and stocking goods, gardening, car mechanics, car washing, construction, fishing, and begging.[3969] Children also work as handymen, shop assistants, cosmetologists' assistants, domestic servants,[3970] and street vendors.[3971] These activities are usually reported as being part of a family business.[3972] Reports also indicate the involvement of children in commercial sexual exploitation.[3973]

Primary education is free and compulsory between the ages of 6 and 12 years. However, in practice, children tend to attend school between the ages of 6 to 15 years. Enrollment rates for female and male students are relatively equal.[3974] In 2002, the gross primary enrollment rate was 105 percent, and the net primary enrollment rate was 94percent.[3975] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 88.7 percent of primary school age children were estimated to be attending school.[3976] The rate of repetition in primary school was 8 percent of total enrollment in the same year.[3977] As of 1999, 99.7 percent of children who started primary school were likely to reach grade 5.[3978] The public school system does not adequately meet the needs of the school age population due to overcrowding, substandard physical facilities, and occasional violence in the classroom perpetrated by gangs. [3979] Eight

[3968] Government of Trinidad and Tobago, *Multiple Indicator Cluster Survey (MICS) 2000 -Trinidad and Tobago*, UNICEF, 2000; available from http://www.childinfo.org/MICS2/newreports/trinidad/trinidad.htm. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[3969] U.S. Embassy- Port of Spain, *unclassified telegram no. 1526*, August 2004.

[3970] U.S. Embassy- Port of Spain, *unclassified telegram no. 2243*, October 2002.

[3971] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Trinidad and Tobago*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27921.htm.

[3972] U.S. Embassy- Port of Spain, *unclassified telegram no. 1526*.

[3973] U.S. Department of State, *Country Reports- 2003: Trinidad and Tobago*, Section 6d. See also U.S. Embassy- Port of Spain, *unclassified telegram no. 1604*, September 2001.

[3974] U.S. Embassy- Port of Spain, *unclassified telegram no. 1604*. See also Dunn, *The Situation of Children in the Worst Forms of Child Labor*, 18.

[3975] See World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For a detailed explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[3976] Government of Trinidad and Tobago, *MICS 2000*.

[3977] The repetition rate for males was slightly higher. See World Bank, *World Development Indicators 2004*.

[3978] Ibid.

[3979] U.S. Department of State, *Country Reports- 2003: Trinidad and Tobago*, Section 5.

percent of working children interviewed in 2002 as part of a rapid assessment demonstrated low levels of education.[3980]

Child Labor Laws and Enforcement

The Children's Act establishes the minimum age for employment at 12 years; prohibits children under 14 years from work in factories, in public industries, or on ships; and permits children 12 to 14 to work only in family businesses. [3981] According to the Children's Act, children under the age of 18 may work only during daylight hours. Exceptions are made for children involved in family business and children ages 16 to 18 working at night in sugar factories.[3982] There are no laws prohibiting trafficking,[3983] but the Criminal Code prohibits procuring a minor under the age of 16 years for the purpose of prostitution.[3984] The punishment for procurement is 15 years imprisonment.[3985] Trafficking may also be prosecuted under laws that address kidnapping, labor conditions, procurement of sex, prostitution, slavery, and indentured servitude.[3986] The use of children under the age of 16 in pornography is also prohibited.[3987]

The Ministry of Labor and Small and Micro-Enterprise Development and the Social Services Delivery unit in the Office of the Prime Minister are currently responsible for enforcing child labor provisions. Enforcement is weak because there is no comprehensive government policy on child labor and there are no established mechanisms for receiving, investigating, and addressing child labor complaints.[3988]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

In 2004, the Cabinet created the National Steering Committee on the Prevention and Elimination of Child Labor. The Committee is responsible for developing a comprehensive National Policy to eliminate all forms of child labor, including the designing of a plan of action, reviewing and recommending legislation, implementing government programs and improving inter-organizational coordination. An Inter-Ministerial Coordinating Committee for Children in Need of Special

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 9/3/2004	✓
Ratified Convention 182 4/23/2003	✓
ILO-IPEC Associated Member	✓
National Plan for Children	✓
National Child Labor Action Plan	
Sector Action Plan	

[3980] Dunn, *The Situation of Children in the Worst Forms of Child Labor*, 8.

[3981] Ibid., 17, 18. See also U.S. Embassy- Port of Spain, *unclassified telegram no. 1526*.

[3982] Dunn, *The Situation of Children in the Worst Forms of Child Labor*, 18. See also U.S. Embassy- Port of Spain, *unclassified telegram no. 1604*.

[3983] U.S. Department of State, *Country Reports- 2003: Trinidad and Tobago*, Section 6f.

[3984] Article 17 of the Criminal Code, as cited in The Protection Project, "Trinidad and Tobago," in *Human Rights Report on Trafficking of Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002; available from http://209.190.246.239/ver2/cr/tt.pdf.

[3985] Ibid.

[3986] U.S. Department of State, *Country Reports- 2003: Trinidad and Tobago*, Section 6f.

[3987] U.S. Embassy- Port of Spain, *unclassified telegram no. 1604*.

[3988] U.S. Embassy- Port of Spain, email communication to USDOL official, May 24, 2005.

Protection, under the Social Development Ministry, is creating a system to monitor children in need of special protection, analyzing data, developing policy, and promoting cooperation between government ministries, NGOs, and the private sector.[3989] ILO-IPEC works with the Government of Trinidad and Tobago to implement two regional projects to combat the worst forms of children labor.[3990]

The Ministry of Education (MOE) is piloting a School Support Services Program in 2004 to offer counseling, homework assistance, and other support to high risk children. The MOE has also implemented a book loan/grant system for primary and secondary students.[3991]

Existing government child and youth programs also include the Adult Education Program, the Youth Training and Employment Partnership Program, and Youth Development and Apprenticeship Centers. Government programs focus mainly on providing at risk youth with short-term care, remedial education, and vocational training.[3992]

[3989] U.S. Embassy- Port of Spain, *unclassified telegram no. 1526*.

[3990] The projects were funded by the Canadian government in 2002 and 2003. See ILO-IPEC - Geneva official, email communication to USDOL official, May 12, 2004.

[3991] U.S. Embassy- Port of Spain, *unclassified telegram no. 1526*.

[3992] U.S. Embassy- Port of Spain, email communication. See also U.S. Department of State, *Country Reports - 2003: Trinidad and Tobago*, Section 6d. See also ILO, *The Situation of Children in Landfill Sites and other Worst Forms of Child Labor: A Rapid Assessment*, December 2002.

Tunisia

Incidence and Nature of Child Labor

UNICEF estimated that 2.1 percent of children ages 5 to 15 years in Tunisia were working in 2000.[3993] Children work in rural agriculture and as vendors in urban areas, mainly during school vacations.[3994] There are also reports of children working in the handicraft industry under the guise of apprenticeships, and of families placing teenage girls as household domestics, although this practice has reportedly declined through enforcement of laws on minimum work age and compulsory school attendance.[3995]

Education is compulsory and free between the ages of 6 and 16.[3996] In 2001, the gross primary enrollment rate was 111.6 percent (109.3 percent for girls and 113.8 percent for boys) and the net primary enrollment rate was 96.9 percent.[3997] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Attendance in urban areas is higher than in rural areas (97.2 percent and 90.5 percent respectively).[3998] As of 2001, 95.5 percent of children who started primary school were likely to reach grade 5.[3999]

Child Labor Laws and Enforcement

The Labor Code of 1966 sets the minimum age for employment at 16 years, which coincides with the country's compulsory education requirement. There are, however, a number of exceptions.[4000] The age of 13 years is set for light agricultural and light non-industrial work, provided that the work does not pose a health hazard or interfere with the child's development or education.[4001] Under the Labor Code, children

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[3993] Children who worked in some capacity include children who performed any paid or unpaid work for someone who were not a member of the household, who performed more than four hours of housekeeping chores in the household, or who performed other family work. Approximately 71.4 percent of working children worked more than 4 hours per day, and over half worked during school hours, which was found to increase the risk of dropout from or failure in school. Nearly half of working children who were paid for their services spent their salaries on family necessities. See Government of Tunisia, *Multiple Indicator Cluster Survey (MICS) Report: Tunisia*, UNICEF, 2000, 83; available from http://www.childinfo.org/MICS2/newreports/tunisia/tunisia.pdf.

[3994] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Tunisia*, February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27939.htm.

[3995] Ibid.

[3996] Ibid., Section 5. See also UN, *Country Profiles on the Situation of Youth: Tunisia,* [database online] [cited May 20, 2004]; available from http://esa.un.org/socdev/unyin/countrya.asp?countrycode=tn.

[3997] World Bank, *World Development Indicators, 2004*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[3998] Government of Tunisia, *MICS Report: Tunisia*, 69.

[3999] World Bank, *World Development Indicators, 2004*.

[4000] *Code du Travail, 1966*, Loi no. 66-27, (April 30, 1966), Article 53 available from http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E. See also U.S. Department of State, *Country Reports -2003: Tunisia*, Section 6d.

[4001] See *Code du Travail*, Articles 55-56.

may work as apprentices or through vocational training programs at age 14.[4002] In addition, children less than 16 years of age may work in family-run businesses as long as the work does not interfere with school, pose a threat to the child's health, exceed 2 hours per day, or exceed 7 hours per day when combined with time spent in school.[4003] In regard to nonagricultural jobs, the code states that children under 14 must have a rest period of at least 14 or more consecutive hours at night, including between 8 p.m. and 8 a.m., and that children 14 to 18 years of age must have a rest period of at least 12 or more consecutive hours at night, including from 10 p.m. to 6 a.m. For agricultural work, the code states that children under 18 years must have fixed rest periods and cannot work between 10 p.m. and 5 a.m.[4004] The Labor Code establishes 18 years as the minimum age for hazardous work and authorizes the Ministry of Social Affairs to determine the jobs that fall in this category.[4005]

Labor inspectors from the Ministry of Social Affairs and Solidarity are responsible for enforcing labor laws, including child labor laws.[4006] Forced and bonded labor by children is prohibited by law, and there are no reports of such practices.[4007] In 1995, the Government of Tunisia passed the Child Protection Code, which protects children under 18 years from abuse and exploitation, including participation in wars or armed conflicts, prostitution, and hazardous labor conditions.[4008] The government's Child Protection Code is enforced by a corps of delegates in charge of child protection in the country's 24 governorates.[4009]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Tunisia's policies aim to protect children through enforcement of relevant laws and to create jobs for adults so that children can attend school.[4010] Tunisia has had a Child Protection Plan,[4011] and two ministries, the Ministry of Women's Affairs, Family, and Childhood, and the Ministry of Culture, Youth, and Leisure are responsible for enforcing children's rights.[4012]

[4002] Ibid., Article 53-2.

[4003] Ibid., Article 54.

[4004] *Code du Travail*, Articles 65, 66, 74.

[4005] Ibid., Article 58. See also U.S. Embassy-Tunis, *unclassified telegram no. 2138*, August 11, 2003.

[4006] Ibid., Articles 170-71.

[4007] U.S. Department of State, *Country Reports -2003: Tunisia*, Section 6c

[4008] *Loi No. 95-92, 1995, Relative a la publication du code de la protection de l'enfant*, (November 9, 1995); available from http://www.ilo.org/dyn/natlex/docs/WEBTEXT/42904/64989/F95TUN01.htm.

[4009] U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Tunisia*, Washington, D.C., March 31, 2003, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2002/18290.htm. See also Tunisie.com, *Action Sociale: Protection de l'enfance,* May 14, 2004 [cited March 11, 2004]; available from http://www.tunisie.com/societe/action/html.

[4010] U.N. Information Center in Tunis, *Le Comité des Droits de l'Enfant examine le deuxième rapport périodique de la Tunisie*, May 28, 2002; available from http://www.onu.org.tn/enfantun.htm.

[4011] Government of Tunisia, *MICS Report: Tunisia*. The plan has been operational since 1992.

[4012] U.S. Department of State, *Country Reports -2003: Tunisia*, Section 5.

In 2004, the World Bank approved a USD 130 million loan for the second phase of an Education Quality Improvement Project designed to facilitate the Ministry of Education's efforts to promote primary and secondary education.[4013] This project aims to boost school enrollment and completion rates for children ages 6 to 18 years, and to develop stronger links between secondary education, and vocational training and higher education institutions.[4014] UNICEF is coordinating with the World Bank and the European Union to promote quality education and support priority education zones.[4015] In January 2004 Tunisia hosted the Third Arab Congress on Children's Rights, which aims to harmonize national action plans and international conventions. The Congress adopted a 2004-2015 plan to promote quality education and healthy development for boys and girls and committed to share lessons among countries.[4016]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 10/19/1995	✓
Ratified Convention 182 2/28/2000	✓
ILO-IPEC Member	✓
National Plan for Children	✓
National Child Labor Action Plan	
Sector Action Plan	

[4013] World Bank, *Tunisia: World Bank Supports Efforts to Improve Teaching, Learning in Schools,* March 10, 2004 [cited May 14, 2004]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20175801~menuPK:34463~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html.

[4014] Ibid.

[4015] UNICEF, *At a glance: Tunisia,* [online] [cited May 20, 2004]; available from http://www.unicef.org/infobycountry/Tunisia.html.

[4016] Management Systems International, *Technical Progress Report. Project Adros. Combatting Child Labor Through Education in Morocco*, Rabat, March 31, 2004.

Turkey

Incidence and Nature of Child Labor

The ILO estimated that 6.7 percent of children between the ages of 10 and 14 years in Turkey were working in 2002.[4017] Currently, the government has identified the worst forms of child labor in Turkey as children working in the streets, in hazardous industrial sectors, seasonal agricultural work, domestic service, and rural labor.[4018] The majority of children work in agriculture. Children can also be found working in metal work, woodworking, clothing industries, textiles, leather goods, personal and domestic services,[4019] automobile repair, furniture making, hotel and catering, and footwear.[4020] A rapid assessment on working street children in 2001 found that street children in the cities of Diyarbakir, Adana, and Istanbul pick through garbage at dumpsites, shine shoes, and sell various goods, among other activities.[4021] Girls are trafficked to Turkey for the purposes of commercial sexual exploitation and domestic service from Armenia, Azerbaijan, Bulgaria, Georgia, Moldova, Romania, and Russia, and through the country to Western European destinations.[4022]

Under the Basic Education Act, primary education is compulsory for 8 years for children between the ages of 6 and 14.[4023] In 2001, the gross primary enrollment rate was 94.5 percent and the net enrollment rate was 87.9.[4024] Recent primary school attendance rates are unavailable for Turkey. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.[4025] School

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[4017] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[4018] ILO-IPEC, *Combating the Worst Forms of Child Labor in Turkey - Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labor in Turkey (2004-2006)*, project document, TUR/03/P50/USA, Geneva, 2003, 2.

[4019] This data is based on a 1994 joint Ministry of Labor and Social Security-IPEC survey as well as a second joint IPEC-Turkish Development Foundation survey. See Government of Turkey and UNICEF, *The Situation of Children and Women in Turkey: An Executive Summary*, [online] 1998 [cited March 18, 2004]; available from http://www.die.gov.tr/CIN/Sa98.pdf. See also Ministry of Labor and Social Security Labor Inspection Board, *Report on the Implementation of Labor Inspection Policy on Child Labor in Turkey*, Ankara, June 2000, 3, 26.

[4020] Government of Turkey and UNICEF, *Situation of Children and Women*. See also Ministry of Labor and Social Security Labor Inspection Board, *Report on the Implementation of Labor Inspection Policy*, 26.

[4021] Bahattin Aksit, Nuray Karanci, and Ayse Gunduz-Hosgor, *Turkey Working Street Children in Three Metropolitan Cities: A Rapid Assessment*, ILO, Geneva, November 2001, 41-42; available from http://www.ilo.org/public/english/standards/ipec/simpoc/turkey/ra/street.pdf.

[4022] U.S. Department of State, *Trafficking in Persons Report-2004: Turkey*, June 2004. There is no reliable government data on trafficking of children. See U.S. Department of State, *Country Reports on Human Rights Practices-2003: Turkey*, Washington, D.C., February 25, 2004, Section 6f; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27869.htm.

[4023] Embassy of Turkey, *The Implemented Programs and Measures Taken Against Child Labor in Turkey*, Washington, D.C., November 9, 2001, 5. See also U.S. Department of State, *Country Reports-2003: Turkey*, Section 5.

[4024] The gross primary school enrollment rates are is higher for boys than for girls. In 2001, those rates were 98.2 percent and 90.7 percent respectively. The net primary school enrollment rate for both genders was 91 percent. See World Bank, *World Development Indicators 2004*.

[4025] For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

expenses, such as uniforms, books, and voluntary contributions, place an economic strain on low-income families and can impede children's school attendance.[4026]

Children of legal working age employed in small enterprises that are registered with a Ministry of National Education Training Center attend apprenticeship training once a week and the centers are required by law to inspect these workplaces. Apprenticeship programs provide a wide range of occupational training at 346 training centers in 81 cities. An estimated 22.8 percent of working children took advantage of these training opportunities in 2003.[4027]

Child Labor Laws and Enforcement

A new Labor Law became effective in June 2003 that establishes the minimum age for employment at 15 years. The law, however, allows children 14 years of age to perform light work that does not interfere with their education, and enables governors in provinces dependent on agriculture to determine the minimum age for work in that sector. Children 15 years old who have completed their education and do not attend school may work up to 7 hours a day, not to exceed 35 hours a week. Children 16 years old may work up to 8 hours a day and up to 40 hours per week. Before beginning a job, children ages 15 to 18 years of age must undergo a physical examination, which is to be repeated every 6 months.[4028]

In 2004, the Ministry of Labor and Social Services (MOLSS) compiled a list of prohibited occupations for children under 15 years old, as well as for children 15 to 18 years old. The MOLSS also published a list of permitted occupations for children through 18 years of age.[4029] Children under 18 years are not permitted to work in bars, coffee houses, dance halls, cabarets, casinos, or public baths, or to engage in industrial night work. The law also prohibits underground and underwater work for women of any age and for boys under the age of 18.[4030] The Apprenticeship and Vocational Training Act No. 3308 allows children ages 14 to 18 who have completed the mandatory 8 years of education to be employed as apprentices. One day per week is dedicated to training and education, and the annual vacation for children is one month.[4031]

The Ministry of Labor and Social Services (MOLSS) Inspection Board is responsible for enforcing child labor laws in Turkey.[4032] The MOLSS has been unable to effectively enforce many of the child labor laws for a variety of reasons, including traditional attitudes, socio-economic factors, and the predominantly

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[4026] UNICEF, *State of Turkey's Children: Preliminary Report,* December 1999 [cited March 26, 2004]; available from http://www.die.gov.tr/CIN/got-unicef/sotc/sotc.htm.

[4027] U.S. Department of State, *Country Reports-2003: Turkey*, Section 6d.

[4028] U.S. Embassy- Ankara, *unclassified telegram no. 5326*, August 22, 2003.

[4029] U.S. Embassy- Ankara, *unclassified telegram no. 4870*, August 27, 2004.

[4030] See Article 176 of the 1930 General Health Care Act 1593 as cited in Turkish Confederation of Employer Associations and ILO Ankara, *Child Labor in Turkey*, ILO Publications Bureau, Geneva, 1997, 31.

[4031] Apprenticeship and Vocational Training Act 3308 as quoted in Ibid., 29-30. See also Fisek Institute Science and Action Foundation for Child Labor, *Turkish Laws on Working Children,* [online] [cited March 18, 2004]; available from http://www.fisek.org.tr/e020.php. See also Aksit, Karanci, and Gunduz-Hosgor, *Turkey Working Street Children*, 26.

[4032] Ministry of Labor and Social Security Labor Inspection Board, *Report on the Implementation of Labor Inspection Policy*, 5. See also Embassy of Turkey, *The Implemented Programs and Measures Taken Against Child Labor*.

informal nature of child labor in Turkey.[4033] Therefore, the Board has focused on protecting working children by improving their working conditions.[4034]

Criminal law forbids the sexual exploitation of children.[4035] The Criminal Code designates the trafficking of persons a crime; those convicted face 5 to 10 years in prison and a fine of approximately USD 665 or more.[4036]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

In working towards meeting EU accession conditions, priorities for the Government of Turkey include fulfilling obligations to eliminate child labor.[4037] The Government of Turkey has also developed a National Timebound Policy and Program Framework designed to eliminate the worst forms of child labor and the involvement of children below the age of 15 in all forms of work in Turkey within a period of 10 years.[4038] The MOLSS' Child Labor Unit is the focal point in coordinating child labor activities among all institutions in Turkey and developing policy responses to child labor.[4039] The Child Labor Unit contributed to the preparation of the child labor chapter in the Eighth Five-Year Development Plan of Turkey (2000-2005). This plan commits the government to respond to child labor by promoting policies designed to combat

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	10/30/98	✓
Ratified Convention 182	8/2/01	✓
ILO-IPEC Member		✓
National Plan for Children		
National Child Labor Action Plan		✓
Sector Action Plan (trafficking)		✓

[4033] Ministry of Labor and Social Security Labor Inspection Board, *Report on the Implementation of Labor Inspection Policy*, 3-5. Out of 700 MOLSS field inspectors, approximately 108 are trained to review compliance with child labor regulations. However, the work many children are engaged in are not covered by labor laws, such as in agriculture or the informal economy, and therefore cannot be regulated by the inspectorate. See U.S. Department of State, *Country Reports-2003: Turkey*, Section 6d.

[4034] Embassy of Turkey, *The Implemented Programs and Measures Taken Against Child Labor*. See also Embassy of Turkey, *Policies, Programs, and Measures Against Child Labor in Turkey*, Washington, D.C., September 6, 2002, 10, 11, 14.

[4035] UNICEF, *State of Turkey's Children*.

[4036] The Code calls for a fine not less than one billion Turkish lira. See U.S. Embassy- Ankara, *unclassified telegram no. 5326*. In 2003, 14 cases were opened under the trafficking law, against 46 suspects. The suspects in three cases were acquitted. The remaining cases remained open at the end of 2003. See U.S. Department of State, *Country Reports-2003: Turkey*, Section 6f. For currency conversion, see FXConverter, [online] [cited May 26, 2004]; available from http://www.oanda.com/convert/classic.

[4037] Republic of Turkey Ministry of Foreign Affairs, *Executive Summary of the Turkish National Program for the Adoption of the Acquis*, [online] 2003 [cited March 18, 2004]; available from http://www.mfa.gov.tr/grupa/ad/adc/executive.summ.htm.

[4038] ILO-IPEC, *Combating the Worst Forms of Child Labor in Turkey - Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labor in Turkey (2004-2006)*, technical progress report, TUR/03/P50/USA, Geneva, September 2004. See also Ministry of Labor and Social Security Child Labor Unit, *Timebound Policy and Programme Framework for the Elimination of Child Labor Turkey (Draft)*, 2003.

[4039] Ministry of Labor and Social Security Child Labor Unit, *Timebound Policy and Programme Framework*, 7, 30.

child labor by increasing family income, providing social welfare, and reducing education costs for the poor.[4040]

The Government of Turkey has committed to making a significant contribution (USD 6.2 million) to support the ILO-IPEC project *Combating the Worst Forms of Child Labor in Turkey - Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labor in Turkey, 2004-2006*. The program will include activities in 11 provinces based on the prevalence of priority sectors selected by in-country stakeholders (street work, informal urban economy, and seasonal commercial agriculture).[4041]

Various other regional child labor elimination programs are underway throughout the country, supported by the national or local level authorities in Turkey. The government operates 28 centers to aid working street children.[4042] The Interior Ministry's Child Police operate in 81 provinces of Turkey and are specifically responsible for protecting children, including protecting working children from employer abuses. Over the summer months when school is in recess and children are particularly vulnerable to engaging in work, the Child Police in Diyarbakir offered swimming courses and supplementary nutrition to children working on the streets. In Konya, computer literacy courses and organized tennis and soccer activities were offered to children who otherwise would be working. Such activities have contributed to the rehabilitation of working children and increased national awareness of the problem of child labor.[4043] A project led by the MOLSS Inspection Board in Izmir to stop children under 15 years from working in the footwear industry, textiles, and auto repair removed and prevented children from involvement in hazardous work, and improved working conditions for children ages 15 to 18.[4044]

The Government of Turkey is taking steps to combat trafficking of persons.[4045] The Ministry of Health provides free health treatment for trafficking victims.[4046] The government also makes efforts to provide rehabilitation and treatment to victims,[4047] and has also reached repatriation agreements with 26 countries of

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[4040] The child labor policy directives that are part of the Eighth Five-Year Development Plan include eliminating the causes forcing children to work and the constraints that prevent children from attending school, and harmonizing national legislation with international conventions. See ILO-IPEC, *International Program for Elimination of Child Labor (IPEC) Turkey,* [online] January 21, 2004 [cited March 18, 2004], 1-2; available from http://www.ilo.org/public/english/region/eurpro/ankara/programme/ipec.htm. See also Embassy of Turkey, *The Implemented Programs and Measures Taken Against Child Labor*, 5. See also U.S. Embassy- Ankara, *unclassified telegram no. 4870*.

[4041] ILO-IPEC, *Combating the Worst Forms of Child Labor (2004 - 2006)*, cover, 1.

[4042] U.S. Department of State, *Country Reports-2003: Turkey*, Section 6d.

[4043] ILO-IPEC, *Combating the Worst Forms of Child Labor (2004 - 2006)*, 2.

[4044] Children and families receive services at the social support center opened in 2001. Activities at the center include reading and writing courses, and educational meetings for teachers, trade unions, and the media. Medical referrals and treatments are also provided to children. ILO-IPEC Turkey, *Integrated Programme for the Elimination of Worst Forms of Child Labor in selected Industrial Areas in Izmir by 2003,* [online] September 2004 [cited December 15, 2004]; available from http://www.ilo.org/public/english/region/eurpro/ankara/programme/ipec/tbp.htm.

[4045] The *Trafficking in Persons Report* is consistent with this assessment. The report concludes that Turkey is making significant efforts to combat trafficking. See U.S. Department of State, *Trafficking in Persons-2004*.

[4046] U.S. Embassy- Ankara, *unclassified telegram no. 4141*, August 2, 2004. This cable cites an on-line Ministry of Foreign Affairs report. See Republic of Turkey Ministry of Foreign Affairs, *Updated Country Report of Turkey on Trafficking in Human Beings*, MOFA, 2004; available from http://www.mfa.gov.tr/grupa/ac/acb/TraffickinginHumanBeings.htm.

[4047] Republic of Turkey Ministry of Foreign Affairs, *Updated MOFA Report*.

origin, including Greece, Syria, Kyrgyzstan, and Romania.[4048] In September 2003, the Interior Ministry and a local NGO called the Human Resources Development Foundation signed a protocol and have agreed to collaborate on training of judges and government officials and policy development of new trafficking legislation, and opening shelter for trafficking victims.[4049] In April 2003, a National Action Plan on Trafficking was developed by the government's Anti-Trafficking Task Force, and the IOM, ILO, and UNHCR are collaborating with the government to address the trafficking problem.[4050]

In 2002, in an effort to support basic education reform, the EU provided funding to improve access and the retention of children in basic and non-formal education in 12 provinces and 5 urban and suburban areas.[4051] The same year, the World Bank approved a loan to support the Second Basic Education Project that will improve education through a number of measures, including the construction of new classrooms, provision of education materials, and teacher training.[4052] The World Bank funds the Social Risk Mitigation Project to alleviate economic hardship on poor households that finances the expansion of education and health grants for the poorest 6 percent of families to support keeping children in school.[4053] The Ministry of National Education and UNICEF currently supports the Advocacy Campaign for Girls' Education designed to place every girl in school by the year 2005.[4054]

[4048] U.S. Embassy- Ankara, *unclassified telegram no. 4141*.

[4049] U.S. Embassy- Ankara, *unclassified telegram no. 2198*, April 16, 2004. See also U.S. Department of State, *Country Reports-2003: Turkey*, Section 6f.

[4050] U.S. Department of State, *Country Reports-2003: Turkey*, Section 6f.

[4051] The EU provided 100 million Euros for this project. The provinces include Adiyaman, Agri, Ardahan, Bayburt, Bingol, Diyarbakir, Erzurum, Kars, Mus, Sakarya, Sanliurfa and Siirt, and the urban/suburban areas of Istanbul, Antalya, Bursa, Mersin, and Adara. See European Commission Representation to Turkey, *EU Funded Programs in Turkey, 2003-2004*, December 2003, 36; available from http://www.deltur.cec.eu.int/english/eu-funded2004-en.html.

[4052] The second phase of the Basic Education Project continues to support improving the quality of basic education, in addition to the development of preschool education as an integral part of basic education. The Government of Turkey's goals for its Basic Education Program are for all eligible children to enroll in and complete basic education, pre-school enrollment for eligible children to reach 25 percent, improved student performance, and for 40 percent of children in basic education to be utilizing information and communication technologies (i.e. computers). See World Bank, *Project Appraisal Document on a Proposed Loan in the Amount of US$300 Million to the Republic of Turkey for a Second Basic Education Project in Support of the Second Phase of the Basic Education Program,* June 12, 2002 [cited March 18, 2004], 3-7; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2002/07/09/000094946_0206260400300/Rendered/PDF/multi0page.pdf. See also World Bank, *Basic Education Project (02),* March 18, 2004 [cited March 18, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P059872.

[4053] World Bank, *Project Appraisal Document on a Proposed Investment/Adjustment Loan in the Amount of US$500 Million to the Republic of Turkey for a Social Risk Mitigation Project/Loan,* August 17, 2001 [cited March 18, 2004]; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2001/10/18/000094946_01082504044864/Rendered/PDF/multi0page.pdf. See also World Bank, *Social Risk Mitigation Project,* March 18, 2004 [cited March 18, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P074408.

[4054] The program was launched in 10 provinces and will expand to 40 more by late 2005. See UNICEF, *One in Every Eight Girls Out of School in Turkey,* [online press release] July 19 2003 [cited March 18, 2004]; available from http://www.unicef.org/media/media_10946.html. See also UNICEF, *At a Glance: Turkey,* [cited March 18, 2004]; available from http://www.unicef.org/infobycountry/Turkey.html.

Tuvalu

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Tuvalu are unavailable.[4055] Children are mainly involved in traditional subsistence farming and fishing and are rarely employed outside of these sectors.[4056]

Under Tuvalu's Education for Life program,[4057] education is compulsory between the ages of 6 and 15 years, and free until the age of 13.[4058] In 1998, the gross and net primary enrollment rates were both 100 percent.[4059] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Tuvalu. Although Tuvalu has achieved almost universal primary education, secondary enrollment rates are much lower.[4060]

Child Labor Laws and Enforcement

Tuvalese law sets the minimum age of employment at 14 years, and a child must be 18 years old to sign a formal work contract.[4061] The law prohibits industrial labor or work on ships by children less than 15 years of age.[4062] In addition, the Constitution and the Penal Code prohibit forced labor.[4063] The Penal Code criminalizes the procurement of a child less than 18 years of age for prostitution.[4064] While the Penal Code does not specifically address trafficking in children, the kidnapping or abducting of children is prohibited.[4065] There is no information available on the enforcement of labor laws.

[4055] LABORSTAT, *1A-Total and econmically active population, by age group (Thousands),* [Database] [cited August 30, 2004]; available from www.laborsta.ilo.org.

[4056] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Tuvalu*, February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27792.htm.

[4057] Office of the United Nations Resident Coordinator, *Tuvalu: United Nations Development Assistance Framework*, United Nations, Suva, Fiji, May 2002, 9; available from http://www.undp.org.fj/documents/UNDAF_TUVALU%20May%202002.doc.

[4058] See UNESCO, *Education for All 2000 Assessment: Country Reports- Tuvalu,* [Online] 2000 [cited May 19, 2004]; available from http://www2.unesco.org/wef/countryreports/tuvalu/contents.html.

[4059] More recent data on enrollment rates are not available. See UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000. For an explanation of gross primary enrollment and/or attendance rates that are equal to or greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[4060] ADB, *Millenium Development Goals in the Pacific: Relevance and Progress*, Manila, March 2003, 50-51; available from http://www.adb.org/documents/books/MDG_Pacific/mdg.pdf#page=48.

[4061] U.S. Department of State, *Country Reports- 2003: Tuvalu*.

[4062] Ibid.

[4063] *Constitution of Tuvalu*, Article 18, (1978); available from http://vanuatu.usp.ac.fj/paclawmat/Tuvalu_legislation/Tuvalu_Constitution.html. See also Government of Tuvalu, *Penal Code*, (1978), Article 249 [cited August 15, 2002]; available from http://vanuatu.usp.ac.fj/Paclawmat/Tuvalu_legislation/Consolidation_1978/Tuvalu_Penal_Code.html.

[4064] *Penal Code*, Articles 136, 38-39.

[4065] Ibid., Articles 131-32, 241-42, 46-47.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

UNICEF works with the Ministry of Health, other government agencies, and NGOs to address children's health and youth development.[4067] The EU provides funds for education-related projects,[4068] and AusAID is funding an 8-year project to improve the management and administration of the education system at the primary and secondary levels.[4069] NZAID started an early childhood education project and education sector planning in 2004.[4070]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	N/A[4066]
Ratified Convention 182	N/A
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

[4066] The Government of Tuvalu is not a member of the ILO, and is thus unable to ratify ILO conventions.

[4067] UNICEF, *UNICEF's Programme of Assistance to Pacific Island Countries,* [online] [cited May 19, 2004]; available from http://www.undp.org.fj/un/UNICEF/UNICEF_PIC.htm.

[4068] Office of the United Nations Resident Coordinator, *Tuvalu: UN Development Assistance Framework*, A 8.

[4069] Australian Agency for International Development, *Country Brief Tuvalu,* AusAID.gov, [online] 2004 [cited May 20, 2004]; available from http://www.ausaid.gov.au/country/cbrief.cfm?DCon=5241_4447_7119_7336_4068&CountryId=22. See also Office of the United Nations Resident Coordinator, *Tuvalu: UN Development Assistance Framework*, A 11.

[4070] New Zealand's International Aid and Development Agency, *Tuvalu Overview,* NZAID.govt.nz, [online] 2004 [cited May 11, 2004]; available from http://www.nzaid.govt.nz/programmes/c-tuvalu.html.

Uganda

Incidence and Nature of Child Labor

The Ugandan Bureau of Statistics estimated that 33.9 percent of children in Uganda ages 5 to 14 years were working in 2000-01.[4071] Children engage in various types of work, such as commercial agriculture and fishing,[4072] domestic service,[4073] and street sales and other activities in the urban informal sector.[4074] Children are also involved in exploitive labor, including commercial sexual exploitation[4075] and other hazardous activities.[4076] Uganda is considered to be a source country for trafficking of persons. There is evidence of children being abducted and trafficked across the border to Southern Sudan by the Lord's Resistance Army (LRA). The government also acknowledges that internal trafficking of children for labor and commercial sexual exploitation occurs, particularly in border towns and in Kampala.[4077] In Uganda alone, about 2 million children under 18 have been orphaned by the HIV/AIDS epidemic and are especially vulnerable to child labor.[4078]

[4071] Another 32.7 percent of children ages 15 to 17 years were also found working. The number of boys and girls engaged in child labor was relatively equal. The survey also reported the greatest percentage of children were working in domestic service (54.8 percent), crop farming (18.2 percent), and unskilled manual labor (15.4 percent). See ILO-IPEC, *Child Labour in Uganda: a Report Based on the 2000/2001 Uganda Demographic and Health Survey*, Report, Uganda Bureau of Statistics and ILO-IPEC, Entebbe, 2002, ix, 23, 29, 30, 36. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[4072] For more information on children involved in commercial agriculture see ILO-IPEC, *Report of Baseline Survey on Child Labour in Commercial Agriculture in Uganda*, baseline survey, RAF/00/P51/USA, ILO-IPEC-Commercial Agriculture-Uganda, Geneva, October 2002, viii-ix. For more information on children involved in the fishing industry see also The Republic of Uganda, *The National Child Labour Policy*, Policy, Draft, The Ministry of Gender, Labour, and Social Development, Kampala, June 2002, 6-7.

[4073] For more information on children involved in domestic service see FIDA (Uganda), *Children in Domestic Service: A Survey in Kampala District*, International Federation of Women Lawyers (FIDA), Kampala, 2000, vii-viii.

[4074] A 1999 study estimated that 5,000 children beg, wash cars, scavenge, work in the commercial sex industry, and sell small items on the streets of Kampala. See The Republic of Uganda, *National Child Labour Policy, Draft*, 8. In northern Uganda, an estimated 13,000 to 30,000 children (called night commuters) travel to urban centers each night to sleep in the relative safety of churches, hospitals and other improvised shelters to avoid abduction by the Lord's Resistance Army (LRA). See U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Uganda*, Washington, D.C., February 25, 2004, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27758.htm. See also Coalition to Stop the Use of Child Soldiers, *Uganda*, Child Soldier Use 2003: A Briefing for the 4th UN Security Council Open Debate on Children and Armed Conflict, January 16, 2004.

[4075] For more information on links between domestic service and commercial sexual exploitation see Roger Kasirye, "Sexual Risk Behaviors and AIDS Knowledge Among Kampala Street Girls: Implication for Service Providers - A Research Experience" (paper presented at the Africa Regional ISSBD Workshop, Lusaka, Zambia, April 8-12, 1996). Commercial sexual exploitation of children is especially prevalent in urban areas and border towns. See U.S. Department of State, *Country Reports- 2003: Uganda*, Section 6d.

[4076] Other hazardous activities include construction (particularly brick baking), sand and gold mining, and stone crushing. See The Republic of Uganda, *National Child Labour Policy, Draft*, 8.

[4077] U.S. Department of State, *Country Reports- 2003: Uganda*, Section 6f.

[4078] National Aids Documentation Center (NADIC), *The HIV/AIDS Epidemic: Facts and Figures,* Uganda Aids Commission, [online database] 2002 [cited September 22, 2004]; available from http://www.aidsuganda.org. See also ILO-IPEC Director-General, "A Future without Child Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights to Work" (paper presented at the International Labour Conference, 90th Session 2002, Geneva, 2002), 41-43.

Children in Uganda are also involved in armed conflict. During the 18-year conflict in Northern Uganda, the LRA has abducted an estimated 20,000 children for use as soldiers, laborers, and sex slaves.[4079] There are also credible reports that a number of children serve in the Uganda People's Defense Force (UPDF) and Local Defense Units. The UPDF contends that children currently serving in the security forces may have been allowed to join through deception or oversight. The UPDF collaborated with UNICEF to identify and remove 300 to 400 under-age soldiers from Uganda's 60,000 person army.[4080] Juvenile prisoners were reported to perform manual labor for little compensation.[4081]

The Constitution states that a child is entitled to basic education, which is the responsibility of the State and the child's parents.[4082] The Government of Uganda provides free education through grade seven. However, education is not compulsory.[4083] In 2003, the gross primary enrollment rate was 127.5 percent and the net primary enrollment rate was 100.8 percent.[4084] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, gross and net primary school attendance rates were 119 and 79 percent, respectively.[4085] The repetition rate for primary school in 2003 was 13.8 percent and the persistence rate to primary grade seven was 22.5 percent in the same year.[4086] Although 80 percent of students passed their primary leaving examination, there continue to be differences in achievement based on gender and geography.[4087]

[4079] It is estimated that 10,000 children have been abducted since mid-2002 when the government launched the anti-rebel campaign "Operation Iron Fist" (more than during any other period of the 18-year conflict). See Human Rights Watch, *Abduction of Children in Africa: briefing to the 60th Session of the UN Commission on Human Rights* (New York: Human Rights Watch, 2004); available from http://hrw.org/english/docs/2004/01/29/africa7118.htm. See also Women's Commission for Refugee Women and Children, *Against All Odds: Surviving the War on Adolescents - Promoting the Protection and Capacity of Ugandan and Sudanese Adolescents in Northern Uganda*, New York, 2001, 2; available from http://www.womenscommission.org/pdf/ug.pdf.

[4080] U.S. Embassy- Kampala official, email communication to USDOL official, May 17, 2005.

[4081] Ibid., Section 6d.

[4082] *Constitution of the Republic of Uganda*, Article 34 (2) [cited August 27, 2004]; available from http://www.government.go.ug/constitution/chapt4.htm.

[4083] U.S. Department of State, *Country Reports- 2003: Uganda*, Section 5.

[4084] The Ministry of Education and Sports, *Summary of ESIP Indicators 2003- Primary Schools,* The Republic of Uganda, [online] 2003 [cited August 27, 2004]; available from http://www.education.go.ug/Factfile%202003.htm. For a detailed explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[4085] USAID Development Indicators Service, *Global Education Database,* [online] 2004 [cited October 10, 2004]; available from http://qesdb.cdie.org/ged/index.html.

[4086] The persistence rate to primary grade four was 66.6 with rates between girls and boys relatively equal. The persistence rate to primary grade seven, in addition to being lower for students overall, revealed a discrepancy between the persistence of boys and girls within the final grades of primary, giving boys more than a three point advantage. See The Ministry of Education and Sports, *Summary of ESIP Indicators 2003- Primary Schools*.

[4087] In remote districts, where conflict is constant, barely 20 percent of students passed the primary leaving examination. See Integrated Regional Information Networks, "Uganda: Addressing the challenge of educating the disadvantaged", [online], February 3, 2004 [cited February 11, 2004]; available from http://www.irinnews.org/print.asp?ReportID=39262. Boys are more likely to finish primary school and perform better on leaving exams. See U.S. Department of State, *Country Reports- 2003: Uganda*, Section 5.

Since the introduction of Universal Primary Education, primary school enrollment has increased from 2.9 million children in 1996 to 7.6 million in 2003.[4088] However, major obstacles to the provision of quality education remain, including the high cost of education related expenses, inadequate infrastructure, a shortage of schools (requiring students to walk long distances to attend classes), the inability of teacher recruitment to keep pace with rising enrollment, low teacher salaries, internal corruption, lack of professional development and training opportunities for teachers, lack of incentives to attract teachers to hard-to-reach areas, and cultural beliefs that do not favor education.[4089]

Child Labor Laws and Enforcement

Revisions to the Employment Decree of 1975 increased the minimum age for employment to 14 years and prohibit persons below the age of 18 from engaging in hazardous labor.[4090] The Constitution of Uganda states that children under 16 years have the right to be protected from social and economic exploitation and should not be employed in hazardous work; work that would otherwise endanger their health, physical, mental, spiritual, moral, or social development; or work that would interfere with their education.[4091] Children's Statute No. 6 of 1996 prohibits the employment of children under 18 in work that may be harmful to their health, education, mental, physical, or moral development.[4092] In addition, the Trade Unions Decree No. 20 of 1976 gives minors the right to union membership.[4093] The Constitution prohibits child slavery, servitude, and forced labor.[4094]

Article 125 of the Penal Code prohibits individuals from procuring girls under the age of 21 for sex in Uganda or elsewhere. Violations of this Code are punishable by up to 7 years imprisonment. Owning or occupying a premise where a girl under age 18 is sexually exploited is a felony, and offenders are subject to 5 years of imprisonment under Article 127.[4095] The Penal Code prohibits trading in slaves and forced

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[4088] U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Uganda*, Washington, D.C., March 31, 2003, Section 5; available from http://www.state.gov/g/drl/rls/hrrpt/2002/18232.htm. See also Ministry of Education and Sports, *Primary Education Enrollment flows since inception of UPE in 1997*, 2004; available from http://www.education.go.ug/Latest%206th%20Aug.03%20Enrolment%20%20paper%20background.htm.

[4089] International Monetary Fund and the International Development Association, *Uganda: Poverty Reduction Strategy Paper Progress Report*, Joint Staff Assessment, March 9, 2001. See also U.S. Department of State, *Country Reports- 2003: Uganda*, Section 5. See also Ministry of Education and Sports, *Ninth Education Sector Review: Aide memoire*, [online] May 2003 [cited June 10, 2003], 54; available from http://www.education.go.ug/Final%209th%20ESR%20Aide%20Memoire.doc. See also Ministry of Education and Sports, *Primary Education Enrollment flows since inception of UPE in 1997*.

[4090] The Employment Decree of 1975, Section 50, originally limited employment for children between the ages of 12-18 years and prohibited children under 12 from working. See ILO-IPEC, *Child Labour in Uganda*, 6-7.

[4091] *Constitution of the Republic of Uganda*, Articles 34 (4) (5).

[4092] Uganda Bureau of Statistics and ILO-IPEC, *Child Labour in Uganda: A Report Based on the 2000/2001 Uganda Demographic and Health Survey*, Entebbe, 2002, 6. See also U.S. Department of State, *Country Reports- 2003: Uganda*, Section 5.

[4093] A "minor" is defined as above the apparent age of 16 but under the age of 21. See Mohammed Mwamadzingo, Ouma Mugeni, and Harriety Mugambwa, *Trade Unions and Child Labour in Uganda: A Workers' Education Handbook* (Geneva: Bureau for Workers' Activities of the International Labour Organization in co-operation with National Organisation of Trade Unions, 2002), 17-18.

[4094] *Constitution of the Republic of Uganda*, Articles 25 (1), (2).

[4095] The Republic of Uganda, *Penal Code*, as cited in The Protection Project Legal Library, [database online] 2001; available from http://209.190.246.239/protectionproject/statutesPDF/UgandaF.pdf.

labor.[4096] The Armed Forces (Conditions of Service) Regulations set the minimum age for military service at 18 years.[4097]

The Ministry of Gender, Labor, and Social Development is charged with enforcing child labor laws, as well as investigating and addressing child labor complaints through district labor officers.[4098] The military combats trafficking in persons by the LRA.[4099] However, the government's efforts to enforce the Children's Statute, the Constitution's prohibitions against forced labor and other protections have been hindered by limited staffing, financial constraints, cultural norms, and the large proportion of children within the country's general population.[4100] Only 26 out of 56 districts have labor officers and financial penalties for child labor are not severe enough to deter violations.[4101]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Ministry of Gender, Labor, and Social Development (MGLSD) houses the Child Labor Unit (CLU), which develops policies and programs on child labor.[4102] The MGLSD also provides the Secretariat for the National Steering Committee on Child Labor.[4103] The National Council for Children (NCC) is a semi-autonomous body charged with monitoring the implementation of the National Plan of Action for Children.[4104] The NCC also falls within the mandate of the MGLSD.[4105]

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	3/25/2003	✓
Ratified Convention 182	6/21/2001	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		✓
Sector Action Plan		

[4096] U.S. Department of State, *Trafficking in Persons Report- 2004: Uganda*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm.

[4097] Coalition to Stop the Use of Child Soldiers, *Uganda,* in Child Soldiers 1379 Report (2002), [online database] 2002 [cited September 22, 2004], 96; available from http://www.child-soldiers.org/cs/childsoldiers.nsf/6be02e73d9f9cb8980256ad4005580ff/c560bb92d962c64c80256c69004b0797/$FILE/B.%20CHILD%20SOLDIERS%201379%20REPORT-%20Countries%20A-L.pdf.

[4098] Community Child Labor Committees have been set up to monitor child labor at the district level. See U.S. Department of State, *Country Reports- 2003: Uganda*, Section 5, 6d. There is no system by which complaints are transferred to the Child Labor Unit from the district level. See U.S. Embassy- Kampala, *unclassified telegram no. 1811*, August 23, 2004.

[4099] U.S. Department of State, *Country Reports- 2003: Uganda*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Uganda*.

[4100] U.S. Department of State, *Country Reports- 2003: Uganda*, Section 5, 6c, 6d. See also U.S. Embassy- Kampala, *unclassified telegram no. 1806*, August 2003.

[4101] In districts without labor officers, probation and welfare officers handle child labor issues. Local governments also have an Office of Children's Affairs. See U.S. Embassy- Kampala, *unclassified telegram no. 1811*.

[4102] The Child Labour Unit also promotes coordination and networking among key stakeholders and monitors the implementation of programs to eliminate hazardous child labor. See FIDA (Uganda), *Children in Domestic Service*, 14.

[4103] ILO-IPEC, *Child Labour in Uganda*, 7.

[4104] The NCC was established in 1993 to monitor the implementation of the National Plan of Action for Children. See FIDA (Uganda), *Children in Domestic Service*, 14. See also ILO-IPEC, *Child Labour in Uganda*, 7.

[4105] Parliament, *Social Services Committee Report on the Ministerial Policy Statement and Budget Estimates for the Financial Year 2003/2004*, online, The Republic of Uganda, 2004; available from http://www.parliament.go.ug/social%20rpt7_session3.htm.

The Government of Uganda is one of five countries participating in USDOL-funded ILO-IPEC regional programs to combat child labor in the commercial agricultural sector and to build capacity to facilitate national and sub-regional efforts against the worst forms of child labor.[4106] The government is also participating in a regional child labor project focusing on the small urban industry and service sector funded by the Canadian government.[4107] A USDOL Child Labor Education Initiative in the amount of USD 3 million aims to address the education needs of former child soldiers and children living in northern Uganda.[4108] In 2004, USDOL funded two regional projects to combat exploitative child labor and HIV/AIDS that include activities in Uganda: a USD 3 million dollar project based in Uganda and Zambia implemented by ILO-IPEC and a four-country USD 14.5 million Education Initiative project implemented by World Vision.[4109] Several other local and international organizations also implement projects to assist children and youth living in northern Uganda.[4110] Tobacco-exporting companies support programming to combat child labor in the tobacco growing industry.[4111]

The government continues to provide a variety of resettlement packages, some of which include educational benefits and vocational training, to former rebels returning to Uganda.[4112] The military has also established child protection units to assist returning child soldiers.[4113] In addition to these programs, the government is involved in efforts to eliminate child labor through strategies to reduce poverty, specifically the Poverty Eradication Action Plan and the Plan for Modernization of Agriculture.[4114]

[4106] The commercial agriculture project is scheduled to close in December 2004. See ILO-IPEC, *Targeting the Worst Forms of Child Labor in Commercial Agriculture in Kenya, Malawi, Tanzania, Uganda and Zambia*, technical progress report,, Geneva, March 2004. See also ILO-IPEC, *Building the Foundations for Eliminating the Worst Forms of Children Labour in Anglophone Africa*, technical progress report,, ILO-IPEC, Geneva, March 2004.

[4107] ILO-IPEC - Geneva official, email communication to USDOL official, May 12, 2004.

[4108] U.S. Department of Labor, *U.S. Labor Secretary Elaine L. Chao Convenes International Conference on Child Soldiers: Announces $13 Million U.S. Initiative on Prevention and Rehabilitation*, press release, Washington, D.C, May 7, 2003; available from http://www.childsoldiers.us/press.html.

[4109] U.S. Department of Labor, *News Release: United States Provides over $110 Million in Grants to Fight Exploitative Child Labor Around the World*, October 1, 2004.

[4110] UNWIRE, "Sweden Gives $1 Million to Ugandan Women, Children", [online], June 14, 2004; available from http://www.unwire.org/UNWire/20040614/449_24857.asp. See also World Bank Group, *Northern Uganda Social Action Fund Project*, online, Washington, D.C., 2004. See also USAID, *Uganda*, online, Washington, D.C., 2003; available from http://www.usaid.gov/pubs/cbj2003/afr/ug/. See also UNICEF, *At a Glance: Uganda,* UNICEF, [online] [cited May 20, 2004]; available from http://www.unicef.org/infobycountry/uganda.html.

[4111] The Elimination of Child Labour in Tobacco Growing Foundation (ECLT) is funding a child labor project in Masindi District. See ECLT Foundation, *ECLT Foundation Program in Uganda 2003-2006: The Project for Elimination of Child Labour from Tobacco Farms in Masindi District, Uganda,* [online] November 14, 2004 [cited May 26, 2004]; available from http://www.eclt.org/filestore/UgandaProgramme.pdf. See also British American Tobacco, *Social Report 2002/03: Human Rights Report*, online, 2003; available from http://www.bat.com/oneweb/sites/uk__3mnfen.nsf/0/80256bf30082a32c80256d 41003515b2?OpenDocument.

[4112] This assistance is provided through the 2000 Amnesty Act. See U.S. Department of State, *Country Reports- 2003: Uganda*, Section 6f.

[4113] U.S. Department of State, *Trafficking in Persons Report- 2004: Uganda*.

[4114] ILO-IPEC, *Child Labour in Uganda*, 9-11. The Poverty Eradication Action Plan (PEAP) aims to reduce poverty levels to 10 percent by 2017. The Plan for Modernization of Agriculture (PMA) constitutes an important sectoral policy framework within the PEAP. See USAID/UGANDA, *Overall Assistance Environment in Uganda,* [online] August 3, 2004 [cited September 22, 2004]; available from http://www.usaid.or.ug/about%20usaid-uganda.htm.

In December 2004, the MGLSD adopted the Orphans and Vulnerable Children policy to coordinate government efforts to extend social services to several target groups of children, including those involved in the worst forms of child labor. The MGLSD also adopted the Social Development Sector Strategic Investment Plan to focus resources on supporting victims of poverty, including children, who perform jobs in the informal employment sector.[4115]

The Ministry of Education and Sports (MOES) implements the policy of Universal Primary Education to encourage the enrollment and retention of primary students by improving access to education, enhancing the quality of education, and ensuring that education is affordable.[4116] In Financial Year 2003/2004, 31 percent of the general budget was allocated to the MOES for education. Of this amount, 65 percent was allocated to primary education and 10 percent to secondary education.[4117] With USAID assistance, the Ministry of Education and Sports developed a "Basic Education Policy and Costed Framework for Educationally Disadvantaged Children" to increase access among children not served by the current education system, including children engaged in hazardous work.[4118] This policy was adopted in November 2003 and aims to expand and coordinate current non-formal education efforts targeting underserved populations.[4119] The MOES also funds 46 vocational schools for children who cannot afford to attend secondary school.[4120] The Government of Uganda implements several programs to improve girls' education.[4121] In 2004, the Ministry of Education and Sports extended the Ministry's education advocacy campaign to local governments and local communities.[4122] Several donor governments and international organizations support the government's education efforts.[4123]

[4115] U.S. Embassy- Kampala official, email communication.

[4116] Ministry of Education and Sports, *The Ugandan Experience of Universal Primary Education (UPE)*, The Republic of Uganda, Kampala, July 1999, 10. See also ILO-IPEC, *Child Labour in Uganda*, 7-8. International Monetary Fund and the International Development Association, *Uganda: Poverty Reduction Strategy Paper Progress Report*, 5.

[4117] U.S. Embassy- Kampala, *unclassified telegram no. 1811*.

[4118] The framework is part of Uganda's commitment to the international Millennium Development Goals which establish education goals to be met by 2015. The Republic of Uganda, *Basic Education Policy and Costed Framework for Educationally Disadvantaged Children*, 1st Draft, Ministry of Education and Sports, Kampala, October 31, 2002, 1-2. See also U.S. Embassy- Kampala, electronic communication to USDOL official, February 19, 2004.

[4119] The policy was adopted during the 10th Education Sector Review Conference. See ILO-IPEC, *National Program on the Elimination of Child Labor in Uganda, Final Report*, August 2004. See also The Republic of Uganda, *Basic Education Policy*, 1.

[4120] U.S. Embassy- Kampala official, email communication.

[4121] These programs include: the Girl Education Movement, which seeks to improve girls' leadership and technical skills; the Girl Child Education Strategy, which seeks to increase girl student enrollment; and, in conjunction with UNICEF, a "Non-Formal Alternatives" program intended to teach basic skills to girls ages 10 to 16 years who have never attended school. See U.S. Embassy- Kampala, *unclassified telegram no. 2989*, September 18, 2001. See also *The GEM Agenda*, Annex, 1.

[4122] Ministry of Education and Sports, *Primary Education Enrollment flows since inception of UPE in 1997*.

[4123] USAID, *Uganda*. See also UNICEF, *At a Glance: Uganda*. See also World Bank Group, *Northern Uganda Social Action Fund Project*.

Uruguay

Incidence and Nature of Child Labor

The ILO estimated that less than 1 percent of children ages 10 to 14 years were working in Uruguay in 2002.[4124] The recent economic crisis in Uruguay, however, has reportedly led to an increase in the incidence of children working in the informal sector.[4125] The majority of child work occurs in the informal sector, where children work in agriculture, street vending, garbage collection, and begging.[4126] Children also reportedly engage in prostitution. In 2002, the state government of Maldonado reported that sex tourism and child prostitution had increased in a number of locations in the state. There are also reports of child prostitution in rural areas with high unemployment rates.[4127] Several types of prostitution have been reported, including of very poor and homeless children around factories and in slums, in downtown bars and pubs, on the street, and through pimps.[4128]

Kindergarten, primary, and secondary education are free and compulsory, and the government provides free education through the undergraduate level.[4129] In 2001, the gross primary enrollment rate was 108.3 percent (109.3 percent for boys, 107.1 percent for girls), and the net primary enrollment rate was 89.5 percent (89.3 percent for boys, 89.8 percent for girls).[4130] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Uruguay. As of 2000, 88.6 percent of children who started primary school were likely to reach grade 5.[4131]

[4124] An estimated 0.7 percent of children ages 10 to 14 years were working in Uruguay in 2002. See World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[4125] U.S. Embassy- Montevideo, *unclassified telegram no. 1301*, September 2004, para. 1. The Uruguayan economy was negatively affected by the economic crisis in Argentina that began in December 2001. See World Bank, "World Bank Approves $300 Million To Help Uruguay Cope With External Shocks, Strengthen Economic Reforms", [online], August 8, 2002 [cited May 26, 2004]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20061319~menuPK:34466~pagePK:34370~piPK:34424~theSitePK:4607,00.html#.

[4126] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Uruguay*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27922.htm. See also U.S. Embassy- Montevideo, *unclassified telegram no. 1301*, para. 3.

[4127] U.S. Department of State, *Country Reports- 2003: Uruguay*, Section 5.

[4128] Child prostitutes are also found in hotels and massage parlors, at "pornoshows," among domestic servants, and in modeling agencies. See ECPAT International, *Uruguay*, in ECPAT International, [database online] n.d. [cited May 21, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=186&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry.

[4129] U.S. Department of State, *Country Reports- 2003: Uruguay*, Section 5. However, there are reports that regulations regarding compulsory education are not enforced. See U.S. Embassy- Montevideo, *unclassified telegram no. 1301*, para. 5.

[4130] World Bank, *World Development Indicators 2004*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[4131] Ibid.

Child Labor Laws and Enforcement

The Children's Code sets the minimum age for employment at 15 years, and at 18 years for hazardous work.[4132] Workers under 18 years must undergo a physical exam in order to identify job-related physical harm, and children between 15 and 18 years may not work more than 6 hours per day or 36 hours per week. Violations of child labor laws are punishable by a fine of up to 2,000 "Readjustable Units," which are calculated based on cost of living. Repeat offenders may be imprisoned, and parents of working children may be subject to fines, imprisonment, or possible limitation or revocation of guardianship.[4133]

Forced or bonded labor, including by children, is prohibited by the Constitution.[4134] The Commercial or Noncommercial Sexual Violence Against Children, Adolescents, and the Handicapped law addresses pornography, prostitution, and trafficking involving minors. The production, facilitation, or dissemination of child pornography is punishable by 6 months to 6 years of incarceration. Prison terms for trafficking children in or out of the country or contributing to the prostitution of a child range from 2 to 12 years.[4135] Additionally, prostituting a child for profit is punishable by a minimum jail sentence of 4 years.[4136]

The Adolescent Labor Division of the National Institute for Adolescents and Children (INAU) bears primary responsibility for implementing policies to prevent and regulate child labor and to provide training on child labor issues.[4137] INAU works with the Ministry of Labor to investigate complaints of child labor, and the Ministry of the Interior to prosecute cases.[4138] However, the U.S. Department of State reported that the lack of resources and concentration of child work in the informal sector make enforcement difficult.[4139] Responsibility for investigating trafficking cases lies primarily with the Ministry of the Interior.[4140]

[4132] The new Children's Code, Law No. 17.823, was passed by the Uruguayan Senate in September 2004 and replaces the 1937 Children's Code. Hazardous work is defined as work that endangers the health, physical development, or morals of a child. See Poder Legislativo, República Oriental del Uruguay, *Ley No. 17.823,* [online] [cited May 31, 2005] Art. 164; available from http://www.parlamento.gub.uy/palacio3/index.htm.

[4133] Ibid., paras. 2, 3.

[4134] U.S. Department of State, *Country Reports- 2003: Uruguay*, Section 6c.

[4135] The Commercial or Noncommercial Sexual Violence Against Children, Adolescents, and the Handicapped law, Law No. 17.815, was passed by the Uruguayan Senate in 2004. See Poder Legislativo, República Oriental del Uruguay, *Ley No. 17.815.*

[4136] See Poder Legislativo, República Oriental del Uruguay, *Ley No. 16.707.*

[4137]The National Institute for Adolescents and Children was formerly known as the National Institute for Minors (INAME). The name was changed in accordance with the 2004 Children's Code. See Poder Legislativo, República Oriental del Uruguay, *Ley No. 17.823.* See also UNICEF Regional Office for Latin America and the Caribbean, *Informe Regional- Uruguay,* UNICEF, [online] [cited May 24, 2004], Area 7 del Plan de Acción; available from http://www.unicef.org/lac/espanol/informe_regional/uruguay/acciones.htm. See also U.S. Embassy- Montevideo, *unclassified telegram no. 1298*, August 14, 2003.

[4138] There have been claims that the division of responsibility between the Ministry of Labor and INAU vis-à-vis child labor is not always clear, since they both conduct investigations. See U.S. Embassy- Montevideo, *unclassified telegram no. 1301*, para. 4.

[4139] U.S. Department of State, *Country Reports- 2003: Uruguay*, Section 6d.

[4140] Ibid., Section 6f.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/2/1977	✓
Ratified Convention 182	8/3/2001	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		✓
Sector Action Plan (Commercial Sexual Exploitation)		✓

The Government of Uruguay, with support from the World Bank, is implementing a project to improve the equity, quality, and efficiency of preschool and primary education.[4141] The government is also participating in an IDB-funded program that includes initiatives to address child labor, reduce school attrition, and improve children's performance in school.[4142]

The government is working with ILO-IPEC, other MERCOSUR governments, and the Government of Chile to implement a 2002-2004 regional plan to combat child labor.[4143] The plan's objectives include developing public capacity to prevent and eradicate child labor, and strengthening information systems on child labor.[4144] The National Committee for the Eradication of Child Labor (CETI) has a National Action Plan for 2003-2005 to combat child labor. The plan includes measures such as awareness raising, the strengthening of legal protections, reintegration and retention of working children in school, and the development of alternative income generation for families of working children[4145] The issue of child labor has been incorporated into the teacher training curriculum as part of the country's National Action Plan to combat child labor.[4146] UNICEF is implementing a project on children's and adolescents' rights that includes a component on child labor.[4147]

[4141] The five-year project was funded in 2002. See World Bank, *Third Basic Education Quality Improvement Project*, [online] [cited May 24, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P070937.

[4142] The five-year program was funded in November 2002. See IDB, *Uruguay: Comprehensive Program for at-risk Children, Adolescents and Families*, UR-134, 2002, 2; available from http://www.iadb.org/exr/doc98/apr/ur1434e.pdf. See also IDB, *Approved Projects - Uruguay*, in IDB, [online] November 20, 2003 [cited May 25, 2004]; available from http://www.iadb.org/exr/doc98/apr/lcuru.htm.

[4143] Cristina Borrajo, "Mercosur y Chile: una agenda conjunta contra el trabajo infantil: La defensa de la niñez más allá de las fronteras," *Encuentros*, Año 2 Numero 6 (August 2002); available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/boletin/numero6/ipeacciondos.html [hard copy on file]. See also, generally, ILO-IPEC Sudamérica, *Plan Subregional para la Erradicación del Trabajo Infantil en los países del Mercosur y Chile: 2002-2004*, Lima; available from http://www.oit.org.pe/ipec/doc/documentos/folleto_mercosur_ultima_version.doc.

[4144] Activities focus on areas such as creating or expanding labor inspection systems, adapting legislation, incorporating the issue of child labor into public social policies, and developing direct action programs. See ILO-IPEC Sudamérica, *Plan Subregional para la Erradicación del Trabajo Infantil: 2002-2004*, 15-19.

[4145] ILO-IPEC, *Ficha Pais: Uruguay*; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/doc/fichas/fichauruguay.doc. See also, generally, Comité Nacional para la Erradicación del Trabajo Infantil (CETI), *Plan de Acción para la Prevención y Erradicación del Trabajo Infantil en el Uruguay: 2003-2005*, 2003; available from http://www.cetinf.org/plan.accion.pdf.

[4146] Ministry of Labor and Social Security representative to the National Committee for the Eradication of Child Labor María del Rosario Castro, written communication to Uruguayan Minister of Labor and Social Security Santiago Pérez del Castillo in response to USDOL request for information, 2003.

[4147] UNICEF, *At a glance: Uruguay*, in UNICEF, [online] n.d. [cited March 25, 2004]; available from http://www.unicef.org/infobycountry/uruguay.html.

The Interdepartmental Commission for the Prevention and Protection of Children Against Sexual Exploitation, along with INAU, has a national plan of action against commercial sexual exploitation of children that includes education programs.[4148] In addition, INAU maintains shelters for at-risk children, operates a confidential hotline for child victims of domestic abuse, and cooperates with an NGO to provide food vouchers to parents of street children who are sent to school.[4149] INAU also offers various services for adolescents, such as work training and safety programs, and educational and placement services.[4150]

The government provides parents of working children with monthly payments in exchange for regular class attendance by their children, and offers free lunch to needy children in public schools.[4151]

[4148] U.S. Department of State, *Country Reports- 2003: Uruguay*, Section 5.

[4149] Ibid., Sections 5, 6d.

[4150] U.S. Embassy- Montevideo, *unclassified telegram no. 1301*, para.5.

[4151] Ibid., para. 5.

Uzbekistan

Incidence and Nature of Child Labor

UNICEF estimated that 22.6 percent of children ages 5 to 14 years in Uzbekistan were working in 2000.[4152] Children work in agriculture in rural areas, where the large-scale, compulsory mobilization of children to help with cotton harvests has been reported.[4153] Schools close in some rural areas to allow children to work during the harvest.[4154] Popular media report that children help cultivate rice and raise silk worms in rural areas,[4155] and work in street vending,[4156] construction, building materials manufacturing, and transportation.[4157] Children frequently work as temporary hired workers, or *mardikors*, without access to the social insurance system.[4158] UNICEF reports that approximately 34,500 children are living and working on the streets in Uzbekistan and are vulnerable to hazards associated with such an environment.[4159] Children are engaged in prostitution in Uzbekistan.[4160] Young women and possibly adolescent girls are reportedly

[4152] Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. See Government of Uzbekistan, *Multiple Indicator Cluster Survey (MICS)*, UNICEF, December 5, 2000, Table 42, 7; available from http://www.childinfo.org/MICS2/newreports/uzbekistan/uzbekistan.PDF.

[4153] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Uzbekistan*, Washington, D.C., February 25, 2004, Sections 5, 6c and 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27873.htm. Rural children are said to lag behind their urban peers in schooling, due to participation in the cotton harvest that takes children away from their studies. See UN Office for the Coordination of Humanitarian Affairs, *Uzbekistan: Focus on Rural Schools,* [online] August 10, 2004 [cited August 31, 2004]; available from http://www.irinnews.org/report.asp?ReportID=38047&SelectRegion=Central_Asia&SelectCountry=UZBEKISTAN.

[4154] Children as young as 10 years old can be found working in cotton fields in conditions hazardous to their health. Legal Aid Society, STATUS, Center for Social and Humanitarian Researches, Business Women Association (Kokand), Mekhri, Beguborlik, SABO, PIASC, KRIDI, Mekhr Tayanchi, UNESCO Youth Club, Kokand Children's Club, Shygiz Children's Club Kukus, Mothers and Daughters, Bolalar va Kattalar Children's Club, Save the Children (UK), and UNICEF, *Supplementary NGO Report on the Implementation of the Convention on the Rights of the Child in the Republic of Uzbekistan,* 2001 [cited May 11, 2004], 10, 33; available from http://www.crin.org/docs/resources/treaties/crc.28/Uzbekistan.doc. See also U.S. Embassy- Tashkent, *unclassified telegram no. 2056*, August 11, 2004.

[4155] Cango.net, *Initiative Newsletter: The Situation with Child Labour is Unlikely to Change in the Foreseeable Future,* cango.net, [online] 2002 [cited May 17, 2004]; available from http://www.cango.net/news/archive/spring-2002/a0002.asp.

[4156] Farangis Najibullah, *Central Asia: For Many Young Uzbeks and Tajiks, Working is a Way of Life,* [online] May 27, 2003 [cited May 17, 2004]; available from http://www.rferl.org/nca/features/2003/05/27052003154228.asp. Children work in markets selling various products such as alcohol, tobacco and food. See Legal Aid Society, STATUS, Center for Social and Humanitarian Researches, Business Women Association (Kokand), Mekhri, Beguborlik, SABO, PIASC, KRIDI, Mekhr Tayanchi, UNESCO Youth Club, Kokand Children's Club, Shygiz Children's Club Kukus, Mothers and Daughters, Bolalar va Kattalar Children's Club, Save the Children (UK), and UNICEF, *Supplementary NGO Report*, 33.

[4157] Cango.net, *The Situation with Child Labour is Unlikely to Change in the Foreseeable Future*.

[4158] Ibid.

[4159] UNICEF, *At a Glance: Uzbekistan - the Big Picture,* [online] 2004 [cited May 17, 2004]; available from http://www.unicef.org/infobycountry/uzbekistan.html.

[4160] U.S. Department of State, *Country Reports- 2003: Uzbekistan*, Section 6f. See UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Uzbekistan*, CRC/C/15/Add.167, November 7, 2001, para. 68; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.167.En?OpenDocument.

trafficked to destinations in the Persian Gulf, Asia, and Europe for the purposes of commercial sexual exploitation.[4161]

Basic education is compulsory for 9 years under the Education Law of 1992[4162] and free according to Article 41 of the Constitution.[4163] In 2001, the gross primary enrollment rate was 102.6 percent.[4164] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, approximately 73.4 percent of primary school age children attended school, and 88.7 percent of children who started primary school were likely to reach grade 5.[4165] While school enrollment rates for boys and girls are high, UNICEF reports that children from poor rural households have less access to education.[4166] Early marriages of girls also pose challenges to continuing their education.[4167] Parents and students are often asked to cover the costs of school repairs and supplementing teachers' incomes due to low salaries.[4168]

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.[4169] The Labor Code prohibits children less than 18 years of age from working in unfavorable labor conditions and establishes limited work hours for minors.[4170] Children between the ages of 14 and 16 may only work 10 hours per week while school is in

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[4161] Traffickers most often target women between 17 and 30 years of age. U.S. Department of State, *Country Reports- 2003: Uzbekistan*, Section 6f.

[4162] Law of the Republic of Uzbekistan "On Education" (1992) as cited in the Ministry of Public Education and Ministry of Higher and Secondary Special Education, *National Action Plan on Education for All in the Republic of Uzbekistan*, Tashkent, 2002, 10, 13; available from http://www.unescobkk.org/EFA/EFAcountry/Uzbekistan.pdf.

[4163] *Constitution of the Republic of Uzbekistan, 1992*, (December 8, 1992); available from http://www.ecostan.org/laws/uzb/uzbekistancon_eng.html.

[4164] Net primary school enrollment rates are not available. World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For a detailed explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[4165] This refers to children ages 7 to 11 years old. Government of Uzbekistan, *Multiple Indicator Cluster Survey*, 5 and Annex, Table 10, 11.

[4166] UNICEF, *At a Glance - the Big Picture*. UNICEF has also been supportive of pre-primary school programs for children ages 3 to 6, through a home-based *Mahallah* nursery school system. The flexibility of the hours of such a system has improved nursery school enrollment and parents are able to participate more freely in paid employment activities. This is particularly beneficial during the cotton-picking season. See UN Office for the Coordination of Humanitarian Affairs, *Uzbekistan: Home-based Preschool Care Taking Off*, [online] November 24, 2003 [cited February 12, 2004]; available from http://www.irinnews.org/report.asp?ReportID=38047&SelectRegion=Central_Asia&SelectCountry=UZBEKISTAN

[4167] Ministry of Public Education and Ministry of Higher and Secondary Special Education, *National Action Plan on EFA*.

[4168] U.S. Embassy- Tashkent, *unclassified telegram no. 2056*.

[4169] Fourteen year-olds may only work in light labor that does not negatively affect their health and/or development. See U.S. Embassy- Tashkent, *unclassified telegram no. 3730*, October 15, 2002. See Article 77 of the Labor Code as cited by U.S. Department of State, *Country Reports- 2003: Uzbekistan*, Section 6d.

[4170] UN Committee on the Rights of the Child, *Initial Reports of States Parties Due in 1996*, CRC/C/41/Add.8, prepared by Government of Uzbekistan, pursuant to Article 44 of the Convention on the Rights of the Child, December 27, 1999, para. 315 and 18; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/aacfcf7e3feaabf2c1256a4d00391fbc/$FILE/G0140749.pdf. This report was submitted by the government to the committee on December 27, 1999.

session and 20 hours per week during school vacation. Children between 16 and 18 years may only work 15 hours per week when school is in session and 30 hours per week during school vacations.[4171] All working children ages 14 to 18 years are required to obtain written permission from a parent or guardian, and work may not interfere with their studies.[4172] The Constitution prohibits forced labor except when fulfilling a court sentence.[4173] The Penal Code establishes punishment for people who profit from prostitution or maintain brothels, with higher penalties when a child is involved.[4174] The Penal Code prohibits the recruitment of children for the purposes of sexual exploitation, with higher penalties for taking children out of the country. Trafficking of children outside the country is punishable with 5 to 8 years in prison.[4175] The penalty for recruitment for sexual or other exploitation is 6 months to 3 years in prison and up to USD 900 in fines.[4176]

Enforcement of the law is carried out by the Prosecutor General and the Ministry of Interior's criminal investigators. While enforcement appears effective to deter child labor in the formal sector, it is not effective in regulating children's work in family-based employment and the agricultural sectors. The Ministry of Labor and Social Protection does not have legal jurisdiction over child labor enforcement.[4177]

In 2003, the government prosecuted 101 people for trafficking-related crimes; as of February 2004 there had been 80 convictions.[4178]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Representatives from the Government of Uzbekistan participated in an assessment mission where preliminary information was gathered about the child labor situation in Central Asia.[4179] As a result, USDOL provided funding to ILO-IPEC for a sub-regional project to enhance the capacity of national institutions to eliminate the worst forms of child labor in Uzbekistan and share to information and experiences across the sub-region.[4180]

[4171] U.S. Department of State, *Country Reports- 2003: Uzbekistan*, Section 6d.

[4172] U.S. Embassy- Tashkent, *unclassified telegram no. 2056*.

[4173] *Constitution of the Republic of Uzbekistan, 1992*, Article 37.

[4174] Government of Uzbekistan, *Crimes Against Sexual Freedom*, as cited in The Protection Project Legal Library, [database online] [cited May 17, 2004], Article 131; available from http://209.190.246.239/protectionproject/statutesPDF/UzbekistanF.pdf.

[4175] Ibid., Article 135.

[4176] Ibid. See also U.S. Department of State, *Country Reports- 2003: Uzbekistan*, Section 6f.

[4177] U.S. Embassy- Tashkent, *unclassified telegram no. 2056*.

[4178] It is not specified if any of these crimes included the trafficking of children under the age of 18 years. See U.S. Department of State, *Trafficking in Persons Report- 2004: Uzbekistan*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33192.htm#uzbekistan.

[4179] The mission was lead by ILO-IPEC and took place in June 2004. See ILO-IPEC, *CAR Capacity Building Project: Regional Program on the Worst Forms of Child Labour*, project document, RER/04/P54/USA, Geneva, September 2004, 1. The Government of Germany provided funding in 2003 to carry out these activities. ILO-IPEC Official, Active IPEC Projects as of May 1, 2004, USDOL Official, 2004.

[4180] Countries participating in the sub-regional project are Uzbekistan, Kazakhstan, Kyrgyzstan, and Tajikistan. See ILO-IPEC, *CAR Capacity Building Project*, vii.

The government established an inter-agency working group to combat trafficking in persons, and actively cooperates with local NGOs and the OSCE on anti-trafficking training of law enforcement and consular officials.[4181] The Ministry of Foreign Affairs' Consular Department is developing an assistance and repatriation program to aid trafficked victims, in cooperation with a local NGO that meets returning victims at the airport.[4182]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182	
ILO-IPEC Associated Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

The government has a cooperative agreement with UNICEF for 2000-2004 that supports a program that promotes the protection and development of children and the well-being of youth.[4183] The 2000-2005 State Program on Forming a Healthy Generation focuses on improving childhood development in such areas as health and education.[4184] To encourage school attendance, the government provides aid to students from low-income families in the form of scholarships, full or partial boarding, textbooks, and clothing.[4185] In addition, children from low-income households are provided with free medical services.[4186]

The government has a National Action Plan on Education for All with the goal of ensuring that by 2015 all children have access to free and compulsory primary education.[4187] In February 2004, the President issued a resolution that called for a special commission to prepare a program of development of school education for 2004-2008, and establish working groups to identify technical and fiscal resources needed.[4188] Through its education reform program, the government is taking steps to expand compulsory education from 9 to

[4181] U.S. Department of State, *Country Reports- 2003: Uzbekistan*, Section 6f.

[4182] Ibid.

[4183] Government of Uzbekistan, *Executive Summary of the Republic of Uzbekistan on Implementation of the Resolutions of the World Summit for Children*, UNICEF, 2002, 11; available from http://www.unicef.org/specialsession/how_country/edr_uzbekistan_en.PDF.

[4184] Government of Uzbekistan, *Information on Implementation on the Convention on the Rights of the Child*, 2001, 14; available from http://www.unhchr.ch/html/menu2/6/crc/doc/replies/wr-uzbekistan-1.pdf.

[4185] U.S. Embassy- Tashkent, *unclassified telegram no. 2056*. See also Government of Uzbekistan, *Executive Summary*, 10.

[4186] Government of Uzbekistan, *Executive Summary*, 19.

[4187] The National Program for Personnel Training (NPPT) is the conceptual basis for the EFA action plan. See Ministry of Public Education and Ministry of Higher and Secondary Special Education, *National Action Plan on EFA*, 4-5.

[4188] The Presidential Decree "On Measures to Prepare a Program of Development of School Education for 2004-2008" calls for plans to be developed to address issues such as capital reconstruction of schools, equipment supplies, including computers and textbooks, improving school standards and programs, guaranteeing schools, especially in rural areas, with qualified teachers, and developing children's sports programs. See Press Service of the President of the Republic of Uzbekistan, *School – the basis of culture, progress and enlightenment*, [online] May 12, 2004 [cited May 17, 2004]; available from http://www.press-service.uz/eng/novosti_eng/novosti_eng.htm. See also Radio Tashkent International, *President Orders to Prepare Schools Development Program*, [online] February 22, 2004 [cited May 17, 2004]; available from http://ino.uzpak.uz/eng/youth_sport_eng/youth_sport_eng_2202.html.

12 years by 2009.[4189] During the second phase of the education reform program (2001-2005), a national program of training educational specialists is underway to prepare a strong and capable teaching corps.[4190]

To support these reforms, the government has increased budget allocations for educational development to 11.7 percent of the GDP, and additional donor funds have also been provided for this purpose.[4191] The ADB is the lead agency providing technical input to policy and program development, and funding education reforms in Uzbekistan.[4192] The ADB has provided 5 loans totaling USD 206.5 million to support three key projects: Basic Education Textbook Development, Senior Secondary Education Project, and the Education Sector Development Program.[4193] USAID also supports a basic education program with USD 1.2 million for teacher training, strengthening the capacity of school management, increasing parent involvement in the schools, and providing computers to schools throughout the country.[4194]

[4189] Radio Tashkent International, *Through Education to the Country's Progress*, [online] June 24, 2003 [cited May 17, 2004], 3; available from http://ino.uzpak.uz/eng/youth_sport_eng/youth_sport_eng_2406.html. Three years of professional or vocational training in special training institutes or colleges would become mandatory. See U.S. Embassy- Tashkent, *unclassified telegram no. 2056*.

[4190] Radio Tashkent International, *Through Education to the Country's Progress*, 1-2. This is the National Program for Personnel Training (NPPT). See UNESCO, *Uzbekistan - Policy and Programs,* [online] 2002 [cited May 17, 2004]; available from http://www.unescobkk.org/education/ece/policies/uzbekistan.htm.

[4191] Radio Tashkent International, *Through Education to the Country's Progress*, 2. See also Press Service of the President of the Republic of Uzbekistan, *School – the basis of culture, progress and enlightenment*.

[4192] Asia Development Bank, *Country Strategy and Program Update (2004-2006): Uzbekistan*, 2003, 19; available from http://www.adb.org/Documents/CSPs/UZB/2003/CSP_UZB_2003.pdf.

[4193] Other development partners supporting activities in the education sector include the EU, Japanese International Cooperation Agency, Japan Bank for International Cooperation, USAID, World Concern, and German Technical Cooperation (GTZ). See Ibid., 18-19.

[4194] USAID, *USAID/Central Asian Republics - Country Report: Uzbekistan,* January 2004 [cited May 17, 2004]; available from http://www.usaid.gov/locations/europe_eurasia/pdfs/uzbprofile.pdf.

Vanuatu

Incidence and Nature of Child Labor

Statistics on the number of working children in Vanuatu under age 15 are unavailable.[4195] However, there are reports that many children assist their parents in family-owned agricultural production.[4196] There have been no reports of trafficked, bonded, or forced labor involving children in Vanuatu.[4197]

Access to school is limited,[4198] and there is no constitutional guarantee mandating that education be either compulsory or free.[4199] School fees can be as high as USD 400 a year.[4200] In 2001, the gross primary enrollment rate was 111.6 percent, and the net primary enrollment rate was 93.2 percent.[4201] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance rates are unavailable for Vanuatu.[4202] As of 2000, 95.1 percent of children who started primary school were likely to reach grade 5.[4203] The educational system is complicated by the use of 1 or 2 official languages in the classroom, while there are over 100 vernaculars used over many islands. This makes the subject matter presented largely irrelevant to children's every day lives and illiteracy widespread.[4204] A 1999 report published by the UNDP stated that 24 percent of all primary school teachers in Vanuatu lack training. Projections have been made that at the current high growth rate of school age children, primary school enrollment will double by the year 2010.[4205]

[4195] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. Child labor is not perceived to be a major concern in the Pacific Island region. However, the large number of children out of school signifies that many children work either in the community or at home. See Margaret Chung and Gerald Haberkorn, *Broadening Opportunities for Education: Pacific Human Development Report*, 1999, 42.

[4196] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Vanuatu*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27793.htm.

[4197] Ibid., Sections 6c and 6f.

[4198] Ibid., Section 5. See also ADB, *Millennium Development Goals in the Pacific Relevance and Progress,* 2003 [cited March 18, 2004], 54; available from http://www.adb.org/documents/books/MDG_Pacific/mdg.pdf.

[4199] Right to Education, *Constitutional Guarantees: Vanuatu,* Right to Education, [database online] [cited August 25, 2004]; available from http://www.right-to-education.org/content/index_4.html. See also Right to Education, *Gap Between Promise and Performance,* Right to Education, [database online] [cited August 25, 2004]; available from http://www.right-to-education.org/content/index_4.html. See also U.S. Department of State, *Country Reports- 2003: Vanuatu*, Section 5.

[4200] UNESCO, *Education ou aliénation?,* [online] [cited August 18, 2004]; available from http://portal.unesco.org/en/ev.php-URL_ID=21208&URL_DO=DO_TOPIC&URL_SECTION=201.html.

[4201] World Bank, *World Development Indicators 2004*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[4202] For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

[4203] Ibid.

[4204] Chung and Haberkorn, *Broadening Opportunities for Education*, 42. See also UNESCO, *Education ou aliénation?*

[4205] Chung and Haberkorn, *Broadening Opportunities for Education*, 40, 44-45.

Child Labor Laws and Enforcement

Under the Labor Code, children below the age of 12 are prohibited from working outside family-owned operations involved in agricultural production.[4206] Children between the ages of 12 and 18 are restricted from working by occupation category and labor conditions, including working at night or in the shipping industry.[4207] Forced labor is also prohibited by law.[4208] Vanuatu's Penal Code prohibits procuring, aiding or facilitating the prostitution of another person or sharing in the proceeds of prostitution.[4209]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Vanuatu's Cultural Centre, in collaboration with NGOs, is currently working with the Ministry of Education on primary school curriculum reform, in an effort to teach in the vernacular languages, improve relevance of education, and increase literacy levels.[4210] The government is also working with UNICEF through the Ministry of Health, other government agencies, NGOs, and Pacific Island Regional Organizations to address issues of early childhood education.[4211]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138	
Ratified Convention 182	
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

[4206] U.S. Department of State, *Country Reports- 2003: Vanuatu*, Section 6d.

[4207] Ibid., Section 6d.

[4208] Ibid., Section 6c.

[4209] *Criminal Code of Vanuatu*, in The Protection Project Legal Library, [database online]; available from http://209.190.246.239/protectionproject/statutesPDF/VantuatuF.pdf.

[4210] UNESCO, *Education ou aliénation?*

[4211] UNICEF, *Assistance to Pacific Island Countries*, [online] [cited August 25, 2004], [hardcopy on file]; available from http://www.undp.org.fj/un/UNICEF/UNICEF_PIC.htm.

Venezuela

Incidence and Nature of Child Labor

UNICEF estimated that 9.9 percent of children ages 5 to 14 years in Venezuela were working in 2000.[4212] Children work in agriculture, street vending, artisanry, office work, and services.[4213] Children are also involved in begging, petty theft on the streets, prostitution, and drug trafficking.[4214] Venezuela is a destination, transit, and source country for children trafficked for the purpose of sexual exploitation.[4215] Children are trafficked internally for labor and sexual exploitation,[4216] as well as from other South American countries, especially Ecuador, to work in the capital city of Caracas as street vendors and domestics.[4217] There are also reports that children from Venezuela have been abducted and used as soldiers by the Revolutionary Armed Forces of Colombia.[4218]

The Constitution mandates free and compulsory education up to the university preparatory level (15 or 16 years of age).[4219] The Organic Law for Child and Adolescent Protection defines the state's responsibility to guarantee flexible education schedules and programs designed for working children and adolescents.[4220] In

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[4212] The *Multiple Indicator Cluster Survey* (MICS) study defines "currently working" to include children who were performing any paid or unpaid work for someone other than a member of the household, who performed more than 4 hours of housekeeping chores in the household, or who performed other family work. See Government of Venezuela, *Multiple Indicator Cluster Survey (MICS): Standard Tables for Venezuela and Annex I: Indicators for Monitoring Progress at End-Decade*, UNICEF, 2000; available from http://www.childinfo.org/MICS2/newreports/venezuela/venezuela.htm and http://www.childinfo.org/MICS2/EDind/exdanx1.pdf.

[4213] U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Venezuela*, Washington, D.C., February 25, 2004; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27923.htm.

[4214]Ibid., Section 5. For additional information on child involvement in prostitution in Venezuela, see ECPAT International, *Venezuela,* in ECPAT International, [database online] [cited March 11, 2004]; available from http://www.ecpat.net/. UNICEF estimates that 45,000 children are involved in prostitution. See UNICEF, *At a glance: Venezuela,* [online] [cited June 3, 2004]; available from http://www.unicef.org/infobycountry/venezuela.html.

[4215] Venezuelan children are often trafficked internationally from Venezuela to Western Europe. See U.S. Department of State, *Trafficking in Persons Report- 2004: Venezuela*, Washington, D.C., June; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33198.htm.

[4216] Children are generally trafficked internally from rural to urban areas. See U.S. Department of State, *Country Reports- 2003: Venezuela*, section 6f.

[4217] Ibid. It is reported that Brazilian and Colombian girls are trafficked to and through Venezuela. See U.S. Department of State, *Trafficking in Persons Report- 2004: Venezuela*.

[4218] See Coalition to Stop the Use of Child Soldiers, "Colombia," in *Child Soldiers 1379 Report,* London, 2002, 26; available from http://www.child-soldiers.org/cs/childsoldiers.nsf/569f78984729860e80256ad4005595e6/c560bb92d962c64c80256c69004b0797/$FILE/B.%20CHILD%20SOLDIERS%201379%20REPORT-%20Countries%20A-L.pdf.

[4219] Right to Education, *Constitutional Guarantees: Venezuela,* [database online] [cited March 11, 2004]; available from http://www.right-to-education.org/content/consguarant/venezuela.html. See also U.S. Department of State, *Country Reports- 2003: Venezuela*, Section 5.

[4220] El Congreso de la República de Venezuela, *Ley Orgánica para la Protección del Niño y del Adolecente*, Gaceta Oficial No. 5.266, Ministerio del Trabajo, Caracas, October 2, 1998, article 59; available from http://www.mintra.gov.ve/sitio/legal/leyesorganicas/ldelnino.html.

2001, the gross primary enrollment rate was 105.9 percent, and the net primary enrollment rate was 92.4 percent.[4221] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, UNICEF estimated that 92 percent of children ages 5 to 12 attended primary school.[4222] In that same year, the repetition rate for primary school students was 7.7 percent (5.9 percent for girls and 9.3 percent for boys).[4223] As of 1999, 84.7 percent of children who started primary school were likely to reach grade 5.[4224] Basic education suffers from chronic under funding and the economic turmoil in the country during 2002 led to further drops in education spending.[4225] There is an insufficient number of well-trained teachers in some areas.[4226] Approximately 1 million children were not eligible to receive government assistance, including public education, because their births were not legally documented.[4227]

Child Labor Laws and Enforcement

The Organic Law for Child and Adolescent Protection defines labor laws for children and adolescents.[4228] This law sets the minimum age for employment at 14 years, but the executive branch reserves the right to adjust the age for dangerous or harmful work.[4229] In special circumstances, the Child and Adolescent Protection Councils may authorize work for adolescents younger than 14 years of age, provided that the activity is not dangerous to their health or well being and does not obstruct their right to education.[4230] Adolescents ages 12 and above are not permitted to work more than 6 hours a day (in 2 shifts of no more

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[4221] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[4222] Government of Venezuela, *Multiple Indicator Cluster Survey (MICS): Standard Tables for Venezuela*, UNICEF, 2000, Table 11; available from http://www.childinfo.org/MICS2/newreports/venezuela/venezuela.htm.

[4223] World Bank, *World Development Indicators 2004*.

[4224] Ibid.

[4225] U.S. Department of State, *Country Reports- 2003: Venezuela*, Section 5.

[4226] UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Right of the Child, Venezuela*, CRC/C/15/Add.109, Geneva, November 2, 1999, D.7. para. 28; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/ed03929b951dfeb080256810005797ca?Opendocument.

[4227] Data was derived from a study conducted by the NGO Community Centers for Learning. See U.S. Department of State, *Country Reports- 2003: Venezuela*, Section 5. Under Title II, Chapter II, Article 17 of the Law for the Protection of Children and Adolescents, all children have the right to be identified after birth. Article 22 of the *Ley orgánica* further states that children have the right to obtain public identification documents that demonstrate their identity and that the State shall assure that there are programs and measures to determine the identity of all children and adolescents. See *Ley orgánica para la protección del niño y del adolescente, 2000*; available from http://www.cajpe.org.pe/rij/bases/legisla/venezuel/ve42.htm.

[4228] This law takes precedence over the Ley de Reforma Parcial de la Ley Orgánica del Trabajo. See Venezuela, *Ley Orgánica para la Protección*, Article 116.

[4229] Ibid., Article 96. All working adolescents are required to register with the Protection Council's Adolescent Worker Registry. See Venezuela, *Ley Orgánica para la Protección*, article 98.

[4230] In this case, adolescents must undergo a complete physical exam to confirm their physical and mental capacity for the activity. Venezuela, *Ley Orgánica para la Protección*, article 96, paragraphs 3 and 4. The Organic Law for Child and Adolescent Protection created the Child and Adolescent Protection Councils. These State and Municipal Councils are administrative mechanisms responsible for defending child and adolescent rights. See Venezuela, *Ley Orgánica para la Protección*, article 158.

than 4 hours each) and 30 hours a week.[4231] Children under the age of 18 cannot work at night.[4232] In addition, the Organic Law defines the state's responsibility to protect minors from sexual exploitation, slavery, forced labor, and internal and external trafficking.[4233] Perpetrators are subject to prison sentences from 6 months to 8 years in duration.[4234]

The Ministry of Labor and the National Institute for Minors enforce child labor laws. These laws are enforced effectively in the formal sector, but less so in the informal sector.[4235] Insufficient resources, a weak legal system, and corruption hamper efforts to combat trafficking. There is no evidence that the government prosecuted any cases of trafficking in 2003.[4236]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The National Institute for Minors has made efforts to address the commercial sexual exploitation of children by establishing Local Social Protection networks for children and adolescents who are at high risk.[4237] These networks are comprised of public and private institutions and organizations that contribute toward the development of a coordinated local plan in regions of the country where children are most vulnerable.[4238]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 7/15/1987	✓
Ratified Convention 182	
ILO-IPEC Member	✓
National Plan for Children	✓
National Child Labor Action Plan	
Sector Action Plan	

The Ministry of Education, Culture and Sports[4239] has a plan for a national literacy campaign (2003-2005) whose objectives, in part, include reaching out-of-school youth.[4240] The Ministry also provides a public school feeding program that contributes to academic achievement, school access, and the increased

[4231] Venezuela, *Ley Orgánica para la Protección*, articles 2 and 102.

[4232] Ibid., article 102.

[4233] Ibid., articles 33, 38, and 40.

[4234] Ibid., articles 255-58, 66-67.

[4235] U.S. Department of State, *Country Reports- 2003: Venezuela*, section 6d. The National Institute for Minors is a public and autonomous entity appointed by the Ministry of Health and Social Development. It is the agency responsible for developing policy for the protection of children's rights. See National Children's Institute, *Instituto Nacional del Menor,* [previously online] [cited October 25, 2004]; available from http://www.inam-msds.gov.ve/mision.htm [hard copy on file].

[4236] U.S. Department of State, *Country Reports- 2003: Venezuela*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Venezuela*.

[4237] UN Committee on the Rights of the Child, *Initial Reports of States Parties Due in 1992: Supplementary Report, Addendum, Venezuela*, CRC/C/3/add.59, prepared by Government of Venezuela, pursuant to Article 44 of the Convention on the Rights of the Child, December 1998, para. 187; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/7ab5da65834d643f80256778004a22fd?Opendocument.

[4238] Ibid.

[4239] Ministerio de Educación y Deportes, *Ahora Somos Ministerio de Educación y Deportes,* [online] 2004 [cited June 3, 2004]; available from http://www.me.gov.ve.

[4240] Ministerio de Educación y Deportes, *Plan de Alfabetización Nacional,* [online] [cited June 3, 2004]; available from https://www.me.gov.ve/modules.php?name=Content&pa=showpage&pid=36.

likelihood that children and adolescents will reach the high school level.[4241] In addition, the Ministry, in conjunction with NGOs and civil society organizations, provides children and adolescents who have dropped out of school with a flexible alternative school program to help them re-enter the formal school system.[4242]

The Public Defenders Office works with UNICEF to strengthen the Child and Adolescent Defenders Offices throughout the country, as outlined in the Ministry of Planning and Development's Master Plan of Operations 2002-2007.[4243] The Ministry of Health and Social Development's Social Investment Fund supports actions that guarantee the rights of children and adolescents.[4244]

[4241] Ministerio de Educación y Deportes, *P.A.E. (Programa de Alimentación Escolar),* [online] February 13, 2004 [cited June 3, 2004]; available from http://www.me.gov.ve/modules.;h;?name=Content&pa=showpage&pid=96.

[4242] Ministerio de Educación y Deportes, *Programa Espacios Educativos Alternativos,* [online] March 19, 2004 [cited June 3, 2004]; available from http://www.me.gov.ve/modules.php?name=Content&pa=showpage&pid=137.

[4243] Defensoria del Pueblo, *Convenio entre UNICEF y la Defensoría del Pueblo,* [online] 2002 [cited June 10, 2004]; available from http://www.defensoria.gov.ve/imprimir.asp?sec=1903&id=242&plantilla=8. The Child and Adolescent Defenders Offices were created by the Public Defender's Office to guard, protect and teach child and adolescent rights. Defensoria del Pueblo, *Niños, niñas y adolescentes,* [online] 2002-2003 [cited June 10, 2004]; available from http://www.defensoria.gov.ve/lista.asp?sec=1903.

[4244] Fondo de Inversión Social de Venezuela, *PAIA: Programa de apoyo a la Infancia y Adolescente,* [online] [cited June 10, 2004]; available from http://www.fonvis.gov.ve/paia.htm.

Yemen

Incidence and Nature of Child Labor

The Yemeni Central Statistics Office and Understanding Children's Work (UCW) estimated that 12 percent of children ages 6 to 14 were working in Yemen in 1999.[4245] The vast majority of children work in agriculture without wages.[4246] Children living in rural areas are more than five times as likely to work than children in urban areas, and rural child workers constitute more than 90 percent of all child workers in Yemen.[4247] Children also work as street vendors, beggars, domestic servants, and in the fishing, leather, construction, and automobile repair sectors.[4248] Children are trafficked out of the country to work as street beggars, domestic help, or as camel jockeys in oil rich Gulf States.[4249] There are some reports that children are involved in armed conflicts in the country.[4250]

[4245] This estimate was made by UCW based on the Yemen Poverty Monitoring Survey of 1999, though this calculation is probably an underestimate. The average workweek of working children of all ages in Yemen is 38.5 hours. See Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, prepared by ILO, UNICEF, and World Bank, March 2003, 1-2, 14; available from http://www.ucw-project.org/resources/pdf/yemen/Report_Yemen_draft.pdf. Although information reported last year in *The U.S. Department of Labor's 2003 Findings on the world Forms of Child Labor* indicated that 18.5 percent of children ages 10-14 were working in 2001, this estimate was based on a different age range and source of data. The UCW data is more believed to reflect the situation of working children in Yemen more accurately.

[4246] Republic of Yemen, *Poverty Reduction Strategy Paper (PRSP): 2003-2005*, May 31, 2002, 11; available from http://poverty.worldbank.org/files/Yemen_PRSP.pdf. Children working in agriculture are exposed to hazardous working conditions including the use of pesticides, prolonged exposure to extreme temperatures, and carrying weighty loads. See Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 2.

[4247] Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 2. See also Republic of Yemen, *Final Report: 1999 National Labour Force Survey Results*, Ministry of Labour and Vocational Training-Central Statistical Organization, Labour Market Information System Programme, 2000, Table 11.

[4248] ILO-IPEC, *National Program on the Elimination of Child Labor in Yemen*, Project Document, Yemen/00/P/USA, ILO, Geneva, October 2000, 14. See also Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 2. It has been reported that children who work in restaurants have encountered sexual abuse. See Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 2.

[4249] U.S. Department of State, *Trafficking in Persons Report-2004: Kuwait, Saudi Arabia*, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/. UNICEF is working with the relevant ministries to explore the nature and extent of child smuggling. See U.S. Embassy- Sana'a, *unclassified telegram no. 2015*, August 23, 2004. There have been reports that Yemen has been a country of destination and transit for trafficking in persons, but the extent to which children are involved is not known. See Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 2. The Ministry of Human Rights reported that in 2002, 3,500 children were "returned" from Saudi Arabia where they were found working. Other sources estimate the numbers of Yemeni children deported from Saudi Arabia back to Yemen as much higher. See Peter Willems, *Urgent need to stop child trafficking*, Yemen Times, [online] 2003 [cited October 8, 2004]; available from http://www.yementimes.com/print_article.shtml?i=755&p=front&a=2.

[4250] Children reportedly participate in ongoing conflicts among tribal groups and in the defense of Qat (a mild narcotic found in Yemen) fields. See Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 2. See Coalition to Stop the Use of Child Soldiers, *Child Soldiers: An Overview*, London, 2001; available from http://www.child-soldiers.org/cs/childsoldiers.nsf.

The Constitution guarantees free and compulsory education to all Yemeni citizens.[4251] Education is compulsory for 9 years for children ages 6 to 15 years.[4252] In 2001, the gross primary enrollment rate was 81.0 percent (64.3 percent for girls and 97.0 percent for boys).[4253] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary attendance rates are not available for Yemen.[4254] Child labor interferes with school attendance, particularly in the agriculture and domestic service sectors.[4255]

Child Labor Laws and Enforcement

In 2002, the Government of Yemen passed the Yemeni Child Rights Law, which set the minimum legal working age at 14 years.[4256] The law prohibits the employment of children under the age of 15 in industrial work. However, there are no restrictions, regardless of age, on children working in family enterprises.[4257] Yemeni law defines a young person as someone below the age of 15.[4258] Under the Labor Code of 1995, a young person may work up to 7 hours per day and must be allowed a 60-minute break after 4 hours of labor. A young person may work a maximum of 42 hours per week.[4259] An employer must secure the approval of a child's guardian and notify the Ministry of Labor before employing a young person. The Labor Code prohibits hazardous working conditions for children. Overtime, night work, and work on official holidays are prohibited for young persons. Moreover, employers must grant every youth a 30-day annual leave for every 12-month period of labor completed. Neither the child nor the parent may waive this annual leave.[4260] The Labor Code further establishes the minimum wage for children to be not less than two-thirds that of an adult.[4261] The 1997 amendment to the Labor Code increased the fines to a minimum of

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[4251] *Yemen (Constitutional Guarantees),* UNESCO, [Right to Education Database] [cited March 12, 2004], Articles 32 and 53; available from http://www.right-to-education.org/search/index.html.

[4252] UN, *Preliminary Report of the Special Rapporteur on the Right to Education, Ms. Katarina Tomaševski, Submitted in Accordance with Commission on Human Rights Resolution 1998/33*, UNESCO, January 1989, table 6; available from http://www.right-to-education.org/content/unreports/unreport1prt3.html#11.

[4253] Net primary school enrollment rates are not available for 2001. In 2000, the net primary enrollment rate was 67.2 percent. See World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[4254] It is estimated that only one-third of 10 to 14 year-old working children attend school. While 59 percent of working boys attend school, only 14 percent of working girls go to school. See Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 2.

[4255] Girls from households without access to water are more than three times as likely to work full-time (primarily to fetch water), and less than half as likely to go to school as girls from households with water access. Lorenzo Guarcello and Scott Lyon, *Children's Work and Water Access in Yemen*, prepared by Understanding Children's Work (UCW), March 2003, 3-4; available from http://www.ucw-project.org/resources/pdf/cw_yemen_water.pdf.

[4256] Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 3. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Yemen*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27942.htm.

[4257] It is estimated that 87 percent of child workers in Yemen are working in some kind of family enterprise. Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 3.

[4258] Government of Yemen, *Labor Code, Act No. 5 of 1995*, (1995), Article 2; available from http://natlex.ilo.org/txt/E95YEM01.htm.

[4259] Ibid., Article 48.

[4260] Ibid., Article 48-52.

[4261] Ibid., Article 52.

5,000 riyals (USD 28) and added a penalty of imprisonment for up to 3 months.[4262] Children under age 18 are prohibited from entering the government armed forces.[4263]

The Ministry of Labor's Child Labor Unit is responsible for enforcing child labor laws.[4264] While there are laws in place to regulate employment of children, the government's enforcement of these provisions is limited, especially in remote areas.[4265] The government also has not enforced the laws requiring 9 years of compulsory education for children.[4266] Yemeni law prohibits trafficking in persons.[4267] The government prosecuted two child traffickers in 2003.[4268]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Yemen is proactively promoting policies to curb child labor by implementing policies outlined in its Poverty Reduction Strategy Paper, which was designed to complement and support the government's efforts to alleviate poverty.[4269] With support from USDOL, the Government of Yemen is implementing a national program in cooperation with ILO-IPEC that aims to withdraw child workers from the worst forms of child labor, mainstream them into non-formal and formal education programs, provide them pre-vocational and vocational training, and offer them counseling, health care, and recreational activities.[4270] In 2004, the USDOL funded a new USD 3 million ILO-IPEC project to provide continued support for country activities to combat exploitive child labor in Yemen.[4271] Also in 2004, the government began participating in a new

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 6/15/00	✓
Ratified Convention 182 6/15/00	✓
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	✓
Sector Action Plan	

[4262] UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties due in 1998: Yemen, Addendum*, prepared by Ministry of Social Security and Social Affairs Government of Yemen, pursuant to Article 44 of the Convention on the Rights of the Child, July 23, 1998, 1998, para 37; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/a72b28140dcd1e8d802566db0036b118?Opendocument. For currency conversion, see XE.COM, *Universal Currency Converter,* [online currently conversion] [cited March 12, 2004]; available from http://www.xe.com/ucc/convert.cgi.

[4263] Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 2.

[4264] U.S. Department of State, *Country Reports- 2003: Yemen*, Section 6d.

[4265] Ibid. There are less than 20 child labor inspectors in Yemen. U.S. Embassy- Sana'a, *unclassified telegram no. 2015*.

[4266] U.S. Department of State, *Country Reports- 2003: Yemen*, Section 6d.

[4267] The law is not specified in this source. See Ibid., Section 6f.

[4268] One trafficker received a sentence of three years. The other sentence was not specified in this source. See U.S. Embassy- Sana'a, *unclassified telegram no. 2015*.

[4269] Among the main objectives, the Country Assistance Strategy seeks to develop a sound social system that emphasizes the health and education of girls. See World Bank, *Yemen Makes Strides in Poverty Fight,* DevNews Media Center, [electronic press release] September 10, 2002 [cited March 12, 2004]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20067417~menuPK:34457~pagePK:34370~piPK:34424~theSitePK:4607,00.html.

[4270] ILO-IPEC, *National Program on the Elimination of Child Labor in Yemen, project document*, 1, 13-14.

[4271] U. S. Department of Labor, *United States Provides over $110 Million in Grants to Fight Exploitive Child Labor Around the World*, press release, Washington, DC, October 1, 2004.

USD 8 million sub-regional project funded by USDOL to combat child labor through education in Lebanon and Yemen.[4272] In collaboration with the Mayor of Sana'a, ILO-IPEC began providing remedial education and vocational training in 2003 in a rehabilitation center for street children who are victims of child labor.[4273] The Ministry of Labor worked with trade unions, chambers of commerce, and the Ministry field offices to gather information about child labor throughout Yemen.[4274]

Although Yemen has the second lowest literacy rate for women in the Middle East[4275] and suffers from pronounced gender disparity in enrollment rates, the government is committed to improving overall basic education and bridging the gender gap. Gender disparity in enrollment rates in Yemen is 31 percent.[4276] The government's abolition of primary school fees for girls was designed to eliminate one of the main obstacles to education.[4277] The Government of Yemen and the World Bank are implementing a Basic Education Expansion Project from 2000-2006 to give the highest priority to primary education, particularly focusing on increased access to education for girls in remote rural areas, improve the quality of basic education, build the Ministry of Education's capacity to implement and monitor basic education reforms, and support other national education sector strategies.[4278] The Government of Yemen is receiving funding from the World Bank and other donors under the Education for All Fast Track Initiative, which aims to provide all children with a primary school education by the year 2015.[4279]

The Ministry of Education is taking steps to eliminate child labor by developing educational support programs, lowering school dropout rates of working children, and raising public awareness of the

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[4272] Ibid.

[4273] U.S. Embassy- Sana'a, *unclassified telegram no. 2015*. Throughout the year, the center holds classes after working hours to facilitate the transition from work to school. U.S. Embassy- Sana'a, *unclassified telegram no. 2028*, August 18, 2003.

[4274] U.S. Embassy- Sana'a, *unclassified telegram no. 2015*.

[4275] UNESCO, *Education in the Arab States: Five Million Girls Still Denied Access to School,* UNESCO Media Services, [electronic press release] May 14 2003 [cited March 12, 2004]; available from http://portal.unesco.org/en/ev.php@URL_ID=12055&URL_DO=DO_TOPIC&URL_SECTION=201.html.

[4276] UNICEF, *Girl's Education in Yemen,* UNICEF, August 29 2003 [cited March 12, 2004]; available from http://www.unicef.org/girlseducation/Yemen.pdf.

[4277] UN, *Summary Record of the 523rd Meeting: Yemen*, CRC/C/SR.523, Convention on the Rights of the Child, Geneva, April 27, 1999, para. 8; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/200013c949cfe26880256763005987b0?Opendocument. According to the 1999 labor force survey of over 19,000 Yemeni households, the primary reason that children dropped out of school both in urban and rural areas was the household's inability to pay for education costs. School-related costs also ranked second among reasons why girls abandoned education; the primary reason cited was household attitudes toward girls' education. See Republic of Yemen, *1999 NLFS*, table 4, 60-63.

[4278] World Bank, *Basic Education Expansion Project,* World Bank, [electronic summary] March 12, 2004 2000 [cited March 12, 2004]; available from http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P043255. See also World Bank, *Republic of Yemen-Basic Education Expansion Project, Project Document Information*, YEPE43255, World Bank, May 26, 2000; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2000/07/27/000009265_3980929100228/Rendered/PDF/multi0page.pdf. See also U.S. Embassy- Sana'a official, email communication to USDOL official, February 17, 2004.

[4279] World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track,* [electronic press release] June 12, 2002 [cited March 12, 2004]; available from http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html.

relationship between education and work.[4280] UNICEF has been working with the government to promote education through a number of programs, including support for the government's Community School Project, which implements an integrated approach to address the gender disparity at the primary school level.[4281] USAID is supporting a USD 4.7 million project to increase access to and improve the quality of basic education at the school level.[4282]

[4280] ILO-IPEC, *National Program on the Elimination of Child Labor in Yemen*, technical progress report, ILO, Sana'a, Yemen, March 15, 2002, 10.

[4281] Activities include building low-cost classrooms, providing a separate shift exclusively for girls, training teachers, and raising awareness. See UNICEF, *Girl's Education in Yemen*.

[4282] U.S. Embassy- Sana'a official, email communication, February 17, 2004.

Zambia

Incidence and Nature of Child Labor

The Zambian Central Statistics Office estimated that 11.6 percent of children ages 5 to 14 years in Zambia were working in 1999.[4283] The highest rates of child work are found in the agricultural sector.[4284] Children can also be found working in commerce, various business and personal service occupations, fisheries, and manufacturing.[4285] Children also reportedly work in the informal sector in domestic service, the hospitality industry, and transportation. It is not uncommon to find children working in hazardous industries and occupations, including stone crushing and construction.[4286]

Because HIV/AIDS claims the lives of many adults in the country, a growing number of orphans have been forced to migrate to urban areas, increasing the population of street children. In order to survive, many orphans engage in various forms of work.[4287] Street children are especially vulnerable to commercial sexual exploitation, and the problem of child prostitution is widespread in Zambia.[4288] Zambia is a source and transit country for women and children trafficked for the purpose of sexual exploitation.[4289]

Although the government has a policy of free education for the first 9 years of elementary school, there are no legal guarantees of access to education in Zambia.[4290] The government continues to prohibit uniform requirements and the collection of school fees for grades one through seven.[4291] Nevertheless, inadequate educational facilities and a scarcity of educational materials are problems, and education remains inaccessible for many families.[4292] In 2001, the gross primary enrollment rate was 78.7 percent, and the net

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[4283] Another 31.0 percent of children 15 to 17 years were also found working. See ILO-IPEC and Republic of Zambia Central Statistics Office, *Zambia 1999 Child Labor Survey: Country Report*, ILO-IPEC, Lusaka, 2001, Tables 4.7 and 4.15. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[4284] Ibid., 27. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Zambia*, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27759.htm.

[4285] U.S. Department of State, *Country Reports- 2003: Zambia*, Section 6d.

[4286] ILO-IPEC and Republic of Zambia Central Statistics Office, *Zambia 1999 Child Labor Survey*, Tables 4.7 and 4.15. See also A.J. Chirwa, *Efforts to Eliminate the Worst Forms of Child Labour in Zambia*, Ministry of Labour and Social Security, Lusaka, June 6, 2001. See also U.S. Embassy- Lusaka, *unclassified telegram no.1318*, August 2003.

[4287] During 2003, government figures estimate that there are as many as 800,000 orphans under age 15 in Zambia. See U.S. Department of State, *Country Reports- 2003: Zambia*, Section 5.

[4288] In the city of Lusaka alone, there are an estimated 30,000 children living on the streets. See Ibid.

[4289] Information on the origin of children trafficked through Zambia is unavailable. See U.S. Department of State, *Trafficking in Persons Report- 2004: Zambia*, Washington, DC, June 13; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm.

[4290] U.S. Department of State, *Country Reports- 2003: Zambia*, Section 5.

[4291] Statistics from the Ministry of Education indicate that the number of children selected for grade 8 has increased by 20 percent as a result of abolishing examination fees for grade 7. See U.S. Embassy- Lusaka, *unclassified telegram no.1318*.

[4292] U.S. Department of State, *Country Reports- 2003: Zambia*. See also Line Eldring, Sabata Nakanyane, and Malehoko Tshoaedi, *Child Labour in the Tobacco Growing Sector in Africa*, 21, Fafo Institute for Applied Social Science, 2000; available from http://www.fafo.no/pub/rapp/654/654.pdf.

primary enrollment rate was 66.0 percent.[4293] As of 2000, 76.8 percent of children who started primary school were likely to reach grade 5.[4294] Enrollment rates for boys and girls are approximately equal in primary school, but fewer girls attend secondary school.[4295] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 1999, it was estimated that approximately 24 percent of working children combined work with school.[4296]

Child Labor Laws and Enforcement

The Constitution establishes 15 as the minimum age for employment.[4297] The Employment of Young Persons and Children Act of 1933 prohibits children up to the age of 18 from engaging in hazardous work.[4298] In August 2004, the Zambian Parliament passed the Employment of Young Persons and Children Bill, which recognizes the ILO Convention on Minimum Age and the ILO Convention on Worst Forms of Child Labor.[4299] Although Zambia does not have a comprehensive trafficking law, the Constitution prohibits forced labor and trafficking of children under 15 years and the new 2004 Bill specifically prohibits trafficking of children and young persons under eighteen.[4300] The government has also banned street vending to reduce child labor in the activity.[4301]

The Ministry of Labor and Social Security (MLSS) is responsible for enforcing labor laws and has established a Child Labor Unit to specifically address issues relating to child labor.[4302] To carry out this

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[4293] One-third of all children enrolled fail to complete their education through grade 7. See World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. Enrollment rates have only marginally increased since 1990. There are a number of causes for this, including inadequate number of schools, distance between homes and schools, inadequate infrastructure and poor or no learning materials. See USAID, *Overview of USAID Basic Education Programs in Sub-Saharan Africa III*, technical paper, No. 106, SD Publication Series, Office of Sustainable Development, Bureau for Africa, Washington, D.C., February 2001, 95.

[4294] World Bank, *World Development Indicators 2004*.

[4295] Ibid. See also U.S. Department of State, *Country Reports- 2003: Zambia*, Section 5.

[4296] ILO-IPEC and Republic of Zambia Central Statistics Office, *Zambia 1999 Child Labor Survey*, Table 4.30, 41.

[4297] The Constitution, Article 24 states that "no young person shall be employed and shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education or interfere with his physical, mental or moral development." A young person is identified in the Constitution as anyone below the age of 15 years. See *Constitution of the Republic of Zambia, 1991*, (August 1991), Article 14; available from http://www.uni-wuerzburg.de/law/za00000_.html. The Employment of Young Persons and Children (Amendment) Bill of 2004 redefined the terms child and young person so that 15 year-olds are now children, rather than young persons.

[4298] The Employment of Young Persons and Children Act states that "a young person shall not be employed on any type of employment or work, which by its nature or the circumstances in which it is carried out, is likely to jeopardize the health, safety or morals of that young person." The law, however, does not apply to commercial farms. See The Employment of Young Persons and Children Act (1933), Chapter 274, as cited in ILO-IPEC, *Prevention, Withdrawal and Rehabilitation of Children in Hazardous Work in the Commercial Agricultural Sector in Africa: Country Annex for Zambia*, project document, RAF/00/P51/USA, Geneva, 2000, 65. Under the act, violators of the law can be fined and/or imprisoned for up to 3 months.

[4299] U.S. Embassy- Lusaka, *unclassified telegram no. 1097*, August 24 2004. As of December 3, 2004, the bill had been signed into law by President Mwanawasa but had not yet been published in the Official Gazette. See U.S. Embassy- Lusaka, electronic communication to USDOL official, December 3, 2004.

[4300] *Constitution of the Republic of Zambia, 1991*, Article 24.

[4301] U.S. Embassy- Lusaka, *unclassified telegram no.1318*.

[4302] U.S. Embassy- Lusaka, *unclassified telegram no. 1097*. See also Chirwa, *letter, June 6, 2001*.

function, the MLSS conducts monthly inspections of workplaces.[4303] Although resources for investigations have generally not been considered adequate, the government increased the MLSS budget for child labor activities from USD 12,000 to USD 115,000 in 2004.[4304]

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The government is implementing a number of initiatives to combat child labor, including programs to rehabilitate street children and to provide vocational training for older youth.[4305] The government also continues to undertake awareness raising activities to sensitize law makers, teachers, and trade union officials.[4306] In addition, the government has sponsored efforts to raise awareness about child domestic labor, such as radio programs and drama group presentations in local communities.[4307]

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	02/09/1976	✓
Ratified Convention 182	12/10/2001	✓
ILO-IPEC Member		✓
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

USDOL and the Zambian Ministry of Education are collaborating on an education project in areas with a high incidence of child labor. The project is being implemented in Zambia by American Institutes for Research and Jesus Cares Ministries.[4308] The government also participates in several USDOL-funded ILO-IPEC initiatives, including a regional capacity building program and a regional commercial agriculture sector program.[4309] In addition, Zambia is included in a regional ILO-IPEC program that addresses child labor in the industrial and service sectors of urban areas.[4310]

The Government of Zambia's national policy on education, "Educating Our Future," focuses primarily on making curricula for basic education more relevant, promoting partnerships and cost sharing, and

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[4303] U.S. Embassy- Lusaka, *unclassified telegram no.1318*.

[4304] U.S. Embassy- Lusaka, *unclassified telegram no. 1097*.

[4305] Ibid. See also U.S. Embassy- Lusaka, *unclassified telegram no.1318*.

[4306] U.S. Embassy- Lusaka, *unclassified telegram no. 1097*.

[4307] Ibid.

[4308] *Letter of Agreement between the U.S. Department of Labor and the Zambian Ministry of Education*, September 12, 2003. The USD 2 million project was funded by USDOL's Child Labor Education Initiative. See USDOL, *Labor Department Funds Education Program in Zambia to Combat Child Labor*, press release, Washington, D.C., September 12, 2003.

[4309] The projects targets children working in the following sectors: commercial agriculture, commercial sexual exploitation, domestic workers, the informal sector and street workers. See ILO-IPEC, *Building the Foundations for Eliminating the Worst Forms of Child Labor in Anglophone Africa*, project document, RAF/02/P51/USA, Geneva, September 2002. See ILO-IPEC, *East Africa Commercial Agriculture, project document*. See also ILO-IPEC, *National Program on the Elimination of Child Labour in Zambia*, project document, ZAM/99/05/060, Geneva, September 1999.

[4310] The USD 532,000 program is funded by the Canadian government and is also being implemented in Kenya, Ghana, Tanzania, and Uganda. See ILO-IPEC, *Active IPEC Projects as at 1 May 2004*, Geneva, August 2004.

improving school management.[4311] With support from various donor groups, the government began implementing a national plan for universal primary education called the Basic Education Sub-Sector Investment Program (BESSIP).[4312] In addition to these activities, the Ministry of Education is implementing a program to combat child labor that includes policy coordination, curriculum review, and awareness-raising activities.[4313]

[4311] The 1996 "Educating Our Future" policy calls for, among other educational system improvements, increasing the provision of basic schooling from 7 to 9 years for all children. See ILO-IPEC and Republic of Zambia Central Statistics Office, *Zambia 1999 Child Labor Survey*, 3. See also UN, *Common Country Assessment - Zambia 2000*, 49. The policy calls for universal primary education by 2005 and universal access to nine years of basic education for all children by 2015. See Geoffrey Lungwangwa, *Education for All 2000 Assessment: Descriptive Section*, Ministry of Education, Republic of Zambia, Lusaka, September 1999; available from http://www2.unesco.org/wef/countryreports/zambia/rapport_1.html.

[4312] BESSIP began in 1999 and will continue through 2005 with a total of USD 340 million in funding (USD 167 million coming from the government of Zambia). See Government of the Republic of Zambia Ministry of Finance and Economic Development, *Interim Poverty Reduction Strategy Paper*, Lusaka, July 7, 2000, Section 24. Child laborers are mentioned as a specific target group in both the national education policy and BESSIP. See U.S. Embassy- Lusaka, electronic communication to USDOL official, October 29, 2003.

[4313] U.S. Embassy- Lusaka, *unclassified telegram no. 1097*.

Zimbabwe

Incidence and Nature of Child Labor

The Zimbabwe Central Statistics Office estimated that 22.7 percent of children ages 5 to 14 years in Zimbabwe were working in 1999.[4314] Reliable data since then is unavailable, but with a more than 30 percent contraction of the economy and decline of most economic and social indicators, that figure has likely increased substantially. Children work in traditional and commercial farming, forestry and fishing, and domestic service.[4315] Children also work in small-scale mining, gold panning, quarrying, construction, very small industries, manufacturing, trade, restaurants, and as beggars.[4316] Over 90 percent of economically active children aged 5 to 17 reside in rural areas.[4317] There is evidence that the incidence of children working in commercial farming has decreased as farm laborers are evicted from large commercial farms seized through the government's fast track land resettlement program, largely from white Zimbabweans. In addition, as the unemployment rate grows, fewer children are employed in formal industry.[4318] More children have joined the informal sector, often exposing them to other serious hazards.[4319]

In order to gain admittance into college, teacher training schools, or the civil service, the government frequently required that youth present a diploma from one of the National Youth Service training camps. The purpose of the training camps as stated was to instill a sense of pride and develop employment skills in the youth; however, a Parliamentary investigation into the situation at camps found that conditions were poor, trainees were subjected to political indoctrination, and no real vocational training was being provided[4320]

[4314] Another 39.1 percent of children ages 15 to 17 years were also found working. See Ministry of Public Service, Labour, and Social Welfare, *National Child Labour Survey: Country Report- Zimbabwe*, online, Government of Zimbabwe, Central Statistical Office, Harare, 1999, 20, 45; available from http://www.ilo.org/public/english/standards/ipec/simpoc/zimbabwe/report/index.htm. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

[4315] Ibid., 45, 60. See also Line Eldring, Sabata Nakanyane, and Malehoko Tshoaedi, "Child Labor in the Tobacco Growing Sector in Africa" (paper presented at the IUF/ITGA/BAT Conference on the Elimination of Child Labor, Nairobi, October 8-9, 2000), 87. Children from rural areas are also often recruited to work as domestics in the houses of distant kin or unrelated employers for long hours with little free time. See Micheal Bourdillion, "Working Children in Zimbabwe" (paper presented at the Conference on Orphans and Vulnerable Children in Africa, Uppsala, September 13-16, 2001); available from http://www.nai.uu.se/sem/conf/orphans/bourdillon.pdf.

[4316] Ministry of Public Service, Labour, and Social Welfare, *National Child Labour Survey*, 45, 60. See also Eldring, Nakanyane, and Tshoaedi, "Child Labor in the Tobacco Growing Sector", 87.

[4317] Ministry of Public Service, Labour, and Social Welfare, *National Child Labour Survey*, xii-xvi.

[4318] U.S. Department of State, Country Reports on Human Rights Practices- 2003: Zimbabwe, Washington, D.C., February 25, 2004, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27760.htm.

[4319] Ibid. In 2002, several officials noted a surge in illegal gold panning among children. Some are reported to be as young as 11 years old. See Tsitsi Matope, "Rushinga Faces Food Shortage", allAfrica.com, [no longer available online, hard copy on file], August 16, 2002; available from http://allafrica.com/stories/printable/200208160250.html.

[4320] The government gives a preference to National Youth Service graduates for many civil service jobs, which is a strong incentive given the estimated 80 percent unemployment rate in the country.See U.S. Department of State, *Country Reports- 2003: Zimbabwe*, Section 5, 6d.

Over the past few years, the number of children living on the streets has continued to rise and there are reports of children involved in commercial sexual exploitation.[4321] The traditional practice of offering a young girl as payment to settle inter-family feuds continues to occur in Zimbabwe, as does early marriage of young girls.[4322] Zimbabwe is considered a source and transit country for a small number of children trafficked for forced labor and sexual exploitation.[4323] Within Zimbabwe, a small number of children are reportedly trafficked internally to southern border towns for commercial sexual exploitation.[4324] The child labor situation is compounded by the HIV/AIDS epidemic, which in Zimbabwe, has left close to 1 million children orphaned, reliant on informal work to supplement lost family income, and has forced others to work as caregivers for sick adults.[4325] As a result of the epidemic, Zimbabwe is currently experiencing an increase in child-headed households.[4326]

Education is neither free nor compulsory in Zimbabwe.[4327] In 2001, the gross primary enrollment rate was 99.0 percent. The net primary enrollment rate was 82.7 percent.[4328] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 1999, the gross and net primary attendance rates were 108.9 and 85.1 percent, respectively.[4329] The full impact of the recent political turmoil; fast track land resettlement program; drought; scarce food supply; and the growing HIV/AIDS crisis has yet to be determined, but has already had a negative effect on school enrollment and attendance as well as the quality of public education.[4330]

[4321] Ibid., Section 5, 6f.

[4322] Ibid., Section 5.

[4323] Reports indicate that children are trafficked from Zimbabwe to South Africa and through Zimbabwe to South Africa from Malawi. See U.S. Department of State, *Trafficking in Persons Report- 2004: Zimbabwe*, online, U.S. Department of State, Washington, D.C., June 14, 2004; available from http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm. There are also anecdotal reports of child trafficking for farm labor. See Congress of South Africa Trade Unions, *COSATU/SAAPAWU Media Statement on the SAHRC Investigation Into Human Rights Violations in Farming Communities*, press release, Johannesburg, July 16, 2002, [cited August 14, 2003]; available from http://allafrica.com/stories/printable/200207160635.html. Hard copy on file, no longer available online

[4324] U.S. Department of State, *Trafficking in Persons Report- 2004: Zimbabwe*.

[4325] ILO-IPEC Director General, "A Future without Child Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights to Work" (paper presented at the International Labour Conference, 90th Session 2002, Geneva, 2002), 41-43; available from http://www.ilo.org/public/english/standards/decl/download/global3/part1chapter3.pdf. One source estimates 780,000 orphans under age 14 have lost parents to HIV/AIDS. See Joint UN Programme on HIV/AIDS, *Epidemiological Fact Sheets on HIV/AIDS and Sexually Transmitted Infections: Zimbabwe,* in UNAIDS, [online database] 2002 [cited May 6, 2004]; available from http://www.unaids.org/hivaidsinfo/statistics/fact_sheets/pdfs/Zimbabwe_en.pdf. Others estimate there will be roughly 1 million children below the age of 15 orphaned by 2005. See The Herald, "240,000 Children Living With HIV, Says Minister of Health", allafrica.com, [online], June 11, 2003; available from http://allafrica.com/stories/printable/200306110261.html. Hard copy on file, no longer available online.

[4326] U.S. Embassy- Harare, *unclassified telegram no. 1386*, August 2004.

[4327] U.S. Department of State, *Country Reports- 2003: Zimbabwe*, Section 5.

[4328] World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

[4329] USAID Development Indicators Service, *Global Education Database,* [online] 2004 [cited October 10, 2004]; available from http://qesdb.cdie.org/ged/index.html.

[4330] The closing of more than 500 schools on formerly white owned farms in 2002, left over 250,000 children unable to attend classes. Two hundred thousand of the children who attended the closed schools were primary school students. See Itai Dzamara, "Land-Grab Deprives 250,000 Pupils of Education", allAfrica.com, [online], July 22, 2002; available from http://allafrica.com/stories/printable/200207220629.html. Hard copy on file, no longer available online. The ILO estimates that Zimbabwe may lose 16,200 teachers to HIV/AIDS over the next decade. See Desmond Cohen, *Human capital and the HIV epidemic in sub-Saharan Africa*,

Since the beginning of 2004, many schools have been forced to increase fees to cover the growing cost of materials and salaries due to inflation. The fee increases reportedly have led to a rise in dropout rates, affecting girls disproportionately.[4331] The sexual abuse of female students by teachers has also had a negative impact on girls' educational attainment..[4332]

Child Labor Laws and Enforcement

The Labor Relations Amendment Act of 2003 raised the minimum age for employment to 13 years, specifying that children between the ages of 13 and 15 can only be employed as apprentices and only under special training conditions.[4333] The minimum age at which children may perform light work is set at 15 years, and young persons under the age of 18 years are prohibited from performing work that might jeopardize their health, safety, or morals.[4334]

The Children's Protection and Adoption Amendment Act prohibits the involvement of children in hazardous labor. However, implementation of the Act has been slow.[4335] The Act defines hazardous labor as any work likely to: interfere with the education of children; expose children to hazardous substances; involve underground mining; require the use of electronically powered hand tools, cutting or grinding blades; expose children to extreme conditions; or occur during a night shift.[4336]

The Penal Code prohibits children from visiting or residing in a brothel, and prohibits anyone from causing the seduction, abduction, or prostitution or children.[4337] No laws specifically address trafficking in persons.[4338] However, under the Immigration Act, prostitutes and persons benefiting from the earnings of

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Working Paper 2, ILO Programme on HIV/AIDS and the World of Work, Geneva, June 2002; available from http://www.ilo.org/public/english/protection/trav/aids/publ/wp2_humancapital.pdf. Orphans tend to be approximately 10 percent less likely to attend school than non-orphans. See UNICEF, *Orphans less likely to attend school,* UNICEF, [online] 2004 [cited May 25, 2004]; available from http://www.unicef.org/sowc04/16151.html.

[4331] Integrated Regional Information Networks, "Zimbabwe: Rise in drop out rate over school fees hike", IRINnews.org, [online], December 24, 2003 [cited February 12, 2004]; available from http://www.irinnews.org/print.asp?ReportID=38586. The government responded to the fee increase by forcibly closing nearly 50 private schools, insisting that schools could not legally charge increased fees without requesting approval from the permanent Secretary of Education. Most schools were reopened the following week. See Integrated Regional Information Networks, "Zimbabwe: Private schools reopen", IRINnews.org, [online], May 10, 2004 [cited May 6, 2004]; available from http://www.irinnews.org/print.asp?ReportID=40966.

[4332] Integrated Regional Information Networks, "Zimbabwe: Sexual abuse of schoolgirls largely unpunished", IRINnews.org, [online], February 6, 2004 [cited May 6, 2004]; available from http://www.irinnews.org/print.asp?ReportID=39353.

[4333] The Labour Relations Amendment Act was enacted in March 2003. See The Herald, "Labour Act Amended", allafrica.com, [online], March 10, 2003; available from http://allafrica.com/stories/printable/200303100134.html.. See also U.S. Embassy-Harare, *unclassified telegram no. 1669*, August 2003. See also *Labour Relations Amendment Act*, (2002); available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=ZWE&p_classification=01.02&p_origin=COUNTRY.

[4334] U.S. Embassy- Harare, *unclassified telegram no. 1669*.

[4335] U.S. Department of State, *Country Reports- 2003: Zimbabwe*, Section 6d. See also The Republic of Zimbabwe, *Children's Protection and Adoption Amendment Act*, (2001); available from http://ilis.ilo.org/cgi-bin/gpte/stbna/natlexe?wq_fld=B380&wq_val=Zimbabwe&wq_rel=AND&wq_fld=B380&wq_val=Children&wq_rel=AND&wq_fld=B520&wq_val=&wq_rel=AND&wq_fld=B500&wq_val=&wq_rel=AND&wq_fld=B380&wq_val=.

[4336] *Children's Protection and Adoption Amendment Act*.

[4337] U.S. Department of State, *Trafficking in Persons Report- 2004: Zimbabwe*.

[4338] U.S. Department of State, *Country Reports- 2003: Zimbabwe*, Section 6f.

prostitution are barred from entering the country,[4339] and the Sexual Offenses Act criminalizes the transportation of persons across borders for sex.[4340] Both the Constitution and Labor Relations Amendment Act prohibit forced labor. However, the Labor Relations Amendment Act makes an exception for labor required from a member of a disciplined force.[4341]

According to the amended Labor Act, violators of Section 11, Employment of Young Persons, are subject to fines of up to ZWD 30,000 (USD 5.00) and/or imprisonment up to 2 years.[4342] Persons violating Section 4A, Prohibition of Forced Labor are also liable for fines and imprisonment.[4343] Under the Sexual Offenses Act of 2001, a person convicted of prostituting a child under the age of 12 years is subject to a fine of up to ZWD 35,000 (USD 6.00) or imprisonment of up to 7 years.[4344] The Sexual Offenses Act also establishes a maximum fine of ZWD 50,000 (USD 8.00) and a maximum prison sentence of 10 years for procuring another person for prostitution or sex inside and outside of the country.[4345]

According to an ILO report, labor regulations, including child labor laws, are poorly enforced because of weak interpretations of the laws, a lack of labor inspectors, and a poor understanding among those affected of their basic legal rights.[4346] The Zimbabwe police serve as the primary authority to combat trafficking, and the Department of Immigration monitors borders. In January 2004, the Ministry of Home Affairs launched a program to combat corruption at border posts.[4347] Although the government has established Victim Friendly Courts in Harare (where abuses perpetrated against children can be tried), these courts are understaffed as a result of magistrates' preference for more lucrative employment outside Zimbabwe.[4348]

[4339] The Republic of Zimbabwe, *Immigration Act*, (December 31, 1995), Part III, section 14. See also The Protection Project, "Zimbabwe," in *Human Rights Report on Trafficking of Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002; available from http://209.190.246.239/ver2/cr/Zimbabwe.pdf.

[4340] U.S. Department of State, *Trafficking in Persons Report- 2004: Zimbabwe*.

[4341] Labor required by way of parental discipline is also excluded from the definition of forced labor. See U.S. Embassy- Harare, *unclassified telegram no. 1669*. See also *Constitution*; available from http://confinder.richmond.edu/Zimbabwe.htm#14.

[4342] U.S. Embassy- Harare, *unclassified telegram no. 1669*. Currency conversion was obtained using the government foreign exchange auction rate as of May 2005. See U.S. Embassy- Harare official, electronic communication to USDOL official, June 8, 2005.

[4343] U.S. Embassy- Harare, *unclassified telegram no. 1669*.

[4344] U.S. Department of State, *Country Reports- 2003: Zimbabwe*, Section 5. For currency conversion see U.S. Embassy- Harare official, electronic communication, February 18, 2004.

[4345] U.S. Department of State, *Country Reports- 2003: Zimbabwe*, Section 5, 6f. For currency conversion see U.S. Embassy- Harare official, electronic communication, February 18, 2004.

[4346] Eldring, Nakanyane, and Tshoaedi, "Child Labor in the Tobacco Growing Sector", 85-86.

[4347] One hundred immigration and police officials attended trafficking awareness workshops in 2003. See U.S. Department of State, *Trafficking in Persons Report- 2004: Zimbabwe*. See also U.S. Department of State, *Country Reports- 2003: Zimbabwe*, Section 5.

[4348] U.S. Department of State, *Country Reports- 2003: Zimbabwe*, Section 5. The development of Victim Friendly Courts has led to child friendly legal facilities and collaborations with police stations, hospitals, social welfare, families, communities, and prosecutors' offices. See "Analysis of the Situation of Sexual Exploitation of Children in the Eastern and Southern Africa Region" (paper presented at the 2nd World Congress Against Commercial Sexual Exploitation of Children, Nairobi, Kenya, October 2001), Section 6.10; available from http://www.unicef.org/events/yokohama/csec-east-southern-africa-draft.html#_Toc527979975.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Zimbabwe has a Child Labor Task Force Committee to define child labor, identify child exploitation, recognize problem areas, and propose legislation to resolve these problems.[4349] The government is also making efforts to incorporate child labor issues into the plans and policies of several government ministries, such as the Ministry of Public Service, Labor, and Social Welfare. Social Welfare programs have included initiatives to support orphans, who are particularly vulnerable to child labor.[4350] The government's "Children in Difficult Circumstances" program is intended to assist street children.[4351] The government has also engaged in anti-trafficking efforts and programs to combat sexual exploitation of children.[4352]

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 6/6/2000	✓
Ratified Convention 182 12/11/2000	✓
ILO-IPEC Associated Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

The Ministry of Education operates 489 satellite schools on formerly white-owned commercial farms to accommodate the close to 70,000 children whose families have been resettled from communal lands.[4353] The Children in Difficult Circumstances Program and the Basic Education Assistance Module provide school fees, uniforms and books for children who cannot afford to attend school.[4354] UNICEF and other international organizations are assisting with the government's education efforts and have been

[4349] The committee is composed of the Ministries of Education, Sport and Culture: National Affairs; Youth Development, Gender and Employment Creation; Public Service, Labor and Social Welfare; Health and Child Welfare; Lands, Agriculture, and Rural Resettlement; and Local Government, Public Works and National Housing. See Education to Combat Abusive Child Labor Activity, *Child Labor Country Brief: Zimbabwe,* [online] September 12, 2002 [cited September 20, 2002]; available from http://www.beps.net/ChildLabor/Database.htm. Hard copy on file, no longer available online.

[4350] The government approved a National Policy on the Care and Protection of Orphans in 1999. See UNAIDS, *Children Orphaned by AIDS: Front-line Responses from Eastern and Southern Africa*, UNAIDS, December 1999, 21-23; available from http://www.unaids.org/publications/documents/children/young/orphrepteng.pdf. Funds collected from an AIDS levy on formal sector wage earners and distributed by the National AIDS Council have been used to provide support to orphans in the form of education assistance, income generation projects, and research to identify the needs of HIV/AIDS orphans. See U.S. Embassy- Harare, *unclassified telegram no. 1669.*

[4351] Tendai Mangoma, "More Children Forced to Beg", allAfrica.com, [online], May 29, 2002; available from http://allafrica.com/stories/printable/200205290632.html.

[4352] "Analysis of the Situation of Sexual Exploitation".

[4353] Satellite schools function as unregistered learning centers affiliated with local official schools. They have been criticized for lacking proper facilities and learning materials and generally providing poor quality education, resulting in high absenteeism. See Integrated Regional Information Networks, "Zimbabwe: Farm kids struggle to find decent education", IRINnews.org, [online], February 13, 2004 [cited May 6, 2004]; available from http://www.irinnews.org/print.asp?ReportID=39468.

[4354] The programs reached only 18 percent of eligible children in 2000. Since that time, the percentage of beneficiaries has declined. See U.S. Embassy- Harare, *unclassified telegram no. 1386*. By the second term of the 2004 school year, education assistance given to orphans and disadvantaged children through the Basic Education Assistance Model (BEAM) had run out, leaving at least 800,000 children receiving support unable to pay the higher fees. The government blamed the hike in school fees for the early exhaustion of funds. See Integrated Regional Information Networks, "Zimbabwe: Hundreds of thousands may be out of school", IRINnews.org, [online], April 29, 2004 [cited May 6, 2004]; available from http://www.irinnews.org/print.asp?ReportID=40832.

particularly involved in school feeding programs during the recent food crisis.[4355] UNICEF has also been supplying school-in-a-box kits, which provide basic learning materials, to children attending satellite schools.[4356]

[4355] UNICEF, *Zimbabwe,* [online] April 3, 2003 [cited May 26, 2004]; available from http://www.unicef.org/noteworthy/safricacrisis/zimbabwe.html. See also Vongai Makamure, "Zimbabwe - WV is assisting communities," *World Vision - Africa in Harmony* (October 23, 2002). See also Oxfam, "Zimbabwe Short of Food," *Oxfam News* (April 3, 2003); available from http://www.oxfam.ca/news/Zimbabwe/April3_update.htm. See also Christian Aid, *Christian Aid in Zimbabwe,* in Christian Aid,, [online] 2004 [cited May 25, 2004]; available from http://www.christian-aid.org.uk/world/where/safrica/zimbabp.htm.

[4356] UNICEF, *At a Glance: Zimbabwe,* UNICEF, [online] [cited May 6, 2004]; available from http://www.unicef.org/infobycountry/zimbabwe.html.

Territories and Non-Independent Countries

There is limited information regarding the extent and nature of child labor and the quality and provision of education in non-independent countries and territories eligible for GSP, AGOA, and CBTPA benefits. These countries and territories generally are not eligible to become members of the ILO, so ILO Conventions 138 and 182 do not apply to any of them.[4357] Territories are subject to laws of the sovereign country.

Anguilla (territory of the United Kingdom)

Statistics on the number of working children under the age of 15 in Anguilla are unavailable.[4358] Information is unavailable on the incidence and nature of child labor. Primary education is compulsory from the ages of 5 to 11 years.[4359] In 2002, the gross primary enrollment rate was 99.0 percent, and the net primary enrollment rate was 97.0 percent.[4360] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Anguilla. According to the population Census 2001 there was a small number of children below the age of 15 years not attending school due to severe physical or mental disabilities. The Special Needs Department of the Ministry of Education promotes activities to expand access to education for these children.[4361] The Government of Anguilla is collaborating with UNESCO and the OECS to develop an Education for All plan that aims to raise educational achievement levels, improve access to quality special education services, provide human resource training for teachers and education managers, promote curriculum standardization, and increase the emphasis on social education and the involvement of teachers in educational planning.[4362]

British Virgin Islands (territory of the United Kingdom)

Statistics on the number of working children under the age of 15 in the British Virgin Islands are unavailable,[4363] but children reportedly work occasionally during the afternoons and on weekends in

[4357] ILO official, electronic communication to USDOL official, January 31, 2002. Most of the areas covered in this summary report are considered by the ILO to be non-metropolitan territories and therefore, are ineligible to become members of the ILO. An ILO member can submit a declaration to the ILO requesting that these conventions apply to their non-metropolitan territories. See *Constitution*; available from http://www.ilo.org/public/english/about/iloconst.htm.

[4358] ILO, *LABORSTAT,* [online] 2004; available from http://laborsta.ilo.org/.

[4359] UNESCO, *Education for All 2000 Assessment: Country Reports- Anguilla*, prepared by Department of Education, pursuant to UN General Assembly Resolution 52/84, September 1999, section 2(a); available from http://www2.unesco.org/wef/countryreports/anguilla/contents.html. Education is compulsory between the ages of 5 and 17 years under the Education Act of 1994. See UNESCO Institute for Statistics, *National Education Systems,* [database online] [cited May 27, 2004]; available from http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.html. See also U.S. Department of State official, electronic communication to USDOL official, March 16, 2004.

[4360] UNESCO Institute for Statistics, *Global Education Digest 2004,* [CD-ROM] 2004 [cited November 8, 2004]; available from http://portal.unesco.org/uis/TEMPLATE/html/HTMLTables/education/gerner_primary.htm.

[4361] U.S. Department of State official, electronic communication, March 16, 2004.

[4362] UNESCO, *EFA Country Report: Anguilla*. See also U.S. Department of State official, electronic communication, March 16, 2004.

[4363] ILO, *LABORSTAT*.

family-owned businesses, supermarkets, and hotels.[4364] Under the Education Ordinance, children must attend school until the age of 14.[4365] In 2002, the gross primary enrollment rate was 109 percent, and the net primary enrollment rate was 94 percent.[4366] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for the British Virgin Islands. The Labor Standards set the minimum age for employment at 14 years.[4367] The government has set up a Complaints Commission to handle complaints of violations of children's rights.[4368]

Christmas Island (territory of Australia)

Statistics on the number of working children under the age of 15 on Christmas Island are unavailable. Information is also unavailable on the incidence and nature of child labor. Western Australian State education and child welfare laws apply to Christmas Island. Education is free and compulsory between the ages of 6 and 15. The Western Australian Child Welfare Act of 1974 prohibits the employment of children aged 15 years during school hours and between 9:30 p.m. to 6:00 a.m. Causing, permitting or seeking to induce a child under the age of 18 years to act as a prostitute or participate in pornographic performances is prohibited under Western Australian law. Slavery and sexual servitude are also prohibited and punishable under federal Australian law.[4369]

Cocos (Keeling) Islands (territory of Australia)

Statistics on the number of working children under the age of 15 on Cocos (Keeling) Islands are unavailable, as is information on the nature of child labor. Western Australian State child welfare laws apply to Cocos (Keeling) Island. Education is free and compulsory between the ages of 6 and 15. The Child Welfare Act of 1974 prohibits the employment of children aged 15 years during school hours and between 9:30 p.m. to 6:00 a.m. Causing, permitting or seeking to induce a child under the age of 18 years to act as a prostitute or participate in pornographic performances is prohibited. Slavery and sexual servitude are also prohibited and punishable under Federal law.

Both Federal and Western Australian (W.A.) criminal laws, which are enforced by the Australian Federal Police, apply to Cocos (Keeling) Islands.[4370]

Cook Islands (self-governing state in free association with New Zealand)

[4364] Sheila Brathwaite, Permanent Secretary, Ministry of Natural Resources and Labour, letter to USDOL official, September 14, 2000.

[4365] Ibid.

[4366] UNESCO Institute for Statistics, *Global Education Digest 2004*.

[4367] Brathwaite, letter, September 14, 2002.

[4368] Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations*, CRC/C/15/Add.135, Geneva, October 16, 2000; available from http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.135.En?OpenDocument.

[4369] U.S. Embassy- Canberra, email communication, May 31, 2005.

[4370] U.S. Embassy- Canberra, email communication, May 31, 2005.

Statistics on the number of working children under the age of 15 in the Cook Islands are unavailable,[4371] but children are reported to help with family agricultural activities, work as performers on a part-time basis in cultural dance groups, and work in shops.[4372] According to the Education Act, education is compulsory and free for children between the ages of 5 and 15 years.[4373] In 2000, the gross primary enrollment rate was 96 percent, and the net primary enrollment rate was 85 percent.[4374] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for the Cook Islands.

The Industrial and Labor Ordinance of 1964 prohibits the employment of children under the age of 16 between the hours of 6 p.m. and 7 a.m. and on Sundays and holidays. Children under the age of 18 may not work in dangerous occupations, unless they have been trained to handle dangerous machinery. The Labor and Consumer Affairs Division of the Ministry of Internal Affairs is responsible for monitoring the implementation of child labor laws.[4375]

Falkland Islands (territory of the United Kingdom)

Statistics on the number of children working under the age of 15 are unavailable.[4376] According to the Government of the Falkland Islands, in 2002—the most recent year a report from the government was received—there were no children below compulsory school age working full time and there have been no recent cases involving the commercial sexual exploitation of children.[4377] In addition, the Foreign Office of the United Kingdom received no reports or complaints of child labor violations in 2004.[4378] Education is free and compulsory from 5 years of age until the end of the academic year when a child reaches 16 years of age. In 2002, the government reported that all children between the ages of 5 and 16 in the Falkland Islands were enrolled in the education system.[4379] Enrollment is based on the number of students formally registered in primary school and therefore does not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for the Falkland Islands.

The Employment of Children Ordinance prohibits the employment of children under the age of 14. Children 16 and under cannot work during school hours, before 7 a.m. or after 7 p.m. on any day, for more

[4371] ILO, *LABORSTAT*.

[4372] U.S. Embassy-Auckland official, electronic communication to USDOL official, October 1, 2001.

[4373] UNESCO, *Education for All 2000 Assessment: Country Reports- Cook Islands*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, section 1.2; available from http://www2.unesco.org/wef/countryreports/cook_islands/rapport_1.htm. See also U.S. Embassy-Auckland official, electronic communication, October 1, 2001.

[4374] UNESCO, *Global Education Database*, [online] [cited May 28, 2004]; available from http://qesdb.cdie.org/ged/index.html.

[4375] U.S. Embassy-Auckland official, electronic communication, October 1, 2001.

[4376] ILO, *LABORSTAT*.

[4377] The government reported that it has no records of how many children between the ages of 14 and 18 are working on a part-time basis. See Alison A.M. Inglis, Crown Counsel, electronic communication to USDOL official, September 11, 2002.

[4378] U.S. Department of State official, email communication to USDOL official, May 24, 2005.

[4379] Inglis, electronic communication, September 11, 2002.

than 2 hours on a school day or on Sundays.[4380] The Employment of Women, Young Persons and Children Ordinance of 1967 prohibits children under the age of 18 from working in industrial establishments.[4381]

The sale, trafficking, and abduction of children under the age of 16 years is an offense in the Falkland Islands. The United Kingdom's Sexual Offenses Act of 1956 also prohibits the sale, trafficking, and abduction of children between the ages of 16 and 18 years.[4382] The government is not currently implementing any policies or programs to address child labor, as this is not perceived to be a problem, because of the 100 percent school enrollment rate and the restrictions on employment in the Children's Ordinance.[4383] The government has yet to establish an independent mechanism to review complaints from children concerning violations of their rights under the Convention on the Rights of the Child.[4384]

Gibraltar (territory of the United Kingdom)

Statistics on the number of working children under the age of 15 in Gibraltar are unavailable.[4385] According to the Government of Gibraltar, there were no reports of child prostitution in the territory.[4386] In addition, the Foreign Office of the United Kingdom received no reports or complaints of child labor violations in 2004.[4387] Information on the incidence and nature of other forms of child labor is unavailable. Education is free and compulsory between the ages of 4 and 15 years.[4388] Procuring a girl under 18 years of age, permitting a girl under 13 years of age to use premises for intercourse, and causing or encouraging prostitution of a girl under 16 years of age are illegal.[4389] Slavery, servitude, and forced labor are prohibited under the Gibraltar Constitution Order of 1969.[4390] The Employment and Training Ordinance prohibits the employment of children under the age of 15 years in any industrial undertaking, and from working at

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[4380] Ibid.

[4381] Rosalind Cheek, Crown Counsel, Attorney General's Chambers, electronic communication to USDOL official, December 21, 2000.

[4382] 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 1996- Addendum*, CRC/C/41/Add.9, Geneva, May 29, 2000, para. 180; available from http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CRC.C.41.Add.9.En?OpenDocument.

[4383] Inglis, electronic communication, September 11, 2002.

[4384] Committee on the Rights of the Child, *Concluding Observations*, para. 15.

[4385] ILO, *LABORSTAT*.

[4386] Royal Gibraltar Police, *Royal Gibraltar Police Annual Report 2001-2002: General Statistics,* [online] [cited September 1, 2004]; available from http://www.gibraltar.gov.gi.

[4387] U.S. Department of State official.

[4388] Government of Gibraltar, *Education and Training*, [online] [cited May 27, 2004]; available from http://www.gibraltar.gov/gi/gov_depts/education_index.htm.

[4389] Interpol, *Legislation of Interpol Member States on Sexual Offences Against Children: Gibraltar*, [database online] [cited May 28, 2004]; available from http://www.interpol.int/public/children/SexualAbuse/NationalLaws/csaGibraltar.asp.

[4390] *The Gibraltar Constitution - 1969*, (May 23, 1969), Chapter 1, Section 4; available from http://www.gibraltar.gov.gi/.

night or underground.[4391] Labor Inspectors are responsible for ensuring compliance with the Employment Ordinance.[4392] The Convention on the Rights of the Child has not yet been extended to include Gibraltar.[4393]

Heard Island and MacDonald Islands (territory of Australia)

Heard and McDonald Islands are uninhabited sub-Antarctic islands managed by the Government of Australia's Antarctic Division. There are no children resident on Heard and McDonald Islands.

Montserrat (territory of the United Kingdom)

Statistics on the number of working children under the age of 15 in Montserrat are unavailable.[4394] Information is also unavailable on the incidence and nature of child labor. However, the Foreign Office of the United Kingdom received no reports or complaints of child labor violations in 2004.[4395] The government has yet to establish an independent mechanism to review complaints from children concerning violations of their rights under the Convention on the Rights of the Child.[4396] Education is compulsory for children between the ages of 5 and 16, and free up to the age of 17.[4397] Primary school enrollment and attendance rates are unavailable for Montserrat. The incidence of truancy and the number of drop-outs from school is increasing.[4398]

Niue (self-governing state in free association with New Zealand)

Statistics on the number of working children under the age of 15 in Niue are unavailable.[4399] Information is also unavailable on the incidence and nature of child labor. Education is compulsory from 5 to 16 years of age.[4400] In 2002, the gross primary enrollment rate was 118 percent, and the net primary enrollment rate was 97 percent.[4401] Gross and net enrollment ratios are based on the number of students formally registered in

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[4391] Committee on Human Rights, *Consideration of Reports Submitted by States Parties Under Article 40 of the Convention: Addendum*, Geneva, April 11, 2000, para. 130; available from http://www.unhchr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/056436a2db6f8d0cc12569650053d508?OpenDocument.

[4392] Government of Gibraltar, *Employment*, [online] [cited May 28, 2004]; available from http:www.gibraltar.gov.gi/gov_depts/emp_training/emp_train_index.htm.

[4393] Committee on the Rights of the Child, *Concluding Observations*, para. 5.

[4394] ILO, *LABORSTAT*.

[4395] U.S. Department of State official.

[4396] Committee on the Rights of the Child, *Concluding Observations*.

[4397] U.S. Department of State official, electronic communication, March 16, 2004. See also Alex Ackie, Clerical Officer, Governor's Office, electronic communication to USDOL official, January 23, 2001.

[4398] Committee on the Rights of the Child, *Concluding Observations*.

[4399] ILO, *LABORSTAT*.

[4400] The compulsory age of education was raised from 14 to 16 years in 1998. See UNESCO, *Education for All 2000 Assessment: Country Reports- Niue*, prepared by Department of Education, pursuant to UN General Assembly Resolution 52/84, 1999; available from http://www2.unesco.org/wef/countryreports/niue/contents.html. See also UNESCO Institute for Statistics, *National Education Systems*.

[4401] UNESCO Institute for Statistics, *Global Education Digest 2004*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Niue.

Norfolk Island (jointly-governed Australian Territory)

Statistics on the number of working children under the age of 15 on Norfolk Island are unavailable, as is information on the nature of child labor. Norfolk Island is a self-managing territory that shares legislative power with the Government of Australia on a range of issues, including education and labor relations. Education is free and compulsory between the ages of 5 and 15. Norfolk Island's Employment Act of 1988 prohibits the employment of children under the age of 15 years during school hours and between the hours of 11:00 p.m. and 6:00 a.m. Slavery and sexual servitude are also prohibited and punishable under Australian Federal law.[4402]

Pitcairn Islands (territory of the United Kingdom)

In 2002, the Government of Pitcairn Islands reported that there were no working children in the territory.[4403] Children under the age of 15 are prohibited from engaging in paid government work.[4404] Education is free and compulsory between the ages of 5 and 15.[4405] In 2002, the net primary enrollment rate was 100 percent.[4406] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance rates are not available for the Pitcairn Islands. Under the Summary Offences Ordinance, a parent or guardian who does not ensure the regular attendance of their child at school can be fined up to NZD 25 (USD 15.80).[4407]

Saint Helena (territory of the United Kingdom)

In 2000, the Government of St. Helena reported that there were no working children in the territory.[4408] The minimum age for employment is 15 years.[4409] Education is free and compulsory between the ages of 5 and 15.[4410] Primary school enrollment and attendance rates are unavailable for Saint Helena.

Tokelau

[4402] U.S. Embassy- Canberra, email communication, May 31, 2005.

[4403] Leon Salt, Commissioner for Pitcairn Islands, electronic communication to USDOL official, August 25, 2002.

[4404] Leon Salt, Commissioner for Pitcairn Islands, electronic communication to USDOL official, November 7, 2000.

[4405] Ibid.

[4406] Salt, electronic communication, August 25, 2002.

[4407] Ibid., Section 23, Part V. For currency conversion see FXConverter, [online] [cited June 1, 2004]; available from http://www.oanda.com/convert/classic.

[4408] Gillian Francis, Assistant Secretary, electronic communication to USDOL official, November 24, 2000.

[4409] Ibid.

[4410] Ibid. See also UNESCO Institute for Statistics, *National Education Systems*.

Statistics on the number of working children under the age of 15 in Tokelau are unavailable.[4411] Information is also unavailable on the incidence and nature of child labor. Education is compulsory between the ages of 5 and 16 years.[4412] Primary school enrollment and attendance rates are unavailable for Tokelau.

Turks and Caicos Islands (territory of the United Kingdom)

Statistics on the number of working children under the age of 15 in the Turks and Caicos Islands are unavailable. Information is also unavailable on the incidence and nature of child labor. Nine years of basic education is provided by the government to children between the ages of 6 and 14.[4413] In 2002, the gross primary enrollment rate was 101 percent, and the net primary enrollment rate was 88 percent.[4414] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for the Turks and Caicos Islands. Procurement of any girl under the age of 21 to have unlawful sexual intercourse is illegal and punishable with imprisonment for two years.[4415]

West Bank and Gaza Strip (Occupied Territories Subject to the Jurisdiction of the Palestinian Authority)

During January through March 2003, the Palestinian Central Bureau of Statistics estimated that less than 1 percent of children ages 10 to 14 were working in West Bank and Gaza.[4416] The survey estimated that 46.1 percent of working children are employed in agriculture, fishing, and forestry, while 6.6 percent are employed in construction. Two-thirds of working children are employed as unpaid family members, while 28.1 percent are employed as wage employees outside the home. The survey also reported that 7.6 percent of working children were exposed to injury or chronic disease during their work.[4417] There are also reports that children and adolescents have been used by Palestinian armed groups.[4418]

[4411] ILO, *LABORSTAT*.

[4412] UNESCO Institute for Statistics, *National Education Systems*.

[4413] UNESCO, *Education for All 2000 Assessment: Country Reports- Turks and Caicos Islands*, prepared by Women's Affairs, September, 1999, [cited May 27, 2004]; available from http://www2.unesco.org/wef/countryreports/turks_caicos/contents.html.

[4414] UNESCO Institute for Statistics, *Global Education Digest 2004*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

[4415] The Protection Project, *Turks/Caicos Island,* [online] [cited May 27, 2004]; available from http://www.protectionproject.org/main1.htm.

[4416] Palestinian Central Bureau of Statistics, *Main Findings According to the Relaxed Definition of Unemployment*, January - March, 2003, [cited July 3, 2003]; available from http://www.pcbs.org/english/press_r/press28/result_28.htm. The Central Bureau of Statistics conducted another survey in 2004 with a sample size of 10,334 households with 8,601 households having at least one child. Of the children in the survey sample, only 1.7 percent meet the definition of child labor as used by the survey. Child labor, according to PCBS, is defined as unpaid family work, domestic work, or any type of paid work. For children ages 12 to 14 years, working more than 14 hours per week is considered child labor. For children ages 15 to 17 years, working more than 40 hours per week is considered child labor. See Palestinian Central Bureau of Statistics, *Main Findings of the 2004 Child Labor Survey*, fact sheet, 2004.

[4417] Palestinian Central Bureau of Statistics, *Main Findings of the 2004 Child Labor Survey*.

[4418] U.S. Department of State, *Country Reports- 2003: Israel and the Occupied Territories*, Section 5.

Education is compulsory through grade nine.[4419] For the academic year 2003-2004, the gross primary enrollment rate was 88.3 percent in the West Bank and 96.3 percent in Gaza, while the net enrollment rate was 83.3 percent in the West Bank and 91.1 percent in Gaza.[4420] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for the West Bank and Gaza Strip. Although gross and net enrollment rates are high, many girls marry early and do not complete the mandatory level of schooling, and in rural areas and refugee camps, boys often drop out of school early to help support their families.[4421] Closures and extended periods of curfew limited children's and teachers' access to schooling, and student learning was reported to be negatively affected by the violent security situation.[4422] The violence resulted in the cancellation of classes in areas under curfew,[4423] delays in school construction and sharp declines in teaching time due to problems with teacher attendance.[4424] In 2001, the Israeli government agreed to build a number of new classrooms in East Jerusalem to alleviate problems of overcrowding. By the end of 2003, 30 had been completed and an additional 36 were under construction.[4425]

The minimum age for work in the West Bank and Gaza is 15 years, and there are restrictions on the employment of children between the ages of 15 and 18. The restrictions include prohibitions against night work, work under conditions of hard labor, or jobs that require them to travel outside their domicile.[4426] The Palestinian Authority is responsible for enforcing the area's labor laws; however, with only 40 labor inspectors for an estimated 65,000 enterprises, the Authority has limited capacity to enforce labor laws.[4427] There is no law specifically prohibiting trafficking in persons, but no trafficking incidents have been reported.[4428]

The Child Rights Charter, passed by the Palestinian Legislative Council, is in effect to protect and guarantee the rights of children in West Bank and Gaza. Under this charter investigations into allegations

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[4419] U.S. Department of State, *Country Reports- 2003: Israel and the Occupied Territories*, Section 5.

[4420] Palestinian Central Bureau of Statistics, *Net Enrollment Ratio and Gross Enrollment Ratio by Region, Stage and Sex, 2003/2004*, Palestinian Central Bureau of Statistics, 2003/2004; available from http://www.pcbs.org/educatio/yb0204_educ8.aspx. See the glossary of this report for more information on gross and net enrollment rates.

[4421] U.S. Department of State, *Country Reports- 2003: Israel and the Occupied Territories*, Section 5.

[4422] A separation barrier's construction east of the village of Khirbat Jabara has resulted in missed schooling for children, especially since the village has no primary school. See Ibid.

[4423] Ibid.

[4424] Save the Children UK and Save the Children Sweden, *Education Under Occupation: Palestinian Children Talk About Life and School*, March 2002, 11; available from http://www.savethechildren.org.uk/temp/scuk/cache/cmsattach/611_educunderocc.pdf. More than 35,000 teacher workdays were lost in the 2002-2003 academic year. See U.S. Department of State, *Country Reports- 2003: Israel and the Occupied Territories*, Section 5.

[4425] See U.S. Department of State, *Country Reports- 2003: Israel and the Occupied Territories*, Section 5.

[4426] Ibid., Sections 5 and 6d.

[4427] Ibid., Section 6d.

[4428] Ibid., Section 6f.

of recruiting and exploiting children in armed operations are required, and those responsible for such activities are to be tried in a court of law.[4429]

The Palestinian Authority is working with the ILO and UNICEF to improve child labor laws and enforcement, and to conduct a study to determine the extent and nature of child labor in the West Bank and Gaza Strip.[4430] In partnership with the Palestinian National Authority's Ministry of Education and Higher Education, UNICEF is conducting a campaign to help 10,000 children return to school. Assistance includes provision of uniforms and school supplies, teacher training, and a media campaign to promote education.[4431]

Western Sahara

Statistics on the number of working children under the age of 15 in Western Sahara are unavailable, and child labor does not seem to be a problem.[4432] Residents of Western Sahara are subject to Moroccan labor laws that set the minimum age for employment at 15 years.[4433] Forced labor is prohibited under Moroccan law, and a new law was passed in 2003 that imposes fines and prison terms against those involved in trafficking in persons.[4434] Education is compulsory for 8 years.[4435] Information regarding government policies and programs to eliminate the worst forms of child labor in Western Sahara is unavailable.

Other Territories and Non-Independent Countries

Information on the incidence and nature of child labor, child labor laws and legislation, and government polices and programs to eliminate the worst forms of child labor is unavailable for the following territories and non-independent countries: British Indian Ocean Territory (territory of the United Kingdom), and Wallis and Futuna (territory of France).

[4429] Article 46 of the Charter states that "it is forbidden to recruit or use children in military actions or military conflicts and the state should take the necessary procedures to guarantee [this]." See Coalition to Stop the Use of Child Soldiers, "Occupied Palestinian Territories," in *Global Report 2004*, 2004; available from http://www.child-soldiers.org/document_get.php?id=959.

[4430] U.S. Department of State, *Country Reports- 2003: Israel and the Occupied Territories*, Section 6d.

[4431] UNICEF, *One Million Go Back to School in Occupied Palestinian Territory*, [press release] September 1, 2003 [cited June 1, 2004]; available from http://www.unicef.org/media/media_13753.html.

[4432] ILO, *LABORSTAT*. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Western Sahara*, Washington, D.C., February 25, 2004; available from http://www.state.gov/g/drl/rls/hrrpt/2003/27941.htm.

[4433] U.S. Department of State, *Country Reports- 2003: Western Sahara*. See also Lawrence Connell, electronic communication to USDOL official, January 29, 2002.

[4434] U.S. Department of State, *Country Reports- 2003: Western Sahara*.

[4435] UNESCO Institute for Statistics, *National Education Systems*.

Appendix A
Selected Child Labor Measures Adopted by Governments

Country List	C. 182	C. 138	IPEC Member	Nat'l Plan for Children	Nat'l Child Labor Action Plan	Child Labor Sector Plan
Afghanistan						
Albania	✓	✓	✓	✓		✓
Algeria	✓	✓				
Angola	✓	✓				✓
Antigua and Barbuda	✓	✓				
Argentina	✓	✓	✓		✓	✓
Armenia				✓		✓
Bahrain	✓					
Bangladesh	✓		✓	✓		✓
Barbados	✓	✓	✓			
Belize	✓	✓	✓	✓		
Benin	✓	✓	✓	✓		✓
Bhutan	N/A	N/A	N/A			
Bolivia	✓	✓	✓		✓	✓
Bosnia and Herzegovina	✓	✓		✓		
Botswana	✓	✓				
Brazil	✓	✓	✓	✓	✓	✓
Bulgaria	✓	✓	✓	✓	✓	✓
Burkina Faso	✓	✓	✓	✓		✓
Burundi	✓	✓	✓			
Cambodia		✓	✓			✓
Cameroon	✓	✓	✓			✓
Cape Verde	✓					
Central African Republic	✓	✓				✓
Chad	✓			✓		
Chile	✓	✓	✓	✓	✓	✓
Colombia		✓	✓	✓	✓	
Comoros	✓	✓				
Congo, Dem. Republic of the	✓	✓	✓			
Congo, Republic of	✓	✓	✓			
Costa Rica	✓	✓	✓	✓	✓	
Cote d'Ivoire	✓	✓	✓			
Croatia	✓	✓		✓		
Djibouti						
Dominica	✓	✓				

Country List	C. 182	C. 138	IPEC Member	Nat'l Plan for Children	Nat'l Child Labor Action Plan	Child Labor Sector Plan
Dominican Republic	✓	✓	✓			
Ecuador	✓	✓	✓	✓	✓	✓
Egypt	✓	✓	✓	✓	✓	
El Salvador	✓	✓	✓		✓	
Equatorial Guinea	✓	✓				
Eritrea		✓		✓	✓	
Ethiopia	✓	✓	✓			
Fiji	✓	✓	✓			
Gabon	✓		✓			
The Gambia	✓	✓				
Georgia	✓	✓	✓			✓
Ghana	✓		✓	✓	✓	✓
Grenada	✓	✓				
Guatemala	✓	✓	✓		✓	✓
Guinea	✓	✓	✓			
Guinea-Bissau					✓	
Guyana	✓	✓	✓			✓
Haiti			✓			
Honduras	✓	✓	✓		✓	
India			✓	✓		✓
Indonesia	✓	✓	✓	✓	✓	✓
Iraq	✓	✓				
Jamaica	✓	✓	✓			
Jordan	✓	✓	✓			
Kazakhstan	✓	✓	✓	✓		
Kenya	✓	✓	✓			
Kiribati						
Kyrgyzstan	✓	✓	✓	✓		✓
Lebanon	✓	✓	✓	✓		
Lesotho	✓	✓				
Macedonia	✓	✓		✓		✓
Madagascar	✓	✓	✓		✓	
Malawi	✓	✓	✓	✓	✓	
Mali	✓	✓	✓			✓
Mauritania	✓	✓				
Mauritius	✓	✓				✓
Moldova	✓	✓	✓			✓
Mongolia	✓	✓	✓	✓		
Morocco	✓	✓	✓		✓	✓

Country List	C. 182	C. 138	IPEC Member	Nat'l Plan for Children	Nat'l Child Labor Action Plan	Child Labor Sector Plan
Mozambique	✓	✓			✓	
Namibia	✓	✓	✓			
Nepal	✓	✓	✓		✓	✓
Nicaragua	✓	✓	✓	✓	✓	✓
Niger	✓	✓	✓			
Nigeria	✓	✓	✓		✓	
Oman	✓					
Pakistan	✓		✓		✓	✓
Panama	✓	✓	✓	✓		✓
Papua New Guinea	✓	✓				
Paraguay	✓	✓	✓	✓	✓	✓
Peru	✓	✓	✓	✓		✓
Philippines	✓	✓	✓	✓	✓	✓
Romania	✓	✓	✓	✓	✓	✓
Russia	✓	✓	✓	✓		
Rwanda	✓	✓	✓			
Saint Kitts and Nevis	✓					
Saint Lucia	✓					
Saint Vincent & Grenadines	✓					
Samoa	N/A	N/A		✓		
Sao Tome & Principe						
Senegal	✓	✓	✓		✓	✓
Seychelles	✓	✓				
Sierra Leone				✓		
Solomon Islands				✓		
Somalia						
South Africa	✓	✓	✓	✓		✓
Sri Lanka	✓	✓	✓			✓
Suriname			✓	✓		
Swaziland	✓	✓				
Tanzania	✓	✓	✓		✓	
Thailand	✓	✓	✓		✓	✓
Togo	✓	✓	✓	✓	✓	
Tonga	N/A	N/A				
Trinidad & Tobago	✓	✓	✓	✓		
Tunisia	✓	✓		✓		
Turkey	✓	✓	✓		✓	✓
Tuvalu	N/A	N/A				
Uganda	✓	✓	✓	✓	✓	

Country List	C. 182	C. 138	IPEC Member	Nat'l Plan for Children	Nat'l Child Labor Action Plan	Child Labor Sector Plan
Uruguay	✓	✓	✓	✓	✓	✓
Uzbekistan			✓			
Vanuatu						
Venezuela		✓	✓	✓		
Yemen	✓	✓	✓		✓	
Zambia	✓	✓	✓			
Zimbabwe	✓	✓	✓			

Sources: List of ratifications of ILO Conventions [cited December 2004]; available from http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN

IPEC action against child labour: Highlights 2004, October 2004, Geneva, 16 [cited December 2004]; available from http://www.ilo.org/public/english/standards/ipec/publ/download/implementation_2004_en.pdf

For more information on child labor action plans, please see individual country reports.

Countries with the N/A designation are not members of the ILO or the UN and thus are not party to the Conventions listed above.

While included in this report, information on the incidence and nature of child labor in the following territories is very limited, and child labor generally does not appear to be a large problem: Anguilla; British Indian Ocean Territory; British Virgin Islands; Christmas Island; Cocos (Keeling) Islands; Cook Islands; Falkland Islands; Gibraltar; Heard Island/McDonald Islands; Montserrat; Niue; Norfolk Island; Pitcairn Islands; Saint Helena; Tokelau; Turks and Caicos Islands; Wallis and Futuna; West Bank and Gaza; and Western Sahara. In addition, these territories are not members of either the ILO or the UN and thus are not party to the Conventions listed above. The West Bank and Gaza, however, is an associated member of ILO-IPEC.

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