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The Department of Labor's 2001 Findings on the Worst Forms of Child Labor: Trade and Development Act of 2000

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The Department of Labor's

2001

Findings on
the Worst
Forms of
Child Labor

Trade and Development Act of 2000



U.S. Department of Labor
Bureau of International Labor Affairs
2002

The Department of Labor's

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Findings on the Worst Forms of Child Labor

Trade and Development Act of 2000



U.S. Department of Labor
Bureau of International Labor Affairs
2002



**SECRETARY OF LABOR
WASHINGTON**

JUN - 7 2002

The Honorable President of the Senate
The Honorable Speaker
of the House of Representatives

Dear Gentlemen:

The enclosed report, entitled "The Department of Labor's 2001 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), as amended by section 412(c) of the Trade and Development Act of 2000 (Pub. L. No. 106-200). The report describes the efforts of 143 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,

A handwritten signature in black ink that reads "E. L. Chao". The signature is written in a cursive style.

Elaine L. Chao

Enclosure

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Foreword

Two years ago, the United States joined 173 countries around the world to unanimously adopt International Labor Organization (ILO) Convention No. 182, a groundbreaking agreement to end the worst forms of child labor. When forwarded to the U.S. Senate for advice and consent, this convention made it through that process in record time with strong bipartisan support. In addition, this convention is the most rapidly ratified treaty in ILO history.

By adopting Convention 182, the United States and the other ILO member nations made the first step to ensuring that no child engages in forced or bonded labor, is used in armed conflict or illicit activities, is exploited by the commercial sex trade, or is placed in hazardous work.

In this report on the Department of Labor's 2001 Findings on the Worst Forms of Child Labor, we describe the nature and extent of child labor in 143 countries and territories, the laws and enforcement policies that exist to protect children, and efforts that have been made by governments to meet international commitments to eliminate the worst forms of child labor.

I hope that you will find the information in this report useful to your understanding of the international child labor issue.

Thomas B. Moorhead
*Deputy Under Secretary for
International Affairs*
U.S. Department of Labor
Washington, D.C.
May 30, 2002

Introduction

This report was prepared in accordance with Section 412(c) of the Trade and Development Act of 2000 (TDA), Pub.L. 106-200. 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.¹ 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.”² The countries referenced in the legislation are those countries that may be designated as beneficiaries under the U.S. Generalized System of Preferences (GSP).³

Generalized System of Preferences

The GSP is a unilateral program that extends duty-free entry to a wide range of products from more than 140 designated developing countries and territories.⁴ The GSP program was enacted by Title V of the Trade Act of 1974.⁵ When the Trade and Tariff Act of 1984 reauthorized the program, new country practices eligibility criteria included a requirement that countries take steps to afford internationally recognized worker rights.⁶ The TDA 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.”⁷ (See Table 1 for GSP Bases for Ineligibility).

The Worst Forms of Child Labor

Section 412(b) of the TDA,⁸ defines “worst forms of child labor” 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.

¹ See 19 U.S.C. § 2464.

² Ibid.

³ See 19 U.S.C. § 2461.

⁴ See 19 U.S.C. § 2461.

⁵ See 19 U.S.C. § 2461-67.

⁶ See 19 U.S.C. § 2462(b)(2)(G) and (c)(7).

⁷ See 19 U.S.C. § 2462(b)(2)(H).

⁸ See 19 U.S.C. § 2467(6).

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

The TDA's definition of the "worst forms of child labor" is based on International Labor Organization's (ILO) Convention No. 182 on the Worst Forms of Child Labor.⁹

Table 1
General System of Preferences Bases for Ineligibility
<p>The President shall not designate a country as a beneficiary developing country if any of the following applies:</p>
<p>A. A country may not be a Communist country unless 1) its products receive nondiscriminatory treatment, 2) such country is a WTO member and a member of the International Monetary Fund, and 3) such country is not dominated or controlled by international communism. 19 U.S.C. §2464(b)(2)(A).</p>
<p>B. A country may not be a party to an arrangement the effect of which is to withhold supplies of vital commodity resources from international trade or to raise the price of such commodities to an unreasonable level, and to cause serious disruption of the world economy. 19 U.S.C. §2464(b)(2)(B).</p>
<p>C. A country may not afford preferential treatment to products of a developed country that has, or is likely to have, a significant adverse effect on United States commerce. 19 U.S.C. §2464(b)(2)(C).</p>
<p>D. A country may not have nationalized, expropriated, or otherwise seized property of U.S. citizens or corporations without providing, or taking steps to provide prompt, adequate, and effective compensation, or submitting such issues to a mutually agreed forum for arbitration. 19 U.S.C. §2464(b)(2)(D).</p>
<p>E. A country may not have failed to recognize or enforce arbitral awards in favor of U.S. citizens or corporations. 19 U.S.C. §2464(b)(2)(E).</p>
<p>F. A country may not aid or abet, by granting sanctuary from prosecution, any individual or group that has committed an act of international terrorism. 19 U.S.C. §2464(b)(2)(F).</p>
<p>G. A country has not taken or is not taking steps to afford internationally recognized worker rights, including (1) the right of association, (2) the right to organize and bargain collectively, (3) freedom from compulsory labor, (4) a minimum age for the employment of children, and (5) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health. 19 U.S.C. §2464(b)(2)(G).</p>
<p>H. A country has not implemented its commitments to eliminate the worst forms of child labor. 19 U.S.C. §2464(b)(2)(H).</p>

⁹ Convention No. 182 calls on member countries to take measures toward the elimination of child labor as a matter of urgency. The Convention, which was unanimously adopted by the 174 members of the ILO in 1999, is the most rapidly ratified convention in that organization's history. By December 31, 2001, over 100 ILO member countries had ratified No. 182. However, any country that is an ILO member, even if it has not ratified Convention No. 182, is obligated under the ILO's Declaration on Fundamental Principles and Rights to Work to respect, promote and realize the principles concerning the fundamental rights that are the subject of the ILO conventions. These include the effective abolition of child labor.

Structure of the Report

The report provides individual profiles on 124 independent countries and a summary report on 19 non-independent countries and territories designated as GSP beneficiaries and/or beneficiaries under the Caribbean Basin Trade Partnership Act.¹⁰ Wherever possible, these profiles focus on the worst forms of child labor, rather than on child labor in general. However, since data and information on the incidence of the worst forms is often unavailable, the profiles do not always make this distinction. Each of the profiles consists of three sections: government policies and programs to eliminate the worst forms of child labor; incidence and nature of child labor and child labor laws and enforcement.

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

To the extent that there is a child labor problem in the country, this section describes government initiatives aimed at combating the worst forms of child labor. It is important to note, however, that it is often difficult to separate out those policies and programs that address only the worst forms of child labor, from those that focus on child labor in general. Where appropriate, this section of the report provides information on both types of child labor initiatives. 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 exploitative work, and offering children educational alternatives. Many countries also 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 access income generating opportunities for the children's families that help reduce dependence on the labor of their children.

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. It bears stating at the outset that systematic statistical information about the incidence and nature of child labor tends to be scarce and is often dated. The lack of availability, reliability and timeliness of data is more pronounced for subsets of child laborers, such as those working subject to the worst forms of child labor. Although the preferred information for this section of the report is on children engaged in the worst forms of child labor, it is not always possible to separate out the worst forms from other types of

¹⁰ 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."

child labor. In most instances overall child labor information is reported because data specifically on the worst forms is 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.¹¹ 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 number that repeat a grade of school, where available. Information pertaining to gender, ethnicity, or rural/urban demographics 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. 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.

Finally, this section reports whether a country has ratified the principal ILO conventions on child labor, Conventions No. 138 on Minimum Age for Employment and No. 182 on the Worst Forms of Child Labor.

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. Also relied upon are a wide variety of reports and materials originating from foreign countries, 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 two Department requests for public input published in the *Federal Register*.¹²

¹¹ 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.

¹² "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", 65 Fed. Reg. 49466 (2000), and 66 Fed. Reg. 49070/(2001).

Acronyms

AGOA	African Growth and Opportunity Act
CBTPA	Caribbean Basin Trade Partnership Act
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 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
MOU	Memorandum of Understanding
NGO	Nongovernmental Organization
OSCE	Organization for Security and Cooperation in Europe
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
USDOL	United States Department of Labor
WFP	World Food Program

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 (Paris, 2001)[CD-ROM].

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. The interest on the loan may be so high that it cannot be paid, or the laborer may be deemed to repay the interest on the loan but not the capital. 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: 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 Convention No. 182: Worst Forms of Child Labor, 1999, at <http://ilolex.ilo.ch:1567/english/convdisp2.htm>.

Child Labor

The international definition of child labor is derived from ILO Convention 138, which states that child labor is any economic activity performed by a person under the age of 15. However, not all work is considered harmful to or exploitative of children. *Child work* can include performing light work after school, household chores, or legitimate apprenticeship programs. Therefore, for the purposes of this report, *child labor* is defined as work that prevents children from attending and participating effectively in school or is performed by children under hazardous conditions that place their healthy physical, intellectual or moral development at risk.

Source: 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), 1. See also Richard Anker, “The Economics of Child Labour: A Framework for Measurement,” International Labor Review (2000), 139, 257-280.

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 difficult judgment calls.

Source: 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: CSEC Overview, World Congress Against the Commercial Sexual Exploitation of Children, August 27-31, 1996, U.S. Embassy-Stockholm, at <http://www.usis.usemb.se/children/csec/overview.html>. See also *UN Convention on the Rights of the Child*, Article 34, at <http://www.unhchr.ch/html/menu3/b/k2crc.htm>, and *ILO Convention No. 182: Worst Forms of Child Labor*, 1999, at <http://ilolex.ilo.ch:1567/english/convdsp2.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 (Paris, 2001) [CD-ROM].

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

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 Labor, 1930*, at <http://ilolex.ilo.ch:1567/english/convdsp2.htm>. See also *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), 4. See also *ILO Convention No. 182: Worst Forms of Child Labor, 1999*, at <http://ilolex.ilo.ch:1567/english/convdsp2.htm>.

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: "UNESCO Indicator Definitions for GED Online," USAID Web Site, at http://quesdb.cdie.org/ged/un_def.html.

Gross Primary Enrollment Ratio

The gross primary enrollment ratio is the enrollment of primary students of all ages expressed as a percentage of the primary school-age population. 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 was 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: “UNESCO Indicator Definitions for GED Online,” USAID Web Site, at http://quesdb.cdie.org/ged/un_def.html.

Hazardous work

Hazardous work refers to work that is likely to jeopardize the health, safety, or morals of a young person. This is consistent with ILO Convention 138, which states that “the minimum age for 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 young persons shall not be less than 18 years.” Hazardous work is identified as a worst form of child labor in ILO Convention 182.

Source: *ILO Convention No. 138: Minimum Age for Employment, 1973, Article 3*, at <http://ilolex.ilo.ch:1567/english/convdisp2.htm>. See also *ILO Convention No. 182: Worst Forms of Child Labor, 1999*, at <http://ilolex.ilo.ch:1567/english/convdisp2.htm>.

ILO Convention No. 138: Minimum Age for Admission to Employment

ILO Convention 138 serves as the principal standard on child labor. This convention, passed in 1973 and ratified by 116 nations, defines the term “child labor” as any economic activity performed by a person under the age of 15. Signatories of the Convention are required to set a minimum work age standard of 15 years, although exemptions are included which permit countries whose economy and educational facilities are insufficiently developed to initially specify a minimum age of 14 years.

Source: “About Child Labor,” USDOL, ICLP, at <http://www.dol.gov/dol/ilab/public/programs/iclp/projects.htm>. Ratifications are as of January 25, 2002. See also *ILO Convention No. 138: Minimum Age for Admission to Employment, 1973*, at <http://ilolex.ilo.ch:1567/english/convdisp2.htm>.

ILO Convention No. 182: Worst Forms of Child Labor

ILO Convention 182 was passed in 1999 and had been ratified by 122 nations. It commits ratifying nations to take immediate action to secure the prohibition and elimination of the *worst forms of child labor*, defined as:

- 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 labor, including forced or compulsory recruitment of children for use in armed conflict;
- the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

- 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;
- 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.

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; apply the Convention to children under the age of 18; 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 Labor, 1999, at <http://ilolex.ilo.ch:1567/english/convdisp2.htm>. See also "About Child Labor," USDOL, ICLP, at <http://www.dol.gov/dol/ilab/public/programs/iclp/projects.htm>. Ratifications are as of January 25, 2002.

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: "Informal Sector: Who are they?" ILO Web site at www.ilo.org/public/English/employment/skills/informal/who.htm. See also ILO, 15th International Conference of Labor Statisticians (Geneva, Switzerland, January 19-28, 1993) and *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 implementa-

tion 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 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.

Between fiscal years 1995 and 2001, the U.S. Congress has appropriated over USD 112 million for child labor activities, including support of IPEC programs.

Source: By the Sweat and Toil of Children, Vol. V: Efforts to Eliminate Child Labor (Washington, D.C.: USDOL, 1998), 4. See also "Child Labor Projects," USDOL, ICLP, at <http://www.dol.gov/dol/ilab/public/programs/iclp/projects.htm>.

Light Work

Light work is defined in ILO Convention 138 as work that is not likely to harm the health or development of young persons, and not such as to prejudice their attendance at school, their participation in vocational orientation or training programs approved by the competent authority or their capacity to benefit from the instruction received.

Source: ILO Convention No. 138: Minimum Age for Employment, 1973, Article 3, at <http://ilolex.ilo.ch:1567/english/convdsp2.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.

Source: "UNESCO Indicator Definitions for GED Online," USAID, at http://quesdb.cdie.org/ged/un_def.html.

Net Primary Enrollment Ratio

The net primary enrollment ratio is the enrollment of primary students of the official 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. In many countries the official primary school age group is 6-11 years. The difference in national systems of education should be accounted for when comparing rati

Source: "UNESCO Indicator Definitions for GED Online," USAID at http://quesdb.cdie.org/ged/un_def.html.

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 (Paris, 2001) [CD-Rom].

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 (Paris, 2001) [CD-ROM].

Ratification

Ratification is a solemn undertaking by a State formally accepting the terms of an international Convention, thereby becoming legally bound to apply it. In order to ratify a Convention, a country must, if necessary, adopt new laws and regulations or modify the existing legislation and practice to support the Convention, and formally deposit the instruments of ratification with the appropriate international body. (In the case of ILO Conventions, ratifications must be registered with the Director-General of the ILO's International Labor Office.)

Signing a convention or passing a convention in Congress, or a similar state organ, does not mean that the convention has been ratified. Signing a convention serves as a preliminary endorsement, albeit a formality, as signatories are not bound by the terms of the Convention or in any way committed to proceed to the final step of ratification. Similarly, appropriate state organs (such as Parliament, the Senate, or the Head of State) may sign or pass a convention, but that is only one of two requisite steps on the path toward official ratification. The final step requires that the instruments of ratification be deposited with the appropriate international body.

*Source: "Glossary of Terms Related to International Labour Standards," ILO International Labour Standards, at 222.ilo.org/public/English/standards/norm/sources/glossry.htm. See also *The Process: From Signature to Ratification*, Convention on the Rights of the Child, UNICEF, at <http://www.unicef.org/crc/process.htm>. See also *ILO Convention No. 138: Minimum Age for Admission to Employment, Article 11*, at <http://ilolex.ilo.ch:1567/english/convdsp2.htm>, and *ILO Convention No. 182: Worst Forms of Child Labor, Article 9*, at <http://ilolex.ilo.ch:1567/english/convdsp2.htm>.*

Retention 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 (Paris, 2001) [CD-ROM].

Time-Bound Program

Time-Bound Programs are implemented through ILO-IPEC and aim to prevent and eliminate all incidences of the worst forms of child labor 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.

Source: Eliminating the Worst Forms of Child Labour: An Integrated and Time-Bound Approach, A Guide for Governments, Employers, Workers, Donors, and other Stakeholders (Geneva: ILO-IPEC, April 2001), 3.

Trafficking of Children

At its most basic, the trafficking of children can be defined as a series of events that includes acquiring the children, moving them and exploiting them. In the context of CSEC, the exploitation is taken to mean in commercial sex, although it is recognized that children trafficked into exploitative labor, for example into begging, sweatshops, industry or agriculture, are also at risk of then being sold into sex.

The acquisition and transport may involve force, persuasion, coercion, trickery, the administration of drugs, family and other complicity, or may be on the initiative of the child him/herself. The transport may be by road, air, rail or sea and be cross-border or within a country, for example from rural community to urban area. The exploitation may involve labor or commercial sex, and may involve financial transactions or other rewards for the exploiter (for example elevated status within para-military hierarchies for militia who provide children for the service of their superiors).

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

*Source: Press Kit Background Paper One: Commercial Sexual Exploitation of Children, an Update, 2nd World Congress Against Commercial Sexual Exploitation of Children, Yokohama, Japan, December 17-20, 2001, at <http://www.focalpointngo.org/yokohama/presskit/background1.htm>. See also *ILO Convention No. 182: Worst Forms of Child Labor, 1999*, at <http://ilolex.ilo.ch:1567/english/convdisp2.htm>.*

Worst Forms of Child Labor

See section “ILO Convention No. 182: Worst Forms of Child Labor.”

Country Profiles

Albania

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

The Government of Albania has been a member of ILO-IPEC since June 1999. The Albanian Government, in cooperation with ILO-IPEC, is working with local organizations to initiate direct action programs to assist street children, children working in agriculture, and victims of child trafficking.¹³

UNICEF has been working with the government to promote children's rights and reestablish a secure, normalized environment for children in a number of primary schools and kindergartens in war-affected regions.¹⁴ In addition, the government has publicly acknowledged the need for improved anti-trafficking measures, and the IOM is implementing a counter-trafficking strategy that includes mass information campaigns, return and reintegration programs for victims, and 'best practices' training for government personnel and related organizations involved in the counter-trafficking effort.¹⁵

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 31.7 percent of children between the ages of 5 and 14 years in Albania were working.¹⁶ Children work in the streets as beggars and vendors, in their households as farm or domestic workers, and in the commercial sex industry.¹⁷ Young girls are

¹³ Programs also include training for government personnel on Conventions No. 138 and 182 and child trafficking data collection. See ILO-IPEC, *Programme Implementation Report, 1998-1999*, at <http://www.ILO.org/public/english/standards/ipecc/publ/imp99/report5.htm>. See also Altin Haziza, Children's Human Rights Centre of Albania, Child Labor Program Coordinator, interview [ICLB files].

¹⁴ Children's Human Rights Centre of Albania, "Help the Children," *Electronic Newsletter #83*, October 4, 2000, at <http://www.geocities.com/qmdfsh/Sites/English/Newsletter83.htm>.

¹⁵ U.S. Embassy—Tirana, unclassified telegram no. 1818, October 2001. See also IOM, *IOM Counter Trafficking Strategy for the Balkans and Neighboring Countries*, January 2001.

¹⁶ This estimate includes all 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 *Multiple Indicator Cluster Survey (MICS) 2, 2000* (UNICEF, December 4, 2000) [hereinafter *MICS 2*], at <http://www.ucw-project.org/cgi-bin/ucw/Survey/> on 11/5/01.

¹⁷ Children working as street beggars are often ethnic Roma. According to *MICS 2*, just over half of Albanian children perform domestic work for up to 4 hours per day. In 2000, more than 2,000 children between ages 13 and 18 were reportedly involved in prostitution rings. See Children's Human Rights Centre of Albania, *The Vicious Circle: A Report on Child Labour—Albania* (Tirana, 2000) [hereinafter *The Vicious Circle*]. See also *Country Reports on Human Rights Practices for 2000—Albania* (Washing-

trafficked to Western Europe to work as prostitutes, and boys are trafficked to Greece and Italy. A large percentage of trafficked Albanians—up to 75 percent in some regions—are children. Many are tricked into prostitution or abducted from families or orphanages and then sold to prostitution or pedophilia rings abroad.¹⁸ There are no current reports of children working as soldiers, although children allegedly were involved in armed activity in 1997.¹⁹

Primary education is compulsory and free for eight years, typically through the age of 18.²⁰ In 1995, the gross primary enrollment rate was 107.2 percent, and the net primary enrollment rate was 101.7 percent.²¹ Primary school attendance rates are unavailable for Albania. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²² While the Ministry of Education and Sciences reports that the dropout rate is approximately 3 percent, local children's groups believe the number is higher.²³

ton, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Sections 6d and 6f, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/index.cfm?docid=668>. See also *MICS 2*.

¹⁸ Young boys traveling to Greece or Italy may become indebted to traffickers and become involved in begging rings or forced labor after borrowing money to pay for the speedboat crossing. According to the Center for the Protection of Children's Rights (CRCA), a large number of children (as many as 4,000) work as child prostitutes in Greece. See Daniel Renton, "Child Trafficking in Albania" (Save the Children publication, March 2001) [hereinafter Renton, "Child Trafficking"], 16, 18-22, 44. See also *Country Reports 2000* at Sections 5, 6c, 6f.

¹⁹ Coalition to Stop the Use of Child Soldiers, *Global Report 2000: Albania*, at <http://www.child-soldiers.org/>.

²⁰ Violations of compulsory education laws are punishable by fines, as stated in Article 59 of the Law for Pre-University Education. See *Country Reports 2000* at Section 6d. See also UN Commission on Human Rights, *Preliminary Report of the Special Rapporteur on the Right to Education*, prepared by Katarina Tomasevski, E/CN.4/1999/4913 (Geneva, January 1999). See also *The Vicious Circle*.

²¹ The available net enrollment statistic is higher than 100 percent, although this is theoretically impossible. The World Bank attributes this abnormality to discrepancies between estimates of the school-age population and reported enrollment data. See *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

²² For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

²³ Local organizations report that dropout rates and child trancies are much higher than government reports indicate, although no formal data are available. Interviews of people in rural and urban areas indicate that children leave school for various reasons, including work and fear for personal safety. School attendance rates in rural areas are reportedly lower because of the fear of abduction by traffickers, and it is reported that as a result, in some rural areas, up to 90 percent of girls over age 14 do not attend school. Reports of dropouts are particularly high among the ethnic Roma minority. See *The Vicious Circle* and Renton, "Child Trafficking," at 34.

Child Labor Laws and Enforcement

The Labor Code sets the minimum age of employment at 16 years. Minors 14 years of age and older may seek employment during school holidays, but until the age of 18 they are only permitted to work in light jobs, which are determined by the Council of Ministers.²⁴ Labor Act No. 7724 prohibits night work by children less than 18 years of age and limits their work to six hours per day.²⁵ 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.²⁶ The Labor Code also prohibits forced or compulsory labor.²⁷ The Criminal Code prohibits prostitution, and the penalty is more severe when a minor girl is solicited.²⁸ In January 2002, changes to the Criminal Code established penalties for trafficking of minors as well as trafficking of women for prostitution.²⁹ However, trafficking prohibitions are rarely enforced.³⁰ Albania ratified ILO Convention 138 on February 16, 1998 and ILO Convention 182 on August 2, 2001.³¹

²⁴ The Ministry of Labor may enforce minimum age requirements through the courts, but no recent cases of this actually occurring are known. The employment of children is punishable by a fine, as stated in Article 60 of the Law for Pre-University Education. See *Country Reports 2000* at Section 6d and *The Vicious Circle*.

²⁵ Act No. 7724 of June 1993 at <http://www.cyber.law.harvard.edu/population/cgi-gin/dbtcgi.exe> on 9/26/01.

²⁶ Furthermore, Article 54(3) of the Constitution states that “children, the young, pregnant women and new mothers have the right to special protection by the state.” The ages of children protected under Article 54(3) are not specified. See Constitution for the Republic of Albania, Chapter II, Article 26, and Chapter IV, Article 54(3), at <http://pbosnia.kentlaw.edu/resources/legal/albania/constitution/pt2ch2.htm> on 9/21/01.

²⁷ *Country Reports 2000* at Section 6c.

²⁸ Albania Criminal Code, Articles 113-115, as cited in *Human Rights Report on Trafficking of Women and Children: Albania*, The Protection Project Database, at <http://www.protectionproject.org> on 12/27/01.

²⁹ *Country Reports on Human Rights Practices for 2001—Albania* (Washington, D.C.: U.S. Department of State, 2002) Section 6f.

³⁰ There are very few prosecutions for offences related to trafficking. Also, victims of prostitution rings rather than the pimp are often penalized. See Renton, “Child Trafficking,” at 11, 12. See also *Country Reports 2000* at Section 6f.

³¹ ILOLEX database: Albania at <http://www.ilolex.ilo.ch>.

NOTE: Hard copies of all Web citations are on file.

Angola

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

Armed conflict in Angola has severely affected children and limited government spending for social and educational programs.³² In 2001, the government initiated a national registration system to document the age of children under 18, which will enable military recruiters to adhere to minimum conscription age laws by verifying age documentation.³³ In 1994, the Government of Angola and UNITA signed the Lusaka Protocol, which gave UNICEF responsibility for the establishment of rehabilitation programs for former child soldiers. UNICEF locates relatives, arranges transportation and reunites the children with their families. The program also serves to identify appropriate school and job training opportunities, and prepares local communities to accept children who were engaged in armed conflict.³⁴

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 26.3 percent of children between the ages of 10 and 14 in Angola were working.³⁵ Many children work in subsistence agriculture and as domestic servants.³⁶ In 1998, UNICEF estimated that there were approximately 5,000 street children living in Luanda, many of whom work in the commercial sex industry, or as street vendors or beggars.³⁷ Both the Government and the rebel militia of National Union for the Total Independence of Angola (UNITA) have used children as soldiers, and it there are reportedly nearly 7,000 children currently

³² UNICEF, *A Humanitarian Appeal for Children and Women, January-December 2001, Angola* [hereinafter *Humanitarian Appeal*].

³³ U.S. Embassy—Luanda, unclassified telegram no. 3017, September 2001 [hereinafter unclassified telegram 3017].

³⁴ UNICEF is also working on an emergency education initiative to provide schooling for internally displaced children. See Damien Personnaz, “For Angola’s Former Child Soldiers, Peace Brings Uneasy Calm,” *UNICEF Feature*, at <http://www.unicef.org/features/feat171.htm>. See also Coalition to End the Use of Child Soldiers, *Global Report 2001: Angola* [hereinafter *Global Report 2001*], at <http://www.child-soldiers.org/embargo/donotpublish/globalreport.html#>, and *Humanitarian Appeal*.

³⁵ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

³⁶ *Country Reports on Human Rights Practices for 2000—Angola* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=658>.

³⁷ According to a local NGO in Luanda, about 500 to 1,000 children were working as prostitutes in the capital city. See “Angola: Children Survive War as Scavengers, Prostitutes,” *UN Wire*, June 1, 1999, at http://www.unfoundation.org/unwire/archives/search-r.asp?q=angola&qu2=women&ct=UNF_DBase2, and *Country Reports 2000* at Section 5.

drafted, some as young as 10 years old.³⁸ UNITA drafts or kidnaps children to serve in combat and as laborers.³⁹

Education in Angola is compulsory for eight years,⁴⁰ and it is free of charge, although families are responsible for significant additional fees.⁴¹ In 1991, gross enrollment in primary school was 88.1 percent.⁴² Primary school attendance rates are unavailable for Angola. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁴³

Child Labor Laws and Enforcement

The minimum age for employment in Angola is 14 years.⁴⁴ Children between the ages of 14 and 18 are not permitted to work at night, in dangerous conditions, or in occupations requiring great physical effort.⁴⁵ Children under 16 years of age are restricted from working in factories.⁴⁶ Forced or bonded labor is prohibited by law,⁴⁷ and in 1998 the Angolan Council of Ministers

³⁸ The use of child soldiers is a significant and ongoing problem in Angola. In March 1996, the UN's Department of Humanitarian Affairs surveyed 17,000 demobilized soldiers in just 4 of 15 demobilization centers and found that more than 1,500 were under age 18. Coalition to Stop the Use of Child Soldiers sources report 3,000 children active in the Angolan Armed Forces and another 3,000 active with the National Union for the Total Independence of Angola (UNITA), despite efforts to demobilize 8,500 children following the 1994 peace agreement. The State Department reports that children as young as age 10 are being recruited or forcibly conscripted by UNITA. The Government of Angola does not target children in recruitment and conscription efforts, but because of difficulties in documenting age, it is common to discover children as young as age 16 or 17 on active duty. To enforce laws on mandatory military service, the armed forces and police conducted forced conscription drives in many of the areas under the control of the government, including Luanda, in which some minors may have been recruited. The government denied that forced recruiting was taking place, however. See *Country Reports 2000* at Section 5, *Global Report 2001*, and unclassified telegram 3017.

³⁹ Unclassified telegram 3017.

⁴⁰ UN Commission on Human Rights, *Preliminary Report of the Special Rapporteur on the Right to Education*, prepared by Katarina Tom_sevski, at <http://www.right-to-education.org/unreports/unreport1prt3.html#tabel6> on 10/30/01.

⁴¹ *Country Reports 2000* at Section 5.

⁴² UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM]. The U.S. State Department reports net enrollment to be dramatically lower and states that only 30 percent of children remain in school after grade 5. Net enrollment of school-age children is 40 percent, and approximately 1 million children are estimated to be out of school, with no prospect of future integration into the education system. See also *World Development Indicators 2001* and *Country Reports 2000* at Section 5.

⁴³ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

⁴⁴ *Country Reports 2000* at Section 6d.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

⁴⁷ *Ibid.* at Section 6c.

established a minimum conscription age for military service of 17 years.⁴⁸ Trafficking is not prohibited in Angola,⁴⁹ and there are no laws specifically dealing with child prostitution or child pornography, although prostitution at any age is prohibited.⁵⁰

The Inspector General of the Ministry of Public Administration, Employment, and Social Security is responsible for enforcing labor laws. In theory, child labor complaints are filed with the Ministry of Family and Women's Affairs. In addition, the Ministry of Public Administration, Employment, and Social Security maintains employment centers to screen out applicants under age 14. Fines and restitutions are the primary available legal remedies for the enforcement of child labor laws. However, there is no formal procedure for inspections and investigations into child labor, and reports of child labor complaints have been virtually non-existent.⁵¹ The Government of Angola ratified ILO Convention 138 and ILO Convention 182 on June 13, 2001.⁵²

⁴⁸ According to UNICEF, only 5 percent of the births in Angola are registered, which causes problems when verifying children's ages for both military recruitment and school enrollment purposes. See unclassified telegram 3017. See also *Humanitarian Appeal*.

⁴⁹ *Country Reports on Human Rights Practices for 2001—Angola* (U.S. Department of State: Washington, D.C., 2002), Section 6f.

⁵⁰ U.S. Embassy—Luanda, unclassified telegram no. 3182, August 2000.

⁵¹ 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. Child labor is thereby considered a family issue, and responsibility for implementation and enforcement of child labor laws is delegated to the Ministry of Family and Women's Affairs. There are no reports that forced labor occurs in government-held areas, but the government does not have the capacity to enforce this legislation in non-government-held areas. See *Country Reports 2000* at Section 6c and U.S. Embassy—Luanda, unclassified telegram no. 2685, July 2000.

⁵² ILOLEX database: Angola at <http://ilolex.ilo.ch:1567/english/> on 10/30/01.

NOTE: Hard copies of all Web citations are on file.

Antigua and Barbuda

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

The Government of Antigua and Barbuda is conducting extensive research on child labor, and simultaneously implementing a public education campaign on child labor through the print and electronic media.⁵³

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 and there is limited information on the incidence of child labor in the country.⁵⁴ However, recent investigations indicate that children as young as 13 years old have been involved in a prostitution and pornography ring.⁵⁵

Education is compulsory and free for children between the ages of 5 and 16 years.⁵⁶ In order to ensure that all costs related to schooling are covered by the government, there is an

⁵³ The government also plans to establish a committee on children's rights and indicated that it intends to strengthen monitoring and implementation of the UN Convention on the Rights of the Child. In addition, UNICEF conducted a needs assessment on children and families for the government to establish a National Plan of Action on Child Survival, Development, and Protection. UNICEF is also actively promoting the development of National Plans of Action on children's rights in Caribbean countries, following the World Summit for Children. See U.S. Embassy—Bridgetown, unclassified telegram 1773, September 2001 [hereinafter unclassified telegram 1773], and *Country Reports on Human Rights Practices for 2000—Antigua and Barbuda* (Washington, D.C.: U.S. Department of State, 2000) [hereinafter *Country Reports 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid=667>. See also UNICEF, "Social Policy, Development and Planning, Caribbean Area Office," at <http://www.unicef-cao.bb/spdp1.htm> on 11/26/01.

⁵⁴ According to various sources, there are no reports of child trafficking, forced labor, or violations of the laws on the minimum age for employment. There are approximately 24,000 children under age 18 in the country, or 36 percent of the total population. Statistics on children active in the labor force are not available. See *Country Reports* at Sections 6c, 6d, 6f. See also *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

⁵⁵ To date, eight individuals have been arrested and charged based on this incident, and investigations are ongoing. In addition, given the economy's heavy reliance on tourism, government officials could not rule out the possibility that child prostitution or the involvement of children in drug trafficking continues. Representatives from Antigua and Barbuda attended the ILO Caribbean Tripartite Meeting on the Worst Forms of Child Labor in December 1999, and based on what was learned at the meeting, they expressed a need to reassess the country's situation with regard to child labor sectors that cater to the tourist industry. See Lionel Hurst, Labour Commissioner of the Government of Antigua and Barbuda, letter to ICLP official, October 18, 2001 [hereinafter Hurst letter] [letter on file], and unclassified telegram 1773.

⁵⁶ Gross and net attendance and enrollment statistics are not available. See UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports—Antigua and Barbuda*, at http://www2.unesco.org/wef/countryreports/antigua_barbuda/rapport_1.html.

education levy on all basic wages in Antigua and Barbuda, with the funds used toward such costs as supplies, transportation, and school infrastructure maintenance.⁵⁷

Child Labor Laws and Enforcement

The Women, Young Persons and Children Employment Provisions within the Labor Code set the minimum age for employment at 16 years.⁵⁸ The Provisions also establish limited working hours for children less than 16 years, and prohibit working during school hours.⁵⁹ Chapter II of the Constitution (Article 6) prohibits slavery and forced labor.⁶⁰ The Sexual Offences Act prohibits prostitution, and it is mandatory to report all incidents to government police.⁶¹ 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.⁶² The Ministry of Labor is required to conduct periodic inspections of workplaces. There have been no reports of minimum age violations, according to the Ministry of Labor. Antigua and Barbuda ratified ILO Convention 138 on March 17, 1983, and expects to ratify ILO Convention 182 before the end of the calendar year.⁶³

⁵⁷ Unclassified telegram 1773.

⁵⁸ Antigua and Barbuda Labour Code [hereinafter Labour Code], Division E, as cited in Hurst letter. See also *Country Reports 2000* at Section 6d.

⁵⁹ Labour Code at Division E, Sections E3-E5(3).

⁶⁰ Constitution of Antigua and Barbuda, Chapter II, Article 6 (1981), at <http://www.georgetown.edu/LatAmerPolitical/Constitutions/Antigua/antigua-barbuda.html> on 10/16/01.

⁶¹ Sexual Offences Act (1995), Part II, as cited in *Human Rights Reports on Trafficking of Women and Children, Antigua and Barbuda*, The Protection Project Database, at <http://www.protectionproject.org>. See also unclassified telegram 1773.

⁶² Prostitution and drug trafficking laws establish penalties, including fines, confinement, confiscation of property, or a combination of the three. See unclassified telegram 1773.

⁶³ The Cabinet approved the recommendation of the Labor Commissioner that Convention 182 should be ratified, and it is currently before Parliament for consideration. See unclassified telegram 1773. See also ILOLEX database: Antigua and Barbuda at <http://ilolex.ilo.ch:1567/english/>.

NOTE: Hard copies of all Web citations are on file.

Argentina

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

The Government of Argentina has been a member of ILO-IPEC since 1996. In August 2000, a National Commission for the Eradication of Child Labor (CONAETI) was established to initiate research and data collection on child labor and to initiate a national awareness campaign aimed at children who leave school early to work.⁶⁴ Currently, CONAETI is planning a national child labor survey with technical assistance from ILO-IPEC's SIMPOC to collect data on working children. The Commission has also created a website on child labor and coordinated four sectoral agreements with labor organizations and businesses to examine and address child labor issues in the clothing, footwear, agriculture and construction industries.⁶⁵ The National Council for Minors and Family, a government organization reporting to the Ministry of Social Development and Environment, developed an Action Plan, together with the Attorney General, the Ministry of Justice and Human Rights, the National Council of Women, and UNICEF, for the elimination of child prostitution.⁶⁶

The Ministry of Culture and Education is working to improve the education system for disadvantaged children. In 1997, the government received a loan from the Inter-American Development Bank to implement programs assisting youth in low-income families, including the distribution of scholarships to reduce the dropout rate among 13 to 19 year olds.⁶⁷

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 2.8 percent of children between the ages of 10 and 14 years in Argentina were working.⁶⁸ In 1995, 73 percent of working children were found in urban

⁶⁴ The Argentine Government is concerned by the lack of reliable qualitative and quantitative information available on child labor. To address this problem, the National Commission established a subcommission for research and data-collection, consisting of representatives from the government, organized labor, the business community, religious groups, UNICEF, and NGOs. *See* Government of Argentina, Ministry of Labor, "NO al Trabajo Infantil," at <http://www.trabajo.gov.ar/institucional/trabajoinfantil/index.html>.

⁶⁵ U.S. Embassy— Buenos Aires, unclassified telegram no. 4240, November 2001 [hereinafter unclassified telegram 4240].

⁶⁶ *Country Reports on Human Rights Practices for 2000—Argentina* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid=690>.

⁶⁷ The Inter-American Development Bank provided a USD 370 million loan in 1997 to support Government of Argentine efforts to support youth in low-income families. *See* Youth at the UN, *Country Profiles on the Situation of Youth—Argentina*, at <http://esa.un.org/socdev/unyin/country7.asp?countrycode=ar> on 9/28/01.

⁶⁸ *World Development Indicators 2001* (Washington D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

areas, 27 percent in rural areas.⁶⁹ Children work in agriculture, the informal service industry, the commercial sex industry, and in the household.⁷⁰ The sexual exploitation of children is reportedly widespread.⁷¹ There were also reports of children being trafficked from rural to urban areas of the country.⁷² Argentine women and children are trafficked to countries throughout Europe. Argentina also receives trafficked children from Latin American countries.⁷³

Education is free and compulsory in Argentina for a minimum of nine years, beginning at age 6.⁷⁴ In 1997, the gross primary enrollment rate was 110.7 percent, and in 1991, the net primary enrollment rate was 95.7 percent.⁷⁵ Reportedly, the majority of child workers drop out of primary school.⁷⁶ Primary school attendance rates are unavailable for Argentina. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁷⁷

⁶⁹ Government census figures indicate that about 5 percent of children between ages 6 and 14 are employed. Local NGOs put that estimate closer to 10 percent. See Ministerio de Trabajo, Empleo y Formacion de Recursos Humanos, Secretaria de Trabajo, "Estadísticas Nacionales" [hereinafter "Estadísticas Nacionales"], at http://www.trabajo.gov.ar/trabajo/menores/estadisticas_nacion.html. See also *Country Reports 2000* at Section 6d.

⁷⁰ Specifically, children have been found in agriculture, helping with the harvests of cotton, tea, tobacco, fruit, and other products; working at home or in small family establishments; and working in the informal commercial and service sectors. According to a UNICEF study in the early 1990s, three out of four urban child laborers work in the informal sector of the economy. In addition, in rural areas, "naturalization" of child laborers occurs, which refers to the culturally accepted practice of allowing and encouraging children, when they are as young as 4 or 5 years old, to begin performing domestic work with family member. See *Country Reports 2000* at Section 6d. See also "Estadísticas Nacionales."

⁷¹ *Country Reports 2000* at Section 6d.

⁷² *Ibid.* at Sections 5 and 6f.

⁷³ According to The Protection Project, Paraguayan authorities uncovered a trafficking ring that sent Paraguayan women and young girls to Buenos Aires, under the guise of working as domestic servants, and then forced them into prostitution. In one prominent case, two girls escaped from an Argentine brothel in April 2000 and returned to their homes. The Paraguayan authorities charged a number of Paraguayans with involvement in the case; however, at year's end, none had been convicted. An Argentine television station also conducted an investigation of prostitutes working in greater Buenos Aires and reported a number of undocumented Paraguayan women and girls working in slave-like conditions, offering their services as prostitutes in exchange for their clothing, room, and board. There were also unconfirmed press reports that Bolivian children sometimes were sold to sweatshops in Argentina. See *Country Reports 2000* at Section 6f. See also The Protection Project Database at <http://www.protectionproject.org>.

⁷⁴ Federal Law of Education 1993, as cited in unclassified telegram 4240. See also *Country Reports 2000* at Section 5.

⁷⁵ For gross enrollment figures, see *World Development Indicators 2001*. For the enrollment figures, see UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

⁷⁶ "En la Argentina hay casi 500,000 chicos que trabajan," *La Nacion Line*, July 30, 2001, at http://www.lanacion.com.ar/01/07/30/de_323703 on 7/31/01.

⁷⁷ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

Child Labor Laws and Enforcement

The Law on Labor Contracts (No. 20.744) sets the minimum age for employment at 14 years, but children of legal working age are prohibited from entering employment if they have not completed compulsory education, which normally ends at 15 years.⁷⁸ Children who are under the age of 14 may work in businesses where only family members are employed, as long as the work is not dangerous, harmful or detrimental to them.⁷⁹ Children between the ages of 14 and 18 are prohibited from working more than six hours a day and 36 hours a week, with certain exceptions for 16 to 18-year-olds.⁸⁰ Children under the age of 18 are prohibited from working between the hours of 8 p.m. and 6 a.m. and from engaging in work that could endanger their safety, health or moral integrity.⁸¹ The Constitution prohibits slavery.⁸² Argentine laws against child abuse criminalize the trafficking of children for prostitution.⁸³

In January of 2000, the government enacted a federal law that establishes a unified regime of sanctions for the infringement of labor laws. Child labor laws are still enforced on a provincial or local basis, however. Violators of underage employment laws can receive a fine of USD 1,000 to 5,000, but penalties are not consistent from province to province.⁸⁴ Argentina ratified ILO Convention 138 on November 11, 1996 and ILO Convention 182 on February 5, 2001.⁸⁵

⁷⁸ The law states that children can work at age 14 if they have completed compulsory education. Since compulsory education normally ends at age 15, the minimum age for employment is, in effect, 15. *See* Ministry of Labor, Employment and Human Resources Training, “Cuales Son Las Normas Que Regulan el Trabajo de Niños,” at <http://www.trabajo.gov.ar/documentacion/legislacion/index.html>. *See also* Ministry of Labor, Employment and Human Resources Training, “Legislación Laboral—Ley de Contrato de Trabajo,” Articles 187-195, 32 [hereinafter “Ley de Contrato de Trabajo”], at <http://www.trabajo.gov.ar/documentacion/legislacion/index.html>.

⁷⁹ In 1993, the Federal Education Law set the compulsory education at age 9. The government is currently considering a law that would raise the minimum age for employment to 15, making it consistent with the Federal Education Law. *See* “Ley de Contrato de Trabajo” at Articles 187-195, 32.

⁸⁰ Children between ages 16 and 18 can work 8 hours a day and 48 hours a week if they obtain the permission of administrative authorities. *See* “Ley de Contrato de Trabajo” at Articles 187-195, 32.

⁸¹ “Ley de Contrato de Trabajo” at Articles 187-195, 32. *See also* unclassified telegram 4240.

⁸² Constitution of Argentina, Section 15, at http://www.uni-wuerzburg.de/law/ar00000_.html.

⁸³ Article 127 of the Penal Code states, “A person who procures or facilitates the entry into or exit from the country of a woman or minor for the purposes of prostitution shall be punished by detention or a prison term from three to six years.” In addition, other laws prohibit alien smuggling, indentured servitude, and similar abuses. *See* UN Committee on the Elimination of Discrimination Against Women, *Consideration of Reports Submitted by States Parties Under Article 18 of the Convention: Second Periodic Report of States Parties, Argentina*, CEDAW/C/ARG/2, September 21, 1992.

⁸⁴ This law replaced provincial laws previously in effect. *See* unclassified telegram 4240.

⁸⁵ ILOLEX database: Argentina at <http://ilolex.ilo.ch:1567/english/> on 9/28/01.

Armenia

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

In June 2001, the government established a National Commission to establish a national plan of action on children's rights. The Commission will consider education, human rights issues, and vulnerable children as it develops the action plan.⁸⁶ In addition, OSCE, IOM and UNICEF are currently implementing an anti-trafficking project aimed at establishing a legal basis for combating trafficking.⁸⁷

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Armenia are unavailable.⁸⁸ However, reports indicate the existence of child labor in agriculture, in the commercial sex industry, and among street children.⁸⁹ In the city of Yerevan, children were found selling newspapers and flowers, often during normal school hours.⁹⁰ In rural areas, children perform household chores and work in seasonal harvesting.⁹¹ In 2001, a report by IOM and OSCE found that women and children are trafficked from Armenia to the Middle East, Turkey, and Russia to work as prostitutes.⁹² Minors are also reportedly conscripted into the Armenian armed forces to work as child soldiers.⁹³

⁸⁶ Embassy of the Republic of Armenia letter to ICLP official, October 24, 2001 [hereinafter Embassy of the Republic of Armenia letter][letter on file].

⁸⁷ The first part of the project involved a survey of the situation in Armenia, public awareness efforts, and government lobbying. The second stage is the initiation of legislation on the prosecution of trafficking. See OSCE, *Project: Trafficking in Human Beings*, OSCE Office, Yerevan, at <http://www.osce.org/yerevan/projects> on 10/25/01.

⁸⁸ *World Development Indicators 2001* (Washington D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

⁸⁹ The UN Committee on the Rights of the Child expressed concern about street children and hazardous work conditions for children in the informal sector. See 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 [hereinafter *Concluding Observations*]. See also Embassy of the Republic of Armenia letter.

⁹⁰ Ibid.

⁹¹ Embassy of the Republic of Armenia letter. See also *Country Reports on Human Rights Practices 2000—Armenia* (Washington, D.C.: U.S. State Department, 2000) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/index.cfm?docid=672>.

⁹² IOM, *Trafficking in Women and Children From the Republic of Armenia: A Study* (Yerevan, 2001) [hereinafter *Trafficking in Women and Children*], 11. See also *Country Reports 2000* at Section 6f.

⁹³ The UN Committee on the Rights of the Child is concerned about the alleged conscription of young children into the State party's armed forces, particularly refugee children from Azerbaijan. See *Concluding Observations*.

Primary and secondary school is compulsory up to age 14.⁹⁴ In 1996, the gross primary enrollment rate was 87.4 percent.⁹⁵ Primary school attendance rates are unavailable for Armenia. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁹⁶ There are high dropout, repetition, and absenteeism rates, and access to education is poor in rural areas.⁹⁷ In rural areas, seasonal harvesting and other agricultural responsibilities often take precedence over education and result in prolonged absences from school.⁹⁸

Child Labor Laws and Enforcement

The 1996 Labor Code sets the minimum age for employment at 16 years with certain exceptions, and children 15 years of age are allowed to work in non-dangerous conditions with the consent of their parents or the labor union of the organization for which they work.⁹⁹ Children under 18 years may not engage in hazardous work, nor may they work overtime, on holidays, or at night.¹⁰⁰ The 1996 Law on Rights of Children specifically prohibits work that would cause physical or mental harm to a child, or interfere with the child's education.¹⁰¹ UN officials raised concerns regarding disparities between the Labor Code and the Armenian Civil Code. According to Article 13 of the Civil Code, minors under the age of 15 years are required to obtain a parent's

⁹⁴ U.S. Embassy—Yerevan, unclassified telegram no. 2213, August 2000 [hereinafter unclassified telegram 2213].

⁹⁵ *World Development Indicators 2001*.

⁹⁶ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

⁹⁷ In rural areas, and particularly among ethnic minorities (including the Kurds and Yezdis), cultural norms frequently dictate that children quit school early to contribute to their family agriculture or business. See *Concluding Observations* and unclassified telegram 2213.

⁹⁸ Embassy of the Republic of Armenia letter.

⁹⁹ Labor Code of the Republic of Armenia [hereinafter Labor Code], Articles 19,198, as cited in Embassy of the Republic of Armenia letter. See also unclassified telegram 2213.

¹⁰⁰ According to the Labor Code, workers between ages 16 and 18 must have a shorter workday and cannot work more than 36 hours a week (24 hours for those between ages 15 and 16). The Government's Ministry of Social Welfare, which has jurisdiction over labor problems, maintains a list of jobs considered to be "hard or hazardous." See Labor Code at Articles 200, 201, 202, 215, as cited in Embassy of the Republic of Armenia letter. See also unclassified telegram 2213.

¹⁰¹ Unclassified telegram 2213.

consent in order to engage in employment contracts, but this consent is not required for children to engage in small contracts.¹⁰² The Constitution and the 1992 Law on Employment prohibit forced labor by children.¹⁰³ The Administrative Code of Armenia makes prostitution illegal and punishable by a fine.¹⁰⁴ Armenian laws do not prohibit trafficking in persons specifically, although the Administrative Code criminalizes kidnapping.¹⁰⁵

The Ministry of Welfare and the National Police are responsible for monitoring and enforcing child labor laws. There are no reports of child labor complaints being investigated since at least 1994.¹⁰⁶ Armenia has not ratified either ILO Convention 138 or ILO Convention 182.¹⁰⁷

¹⁰² This legal loophole would explain why children under age 15 may legally work in family businesses, such as agriculture. See UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports of States Parties Due in 1995, Addendum, Armenia, CRC/C/28/Add.9*, July 30, 1997. See also *Concluding Observations*.

¹⁰³ *Country Reports 2000* at Section 6c.

¹⁰⁴ *Trafficking in Women and Children* at 34.

¹⁰⁵ Cases of trafficking in women currently in court are being prosecuted under the Criminal Code prohibition on brothels. See *Country Reports 2000* at Section 6f and *Trafficking in Women and Children* at 34.

¹⁰⁶ If an agent of the Ministry of Welfare finds probable cause to assume that labor laws are being violated, the case may be addressed by the Ministry or turned over to the National Police. Family-run businesses may not be as closely monitored because of legal and cultural reasons. In both Armenian law and custom, the family is considered a privileged unit that should be and is subject to an absolute minimum of state interference. In that context, exploitation of children by a child's family may not be reported. See unclassified telegram 2213 and *Concluding Observations*.

¹⁰⁷ ILOLEX database: Armenia at <http://www.ilolex.ilo.ch>.

NOTE: Hard copies of all Web citations are on file.

Bahrain

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

The Government of Bahrain is in the process of drafting a new labor legislation that is intended to bring the country into full compliance with ILO Convention 182.¹⁰⁸ The government has also established educational training programs for school dropouts.¹⁰⁹

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 years in Bahrain are unavailable. Children work in family businesses and in the informal sector as car washers, vendors, and porters.¹¹⁰ Child trafficking is a problem throughout the Middle East and the Gulf States, although there are no official confirmations of such activities in Bahrain.¹¹¹

Primary education is compulsory under the Constitution and generally lasts until the age of 12 or 13.¹¹² In 1996, the gross primary enrollment rate was 105.6 percent, and the net primary enrollment rate was 98.2 percent.¹¹³ Primary school attendance rates are unavailable for Bahrain. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹¹⁴ Bahrain's Shura Council approved a draft Education Law on October 9, 2001, that would make education compulsory and impose fines on parents of students who fail to attend school.¹¹⁵

¹⁰⁸ U.S. Embassy—Manama, unclassified telegram no. 3448, October 2001 [hereinafter unclassified telegram 3448].

¹⁰⁹ ILO, *Review of Annual Reports, The Effective Abolition of Child Labor: Bahrain*, GB.277/3/2 (Geneva, March 2000), 212.

¹¹⁰ U.S. Embassy—Manama, unclassified telegram no. 2602, June 2000. See also unclassified telegram 3448 and *Country Reports on Human Rights Practices for 2000—Bahrain* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/nea/index.cfm?docid=781>.

¹¹¹ *Country Reports 2000* at Section 5. See also UN Commission on Human Rights, *Report of the Special Rapporteur on Violence Against Women*, E/CN.4/2000/68 (Geneva, February 2000); *Human Rights Report on Trafficking of Women and Children: Bahrain*, The Protection Project Database [hereinafter *Human Rights Report*], at <http://ww.protectionproject.org> on 12/20/01; and 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, on August 28, 1996*.

¹¹² Constitution of Bahrain (1973) [hereinafter Constitution of Bahrain], Article 7(a), at http://www.uni-wuerzburg.de/law/ba00000_.html on 10/25/01. See also *Country Reports 2000* at Section 5.

¹¹³ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

¹¹⁴ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

¹¹⁵ Unclassified telegram 3448.

Child Labor Laws and Enforcement

The Labor Law of 1976 establishes 14 years as the minimum age for employment. According to the Labor Law, children between the ages of 14 and 16 may not be employed in hazardous conditions, at night, or for more than six hours per day.¹¹⁶ The Ministry of Labor and Social Affairs has inspectors to enforce legislation in the industrial sector, and reports indicate that the mechanisms in place are effective.¹¹⁷ Labor laws do not apply to child domestic workers.¹¹⁸ Forced or compulsory child labor is prohibited by the Constitution.¹¹⁹ Prostitution is illegal under the Penal Code, and there are increased penalties for offenses involving a child less than 18 years of age.¹²⁰ The Government of Bahrain has not ratified ILO Convention 138, but ratified ILO Convention 182 on March 23, 2001.¹²¹

¹¹⁶ Order No. 6/1979 on the Employment of Juveniles has an extensive listing of occupations and working conditions that are considered “hazardous” and thereby forbidden for children between ages 14 and 16. In addition, according to the State Department, employment of juveniles is strictly regulated. See Government of Bahrain Labour Law for the Private Sector, 1976, at <http://www.cyber.law.harvard.edu/population/cgi-bin/dbtcgi.exe> on 9/26/01. See also unclassified telegram 3448.

¹¹⁷ *Country Reports 2000* at Section 6d.

¹¹⁸ There are no available statistics on the numbers of domestic child laborers and servants. Also, laws are intended to protect Bahraini citizens, and there is no reliable way to monitor or control working conditions for foreign or illegal workers. See *Country Reports 2000* at Section 6c.

¹¹⁹ Constitution of Bahrain at Article 13(c).

¹²⁰ The Penal Code prohibits solicitation for the purposes of prostitution, enticing a person to commit acts of immorality or prostitution, living off the profits from prostitution, and establishing a brothel. Punishments range from 2 to 10 years of imprisonment depending on the crime and the age of the victim. Bahraini authorities actively enforce the laws against prostitution, and violators are dealt with harshly and can be imprisoned or, if a noncitizen, deported. In some cases, authorities reportedly return children arrested for prostitution and other nonpolitical crimes to their families rather than prosecute them, especially for the first offense. See Penal Code of Bahrain, Articles 324-329, as cited in *Human Rights Report*. See also *Country Reports 2000* at Section 5.

¹²¹ ILOLEX database: Bahrain at <http://ilolex.ilo.ch:1567/english/> on 10/30/01.

NOTE: Hard copies of all Web citations are on file.

Bangladesh

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

The Government of Bangladesh has been a member of ILO-IPEC since 1994.¹²² Soon after, a child labor survey was conducted in 1995 by the Bangladesh Bureau of Statistics with technical assistance from the ILO's statistical agency.¹²³ The ILO-IPEC program in Bangladesh has implemented 75 action programs targeting the worst forms of child labor through awareness raising, non-formal education, income generating alternatives for families, and capacity building of partner organizations.¹²⁴ These programs include USDOL-funded projects to eliminate child labor in the garment sector and in five hazardous industries, including *bidis*,¹²⁵ construction, leather tanneries, matches, and child domestic services.¹²⁶ In 2000, USDOL also provided funding for a follow-up national child labor survey to be conducted by the Bangladesh Bureau of Statistics with technical assistance from ILO-IPEC's SIMPOC.¹²⁷

Bangladesh is one of three countries that participate in the ILO-IPEC South Asia Sub-Regional Programme to Combat Trafficking in Children for Exploitative Employment (funded by USDOL).¹²⁸ The Bangladesh Ministry of Labor, with the support of USAID, is implementing projects to combat child labor in selected hazardous industries.¹²⁹ To combat trafficking, the Department of Social Services under the Ministry of Welfare is implementing a project for socially

¹²² ILO-IPEC, *Project Proposal: Preventing and Eliminating Worst Forms of Child Labor in Selected Formal and Informal Sectors* (Geneva, August 2000) [hereinafter *Preventing and Eliminating Worst Forms of Child Labour*], 10, 12. See also ILO-IPEC, *Project Document: 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, April 2001), 2 [hereinafter *Continuing the Child Labour Monitoring*].

¹²³ Bangladesh Bureau of Statistics, *Report on National Sample Survey of Child Labour in Bangladesh, 1995-1996* (Dhaka: ILO-IPEC, October 1996).

¹²⁴ *Preventing and Eliminating Worst Forms of Child Labor* at 10, 12. See also *Continuing the Child Labour Monitoring* at 2.

¹²⁵ A *bidi* is a type of small, hand-rolled cigarette.

¹²⁶ In 2000, IPEC initiated a project targeting child labor in five hazardous industries. In addition in 1995 and again in 2000, the Bangladesh Garment Manufacturers' Association, the ILO, and UNICEF signed Memorandums of Understanding (MOUs) aimed at eliminating child labor in the garment industry. See *Preventing and Eliminating Worst Forms of Child Labor* at 10, 12 and *Continuing the Child Labour Monitoring* at 2. See also the Second Memorandum of Understanding (MOU-2) Between the Bangladesh Garment Manufacturers' and Exporters' Association (BGMEA), 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, June 16, 2000).

¹²⁷ *Preventing and Eliminating Worst Forms of Child Labor*.

¹²⁸ USDOL-Funded IPEC Projects/Programs, *Technical Progress Report: South-Asian Sub-Regional Programme To Combat Trafficking in Children for Exploitative Employment in Bangladesh, Nepal and Sri Lanka*, February 2000.

¹²⁹ ILO, *Country Paper—Bangladesh: Trafficking of Children for Labor and Sexual Exploitation*, by

disadvantaged women and children, that specifically assists sex workers. The Ministry of Women and Children Affairs has a child trafficking project to rescue and rehabilitate trafficked children and to raise awareness about the issue.¹³⁰

In order to promote education and increase enrollment, the Government of Bangladesh and the WFP implemented a Food for Education Program in 1993, which gives families wheat or rice in exchange for sending their children to school.¹³¹ In April 2000, the government began a stipend program that provides 20 taka (USD 0.36) per month to mothers of poor households as an incentive to send their children to school.¹³² The government collaborates with UNICEF on the Basic Education for Hard to Reach Urban Children's Project (BEHTRUC) that provides two-year basic literacy education to working children living in poor, urban areas.¹³³

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 28.2 percent of children between ages 10 and 14 in Bangladesh were working.¹³⁴ According to child labor survey conducted in 1995 by the Bangladesh Bureau of Statistics, in cooperation with ILO's statistical agency 1995, the majority of working children were boys; most working children did not participate in schooling; and child labor was predominantly found in rural areas.¹³⁵ Children are found working in a variety of hazard-

Murari Mohan Datta, The ILO-Japan Asian Meeting on the Trafficking of Children for Labor and Sexual Exploitation, Manila, 2001 [hereinafter Datta, *Trafficking of Children*] [CD-ROM].

¹³⁰ Ibid.

¹³¹ More than 2.2 million children from 17,000 schools have benefited from this program. See *Preventing and Eliminating Worst Forms of Child Labor at 9*. See also Government of Bangladesh, Directorate of Primary Education, Primary and Mass Education Division, *Education for All: Primary Education in Bangladesh* (Dhaka, November 1999), 17.

¹³² Delwar Hossain, Deputy Chief of Planning, Primary and Mass Education Division, Ministry of Education, Government of Bangladesh, interview by USDOL official, June 25, 2001. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 1/29/02.

¹³³ Ruby Noble, "Basic Education for Hard to Reach Urban Children's Project: An Overview," a presentation at the symposium "Child Labor and the Globalizing Economy: Lessons from Asia/Pacific Countries," Stanford University, February 7-9, 2001, at http://www.childlabor.org/events/Ruby_Noble.htm on 11/6/01.

¹³⁴ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

¹³⁵ The 1995 child labor survey conducted by the Bangladesh Bureau of Statistics estimated that 19 percent (6.6 million) of children between the ages of 5 and 14 in Bangladesh were working. Out of the total number of working children, boys account for 60 percent (3.9 million) and girls for 40 percent (2.7 million). Nearly 89 percent of these working children do not participate in schooling. Eighty-three percent of working children are in rural areas as compared to 17 percent in urban areas. Of the total number of working children, 5.4 million were between ages 10 and 14. Bangladesh Bureau of Statistics, *Report on National Sample Survey of Child Labour in Bangladesh, 1995-1996* (Dhaka: ILO-IPEC, October 1996), xv, 44-47.

ous occupations and sectors, including *bidi* factories, construction, tanneries, and the seafood and garment industries.¹³⁶ Children also work as domestic servants, porters, and street vendors, and are found working on commercial tea farms.¹³⁷ Children are reported to be sexually exploited as prostitutes.¹³⁸

It is estimated that over 20,000 women and children are trafficked from Bangladesh each year, often for forced labor or prostitution.¹³⁹ Trafficking takes place from rural areas of Bangladesh to its capital, Dhaka, and to India, Pakistan, and countries in the Gulf region and the Middle East.¹⁴⁰ UNICEF estimates that 40,000 children from Bangladesh are involved in commercial sex work in Pakistan alone.¹⁴¹ Boys as young as 4 and 5 years old are also trafficked to the United Arab Emirates to work as camel jockeys.¹⁴²

In 1991, the Government of Bangladesh made primary education compulsory for children between the ages of 6 and 10.¹⁴³ In 1998, the gross primary enrollment rate was 96.5 percent, and the net primary enrollment rate was 81.4 percent.¹⁴⁴ Primary school attendance rates are unavailable for Bangladesh. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁴⁵

¹³⁶ An ILO study identified and investigated 47 economic activities that were considered hazardous for children in Bangladesh. In addition, it was found that approximately 65 percent of children work between 9 and 14 hours per day. See Government of Bangladesh, Department of Labour, *Hazardous Child Labor in Bangladesh*, study by Dr. Wahidur Rahman (Dhaka: ILO and the Government of Bangladesh, 1996), 3, 4. See also ILO, *Child Labour Situation in Bangladesh: A Rapid Assessment*, study by Dr. Wahidur Rahman (Dhaka: ILO and UNICEF, 1997) [hereinafter Rahman, *Child Labour Situation*].

¹³⁷ Rahman, *Child Labour Situation*, at ix, 23.

¹³⁸ *Ibid.*

¹³⁹ *Country Reports on Human Rights Practices 2000—Bangladesh* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6f, at <http://www.state.gov/g/drl/rls/hrrpt/2000/sa/index.cfm?docid=692>. See also U.S. Embassy—Abu Dhabi, unclassified telegram no. 3162, May 2000.

¹⁴⁰ Datta, *Trafficking of Children*.

¹⁴¹ *Ibid.*

¹⁴² Unclassified telegram 3162. See also “The Seamy Side of Camel Racing,” *BBC News*, April 17, 1998, at news1.thdo.bbc.co.uk/hi/english/despatches/newsid_79000/79504.stm on 11/8/01.

¹⁴³ *Country Reports 2000* at Section 5.

¹⁴⁴ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

¹⁴⁵ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

Child Labor Laws and Enforcement

The minimum age for employment varies according to sector. The Employment of Children Act prohibits children less than 12 years of age from working in areas such as tanning as well as *bidi*, carpet, cloth, cement, and fireworks manufacturing, and it prohibits children less than 15 years old from working in railways.¹⁴⁶ The Mines Act prohibits children under 15 years old from working in mines.¹⁴⁷ The Factories Act and Rules establishes 14 years as the minimum age for employment in factories,¹⁴⁸ and the Children Act of 1974 prohibits the employment of children less than 16 years as beggars and in brothels.¹⁴⁹ There are no specific laws covering the informal sectors, such as agriculture and domestic work, although the majority of child workers fall under these categories.¹⁵⁰ The Constitution forbids all forms of forced labor.¹⁵¹ The Suppression of Immoral Traffic Act prohibits importing women for the purposes of prostitution. The Oppression of Women and Children Act of 1995 prohibits the trafficking of women and girls, and the selling or hiring of girls less than 18 years for prostitution.¹⁵²

The Ministry of Labor and Employment is designated to enforce labor legislation; however, there are no penalties for breaking child labor laws. Due to a lack of manpower, child labor laws are seldom enforced outside of the garment export industry.¹⁵³ The Government of Bangladesh has not ratified ILO Convention 138, but ratified ILO Convention 182 on March 12, 2001.¹⁵⁴

¹⁴⁶ U.S. Embassy— Dhaka, unclassified telegram no. 2999, December 2000 [hereinafter unclassified telegram 2999].

¹⁴⁷ Ibid.

¹⁴⁸ The Factories Rule, 1979, Article 76, at <http://www.natlex.ilo.org/txt/E79BGD01.htm#c7> on 11/2/01. See also Factories Act (No. 4 of 1965), Section 66, at <http://www.natlex.ilo.org/txt/E79BGD01.htm#c7> on 11/2/01.

¹⁴⁹ Unclassified telegram 2999. See also Datta, *Trafficking of Children*.

¹⁵⁰ Unclassified telegram 2999.

¹⁵¹ Constitution of Bangladesh, November 1972, Article 34, at <http://www.bangladeshgov.org/pmo/constitution/consti2.htm#8> on 11/5/01.

¹⁵² 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), Section 12, and Oppression of Women and Children Act of 1995 (Act No. XVIII of 1995), as cited in The Protection Project Database at <http://www.protectionproject.org> on 12/20/01.

¹⁵³ The Ministry has only 110 inspectors to monitor about 180,000 registered factories and establishments. According to a Ministry official, there have been no prosecutions for violations of child labor laws. U.S. Embassy- Dhaka, unclassified telegram no. 2156, October 2001. See also unclassified telegram 2999 and Latifur Rahman, Deputy Secretary, Ministry of Labour and Employment, Government of Bangladesh, interview by USDOL official, June 29, 2000.

¹⁵⁴ ILOLEX database: Bangladesh at <http://ilolex.ilo.ch:1567/english/newratframeE.htm> on 11/5/01.

NOTE: Hard copies of all Web citations are on file.

Barbados

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

Both the Government of Barbados and labor unions have expressed public opposition to all forms of child labor in the country and abroad.¹⁵⁵ The government is working closely with the Barbados Worker's Union (BWU) to prevent child labor within Barbados and regionally.¹⁵⁶ In May 1998, the Government of Barbados called for a ban on imports from countries where child labor was utilized in the production process.¹⁵⁷ Despite the high rates of school participation, the government and the World Bank are collaborating to address deficiencies in the education system, including inadequate school infrastructure and staff training, and a lack of supplies.¹⁵⁸

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Barbados are unavailable. Information on child labor practices is also limited, and, according to available sources, no cases of abusive child labor have been reported.¹⁵⁹

Education is free of charge and compulsory between the ages of 5 and 16, and attendance is strictly enforced.¹⁶⁰ In 1997, the gross primary enrollment rate was 101.3 percent.¹⁶¹ Primary

¹⁵⁵ U.S. Embassy—Bridgetown, unclassified telegram no. 1782, September 2001 [hereinafter unclassified telegram 1782], and U.S. Embassy—Bridgetown, unclassified telegram no. 1511, May 1997.

¹⁵⁶ The Barbados Workers' Union (BWU) was a prime actor behind the 1999 ILO Caribbean Tripartite Meeting on the worst forms of child labor, at which the General Secretary advocated the development of a regional position on child labor. The BWU is led by General Secretary Leroy Trotman, who is a member of the ILO Governing Body. At the meeting, Mr. Trotman stressed that in order to prevent the growth of child labor in the Caribbean region, countries should guarantee access to education and job preparation and enhance the political leverage of ministries of labor. See unclassified telegram 1782.

¹⁵⁷ Unclassified telegram 1782.

¹⁵⁸ World Bank, *Barbados Human Resources Project: Secondary Education* [hereinafter *Barbados Human Resources Project*], at <http://www1.worldbank.org/education/secondary/wbprojects/barbodos.htm> on 12/11/01.

¹⁵⁹ There are no reports of children working in any sector of the economy, nor are there reports of forced or bonded labor, prostitution, or trafficking. There are no statistics available on the number of economically active children. See *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

¹⁶⁰ School attendance officers and parents can be fined or imprisoned (for no more than 3 months) for failure to enforce attendance. See unclassified telegram no. 1782. See also UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports—Barbados* [hereinafter *EFA 2000 Assessment*], at http://www2.unesco.org/wef/countryreports/barbados/rapport_2.html, and *Barbados Human Resources Project*.

¹⁶¹ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM]. Also, in 1991, gross primary school enrollment was 90.4 percent, and net primary school attendance was 77.9 percent. See *World Development Indicators 2001*.

school attendance rates are unavailable for Barbados. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁶²

Child Labor Laws and Enforcement

According to the Miscellaneous Provisions of the Employment Act, 16 years is the minimum age for all employment during school hours, and the minimum age for industrial undertakings or work on ships.¹⁶³ Children under 18 are prohibited from engaging in hazardous work, and are guaranteed a 13-hour rest period between two work periods.¹⁶⁴ The Act also stipulates that 18 is the minimum age for night work, unless the work is for an apprenticeship or vocational training, and has been authorized by the Minister of Labor.¹⁶⁵ The Police Force and the Department of Labor have jurisdiction over the monitoring and enforcement of child labor legislation,¹⁶⁶ and labor inspectors conduct spot checks of businesses and check records to verify compliance with the law.¹⁶⁷ The Constitution prohibits forced labor,¹⁶⁸ and although trafficking is not specifically prohibited by law, the Criminal Code prohibits procurement of a minor less than 16 years of age.¹⁶⁹ Barbados ratified ILO Convention 138 on January 4, 2000 and ILO Convention 182 on October 23, 2000.¹⁷⁰

¹⁶² For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

¹⁶³ Employment Act [hereinafter Employment Act], Sections 9, 14 (1), (2), as cited in unclassified telegram 1782.

¹⁶⁴ *Ibid.* at Sections 8 (1), (3).

¹⁶⁵ *Ibid.* at Sections 8 (1), (2).

¹⁶⁶ Police have the authority to enter any business under suspicion of using child laborers in order to inspect the facilities. The penalty for violating child labor legislation is imprisonment for up to 12 months or a fine of up to USD 1,000. See unclassified telegram 1782.

¹⁶⁷ *Country Reports on Human Rights Practices for 2000—Barbados* (Washington, D.C.: U.S. Department of State, 2001), Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid=701>.

¹⁶⁸ Constitution of Barbados, Chapter III, Article 14, at <http://www.georgetown.edu/LatAmerPolitical/Constitutions/Barbados/barbados.html> on 10/16/01.

¹⁶⁹ *Human Rights Report on Trafficking of Women and Children, Barbados*, The Protection Project Database, at <http://www.protectionproject.org>.

¹⁷⁰ ILOLEX database: Barbados at <http://www.ilolex.ilo.ch>.

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Belize

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

On November 11, 2000, the Government of Belize announced the launch of a Program to Eliminate Child Labor (PETI) in the Northern District of Corozal, which is the country's primary sugar cane area.¹⁷¹ The project is being implemented by the National Organization for the Prevention of Child Abuse (NOPCA), and is co-sponsored by USAID and FUNPADEM, a regional organization promoting peace and democracy in Central America.¹⁷² PETI includes measures to rehabilitate working children and return them to school, and to gather information on social conditions contributing to child labor.¹⁷³ Before the program announcement, the Government had established a National Committee for Families and Children, including a subcommittee to specifically address child labor.¹⁷⁴ The Government of Belize is also conducting a national child labor survey, funded by USDOL with technical assistance from ILO-IPEC's SIMPOC, to collect qualitative and quantitative data on the nature and extent of child labor in the country to support effective interventions against child labor.¹⁷⁵

Since 1988, the government has had a National Apprenticeship Program, which provides young persons (between 14 and 18 years) who are no longer in school with work experience and a stipend.¹⁷⁶ Out of concern for high dropout rates and limited school access, the 1990s was declared

¹⁷¹ PETI is a 1-year pilot project that, according to Valdemar Castillo, Minister of Sugar Industry, Labor and Local Government, is intended to provide an information base from which all relevant organizations and individuals can work in order to adopt a coordinated approach to the elimination of child labor. PETI staff members are interviewing and surveying families in the Corozal District to collect information. *See* U.S. Embassy-Belize, unclassified telegram no. 122, January 2001 [hereinafter unclassified telegram 122]. *See also* U.S. Embassy—Belize, unclassified telegram no. 1245, November 2000 [hereinafter unclassified telegram 1245].

¹⁷² Unclassified telegrams 122 and 1245.

¹⁷³ *Ibid.*

¹⁷⁴ The Committee includes relevant government personnel and representatives from UNICEF, the Pan-American Health Organization, the Belize Family Life Association, and the National Organization for the Prevention of Child Abuse. *See* U.S. Embassy—Belize, unclassified telegram no. 771, July 2000 [hereinafter unclassified telegram 771].

¹⁷⁵ Through SIMPOC, data will be collected and consolidated into a database on child labor. SIMPOC staff will support the Belize Central Statistical Office through capacity-building training to enable government officials to independently produce and analyze data in the future. In addition, the data being collected presently will be analyzed to determine priority target groups for future child labor programs. *See* USDOL-Funded IPEC Projects/Programs, *Technical Progress Report No. 2: Child Labour Survey and Development of Database on Child Labour in Belize*, Project No. CAM/99/05P/051 (Geneva, April-June 2001).

¹⁷⁶ Ramon Puck, "Belize Forced Child Labour Presentation," paper presented at the Americas Regional Forced Child Labour Symposium, Panama, June 25-27, 2001 [hereinafter Puck, "Belize Forced Child Labour"], as found in U.S. Embassy official electronic correspondence to USDOL official, September 24, 2001.

an “Education For All” decade in Belize, and with the support of the World Bank and a number of foreign assistance agencies, the government has worked to improve universal access to primary school as well as the quality of the educational system.¹⁷⁷

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 1.97 percent of children between the ages of 10 and 14 in Belize were working.¹⁷⁸ In rural regions, children are found working on family plots and businesses after school, on weekends, and during vacations¹⁷⁹ and are involved in the citrus, banana, and sugar industries as field workers.¹⁸⁰ In urban areas, children shine shoes, sell newspapers and other small items, and work in markets.¹⁸¹ Teenage girls, many of whom are migrants from neighboring Central American countries, are reported to work as domestic servants, and some are rumored to work as bar maids and prostitutes.¹⁸² There are also reports of child trafficking and trafficking for purposes of prostitution.¹⁸³

Education in Belize is compulsory between the ages of 5 to 14.¹⁸⁴ Education is free, but related expenses, such as uniforms, are a financial strain on poor families.¹⁸⁵ In 1994, the gross

¹⁷⁷ UNESCO, *The Education for All (EFA) EFA 2000 Assessment: Country Reports—Belize* [hereinafter *EFA 2000 Assessment*], at http://www.unesco.org/wef/countryreports/belize/rapport_2_3.htm.

¹⁷⁸ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

¹⁷⁹ It is common for children to work on family plots or sell family produce after school or on the weekends. Different ethnic communities take varied approaches to child labor. The agrarian-based Mennonite community, for example, shifted its school year so that an extended school vacation would coincide with the harvest. Similarly, the Mayan community has attempted to balance agricultural work and school for its youth. Within the ethnic Chinese immigrant population, children routinely help in family shops and restaurants. According to Belizean union leaders, these are not examples of exploitation but rather acceptable aspects of child work tied to the family structure. See unclassified telegram no. 771.

¹⁸⁰ Immigrant and migrant children are particularly susceptible to work in the rural agricultural sector. In the past few years, the northern Commercial Free Zone, which caters to cross-border Mexican trade, has developed a booming commercial sector, and children work in trading, sugar cane harvesting, transportation, and other sectors. See Puck, “Belize Forced Child Labour,” at 5. In addition, the Corozol District is cited as a region with particularly high levels of child labor, including cane farming. See unclassified telegram 122. 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, Belize*, CRC/C/15/Add.99, May 10, 1999.

¹⁸¹ No figures are available for the number of children working in the informal sector. See unclassified telegram 771.

¹⁸² Unclassified telegram 771.

¹⁸³ *Country Reports on Human Rights Practices for 2000—Belize* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Sections 6c, 6f, at <http://www.state.gov/g/drl/rls/hrrprt/2000/wha/index.cfm?docid=708>.

¹⁸⁴ After children finish their primary education, they may enter a secondary school, the government-run apprenticeship program, or a vocational institution. However, these programs have room for only about

primary enrollment rate was 121 percent, and the net primary enrollment rate was 98.9 percent.¹⁸⁶ Primary school attendance rates are unavailable for Belize. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁸⁷

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 12 years of age, and children between the ages of 12 to 14 may only participate in light work after school hours.¹⁸⁸ The Labor Law applies to all employment in the formal sector, but not to self-employment or employment by family members.¹⁸⁹ The minimum age for employment near hazardous machinery is 17 years.¹⁹⁰ In 1998, Belize passed the Family and Children's Act, which consolidated previous legislation regarding the protection of children in the formal sector. According to the Act, children (defined as persons below 18 years of age) are prohibited from employment in activities that may be detrimental to their health, education, or mental, physical, or moral development.¹⁹¹ The Constitution prohibits forced or bonded labor.¹⁹² Trafficking in persons is not specifically illegal, but prostitution is prohibited in Belize.¹⁹³ Belize ratified both ILO Convention 138 and ILO Convention 182 on March 6, 2000.¹⁹⁴

half of the children finishing primary school, and competition for spaces in secondary school is intense. See *EFA 2000 Assessment* and *Country Reports 2000* at Section 5.

¹⁸⁵ *Country Reports 2000* at Section 5.

¹⁸⁶ *World Development Indicators 2001*.

¹⁸⁷ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

¹⁸⁸ According to a State Department official, children under age 14 are not known to be working in industry jobs or as wage earners; instead, they tend to be active on family farms. See *Laws of Belize - Labour Act*, Chapter 234, Section 169, as cited in Dorothy Rozga, Liaison Officer, UNICEF-Belize, letter to Sonia Rosen, ICLP official, May 1995 [letter on file]. See also *Country Reports 2000* at Section 6d.

¹⁸⁹ Unclassified telegram 771.

¹⁹⁰ Inspectors from the Departments of Labor and Education enforce this regulation. See *Country Reports 2000* at Section 6d.

¹⁹¹ *Official Gazette, Acts* (BLZ-1998-L-50986 Families and Children Act, 1998, No. 17 of 1998), 91-173, as cited in NATLEX database: Belize at <http://natlex.ilo.org/natlexnewfaceE.htm>.

¹⁹² Constitution of Belize, 1981, Article 8(2), at <http://www.georgetown.edu/LatAmerPolitical/Constitutions/Belize/belize.html> on 10/16/01.

¹⁹³ The Ministry of Human Development, Women and Civil Society, the police department, and the Ministry of National Security and Immigration investigate cases involving trafficking of children. Incidents of trafficking in children for the purpose of prostitution are infrequent. See *Country Reports 2000* at Section 6d. See also Government of Belize, Ministry of Human Development, Women and Civil Society, *The Complicated Truth About Prostitution*, at http://www.belize.gov.bz/cabinet/d_balderamos_garcia/truth.html

¹⁹⁴ ILOLEX database: Belize at <http://ilolex.ilo.ch:1567/english/>.

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Benin

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

The Government of Benin has been a member of ILO-IPEC since 1996, and is engaged in a country program to eliminate child trafficking and the worst forms of child labor.¹⁹⁵ The program aims to prevent children from entering the labor market, improve the conditions of working children as a first step toward the elimination of child labor, abolish child labor in hazardous activities and raise awareness about the dangers of early work for children.¹⁹⁶ To enhance regional cooperation on trafficking, the government signed a 1984 agreement with Ghana, Nigeria and Togo to facilitate the return of trafficked children and to extradite traffickers.¹⁹⁷ The government is also engaged in several international and regional efforts to end trafficking, including a 2-phase USDOL-funded ILO-IPEC regional project in nine West and Central Africa countries.¹⁹⁸ The projects entail direct action to combat trafficking, assessments of the problem in each country, coordination with non-governmental organizations for social protection and support services, awareness raising activities, and capacity building for local authorities.¹⁹⁹ In 1999, the Ministry of Social Protection and Family established a unit for Family and Childhood to combat displacement and trafficking in children.²⁰⁰ UNICEF is implementing a “Project on Children in Need of Special Protection” program that seeks to raise awareness about trafficking of children and the hazards faced by children who are trafficked.²⁰¹

¹⁹⁵ ILO-IPEC, *All About IPEC: Programme Countries*, at http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm on 12/12/01. See also ILO/IPEC, *ILO-IPEC Highlights of 1998* (Geneva: October 1998) [hereinafter *Highlights of 1998*], at <http://www.ilo.org/public/english/standards/ipecc/publ/policy/high-98/part1.htm> on 12/12/01, and ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (Phase II), Country Annex I: Benin, 2000* [hereinafter *Combating the Trafficking of Children*].

¹⁹⁶ *Highlights of 1998*.

¹⁹⁷ According to this agreement, if, for example, the Beninese police intercept a convoy of Togolese children being trafficked through Benin to Nigeria or Gabon, the Togolese police should be informed and the children returned. See *Combating the Trafficking of Children* at 3.

¹⁹⁸ The project included assessments of the trafficking problem in all countries and a subregional report synthesizing the main findings. Efforts were also made to channel identified children to nongovernmental organizations providing social protection and support services for victims of trafficking. See *Combating the Trafficking of Children* at 3, 4.

¹⁹⁹ Phase I was 10 months, beginning in October 1999. Phase II, the direct action project, is 36 months, beginning in May 2001. See *Combating the Trafficking of Children* at 3, 4. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (Phase II), Project Document, 2000* at 12, 13.

²⁰⁰ The effort is supported in part by UNICEF within the framework of the program of social development aid. The effort aims to create regional crisis centers to assist children throughout the country. See *Combating the Trafficking of Children* at 3.

²⁰¹ The project has established eight education centers for girls involved in domestic service and provided assistance to help women access loans for income-generating activities. UNICEF programs to address trafficking of children have also established local committees in rural areas to address traffick-

Since 1990, the Government of Benin has made several efforts to upgrade its educational system, most significantly by raising the percentage of its budget targeted to education, increasing the number of qualified teachers, improving teacher training, enhancing its capacity for educational planning and administration, developing new curricula and delineating educational standards. USAID, UNICEF, and other international organizations are assisting these efforts.²⁰²

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 26.7 percent of children between the ages of 10 and 14 in Benin were working.²⁰³ Children work on family farms and in commercial agriculture, especially in the production of cotton for export.²⁰⁴ Children also work in the construction industry, as domestic servants and as street vendors.²⁰⁵

Benin is reportedly a source, destination and transit country for trafficked children.²⁰⁶ Children are trafficked into Nigeria, Cameroon, Cote d'Ivoire, Gabon, and Niger and sold into servitude in agriculture, as domestic servants, or the commercial sex industry.²⁰⁷ Children from

ing, have used radio and television broadcasts for awareness raising, and have supported NGOs that facilitate the reintegration of trafficking children. See UNICEF, *Child Trafficking in West Africa, Background: Protecting Children From Trafficking* [hereinafter *Protecting Children*], at http://www.unicefusa.org/ct/background_2.html on 10/30/01. See also *Combating the Trafficking of Children* at 3, 4.

²⁰² USAID, *Country Profiles: Basic Education Programs in Africa—Benin*, at <http://www.usaid.gov/regions/afr/basiced/mali.html> on 8/14/01. See also *Protecting Children*.

²⁰³ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

²⁰⁴ International Confederation of Free Trade Unions, *Internationally-Recognized Core Labour Standards in Benin: Report for the World Trade Organization General Council Review of the Trade Policies of Benin* (Geneva, September 15, 1997), 2. See also *Country Reports on Human Rights Practices for 2000—Benin* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports for 2000*], Section 6f, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=861>. See also “Benin: The Cotton Scandal,” *Trade Union World*, November 1997, 37.

²⁰⁵ In 1998, UNICEF reported that 72 percent of the child domestic servants it surveyed were between ages 10 and 14, while about 20 percent were below age 10. See Wendy Shapiro, “The Problems of the Videmegons in Benin,” *SC&D News* (Washington, D.C.) (winter 1998), vol. 10, no. 2 [hereinafter Shapiro, “Problems of the Videmegons”], 1. See also UNICEF, “The Issue of Child Domestic Labor and Trafficking in West and Central Africa,” July 1998, as cited in *The Global March Against Child Labour, Worst Forms of Child Labor Data—Benin* (New Delhi, October 2000).

²⁰⁶ U.S. Department of State, *Trafficking in Persons Report*, July 2001, Tier 2, Benin [hereinafter *Trafficking in Persons Report*]. According to statistics from the police, 802 child victims of trafficking from Benin and other countries were intercepted at the border in 1997, 1,058 in 1998, and 670 in 1999. See *Combating the Trafficking of Children* at 2.

²⁰⁷ *Combating the Trafficking of Children*. See also *Country Reports 2000* and “Benin Sourcing Children for Labour Says Report,” *Africa News Service*, July 15, 2000 [hereinafter “Benin Sourcing Children”], at <http://www.allAfrica.com/stories/200007170044.html>.

Burkina Faso, Niger and Togo have been trafficked into Benin where they are often placed in indentured or domestic servitude.²⁰⁸ Internal trafficking of children involves poor rural families placing children (typically daughters) in the homes of wealthier families entrusted with their education, a practice known as *videmegon*.²⁰⁹ The practice often degenerates into exploitation as children end up working at early ages with little or no benefit to themselves.²¹⁰

Education in Benin is neither free nor mandatory.²¹¹ In 1996, the gross primary enrollment rate was 72.5 percent, and the net primary enrollment rate was 59.3 percent.²¹² A far greater percentage of boys is enrolled in school than girls: in 1996, the gross primary enrollment rate for boys was 88.4 percent as opposed to 55.7 percent for girls; the net primary enrollment rates were 71.6 percent for boys and 46.2 percent for girls.²¹³ Primary school attendance rates are unavailable for Benin. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²¹⁴ Because of a rapid increase in the enrollment rate, the student/teacher ratio rose from 36:1 in 1990 to 53:1 in 1997.²¹⁵

Child Labor Laws and Enforcement

Benin's Labor Code sets the minimum age for employment or apprenticeship at 14 years.²¹⁶ The Labor Code also prohibits forced labor.²¹⁷ The prostitution of children is not specifically prohibited by law, but offenses can be prosecuted under February 7, 1905, and August 23, 1912, decrees that prohibit using deceit, coercion, or violence to entice a minor to satisfy another, or under the Law of April 13, 1946, that prohibits hiring or training prostitutes, sharing in the

²⁰⁸ *Trafficking in Persons Report*.

²⁰⁹ Shapiro, "Problems of the Videmegons." 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, Benin*, CRC/C/15/Add.106, September 8, 1999, 2.

²¹⁰ According to the ILO and UNICEF, many parents have come to rely on their children to contribute to the household's work or income from a very early age, as a result of economic hardship attributable to the Structural Adjustment Program and the deterioration of family structures. *Combating the Trafficking of Children at 2 and Trafficking in Persons Report*.

²¹¹ *Country Reports 2000* at Section 5.

²¹² UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

²¹³ *Ibid*.

²¹⁴ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

²¹⁵ UNESCO, Statistical Database, at <http://unesco-stat.unesco.org/uis/en/stats/stats0.htm> on 8/20/01.

²¹⁶ Ordinance No. 33-PR/MFPTT (Labour Code), Articles 107 and 108, as cited in "Protection," ECPAT Database: Benin [hereinafter ECPAT Database], at http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/ on 2/15/02. See also *Country Reports 2000* at Section 6d.

²¹⁷ *Ibid*.

proceeds, acting as an intermediary for prostitution, or establishing a brothel.²¹⁸ Trafficking of children is not specifically prohibited either, although a December 12, 1905, decree criminalizes smuggling any person into Benin with the intention of subverting their freedom, and Decree No. 95-191 (1995) establishes several regulations for adults wishing to exit the country with a child under 18 years of age.²¹⁹

Due to a lack of labor inspectors, enforcement is limited in the formal sector and nonexistent in the informal sector.²²⁰ Benin ratified ILO Convention 138 on June 11, 2001 and ratified ILO Convention 182 on November 6, 2001.²²¹

²¹⁸ The punishment of violations of the 1905 or 1912 decrees is extradition. The punishment for violating the Law of 1946 is imprisonment for 6 months to 2 years and a fine of 400,000 to 4 million francs (USD 541 to 5,406). See *The Protection Project: Commercial Sexual Exploitation of Women and Children: A Human Rights Report, Benin*, January 2001 [hard copy on file]. See also ECPAT Database. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 2/15/02.

²¹⁹ Ibid.

²²⁰ *Country Reports 2000* at Section 6d.

²²¹ ILOLEX database: Benin, at <http://ilolex.ch:1567/english/newratframeE.htm> on 2/15/02.

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Bhutan

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

UNICEF is actively working with the government to improve the education system, with an emphasis on the needs of women and children, training for teachers, and providing essential supplies.²²² The World Bank is also funding an education program implemented by the Education Division of the Ministry of Health and Education that aims to expand access to primary schools and reduce the dropout rate.²²³

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 51.9 percent of children between the ages of 10 and 14 in Bhutan were working.²²⁴ Specific information on the sectors in which children work is limited, but children are most often found working in the agriculture sector on family farms.²²⁵

Education is not compulsory at any age in Bhutan, but it is free for all children beginning at the age of 6 years.²²⁶ In 1998, the gross primary enrollment rate was 71.9 percent.²²⁷ Gross enrollment varied significantly between sexes, with boys enrolled at a rate of 82.1 percent and girls at 61.5 percent.²²⁸ The net primary enrollment rate was 52.9 percent in 1998, with 58.4 percent for boys and 47.2 percent for girls.²²⁹ Primary school attendance rates are unavailable for Bhutan. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²³⁰ Most primary schools in southern Bhutan have been closed since 1990. Ethnic Nepalese heavily populates this area, and thus the closures have effectively prevented children within that minority group from obtaining basic education.²³¹

²²² UNICEF, *UNICEF in Bhutan: Committed Partner in Progress*, at <http://www.unicef.org/bhutan/educat.htm> on 9/19/01.

²²³ World Bank, *Bhutan - Second Education, Project No. BT-PE-9574*, Report No. PID5746, at <http://www4.worldbank.org/sprojects/Project.asp?pid=P009574> on 10/30/01.

²²⁴ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD ROM].

²²⁵ Bhutanese society is largely agrarian. See *Country Reports on Human Rights Practices 2000—Bhutan* (Washington, D.C.: U.S. Department of State, 2000) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/sa/index.cfm?docid=695>.

²²⁶ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports of States Parties Due in 1992, Bhutan*, CRC/C/3/Add.60, October 14, 1999 [hereinafter *Initial Reports of States Parties*].

²²⁷ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

²²⁸ *Ibid.*

²²⁹ *Ibid.*

²³⁰ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

²³¹ *Country Reports 2000* at Section 6d.

Child Labor Laws and Enforcement

Employment of any kind by children is prohibited by the Regulation for Wage Rate, Recruitment Agencies and Workmen's Compensation. This law prohibits the employment of "children" without clearly establishing a minimum age.²³² Bhutanese law does not specifically prohibit forced or bonded labor by children, or trafficking in persons.²³³ Bhutan is not a member of the ILO and has not ratified ILO Convention 138 or ILO Convention 182.²³⁴

²³² Because there is no clearly established minimum age for employment, other measures of Bhutanese law, which define children to be girls under age 16 and boys under age 18, are applied to the Regulation. There is no information available on enforcement mechanisms or penalties for noncompliance relating to the minimum age for employment. Bhutan has no Constitution or Bill of Rights, and its legal system, based on Indian law and English common law, is in the process of modernizing in order to establish a rule of law at the State level. A Department of Legal Affairs was just recently established, and civil and criminal procedures are still being formed. See UN, *Summary Record of the 715th Meeting: Bhutan*, CRC/C/SR.715, June 5, 2001. See also *Initial Reports of States Parties* and 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, Bhutan*, CRC/C/15/Add.157, July 9, 2001.

²³³ *Country Reports 2000* at Section 6f.

²³⁴ ILO List of Member Countries at <http://www.ilo.ch/public/english/standards/relm/country.htm> on 9/24/01.

NOTE: Hard copies of all Web citations are on file.

Bolivia

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

The Government of Bolivia has been a member of ILO-IPEC since 1996.²³⁵ The government is currently participating in a USDOL-funded ILO-IPEC regional project to eliminate child labor in small-scale traditional mining in the Andean region.²³⁶ From 1999 to 2001, ILO-IPEC implemented a project to progressively eradicate urban child labor in El Alto.²³⁷ From 1996 to 2000, the Vice-Ministry of Gender Affairs, in collaboration with the Inter-American Development Bank, implemented a program for children between the ages of 7 and 12 who were working or at risk of dropping out of school. The program provided financial assistance to families of targeted children by covering school-related expenses, such as school materials, uniforms, transportation, and food.²³⁸ The Vice-Ministry is currently looking to fund a second phase of the project (2001-2004) that would provide additional children with financial support.²³⁹ In December 2000, the Inter-Institutional Commission on the Eradication of Child Labor completed a National Plan on the Progressive Eradication of Child Labor 2000-2010, which was approved by the Congress.²⁴⁰ The Vice-Ministry of Alternative Education is also implementing a program that is designed to keep children and adolescents in school by offering them night classes with specially designed curricula that are flexible and adapted to the students' specific needs.²⁴¹

²³⁵ ILO-IPEC, *All About IPEC: Programme Countries*, at http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

²³⁶ IPEC, *Project Document: The Regional Program on the Progressive Elimination of Child Labor in Small-Scale Traditional Gold Mining* [document on file].

²³⁷ Trabajo Infantil en la Ciudad de El Alto: Una experiencia de su erradicacion progresiva, Enda, Bolivia, La Paz, Bolivia, 11.

²³⁸ Ministerio de Desarrollo Sostenible y Planificación, Vice-Ministerio de Asuntos de Género, Generacionales y Familia, Dirección General de Asuntos Generacionales y Familia, *Programa de Asistencia Familiar para la Permanencia Escolar de Niñas y Niños Trabajadores*, February 2000 [hereinafter *Programa de Asistencia Familiar*]. See also Vice-Ministerio de Asuntos de Género, Generacionales y Familia, Dirección General de Asuntos Generacionales y Familia, Solicitud de Cooperación, *Proyecto de Continuidad del Programa de Escolarización de Niñas y Niños Trabajadores de 7 a 12 Años de Edad*, 2001 [hereinafter *Proyecto de Continuidad del Programa*].

²³⁹ *Proyecto de Continuidad del Programa*. See also Naomi Westland, "Working Children Denied Education," *The Bolivian Times* [document on file].

²⁴⁰ U.S. Embassy— La Paz, unclassified telegram no. 5174, December 2000.

²⁴¹ Ministerio de Educación, Cultura y Deportes. Vice-ministerio de Educación Alternativa, *Boletín Informativo del Proyecto Curricular de la Escuela Nocturna-EJA*, Año 2-No. 2-Enero 1999.

Incidence and Nature of Child Labor

In 2000, the Ministry of Planning and Sustainable Development estimated that 23 percent of children between the ages of 7 and 14 are working. Approximately 60 percent of those children do not attend school. Of those who do not attend school, approximately 70 percent live in rural areas and 30 percent live in urban areas. Children in Bolivia generally enter the labor market between the ages of 10 and 12, but children reportedly as young as 6 years old work.²⁴² Children and adolescents frequently work the same number of hours as adults.²⁴³ The greatest proportion of working children is in rural areas, particularly working in the construction, livestock and agricultural sectors. In urban areas, children work in services, commerce, manufacturing and industry, and family businesses.²⁴⁴ Children also work as domestic laborers²⁴⁵ and small-scale traditional miners²⁴⁶ and are trafficked for the purposes of commercial sexual exploitation.²⁴⁷

The Constitution of Bolivia calls for the provision of education as a principal responsibility of the state and establishes free, compulsory primary education for eight years for children ages 6 to 14.²⁴⁸ In 1997, the net primary enrollment rate was 97 percent.²⁴⁹ More than 56 percent of

²⁴² The number of working boys in rural areas is twice as great as the number of working girls, while the number of working boys in urban areas is almost equal to the number of working girls. The Ministry of Planning and Sustainable Development has reported that, of the approximately 1.6 million children and adolescents between ages 7 and 14 in the country, nearly 370,000 work. See *Programa de Asistencia Familiar* at 6. See also Oficina Internacional del Trabajo, *Trabajo Infantil en los Países Andinos: Bolivia, Colombia, Ecuador, Perú y Venezuela* (ILO: Primera Edición, 1998, Lima, Peru) [hereinafter *Trabajo Infantil en los Países Andinos*], 17. In 1999, the ILO estimated that 13 percent of children between the ages of 10 and 14 years in Bolivia were working. See *World Development Indicators 2001* (Washington D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2000*] [CD ROM].

²⁴³ International Confederation of Free Trade Unions, *Internationally-Recognized Core Labour Standards in Bolivia: Report for the World Trade Organization General Council Review of the Trade Policies of Bolivia* (Geneva, July 19 and 21, 1999), at <http://www2.iicftu.org/displaydocument.asp?Index=990916233&Language=EN&Printout=Yes>.

²⁴⁴ “Trabajo infantil: 370 mil niños trabajan en Bolivia, informo hoy la viceministra de Género, Jarmila Moravek,” *El Diario*, July 5, 2000, at [http://www.caj.../bdescriptor.in\]?bdatos=2000®istros=25&format=resumen&boolean=0499](http://www.caj.../bdescriptor.in]?bdatos=2000®istros=25&format=resumen&boolean=0499).

²⁴⁵ *Country Reports on Human Rights Practices for 2000—Bolivia* (Washington, D.C.; U.S. Department of State, 2001), Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/715.htm>.

²⁴⁶ ILO-IPEC, *Program to Prevent and Progressively Eliminate Child Labor in Small-Scale Traditional Gold Mining in South America*, project document, March 09, 2000, 3 [document on file].

²⁴⁷ U.S. Embassy—La Paz, unclassified telegram no. 3284, July 2000. See also “Bolivia: Officials Launch Investigation on Child Trafficking” (as quoted in *La Paz Los Tiempos*, September 12, 2001), *UN Wire*, at <http://www.unfoundation.org/unwire/2001/09/12/current.asp#18042>.

²⁴⁸ UNESCO, *La EPT Evaluación 2000: Informes de País, Bolivia, Parte II: Sección Analítica, 3.1. En la Estructura Curricular*, at http://www2.unesco.org/wef/countryreports/bolivia/rapport_1.html.

²⁴⁹ *World Development Indicators 2001*.

Bolivian children and adolescents do not attend or have abandoned school.²⁵⁰ Girls frequently leave school at a young age to work and supplement the family income.²⁵¹

Child Labor Laws and Enforcement

The Child and Adolescent Code sets the minimum age for employment at 14 years.²⁵² The General Labor Law allows apprenticeships for children younger than 14 years, which may not exceed a two-year period.²⁵³ According to the Labor Law, employers are required to ensure that apprentices attend school during normal school hours,²⁵⁴ and any employer who has hired more than 30 school-aged children (typically between the ages of 6 and 14) is required to provide them with schooling if a public school is not available.²⁵⁵ The Labor Law also prohibits forced labor.²⁵⁶ Prostitution is illegal for individuals under 18 years, but enforcement is poor and police raids are

²⁵⁰ 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 *Plan Nacional para la Erradicación Progresiva del Trabajo Infantil, 2000-2010*, elaborado por la Comisión Interinstitucional de Erradicación Progresiva del Trabajo Infantil (La Paz, 2000), 11. See also Vice-Ministerio de Asuntos de Género, Generaciones y Familia, Dirección General de Asuntos Generacionales y Familia, *Solicitud de Cooperación: Proyecto de Continuidad del Programa de Escolarización de Niñas y Niños Trabajadores de 7 a 12 Años de Edad*, 12. The Child and Adolescent Code calls upon the government to take steps to reduce school desertion rates, to build schools where they do not exist, 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. The Code further stipulates that the Bolivian government should provide primary school students with school materials, transportation, meals, and medical services. See Código del Niño, Niña y Adolescente: Ley número 2026 del 27 de octubre de 1999, U.P.S. Editorial, La Paz, Bolivia, 2000 [hereinafter Código del Niño], 38.

²⁵¹ *1999 Country Reports on Human Rights Practices—Bolivia* (Washington, D.C.; U.S. Department of State, January 2000), Section 5, at http://www.state.gov/www/global/human_rights/1999_hrp_report/.

²⁵² Código del Niño at 41. The Code also states that youths between ages 14 and 18 are required to obtain authorization from their parents or wards in order to work. If neither exists, they then need to request authorization from a labor inspector of the Labor Ministry. See Ley General del Trabajo-Eleva a Rango de Ley, Chapter 1, General Dispositions, Title II, Article 8, at <http://www.bizinfonet.com/bolivia-pensions/laws/leytraba.htm>.

²⁵³ Ley General del Trabajo, Decreto Reglamentario, Código Procesal del Trabajo, Decreto Ley de 24 de mayo de 1939, elevado a rango de Ley el 8 de diciembre de 1942. U.P.S. Editorial, La Paz, Bolivia, 2000 [hereinafter Decreto Reglamentario], 20.

²⁵⁴ Ibid. The General Labor Law also prohibits minors from dangerous, unhealthy, and physically taxing work or work that negatively affects their moral and proper upbringing. It also outlaws minors from working in underground mines. The Labor Law further states that women and children under age 18 are permitted to work only during the day except those involved in fields such as nursing, domestic service, or others where exceptions apply. See Ley General del Trabajo, Eleva a Rango de Ley, Capítulo VI, Artículos 58-61, at <http://www.bizinfonet.com/bolivia-pensions/laws/leytraba.htm>.

²⁵⁵ Employers who have hired fewer than 30 school-age children are expected to work together to provide a community school for all working children in the area to attend. See Decreto Reglamentario.

²⁵⁶ Decreto Reglamentario a Capítulo IV, Del Contrato de “Enganche,” U.P.S. Editorial, La Paz, Bolivia, 69.

ineffectual and easily avoided.²⁵⁷ All forms of pornography are illegal under Bolivian law.²⁵⁸ In March 2001, the Government adopted into law the stipulations of the Child and Adolescent Code that allow judges and other authorities of the Ministry of Justice to impose penalties for violations of children's rights within the country.²⁵⁹ Bolivia ratified ILO Convention 138 on June 11, 1997, but has not ratified ILO Convention 182.²⁶⁰

²⁵⁷ U.S. Embassy-La Paz, unclassified telegram no. 3434, August 2000.

²⁵⁸ *Ibid.*

²⁵⁹ "Correo del Sur: Protegan legalmente a los niños," *Los Tiempos: Vida y Futuro*, March 21, 2001, at <http://www.lostiempos.com/pvyf4.shtml>.

²⁶⁰ ILOLEX database: Bolivia at <http://ilolex.ilo.ch:1567/scripts/ratifce.pl?C138>.

Note: Hard copies of all Web citations are on file.

Bosnia and Herzegovina

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

The IOM, in cooperation with government authorities, the UN, and NGOs, initiated a 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 sex industry.²⁶¹ In addition, UNICEF has been working with the Ministry of Health, Education and Social Welfare to implement a Basic Education Project to improve the quality of schools and support children whose access to education has been severely limited by the war.²⁶²

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 17.7 percent of children between the ages of 5 and 14 in Bosnia and Herzegovina were working.²⁶³ There were reports of forced labor by children over 15 years of age during the 1991-95 war, which included digging trenches or evacuating the dead or wounded at the front lines, as well as agriculture, mining, manufacturing, and service industry work. There are no current reports of forced or bonded labor.²⁶⁴ The prostitution and trafficking of girls for exploitative work is a serious problem.²⁶⁵ Children as young as 13 and 14 years old from Eastern Europe and the former Soviet Union are trafficked to Bosnia and Herzegovina and sold into prostitution.²⁶⁶

²⁶¹ IOM, *Trafficking in Human Beings in Bosnia and Herzegovina*, at http://www.iom.int/offices/Bosnia_Herzegovina/Trafficking.htm on 9/27/01.

²⁶² UNICEF, *Country Profiles: Bosnia and Herzegovina*, at <http://www.unicef.org/programme/countryprog/cee-cis/bh/support.htm> on 9/27/01.

²⁶³ This figure includes children working only, as well as children both working and studying. It also includes children who perform household chores for more than 4 hours per day. An estimated 1 percent of children between ages 5 and 14 were paid for their employment, 6 percent of children participated in unpaid work for someone other than a family member, and 15 percent of children worked on the family farm or in the family business. See *Multiple Indicator Cluster Survey 2 (MICS 2), 2000* [hereinafter *MICS 2*], as found in *Understanding Children's Work Project* at <http://www.ucw-project.org/resources/index.html> on 11/5/01. See also draft report in same survey (March 14, 2000) at <http://www.childinfo.org/MICS2/natlMICSrepz/MICSnatrep.htm> on 10/5/01.

²⁶⁴ Anti-Slavery International, in consultative status with the UN Economic and Social Council Commission on Human Rights, *Forced Labour in Northern Bosnia* (Geneva, 1995) [on file].

²⁶⁵ There are no statistics to separate girl children from adult women trafficked into Bosnia, but it is reported that as many as 5,000 trafficked women may be working in the country. The State Department reports that the average age of trafficked women is 22.8 years, ranging from age 16 to 33, with less than 5 percent of the women being minors. Also, according to the State Department, there have been credible but unconfirmed reports that children are trafficked to work in begging rings, mainly in Sarajevo. See *Country Reports on Human Rights Practices for 2000—Bosnia and Herzegovina* (Washington, D.C.: U.S. Department of State, 2000) [hereinafter *Country Reports 2000*], Section 6f, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/index.cfm?docid=693>.

²⁶⁶ The majority of trafficked women and girls in Bosnia come from Moldova, Romania, and Ukraine, but

Education is compulsory until age 15.²⁶⁷ The right to education is guaranteed by the Constitution, but specific laws on compulsory education requirements are established in the separate legislation of the country's two political entities, the Federation of Bosnia and Herzegovina and Republika Srpska.²⁶⁸ In 1998, the gross primary enrollment rate was 103.6 percent, and the net primary enrollment rate was 97.4 percent.²⁶⁹ In 2000, the primary attendance rate was 94 percent.²⁷⁰ Access to education remains limited in war-affected areas, where one-third to one-half of schools has been destroyed.²⁷¹ Tension among different ethnic communities and local policies favoring citizens in the ethnic majority also prevent minority children from attending school in these regions.²⁷²

they also arrive from Russia, Belarus, Kazakhstan, and Bulgaria. See *Country Reports 2000* at Section 6f. See also Emir Imamovic, "Bosnian Brothels Flourish," Balkan Crisis Report No. 201, Institute for War and Peace Reporting, December 6, 2000, and Alix Kroeger, "Vice Bars Raided in Bosnia," *BBC News*, March 3, 2001.

²⁶⁷ See *Country Reports 2000* at Section 5. See also Constitution of Republika Srpska, Article 38, at <http://www.bihpress.ba/GIH/POLITIKA/CONSTITUTIONSRS/2.htm> on 9/27/01. See also Constitution of the Federation of Bosnia and Herzegovina, Article 4, at <http://www.bihfedomb.org/eng-cons/constit.htm#annex> on 10/30/01.

²⁶⁸ The Dayton Accords established two distinct entities within the Republic of Bosnia and Herzegovina: the Federation of Bosnia and Herzegovina and Republika Srpska (RS). According to the Constitution of the Republic, the two entities are entitled to establish their own laws and government functions for matters not covered by the Constitution and provided that all provisions detailed in the national Constitution supersede those of the entities. Education is one area that remains highly decentralized in the country, as it is determined separately by the provisions of the RS Constitution and by the 10 canton units within the Federation. Article 2(31) of the Constitution of the Republic of Bosnia and Herzegovina establishes the right to education for all persons, but compulsory education laws and curricula are established by the entities. Currently, the two entities have differing curricula, but an agreement was recently reached to begin developing a common curriculum. See Constitution of the Republic of Bosnia and Herzegovina [hereinafter Constitution of Bosnia and Herzegovina] at http://www.uni-wuerzburg.de/law/bk00000_.html on 9/27/01. See also UNICEF, *Consolidated Donor Report for Southeastern Europe: Bosnia and Herzegovina, 2000* [hereinafter UNICEF Consolidated Donor Report], at <http://www.unicef.org/balkans/donrep-seeur-2000.pdf> on 10/5/01.

²⁶⁹ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

²⁷⁰ MICS 2 draft report.

²⁷¹ UNICEF *Consolidated Donor Report*.

²⁷² *Country Reports 2000* at Section 5.

²⁷³ Act of 15 August 2000 to Amend and Supplement the Labor Code (Text No. 265), *Sluzbene Novine*, 2000-08-30, No. 3, 1088-1092, as cited on NATLEX database at <http://natlex.ilo.org/> on 9/27/01.

²⁷⁴ *Country Reports 2000* at Section 6d.

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 15 years.²⁷³ Children are prohibited from performing hazardous work and night work.²⁷⁴ The Constitution forbids forced or bonded labor by children.²⁷⁵ There is no comprehensive law against trafficking in persons, but under the Criminal Code, procuring a juvenile or seeking opportunities for illicit sexual relations with a juvenile are specifically prohibited.²⁷⁶ Bosnia and Herzegovina ratified ILO Convention 138 on June 2, 1993, and ratified ILO Convention 182 on October 5, 2001.²⁷⁷

²⁷⁵ Constitution of Bosnia and Herzegovina at Article II (31).

²⁷⁶ The punishment for violators is imprisonment for three to five years. See *Country Reports 2000* at Section 6f and *Criminal Code of Bosnia and Herzegovina*, Article 96 (1, 2), as cited in the Protection Project Database.

²⁷⁷ ILOLEX database at <http://ilolex.ilo.ch:1567/english/> on 9/27/01.

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Botswana

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

Government efforts to address the worst forms of child labor in Botswana are in initial stages. In 2002, the Labor Department will work in consultation with the Central Statistics Office (CSO) with technical assistance from ILO-IPEC to conduct a national child labor survey to determine the extent and nature of child labor.²⁷⁸ Results from this survey will provide the basis for developing an action plan to implement ILO Convention 182.²⁷⁹ The Government of Botswana is also working in consultation with UNICEF to implement its National Program of Action for Children to reduce the incidence of HIV-related infant mortality, increase access to universal basic education, and improve the protection of children in vulnerable situations, among other goals.²⁸⁰

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 14.9 percent of children between the ages of 10 and 14 in Botswana were working.²⁸¹ In urban areas, children orphaned by HIV/AIDS allegedly engage in begging and prostitution.²⁸² In remote areas, young children reportedly work as cattle tenders, domestic servants, and babysitters.²⁸³

Children who are citizens of Botswana have access to seven years of free primary education, but it is not compulsory.²⁸⁴ In 1996, the gross primary enrollment rate was 107.8 percent, and the net primary enrollment rate was 81 percent.²⁸⁵ Primary school attendance rates are unavailable for Botswana. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁸⁶

²⁷⁸ Unclassified telegram 3277, September 2001 [hereinafter unclassified telegram 3277].

²⁷⁹ Ibid.

²⁸⁰ UNICEF, *Preliminary Report: Botswana Multiple Indicator Survey 2001*, at http://www.childinfo.org/MICS2/natlMICSrepz/Botswana/BotsMICS_preliminary.pdf.

²⁸¹ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

²⁸² *Country Reports on Human Rights Practices for 2000—Botswana* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=677>.

²⁸³ Ibid. at Section 6d.

²⁸⁴ Ibid. at Section 5. See also unclassified telegram 3277.

²⁸⁵ *World Development Indicators 2001*.

²⁸⁶ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

Child Labor Laws and Enforcement

The Employment Act sets the minimum age for employment at 14 years, although children under 14 may work in family businesses. Children between 14 and 18 years are prohibited from working in hazardous conditions.²⁸⁷ The Adoption Act contains provisions to protect adopted children from being exploited as cheap labor.²⁸⁸ The Constitution prohibits forced or compulsory labor.²⁸⁹ Child prostitution and pornography are criminal offenses, and penalties apply to violations against children under the age of 16.²⁹⁰

The Ministry of Local Government, Lands, and Housing is the government agency that oversees the protection and welfare of children,²⁹¹ and the Commissioner of Labor is authorized to terminate unlawful employment of a child. Penalties for employers may include imprisonment up to 12 months, fines of 1500 Pula (USD 231), or a combination of both.²⁹² The Government of Botswana ratified ILO Convention 138 on June 5, 1997, and ratified ILO Convention 182 on January 3, 2000.²⁹³

²⁸⁷ Submission by Botswana for Designation as a Beneficiary Under the Africa Growth and Opportunity Act, 10.

²⁸⁸ *Country Reports 2000* at Section 6d.

²⁸⁹ *Ibid.* at Section 6c.

²⁹⁰ *Ibid.* at Section 5.

²⁹¹ Government of Botswana, Ministry of Local Government Lands and Housing, at http://www.gov/bw/government/ministry_of_local_government_land_and_housing.html.

²⁹² Unclassified telegram 3277. *See also* Currency conversion at <http://www.carosta.de/frames/convert.htm> on 1/29/02.

²⁹³ ILOLEX databases: Botswana at <http://ilolex.ilo.ch:1567/cgi-lex/ratifce.pl?C138> and <http://ilolex.ilo.ch:1567/cgi-lex/ratifce.pl?C182>.

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Brazil

Government Policies and Program to Eliminate the Worst Forms of Child Labor

In 1992, the Government of Brazil became one of the six original countries to participate in ILO-IPEC.²⁹⁴ USDOL has funded three ILO-IPEC projects in Brazil: one in 1995 addressed child labor in the shoe industry of Vale dos Sinos; one in 2000 combats the child domestic worker problem in Brazil, Colombia, Paraguay and Peru; and another also funded in 2000 addresses the commercial sexual exploitation of minors in a border town between Brazil and Paraguay.²⁹⁵ In October 2001, the Brazilian Institute of Geography and Statistics (IBGE) began collaborating with the ILO's SIMPOC to conduct a survey of child labor as part of Brazil's National Household Survey.²⁹⁶

The federal government administers numerous programs under different ministries aimed at combating child labor and has formed various commissions to address issues related to child labor in Brazil.²⁹⁷ In May 2000, the MLE established the Tripartite Commission, which produced a list of over 80 activities defined as “worst forms” of child labor by the government.²⁹⁸ In some regions, councils defend the rights of children and adolescents on the federal, state, and municipal levels.²⁹⁹ As part of the country's adherence to ILO Convention 182, the Federal Ministry of Welfare and Social Assistance (MPAS) has informally identified activities in both the rural and

²⁹⁴ ILO-IPEC, *All About IPEC: Programme Countries*, at http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

²⁹⁵ USDOL/IPEC program documents: *Combating Child Labor in the Shoe Industry of Vale dos Sinos, Brazil*, 1995; *The Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents*, September, 2000; and *The Prevention and Elimination of Child Domestic Labour in South America*, September 2000.

²⁹⁶ The survey will reach approximately 120,000 households. See USDOL/ICLP, *Technical Cooperation Summaries: SIMPOC*, internal document, September 1, 1999.

²⁹⁷ The various programs of the federal government to eradicate child labor are listed in the Government of Brazil's multi-year plan (PPA). U.S. Embassy—Brazil, unclassified telegram no. 1439, September 2000 [hereinafter unclassified telegram 1439]. See also Ministerio Publico do Trabalho, Procuraduria Geral. *Comissoes*, August 8, 2001, at <http://www.pgt.mpt.gov.br/comissoes.html>. Among these is the Executive Group to Combat Forced Labor (GERTRAF), the National Forum for the Eradication of Child Labor and the Protection of the Adolescent Worker, and the National Office of Coordination for Combating the Exploitation of Child and Adolescent Labor. State governments have also formed local commissions, such as the State of Rio de Janeiro's Commission on the Prevention and Eradication of Child Labor.

²⁹⁸ U.S. Embassy—Brazil, unclassified telegram no. 1715, November 2000 [hereinafter unclassified telegram 1715]. The list includes such activities as harvesting citrus fruits, driving tractors, performing civil construction, picking garbage, cutting sugar cane, selling alcohol, and working in bars and brothels. The list produced by the Tripartite Commission led to an additional 27 activities being banned for workers between ages 16 and 18. See Mark Mittelhauser, Labor Attache at U.S. Consulate, Sao Paolo, Brazil, E-mail to ICLP official, February 5, 2001.

²⁹⁹ Unclassified telegram 1439.

urban sectors that are considered the worst forms of child labor.³⁰⁰ The MPAS also launched a program to create centers and networks to assist children and adolescents who are victims of sexual abuse and exploitation.³⁰¹ A new Parliamentary Investigative Commission on Sexual Tourism began functioning in September 2001 in the state of Fortaleza.³⁰²

The government's Program on the Eradication of Child Labor (PETI) gives stipends to families who remove children from work and keep them in school.³⁰³ The Ministry of Education (MEC) has developed a preventive counterpart to the PETI program, which provides mothers with a fixed sum. In return, the mothers agree to ensure that their children maintain at least an 85 percent attendance rate in school.³⁰⁴ The government has also designed special classes to address the problem of students who are forced to repeat grades,³⁰⁵ created a school lunch program which seeks to promote children's attendance,³⁰⁶ and raised the average wage paid to teachers by 13 percent nationally and up to 49 percent in the Northeast region.³⁰⁷

Incidence and Nature of Child Labor

In 1999, UNICEF estimated that 11 percent of children between the ages of 5 and 15 in Brazil were working.³⁰⁸ Child labor occurs more frequently in northeastern Brazil than in any other

³⁰⁰ In rural areas, these activities include harvesting of sisal and sugar cane, cotton, tobacco, and citrus; producing wood, brick, charcoal, ceramics, and flour; working in salt and other mines; weaving; and fishing. Some urban sector activities include drug trafficking, trash picking, shoe shining, and commerce. See unclassified telegram 1439.

³⁰¹ The centers serve as clearinghouses for allegations; offer psychological, social, and legal counseling; and attempt to create safer environments for victims. *Sentinela* currently has 40 centers and aims to have 200 by the end of 2001. Centers work with a network of NGOs and public officials to guarantee the rights of victims of abuse and of children working as prostitutes. See Mark Mittelhauser, Labor Attache at U.S. Consulate, Sao Paulo, Brazil, E-mail to ICLP official, September 28, 2001.

³⁰² Viviane Lima, *O Povo*, CE, p. 18, September 9, 2001, as cited in *CPI do Turismo Sexual em Fortaleza já tem denúncias*, Agência de Notícias dos Direitos da Infância, at <http://www2.uol.com.br/andi/noticias/sexta.htm> on 09/25/01.

³⁰³ Unclassified telegram 1715. Overall, the Federal Ministry of Welfare and Social Assistance (MPAS) provides guidelines and most of the funding, but state and municipal governments are charged with implementing the bulk of the program locally. The government's PETI has grown from a pilot project in a few municipalities in two states in 1996 to over 160 municipalities in 13 states by the end of 1999. See unclassified telegram 1439.

³⁰⁴ Mark Mittelhauser, Labor Attache at U.S. Consulate, Sao Paulo, Brazil, E-mail to ICLP official, October 9, 2001.

³⁰⁵ Secretaria de Educação Fundamental, Ensino Fundamental, Programa de Aceleração da Aprendizagem, at <http://www.mec.gov.br/sef/fundamental/proacele.shtm>.

³⁰⁶ Ministerio da Educação, Notícias—Dezembro/2001, Programa da Merenda Escolar é destaque em 2001, December 26, 2001.

³⁰⁷ *EFA 2000 Assessment* at http://www2.unesco.org/wef/countryreports/brazil/rapport_1.html.

³⁰⁸ According to the survey, 3.8 million children were working. Instituto Brasileiro de Geografia e Estatística, Pesquisa Nacional por Amostra de Domicílios, PNAD—1999, as cited in UNICEF, Brasil, *Indicadores sobre crianças e adolescentes: Brasil 1990-1999*, UNICEF/IBGE 2001 Fundo das Nações

region and is particularly common in rural areas.³⁰⁹ Children work on commercial orange, sugar cane, and sisal farms; in traditional sectors of the Brazilian economy, including the shoe, logging, mining and charcoal industries; and as domestic servants and scavengers in garbage dumps. Children are also involved in prostitution, pornography and the trafficking of drugs.³¹⁰ Most child and adolescent laborers are not paid for their work.³¹¹

Basic education (grades one through eight) is free and compulsory for children between the ages of 7 and 14.³¹² In 1998, the gross primary enrollment rate was 128 percent, and the net primary enrollment rate was 95.3 percent.³¹³ Primary school attendance rates are unavailable for Brazil. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³¹⁴

Child Labor Laws and Enforcement

The Constitution sets the minimum age for general employment at 16 years and the minimum age for apprenticeships at 14 years. These minimum age standards were raised from 14 years and 12 years, respectively, after a 1998 Constitutional amendment.³¹⁵ The 1990 Statute on

Unidas para a Infancia—UNICEF, Tabelas 9 and 153, p. 38, 220. Statistics for Brazil generally employ the term “minors” to refer to anyone below age 12 and the term “adolescents” to refer to anyone between ages 12 and 18. See Estatuto da Criança e Adolescente, Livro I, Parte Geral, Título I: Das Disposições Preliminares, at <http://www.ibge.gov.br/ibgeteen/estatuto/estatuto.html>.

³⁰⁹ Ministério do Trabalho e Emprego, Quantitativo dos Ocupados na Semana de Referência, PNAD—1999, 26/09/01. In 1999, an estimated 57 percent of working boys and 52 percent of working girls between ages 5 and 15 lived in rural regions. See Ministério do Trabalho e Emprego, Ocupados por área geoeconômica Rural ou Urbana, PNAD –1999, 26/09/01.

³¹⁰ “Toil for Tots: Low Wages and Unemployment are Mainstream Concerns in Brazilian Society, but Their Most Painful Sign is the Exploitation of Child Labor,” *Brazil*, July 1998, at <http://www.brazil-brasil.com/p24jul98.htm> on 09/26/01. See also International Confederation of Free Trade Unions, *Internationally Recognized Core Labour Standards in Brazil: Report for the World Trade Organization General Council Review of Trade Policies of Brazil* (Geneva, October 25 and 27, 2000), at <http://www.icftu.org/displaydocument.asp?Index=991211582&Language=EN&Printout+Yes> ; unclassified telegram 1439; *Country Reports on Human Rights Practices for 2000—Brazil* (Washington, D.C.: U.S. Department of State, 2001), Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid=724>; and Xisto Tiago de Medeiros Neto, O Procurador-Geral do Trabalho, *Diário de Natal, Opinião, A crueldade do Trabalho infantil*, 21/10/2000 [hereinafter de Medeiros Neto, *A crueldade do Trabalho infantil*], at <http://www.pgt.mpt.gov.br/noticias/noticia17.html>.

³¹¹ Of those minors who are paid for work, 90 percent receive less than the national minimum wage. See de Medeiros Neto, *A crueldade do trabalho infantil*.

³¹² Unclassified telegram 1439. See also Estatuto da criança e do Adolescente, Capítulo IV—Do Direito à Educação, à Cultura, Ao Esporte e Ao Lazer, Artigo 54, at <http://www.pgt.mpt.gov.br/cnti/legislacao%20-%20ECA.html>.

³¹³ UNESCO, *The Education for All (EFA) Assessment: Country Reports—Brazil* (Paris, 2000) [CD-ROM].

³¹⁴ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

³¹⁵ Unclassified telegram 1439. See also Emenda Constitucional no. 20, de 15/12/98, O Ministério Público

Children and Adolescents (ECA) prohibits children under the age of 18 from working in unhealthy, dangerous and arduous conditions, at night, or for long hours that impede school attendance. It also prohibits children less than 18 years of age from carrying heavy loads and work in settings where their physical, moral or social being is at risk.³¹⁶ Under the Penal Code, it is illegal to hire workers with the intention of transporting them to another state or national territory.³¹⁷

The Ministry of Labor and Employment is responsible for training inspectors to determine child labor work site violations.³¹⁸ Employers that violate Brazil's child labor laws are subject to monetary fines although the initial levying of fines usually occurs only after several violations.³¹⁹ Ministry enforcement of child labor laws is weakened by a lack of resources, an insufficient number of inspectors, and statutory limitations.³²⁰ Brazil ratified ILO Convention 138 on June 28, 2001 and ILO Convention 182 on February 2, 2000.³²¹

do Trabalho na Erradicação do Trabalho Infantil e na Proteção do Trabalho do Adolescente [hereinafter Erradicação do Trabalho Infantil], at [binfantil/index.html](http://www.pgt.mpt.gov.br/trabinfantil/index.html)" <http://www.pgt.mpt.gov.br/trabinfantil/index.html>.

³¹⁶ Erradicação do Trabalho Infantil .

³¹⁷ Violators can be fined and incarcerated for 1 to 3 years. The punishment increases if the victim is younger than age 18. See Erradicação do Trabalho Forçado at <http://www.pgt.mpt.gov.br/trabescravo/atuacao.html>.

³¹⁸ Unclassified telegram 1439.

³¹⁹ In the state of Alagoas, the State Forum for the Eradication of Child Labor reports that low fines and poor fine collection contribute to a sense of impunity among many violators of child labor laws. Ibid.

³²⁰ Ibid.

³²¹ ILO, International Labour Standards and Human Rights Department, ILOLEX databases at <http://ilolex.ilo.ch:1567/scripts/ratifce.pl?C138> and <http://ilolex.ilo.ch:1567/scripts/ratifce.pl?C182>.

NOTE: Hard copies of all Web citations are on file.

Bulgaria

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

The Government of Bulgaria is working with IOM to implement a public awareness campaign on the trafficking of women and children. IOM also operates a regional program that assists trafficked women and children to return to their home countries, including Bulgaria, and organizes regional forums to address the issue.³²² The government's Committee for Young People and Children implements legislation and measures protecting the rights of children, including those related to child labor.³²³ In 2001, the Government of Bulgaria produced the Strategy and Action Plan on Protecting the Rights of Children in Bulgaria that focuses on promoting the welfare of abandoned children.³²⁴ In addition, the Ministry of Education, Science and Technologies initiated programs to boost regular attendance rates and prevent dropouts among children, and to build awareness of labor rights for children.³²⁵

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 14 percent of children between the ages of 5 and 17 in Bulgaria were working.³²⁶ Roma children are particularly susceptible to child labor.³²⁷ Children engaging in paid work outside of the home work in the trade and service sectors, transport and

³²² IOM, *IOM Counter Trafficking Strategy for the Balkans and Neighboring Countries*, January 2001 [hereinafter *IOM Counter Trafficking Strategy*], at http://www.iom.int/PDF_Files/Balkan_strategy.pdf on 9/28/01.

³²³ UN Committee on the Rights of the Child, *Summary Record of the 345th Meeting: Initial Report of Bulgaria*, CRC/C/SR.345, January 30, 1997.

³²⁴ The action plan was developed in 2000 and updated in the 2001 governmental program plan. See Government of Bulgaria Strategy and Action Plan on Protecting the Rights of Children in Bulgaria 2000-2003 [on file].

³²⁵ Some of the Ministry of Education's programs are being implemented in cooperation with UNESCO or NGOs. See UN Committee on the Rights of the Child, *Summary Record of the 347th Meeting, Consideration of Reports of States Parties (continued), Bulgaria*, CRC/C/SR.347, January 8, 1997. See also U.S. Embassy—Sofia, unclassified telegram no. 4519, June 2000 [hereinafter unclassified telegram 4519].

³²⁶ Six percent of children (83,000) work for payment, 32 percent (418,000) work on the household farm, and 47 percent (611,000) work in the household. Of the children performing paid labor, 94.1 percent do not have a contract. See ILO-IPEC, *Problems of Child Labor in the Conditions of Transition in Bulgaria*, study project (Sofia, 2000) [hereinafter *Problems of Child Labor*] at 13, 31, 32.

³²⁷ The Roma are an ethnic minority in Bulgaria, comprising between 3.5 and 7 percent of the total population. Approximately 85 percent of street children in Bulgaria are thought to be ethnic Roma. See UN Committee on the Rights of the Child, *Summary Record of the 345th Meeting, Consideration of Reports of States Parties—Bulgaria*, CRC/C/SR.345, January 8, 1997 [hereinafter *Reports of States Parties*]. See also *Country Reports on Human Rights Practices for 2000—Bulgaria* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/705.htm>.

communications, construction, agriculture, and forestry.³²⁸ Children also engage in unpaid work for family businesses or farms, and in their households.³²⁹ The prostitution of children often occurs through organized crime rings. The police estimate that 10 percent of prostitutes are minors, many as young as 14 years old.³³⁰ Trafficking in young girls is also a problem in Bulgaria. Girls as young as 14 years of age have been kidnapped and smuggled out of the country to destinations across Europe.³³¹

Education is 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 7.³³² In 1996, the gross primary enrollment rate was 98.9 percent, and the net primary enrollment rate was 91.8 percent.³³³ Roma children have particularly low attendance and high dropout rates.³³⁴

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 16 years. Exceptions to the Labor Code stipulate that children under 16 can work in government-approved jobs with the consent of a parent and that children may not work in hazardous conditions until the age of 18 years.³³⁵ Children under 18 are required to work reduced hours and are prohibited from night work

³²⁸ The informal sector is also problematic. Young children work as panhandlers, particularly among the minority Roma population. Child labor has been reported by Trade Union Labor Inspectors in factories producing textiles and leatherwork, although this work generally involves older children age 16 or 17. See *Country Reports 2000* at Section 6d. See also *Problems of Child Labor* at 32-36.

³²⁹ *Problems of Child Labor* at 32-36.

³³⁰ *Ibid.* at 54. See also European Parliament, *Trafficking in Women*, working paper (Brussels, March 2000).

³³¹ Bulgaria is both a source and a transit country for human trafficking. No official statistics on trafficking of children are available. Bulgarian women are trafficked to Poland, the Netherlands, the Czech Republic, Germany, Belgium, France, Canada, the Federal Republic of Yugoslavia (including Kosovo), Romania, Hungary, Macedonia, Italy, Greece, Cyprus, and Turkey. In addition to trafficking out of Bulgaria, women have been trafficked into Bulgaria from the former Soviet Union and Macedonia for the purpose of prostitution. See *Country Reports 2000* at Section 6f and *IOM Counter Trafficking Strategy*.

³³² Parents are responsible for ensuring that their children attend school. Failure to comply warrants a fine. See National Education Act, 1991, Articles 6, 7 (*State Gazette*, No. 86/18.10.1991), at <http://www.bild.net/legislation/> on 9/28/01.

³³³ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

³³⁴ *Problems of Child Labor*.

³³⁵ Children under age 16 may also be employed within the “sphere of culture,” including film, theater, or entertainment. Comprehensive Bulgarian legislation pertaining to child labor can be found in the Labor Code, Chapter 15, Section I, “Special Protection of Children,” Articles 301-305, which were adopted after Bulgaria ratified ILO Conventions 138 and 182. See *Problems of Child Labor* at 59. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports of States Parties Due in 1993, Bulgaria*, CRC/C/8/Add.29, October 12, 1995 [hereinafter *Initial Reports of States Parties*].

and overtime.³³⁶ The Family Code establishes legal protections for children working in family businesses.³³⁷ In May 2000, the government passed the Child Protection Act, which prohibits the employment of children in begging and prostitution, among other potentially harmful acts.³³⁸ The Bulgarian Constitution prohibits forced labor.³³⁹ The Bulgarian Penal Code forbids procuring women for prostitution, abducting a woman for the purposes of sexual exploitation, and depriving any individual of his or her liberty.³⁴⁰

The Ministry of Labor and Social Policy is responsible for enforcing child labor laws, but inspection and monitoring is weak, particularly for the informal sector and for trafficking.³⁴¹ The Bulgarian Government ratified ILO Convention 138 on April 23, 1980 and ILO Convention 182 on July 28, 2000.³⁴²

³³⁶ Bulgarian Labor Code (*State Gazette*, No. 26 and 27/1986), Articles 137, 140, 147, at <http://www.bild.net/legislation/> on 9/28/01.

³³⁷ *Problems of Child Labor* at 60.

³³⁸ *Problems of Child Labor* at 59. See also “Parliament Sets Up Child Protection Agency,” FBIS Report, Serial No. EU0005180273, May 2000.

³³⁹ Constitution of Bulgaria, 1991, Article 48 (4), at http://www.uni-wuerzburg.de/law/bu_indx.html on 9/28/01.

³⁴⁰ Article 142a prohibits trafficking by criminalizing the illegal deprivation of liberty of a person and, in cases involving minors, establishes a penalty of jail for three to 10 years. Articles 155 and 156 prohibit the abduction or persuasion of a female for prostitution, and Article 188 sets specific penalties of up to six years imprisonment for those who compel a minor to engage in prostitution. See *Human Rights Report on Trafficking of Women and Children: Bulgaria*, The Protection Project Database, at <http://www.protectionproject.org>.

³⁴¹ Employers and the Ministry of Labor and Social Policy are responsible for enforcing child labor laws. While inspectors are not reported to provide effective enforcement, Bulgaria’s trade unions have the right to inspect enterprises, and union inspectors have been known to report incidents of child labor. Enforcement of trafficking laws is particularly weak, however. There are unconfirmed reports that local police are involved in trafficking, that no suspected traffickers have been brought to trial, and that judges and prosecutors fear reprisals from organized crime figures should they pursue trafficking charges. In 2000, the Ministry of Labor Inspectorate conducted checks on 5.7 percent of all enterprises, or 57 percent of all employees, in Bulgaria. In the first six months of 2001, the Inspectorate detected 473 violations of child labor laws. See unclassified telegram 4519;z U.S. Embassy—Sofia, unclassified telegram no. 5059, October 2001; and *Country Reports 2000*.

³⁴² ILOLEX database at <http://ilolex.ilo.ch:1567/english/> on 9/28/01.

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Burkina Faso

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

The Government of Burkina Faso has been a member of ILO-IPEC since 1999 and has created a National Action Plan Against Child Labor as a part of the program.³⁴³ Burkina Faso is part of a nine-country ILO-IPEC regional program funded by USDOL to combat the trafficking of children in West and Central Africa.³⁴⁴ In addition, in a 2001 diplomatic note to foreign ministries, the government appealed to UNICEF, the ILO, and the international community to help Burkina Faso eradicate child trafficking and reaffirmed its commitment to conventions guaranteeing children's rights.³⁴⁵ In 2004, a national child labor survey will be conducted in Burkina Faso, with technical assistance from ILO-IPEC's SIMPOC.³⁴⁶ As part of its efforts to combat exploitative child labor, the Government has produced and distributed documentaries on child labor in the mining and domestic sectors, and produced a television series on child labor.³⁴⁷ A May 2001 workshop on children's rights was held by the military, and the government organized seminars for customs officers on halting the activities of child traffickers.³⁴⁸ In addition, it has supported NGO efforts to shelter and educate street children, child prostitutes, and other at-risk children.³⁴⁹

The Government of Burkina Faso has made efforts to improve and increase the provision of primary education. Education receives the largest portion of the government's budget.³⁵⁰ It has welcomed donor support to fund programs that promote schooling and make the primary curriculum more relevant.³⁵¹ Between the years 1990 and 2000, the government increased the portion of the education budget dedicated to basic education and invested in the construction of additional

³⁴³ U.S. Department of State, *Trafficking in Persons Report, 2001* (Washington, D.C., 2001) [hereinafter *Trafficking in Persons Report*], 34.

³⁴⁴ ILO-IPEC, *Combating Trafficking in Children for Labour Exploitation in West and Central Africa* (Geneva, 2001) [hereinafter *Combating Trafficking in Children*], 9, at <http://www.ilo.org/public/english/standards/ipecc/publ/field/africa/central.pdf>.

³⁴⁵ U.S. Embassy-Ouagadougou, unclassified telegram no. 1153, June 1, 2001 [hereinafter unclassified telegram 1153].

³⁴⁶ ILO-IPEC, E-mail correspondence on SIMPOC countries to USDOL official, January 18, 2001 [on file]. See Also ILO-IPEC, *Child Labor Statistics: SIMPOC Countries*, at <http://www.ilo.org/public/english/standards/ipecc/simpoc/countries.htm> on 1/29/02.

³⁴⁷ Ibid.

³⁴⁸ Ibid.

³⁴⁹ Ibid.

³⁵⁰ Ibid.

³⁵¹ Ibid.

school facilities.³⁵² In addition, the development of the education sector with a focus on basic education is included in Burkina Faso's poverty reduction strategy for debt reduction under an International Monetary Fund and World Bank initiative.³⁵³

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 44.9 percent of children between the ages of 10 and 14 in Burkina Faso were working.³⁵⁴ Most working children are found in agriculture, mining, and domestic service.³⁵⁵ An ILO study estimated that 81,000 children in Burkina Faso's two largest cities have been "placed" in work situations by an intermediary.³⁵⁶ Burkina Faso is a transit and destination country for trafficked children.³⁵⁷ Children are trafficked from Burkina Faso to countries including Cote d'Ivoire, Benin, Ghana, Mali, and Nigeria to work primarily in agriculture, and sometimes in prostitution.³⁵⁸ Children are trafficked to Burkina Faso to work as domestic servants, street vendors, in agriculture, and in prostitution.³⁵⁹ The HIV/AIDS epidemic has orphaned numerous children, thereby increasing the population of street children, an at-risk group for child labor.³⁶⁰

Education is compulsory for children until the age of 16, but in practice, many children do not complete even primary school.³⁶¹ In 1996, the gross primary enrollment rate was 38.4 percent,

³⁵² "Burkina Faso Qualifies for HIPC Debt Relief Totaling USD 700 Million: West African Country Completes Original HIPC Initiative and Qualifies for Additional Relief Under Enhanced Framework," World Bank, news release no. 2001/008/S, July 11, 2000.

³⁵³ Ministry of Economy and Finance, Burkina Faso, *Poverty Reduction Strategy Paper*, draft report, May 25, 2000, 38, 39. See also IMF and International Development Association, *Burkina Faso: Completion Point Document for the Original Heavily Indebted Poor Countries (HIPC) Initiative and Second Decision Point for the Enhanced HIPC Initiative*, June 19, 2000 [hereinafter *Completion Point Document*], 42.

³⁵⁴ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

³⁵⁵ U.S. Embassy—Ouagadougou, unclassified telegram no. 1505, September 2001 [hereinafter unclassified telegram 1505].

³⁵⁶ ILO-IPEC, "Study Concerning Child Trafficking for the Purpose of Exploiting Their Labor in West and Central African Countries—The Case of Burkina Faso," as cited in electronic correspondence between U.S. Department of State official, U.S. Embassy Ouagadougou, Christopher Palmer, and ICLP official, April 15, 2002 [hereinafter electronic correspondence].

³⁵⁷ *Trafficking in Persons Report* at 34.

³⁵⁸ *Combating Trafficking in Children* at 9. See also *Trafficking in Persons Report* at 34. See also electronic correspondence.

³⁵⁹ *Combating Trafficking in Children* at 9, 11.

³⁶⁰ President of Burkina Faso, address at the XII International Conference on AIDS and Sexually Transmitted Diseases in Africa (ICASA), Ouagadougou, Burkina Faso, December 2001. Full text is at <http://www.cisma2001.bf/us/>.

³⁶¹ Unclassified telegram 1505.

and the net primary enrollment rate was 32.4 percent.³⁶² According to UNDP, school enrollment is lower among children in rural areas, and particularly among girls.³⁶³ Primary school attendance rates are unavailable for Burkina Faso. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁶⁴ In principle, the government bears the cost of primary and secondary education, but communities are frequently responsible for constructing primary school buildings and teachers' housing. Even when schools are present, many families cannot afford school fees.³⁶⁵

Child Labor Laws and Enforcement

The Labor Code sets the minimum age of employment in Burkina Faso at 14 years, but children who are 12 or 13 years old may perform light work for up to four and a half hours per day in the domestic and agricultural sectors; other light work is permitted for children under the age of 12.³⁶⁶ Despite labor regulations, children in all sectors often work long hours, particularly in the agricultural and mining sectors and in domestic service.³⁶⁷ Slavery and like practices, cruelty toward children, and the degradation of human beings are forbidden by the Constitution.³⁶⁸ The Penal Code prohibits kidnapping, violence, and mistreatment of children.³⁶⁹ While trafficking is not specifically forbidden, a number of laws may be used to prosecute traffickers.³⁷⁰ The Code forbids direct and indirect involvement in the prostitution of persons, and explicitly proscribes that of persons less than 18 years of age.³⁷¹ Contributing to the corruption or debauchery of a minor is

³⁶² UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

³⁶³ *Completion Point Document* at 10.

³⁶⁴ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

³⁶⁵ Unclassified telegram 1505.

³⁶⁶ Burkina Faso Labor Code, Article 87 (December 22, 1992), as cited in Diedi Dembele, U.S. State Department official, electronic correspondence to USDOL official, December 5, 2001. *See also* unclassified telegram 1505 and electronic correspondence with U.S. Embassy in Burkina Faso, December 5, 2001.

³⁶⁷ Unclassified telegram 1505.

³⁶⁸ Article 2 of the Constitution of Burkina Faso, as cited in UN Committee on the Elimination of Racial Discrimination, *Reports Submitted by States Parties Under Article 9 of the Convention, Eleventh Periodic Report of States Parties Due in 1995, Addendum, Burkina Faso*, CERD/C/279/Add.2, March 1997.

³⁶⁹ *Trafficking in Persons Report* at 34. *See also* unclassified telegram 1153.

³⁷⁰ *Ibid.*

³⁷¹ 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* Burkina Faso Criminal Code [hereinafter Burkina Faso Criminal Code], Articles 334 and 334-1, as reported in The Protection Project Database at <http://www.protectionproject.org>.

also illegal.³⁷² Penalties specified for these crimes apply even if the offences are committed in different countries.³⁷³

The Ministry of Social Affairs and the Directorate of Labor, Health, and Security, Child Labor and Trafficking Division at the Ministry of Labor enforce child labor laws.³⁷⁴ The Ministry of Labor has few inspectors to enforce labor laws, and the government has minimal resources to conduct child labor investigations.³⁷⁵ In 1997, the government conducted an investigation targeting the employers of 2,000 children in the agriculture, mining, and domestic sectors, and in 2001, the government prosecuted a foreign national accused of trafficking children in Burkina Faso.³⁷⁶ Burkina Faso ratified ILO Convention 138 on February 11, 1999, and ILO Convention 182 on July 25, 2001.³⁷⁷

³⁷² 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. The full text is in the Burkina Faso Criminal Code at Article 334-1.

³⁷³ Burkina Faso Criminal Code at Article 334-1.

³⁷⁴ Penalties for child labor law violations include 3-month to 5-year prison sentences and fines ranging from CFAF Franc-BCEAO 5,000 to 600,000 (USD 7 to USD 811). See unclassified telegram 1505. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 1/25/02.

³⁷⁵ Unclassified telegram 1505.

³⁷⁶ No child labor investigation or inspection has resulted in convictions or the imposition of fines, with the exception of efforts made to prosecute child traffickers. In May 2001, the governments of Burkina Faso and Cote D'Ivoire worked together to repatriate 104 children from Cote D'Ivoire. In June 2001, 10 children from Niger, ages 6 to 15, were intercepted by Burkinabe police in Dori. Also in 2001, police arrested and prosecuted a Ghanaian national for child trafficking. See unclassified telegram 1505 and U.S. Embassy—Ouagadougou, unclassified telegram no. 1153, June 2001.

³⁷⁷ ILO, List of Ratifications of International Labour Conventions, Burkina Faso, at <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-ratif8conv.cfm?Lang=EN>.

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Burundi

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

The Government of Burundi is participating in a regional ILO-IPEC program to prevent the participation of children involved in armed conflicts in Central Africa, which is funded by USDOL.³⁷⁸ At a UN Summit on the Rights of the Child in 1990, Burundi announced the establishment of a national plan of action for the survival, development, and protection of rights of children. In the national plan Burundi set the following objectives to accomplish by 2000: (1) ensure basic education for children between 7-12, with full enrollment of children 7 years old; (2) increase the net primary enrollment rate to 80 percent; and (3) facilitate the reinstatement of street children in school.³⁷⁹ In December 2000, Burundi reported on progress toward the goals. According to the report, only 47 percent of school age children attended school, with significant differences between urban and rural areas (67 percent in urban areas and 46 percent in rural areas) and between the north (42 percent) and other areas of the country (54 percent in the south and 52 percent in the west).³⁸⁰ According to testimony before the UN Committee on the Rights of the Child, Burundi undertook a children's rights awareness campaign throughout the country. By holding seminars and establishing Provincial Committees, the initiative looked to engage civil society on the protection and promotion of children's rights.³⁸¹

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 48.6 percent of children between the ages of 10 and 14 in Burundi were working.³⁸² Children are engaged in subsistence agriculture, family-run enterprises, and the informal sector.³⁸³ In rural areas, children under the age of 16 engage in heavy manual labor during the school day.³⁸⁴ Soldiers also force children to work as domestics or as porters.

³⁷⁸ ILO, *Phase I: Regional Programme on the Prevention and Reintegration of Children Involved in Armed Conflicts in Central Africa*, project document (Geneva: 2001) [on-file].

³⁷⁹ The report also indicated that of the 80 percent of children who enter first grade, 20 percent drop off by fifth grade. See *Enquete Nationale d=Evaluation des Conditions de vie de l=Enfant et de la Femme au Burundi*, Ministere de la Planification de Developpement et de la Reconstruction, Institut de Statistiques et D'etudes Economiques de Burundi, Rapport Prelimiare, ENECEF-Burundi, December 2000 [hereinafter *Enquete Nationale d=Evaluation des Conditions*].

³⁸⁰ *Enquete Nationale d=Evaluation des Conditions* at 5.

³⁸¹ UN Committee on the Rights of the Child, *Summary Record of the 645th Meeting, Burundi*, CRC/C/SR.645 (Geneva, September 26, 2000).

³⁸² *World Development Indicators 2001* (Washington D.C.: World Bank, 2001) [CD-ROM].

³⁸³ *Country Reports on Human Rights Practices for 2000—Burundi* (Washington, D.C.: U.S. Department of State, 2000) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/703.htm>.

³⁸⁴ *Ibid.*

Children as young as 12 years old have been recruited as soldiers in the civil war between the Tutsi-dominated security forces and the Hutu-dominated armed opposition groups.³⁸⁵ Children also work as prostitutes.³⁸⁶

Education in Burundi is compulsory for six years, between the ages of 7 and 13.³⁸⁷ In 1998, the gross primary enrollment rate was 62 percent, and the net primary enrollment rate was 37 percent.³⁸⁸ Primary school attendance rates are unavailable for Burundi. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁸⁹ The government attempts to provide for most of the costs of education through grade six.³⁹⁰ An inequitable distribution of educational resources favors children in the south and central regions of the nation.³⁹¹ Discrimination against females has resulted in differential access of girls to education.³⁹² More than a quarter of the country's primary schools were destroyed in the war, and many teachers have been killed. Teacher training has been interrupted and it is difficult to recruit teachers to provincial areas affected by fighting.³⁹³

Child Labor Laws and Enforcement

The Labor Code sets the minimum age of employment at 16 years in "an enterprise," even for apprenticeships. Under the Labor Code, children less than 16 may engage in occasional work that does not interfere with their schooling or cause harm to their health.³⁹⁴ The Penal Code prohibits facilitating the prostitution or corruption of a person who appears to be younger than age 21. Violations are punishable by up to 10 years of imprisonment. More severe penalties may result for exploiting or facilitating the prostitution of minors younger than age 18. There is no law

³⁸⁵ Ibid at Section 6c. Girls may become the property of particular soldiers and are used for domestic labor and sex. *See also* Coalition to Stop the Use Of Child Soldiers, *Global Report 2001: Burundi* [hereinafter *Global Report 2001*], at <http://www.child-soldiers.org/report2001/countries/burundi.html>. *See also* Worst Forms of Child Labour Data: Burundi [hereinafter *Child Labour Data*] at <http://www.globalmarch.org/worstformsreport/world/burundi.html>.

³⁸⁶ *Country Reports 2000* at Section 6d

³⁸⁷ UNESCO, "National Education Systems," Institute for Statistics, at http://unescostat.unesco.org/statsen/statistics/yearbook/tbles/Table3_1.html.

³⁸⁸ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

³⁸⁹ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

³⁹⁰ *Country Reports 2000* at Section 5.

³⁹¹ Ibid.

³⁹² International Women's Rights Action Watch at <http://www.igc.org/iwraw/publications/countries/burundi.html>.

³⁹³ *Country Reports 2000* at Section 5.

³⁹⁴ Ibid. at Section 6d.

specifically prohibiting trafficking in persons.³⁹⁵ Article 50 of the Constitution calls upon every citizen to participate in the defense of the country and the age of compulsory recruitment is between 16 and 25 years. In 1996, Burundi established a compulsory civic service for all young people who have completed secondary school, but according to the UN Special Rapporteur the service is more of a military than civilian nature.³⁹⁶ Burundi ratified ILO Convention 138 on July 19, 2000, and has not ratified ILO Convention 182.³⁹⁷

³⁹⁵ *Ibid.* at Section 6f. See also *The Protection Project: Commercial Exploitation of Women and Children, A Human Rights Report—Burundi*.

³⁹⁶ The government states that in practice no one under age 18 is recruited, but there has been no qualification regarding the practice of accepting those under age 18. See *Global Report 2001*. See also Child Labour Data.

³⁹⁷ ILO, Ratifications of the Fundamental Human Right Conventions by Country, at <http://www.ilolex.ilo.ch:1567/english/docs/declworld.htm>.

NOTE: Hard copies of all Web citations are on file.

Cambodia

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

The Government of Cambodia has been a member of ILO-IPEC since 1996. The government has adopted national action plans for children's issues³⁹⁸ and for combating the trafficking and sexual exploitation of children.³⁹⁹ The National Institute of Statistics (NIS) conducted the first national child labor survey for Cambodia in 1996 with technical assistance from ILO-IPEC's SIMPOC, and a follow-up survey on child labor is currently taking place under the guidance of NIS and SIMPOC.⁴⁰⁰

ILO-IPEC projects in Cambodia aim to remove children engaged in child labor in the brick making, rubber, salt, and fishing sectors.⁴⁰¹ In 2001, the USDOL funded a project in Cambodia to eliminate hazardous work in salt production, commercial rubber farms, and fish and shrimp processing centers in Cambodia.⁴⁰² The Government of Cambodia, with support from ILO-IPEC, also conducts training on child labor for labor inspectors and awareness-raising programs through radio broadcasts. Various ministries have conducted training seminars to improve assistance for victims of trafficking and sexual exploitation.⁴⁰³ The Ministry of Social Affairs, Labor Vocational Training and Youth Rehabilitation (MOSALVY) works with UNICEF and IOM to return trafficked children to their homes.⁴⁰⁴ A joint project with the Ministry of Interior (MOI), UNICEF, IOM, World Vision, the United Nations Cambodia Office of the High Commission for Human Rights, and Redd Barna developed training materials and procedures for ongoing MOI police training to combat sexual exploitation.⁴⁰⁵

³⁹⁸ *National Programme of Action for Children in Cambodia, 1998-2000* (Phnom Penh: Cambodian National Council for Children, undated), 17.

³⁹⁹ *Five Year Plan Against Trafficking and Sexual Exploitation of Children, 2000-2004* (Phnom Penh: Cambodian National Council for Children, April 2000).

⁴⁰⁰ *Report on Child Labor in Cambodia, 1996*, National Institute of Statistics, Phnom Penh, Cambodia, 1997, at <http://www.ilo.org/public/english/standards/ipecc/simpoc/cambodia/cambodia.pdf> on 1/29/02. See also ILO-IPEC, *Child Labor Statistics: SIMPOC Countries*, at <http://www.ilo.org/public/english/standards/ipecc/simpoc/countries.htm> on 1/29/02.

⁴⁰¹ U.S. Embassy— Phnom Penh, unclassified telegram no. 1719, September 2000 [hereinafter unclassified telegram 1719].

⁴⁰² ILO-IPEC, *Project Document: Combating Child Labor in Hazardous Work in Salt Production, Rubber Plantations, and Fish/Shrimp Processing Centers in Cambodia* (Geneva, 2001) [on file].

⁴⁰³ Unclassified telegram 1719.

⁴⁰⁴ Ibid.

⁴⁰⁵ *Cambodia Country Paper*, delivered at the ILO/Japan Asia Meeting on the Trafficking of Children for Labour and Sexual Exploitation (Manila, the Philippines, October 10-12, 2001). See also Laurence Gray, World Vision's CEDC Program Manager, interview by USDOL official, October 17, 2000.

The government also works with various donors and NGOs on education issues, focusing on improving the quality of education and access to primary school. ILO-IPEC is currently working with the government to create a non-formal education program for former child workers.⁴⁰⁶ The Ministry of Education, Youth and Sport (MOEYS) also began a Priority Action Program in ten provincial towns, charging no school fees and providing books on loan.⁴⁰⁷ In 1999, MOEYS set a goal for 75 percent of all primary schools to have a complete range of classes through grade six by 2004. Currently only 48 percent of schools meet this standard.⁴⁰⁸ A Nonformal Education Department within MOEYS focuses on delivering tailored education services to meet the needs of people of all ages.⁴⁰⁹ The Asian Development Bank supported projects to design and print new primary school textbooks,⁴¹⁰ and to assist MOEYS in developing a basic education plan that is responsive to the needs of the poor.⁴¹¹ Additionally, the World Bank is facilitating MOEYS' development of a participatory approach to improving school quality and performance through the effective management of available resources, and provided assistance for the construction of schools in rural areas in 1999.⁴¹²

Incidence and Nature of Child Labor

In 1999, the Cambodian National Institute of Statistics estimated that 9.8 percent of children between the ages of 5 and 14 in Cambodia were working.⁴¹³ Beginning at around the age of 12, the percentage of working girls begins to outnumber that of boys.⁴¹⁴ More children work in rural areas than in urban areas.⁴¹⁵ The vast majority of working children in Cambodia are engaged

⁴⁰⁶ Unclassified telegram 1719.

⁴⁰⁷ Director of Nonformal Education, Department of Ministry of Education, Youth and Sports, interview by USDOL official, October 17, 2000 [hereinafter Director of Nonformal Education interview]. Students must still provide materials such as paper and pens.

⁴⁰⁸ *Education in Cambodia* (Phnom Penh: Ministry of Education, Youth and Sport's Department of Planning, July 1999), 14.

⁴⁰⁹ Director, Nonformal Education Department of MOEYS, interview by USDOL official, October 17, 2000 [hereinafter Director of Nonformal Education interview].

⁴¹⁰ *Asian Development Bank's Country Assistance Plan, 2000-2002: Cambodia* (Asian Development Bank, December 1999), 7.

⁴¹¹ *Cambodia Education Sector Development Plan, PPTA: CAM33396-01*, at <http://www.adb.org/Documents/Profiles/PPTA/33396012.ASP>.

⁴¹² The World Bank and Cambodia at <http://wbln0018.worldbank.org/eap/eap.nsf/236c318fc341033852567c9006baf9a/a32746333316f90852567d700792a4c?OpenDocument>.

⁴¹³ According to the survey, 313,811 children were working. *Report on the Cambodia Socio-Economic Survey 1999* (Phnom Penh: National Institute of Statistics, Ministry of Planning, 2000) [hereinafter *Cambodia Socio-Economic Survey*], 40. In 1999, approximately 65,000 children ages 5 to 13 worked over 25 hours a week and did not attend school. See *Human Development Report* at 57.

⁴¹⁴ *Cambodia Human Development Report 2000: Children and Employment* (Phnom Penh: Ministry of Planning, 2000) [hereinafter *Human Development Report*], 29. Whereas approximately 50 percent of all girls between ages 14 and 17 work, only 33 percent of boys in the same age group work.

⁴¹⁵ *Cambodia Socioeconomic Survey* at 39.

in the agriculture, forestry, and fishing sectors.⁴¹⁶ Children also are exposed to hazardous conditions in brick factories and on commercial rubber farms; in construction and salt production; and as stonecutters, fish processors, porters, street vendors, and garbage pickers.⁴¹⁷ Street children engage in begging, shoe polishing and other income-generating activities.⁴¹⁸ Children, primarily girls, also work as domestic servants.⁴¹⁹

There are reports that some children are held in debt bondage as commercial sex workers until they work off loans provided to their parents.⁴²⁰ Cambodia is reported to be a country of origin, transit and destination for trafficking in persons for the purposes of prostitution and various forms of bonded labor, including begging. Children are trafficked internationally, mostly to Thailand, for the purposes of commercial sexual exploitation or bonded labor. Most victims being trafficked into Cambodia come from Vietnam. Internal trafficking occurs from rural to urban areas for the purposes of sexual exploitation and forced labor.⁴²¹

The Constitution provides for nine years of free schooling to all citizens, but there are no compulsory education laws.⁴²² In 1998, the gross primary enrollment rate was 89.7 percent, and the net primary enrollment rate was 78.3 percent.⁴²³ Primary school attendance rates are unavailable for Cambodia. While enrollment rates indicate a level of commitment to education, they do not

⁴¹⁶ *Human Development Report* at 33, 34. See also *Country Reports on Human Rights Practices for 2000—Cambodia* (Washington, DC: U.S. Department of State, 2000) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index>.

⁴¹⁷ U.S. Embassy—Phnom Penh, unclassified telegram no. 1077, June 2000. See also UN, *Situation of Human Rights in Cambodia: Report of the Secretary-General, 52nd Session of the General Assembly, A/52/489* (Geneva, October 17, 1997) [hereinafter *Human Rights in Cambodia*], Point 167. See also Chea Pyden, “Garbage Collection Children,” in *Child Workers in Asia*, newsletter, vol. 16, no. 1, 2000, at <http://www.cwa.tnet.co.th/vol16-1/vcaocambodia.htm>.

⁴¹⁸ *Human Development Report* at 39.

⁴¹⁹ *Ibid.* at 41. Most of these children are girls between ages 12 and 15 from remote provinces. Many have never attended school. See Chea Pyden and Un Chanvirak, “Child Labor in Cambodia,” from the *Fifth Regional Consultation of Child Workers of Asia on the Asian Economic Crisis* at <http://www.cwa.tnet.co.th/booklet/cambodia.htm>.

⁴²⁰ Some parents say they are tricked into sending their daughters to the cities. See *Human Development Report* at 37.

⁴²¹ *Human Development Report* at 38. See also U.S. Department of State, *Trafficking in Persons Report, “Victims of Trafficking and Violence Protection Act 2000”* (Washington, D.C., July 2001), 35.

⁴²² Director of Nonformal Education interview. A 1999 MOEYS report noted that only half of Cambodia’s primary schools provide a full 6 years of instruction and 28 districts are without a lower secondary school. Many children, especially girls, do not have access to secondary schools. See *Education in Cambodia* (Phnom Penh: Ministry of Education, Youth and Sport’s Department of Planning, July 1999), 14.

⁴²³ Both gross primary enrollment and net primary enrollment rates are lower for females (84 percent and 74 percent, respectively) than for males (95 percent and 82 percent, respectively). See UNESCO, *Education for All 2000 Assessment* (Paris, 2000) [CD-ROM].

always reflect children's participation in school.⁴²⁴ 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 significantly lower than the national average.⁴²⁵

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 15 years, though children between the ages of 12 and 15 are permitted to do light work that is not hazardous and that does not affect regular school attendance or participation in other training programs.⁴²⁶ The Labor Law prohibits work that is hazardous to the mental and physical development of people under the age of 18, but the law does not define what types of work are considered hazardous.⁴²⁷ Lists of working children below the age of 18 must be kept by employers and submitted to the labor inspector and children must have the consent of a parent or guardian in order to work.⁴²⁸ The Constitution prohibits prostitution and the trafficking of women,⁴²⁹ and the 1996 Law on the Suppression of Kidnapping and Sale of Human Beings outlaws trafficking. Brothel owners, operators, and individuals who prostitute others are all subject to the 1996 law's penalties.⁴³⁰

⁴²⁴ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

⁴²⁵ *Human Rights in Cambodia* at Point 108.

⁴²⁶ Bruce Levine, USDOL official, U.S. Embassy-Phnom Penh, facsimile on Cambodian Labour Law [hereinafter Cambodian Labour Law], Section VIII, Articles 172–181, to USDOL, June 12, 2000 [hereinafter Levine facsimile]. Employers who violate these laws may be fined 31 to 60 days of the base daily wage. Hazardous work is defined as “hazardous to the health, the safety, or the morality of an adolescent.” Article 360 defines the base daily wage as “the minimum wage set by a joint *Prakas* [declaration] of the Ministry in charge of Labour and the Ministry of Justice.” The Labor Advisory Committee (LAC) is tasked with officially determining hazardous work for minors but has yet to provide a list.

⁴²⁷ The Ministry of Social Affairs, Labor, Vocational Training, and Youth Rehabilitation (MOSALVY) is in the process of drafting regulations to define “light” and “hazardous” work. Until the definitions are established, the MOSALVY labor inspectors cannot effectively enforce the law for child workers under age 18. See Cambodian Labour Law at Section VIII, Articles 172–181, in Levine facsimile. See also U.S. Embassy—Phnom Penh, unclassified telegram no. 1973, December 2001.

⁴²⁸ Cambodian Labour Law at Section VIII, Articles 172–181, in Levine facsimile.

⁴²⁹ Constitution of the Kingdom of Cambodia, Article 46, at <http://www.cambodian-parliament.org/Constitution/constitution.htm>.

⁴³⁰ Law on the Suppression of the Kidnapping, Trafficking and Exploitation of Human Beings, as promulgated by Royal Decree No. 0296/01, Article 4. The law stipulates 10 to 15 years of imprisonment for traffickers and their accomplices. Penalties increase if the victim is under age 15: customers of child prostitutes under age 15 face penalties of 10 to 20 years of imprisonment. Penalties of 10 to 20 years of imprisonment are imposed on brothel owners, operators, and individuals who prostitute others.

MOSALVY is responsible for monitoring and enforcing compliance with child labor laws.⁴³¹ However, the number of labor inspectors outside of Phnom Penh is limited, with no more than four labor inspectors per province.⁴³²

Cambodia ratified ILO Convention 138 on August 23, 1999, but has not ratified ILO Convention 182.⁴³³

⁴³¹ Unclassified telegram 1719. Because the majority of Cambodia's workers are in the informal sector, the labor law effectively covers only a small fraction of the country's workers.

⁴³² Mar Sophea, ILO-IPEC National Program Manager, interview by USDOL official, October 17, 2000.

⁴³³ ILO, International Labour Standards and Human Rights Department, ILOLEX database, at <http://ilolex.ilo.ch:1567/scripts/ratifce.pl?C138>.

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Cameroon

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

In 2001, the Government of Cameroon began collaborating ILO-IPEC to participate in a USDOL-funded regional project to combat trafficking in West and Central Africa.⁴³⁴ The government is also in the final stages of developing a national action plan to combat child labor, which will create a specialized child labor inspectorate and put new legislation in place to bring Cameroon into compliance with ILO conventions on child labor.⁴³⁵

In September 2001, the Minister of Education began requiring public school principals to establish school councils to ensure that students are not forced to pay bribes in order to enroll in school.⁴³⁶ The government has worked with UNESCO on the development of an Education for All Plan to improve access to schools for all children, including children with disabilities, reduce disparities in school attendance by region, and improve the quality of girls' education.⁴³⁷

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 23.4 percent of children between the ages of 10 and 14 in Cameroon were working.⁴³⁸ 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, and in prostitution and other illicit activities. The study also found that 7 percent of working children in the cities of Yaounde, Douala and Bamenda were less than 12 years of age and that 60 percent had dropped out of primary school.⁴³⁹

Cameroon is a source, transit and destination country for the trafficking of children. Children from Cameroon are trafficked internally from rural areas of the country to urban areas

⁴³⁴ ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (Phase II)* (Geneva, 2001) [hereinafter *Combating the Trafficking of Children*].

⁴³⁵ U.S. Embassy— Yaounde, unclassified telegram no. 3239, October 2001 [hereinafter unclassified telegram 3239].

⁴³⁶ Ibid.

⁴³⁷ UNESCO, *The Education for All 2000 Assessment: Country Reports—Cameroon*, at <http://www.unesco.org/wef/countryreports/cameroon/rapport-1.html>.

⁴³⁸ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

⁴³⁹ The study found that 19.8 percent of children are working in agriculture and the informal sector, 3.4 percent are in car wash businesses, 31 percent work as domestic servants for their relatives, and 7 percent work in prostitution or other illicit activities. See unclassified telegram 3239.

and to other countries in West Africa.⁴⁴⁰ Children are trafficked to Cameroon primarily from Nigeria, Benin, Niger, Chad, Congo, Central African Republic, Togo and Mali.⁴⁴¹ According to the ILO, children who have been trafficked within or into Cameroon are employed most often as domestic workers, street traders, farm laborers, waiters in cafes and bars, prostitutes, manual workers and night guards.⁴⁴²

Education is compulsory and free through the age of 14.⁴⁴³ In February 2000, the President of Cameroon announced the elimination of school matriculation fees for public primary schools.⁴⁴⁴ Nevertheless, reports indicate that some school principals have been requiring bribes to enroll children in school⁴⁴⁵ and the families of primary school children must pay for uniforms and book fees.⁴⁴⁶ Tuition and fees at the secondary school level remain unaffordable for many families.⁴⁴⁷

The gross primary enrollment rate has steadily declined during the last decade, from 101.1 percent in 1990 to 85.4 percent in 1996.⁴⁴⁸ Primary school attendance rates are unavailable for Cameroon. Although the Constitution of Cameroon guarantees a child's right to education,⁴⁴⁹ girls suffer discrimination in their access to schooling and have lower attendance rates than boys.⁴⁵⁰ 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 in primary education, lack of primary school teachers, and a high degree of violence and sexual abuse against children in schools.⁴⁵¹

⁴⁴⁰ *Combating the Trafficking of Children*. See also *Country Reports on Human Rights Practices for 2000—Cameroon* (Washington, D.C.: U.S. Department of State) [hereinafter *Country Reports 2000*], Section 6f, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=713>.

⁴⁴¹ *Combating the Trafficking of Children*.

⁴⁴² *Ibid.*

⁴⁴³ *Country Reports 2000* at Section 5.

⁴⁴⁴ *Ibid.*

⁴⁴⁵ Unclassified telegram 3239.

⁴⁴⁶ *Country Reports 2000* at Section 5.

⁴⁴⁷ *Ibid.*

⁴⁴⁸ In 1994, the gross primary enrollment rate was 84.3 percent for girls and 93.2 percent for boys. See *World Development Indicators 2001*.

⁴⁴⁹ Constitution of the Republic of Cameroon (Law no. 96-06), 1996, preamble, at <http://confinder.richmond.edu/Cameroon.htm> on 12/10/01.

⁴⁵⁰ In 1991, the net attendance rate for girls attending primary school was 61.7 percent and for boys was 70.3 percent. See USAID, Global Education Database 2000, Washington, D.C., at http://www.usaid.gov/educ_training/ged.html. See also *Country Reports 2000* at Section 5.

⁴⁵¹ 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, Cameroon*, CRC/C/15/Add.164 (Geneva, November 6, 2001), 54.

Child Labor Laws and Enforcement

The Labor Code and the Ministerial Order on Labor set the minimum age for employment at 14 years.⁴⁵² The Ministerial Order prohibits youths between the ages of 14 to 18 from engaging in certain work, including moving heavy weights, working in dangerous and unhealthy tasks, working in confined areas, or engaging in tasks that can harm a youth's morality.⁴⁵³ The Labor Code also specifies that children cannot continue working in any job that exceeds their physical capacity.⁴⁵⁴ Under the Labor Code, the Labor Inspectorate can 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.⁴⁵⁵ The Ministerial Order prohibits work by youths in excess of eight hours per day and work between midnight and 6 a.m.⁴⁵⁶

Part I of the Labor Code prohibits forced labor.⁴⁵⁷ Article 292 of the Penal Code prohibits a person from imposing a work or service obligation on another person for which that person has not freely applied.⁴⁵⁸ Article 293 of the Penal Code prohibits slavery and engaging in the trafficking of human beings.⁴⁵⁹ An amendment to Article 293 prohibits procuring, as well as trafficking of a person for prostitution or sharing in the profits from another person's prostitution.⁴⁶⁰ The penalty under Article 293 doubles if the crime involves a minor less than 21 years of age.⁴⁶¹ Prostitution is prohibited under Article 343 of the Penal Code.⁴⁶²

The Ministry of Social Affairs and the Ministry of Labor enforce child labor laws through site inspections of registered businesses. However, a lack of resources hinders the effective enforcement of child labor laws.⁴⁶³ Cameroon ratified ILO Convention 138 on August 13, 2001 but has not ratified ILO Convention 182.⁴⁶⁴

⁴⁵² Cameroun Labour Code (Law no. 92/007), 1992 [hereinafter Cameroun Law 92/007], Part V, Chapter III, Section 86, as cited on NATLEX database at <http://natlex.ilo.org/txt/E92CMR01.htm> on 12/10/01. See also *Country Reports 2000* at Section 6d.

⁴⁵³ *Country Reports 2000* at Section 6d.

⁴⁵⁴ Cameroun Law 92/007 at Part V, Chapter III, Section 87.

⁴⁵⁵ *Ibid.*

⁴⁵⁶ *Country Reports 2000* at Section 6d.

⁴⁵⁷ Cameroun Law 92/007 at Part I, Section 2.

⁴⁵⁸ *The Protection Project: Commercial Sexual Exploitation of Women and Children: A Human Rights Report, Cameroon* (see Criminal Statutes), January 2001 [hereinafter *Human Rights Report*] [hard copy on file].

⁴⁵⁹ *Ibid.*

⁴⁶⁰ *Ibid.*

⁴⁶¹ *Ibid.*

⁴⁶² *Ibid.*

⁴⁶³ *Country Reports 2000* at Section 6d.

⁴⁶⁴ ILO, Ratifications of ILO Fundamental Conventions, at <http://www.ilolex.ilo.ch:1567/English/>.

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Cape Verde

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

The Government of Cape Verde has launched several initiatives aimed at improving basic education and providing universal education to all children. The government's current education reform plan contains strategies for improving the curriculum, training teachers and extending compulsory basic education.⁴⁶⁵ In July 2001, Cape Verde signed a MOU with the sponsors of Education for All in Cape Verde, which include FAO, UNESCO, UNDP, UNICEF, UNFPA, the World Bank, and WHO, under which the sponsors will collaborate in the preparing the National Plan of Action of Education for All, work to include more stakeholders in the system, and better share information.⁴⁶⁶

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 13.7 percent of children between the ages of 10 and 14 in Cape Verde were working.⁴⁶⁷ There is no information available on the incidence of child labor in Cape Verde. There are no reports specific to children, but Cape Verde is believed to be a transit point for the trafficking of persons to Europe.⁴⁶⁸

Primary school education is mandatory between the ages of 6 and 14 years and free for children ages 6 to 12.⁴⁶⁹ In 1997, the gross primary enrollment rate was 148.8 percent.⁴⁷⁰ Primary school attendance rates are unavailable for Cape Verde. While enrollment rates indicate a level of

⁴⁶⁵ Oxfam International, *Aid and Education: The Squandered Opportunity*, policy paper, March 2000 [hereinafter *Aid and Education*], at <http://www.caa.org.au/oxfam/advocacy/education/aid/index.html> on 10/30/01.

⁴⁶⁶ Memorandum of Understanding between the sponsors of Education for All and the Government of Cape Verde at http://www.dakar.unesco.org/countries/news_docs_comnat/010816_en_capvert.shtml on 12/21/01.

⁴⁶⁷ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

⁴⁶⁸ *Country Reports on Human Rights Practices for 2000—Cape Verde* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6f, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=725>.

⁴⁶⁹ Secondary education is free only for children whose families have an annual income below approximately 160,000 escudos (USD 1,390). See Embassy of the Republic of Cape Verde to the United States of America, and Canada, letter to USDOL official, October 26, 2001 [hereinafter Embassy of the Republic of Cape Verde letter]. See also *Country Reports* at Section 5. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 2/7/02.

⁴⁷⁰ *World Development Indicators 2001*.

⁴⁷¹ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

commitment to education, they do not always reflect children's participation in school.⁴⁷¹ Textbooks have been made available to 90 percent of school children, and 83 percent of the teachers have attended in-service teacher training.⁴⁷² Although most children have access to education, some problems remain. For example, many students and some teachers speak Creole at home and have a poor command of Portuguese (the language of instruction); there is insufficient spending on school materials, lunches, and books; and there is a high repetition rate for certain grades.⁴⁷³

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.⁴⁷⁴ Children between the ages of 14 and 18 may not work more than 38 hours per week or more than seven hours per day, except where special permission is granted, and can only work with the consent of their parents.⁴⁷⁵ Cape Verde's Constitution protects children from exploitation in the form of child labor.⁴⁷⁶ The Ministries of Justice and Labor enforce child labor laws, but only in the urban, formal sector of the economy.⁴⁷⁷ Forced and compulsory labor by children is prohibited by law.⁴⁷⁸ The Criminal Code prohibits trafficking of children for the purposes of sexual exploitation, and establishes a penalty of 12 to 16 years imprisonment as the penalty for infractions.⁴⁷⁹ The government has cooperated with European authorities and neighboring governments to address the issue of trafficking.⁴⁸⁰ Cape Verde has not ratified ILO Convention 138, but ratified ILO Convention 182 on October 23, 2001.⁴⁸¹

⁴⁷² The World Bank, *Project Appraisal Document on a Proposed Credit in the Amount of Sdr 4.5 Million (US\$6.0 Million Equivalent) to the Republic of Cape Verde for an Education and Training Consolidation and Modernization Project*, Report No.18581-CV, April 30, 1999 [hereinafter *Project Appraisal Document*], 6, at http://www-wds.worldbank.org/pdf_content/00009494699052608145863/multi_page.pdf on 10/30/01.

⁴⁷³ Ibid.

⁴⁷⁴ Embassy of the Republic of Cape Verde letter. See also *Country Reports 2000* at Section 6d.

⁴⁷⁵ Embassy of the Republic of Cape Verde letter.

⁴⁷⁶ Constitution of the Republic of Cape Verde (1992), Article 87 (2) at <http://www.richmond.edu/~jbjones/confinder/CapeVerde.htm> on 10/12/01.

⁴⁷⁷ *Country Reports 2000* at Section 6d.

⁴⁷⁸ Ibid at 6c.

⁴⁷⁹ Law No. 91/V/98, Article 406-D, as cited in *Human Rights Reports—Cape Verde*, Protection Project Database, at www.protectionproject.org.

⁴⁸⁰ *Country Reports 2000* at Section 6f.

⁴⁸¹ ILO-IPEC, Ratification Map, at <http://www.ilo.org/public/english/standards/ipecc/ratification/map/index.htm> on 10/30/01.

NOTE: Hard copies of all Web citations are on file.

Central African Republic

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

In 1998 the government, local NGOs and unions established a network to fight against the worst forms of child labor.⁴⁸² Other efforts have been hampered by the country's faltering economy, which was further exacerbated following a failed coup attempt in May 2001, forcing the government to slash its already small budget by one-third.⁴⁸³

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 63.5 percent of children between the ages of 5 and 14 in the Central African Republic were working.⁴⁸⁴ Child labor is widespread, especially in rural areas, and some children work long hours at young ages.⁴⁸⁵ Children work in agriculture, mining, domestic services, cattle raising, and street vending.⁴⁸⁶ Some girls reportedly engage in prostitution.⁴⁸⁷

Public education is free, and education is compulsory from ages 6 to 14.⁴⁸⁸ AIDS-related deaths have taken a heavy toll on teachers, contributing to the closure of more than 100 primary schools between 1996 and 1998.⁴⁸⁹ In 1991, the gross primary enrollment rate was 56.9 percent.⁴⁹⁰

⁴⁸² U.S. Embassy— Bangui, unclassified telegram no. 783, October 2001 [hereinafter unclassified telegram 783].

⁴⁸³ "Budget Slashed by One-Third Due to Coup Attempt," UN Integrated Regional Information Networks, September 28, 2001, on the allAfrica.com Web site at <http://allafrica.com/stories/printable/200109300013.html> on 11/5/01.

⁴⁸⁴ "Enquete a Indicateurs Multiples en Republique Centrafricaine, Rapport Préliminaire," Bangui, 30 Décembre 2000, UNICEF, Ministère de l'économie, du Plan et de la Coopération Internationale, Division Des Statistiques et Des Etudes Economiques, Bureau Central du Recensement [hereinafter "Enquete a Indicateurs Multiples"], 31.

⁴⁸⁵ Central African Republic, *Reports to Treaty Bodies: Committee on the Rights of the Child*, from For the Record 2000: the UN Human Rights System, at <http://www.hri.ca/fortherecord2000/vol2/cartb.htm> on 11/5/01. See also *Country Reports on Human Rights Practices for 2000—Central African Republic* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=731>.

⁴⁸⁶ Unclassified telegram 783.

⁴⁸⁷ The presence of international peacekeeping forces perpetuated the prostitution trade in the Central African Republic, as the peacekeepers served as a large group of clients. The practice of children engaging in prostitution has declined since late 1999, when international peacekeeping forces departed the country and the demand for prostitutes declined. See *Country Reports 2000* at Section 5.

⁴⁸⁸ *Country Reports 2000* at Section 5.

⁴⁸⁹ "CAR: HIV/AIDS Leading Cause of Death for Teachers," UN OCHA Integrated Regional Information Network for Central and Eastern Africa, IRIN News Briefs, September 5, 2001, at <http://www.reliefweb.int/w/rwb.nsf/>.

⁴⁹⁰ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

In 2000, the net primary enrollment rate for children between the ages of 6 and 11 was 43 percent.⁴⁹¹ Primary school attendance rates are unavailable for the Central African Republic. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁴⁹² The educational system's meager budget and salary arrears have resulted in a shortage of teachers and an increase in the number of street children.⁴⁹³ The percentage of the national budget allocated to education, which traditionally stood at less than 12 percent, increased to 18 percent in the late 1990s. According to the government, it will further increase to 25 percent by 2010.⁴⁹⁴

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14, with the exception that children who are at least 12 may engage in light work in traditional agricultural activities or domestic work.⁴⁹⁵ Children under 18 are forbidden to perform hazardous work or to work at night.⁴⁹⁶ The Labor Code prohibits all forced labor.⁴⁹⁷ Enforcement of the labor laws is poor due to a lack of sufficient resources by the government.⁴⁹⁸ The Central African Republic ratified ILO Convention 138 and ILO Convention 182 on June 28, 2000.⁴⁹⁹

⁴⁹¹ "Enquete a Indicateurs Multiples" at 10.

⁴⁹² For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

⁴⁹³ *Country Reports 2000* at Section 5

⁴⁹⁴ UN Committee on the Rights of the Child, *Summary Record of the 657th Meeting: Central African Republic*, CRC/C/SR.657 (Geneva, September 28, 2000).

⁴⁹⁵ Unclassified telegram 783.

⁴⁹⁶ *Ibid.*

⁴⁹⁷ *Country Reports 2000* at Section 6c.

⁴⁹⁸ It was reported in October 2001 that government employees had not been paid for approximately eight months. Unclassified telegram 783.

⁴⁹⁹ ILOLEX database: <http://ilolex.ilo.ch:1567/english/iloquery.htm> on 12/19/01.

Chad

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

UNICEF and the Government of Chad are collaborating on a campaign against the worst forms of child labor, particularly the use of children as herders in southern Chad.⁵⁰⁰ In 2000, the government sponsored a number of workshops, seminars, and radio broadcasts to raise awareness on child labor.⁵⁰¹ In an effort to combat child trafficking, the government also sponsored media campaigns to advise parents on how to instruct children about the danger of trusting strangers.⁵⁰²

In December 1993, the government established a Department of Children and Disabled Persons under the Ministry for Women and Social Affairs. Among other duties, it is responsible for combating the use of children by the military and assisting with the reintegration of child soldiers into society.⁵⁰³

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 65.5 percent of children between the ages of 5 and 14 in Chad were working.⁵⁰⁴ Child labor is rare in the formal sector, but it is common in agriculture and herding.⁵⁰⁵ In southern Chad, children are contracted to Arab nomadic herders to tend animals. These children are often abused and offered little monetary compensation for their labor.⁵⁰⁶ Children also work for little compensation as domestic servants in the households of relatives.⁵⁰⁷ Some families arrange marriages for daughters who are as young as 11 or 12 years. Once married, many of these girls are obligated to work long hours in the fields or in the home for their hus-

⁵⁰⁰ U.S. Embassy—N'djamena, unclassified telegram no. 1795, November 2001 [hereinafter unclassified telegram 1795].

⁵⁰¹ *Country Reports on Human Rights Practices for 2000—Chad* (Washington, DC: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=742>.

⁵⁰² *Ibid.* at Section 6f.

⁵⁰³ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports of States Parties Due in 1992, Addendum, Chad, CRC/C/3/Add.50* (Geneva, 1997) [hereinafter *Initial Reports of States Parties*], 12.

⁵⁰⁴ UNICEF, *Enquête par grappes à indicateurs multiples, Rapport complet, 2001*, at http://www.childinfo.org/MICS2/natlMICSrepz/Chad/Chad_MICS_Report.pdf. In 1999, the ILO estimated that approximately 37 percent of children between ages 10 and 14 in Chad were working. See *World Development Indicators 2001* (Washington, DC: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

⁵⁰⁵ *Country Reports 2000* at Section 6d. See also U.S. Embassy—N'Djamena, unclassified telegram no. 1982, May 1997 [hereinafter unclassified telegram 1982].

⁵⁰⁶ *Country Reports 2000* at Section 6d.

⁵⁰⁷ *Ibid.* See also unclassified telegram 1982.

bands.⁵⁰⁸ There are allegations that, in isolated instances, local authorities force children to work in the rural sector.⁵⁰⁹

Children work as child soldiers, particularly in military installations in the north.⁵¹⁰ Government forces and armed opposition groups have both recruited youths less than 18 years of age to fight in the internal conflict.⁵¹¹ Children of the Zagava ethnic group as young as 13 have been forcibly recruited and sent to the frontlines to detect landmines, and children in the Zaghawa ethnic group have also been forced into the armed forces.⁵¹² In 2001, families were forced to participate in the war either by providing one of their children to the armed forces as a recruit, or by giving money or crops as a substitute.⁵¹³

The Constitution guarantees free and compulsory education for nine years, beginning at the age of six.⁵¹⁴ However, parents still make considerable contributions toward school costs.⁵¹⁵ In 1996, the gross primary enrollment rate was 57.5 percent, and the net primary enrollment rate was 45.8 percent.⁵¹⁶ In 1996, the gross primary enrollment rate for girls was 39.3 percent compared with 75.7 percent for boys.⁵¹⁷ Primary school attendance rates are unavailable for Chad. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁵¹⁸ Educational opportunities for girls are limited, mainly because of tradition, and girls tend not to attend as many years of school as boys.⁵¹⁹

Child Labor Law and Enforcement

The Labor Code sets the minimum age of employment at 14 years old, but children may engage in several types of light and non-hazardous work at the age of 12.⁵²⁰ According to the law, certain jobs are deemed hazardous by the government and are therefore prohibited by children

⁵⁰⁸ *Country Reports 2000* at Section 6c. See also unclassified telegram 1982.

⁵⁰⁹ *Country Reports 2000* at Section 6c

⁵¹⁰ Coalition to Stop the Use of Child Soldiers, *Global Report 2001: Chad* (London, May 2001) [hereinafter *Global Report 2001*].

⁵¹¹ *Ibid.*

⁵¹² *Ibid.* See also *Country Reports 2000* at Section 6c.

⁵¹³ *Global Report 2001*.

⁵¹⁴ *Initial Reports of States Parties* at 12. See also unclassified telegram 1795.

⁵¹⁵ In 1995, it was estimated that parents gave approximately 800 million CFA (USD 1,088,500) to schools. See *Initial Reports of States Parties* at 12. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 1/29/02.

⁵¹⁶ *World Development Indicators 2001*.

⁵¹⁷ *Ibid.*

⁵¹⁸ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

⁵¹⁹ *Country Reports 2000* at Section 5.

⁵²⁰ "Décret no 55/PR-MTJS-DTMOPS du 8 février 1969 relatif au travail des enfants," *Textes*

under 18 years of age.⁵²¹ The Constitution and the Labor Code prohibit slavery and forced labor. The trafficking of persons is also prohibited.⁵²² The Armed Forces Reorganization Ordinance establishes 18 years as the minimum age of recruitment into the army,⁵²³ but the General Statute of the Army Ordinance allows a minor to voluntarily join the military with the consent of a parent or legal guardian.⁵²⁴

Labor inspectors are required to examine work environments to ensure that youth are not subject to difficult working conditions.⁵²⁵ Offenders of minimum age laws are subject to penalties laid out in the Labour and Social Security Code.⁵²⁶ The Government of Chad has not ratified ILO Convention 138, but ratified ILO Convention 182 on November 6, 2000.⁵²⁷

d'application du Code du travail [hereinafter *Textes d'application du Code du travail*]. See also *Initial Reports of States Parties* at 12

⁵²¹ *Initial Reports of States Parties* at 12.

⁵²² *Country Reports 2000* at Sections 6c, 6f.

⁵²³ Ordinance No. 001 of 16 January 1991, as cited in *Global Report 2001*. See also *Initial Reports of States Parties* at 35.

⁵²⁴ Article 52 of the General Statute of the Army, Ordinance No. 006/PR/92, as cited in *Global Report 2001*.

⁵²⁵ *Textes d'application du Code du travail*.

⁵²⁶ *Initial Reports of States Parties* at 12.

⁵²⁷ ILO, Ratification Information, at <http://ilolex.ilo.ch:1567/scripts/ratifce.pl?C182>.

NOTE: Hard copies of all Web citations are on file.

Chile

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

The Government of Chile has been a member of ILO-IPEC since 1996. As part of the program, the government established the National Advisory Committee to Eradicate Child Labor.⁵²⁸ The Committee has promoted legislation, raised awareness about child labor issues and designed regional programs for children in Rio Cachapoal, El Olivar, Temuco and the suburbs of Santiago.⁵²⁹ In September 2000, the Committee organized a seminar to define guidelines for a national action plan to address child labor. The Committee is also participating in a South America regional project through ILO-IPEC to train labor inspectors on child labor issues, collect data under ILO-IPEC's SIMPOC, and conduct activities on child labor for employers and workers.⁵³⁰

The Chilean Ministry of Education has initiated reforms to improve the quality, equity and efficiency of the country's educational system.⁵³¹ The Program of 900 Schools (P-900), which was launched in 1990, provided professional development for teachers, special courses for children, leadership development and family involvement for Chile's most economically disadvantaged pre- and primary school children.⁵³² Since 1992, the Rural Basic Education Program has provided additional funding for rural students and teachers.⁵³³ In 1996, the government implemented the Full School Day Reform, which 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.⁵³⁴

⁵²⁸ ILO-IPEC, *All About IPEC: Programme Countries*, at http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm. This committee includes the Ministry of Labor, UNICEF, ILO, NGOs, business leaders, legislators, trade unions, churches, and other public and private entities. *See also* U.S. Embassy— Santiago, unclassified telegram no. 2756, October 2001 [hereinafter unclassified telegram 2756].

⁵²⁹ Unclassified telegram 2756.

⁵³⁰ Organización Internacional del Trabajo, Oficina Regional para América Latina y el Caribe, *Programa Internacional para la Erradicación del Trabajo Infantil IPEC, Coordinación Subregional para América del Sur: Chile*, at <http://www.ilolim.org/pe/spanish/260ameri/activi/proyecto/ipecc/chile.shtml>.

⁵³¹ Françoise Delannoy, "Education Reforms in Chile, 1980-1998: A Lesson in Pragmatism," *The Education Reform and Management Publication Series*, vol. 1, no. 1, World Bank, Human Development Network, Washington, D.C. [hereinafter Delannoy, "Education Reforms in Chile"], 61.

⁵³² Gobierno de Chile, Ministerio de Educación, *Programa de las 900 Escuelas Para Sectores Pobres*, at http://www.mineduc.cl/basica/p_900.htm.

⁵³³ Gobierno de Chile, Ministerio de Educación, *Educación Rural, Programa Básica Rural*, at <http://www.mineduc.cl/basica/rural.htm>.

⁵³⁴ Delannoy, "Education Reform in Chile," at 25-27.

Incidence and Nature of Child Labor

In 1996, a survey conducted by the Government of Chile estimated that 1.9 percent of children between the ages of 6 and 14 in Chile were working during the three months preceding the survey.⁵³⁵ ILO-IPEC identified mining, agriculture, and street work as three areas where children are working in Chile.⁵³⁶ Children also work in fishing, charcoal production, meat processing, manufacturing (bakeries, furniture, bottling and packaging), ranching, shepherding, shellfish processing, construction, lumber processing, domestic service, as porters and baggers in supermarkets, and in the sale of drugs.⁵³⁷ The government reported that in 1999, 3,500 children under the age of 18 worked in prostitution and pornography.⁵³⁸ Girls are trafficked from Chile to Brazil's Pantanal region, and there is allegedly an increase in the prostitution of boys.⁵³⁹

Education is compulsory in Chile between the ages of 6 and 13.⁵⁴⁰ The gross primary enrollment rate was 101.3 percent and the net primary enrollment rate was 89.4 percent in 1996.⁵⁴¹ Primary school attendance rates are unavailable for Chile. While enrollment rates indicate a level

⁵³⁵ The 1996 government survey found that 47,000 children between the ages of 6 and 14 were working, and that 78,000 children between ages 15 and 17 were working, which is 9.7 percent of the total number of children in that age group. See Ministerio de Planificación y Cooperación, *Situación del Trabajo Infantil en Chile, 1996: Resultados de la Encuesta de Caracterización Socioeconómica Nacional* (Santiago, September 1997), 3, 9.

⁵³⁶ Unclassified telegram 2756.

⁵³⁷ Sistema de Información Regional sobre Trabajo Infantil, *Sistematización del Proyecto: Acción Contra el Trabajo Infantil a Través de la Educación y la Motivación*, at <http://www.colegiodeprofesores.cl/trabajoinfantil/erradicación2.htm>. See also Colegio de Profesores de Chile, A.G., "Trabajo Infantil: Los Niños y Niñas a la Escuela," *El Nuevo Educador*, March 5, 2000 [on file]; Coordinación Nacional de Marcha, Corporación Opción Marcha, *Global Contra el Trabajo Infantil* (Chile, March 12-17, 1998), 7 [on file]; and Ministerio de Justicia, *Trabajo Infantil en Chile: Ponencia de la Ministra de Justicia, María Soledad Alvear Valenzuela, en la Conferencia Internacional sobre Trabajo Infantil, realizada en Oslo Noruega, October 1997* [hereinafter *Trabajo Infantil en Chile*], 4, 5 [on file].

⁵³⁸ Comisión Andina de Juristas CAJ, *3,500 Children Involved in Prostitution in 1999, A Figure Provided by President Ricardo Lagos, The Government Ratifies ILO Convention 182 on Eliminating the Worst Forms of Child Labor*, at [http://caj.../bdescripior.in\]?ddatos'2000®istros'25&format'resumen&bollean'0470](http://caj.../bdescripior.in]?ddatos'2000®istros'25&format'resumen&bollean'0470) [on file].

⁵³⁹ 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 for 1999-2000* (Stockholm, 2000), Section 4.3.

⁵⁴⁰ UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports—Chile* at http://www2.unesco.org/wef/countryreports/chile/rapport_1.htm.

⁵⁴¹ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

of commitment to education, they do not always reflect children's participation in school.⁵⁴² The country's rural population, particularly that which is directly engaged in agriculture, rarely completes basic education.⁵⁴³ Children of low-income families are more likely to work and are less likely to attend school than children of higher-income families.⁵⁴⁴

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years.⁵⁴⁵ Children ages 15 to 18 can work with the permission of their parents. Fifteen year olds are allowed to do light work if they have completed compulsory education, and if the work will not affect their health, development or attendance in education and training programs.⁵⁴⁶ Children under the age of 18 are prohibited from working more than eight hours a day, at night between the hours of 10 p.m. and 7 a.m. (outside a family business), underground, in nightclubs, or in activities that endanger their health, safety and morality.⁵⁴⁷ The Constitution and the Labor Code prohibit forced labor,⁵⁴⁸ and child prostitution, the corruption of minors and pornography are prohibited under the Penal Code.⁵⁴⁹ The trafficking of children for prostitution is also prohibited under the Penal Code.⁵⁵⁰

The Ministry of Labor's Inspection Agency enforces child labor laws in the formal sector, 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.⁵⁵¹ Child labor inspections are infrequent, and are usually initiated only after a complaint.⁵⁵² Chile ratified ILO Convention 138 on February 1, 1999 and ILO Convention 182 on July 17, 2000.⁵⁵³

⁵⁴² For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

⁵⁴³ ILO-IPEC, untitled paper from Sistema Regional de Informacion sobre Trabajo Infantil (Chile, 1995), 16 [on file].

⁵⁴⁴ *Trabajo Infantil en Chile* at 6, 7.

⁵⁴⁵ Unclassified telegram 2756.

⁵⁴⁶ Código Del Trabajo (1994), Chapter II, Articles 13-18, Ministerio Del Trabajo y Prevision Social, LEY-19684, as found in Andres Lamoliatte, Embassy of Chile, electronic correspondence to Chris Camillo, USDOL official, November 2, 2001.

⁵⁴⁷ Unclassified telegram 2756. See also *Country Reports on Human Rights Practices for 2000—Chile* (Washington, D.C.: U.S. Department of State, 2001), [hereinafter *Country Reports for 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid=736>.

⁵⁴⁸ *Country Reports for 2000*, Section 6c.

⁵⁴⁹ Unclassified telegram 2756. See also Interpol, *Legislation of Interpol Member States on Sexual Offenses Against Children: Chile* [hereinafter *Legislation of Interpol Member States*], at <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaChile.asp> on 11/6/01.

⁵⁵⁰ *Legislation of Interpol Member States*.

⁵⁵¹ Unclassified telegram 2756.

⁵⁵² *Ibid.*

⁵⁵³ ILO, Ratifications of ILO Conventions, ILOLEX database, at <http://www.ilolex.ilo.ch:1567/english/>.

Colombia

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

The Government of Colombia has participated in several projects to address child labor with the support of ILO-IPEC.⁵⁵⁴ The government plans to conduct a national child labor survey in Colombia with technical assistance from ILO-IPEC's SIMPOC.⁵⁵⁵ The government established the National Committee for the Eradication of Child Labor and Protection of Young Workers, which developed a four-year action plan to eradicate child labor in 1995, and a two-year plan in 2000.⁵⁵⁶

In 2001, a three-year ILO-IPEC regional project on the prevention and elimination of child domestic labor in South America, funded by USDOL, was initiated in four South American countries, including Colombia.⁵⁵⁷ In 2001, a two-year ILO-IPEC project on the prevention and elimination of child labor in small-scale mining, also funded by USDOL, was established in Colombia. This project aims to coordinate efforts among government agencies, nongovernmental organizations, and worker and employer organizations to raise awareness, bring mining operations into the formal sector, and withdraw children from clay, coal, emerald and gold mining work.⁵⁵⁸ ILO-IPEC is also providing support for a project to provide education, healthcare, and develop-

⁵⁵⁴ USDOL-Funded IPEC Projects/Programs, *Technical Progress Report on South America* (Geneva, September 14, 2001), 3 [document on file].

⁵⁵⁵ ILO-IPEC, *Prevention and Elimination of Child Domestic Labor in South America*, project report (Geneva, September 22, 2000), 9 [hereinafter *Child Domestic Labor in South America*] [document on file].

⁵⁵⁶ Angelino Garzón, "Colombia avanza en la lucha contra las formas extremas de trabajo infantil," Boletín Electrónico Encuentros, Programa IPEC Sudamérica [hereinafter Garzón, "Colombia contra extremas trabajo infantil"], at <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/paraeldialogo.html>. See also Observatory of the Presidential Program for Human Rights and International Humanitarian Law, *The Eradication of the Child Labor, 2001* (Bogotá, 2001) [hereinafter *Eradication of the Child Labor*], 3, 5. The new plan calls for the consolidation of a national child labor information system; transformation of cultural norms that support child labor; design of public policy approaches in areas that will have the most impact on child laborers; development of legislation on child labor and strengthening of the mechanisms that guarantee its application; withdrawal of children from involvement in the worst forms of child labor; and the development of mechanisms that facilitate the coordination of efforts among national, regional, and local governments. See Comité Interinstitucional para la Erradicación del Trabajo Infantil, *Plan Nacional de Acción para la Erradicación del Trabajo Infantil y la Protección de los Jóvenes Trabajadores, 2000-2002* (Bogotá, IPEC, AECI, February 2000), 40, 41.

⁵⁵⁷ The project aims to gather information on child domestic workers, analyze legislation pertaining to child labor and train government officials in this legislation and their responsibilities to enforce it, build the capacity of governmental and nongovernmental organizations to address the issue of child domestic workers, raise awareness of the problem, withdraw child domestic workers from employment where possible, provide training in nonhazardous occupations, and establish an integrated reference service center. See *Child Domestic Labor in South America* at 8-13.

⁵⁵⁸ ILO-IPEC, *Prevention and Elimination of Child Labor in Small-Scale Mining—Colombia*, project document, E-9-K-1-0001 (Geneva, September 2001) [hereinafter *Child Labor in Small-Scale Mining*], 4 [document on file].

ment of alternative economic activities for the families of child street vendors.⁵⁵⁹ In addition, ILO-IPEC is providing support to the second phase of a project to provide job training and placement services to child victims of sexual exploitation in Colombian coastal cities.⁵⁶⁰ Government efforts have also removed minors from guerrilla and military self-defense groups, and sought to prevent their recruitment in the future.⁵⁶¹ In 1998, the Colombian Institute for Family Welfare (ICBF) provided social and legal services, nutrition information, and job training and education to 1,220 minors, and supported services to protect the basic human rights of over 12,000 children and adolescents.⁵⁶²

The government is also working with international development banks and other institutions to promote the welfare of children in Colombia. In March 2001, the World Bank approved a USD 150 million loan to Colombia to protect and improve the health and educational conditions of more than a million of the poorest children in the country.⁵⁶³ In 1999, the IDB approved financing for the government to initiate reforms in the Colombian education system.⁵⁶⁴ The IDB is funding a Ministry of Education project to mitigate the effects of the country's economic crisis on the very poor, including support to families to increase school attendance and reduce primary and secondary dropout rates.⁵⁶⁵

⁵⁵⁹ Garzón, "Colombia contra extremas de trabajo infantil."

⁵⁶⁰ Ibid.

⁵⁶¹ *Eradication of Child Labor* at 7.

⁵⁶² Emilio García Méndez and María Cristina Salazar, eds., *Nuevas Perspectivas para Erradicar el Trabajo Infantil en América Latina: Seminario Regional Post-Oslo* (Bogotá: UNICEF and Tercer Mundo Editores, 1999), 273, 274.

⁵⁶³ The loan will finance a government project to provide health and nutrition grants and education grants for a 3-year period to mothers of children living in the poorest quintile of income distribution. The project aims to increase school enrollment, reduce student absenteeism, and decrease primary and secondary school dropout rates. It will also improve the nutrition and health of vulnerable children and improve childcare practices among poor families in nutrition, health, early stimulation, and avoidance of intra-family violence. See "Colombia: World Bank Approves \$150 Million Loan to Improve Children's Health and Education in Colombia," The World Bank Group, news release 2001/280/S, March 29, 2001, at <http://wbln0018.worldbank.org/news/pressrelease.nsf/673fa6c5a2d50a67852565e200692a79/e4cbadefc061f4f285256a1e006a87bd?OpenDocument>.

⁵⁶⁴ The goal of the project is to strengthen decentralized independent management and improve efficiency and equity in the allocation of resources as a means to offer better quality education services in the country. See "New School System Program: Reform of Education Management and Participation" at <http://www.iadb.org/exr/doc98/apr/CO1202E.pdf>.

⁵⁶⁵ "Social Safety Net Program" at <http://www.iadb.org/exr/doc98/apr/CO1280E.pdf>.

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 6.1 percent of children between the ages of 10 and 14 in Colombia were working.⁵⁶⁶ In urban areas, child labor is concentrated in the retail and services sectors, and in activities such as street vending, waiting tables, and prostitution,⁵⁶⁷ while in rural areas most of the working children participate in uncompensated family agricultural activities, including mining.⁵⁶⁸ Children also work in the cut flower industry, in mining, and in cocoa picking.⁵⁶⁹

Children work in the commercial sex industry and are trafficked abroad by international networks.⁵⁷⁰ An insurgent campaign to overthrow the Colombian Government has been ongoing for over 40 years, and reportedly between 15 percent and 20 percent of the nongovernmental guerrilla and self-defense forces currently involved in the armed conflict are children.⁵⁷¹ According to the Colombian Institute for Family Welfare (ICBF), approximately one million youths in Colombia under the age of 18 were working in high-risk conditions in the year 2000.⁵⁷²

The Colombian Constitution requires children between the ages of 5 and 15 to attend school, and education is free in state institutions.⁵⁷³ In 1996, the gross primary enrollment rate was

⁵⁶⁶ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM]. According to a child labor survey conducted by the government in 1996, 21 percent of children and adolescents between the ages of 12 and 17 in Colombia were working. Colombian government surveys collect information on the following populations: 7- to 10-year-olds in urban areas, 10- to 11-year-olds in rural areas, and 12- to 17-year-olds in both urban and rural regions. According to the child labor survey cited, however, 1 percent of girls and 2 percent of boys age 7 to 11 worked in urban areas of the country, while 3 percent of girls and 15 percent of boys age 10 to 11 worked in rural areas. Ministerio de Trabajo y Seguridad Social, el Programa Acordado Colombia, IPEC/ILO, and the Spanish Agency for International Cooperation (AECI), “El Trabajo Infantil en Colombia: Cifras,” in *Colombia comprometida con la Erradicación del Trabajo Infantil y la Protección del Joven Trabajador: Principales desarrollos 1996-1999* [hereinafter “El Trabajo Infantil en Colombia”], 5.

⁵⁶⁷ U.S. Embassy—Bogotá, unclassified telegram no. 9111, October 2001 [hereinafter unclassified telegram 9111].

⁵⁶⁸ *Child Labor in Small-Scale Mining* at 7.

⁵⁶⁹ *Country Reports on Human Rights Practices for 2000—Colombia* [hereinafter *Country Reports 2000*] (Washington, D.C.: U.S. State Department, 2001), Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid=741>. See also unclassified telegram 9111.

⁵⁷⁰ Unclassified telegram 9111. See also *The Protection Project, Commercial Sexual Exploitation of Women and Children: A Human Rights Report—Colombia* at <http://209.190.246.239/protectionproject/HrrPDF/Colombia.pdf>, cited with permission.

⁵⁷¹ *CIA World Factbook – Colombia* (Washington, D.C.: Central Intelligence Agency, 2001) at <http://www.cia.gov/cia/publications/factbook/geos/co.html>. See also *Eradication of the Child Labor* at 3.

⁵⁷² Instituto Colombiano de Bienestar Familiar (ICBF), *Sistema de Información ICBF*, at <http://www.icbf.gov.co/espanol/estadisticas.asp>.

⁵⁷³ Constitución Política de Colombia, 1991 con reforma de 1997, at <http://www.georgetown.edu/pdba/Constitutions/Colombia/colombia.html>.

112.5 percent, and the net primary enrollment rate was 84.7 percent.⁵⁷⁴ According to government figures, in 1997, the primary school enrollment rate was 634.3 percent in urban areas and 35.7 percent in rural areas.⁵⁷⁵ Primary school attendance rates are unavailable for Colombia. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁵⁷⁶

Child Labor Laws and Enforcement

Colombia's Labor Code sets the minimum age for employment at 14 years, but also defines special conditions under which children ages 12 and 13 are authorized to perform light work with proper permission from parents and labor authorities.⁵⁷⁷ Article 44 of the Colombian Constitution calls for the protection of children against all forms of economic exploitation and exploitation in employment.⁵⁷⁸ Law 548 of 1999 establishes that persons below the age of 18 cannot perform military service.⁵⁷⁹ Decree 1974, enacted in 1996, created the Committee to Fight against Trafficking in Persons, Especially Women and Children.⁵⁸⁰

The Ministry of Labor, the Colombian Institute for Family Welfare (ICBF), the Minors' Police, the Prosecutor's Office for the Protection of the Child and Family, and Family Commissioners are the authorities empowered to enforce the country's child labor laws and regulations.⁵⁸¹ Colombia ratified ILO Convention 138 on February 2, 2001, but has not ratified ILO Convention 182.⁵⁸²

⁵⁷⁴ *World Development Indicators 2001*.

⁵⁷⁵ *El Trabajo Infantil en Colombia*, 17.

⁵⁷⁶ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

⁵⁷⁷ Unclassified telegram 9111.

⁵⁷⁸ *Eradication of the Child Labor* at 4.

⁵⁷⁹ Coalition to Stop the Use of Child Soldiers, *Global Report 2001: Colombia*, at <http://www.child-soldiers.org>.

⁵⁸⁰ Unclassified telegram 9111.

⁵⁸¹ *Ibid.*

⁵⁸² ILOLEX database: Colombia at <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

NOTE: Hard copies of all Web citations are on file.

Comoros

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

The government and UNICEF have worked together to evaluate the extent of child labor.⁵⁸³ Awareness-raising meetings and information campaigns on child labor have been organized among families and children.⁵⁸⁴

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 37.9 percent of children between the ages of 10 and 14 in Comoros were working.⁵⁸⁵ Children work in the informal sector, in agriculture, and in family enterprises, particularly in subsistence farming and fishing.⁵⁸⁶ Children also work as domestic servants, some as young as seven years.⁵⁸⁷ Migration from rural areas has led to a growing number of children working and living on the streets.⁵⁸⁸ Two armed separatist groups in Anjouan, an island in Comoros, have reportedly been recruiting boy soldiers between the ages of 13 and 16.⁵⁸⁹

Primary education is compulsory until the age of 10.⁵⁹⁰ In 1993, the gross primary enrollment rate was 74.6 percent, and the net primary enrollment rate was 52 percent.⁵⁹¹ There are gender disparities in school attendance and dropout rates.⁵⁹² In 1993, the gross primary enrollment

⁵⁸³ UN Committee on the Rights of the Child, *Summary Record of the 666th Meeting: Comoros*, CDC/C/SR.666 (Geneva, October 4, 2000) [hereinafter *Record of 666th Meeting*], para. 39.

⁵⁸⁴ *Ibid.* at para 46.

⁵⁸⁵ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

⁵⁸⁶ 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 (Geneva, October 16, 2000) [hereinafter *Concluding Observations*], para. 48. See also *Country Reports on Human Rights Practices for 2000–Comoros* (Washington, D.C.: U.S. Department of State, February 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=838>.

⁵⁸⁷ *Concluding Observations* at para. 29. See also *Record of 666th Meeting* at para. 3 and *Country Reports 2000* at Section 5.

⁵⁸⁸ *Concluding Observations* at para. 39. See also *Record of the 666th meeting* at para. 3.

⁵⁸⁹ *Record of 666th Meeting* at para 41. See also *Coalition to Stop the Use of Child Soldiers, Africa Report: Comoros* (London, March 1999).

⁵⁹⁰ *Country Reports 2000* at Section 5.

⁵⁹¹ *World Development Indicators 2001*.

⁵⁹² *Concluding Observations* at para. 43.

rate was 84.3 percent for boys and 69.2 percent for girls; the net primary enrollment rate was 57.3 percent for boys and 46.6 percent for girls.⁵⁹³ Primary school attendance rates are unavailable for Comoros. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁵⁹⁴ There is a general lack of facilities, equipment, qualified teachers, and textbooks and other resources.⁵⁹⁵ Salaries for teachers are low and often so far in arrears that many teachers refuse to work.⁵⁹⁶

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for work at 15 years. There are no laws prohibiting forced and bonded labor or trafficking in persons.⁵⁹⁷ There is lax enforcement of labor laws,⁵⁹⁸ in part because of a lack of labor inspectors and general lack of resources.⁵⁹⁹ Comoros has not ratified ILO Convention 138 or ILO Convention 182.⁶⁰⁰

⁵⁹³ *World Development Indicators 2001*.

⁵⁹⁴ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

⁵⁹⁵ *Concluding Observations* at para. 43.

⁵⁹⁶ *Record of 666th Meeting* at para. 23.

⁵⁹⁷ *Country Reports 2000* at Sections 6d, 6f.

⁵⁹⁸ *Concluding Observations* at para. 48.

⁵⁹⁹ *Country Reports 2000* at Sections 5, 6d.

⁶⁰⁰ In February 2000, the Council of Ministers in Comoros approved ILO Convention 182 for ratification. See *Record of 666th Meeting* at para. 39. See also ILO-IPEC, Ratification Campaign: Ratification Map, on 11/20/01.

NOTE: Hard copies of all Web citations are on file.

Congo, Republic of the (Brazzaville)

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

The Republic of the Congo is participating in a regional program to prevent the participation of children involved in armed conflicts in Central Africa, which sponsored by ILO-IPEC and funded by USDOL.⁶⁰¹ The Ministry of Education is working with UNICEF and UNESCO to rebuild school facilities damaged during the country's armed conflicts, provide school supplies to vulnerable families, and train teachers.⁶⁰² UN agencies are implementing poverty reduction projects that focus on human rights, health, and employment.⁶⁰³

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 25.5 percent of children between the ages of 10 and 14 in the Republic of the Congo were working.⁶⁰⁴ Many of the children work for their families in rural areas or in informal business activities in cities.⁶⁰⁵ Isolated cases of child prostitution have also been reported.⁶⁰⁶ During a civil war that began in 1993 and lasted for seven years, pro-government militias and rebel groups systematically recruited children.⁶⁰⁷ Following a cease-fire in December 1999, all parties agreed to demobilize all their soldiers, including children. While large numbers of soldiers returned to civilian life, the process of demobilization has proceeded irregularly, and it is unclear whether some children remain in militias.⁶⁰⁸ It is alleged that traditional practices exist in

⁶⁰¹ ILO, *Phase I: Regional Programme on the Prevention and Reintegration of Children Involved in Armed Conflicts in Central Africa*, project document (Geneva, 2001).

⁶⁰² "Education: Support to Primary Education," UN Plan for Republic of the Congo, 2001-2002, at <http://www.mirror/undp/congo> on 1/2/02.

⁶⁰³ Ibid.

⁶⁰⁴ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

⁶⁰⁵ *Country Reports on Human Rights Practices for 2000—Congo* (Washington, D.C.: U.S. Department of State, 2001)[hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=763>.

⁶⁰⁶ *Country Reports 2000* at Section 6d.

⁶⁰⁷ Coalition to Stop the Use of Child Soldiers, *Global Report 2001: Congo* [hereinafter *Global Report 2001*], at <http://www.child-soldiers.org> on 10/23/01.

⁶⁰⁸ See *Global Report 2001*. Estimates are virtually impossible to obtain. Roger Bouka Owoko of Human Rights Congo told a USDOL official in July 2000 that the general in charge of demobilization efforts said that there were more than 1,500 ex-militiamen under age 18. However, no serious survey has been conducted, and even militia commanders did not know the number and ages of the people in their units. Many militia units had teenage members, but it was unclear whether they fought. See Bouka Owoko, Director of Communications, Congolese Human Rights Watch, interview by USDOL official, July 25, 2000.

which ethnic Pygmies, possibly including children, work as indentured servants for ethnic Bantus in remote northern areas of the country.⁶⁰⁹

Primary school education is compulsory for children between the ages of 6 and 11.⁶¹⁰ The gross primary enrollment rate was 114.3 percent in 1995.⁶¹¹ More than 50 percent of the Congo's school-age children, however, reportedly do not attend school.⁶¹² Many classroom buildings were damaged because of the civil war, and schools have few educational materials, and poor hygiene/sanitation systems.⁶¹³ High dropout rates in urban and rural areas are reportedly due to poverty, teacher absenteeism, and poor learning conditions. According to UNICEF, 1,714 schools in the country need rehabilitation.⁶¹⁴ Lack of resources has made it very difficult for the Ministry of Education to rehabilitate the facilities and rebuild the system.⁶¹⁵

⁶⁰⁹ Little reliable information exists on the scope of the problem. See *Country Reports 2000* at Section 6c. The Congo Government argues that what may appear to be slavery is in fact an arrangement whereby the Pygmies, who are hunters, work for monetary compensation on farms owned by the Bantus. See Embassy of the Republic of Congo diplomatic note 2267/MAECF-CAB/CAJ, October 25, 2001, to USDOL [hereinafter diplomatic note 2267/MAECF-CAB/CAJ].

⁶¹⁰ UNESCO, International Association of Universities, *Higher Education System: Congo—Education System*, at <http://www.unesco.org/iau/cd-data/cg.rtf> on 12/19/01.

⁶¹¹ *World Development Indicators 2001*.

⁶¹² “UNICEF to Build and Rehabilitate Schools,” UN Integrated Regional Information Networks, September 7, 2001, at <http://allafrica.com/stories/200109070016.html> on 10/23/01. See also UNICEF, “UNICEF Emergency Programmes, Republic of Congo Donor Update,” March 7, 2000, at <http://www.unicef.org/emerg/congomar.htm>, on 10/26/01.

⁶¹³ UNICEF, *UNICEF Humanitarian Action: Republic of Congo Donor Update*, September 4, 2001, at <http://www.reliefweb.int/w/Rwb.nsf/vID/2C45D0903EF3950D85256ABD005B3D8D?OpenDocument> on 10/31/01.

⁶¹⁴ *Ibid.*

⁶¹⁵ *Ibid.*

Child Labor Laws and Enforcement

The minimum age for employment is 16, unless specifically permitted by the Ministry of Education.⁶¹⁶ The law prohibits forced or compulsory labor, including that performed by children.⁶¹⁷ Procuring any person for the purposes of prostitution is illegal, with increased punishment if the crime is committed with a minor.⁶¹⁸ The Ministry of Labor is responsible for enforcing child labor laws but concentrates its efforts only on the formal wage sector and does not monitor either the rural or the informal sectors, where most child labor occurs.⁶¹⁹ The Republic of the Congo ratified ILO Convention 138 on November 26, 1999, and ratified ILO Convention 182 on April 29, 2002.⁶²⁰

⁶¹⁶ Diplomatic note 2267/MAECF-CAB/CAJ.

⁶¹⁷ Ibid.

⁶¹⁸ The Protection Project Database, Section 2, Article 225-7, at <http://209.190.246.234/vt/2.htm> on 2/10/02.

⁶¹⁹ *Country Reports 2000* at Section 6d.

⁶²⁰ ILO, International Labour Standards, List of Ratifications of International Labour Conventions: Congo, at <http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang'EN>.

NOTE: Hard copies of all Web citations are on file.

Congo, Democratic Republic of the (Kinshasa)

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

The DRC is participating in a regional program to prevent children from becoming involved in armed conflicts in Central Africa. The program is sponsored by ILO-IPEC and funded by USDOL.⁶²¹ In June 2001, the government created institutions and mechanisms to oversee the disarmament, demobilization, and reintegration of child soldiers into society⁶²² and initiated a series of workshops and seminars as part of a national campaign to sensitize both civilians and soldiers on the demobilization and re-integration of child soldiers into the social mainstream.⁶²³ USAID works with and through NGOs that address girls' education; demobilizing child soldiers; training and reintegrating child soldiers into their home communities; and protecting vulnerable and street children, orphans and victims of torture.⁶²⁴

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 28.8 percent of children between the ages of 10 and 14 were working in the Democratic Republic of the Congo (DRC).⁶²⁵ Children work in the informal sector and in subsistence agriculture, which constitute the larger part of the economy.⁶²⁶ Thousands of street children in the DRC's major towns and cities often work in extremely hazardous conditions and are at risk of sexual exploitation or recruitment into the armed forces.⁶²⁷ In November

⁶²¹ ILO, *Phase I: Regional Programme on the Prevention and Reintegration of Children Involved in Armed Conflicts in Central Africa*, project document (Geneva, 2001) [on-file].

⁶²² Human Rights Watch, *World Report 2001, Children's Rights: The Use of Children as Soldiers*, at <http://www.hrw.org/wr2k1/children/child2.html> on 10/22/01.

⁶²³ "Minister Condemns Utilization of Child Soldiers," *Panapress*, June 13, 2001, at <http://www.panapress.com/newslat.asp?code'eng005723&dte'13/06/2001> on 10/26/01. The civil war, corruption, and the government's inability to control much of the country have combined to make education and the reduction of child labor a low priority. An estimated 30 percent of children under age 5 suffer from severe malnutrition, and many children suffer from measles, whooping cough, bubonic plague, malaria, and HIV/AIDS. See "No End in Sight: The Human Tragedy of the Conflict in the Democratic Republic of Congo - August 2001," Christian Aid, Oxfam GB, and Save the Children UK, Oxfam, June 8, 2001 [hereinafter "Human Tragedy of the Conflict"], at <http://www.oxfam.org.uk/policy/papers/drc2.htm> on 10/26/01.

⁶²⁴ USAID, Democratic Republic of the Congo, Budget Justification for FY 2002 [hereinafter FY 2002 Budget Justification], at <http://www.usaid.gov/country/afr/cd/> on 10/23/01.

⁶²⁵ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM] [hereinafter *World Development Indicators 2001*].

⁶²⁶ *Country Reports on Human Rights Practices for 2000—Democratic Republic of the Congo (DRC) (Kinshasa)* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid'753>.

⁶²⁷ "Human Tragedy of the Conflict."

2001, more than 10,000 children were reportedly serving in armies or in armed opposition militias.⁶²⁸ Children as young as 10 years of age reportedly have enlisted as soldiers in the Congolese Armed Forces (FAC).⁶²⁹ The FAC has targeted homeless children, forcing young boys into the army and sexually exploiting girls.⁶³⁰ Many children are forced by their parents to leave school and beg in the streets, or work to provide income to their families.⁶³¹ Girls as young as 8 years of age have reportedly been forced into prostitution,⁶³² while other children hunt or fish to support their families instead of attending school.⁶³³

Primary education is not compulsory or free.⁶³⁴ In 1994, the gross primary school enrollment rate was 72.2 percent, and the net primary school enrollment rate was 60.8 percent.⁶³⁵ Less than half of school-age children between ages 6 and 15 attended school in 1999.⁶³⁶ Approximately three-quarters of children drop out before completing their primary education.⁶³⁷ The main barriers to attendance are parents' inability to pay school fees, dilapidated school facilities, and population displacement.⁶³⁸ From 1990 to 1995, only 64 percent of children who enrolled in the first year of primary education reached the fifth year.⁶³⁹ The DRC spent approximately 1 percent of its budget

⁶²⁸ Ibid.

⁶²⁹ *Country Reports 2000* at Section 5. The UN Committee on the Rights of the Child states that "in some cases, the age of a child was falsified and children as young as 13 were recruited as soldiers." See UN, "CRC Starts Consideration of Report of Democratic Republic of the Congo: Delegation Asked to Clarify the Fate of Children Sentenced to Capital Punishment, Child-Soldiers," press release, 27th session, May 28, 2001 [hereinafter UN press release on rights of child], at <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/D33F9C5FC1976910C1256A5B0057D64A?opendocument>.

⁶³⁰ *Country Reports 2000* at Sections 1c, 5.

⁶³¹ Ibid. at Section 6d. Much of this can be attributed to the country's faltering economy, which has seen per capita income fall from USD 361 in 1960 to below USD 100 in 2000. Over 80 percent of the DRC's population lives in absolute poverty. See also FY 2002 Budget Justification.

⁶³² *Country Reports 2000* at Section 6d.

⁶³³ Ibid. at Section 5.

⁶³⁴ Ibid.

⁶³⁵ *World Development Indicators 2001*.

⁶³⁶ UN, "Committee on Rights of Child Starts Consideration of Report of Democratic Republic of the Congo," press release, May 28, 2001, at <http://www.unhcrh.ch/hurricane/hurricane.nsf/view01> on 11/19/01 [hard copy on file].

⁶³⁷ UN press release on rights of child.

on education in 1999.⁶⁴⁰ Catholic and Protestant churches support over 60 percent of the educational services in the country.⁶⁴¹

Child Labor Laws and Enforcement

Article 115 of the Labor Law sets the minimum age for employment at 14 years.⁶⁴² 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; those 16 to 18 years may work up to 8 hours per day.⁶⁴³ Children under the age of 18 are prohibited from working at night in public or private establishments.⁶⁴⁴ Article 15 of the Constitution prohibits forced labor.⁶⁴⁵ Under the Juvenile Code, children under 14 are prohibited from engaging in prostitution, although child prostitution is common.⁶⁴⁶ The Ministry of Labor is responsible for enforcing the labor laws, but does not make an effort to enforce child labor laws.⁶⁴⁷ The DRC ratified ILO Convention 138 and ILO Convention 182 on June 20, 2001.⁶⁴⁸

⁶³⁸ “Human Tragedy of the Conflict.”

⁶³⁹ UN press release on rights of child.

⁶⁴⁰ Ibid.

⁶⁴¹ FY 2002 Budget Justification.

⁶⁴² Republique Democratique du Congo, Article 106, 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 [hereinafter Code du Travail], NATLEX database, at <http://natlex.ilo.org/scripts/natlexcgi.exe?lang'E> on 12/10/10.

⁶⁴³ *Country Reports 2000* at Section 6d.

⁶⁴⁴ Code du Travail.

⁶⁴⁵ Ebauche de la Constitution de la Republique Democratique du Congo at <http://confinder.richmond.edu/congo-k.htm> on 12/10/01.

⁶⁴⁶ *Country Reports 2000* at Section 5.

⁶⁴⁷ Ibid. at Section 6d.

⁶⁴⁸ ILO, List of Ratifications of International Labour Conventions, Democratic Republic of the Congo, at <http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang'EN> on 10/22/01.

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Costa Rica

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

The Government of Costa Rica has been a member of ILO-IPEC since 1996.⁶⁴⁹ In 1998, Costa Rica began participating in a two-year USDOL-funded ILO-IPEC project to combat child prostitution in San Jose.⁶⁵⁰ Currently, Costa Rica is participating in ILO-IPEC projects to collect child labor statistics and combat child labor in the coffee sector (in Turrialba and Guanacaste), in the fishing sector (in the Gulf of Nicoya) and in agricultural markets (in Cartago).⁶⁵¹

In 1990, the Government of Costa Rica established the National Directive Committee for the Progressive Eradication of Child Labor and the Protection of Adolescent Workers in Costa Rica (formerly the National Directive Committee Against Child Labor).⁶⁵² The Committee has developed a national plan to eliminate child labor and fostered a number of institutions that address child labor, including the Executive Secretariat for the Eradication of Child Labor, the Office of Eradication of Child Labor and Protection of Adolescent Laborers, and the National Commission Against the Commercial Exploitation of Minors and Adolescents.⁶⁵³

In September 2000, the government established the “National Agenda for Children and Adolescents, 2000-2010”, in which it pledged to prevent and eliminate the worst forms of child labor and retain 100 percent of children in basic education by the year 2010.⁶⁵⁴ Since implementation of the agenda began in 2000, the government has created promotional materials on the problem of child labor; provided awareness training to over 1,450 government officials, college students, and private sector employees in the banana industry; and educated 4,000 youths on worker rights. All labor inspectors are reportedly trained in child labor enforcement and the prevention of child exploitation.⁶⁵⁵

⁶⁴⁹ The ILO-IPEC Regional Office is located in San Jose, Costa Rica. See ILO-IPEC, *All About IPEC: Programme Countries*, at http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁶⁵⁰ ILO, *Combating Child Prostitution in Costa Rica*, project document, 1998 [on file].

⁶⁵¹ U.S. Embassy—San Jose, unclassified telegram no. 1586, June 2000 [hereinafter unclassified telegram 1586]. See also the following ILO project documents: *Statistical Information and Monitoring Programme on Child Labor*, September 1999 [on file], and *Prevention and Progressive Elimination of Child Labor in the Coffee Sector in Costa Rica*, 1999 [on file].

⁶⁵² Unclassified telegram 1586.

⁶⁵³ Ibid.

⁶⁵⁴ “Agenda Nacional para la Niñez y la Adolescencia: Metas y Compromisos, 2000-2001,” Septiembre 2000, pg. 21.

⁶⁵⁵ *Informe de Avance de la Acciones Realizadas en Materia de Niñez y Adolescencia*, submitted as an attachment to Ambassador Jaime Daremblum, Embassy of Costa Rica, letter to USDOL official, October 23, 2001 [hereinafter Ambassador Daremblum letter].

In the area of education, the government is promoting children's access to primary school through ongoing publicity campaigns sponsored by the Ministries of Labor and Public Education and has increased its education budget 22 percent in the last five years in an effort to help more children complete secondary school.⁶⁵⁶ The government is also working with the World Bank on a USD 23 million project designed to improve basic education in grades one through nine, particularly in disadvantaged rural and marginal urban areas.⁶⁵⁷

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 4.4 percent of children between the ages of 10 and 14 in Costa Rica were working.⁶⁵⁸ In rural areas, children work in agriculture and cattle raising, primarily on family-owned farms. Children traditionally help harvest coffee beans and sugarcane.⁶⁵⁹ In urban areas, some children work as domestic servants, and others may be involved in construction, carpentry, furniture making, baking, sewing and the small-scale production of handicrafts. Children also bag groceries at supermarkets, sell goods on streets or highways, and watch over parked vehicles.⁶⁶⁰ The prostitution of children is a growing problem in Costa Rica,⁶⁶¹ and is often associated with the country's sex tourism industry.⁶⁶²

Education is compulsory and free for 6 years at the primary level and 3 years at the secondary level.⁶⁶³ In 1998, the gross primary enrollment rate was 108.5 percent and the net primary enrollment rate was 93.1 percent.⁶⁶⁴ Primary school attendance rates are unavailable for Costa Rica. While enrollment rates indicate a level of commitment to education, they do not

⁶⁵⁶ Unclassified telegram 1586.

⁶⁵⁷ The project is helping to revise the curriculum, produce and distribute textbooks, create teaching manuals and educational materials, deliver training for teachers and school administrators, and pilot computer use in classrooms. See "Countries: Costa Rica," The World Bank Group, at <http://www.worldbank.org/html.extdr/offrep/lac/cr2.htm>.

⁶⁵⁸ ILO, *Yearbook of Labor Statistics 2000* (Geneva, 2000).

⁶⁵⁹ U.S. Embassy—San Jose, unclassified telegram no. 515, February 1998 [hereinafter unclassified telegram 515].

⁶⁶⁰ Ibid. See also "El Trabajo Infantil Juvenil en Costa Rica y Su Relación Con La Educación: Analysis de los Resultados de la Encuesta de Hogares de Propósitos Múltiples 1994 Sobre Actividades de los Menores de Edad" (PANI, Costa Rica), 23, 24 [on file].

⁶⁶¹ According to the National Board for Children (PANI), street children in San Jose, Limon, and Puntarenas are at the greatest risk of entering prostitution. See *Country Reports on Human Rights Practices for 2000—Costa Rica* (Washington, D.C.: U.S. State Department, 2001) [hereinafter *Country Reports 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/746.htm>.

⁶⁶² UNICEF, *Sexual Exploitation in Costa Rica: Analysis of the critical path to prostitution for boys, girls, and adolescents*, 29.

⁶⁶³ A tradition of free schooling dates back to 1869. See "Education in Costa Rica" at <http://www.infocostarica.com/education/education.html> [on file]. See also *Country Reports 2000* at Section 5.

⁶⁶⁴ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

always reflect children's participation in school.⁶⁶⁵ The proportion of dropouts is higher in rural areas than in urban areas.⁶⁶⁶

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years.⁶⁶⁷ Article 94 of the Children and Adolescents' 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 there they are required to work with dangerous equipment, contaminated substances or excessive noise.⁶⁶⁸ Under Article 95 of the Children and Adolescent's Code, children are also not allowed to work at night or more than 6 hours a day or 36 hours a week.⁶⁶⁹ Article 71 of the Constitution provides working women and children with special protection.⁶⁷⁰

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.⁶⁷¹ Article 170 of the Penal Code provides a prison sentence of between 4 and 10 years if the victim of prostitution is under the age of 18.⁶⁷² Costa Rican law also prohibits the trafficking of women and minors in and out of the country for prostitution.⁶⁷³

The Ministry of Labor and Social Security is responsible for detecting and investigating labor violations, while the National Board for Children and the judiciary are responsible for

⁶⁶⁵ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

⁶⁶⁶ "UNICEF Señala Debilidades en Lucha Contra Deserción: Niños Esperan Mejor Educación," September 20, 2001, at http://www.nacion.com/In_ee/2000/septiembre/20/pais8html. See also "Informe Sobre el Trabajo Infantil y Adolescente en Costa Rica: Actividad Doméstica Infantil y Adolescente," PANI (no publication date) [document on file].

⁶⁶⁷ In 1998, Costa Rica passed the Children and Adolescent's Code, which amended Articles 88 and 89 of the Labor Code to increase the minimum age for work to 15. See Ambassador Daremblum letter. See also *Código de la Niñez y la Adolescencia*, 1997 (Geneva: UNICEF, 1998) [hereinafter *Código de la Niñez*], and *Código de Trabajo* (Investigaciones Jurídicas S.A., San Jose, 1999) [hereinafter *Código de Trabajo*] [document on file].

⁶⁶⁸ *Código de Trabajo*. See also Ambassador Daremblum letter.

⁶⁶⁹ *Código de la Niñez*.

⁶⁷⁰ *Constitución Política de la República de Costa Rica*, 1949, at .
<http://www.georgetown.edu/puba/Constitutions/Costa/costa2.html>.

⁶⁷¹ U.S. Embassy--San Jose, unclassified telegram no. 1977, August 2000.

⁶⁷² *Ibid.*

⁶⁷³ Interpol, "Sexual Offenses Laws: Costa Rica," at <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/scaCostaRica.asp> on 11/19/01.

addressing cases of child sexual exploitation.⁶⁷⁴ There are approximately 130 labor inspectors in Costa Rica.⁶⁷⁵ Child labor investigations can be initiated after an inspection, or in response to complaints filed by governmental or non-governmental organizations, or members of civil society, including children and adolescents who are subject to exploitation.⁶⁷⁶ Due to limited resources, child labor regulations are not always enforced outside the formal economy.⁶⁷⁷ The government effectively enforces its law against forced labor⁶⁷⁸ and has been enforcing its prohibitions against the sexual exploitation of minors by raiding brothels and arresting pedophiles.⁶⁷⁹

Costa Rica ratified ILO Convention 138 on June 11, 1976, and ILO Convention 182 on September 10, 2001.⁶⁸⁰

⁶⁷⁴ The Ministry of Labor carries out these responsibilities through its Bureau for the Attention and Eradication of Child Work and Protection of Adolescents, and through the Office of Labor Inspection. Ambassador Daremblum letter, 3.

⁶⁷⁵ Minister of Labor of Costa Rica, interview by USDOL official, August 11, 2000.

⁶⁷⁶ Ambassador Daremblum letter.

⁶⁷⁷ *Country Reports 2000* at Section 6d.

⁶⁷⁸ *Ibid.*

⁶⁷⁹ U.S. Embassy—San Jose, unclassified telegram no. 968, August 2001. *See also* “Police Raid Reveals More Child Prostitution in Costa Rica” at <http://www.casa-alianza.org/EN/lmn/docs/20000317.00389.htm> [on file].

⁶⁸⁰ ILO, Ratifications of ILO Fundamental Conventions, at <http://www.iloles.ilo.ch:1567/English/>.

NOTE: Hard copies of all Web citations are on file.

Côte d'Ivoire

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

Côte d'Ivoire is one of nine countries participating in the ILO-IPEC project to combat the trafficking of children for exploitative labor in West and Central Africa, which is funded by USDOL.⁶⁸¹ In September 2000, Côte d'Ivoire and Mali signed a bilateral agreement to curb the trafficking of Malian children into Côte d'Ivoire.⁶⁸² The Government of Côte d'Ivoire is in discussions with Burkina Faso and Togo to establish similar agreements.⁶⁸³ In July 2001, the National Committee for Combating Trafficking and Exploitation of Children was created by presidential decree.⁶⁸⁴ The government has also undertaken several educational and training programs to discourage domestic trafficking⁶⁸⁵ and is now utilizing the police along the country's borders to stop international trafficking.⁶⁸⁶

The Government of Côte d'Ivoire has stated its support for efforts to combat exploitation of children in the country's cocoa sector. A program, funded by USDOL, will seek to withdraw children from hazardous work in this sector, provide income generation and economic alternatives, and promote education.⁶⁸⁷ In addition, the USAID-supported Sustainable Tree Crops Program is incorporating elements into its program and is coordinating with the USDOL-funded ILO-IPEC program to address child labor in the cocoa sector.⁶⁸⁸ The government has agreed to various surveys and studies on child labor and labor conditions in the cocoa sector funded by USAID,

⁶⁸¹ ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (Phase II): Country Annex IV: Côte d'Ivoire* (Geneva) [hereinafter *Combating the Trafficking of Children*] [fact sheet on file]. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (Phase II): Project Document*.

⁶⁸² U.S. Embassy—Abidjan, unclassified telegram no. 2176, June 2001 [hereinafter unclassified telegram 2176]. See also Ministry of Families, Women and Children, *Combating Trafficking and Economic Exploitation of Children in Côte d'Ivoire* (Abidjan, July 2001) [hereinafter *Trafficking and Economic Exploitation of Children*] [fact sheet on file].

⁶⁸³ Unclassified telegram 2176.

⁶⁸⁴ *Trafficking and Economic Exploitation of Children*.

⁶⁸⁵ Unclassified telegram 2176. See also *Trafficking and Economic Exploitation of Children*.

⁶⁸⁶ *Trafficking and Economic Exploitation of Children*.

⁶⁸⁷ The program will be coordinated by the National Project Advisory Committee established under the ILO-IPEC trafficking program. See ILO-IPEC, *Action to Combat Hazardous and Exploitative Child Labour in Commercial Agriculture in West Africa*, draft program document (Geneva, December 2001).

⁶⁸⁸ ILO-IPEC, *Action to Combat Hazardous and Exploitative Child Labour in Commercial Agriculture in West Africa*, program overview (December 2001) (Geneva, December 2001). See also *Trafficking in Persons: USAID's Response* (USAID, September 2001), 4.

USDOL, and the Chocolate Manufacturers' Association.⁶⁸⁹ A national child labor survey is also planned for 2002 in Côte d'Ivoire with technical assistance from ILO-IPEC's SIMPOC.⁶⁹⁰

The Government of Côte d'Ivoire allocates more than 40 percent of its budget to education⁶⁹¹ and has implemented a National Development Plan for Education, which calls for universal primary school education by 2010.⁶⁹²

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 40.3 percent of children between the ages of 5 and 14 in Côte d'Ivoire work.⁶⁹³ Children work on family farms or as vendors, carpenters, and automobile mechanics.⁶⁹⁴ They also work in restaurants and cafes, shine shoes, run errands, wash cars, and wash car windows.⁶⁹⁵ Children are reportedly trafficked from Côte d'Ivoire to African, European, and Middle Eastern countries.⁶⁹⁶ Children have also been trafficked within Côte d'Ivoire and into the country from Mali, Benin, Burkina Faso, Ghana, and Togo to work as domestic servants, farm laborers, and indentured servants.⁶⁹⁷ These children are sometimes forced to work for owners of commercial farms harvesting cocoa, cotton, corn, rice, and pineapples.⁶⁹⁸ Other children are forced to work in the country's gold and diamond mines or in sweatshop conditions in small workshops.⁶⁹⁹ There have been reports of the trafficking of Nigerian girls into Côte d'Ivoire for the purpose of child prostitution.⁷⁰⁰

⁶⁸⁹ U.S. Embassy—Abidjan, unclassified telegram no. 3470, October 2001 [hereinafter unclassified telegram 3470]. See also Chocolate Manufacturers Association, *Protocol for the Growing and Processing of Cocoa Beans and Their Derivative Products in a Manner That Complies with ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor* [on file].

⁶⁹⁰ ILO-IPEC electronic correspondence on SIMPOC countries to USDOL official, January 18, 2001 [on file]. See also ILO-IPEC, *Child Labor Statistics: SIMPOC Countries*, at <http://www.ilo.org/public/english/standards/ipecc/simpoc/countries.htm> on 1/29/02.

⁶⁹¹ UN, Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Initial Reports of States Parties Due in 1993, Addendum, Côte d'Ivoire*, CRC/C/8/Add.41 (Geneva, April 2000) [hereinafter *Initial Reports of States Parties*], para. 168.

⁶⁹² UNICEF, *Enquête à Indicateurs Multiples - MICS2000: Rapport Final* (Abidjan, December 2000) [hereinafter *Indicateurs Multiples - MICS2000: Rapport Final*], 24, at http://www.childinfo.org/MICS2/natlMICSrepz/Ivory_Coast/mics2rap.pdf.

⁶⁹³ *Multiple Indicator Cluster Survey 2* at <http://www.ucw-project.org>.

⁶⁹⁴ Unclassified telegram 3470. See also *Country Reports on Human Rights Practices for 2000—Côte d'Ivoire* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=773>.

⁶⁹⁵ *Country Reports 2000* at Section 6f. See also unclassified telegram 3470.

⁶⁹⁶ U.S. Department of State, *Trafficking in Persons Report - Côte d'Ivoire*, June 2001.

⁶⁹⁷ Unclassified telegram 2176. See also *Country Reports 2000* at Section 6f.

⁶⁹⁸ Unclassified telegram 3470.

⁶⁹⁹ *Ibid.*

⁷⁰⁰ U.S. Embassy—Abidjan, unclassified telegram no. 177014, October 2001.

Primary education in Côte d'Ivoire is compulsory for children between the ages of 7 and 13.⁷⁰¹ Beginning in the 2001-2002 school year, tuition fees for primary school students are waived.⁷⁰² However, parents must still pay an annual fee of 2,600 FCFA (USD 3.50) for each child's enrollment in public secondary schools and a monthly fee of 3,000 FCFA (USD 4) for transporting their secondary school children.⁷⁰³ Parents also are responsible for buying books and school supplies.⁷⁰⁴ In 1996, the gross primary enrollment rate was 71.3 percent, and the net primary enrollment rate was 55.2 percent.⁷⁰⁵ A UNICEF study in 2000 indicated that 56.9 percent of Ivorian children ages 6 to 11 attend school and that 69.3 percent of children who enter Grade 1 actually reach Grade 5.⁷⁰⁶ 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).⁷⁰⁷

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years and prohibits children under 18 years from working more than 12 consecutive hours or at night, unless working as an apprentice.⁷⁰⁸ Decree No. 96-204 also prohibits night work by children between 14 and 17 years, unless granted on exception by the Labor Inspectorate.⁷⁰⁹ The Minority Act requires parents or legal guardians to sign employment contracts on the behalf of children under 16 years of age and to serve as witnesses to the signing for children between the ages of 16 and 18.⁷¹⁰ The Labor Inspec-

⁷⁰¹ UNESCO, *Education Indicators: Statistical Yearbook, 1996*, at <http://esa.un.org/socdev/unyin/country3b.asp?countrycode=ci>. See also *Country Reports 2000* at Section 5.

⁷⁰² Unclassified telegram 3470.

⁷⁰³ Ibid. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 1/29/02.

⁷⁰⁴ Ibid.

⁷⁰⁵ *World Development Indicators 2001* (Washington, DC: World Bank, 2001) [CD-ROM].

⁷⁰⁶ *Indicateurs Multiples - MICS2000: Rapport Final* at 27, 28. See also UNICEF, *Enquête à Indicateurs Multiples - MICS2000: Principaux Résultats* (Abidjan, November 2000), at http://www.childinfo.org/MICS2/natlMICSrepz/Ivory_Coast/Principaux_resultats.pdf.

⁷⁰⁷ *Indicateurs Multiples - MICS2000: Rapport Final* at 27.

⁷⁰⁸ Code du travail [hereinafter Code du travail], Titre II, Chapitre 2, Articles 22.2, 23.8, at <http://www.natlex.ilo.org/txt/F95CIV01.htm>.

⁷⁰⁹ Decree No. 96-204, as cited in unclassified telegram 3470. Employers found in violation of the night work prohibition are punishable with imprisonment from 10 days to two months and/or a fine ranging from 2,000 to 72,000 FCFA (USD 3 to 97). Currency conversion at <http://www.carosta.de/frames/convert.htm> on 1/29/02.

torate can require children to take a medical exam to ensure that they can undertake the work for which they are hired. 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.⁷¹¹ Decree No. 96-193 restricts children from working in bars, hotels, pawnshops, and second-hand clothing stores.⁷¹² Forced or compulsory labor is prohibited,⁷¹³ as is having sexual relations with a minor 15 years or younger.⁷¹⁴

The child labor laws in Côte d'Ivoire apply to all sectors and industries in the country, although the lack of government resources make them difficult to enforce in the informal sector.⁷¹⁵ Côte d'Ivoire has not ratified ILO Convention 138 or ILO Convention 182.⁷¹⁶

⁷¹⁰ Unclassified telegram 3470. See also *Initial Reports of States Parties* at para. 85.

⁷¹¹ Code du travail at Titre II, Chapitre 3, Article 23.9.

⁷¹² Unclassified telegram 3470.

⁷¹³ Code du travail, Dispositions Générales, Article 3.

⁷¹⁴ The penalty for statutory rape or the attempted rape of children age 15 or younger is imprisonment for 1 to 3 years and a fine of 100,000 to 1,000,000 FCFA (USD 135 to 1,351). Persons convicted of procuring a prostitute under age 21 may be imprisoned for 2 to 10 years. See *Country Reports 2000* at Section 5. See also *Initial Reports of States Parties* at 32. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 1/29/02.

⁷¹⁵ Unclassified telegram 3470.

⁷¹⁶ The Ivorian Parliament passed ILO Convention 138 and ILO Convention 182 on January 3, 2002. See ILOLEX database: Côte d'Ivoire at <http://ilolex.olo.ch:1567>. See also Youssoufou Bamba, Ambassador of Côte d'Ivoire, letter to Cadbury International Limited official, January 22, 2002.

NOTE: Hard copies of all Web citations are on file.

Croatia

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

The Government of Croatia has supported the establishment of the National Council for Children, a group of state and local institutions that promote general children's rights issues.⁷¹⁷ Several nongovernmental organizations are actively assisting children and ethnic minorities who were displaced or otherwise affected by the regional armed conflict in the early 1990s. UNICEF has education programs to improve curricula; train teachers; and address ethnic intolerance—which may affect children's school attendance, particularly in areas where Bosnian or Serbian refugees are returning home.⁷¹⁸ In addition, the government signed a trans-border crime agreement as part of an effort to prevent trafficking, and IOM is working in Croatia to research the current trafficking situation and raise awareness about the issue.⁷¹⁹

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Croatia are unavailable. According to government officials, only a small number of children between ages 15 and 18 are employed, mainly in the textile and maritime industries.⁷²⁰ Reports indicate that Croatia is primarily a transit country but also an origin and destination country for trafficking women and children for prostitution.⁷²¹

⁷¹⁷ UNICEF, *2000 Consolidated Report for Southeast Europe* [hereinafter *Consolidated Report for Southeast Europe*], 78, at <http://www.unicef.org> on 10/1/01.

⁷¹⁸ UNICEF is also working to improve the national capacity to monitor children's rights and to increase government allocations for child social services and child protection. See *Consolidated Report for Southeast Europe* at 78.

⁷¹⁹ The Croatian government signed the Agreement on Cooperation to Prevent and Combat Trans-border Crime with the Southeast European Cooperative Initiative. IOM is operating a regional program with a branch in Croatia. The specific goals of the IOM program are to conduct research into the problem of trafficking, raise public awareness of the issue, and hold capacity-building programs for police and potential law enforcers. See UNICEF, *Trafficking in Human Beings in Southeastern Europe*, August 15, 2000, and IOM, *IOM Counter Trafficking Strategy for the Balkans and Neighboring Countries*, January 2001. The Ministry of Labour and Welfare has also stated that an initiative was launched in 2000 to make a plan of action to combat commercial sexual exploitation of children. See 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, for 1999-2000*, 125.

⁷²⁰ "Regulation of Child Labor in the Republic of Croatia," 1998 Public Hearing on Child Labor (Washington, D.C.: USDOL, 1998) [hereinafter "Regulation of Child Labor"].

⁷²¹ *The Protection Project Database: Human Rights Report on Trafficking of Women and Children: Croatia* at <http://www.protectionproject.org>. See also UNICEF, *Trafficking In Human Beings in Southeastern Europe*, August 15, 2000, and UNESCO, *Integration of the Human Rights of Women and the Gender Perspective*, E/CN.4/2000/68, February 2000.

Education is free and compulsory through grade eight.⁷²² Children generally finish compulsory education at age 14, but the minimum age for employment is 15.⁷²³ In 1996, the gross primary enrollment rate was 87.1 percent, and in 1994, the net primary enrollment rate was 82.3 percent.⁷²⁴ Primary school attendance is lower among ethnic Roma, many of who do not go to school at all, or drop out around the second or third grade.⁷²⁵

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 15, and children between ages 15 and 18 may only work with written permission from a legal guardian.⁷²⁶ 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.⁷²⁷ The Constitution prohibits forced or bonded labor, including labor by children.⁷²⁸ Article 175 of the Criminal Code prohibits slavery and the transport of slaves; Article 178 outlaws international prostitution, including solicitation of a minor; and Article 195 prohibits procurement of minors for sexual purposes. Penalties range from 6 months to 5 years in prison, or 10 years for crimes against minors.⁷²⁹ Croatia ratified ILO Convention 138 on October 8, 1991, and ILO Convention 182 on July 17, 2001.⁷³⁰

⁷²² *Country Reports on Human Rights Practices for 2000—Croatia* (Washington, D.C., U.S. Department of State, 2000) [hereinafter *Country Reports 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/index.cfm?docid=716>.

⁷²³ *Ibid.* at Section 6d.

⁷²⁴ *World Development Indicators 2001*, Washington, D.C., 2001 [CD-ROM].

⁷²⁵ While the 1991 Government Census counted 6,700 ethnic Roma in Croatia, government and nongovernmental officials agree that the true number of Roma may be 30,000 to 40,000. Ethnic Roma face discrimination, particularly in the labor market and in schools. See Savelina Danova and Ruman Russinov, "Field Report: The ERRC in Croatia," *European Roma Rights Center* (summer 1998), at http://www.errc.org/rr_sum1998/field_report.shtml on 10/1/01. See also *Country Reports 2000* at Section 5.

⁷²⁶ 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 *Croatia Labor Law* (1996), Articles 14 and 15, as cited in "Regulation of Child Labor."

⁷²⁷ Occupational Safety and Health Act, Article 40, as cited in Davor Stier, Embassy of the Republic of Croatia and the Croatian Ministry of Labor, letter, October 10, 2000 [letter on file]. The list of "harmful activities" is determined by the Ministry of Labor and Social Welfare, in concert with the Ministry of Health. In general, all labor provisions are enforced by the Ministry of Labor and Social Welfare. See *Croatia Labor Law* (1996), Articles 16 and 40, as cited in "Regulation of Child Labor."

⁷²⁸ Constitution of the Republic of Croatia, Article 23, at <http://www.vlada.hr/english/docs-constitution.html> on 10/1/01.

⁷²⁹ See Protection Project Database at <http://www.protectionproject.org>.

⁷³⁰ ILOLEX database at <http://ilolex.ilo.ch:1567/english> on 10/1/01.

Czech Republic

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

The Czech police force is taking active measures to prevent the solicitation of sexual activity from children through raids of high-crime areas and increased monitoring. This is part of a government-approved plan to prevent sexual abuse that focuses on crime prevention and rehabilitation of children who have been victims of sexual exploitation.⁷³¹ With the support of the Czech Government, the United Nations Center for International Crime Prevention initiated a Global Program against Trafficking in Human Beings in 2001. The program aims to improve law enforcement and criminal justice responses to trafficking; raise awareness and improve inter-agency and inter-country cooperation; and enhance existing research on trafficking.⁷³²

Incidence and Nature of Child Labor

Statistics on the number of working children below the age of 15 years in the Czech Republic are unavailable. The popular press has cited incidents of child sexual exploitation in recent years, and government reports indicate that child prostitution is a present and growing problem.⁷³³ Czech girls are trafficked for purposes of prostitution to and from the former Soviet Union, Africa, Asia, and the Middle East. The Czech Republic is also a source country for girls trafficked to Western Europe.⁷³⁴

Education is free and compulsory from ages 6 to 15.⁷³⁵ In 1996, the gross primary enrollment rate was 104 percent, and in 1995, the net primary enrollment rate was 86.9 percent.⁷³⁶ Primary school attendance rates are unavailable for the Czech Republic. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in

⁷³¹ U.S. Embassy—Prague, unclassified telegram no. 2575, September 2000 [hereinafter unclassified telegram 2575]. See also *Country Reports on Human Rights Practices for 2000—Czech Republic* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6f, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/733.htm>.

⁷³² *Global Programme Against Trafficking in Human Beings*, UN Centre for International Crime Program, at <http://www.uncjin.org/CICP/Folder/traff.htm> on 10/4/01.

⁷³³ In the past few years, the media have produced numerous reports on child sexual exploitation, in particular, pedophilia. Reports by the government indicate that in recent years, the number of prostitutes who are under age 18 has increased. Hundreds of cases are listed every year, though the government believes this to be a fraction of the real number of child prostitutes. See UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports of States Parties Due in 1994, Addendum, Czech Republic*, CRC/C/11Add.11 (Geneva, 1994) [hereinafter *Initial Reports of States Parties*]. See also Ray Furlong, "Czech Challenge to Child Prostitution," *BBC News*, July 22, 2000, at http://news.bbc.co.uk/hi/english/world/europe/newsid_846000/846226.stm; *Country Reports 2000* at Sections 5, 6f; and European Parliament, *Trafficking in Women*, working paper (Brussels, March 2000).

⁷³⁴ *Country Reports 2000* at Section 6f. See also Petr Ibl, Vice-Minister of Interior and Head of the Delegation of the Czech Republic, statement at the Tenth United Nations Congress on Crime Prevention and the Treatment of Offenders, April 14, 2000.

⁷³⁵ Unclassified telegram 2575.

school.⁷³⁷ Ethnic Roma children attend school less regularly, and disproportionately attend “special schools” for mentally disabled or socially maladjusted individuals.⁷³⁸

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years and requires that youths between the ages of 15 and 18 receive special care and protection.⁷³⁹ Overtime and night work is prohibited for minors, except for children over 16 years who may work for one hour past the normal daytime hours.⁷⁴⁰ Forced labor or service is prohibited in the Charter of Fundamental Rights and Freedoms.⁷⁴¹ The Criminal Code prohibits the trafficking of women and children and establishes a sentence of three to eight years of imprisonment for violations against women and children under age 18. The Criminal Code also prohibits procurement of a child under age 18 for sexual relations; the imprisonment term for violators is five to 12 years for offenses against children under age 15.⁷⁴²

Enforcement of child labor laws is carried out through work-place inspections and monitored jointly by the Ministry of Health and the Ministry of Labor and Social Affairs. There have been no registered violations of labor laws involving minors in the last 10 years.⁷⁴³ The government is making an effort to increase enforcement of legislation regarding child sexual exploitation, but fear of reprisals by organized crime leaders often hinder the process.⁷⁴⁴ The Czech government has not ratified ILO Convention 138, but ratified ILO Convention 182 on June 19, 2001.⁷⁴⁵

⁷³⁶ *World Development Indicators 2001*.

⁷³⁷ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

⁷³⁸ *Country Reports 2000* at Section 5.

⁷³⁹ The only exception to the minimum age law applies to special schools for children with disabilities, whose graduates may be employed at age 14. The minimum age is established in Article 11 of the 1965 Labor Code. Additional protections for children are established under Articles 165, 166, and 167 of the Labor Code. See unclassified telegram 2575.

⁷⁴⁰ *Initial Reports of States Parties*.

⁷⁴¹ Charter of Fundamental Rights and Freedoms, Article 9, at <http://www.psp.cz/cgi-bin/eng/docx/laws/listina.html> on 10/2/10.

⁷⁴² See Criminal Code, Articles 204, 246, The Protection Project Database, at <http://www.protectionproject.org>.

⁷⁴³ According to a representative at the Ministry of Labor and Social Affairs, Employment Services Department, the law requires labor offices throughout the country to carry out thousands of inspections and investigations a year. During the past 10 years, no child labor violations have been discovered in the formal sector. See unclassified telegram 2575.

⁷⁴⁴ In 2000, several trials and convictions of persons involved in sexual exploitation took place. According to government reports, criminal activities and organized crime connected with child prostitution complicate the enforcement process, as affected persons may fear revenge or condemnation by crime gangs and hinder legal proceedings. See *Country Reports 2000* at Section 6f and *Initial Reports of States Parties*.

⁷⁴⁵ ILOLEX database: Czech Republic at <http://ilolex.ilo.ch:1567/english/> on 10/2/01.

NOTE: Hard copies of all Web citations are on file.

Djibouti

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

The Government of Djibouti supported several small programs to encourage children to attend school, including the Ministry of Labor's "War on Poverty."⁷⁴⁶ UNICEF and WFP are also supporting education initiatives for children.⁷⁴⁷

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Djibouti are unavailable. Information on the incidence of children's work is limited, although reports indicate that child labor exists, primarily in informal economic activities.⁷⁴⁸ In rural areas, children perform unpaid labor on family farms, and in urban areas, children often work in small-scale family businesses, trade, catering or craft sectors, or as domestic servants.⁷⁴⁹ Children displaced from Ethiopia, Eritrea, and Somalia seeking work in Djibouti's cities where they beg as street children.⁷⁵⁰ Child prostitution reportedly is increasing, particularly among street children in the capital city.⁷⁵¹

Education is free and compulsory between the ages of 6 and 12.⁷⁵² Although education is free, there are additional expenses (e.g., transportation and books) that might prohibit poorer

⁷⁴⁶ U.S. Embassy—Djibouti, unclassified telegram no. 1503, Section 6d, August 2000 [hereinafter unclassified telegram 1503].

⁷⁴⁷ Ibid.

⁷⁴⁸ Unclassified telegram 1503. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports of States Parties Due in 1993, Addendum, Djibouti*, CRC/C/8/Add.39 (Geneva, August 3, 1998) [hereinafter *Initial Reports of States Parties*], paras. 144, 145.

⁷⁴⁹ *Initial Reports of States Parties* at paras. 144, 145.

⁷⁵⁰ *The Effective Abolition of Child Labour: Djibouti*, Review of Annual Reports Under the Follow-Up to the ILO Declaration on Fundamental Principles and Rights at Work, GB.277/3/2 (Geneva, March 2000) [hereinafter *Effective Abolition of Child Labour*]. See also "Djibouti: Drought and Economic Refugees Overburden Capital," [hereinafter "Djibouti: Drought and Economic Refugees Overburden Capital"], IRIN News Service, UN Office for the Coordination of Humanitarian Affairs, September 5, 2001, at <http://www.irinnews.org> on 11/28/01.

⁷⁵¹ "Child Prostitution," ECPAT International Database: Djibouti, at http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/ on 11/28/01. 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 (Geneva, June 28, 2000). See also "Djibouti: Drought and Economic Refugees Overburden Capital".

⁷⁵² *Country Reports on Human Rights Practices for 2000 – Djibouti* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=665>. See also Youth at the UN, *Country Profiles on the Situation of Youth: Djibouti*, at <http://www.esa.un.org/socdev/unyin/countrya.asp?countrycode=dj> on 11/28/01.

families from sending their children to school.⁷⁵³ In 1996, the gross primary enrollment rate was 38.6 percent, and the net primary enrollment rate was 31.7 percent.⁷⁵⁴ Both gross and net enrollment rates are lower for girls than for boys.⁷⁵⁵ Primary school attendance rates are unavailable for Djibouti. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁷⁵⁶

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.⁷⁵⁷ Night work is prohibited for children under the age of 16, and the hours and conditions of work by children are regulated.⁷⁵⁸ Forced labor is also prohibited.⁷⁵⁹ The Penal Code criminalizes prostitution.⁷⁶⁰ There is no authority within the Government of Djibouti responsible for investigating violations of child labor laws, although the national labor inspectors are required to report infractions as they occur.⁷⁶¹ No incidents of child labor violations have been brought before the judicial system to date.⁷⁶² Djibouti has not ratified ILO Convention 138 or ILO Convention 182.⁷⁶³

⁷⁵³ *Country Reports 2000* at Section 5.

⁷⁵⁴ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

⁷⁵⁵ *Ibid.* In 1996, the gross primary enrollment rate was 32.6 percent for girls and 44.5 percent for boys. The net primary enrollment rate was 27.3 percent for girls and 36.2 percent for boys.

⁷⁵⁶ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

⁷⁵⁷ The government is currently drafting a new Labor Code that will raise the minimum age for employment from age 14 to 16. See *Effective Abolition of Child Labour*.

⁷⁵⁸ *Initial Reports of States Parties* at para. 25.

⁷⁵⁹ *Country Reports 2000* at Section 6c.

⁷⁶⁰ "Protection," ECPAT International Database: Djibouti, at http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/ on 11/28/01.

⁷⁶¹ Unclassified telegram 1503.

⁷⁶² *Ibid.* There is reported to be a shortage of labor inspectors, which may contribute to the lack of reported child labor violations. See also *Country Reports 2000* at Section 6d.

⁷⁶³ ILOLEX database: Djibouti at <http://www.ilolex.ch> on 11/29/01.

Dominica

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

The government is seeking resources to improve childhood development.⁷⁶⁴ In November 1995, Dominica began implementing the Basic Education Reform Project (BERP), a comprehensive reform of the compulsory education sector. The project, jointly funded by the government and the Work Bank, involves school rehabilitation, the provision of textbooks and learning materials, and training.⁷⁶⁵ BERP is complemented by the Eastern Caribbean Education Reform Project, which is a sub-regional project that was funded by the Canadian Agency for International Development.⁷⁶⁶ The government also funds a Youth Skills Training Program with its own funds and with assistance from the Organization of American States.⁷⁶⁷

Incidence and Nature of Child Labor

Statistics on the number of working children below the age of 15 in Dominica are unavailable. However, some children are reported to work on a seasonal basis with their families in agriculture.⁷⁶⁸

Education in Dominica is compulsory from ages 5 to 16.⁷⁶⁹ The gross primary enrollment rate was 100.4 percent in 1991 and 98.2 percent in 1998, and the net primary enrollment rate was 88.7 percent in 1991 and 88.8 percent in 1998.⁷⁷⁰ Primary school attendance rates are unavailable for Dominica. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁷⁷¹ Poor physical conditions in many primary schools affect the quality of education, and some schools are overcrowded, limiting access to primary education, particularly for children living in urban areas around the capital.⁷⁷² Poverty and

⁷⁶⁴ U.S. Embassy—Bridgetown, unclassified telegram no. 1126, June 2000 [hereinafter unclassified telegram 1126].

⁷⁶⁵ UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports—Dominica* [hereinafter *EFA 2000 Assessment: Country Reports*], at http://www2unesco.org/wef/countryreports/dominica/rapport_2html on 11/6/01.

⁷⁶⁶ *Ibid.*

⁷⁶⁷ *Ibid.*

⁷⁶⁸ Unclassified telegram 1126.

⁷⁶⁹ *EFA 2000 Assessment: Country Reports*.

⁷⁷⁰ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

⁷⁷¹ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

⁷⁷² *EFA 2000 Assessment: Country Reports* at 9.

work on family banana farms during the harvest season can affect school attendance, but other employment does not pull minors out of school.⁷⁷³ There is a significant Carib Indian population on Dominica, and schools on the Carib reservations are reported to have fewer resources.⁷⁷⁴

Child Labor Laws and Enforcement

The minimum age for employment in Dominica is 15 years.⁷⁷⁵ There are no laws that specifically prohibit trafficking in persons or child pornography,⁷⁷⁶ but the Sexual Offenses Act of 1998 prohibits the prostitution of minors.⁷⁷⁷ Dominica has no military; therefore, the use of child soldiers is not considered a problem.⁷⁷⁸

Dominica ratified ILO Convention 138 in September 27, 1983 and ILO Convention 182 on January 4, 2001.⁷⁷⁹

⁷⁷³ Unclassified telegram 1126.

⁷⁷⁴ El Barometer North America, North America and the Caribbean: Dominica, at America.html” <http://www.ei-ie.org/pub/english/BarometreNorth America.html> on 6/6/00.

⁷⁷⁵ *EFA 2000 Assessment: Country Reports*.

⁷⁷⁶ *Country Reports on Human Rights Practices for 2000—Dominica* (Washington, D.C.: U.S. Department of State, 2001), Section 6f, at <http://state.gov/g/drl/rls/hrpt/2000/wha/index.cfm?docid'757>. See also Sexual Offenses Act of 1998, as cited on NATLEX database at <http://www.natlex.ilo.org/scripts/natlexorgi.exe?lang'E> on 11/6/01.

⁷⁷⁷ DMA-1998-L-49696, NATLEX database at <http://natlex.ilo.org/Scripts/natlexcgi.exe?lang'E&doc'query> on 10/2/01.

⁷⁷⁸ Coalition to Stop the Use of Child Soldiers, *Global Report 2001: Dominica*, at <http://www.child-soldiers.org/report2001/countries.caribbean.html> on 10/9/01.

⁷⁷⁹ ILO, Ratifications of the ILO Fundamental Conventions, at <http://webfusion.ilo.org/public/db/standards/normes/appl/atif8conv.cfm?Lang'EN>.

NOTE: Hard copies of all Web citations are on file.

Dominican Republic

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

The Government of the Dominican Republic has been a member of ILO-IPEC since 1997.⁷⁸⁰ In December 1998, a successful, two-year pilot project was launched to eliminate and prevent child labor in Constanza.⁷⁸¹ The Dominican Republic is currently participating in two ILO-IPEC regional projects funded by USDOL to combat child labor in the coffee sector and the tomato sector.⁷⁸² With funding from the USDOL and technical assistance from ILO-IPEC's SIMPOC, the National Statistics Office also conducted a national child labor survey in 2000.⁷⁸³ The Dominican Republic is now undergoing preparatory work for a national Timebound Program to eliminate the worst forms of child labor within a specific timeframe.⁷⁸⁴

Since 1992, government policy on education has been coordinated through its Ten-Year Education Plan (PDE).⁷⁸⁵ In 1995, the World Bank, IDB, and local contributors funded a project entitled, "Basic Education Improvement Project" to improve school infrastructures, expand school nutrition programs, train teachers and improve monitoring and evaluation in the education sector.⁷⁸⁶

⁷⁸⁰ ILO-IPEC, *Preparatory Activities for the Elimination of the Worst Forms of Child Labour in the Dominican Republic*, project document (Geneva, September 2001) [hereinafter *Elimination of the Worst Forms of Child Labour*], 1.

⁷⁸¹ ILO-IPEC, *Combating Child Labour in High-Risk Agriculture Activities in Constanza*, project document (Geneva, March 2001).

⁷⁸² ILO-IPEC, *Prevention and Elimination of Child Labor in the Tomato Producing Sector in the Dominican Republic* (Geneva, 2000) [hereinafter *Elimination of Child Labor in the Tomato Producing Sector*], 3. See also ILO-IPEC, *Prevention and Elimination of Child Labor in the Coffee Industry in the Dominican Republic*, (Geneva, 1999) [hereinafter *Elimination of Child Labor in the Coffee Industry*].

⁷⁸³ ILO, *SIMPOC: Central America*, project document, 1999 [document on file].

⁷⁸⁴ *Elimination of the Worst Forms of Child Labour*.

⁷⁸⁵ The main goal of the Ten-Year Education Plan (PDE) is to increase access to quality education by reforming curricula, improving teaching conditions, increasing community participation in education, enacting a new education law, and increasing resources for education. See *Elimination of the Worst Forms of Child Labour*.

⁷⁸⁶ Inter-American Development Bank, *Basic Education Improvement Program*, at <http://www.iadb.org/exr/PRENSA/1995/cp23695e.htm> on 9/28/01.

Incidence and Nature of Child Labor

In 1999, the ILO estimated that, in the Dominican Republic, 13.7 percent of children between the ages of 10 and 14 were working.⁷⁸⁷ Children work as agricultural workers, street vendors and shoe shiners, and domestic servants.⁷⁸⁸ Haitian children work on sugarcane farms in the Dominican Republic, particularly in the Barahona province.⁷⁸⁹ Children from poor families are adopted into others' homes, often serving under a kind of indentured servitude.⁷⁹⁰

Sexual exploitation of children is reported to be a problem in urban areas, as well as in tourist locations throughout the country.⁷⁹¹ According to a study sponsored by UNICEF and the National Planning Office, 75 percent of minors involved in prostitution work in brothels, discos, restaurants, and hotels.⁷⁹² There are reports that women and children are trafficked to, from and within the Dominican Republic.⁷⁹³ The Directorate of Migration has estimated that approximately 400 rings of alien smugglers, traffickers and purveyors of false documents operate within the country.⁷⁹⁴

Basic education is free and compulsory between the ages of 5 and 14.⁷⁹⁵ The gross primary enrollment rate was 93.9 percent in 1996.⁷⁹⁶ The repetition rate was 5.6 percent and the dropout rate was 14.4 percent for children enrolled in grades one to eight in 1999.⁷⁹⁷ Primary school

⁷⁸⁷ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

⁷⁸⁸ Almost three quarters of working children are boys, and more children work in urban areas than in rural areas. See *Elimination of the Worst Forms of Child Labour* at 1.

⁷⁸⁹ Agustin Vargas-Saillant, Domingo Jimenez, and Rufino Alvarez, Unitary Confederation of Workers (CTU and Futrazona), Dominican Republic, interview by USDOL official, August 29, 2000.

⁷⁹⁰ They work long hours under the threat of punishment, in agriculture, domestic service, or industry. Some, especially the girls, are sexually abused. See *Country Reports on Human Rights Practices for 2000—Dominican Republic* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6c, at <http://www.state.gov/g/drl/rls/rpt/hrrpt/2000/wha/index.cfm?docid=761>.

⁷⁹¹ *Country Reports 2000* at Section 5.

⁷⁹² Mercedes Gonzalez, "La explotación sexual y laboral de niños," *El Siglo* (August 20, 2000).

⁷⁹³ *Country Reports 2000* at Section 6f.

⁷⁹⁴ *Ibid.*

⁷⁹⁵ Children usually begin school at age 6 and complete it at age 13. See UNESCO, *Statistics: National Education Systems*, at http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.html.

⁷⁹⁶ *World Development Indicators 2001*.

⁷⁹⁷ *Elimination of the Worst Forms of Child Labour* at 6.

attendance rates are unavailable for the Dominican Republic. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁷⁹⁸ In rural areas, schools often lack basic furnishings and teaching materials and 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.⁷⁹⁹

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 16.⁸⁰⁰ Youth may not work more than 6 hours a day, and must have a medical certificate.⁸⁰¹ They are restricted from performing night work during certain hours and working more than 12 hours daily. Youth are also prohibited from performing ambulatory work, delivery work, work in establishments that serve alcohol, and work that would harm their health and safety.⁸⁰² Article 254 of the Labor Code requires employers to ensure that minors may continue their schooling.⁸⁰³

Forced and bonded labor is prohibited under the Labor Code.⁸⁰⁴ The Criminal Code prohibits trafficking in persons for the purpose of prostitution, but does not include other severe forms of trafficking. A migrant smuggling law can be used to prosecute traffickers; however, the penalties for trafficking in persons are not commensurate with penalties for rape, sexual assault, or severe forms of domestic violence.⁸⁰⁵

⁷⁹⁸ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

⁷⁹⁹ *Elimination of the Worst Forms of Child Labour*.

⁸⁰⁰ Código de Trabajo de la República Dominicana 1999 [hereinafter Código de Trabajo] [hard copy on file].

⁸⁰¹ Permission is needed from both the mother and father. If this is not possible, then authorization can be gained from the child's tutor. If there is no tutor, authorization can be granted by a judge from the child's area of residence. See Código de Trabajo, articles 247 and 248. See also Preguntas y Respuestas, Secretaria de Estado de Trabajo, Republica Dominicana, at <http://www.set.gov.do/preguntas/menor.htm>.

⁸⁰² Código de Trabajo, articles 246 and 249.

⁸⁰³ *Ibid.* at Article 254.

⁸⁰⁴ *Ibid.*

⁸⁰⁵ U.S. Department of State, *Trafficking in Persons Report*, July 2001, Tier 2, Angola (Washington, D.C., 2001).

The Secretariat of Labor is responsible for enforcing child labor laws.⁸⁰⁶ In 2000, the Government of the Dominican Republic had approximately 232 labor inspectors charged with enforcement of the minimum wage, child labor laws, and health and safety legislation. The Ministry of Labor has taken employers in violation of the law to court.⁸⁰⁷

The Dominican Republic ratified ILO Convention 138 on June 15, 1999 and ILO Convention 182 on November 15, 2000.⁸⁰⁸

⁸⁰⁶ U.S. Embassy—Santo Domingo, unclassified telegram no. 3919, September 2001.

⁸⁰⁷ U.S. Embassy—Santo Domingo, unclassified telegram no. 2499, June 2000.

⁸⁰⁸ ILO, Ratifications of ILO Conventions, at <http://ilolex.ilo.ch:1567/english/> on 11/20/01.

NOTE: Hard copies of all Web citations are on file.

Ecuador

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

The Government of Ecuador has been a member of ILO-IPEC since 1997. As part of the program, the government established a National Committee for the Progressive Eradication of Child Labor,⁸⁰⁹ which is currently formulating a Child and Adolescent Law and is planning to conduct a national child labor survey with technical assistance from ILO-IPEC's SIMPOC.⁸¹⁰ In 2000, an ILO-IPEC Regional Program was established in Ecuador, along with Bolivia and Peru, to prevent and progressively eliminate child labor in small-scale traditional gold mining.⁸¹¹ With assistance from ILO-IPEC, the government has instituted several sector-specific programs to study and combat child labor. Programs have been established to combat child labor in the brick making industries of Quito and Cuenca, the garbage dumps of Santo Domingo de los Colorados, and in the country's flower industry.⁸¹²

"Mochila Escolar", a recent government program, provided significant quantities of free school supplies to poor children, and the National Institute of the Child and Family, headed by first lady Isabel Noboa, runs a program of family grants that provides subsidies to families of working children to allow the children to stay in school.⁸¹³ In 1998, the IDB approved a loan of USD 45 million to the Government of Ecuador for a project involving rural schools. Objectives are to grant autonomy to approximately 20 percent of rural schools so they can manage their own resources, and to improve teaching conditions in rural basic education.⁸¹⁴

⁸⁰⁹ USDOL-Funded IPEC Projects/Programs, *Technical Progress Report on Bolivia, Ecuador, and Peru* (Geneva, September 12, 2001) [hereinafter *Technical Progress Report*], 4 [document on file]. The committee's existence has been somewhat precarious because of political instability, but an executive decree promulgated in 2001 set the base for legally creating the Technical Secretariat of the committee, which will determine its structure, functions, and financing.

⁸¹⁰ *Technical Progress Report* at 5. See also ILO-IPEC official E-mail correspondence on SIMPOC countries to USDOL official, January 18, 2001 [document on file].

⁸¹¹ The program consists of awareness-raising campaigns, baseline studies of child labor in traditional mining, training programs for governmental and nongovernmental workers and employer service providers, promulgation of national policies on child labor in traditional mining activities, development of national networks focused on child labor in mining, and local action plans to withdraw children from hazardous mining tasks. See IPEC, *Program To Prevent and Progressively Eliminate Child Labor in Small-Scale Traditional Gold Mining in South America*, project document (Geneva, May 2000), 10, 11 [document on file].

⁸¹² "Condiciones actuales sobre el trabajo realizado en materia de erradicación del trabajo infantil," fact sheet from the Ecuadorian Ministry of Labor and Human Resources [document on file].

⁸¹³ U.S. Embassy— Quito, unclassified telegram no. 3265, September 2001 [hereinafter unclassified telegram 3265].

⁸¹⁴ Inter-American Development Bank, *Rural Autonomous School Network Program*, at <http://www.iadb.org/exr/doc98/apr/ec1142e.pdf>.

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 4.5 percent of children between the ages of 10 and 14 in Ecuador were working.⁸¹⁵ According to a 1997 UNICEF report, more than 60 percent of working children in Ecuador lived in rural areas, and most did unpaid agricultural labor for their families.⁸¹⁶ In urban areas, children work in manufacturing, commerce, services such as automobile repair, and domestic service.⁸¹⁷ Many children under 12 years of age, living in urban areas, work in family-owned businesses in the informal sector, including vending, shining shoes, collecting and recycling garbage, and begging on the streets.⁸¹⁸ There are reports of prostitution by girls and boys under 18 years of age in urban areas.⁸¹⁹

The Constitution requires that all children attend school until they achieve a “basic level of education,” which is estimated at nine school years.⁸²⁰ In 1996, the net primary enrollment rate was 96.9 percent,⁸²¹ and 71.8 percent of children stayed in school until the fifth grade.⁸²² Primary school attendance rates are unavailable for Ecuador. While enrollment rates indicate a level of commitment to education, they do not always reflect children’s participation in school.⁸²³ The cost of primary and secondary education is borne by the government, but families often face significant additional expenses such as fees and transportation costs.⁸²⁴ In 2000, government spending on education continued to decline, both in real terms and as a proportion of GDP.⁸²⁵

⁸¹⁵ *World Development Indicators 2001* (Washington, D.C., World Bank, 2000) [hereinafter *World Development Indicators 2001*] [CD-ROM].

⁸¹⁶ Mauricio Garcia M., *El trabajo y la educación de los niños y de los adolescentes en el Ecuador* (Ecuador: UNICEF, 1997), 38.

⁸¹⁷ *Ibid.*

⁸¹⁸ Unclassified telegram 3265.

⁸¹⁹ *Country Reports on Human Rights Practices for 2000—Ecuador* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*] at “<http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid%27766>” <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid%27766>.

⁸²⁰ Unclassified telegram 3265.

⁸²¹ *World Development Indicators 2001*.

⁸²² UNESCO, *Education for All 2000 Assessment: A Decade of Education* (Paris, 2000) [CD-ROM].

⁸²³ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

⁸²⁴ Unclassified telegram 3265.

⁸²⁵ *Country Reports 2000* at Section 5.

Child Labor Laws and Enforcement

The 1992 Minors' Code sets the minimum age for employment at 14, but permits children 12 years of age and older to work as apprentices with authorization from the Minors' Tribunal.⁸²⁶ The Labor Code prohibits children under 15 from working more than six hours per day or 30 hours per week, and children between the ages of 15 and 18 from working more than seven hours per day or 35 hours per week. Minors under 18 years are prohibited from engaging in night work, and children under 15 may not work aboard fishing vessels, except with special permission from the court and when the work does not interfere with school.⁸²⁷ 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 minor's personal development or education. Minors are also protected against trafficking, prostitution, and the use of illegal drugs and alcohol.⁸²⁸ The Penal Code explicitly defines and prohibits child pornography, promoting and facilitating prostitution, and trafficking. Adults convicted of promoting or engaging in such activities may be sentenced from one to nine years in jail.⁸²⁹

No single government authority is responsible for the implementation of child labor laws and regulations forbidding the worst forms of child labor. Public institutions charged with enforcing child labor laws include the Ministry of Labor, Ministry of 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 child laborers 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.⁸³⁰

Ecuador ratified ILO Convention 138 and ILO Convention 182 on September 19, 2000.⁸³¹

⁸²⁶ ILO/IPEC, *Ecuador*, Sistema Regional de Información sobre Trabajo Infantil, Instituto Nacional del Niño y la Familia [INNFA], and Cooperación Española, 1995 [hereinafter *Ecuador*], 20. In 2000, legislation was introduced into Congress that would raise the minimum working age to 15. As of September 2001, however, this legislation had not been passed.

⁸²⁷ *Ecuador* at 24.

⁸²⁸ Unclassified telegram 3265.

⁸²⁹ Código Penal Ecuatoriano at <http://www.unifr.ch/derechopenal/ljecuador/cpecu30.html>.

⁸³⁰ Unclassified telegram 3265.

⁸³¹ ILOLEX database: Ecuador at <http://www.ilolex.ilo.ch>.

NOTE: Hard copies of all Web citations are on file.

Egypt

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

The Government of Egypt established a national plan against child labor in 1995, which proposed education programs, income-generating activities for families, and training for government officials and labor inspectors on child labor issues.⁸³² The government has requested the assistance of the ILO and UNICEF to implement the plan.⁸³³ The Government of Egypt has been a member of ILO-IPEC since 1996, and is implementing various ILO-IPEC initiatives, including direct action to prevent and rehabilitate child laborers in tanneries, pottery kilns, and other hazardous industries.⁸³⁴ Other ILO-IPEC efforts involve public awareness raising against child labor and capacity-building, including a project with the Ministry of Manpower and Migration (MOMM) and the Arab Labor Organization to train and educate inspectors in the Child Labor Unit.⁸³⁵ In addition, the ILO in Cairo plans to implement a rapid assessment survey that will provide updated estimates on the number of working children in Egypt.⁸³⁶

The National Council for Children and Motherhood, under the guidance of First Lady Suzanne Mubarak, is also coordinating a national plan for the protection of mothers and children, and working with various research institutions to study and propose specific programs to eliminate child labor.⁸³⁷ UNICEF has been working in urban slums and other impoverished regions of rural Egypt since 1993, implementing micro-credit projects that provide small loans to women under the condition that they ensure that their children attend classes.⁸³⁸ USAID and the Alexandria Cotton Exporters Association are collaborating to raise awareness about child labor.⁸³⁹

⁸³² UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Periodic Reports of States Parties Due in 1997, Addendum, Egypt, CRC/C/65/Add. 9*, November 11, 1999 [hereinafter *Periodic Reports of States Parties*], para. 220.

⁸³³ *Ibid.* at para. 213.

⁸³⁴ Sule Caglar, ILO-IPEC official, electronic correspondence to USDOL official, January 7, 2002 [hereinafter Caglar correspondence].

⁸³⁵ U.S. Embassy—Cairo, unclassified telegram no. 6469, October 2001 [hereinafter unclassified telegram 6469]. See also Caglar correspondence.

⁸³⁶ SIMPOC Target and Implementation Schedule 1998-2003 at <http://www.ilo.org/public/english/standards/ipecc/simpoc/countries.htm> on 11/26/01.

⁸³⁷ The National Council is focusing in particular on the areas of social welfare, health, education, and social protection. The Council includes active participation by the Ministers of Social Affairs, Health, Culture, Education, Manpower and Vocational Training, Planning, and Information; the chairman of the High Council for Youth and Sports; and the First Lady. See *Periodic Reports of States Parties* at para. 215. See also *Country Reports on Human Rights Practices for 2000—Egypt* (Washington, D.C.: U.S. Department of State, 2000) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/nea/index.cfm?docid=784>.

⁸³⁸ *Egypt: Combating Child Labour Through Microcredit*, UNICEF, Family Development Fund Project, Cairo, 1996, at <http://www.unicef.org/credit/creegypt.htm> on 08/01/01.

⁸³⁹ Child Labor Coalition notes, March 14, 2001, Washington, D.C.

In 1996, the Ministry of Education established the Mubarak Program for Social Cooperation to offset school fees and indirect costs of schooling and promote school attendance.⁸⁴⁰ The Ministry of Education has been encouraging working children and school dropouts in rural areas to attend school by increasing the number of schools being built.⁸⁴¹ The location of these new school buildings are within walking distance of many of the community homes, and an increase in the number of female teachers adds incentive for girls to continue their schooling. In addition, the Ministry of Education provides a meal to children during the school day as an additional incentive to attend classes.⁸⁴² USAID has initiated a Girls' Education Program to build over 800 new classrooms and boost school attendance for girls. USAID has also implemented a New Schools Program that targets girls aged 6 to 14 who have never enrolled or have dropped out of school.⁸⁴³ In some northern communities of program operation, girls' enrollment has increased from 30 percent to 70 percent, and attendance rates have remained consistently high (between 95 and 100 percent).⁸⁴⁴

Incidence and Nature of Child Labor

In 1998, the Egypt Labor Market Survey estimated that 6 percent of children between the ages of 6 and 14 years in Egypt were working.⁸⁴⁵ An estimated 78 percent of working children are

⁸⁴⁰ School grants are provided through the Ministry of Social Affairs to school children whose families earn less than 100 Egyptian pounds (USD 21.70) per month. During 1996-1997, about 169,000 children received grants, either in-kind or cash, to cover the costs of school uniforms, books, supplies, and school fees. The average annual grant per child was equal to USD 4.17. Grants fall short of the estimated costs of sending children to school, where average primary school fees range from 11.35 to 15.85 pounds (USD 2.50 to 3.40), and the Ministry of Education estimates that the average annual cost paid by poor families for primary school education amounts to 348 pounds (USD 75.45) per child. See Nadia Ramsis Farah, *Child Labour in Egypt Within the Context of the Committee on the Rights of the Child* (Cairo: Cairo Center for Development Studies/UNICEF, June 1997) [hereinafter Ramsis Farah, *Child Labour in Egypt*], 27. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 1/29/02.

⁸⁴¹ Hussein Kamel Bahaa El-Din, Minister of Education, interview by USDOL official, May 12, 1998.

⁸⁴² Ibid.

⁸⁴³ U.S. Department of State official, U.S. Embassy—Cairo, interview by Sudha Haley, USDOL official, December 2001 [hereinafter U.S. Embassy—Cairo interview].

⁸⁴⁴ Kristin Moehlmann, "Girl-Friendly Schools Improve Egypt's Report Card," UNICEF [hereinafter Moehlmann, "Girl-Friendly Schools"], at <http://www.unicef.org/information/mdg/mdg07.htm> on 11/26/01. See also "UNICEF Global Girls' Education Programme: Country Highlights" at <http://www.unicef.org/efa/girlsed.htm#Egypt>, on 11/26/01.

⁸⁴⁵ This figure accounts for children who are working only (3 percent), as well as working and studying (3 percent). See Egypt Labour Market Survey 1998, as found on Understanding Children's Work Project at <http://www.ucw-project.org/cgi-bin/ucw/Survey/> on 11/20/01. According to the ILO, in 1999 an estimated 10 percent of children between ages 10 and 14 were working, a total of 23,687,000. See *World Development Indicators for 2001—Egypt* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM]. See also Nassar F., *Economic Aspects of Children's Vulnerability in Egypt* (Cairo: UNICEF, 1995), as cited in Philip L. Graitcer and Leonard B. Lerer, *The Impact of Child Labor on Health: Report of a Field Investigation in Egypt*, July 2000 [hereinafter Graitcer and Lerer, *Investigation*

in the agricultural sector,⁸⁴⁶ in which over one million children between the ages of 7 and 12 are hired each year to work in agricultural cooperatives.⁸⁴⁷ Children work in the carpet and textile industries, as apprentices in auto repair, craft shops, construction, brick making, and in tanneries.⁸⁴⁸ Many children, especially daughters from poor families, work as domestic servants in the homes of other families,⁸⁴⁹ and in urban areas, street children sell items or resort to begging to meet their basic needs.⁸⁵⁰ Government studies reveal that the concentration of working children is higher in rural than in urban areas.⁸⁵¹

The Education Law No. 139 (1981) calls for compulsory primary education through the eighth grade and requires children to attend school until they reach the age of 15.⁸⁵² Egypt's Constitution also establishes compulsory primary school education and mandates that education should be free for all children.⁸⁵³ The government, however, imposes school fees as high as 15.85

in Egypt], 33. Other sources suggest that the number of working children in Egypt reached 1.5 million in 1999, making up 9 percent of the country's total labor force. Estimates from some nongovernmental organizations also indicate that up to 1.5 million children are working throughout the country. See *Al-Wafd Newspaper*, issue no. 3807, 1999, as quoted in *Children—Laborers of the Stone Crushers in Egypt*, report prepared for Land Center for Human Rights, The Series of Reports on the Economic and Social Rights, Issue No. 13, March 2000, 5. See also *Country Reports on Human Rights Practices for 2000—Egypt* (Washington, D.C.: U.S. Department of State, 2000) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/nea/index.cfm?docid=784>.

⁸⁴⁶ *Country Reports 2000* at Section 6d.

⁸⁴⁷ In November 1999, the Ministry of Social Affairs reported that 1 million children worked in this sector. These children perform seasonal work for 11 hours per day, 7 days a week, and are exposed to heat and pesticides and suffer from abuse by foremen. According to an agricultural engineer assigned to a cooperative, children are hired because they are cheaper and more obedient, and are the appropriate height to inspect cotton plants. See Human Rights Watch, *Underage and Unprotected: Child Labor in Egypt's Cotton Fields*, vol. 13, no. 1 (E) (New York, January 2001) [hereinafter *Underage and Unprotected*], 2. See also *Country Reports 2000* at Section 6d and Anthony Shadid, "Year After Tragic Deaths, Egypt's Young Return to Cotton Fields," *Associated Press*, September 24, 1998, as cited in USDOL, *By the Sweat and Toil of Children, Vol. V: Efforts to Eliminate Child Labor* (Washington, D.C., 1998) [hereinafter *Sweat and Toil of Children*], 18.

⁸⁴⁸ Bjorne Grimsrud and Liv Jorunn Stokke, *Child Labour in Africa: Poverty or Institutional Failures? The Cases of Egypt and Zimbabwe*, Fafo Institute for Applied Social Science, report no. 233, 1997 [hereinafter Grimsrud and Jorunn Stokke, *Child Labour in Africa*], 35. See also *Country Reports 2000* at Section 6d.

⁸⁴⁹ *Country Reports 2000* at Section 6d.

⁸⁵⁰ "About ten million street children in Arab world," News-in-Brief, *Child Labor News Service*, at <http://www.globalmarch.org/clns/clns-15-06-2001.htm>.

⁸⁵¹ While the number of working children is similar among boys and girls in rural areas, boys account for approximately 70 percent of working children in urban areas. See *Country Reports 2000* at Section 6d. According to a survey in urban Cairo, most girls work in clothing or textile manufacturing, while most boys work as mechanics or in the retail or service sector jobs. See Graitcer and Lerer, *Investigation in Egypt*, at 34, 51.

⁸⁵² Law No. 12 for 1996: Child Law, Article 59 [on file].

⁸⁵³ Constitution of Egypt, Articles 18, 20, at <http://www.newafrica.com/egypt/constitution.asp#Part%20Three> on 11/21/01. See also Ramsis Farah, *Child Labour in Egypt*, at 27.

pounds (USD 3.40) for primary education.⁸⁵⁴ In 1997, the gross primary enrollment rate was 101.1 percent, and in 1996, the net primary enrollment rate was 93 percent.⁸⁵⁵ Cultural and social traditions, as well as work in the domestic service sector, contribute to significantly lower school enrollment rates for girls.⁸⁵⁶ In 1996, primary school attendance was 88.3 percent.⁸⁵⁷ However, as many as 37 percent of Egyptian children do not complete a basic education.⁸⁵⁸

Child Labor Laws and Enforcement

The Child Law of 1996 establishes 14 years as the minimum age for employment.⁸⁵⁹ Nonetheless, the Child Law allows for provincial governors, with the consent of the Ministry of Education, to permit seasonal agricultural work for children between the ages of 12 and 14, provided that it is not hazardous and does not interfere with a child's education.⁸⁶⁰ In April 2001, however, the government issued a decree making it illegal to employ children below the age of 14 in cotton fields.⁸⁶¹ The Child Law also prohibits children from working for over six hours a day or more than four consecutive hours, at night, or during overtime hours.⁸⁶² Forced labor is prohibited by the Constitution.⁸⁶³ In 1997, the MOMM issued two decrees restricting the employment of youths in hazardous work.⁸⁶⁴ In addition, the Suppression of Prostitution Act No. 10 criminalizes prostitution; the Penal Code, which has penalties for the abduction of children, can be used to prosecute trafficking.⁸⁶⁵

⁸⁵⁴ Ramsis Farah, *Child Labour in Egypt*, at 27. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 1/29/02.

⁸⁵⁵ *World Development Indicators for 2001*.

⁸⁵⁶ Girls working in domestic service are often deprived of an education. See Grimsrud and Stokke, *Child Labour in Africa*, at 32. See also Moehlmann, "Girl-Friendly Schools."

⁸⁵⁷ USAID, Global Education Database 2000, Washington, D.C. [CD-ROM], at http://www.usaid.gov/educ_training/ged.html.

⁸⁵⁸ Mona El Baradei, *The Impact of Structural Adjustment and Stabilisation Policies on Educational Health in Egypt* (1994), as cited in Grimsrud and Jorunn Stokke, *Child Labour in Africa*, 29

⁸⁵⁹ U.S. Embassy—Cairo, unclassified telegram no. 6469, October 2001 [hereinafter unclassified telegram 6469]. See also *Underage and Unprotected* at 8.

⁸⁶⁰ *Periodic Reports of States Parties*. See also *Underage and Unprotected* at 8.

⁸⁶¹ Unclassified telegram 6469.

⁸⁶² *Ibid.* See also *Country Reports 2000* at Section 6d.

⁸⁶³ Constitution of Egypt, Article 13, at <http://www.newafrica.com/egypt/constitution.asp#Part%20Three> on 11/21/01.

⁸⁶⁴ According to these decrees, children under age 15 are prohibited from work involving furnaces or ovens in bakeries, freezing and refrigeration units, fertilizers, acids, or chemicals; work in cement factories, petroleum and distillation labs, or pressurized gas industries; cotton bailing; work involving bleaching, dyeing, and textile printing; or jobs requiring heavy lifting. Children under age 17 are prohibited from employment in a number of areas, including mining, smelting metals, working with explosives, welding, tanneries, fertilizer industries, or butchering animals. See unclassified telegram 6469.

⁸⁶⁵ *Periodic Reports of States Parties* at para. 229. See also unclassified telegram 6469 and *Country Reports 2000* at Section 6f.

The MOMM and the Ministry of Interior (MOI) are responsible for labor inspections.⁸⁶⁶ The MOMM maintains approximately 2,000 inspectors who are charged with investigating safety, health, and age violations.⁸⁶⁷ In 2000, the MOMM issued Decree No. 117 which established a specialized Child Labor Unit within the Juvenile Department.⁸⁶⁸ In 2001, the Child Labor Unit carried out a raid that removed 112 children from work in 17 workshops.⁸⁶⁹ In addition, in 1999, the government investigated two reported cases of child labor violations, involving 34 children.⁸⁷⁰ Local trade unions have reported that the MOMM adequately enforces child labor laws in state-owned enterprises but there has been much criticism that the MOMM has not enforced the restrictions in the informal sector.⁸⁷¹

Egypt ratified ILO Convention 138 on June 9, 1999, and ratified ILO Convention 182 on May 6, 2002.⁸⁷²

⁸⁶⁶ The Ministry of Manpower and Migration (MOMM) and the Ministry of Interior (MOI) are currently enacting a protocol for interministerial coordination of child labor enforcement and inspection. *See* U.S. Embassy—Cairo interview.

⁸⁶⁷ Inspectors work out of 450 different MOMM offices in Egypt's 26 governorships. *See* unclassified telegram 6469.

⁸⁶⁸ Unclassified telegram 6469.

⁸⁶⁹ The government has provided a package of services to the children removed from work and their families. The assistance includes financial donations, literacy programs, health care, transportation compensation, and loans for income-generating projects. *See* U.S. Embassy—Cairo interview

⁸⁷⁰ The MOMM raided 16 electrical workshops in Cairo and discovered 30 children between ages 6 and 12 working. In the second case, authorities found four children working in a Cairo restaurant. *See Country Reports 2000* at Section 6d.

⁸⁷¹ Article 74 of the Child Law calls for the owners of establishments where working children are found to pay a fine of between USD 27 and 133 per illegal child worker. Fines are doubled in the case of repeat offenders. In addition, parents and employers can be fined USD 59 to 147 or imprisoned for up to 1 month for forcing their children to work and not allowing them to go to school. *See Country Reports 2000* at Section 6d. *See also* Sallama Shaker, Deputy Assistant Minister for North American Affairs, Ministry of Foreign Affairs, interview by USDOL officials, May 9, 1999, as cited in *Sweat and Toil of Children* at 45.

⁸⁷² ILOLEX database: Egypt at <http://www.ilolex.ilo.ch/> at 11/21/01. *See also* U.S. Embassy—Cairo interview. The Government of Egypt ratified ILO Convention 182 on April 16, 2002, but as of report publication, the government had not yet submitted the legal instruments of ratification to the ILO. *See* U.S. Embassy-Cairo, unclassified telegram no. 3864, April 23, 2002.

NOTE: Hard copies of all Web citations are on file.

El Salvador

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

The Government of El Salvador has been a member of ILO-IPEC since 1996. In June 2001, El Salvador became one of the first countries to initiate a comprehensive, national Time-Bound Program to eliminate the worst forms of child labor. The program focuses on eliminating exploitative child labor in fireworks, fishing, sugar cane production, the commercial sex industry, and in garbage dumps scavenging.⁸⁷³ The government has collaborated with ILO-IPEC on five projects funded by USDOL. These projects seek to gather statistical information on children engaged in economic activities and withdraw child workers from mangrove clam harvesting, coffee harvesting and the cottage production of fireworks.⁸⁷⁴ A National Committee for Child Labor Eradication, under the auspices of the Ministry of Labor and Social Security, provides leadership and guidance to the ILO-IPEC program.⁸⁷⁵ Thus far, a child labor module designed by ILO-IPEC's SIMPOC has been included in the government's Multiple Purpose Household Survey of 2001 and ILO-IPEC is conducting assessments in the sectors where the worst forms of child labor is a particular problem.⁸⁷⁶

The Ministry of Education is working with other ministries in the implementation of the education component of the ILO-IPEC Time-Bound Program and has developed an Education for All 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.⁸⁷⁷

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 12.3 percent of children between the ages of 10 and 14 in El Salvador were working.⁸⁷⁸ About two-thirds of working children are located in rural areas and

⁸⁷³ 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) [hereinafter *Combating the Worst Forms of Child Labor*].

⁸⁷⁴ IPEC project documents: *Combating Child Labor in the Fireworks Industry in El Salvador* (Geneva, 2000), *Combating Child Labor in the Coffee Industry of Central America* (Geneva, 1999), and *Combating Child Labor in Shellfish Harvesting in El Salvador* (Geneva, 1999).

⁸⁷⁵ Embassy of El Salvador, written submission by El Salvador on eliminating child labor, October 25, 2001, in response to International Child Labor Program *Federal Register* notice of September 25, 2001, pp. 6-7.

⁸⁷⁶ ILO-IPEC, *IPEC Country Profile: El Salvador* (Geneva) [hereinafter *IPEC Country Profile*], pp. 2, 5.

⁸⁷⁷ UNESCO, *Education for All Assessment 2000: El Salvador*, at http://www2.unesco.org/wef/countryreports/el_salvador/rapport_1.html. See also *Combating the Worst Forms of Child Labor*.

⁸⁷⁸ According to the ILO, 357,780 children were working. ILO, *Yearbook of Labor Statistics—2000* (Geneva, 2000).

are involved in agricultural and related activities.⁸⁷⁹ Children often accompany their parents to work in commercial agriculture, particularly during coffee and sugar harvests.⁸⁸⁰ Orphans and children from poor families work as street vendors and general laborers in small businesses, primarily in the informal sector.⁸⁸¹ Children also work in fishing (small-scale family or private businesses), firework manufacturing, charcoal production, shellfish harvesting, drug trafficking and garbage scavenging.⁸⁸²

There is evidence that some children, especially girls, engage in prostitution. El Salvador is both a source and a destination country for girls trafficked for commercial sexual exploitation.⁸⁸³ Children who live on the streets are trafficked to other countries, such as Guatemala, and forced into prostitution.⁸⁸⁴ Children from Honduras have also been used as beggars to support traffickers in San Salvador.⁸⁸⁵

Education is compulsory through the ninth grade or up to 14 years of age and public education is free through high school.⁸⁸⁶ In 1997, the gross primary enrollment rate was 97.3 percent, and in 1995, the net primary enrollment rate was 78.1 percent.⁸⁸⁷ Many students in rural areas do not reach the ninth grade due to a lack of resources and the fact that many parents withdraw their children from school by the sixth grade so that they can work.⁸⁸⁸

⁸⁷⁹ *IPEC Country Profile*.

⁸⁸⁰ U.S. Embassy–El Salvador, unclassified telegram no. 5508, February 1998 [hereinafter unclassified telegram 5508]. See also U.S. Embassy–El Salvador, unclassified telegram no. 2066, June 2000 [hereinafter unclassified telegram 2066], and *IPEC Country Profile*

⁸⁸¹ *Country Reports on Human Rights Practices for 2000–El Salvador* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid=768>.

⁸⁸² Unclassified telegrams 5508 and 2066. See also *IPEC Country Profile*.

⁸⁸³ *Country Reports 2000* at Sections 5 and 6d.

⁸⁸⁴ 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, August 28, 1996, for 1999-2000* (Stockholm), Section 4.1. p.48. See also *Country Reports 2000* at Section 5.

⁸⁸⁵ *Country Reports 2000* at Section 6f.

⁸⁸⁶ *Ibid.* at Section 5.

⁸⁸⁷ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

⁸⁸⁸ *Country Reports 2000* at Section 5.

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.⁸⁸⁹ Children between the ages of 12 and 14 may perform light work, as long as it does not harm their health and development or interfere with their education.⁸⁹⁰ Children who are 14 years or older may receive permission from the Ministry of Labor to work, but only when it is necessary for the survival of the child or the child's family.⁸⁹¹ Children under the age of 18 are prohibited from working in hazardous or morally dangerous conditions.⁸⁹² Forced or compulsory labor is prohibited by the Constitution.⁸⁹³

Laws do not specifically prohibit trafficking in persons, but stipulate that any crime involving commerce in women or children automatically carries a 30 percent increase in the prison sentence or fine.⁸⁹⁴ The Constitution makes military service compulsory between the ages of 18 and 30 years, but voluntary service can occur beginning at age 16.⁸⁹⁵ El Salvador's Penal Code does not criminalize prostitution.⁸⁹⁶ However, the Code provides for penalties of two to four years in prison for the inducement, facilitation, or promotion of prostitution, and the penalty increases if the victim is less than 18 years old.⁸⁹⁷ The Penal Code also prohibits sexual relations with persons less than 16 years of age, regardless of the child's consent.⁸⁹⁸ In June 1999, the Legislative Assembly approved a new provision to the Criminal Code that mandates a six to eight year prison sentence for individuals convicted of sexual aggression against minors.⁸⁹⁹

The Ministry of Labor is responsible for enforcing child labor laws.⁹⁰⁰ Limited resources and the difficulty of monitoring in the informal sector limit the effectiveness of the Ministry of Labor in enforcing labor laws outside of the urban formal sector.⁹⁰¹ El Salvador ratified ILO Convention 138 on January 23, 1996 and ILO Convention 182 on October 12, 2000.⁹⁰²

⁸⁸⁹ *Country Reports 2000* at Section 6d.

⁸⁹⁰ Código de Trabajo at Article 114.

⁸⁹¹ U.S. Embassy–San Salvador, unclassified telegram no. 3283, October 2001. [hereinafter unclassified telegram no. 3283]. See also *Country Reports 2000* at Section 6d.

⁸⁹² Unclassified telegram 3283. See also *Country Reports 2000* at Sections 6d, 6e.

⁸⁹³ *Country Reports 2000* at Section 6c.

⁸⁹⁴ *Country Reports 2000* at Section 6f.

⁸⁹⁵ *Country Reports 2000* at Section 6f. See also Military Service and Armed Forces Reserve Act, Articles 2 and 6, and 1983 Constitution, Article 215, as cited in Coalition to Stop the Use of Child Soldiers, *Global Report 2000: El Salvador* (London, May 2001).

⁸⁹⁶ U.S. Embassy–El Salvador, unclassified telegram no. 2731, August 2000.

⁸⁹⁷ *Ibid.*

⁸⁹⁸ *Ibid.*

⁸⁹⁹ *Country Reports 2000* at Section 5.

⁹⁰⁰ *Ibid.* at Section 6d.

⁹⁰¹ *Country Reports 2000* at Section 6d.

⁹⁰² ILOLEX Database: El Salvador at <http://www.ilolex.ilo.ch>.

NOTE: Hard copies of all Web citations are on file.

Equatorial Guinea

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

In May 2000, the Government of Equatorial Guinea requested assistance from the ILO regional office to improve the country's adherence to international labor standards, including those related to child labor.⁹⁰³ The country also has government-sponsored and private programs to provide education for vulnerable children.⁹⁰⁴

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 32 percent of children between the ages of 10 and 14 in Equatorial Guinea were working.⁹⁰⁵ Children primarily work in the informal sector, on family farms, and in street vending.⁹⁰⁶ There is evidence that some children engage in prostitution, particularly in urban areas.⁹⁰⁷

Education is free and compulsory until the age of 14.⁹⁰⁸ In 1993, the gross primary enrollment rate was 149.7 percent, and the net primary enrollment rate was 83.4 percent.⁹⁰⁹ Late entry into the school system and high dropout rates are common, and girls are more likely than boys to drop out of school.⁹¹⁰

⁹⁰³ The ILO Representative has reported that progress is being made in cooperation with the Ministry of Labor. See U.S. Embassy–Yaounde, unclassified telegram no. 3123, July 2000 [hereinafter unclassified telegram 3123].

⁹⁰⁴ Unclassified telegram 3123.

⁹⁰⁵ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

⁹⁰⁶ *Country Reports on Human Rights Practices for 2000—Equatorial Guinea* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=777>.

⁹⁰⁷ UN 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 Mr. Alejandro Artucio, Special Rapporteur of the Commission, Pursuant to Commission Resolution 1998/71, 1999/41, E/CN.4/1999/41* (Geneva, 1999). See also “Child Labour Increasing in Equatorial Guinea,” November 21, 2000, at http://www.afrol.com/News/eqg023_child_labour.htm, and “Prostitution Booms in Equatorial Guinea As Education Sector Folds Up,” October 12, 2000, at http://www.afrol.com/News/eqg013_prostitution.htm on 10/4/01.

⁹⁰⁸ According to the State Department, this measure is not enforced. See *Country Reports 2000* at Section 5. See also Republic of Equatorial Guinea, “Quick Facts,” at <http://www.orgitecture.com/guinea/information1387/information.htm> on 1/10/01.

⁹⁰⁹ *World Development Indicators 2001*.

⁹¹⁰ The higher dropout rate for girls is attributable in part to early pregnancies. In 1999, only a small percentage of Equatorial Guinea's budget was earmarked for education (1.8 percent). See UN 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*

Child Labor Law and Enforcement

The minimum age for employment is set at 14 years, but children as young as 13 can work in light jobs on the condition that these do not affect their health, growth, or school attendance. In addition, children who are 12 years old may work in agriculture or craft making.⁹¹¹ Children under 16 years are prohibited from work that might harm their health, safety or morals.⁹¹² Forced or bonded labor by children is prohibited.⁹¹³ The Ministry of Labor corps of 50 national labor inspectors enforces labor laws.⁹¹⁴ Equatorial Guinea ratified ILO Convention 138 on June 12, 1985 and ILO Convention 182 on August 13, 2001.⁹¹⁵

by the Special Representative of the Commission, Mr. Gustavo Gallon, Pursuant to Commission Resolution 2000/19, E/CN.4/2001/38 (Geneva, 1999).

⁹¹¹ For a 12-year-old to work, professional organizations of workers and authorities within the Ministry of Labor must be consulted in advance. These regulations are found in unspecified government labor laws. See unclassified telegram 3123.

⁹¹² Unclassified telegram 3123.

⁹¹³ *Country Reports 2000* at Section 6c.

⁹¹⁴ Unclassified telegram 3123.

⁹¹⁵ ILOLEX database: Equatorial Guinea at <http://ilolex.ilo.ch:1567/english/> on 10/4/01.

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Eritrea

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

The Ministry of Labor and Human Welfare (MOLHW) is working in cooperation with UNICEF to implement community sensitization activities on children's rights.⁹¹⁶ UNICEF is also promoting access to education in war-affected areas by providing learning materials to displaced children, establishing makeshift classrooms, and training teachers.⁹¹⁷ The government is in the process of evaluating the quality of primary education, although the country's weak national economy and lack of institutions and expertise limit reform efforts.⁹¹⁸ From 1993 to 1997, government expenditure on education as a percentage of the gross national product increased from 2.1 percent to 4 percent.⁹¹⁹

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 38.6 percent of children between the ages of 10 and 14 in Eritrea were working.⁹²⁰ Children work as street vendors, in domestic services, in small-scale manufacturing, and on family farms.⁹²¹

Children as young as 12 years of age are reportedly involved in prostitution on the streets of Massawa and Asmara, as well as in hotels and bars.⁹²² A 1999 MOLHW survey on commercial sex workers revealed that 5 percent of prostitutes surveyed in Eritrea were between the ages of 14 and 17 years.⁹²³ In addition, children fight as soldiers with the Eritrean People's Liberation Front. Insufficient birth registrations make it difficult to verify the ages of recruited soldiers.⁹²⁴

⁹¹⁶ "Prevention," ECPAT International Database: Eritrea, at http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/ on 11/28/01.

⁹¹⁷ UNICEF, *Donor Update: Eritrea*, September 5, 2001 [hereinafter *Donor Update*].

⁹¹⁸ UNESCO, *The Education for All (EFA) Assessment: Country Reports—Eritrea* [hereinafter *EFA 2000 Assessment*].

⁹¹⁹ *Ibid.*

⁹²⁰ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*].

⁹²¹ *Country Reports on Human Rights Practices for 2000—Eritrea* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/782.htm>.

⁹²² "Eritrea: Sex case with military prosecutor's office," IRIN news.org, at <http://www.irinnews.org/Report>, on 11/28/01

⁹²³ "Child Prostitution," ECPAT International Database: Eritrea, at http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/ on 11/28/01.

⁹²⁴ Children as young as age 14 were reportedly used as Eritrean troop reinforcements to counter a May 2000 attack by Ethiopia. At the 1999 African Conference to Stop the Use of Child Soldiers, the Ethiopian Government also circulated a list of Eritrean prisoners of war between ages 15 and 18. Prior to the border conflict in recent years, hundreds of children were used as soldiers ("Red Flags") during the 30-year war

Education is free and compulsory from the ages of 7 to 13, or through grade seven.⁹²⁵ In 1996, the gross primary enrollment rate was 53.4 percent, with 58.7 percent of boys enrolled, compared to 48.1 percent of girls. The net primary enrollment rate was 30.4 percent.⁹²⁶ The Ministry of Education estimates that only 37 to 38 percent of children attend school.⁹²⁷ In rural areas, girls often leave school early to work at home.⁹²⁸

Child Labor Laws and Enforcement

The Transitional Labor Law No. 8/91 sets the minimum age for employment at 18 years, but allows for the employment of apprentices starting at the age of 14 years.⁹²⁹ The 1996 Constitution prohibits forced labor, but the National Service Proclamation obligates that all citizens complete compulsory service in the national armed forces.⁹³⁰ The National Service Proclamation sets the minimum age for military service at 18 years and requires 18 months of duty.⁹³¹ The Penal Code prohibits the procurement, seduction, or trafficking of children under the age of 18, and also bans sexual relations with children under 18 years old.⁹³²

Labor inspectors in the MOLHW enforce child labor laws, but inspections are infrequent due to the small number of inspectors.⁹³³ Eritrea ratified ILO Convention 138 on February 22, 2000, and has not ratified ILO Convention 182.⁹³⁴

for independence. See Coalition to End the Use of Child Soldiers, *Global Report 2001: Eritrea* [hereinafter *Global Report 2001*]. See also “Ethiopia-Eritrea: End to Use of Child Soldiers Urged,” UN OCHA Integrated Regional Information Network for Central and Eastern Africa, July 11, 2000.

⁹²⁵ *Country Reports 2000* at Section 5. See also Youth at the United Nations, *Country Profiles on the Situation of Youth: Eritrea*, at <http://www.esa.un.org/socdev/unyin/countrya.asp?countrycode=er> on 11/28/01, and *EFA 2000 Assessment*.

⁹²⁶ The net primary enrollment rate was 28.8 percent for girls and 32 percent for boys. See *World Development Indicators 2001*.

⁹²⁷ *Country Reports 2000* at Section 5.

⁹²⁸ ILOLEX database: Eritrea at <http://www.ilolex.ilo.ch> on 11/27/01.

⁹²⁹ Transitional Labour Law No. 8/91, Articles 2, 27, 30, 32, as cited in Veronica Rentmeesters, Information Officer, Embassy of Eritrea, letter to ICLP official, August 23, 1996.

⁹³⁰ Constitution of Eritrea, 1996, Articles 16(3), 25, at http://www.uni-wuerzburg.de/law/er00000_.html on 11/27/01.

⁹³¹ National Service Proclamation No. 82/95, October 23, 1995, Articles 8, 9, as cited in *Global Report 2001*.

⁹³² Committing indecent acts with a child under age 15 is a criminal offense punishable by 5 years of imprisonment. Sexual acts with children between ages 15 and 18 are also prohibited, although the penalty is less severe. See “Protection,” ECPAT International Database: Eritrea [hereinafter “Protection,” ECPAT Database], at http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/ on 11/28/01.

⁹³³ Laws on commercial sexual exploitation are also reported to be poorly enforced and inadequate. See *Country Reports 2000* at Section 6d and “Protection,” ECPAT Database.

⁹³⁴ ILOLEX database: Eritrea at <http://www.ilolex.ilo.ch> on 11/27/01.

NOTE: Hard copies of all Web citations are on file.

Estonia

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

The Government of Estonia is cooperating with regional governments, including Finland, Russia, Sweden, and Germany, to implement the STOP-Project, a European Commission initiative. This project aims to develop the means to chart and exchange information on international trafficking, uncover the organized crime activity surrounding regional trafficking networks, and explore the social consequences of trafficking and organized prostitution.⁹³⁵

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Estonia are unavailable. In some instances, children peddle goods and beg on the streets.⁹³⁶ There are also reports that children engage in prostitution, and women and girls are trafficked to Western Europe, the United States, and Asia.⁹³⁷

The Basic Schools and Upper Secondary Schools Act makes education compulsory for children between the ages of 7 and 17, and basic education is free.⁹³⁸ In 1996, the gross primary enrollment rate was 94 percent, and in 1995, the net primary enrollment rate was 86.6 percent.⁹³⁹

Child Labor Laws and Enforcement

The Employment Contract Act sets the minimum age for employment at 18 years, although children 15 to 17 years old may work with the consent of a parent or guardian, and children

⁹³⁵ European Commission Stop-Project, *Building up a Network for Monitoring, Analyzing and Combating Trafficking in Women and Children* [hereinafter *Building up a Network*], at <http://www.stakes.fi/sexviolence/stop/> on 10/9/01.

⁹³⁶ *Country Reports on Human Rights Practices for 2000—Estonia* (Washington, D.C.: U.S. Department of State, 2001), Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/index.cfm?docid=745>.

⁹³⁷ *Building up a Network*. See also The Protection Project Database at <http://www.protectionproject.org> and Helena Karlen and Christina Hagner, *Commercial Sexual Exploitation of Children in Some Eastern European Countries*, a study for ECPAT International, March 1996, 5. Statistics on the scope of the child sexual exploitation and trafficking problems are not widely available. A 1995 End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT), study suggested that there were up to 4,000 prostitutes in Estonia, 20 to 30 percent of who were minors. See Women Aid International, *Trafficking: Europe and North America*, at <http://www.womenaid.org/press/info/traffick/traffic6.html> on 10/9/01.

⁹³⁸ Basic Schools and Upper Secondary Schools Act of 1993, Article 17(1), at http://www.riga.lv/minelres/NationalLegislation/Estonia/BasicSchools_English.html on 10/9/01. See also Summary Sheets on Education Systems in Europe: Estonia, Education Information Network in Europe, July 2001, at http://www.eurydice.org/Documents/Fiches_nationales/files/ESTONIA_EN.pdf on 1/10/01.

⁹³⁹ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

13 to 15 years old may work with the consent of a parent or guardian and a labor inspector.⁹⁴⁰ Children under 18 years may not perform hazardous or dangerous work.⁹⁴¹ The Working and Rest Time Act limits the hours that children under 18 years old can work and prohibits overtime or night work.⁹⁴² There are no laws that specifically criminalize the trafficking of children, but offenses may be prosecuted under existing prostitution legislation. The Criminal Code prohibits the solicitation of juveniles for prostitution.⁹⁴³ The Constitution prohibits forced or bonded labor, except military or alternative service, work required in times of natural disasters or catastrophes, or when fulfilling a court sentence.⁹⁴⁴

The Occupational Health and Safety Act delegates enforcement responsibilities for labor laws to the Labor Inspector Service.⁹⁴⁵ The Government of Estonia has not ratified ILO Convention 138, but ratified ILO Convention 182 on September 24, 2001.⁹⁴⁶

⁹⁴⁰ These allowances are made only if the work will not endanger the health, morality, or education of the minor. *See* Republic of Estonia Employment Contract Act of 1992, Article 2 (1,2) [hereinafter Employment Contract Act], at <http://legaltext.ee/en/andmebaas/ava.asp?m'0221> on 10/9/01.

⁹⁴¹ Hazardous or dangerous work includes “heavy work, work which poses a health hazard or has dangerous working conditions, underground work, or work which endangers the morality of minors.” A complete list of work that is prohibited for minors was determined by the government in regulation no. 214 of July 22, 1992. The following work is prohibited: work involving slaughter or destruction and processing of live animals and birds; work related to exploiting and promoting sex, violence, and gambling; and work where a minor is in contact with alcohol, narcotic, toxic, and psychotropic substances. However, the Employment Contract Act does not extend to work on family farms or family enterprises. *See* Employment Contract Act at Article 36. *See also* ILO, *Review of Annual Reports: The Effective Abolition of Child Labor, Estonia*, GB.277/3/2 (Geneva, March 2000) [hereinafter *Effective Abolition of Child Labor*], 272. *See also* Secretary Miko Haljas, Embassy of Estonia, letter to Maureen Jaffe, USDOL official, November 26, 2001.

⁹⁴² Working and Rest Time Act of January 24, 2001, Articles 8, 11, 20, 22, 27, at www.legaltext.ee/en/andmebaas/ava.asp?m'0221 on 10/9/01.

⁹⁴³ *Building up a Network*.

⁹⁴⁴ Constitution of Estonia (1992), Article 29, at http://www.uni-wuerzburg.de/law/en00000_.html on 10/9/01.

⁹⁴⁵ Violations are provided for in the Criminal Code, para. 135. Occupational Health and Safety Act of June 16, 1999, as cited in *Effective Abolition of Child Labor* at 272. Generally, child labor laws are respected, and no cases of violations have been submitted to the courts. *See* U.S. Embassy–Tallinn, unclassified telegram no. 2353, September 2000.

⁹⁴⁶ ILOLEX database: Estonia at <http://ilolex.ilo.ch:1567/english/> on 10/9/01.

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Ethiopia

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

The Government of Ethiopia participates in a Child Labor Forum initiated by the ILO regional office in Addis Ababa to combat the worst forms of child labor by creating an umbrella organization comprised of government ministries, UN agencies, trade unions and employer organizations, embassies, and NGOs.⁹⁴⁷ The Ministry of Labor and Social Affairs (MOLSA) is working with the Ethiopian Central Statistical Authority and ILO-IPEC's SIMPOC to conduct a national household survey on child labor.⁹⁴⁸ The Ethiopian Government aims to provide universal primary education by the year 2020. It has adopted an Educational Sector Development Program to construct new schools, to increase the availability of textbooks in local languages, to train additional teachers, and to expand vocational training. The government built 303 new schools in 1999.⁹⁴⁹

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 53.7 percent of children between the ages of 10 and 14 in Ethiopia were working.⁹⁵⁰ In urban areas, children work as domestic workers, street peddlers, as employees in private enterprises,⁹⁵¹ and in the agricultural sector on state-owned farms.⁹⁵² Children work on commercial cotton, sugarcane, coffee, and tea farms.⁹⁵³ In rural areas, children work on family farms. Household chores may require long hours and excessive physical exertion, and interfere with school, particularly in the case of girls.⁹⁵⁴ Children are also shipped to Saudi Arabia

⁹⁴⁷ U.S. Embassy—Addis Ababa, unclassified telegram no. 1343, April 2000 [hereinafter unclassified telegram 1343].

⁹⁴⁸ Dr. Abdulaki Hasen, General Manager of the Ethiopian Central Statistical Authority, interview by USDOL official, August 9, 2000. Results from the survey will be available in 2002. See ILO-IPEC electronic correspondence to USDOL official, October 15, 2001.

⁹⁴⁹ U.S. Embassy—Addis Ababa, unclassified telegram no. 1965, June 2000.

⁹⁵⁰ According to the ILO, 3,878,213 million children are working. See ILO, *Yearbook of Labour Statistics for 2000* (Geneva, 2000).

⁹⁵¹ Children working as domestic servants, most of whom are girls, are often 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 (Addis Ababa, 2000), 3, 6. 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 also *Country Reports on Human Rights Practices for 2000—Ethiopia* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=789>.

⁹⁵² For example, on the Bebeke Coffee Farm, an estimated 490 children ranging from ages 7 to 16 were found to be working on the farm. See ILO/EAMAT, *A Study on Child Labour in Rural Ethiopia*, working paper no. 1 (Addis Ababa, 1999) [hereinafter *Child Labour in Rural Ethiopia*], 4-10. See also *Country Reports 2000* and Carol Cox, Third Secretary, Political Section and Girma Abebe, Foreign Service National, U.S. Embassy, interview by USDOL official, August 7, 2000.

and elsewhere in the Middle East to work as house servants or nannies.⁹⁵⁵ One of the most visible worst forms of child labor is prostitution. Girls as young as 11 years old are recruited by the commercial sex industry to work in brothels, bars, and hotels.⁹⁵⁶ Recruitment of children into the armed forces occurred in 1999, before the border conflict with Eritrea. There is no evidence that underage recruitment by the government is continuing.⁹⁵⁷ Children as young as 11 to 14 years of age reportedly join local militias.⁹⁵⁸

Primary education is compulsory and free in Ethiopia; however, there are not enough schools to accommodate all students.⁹⁵⁹ Most schools are located in urban districts, so children living in rural areas of Ethiopia do not have the same educational opportunities available to them.⁹⁶⁰ In 1996, the gross primary enrollment rate was 42.9 percent, and the net primary enrollment rate was 32 percent.⁹⁶¹

Child Labor Laws and Enforcement

Ethiopia's Labor Proclamation sets the minimum age for employment at 14 years.⁹⁶² 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.

⁹⁵³ Children working on commercial farms are often exposed to environmental toxins that can be detrimental to their health, especially on cotton farms. The cotton farms are located in the *kolla* zone, where children tend to be at a higher risk for malaria, yellow fever, and snakebites. See *Child Labour in Rural Ethiopia* at 3-10.

⁹⁵⁴ Embassy of Ethiopia, *Brief Report on Efforts Made by Ethiopia to Eliminate the Worst Forms of Child Labour*, October 2001 [hereinafter *Efforts Made to Eliminate the Worst Forms of Child Labour*], 3.

⁹⁵⁵ *Country Reports 2000* at Sections 5, 6c, 6f. See also Education International, *El Barometer on Human and Trade Union Rights in the Education Sector* (Brussels, Belgium, 1998), 46.

⁹⁵⁶ Unclassified telegram 1343. Underground child sex trade and sex tourism in Ethiopia are reportedly on the rise and are more organized than once believed. Children's involvement in the commercial sex trade occurs mainly in resort towns and truck stops in Addis Ababa. Children in the sex industry are at great risk for contracting sexually transmitted diseases, particularly HIV infection, but are reportedly kept unaware of this risk. See *Country Reports 2000* at Section 5.

⁹⁵⁷ *Country Reports 2000* at Section 5. See also Coalition to Stop the Use of Child Soldiers, *Global Report 2000: Ethiopia* [hereinafter *Global Report 2000*], at <http://www.child-soldiers.org> on 11/14/01.

⁹⁵⁸ *Country Reports 2000* at Section 5. The Ministry of Defense does not permit individuals under age 18 to enlist in the military, but the policy is difficult to enforce, since an estimated 95 percent of Ethiopians have no birth certificates. See Seife Tadelle, President of Ethiopian Youth League, interview by USDOL official, August 8, 2000. See also *Global Report 2000*.

⁹⁵⁹ U.S. Embassy—Addis Ababa, unclassified telegram no. 3394, November 2001.

⁹⁶⁰ *Child Labour in Rural Ethiopia* at 1.

⁹⁶¹ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

Some prohibited activities defined in the proclamation are transporting goods by air, land, or sea; working with electric power generation plants; and performing underground work (e.g., quarrying in mines).⁹⁶³ Children between 14 and 18 years are prohibited from working over seven hours per day; overtime; between the hours of 10 p.m. and 6 a.m.; during weekly rest days; and on public holidays.⁹⁶⁴ Ethiopia's Penal Code includes provisions specifically prohibiting child trafficking, child prostitution, and bonded child labor.⁹⁶⁵ The Constitution (Article 36) also stipulates that children are not to be subjected to hazardous work or exploitative practices.⁹⁶⁶ Enforcement of labor laws regarding children is reportedly weak, due in large part to an insufficient number of labor inspectors. Currently, about 50 labor inspectors in MOLSA enforce all the country's labor laws in the formal sector, and the government maintains child labor is not a problem in the formal economy.⁹⁶⁷

The Government of Ethiopia ratified ILO Convention 138 on May 27, 1999, and has not ratified ILO Convention 182.⁹⁶⁸

⁹⁶² *Negarit Gazeta*, Proclamation No. 42/1993, Part Six, Chapter 2, Article 89 (Addis Ababa, Ethiopia: *Negarit Gazeta of the Transitional Government of Ethiopia*) [hereinafter Proclamation No. 42/1993], 295.

⁹⁶³ *Ibid.*

⁹⁶⁴ Proclamation No. 42/1993, Part Six, Chapter 2, Articles 90, 91, at 295.

⁹⁶⁵ The trafficking of women and children is punishable by imprisonment of up to 5 years, with fines up to 10,000 birr (USD 1,244). *See* Tilahun Teshome, Dean of the Faculty of Law, Addis Ababa University, interview by USDOL official, August 10, 2000. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 1/30/02.

⁹⁶⁶ *Efforts Made to Eliminate the Worst Forms of Child Labour* at 3.

⁹⁶⁷ Getaneh Mitiku, Head of Ethiopian Department of Labor, Ministry of Labor and Social Affairs, interview by USDOL official, August 7, 2000.

⁹⁶⁸ ILOLEX database: Ethiopia at <http://ilolex.ilo.ch:1567/english>.

NOTE: Hard copies of all Web citations are on file.

Fiji

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

The Government of Fiji has not ratified ILO Conventions No. 138 or 182, but has ratified the U.N. Convention on the Rights of the Child. Before the May 19, 2000, armed civilian takeover of Parliament, the government was considering ratifying Convention No. 182, but final action has been placed on hold. The Fiji Law Reform Commission has authored an Employment Act containing provisions for child labor, minimum ages for employment, and proscriptions against hazardous work, but the draft legislation has not been tabled for action due to a government coup in May 2000.⁹⁶⁹ As part of Australia's plan of action against Sexual Exploitation of Children, the Government of Fiji signed an MOU with the Australian Government for joint action to combat child sexual abuse, including cooperative law enforcement mechanisms.⁹⁷⁰ The Ministry of Education is working with Save the Children Fund to compile data on school enrollment, attendance, completion and dropout rates.⁹⁷¹

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Fiji are unavailable. Reports indicate that child labor exists, particularly in the informal sector.⁹⁷² Children work on family farms or businesses, as domestic servants, as shoe shiners, or in car repair shops.⁹⁷³ Homeless children also work in the informal sector,⁹⁷⁴ and the number of street children in Suva is reported to be growing.⁹⁷⁵ Children are also lured into the commercial sex industry.⁹⁷⁶

⁹⁶⁹ ILOLEX database: Fiji [hereinafter ILOLEX database] at <http://ilolex.ilo.ch:1567/english/> on 10/10/01.

⁹⁷⁰ Australia Department of Family and Community Services, "Australia's National Plan of Action Against the Commercial Sexual Exploitation of Children," 2000, at <http://www.focalpointngo.org/DOCS/English/AustraliaPlanAction.htm> on 10/10/01.

⁹⁷¹ With funding from the Australian Government, the Save the Children Fund is also working in Fiji to improve school facilities and increase school accessibility for disadvantaged children. See U.S. Embassy-Suva, unclassified telegram no. 756, September 2001 [hereinafter unclassified telegram 756].

⁹⁷² *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

⁹⁷³ Unclassified telegram 756.

⁹⁷⁴ International Confederation of Free Trade Unions, *Internationally-Recognized Core Labour Standards in Fiji: Report for the World Trade Organization General Council Review of the Trade Policies of Fiji, April 9-10, 1997*, at <http://www.icftu.org/displaydocument.asp?Index'990916254&Language'EN&Printout'Yes> on 10/13/00.

⁹⁷⁵ Approximately 200 street children live in Suva. See UN Commission on Human Rights, *Rights of the Child: Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Ms. Ofelia Calceñas-Santos, 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 (December 27, 1999) [hereinafter *Commercial Sexual Exploitation of Children*].

Primary school education is compulsory for eight years.⁹⁷⁷ In 1998, the gross primary enrollment rate was 110.5 percent, and the net primary enrollment rate was 99.4 percent.⁹⁷⁸ Attendance is decreasing due to security concerns and the burden of school fees, often due to the cost of transport. Following the government coup in May 2000, more than 5,000 students were reported to have left school.⁹⁷⁹

Child Labor Laws and Enforcement

The Employment Act 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.⁹⁸⁰ The Constitution prohibits forced labor.⁹⁸¹ The Penal Code prohibits the sale or hiring of minors under 16 years of age for prostitution.⁹⁸² There is no enforcement mechanism written into legislation relating to child labor.⁹⁸³ Fiji ratified ILO Convention 182 on April 17, 2002, but has not ratified ILO Convention 138.⁹⁸⁴

⁹⁷⁶ Exploitation of children through both prostitution and pornography occurs both by local and foreign abusers. See *Commercial Sexual Exploitation of Children*. See also “CSEC Overview, Fiji,” ECPAT International Database, at http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/ on 10/9/01.

⁹⁷⁷ Fiji Government, Ministry of Education, “Conclusion—Directions for Change,” at http://www.fiji.gov.fj/speeches_features/S2000_12/S2000_12_01-02.shtml on 10/10/01.

⁹⁷⁸ Statistics were taken from UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports—Fiji* [hereinafter *EFA Assessment*] [CD-ROM]. The most recent statistics available from the World Bank’s *World Development Indicators* are from 1992. At that time, the gross primary enrollment rate was 128 percent and the net primary attendance rate was 99 percent. See also *World Development Indicators 2001*.

⁹⁷⁹ *Country Reports on Human Rights Practices for 2000—Fiji* (Washington, D.C.: U.S. Department of State, 2001), Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eap/index.cfm?docid=699>.

⁹⁸⁰ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Initial Reports of States Parties Due in 1995, Addendum, Fiji*, CRC/C/28/Add.7 (September 24, 1996) [hereinafter *Initial Reports of States Parties*].

⁹⁸¹ Fiji Constitution (1988), Section 24, at http://uni-wuerzburg.de/law/fj00000_.html on 10/10/01.

⁹⁸² The Penal Code also prohibits detaining a woman or girl against her will, living on the earnings of prostitution, and maintaining brothels. See Fiji Islands Penal Code (1978), Articles 157-170, at <http://www.buffalo.edu/law/bclrc/resource.htm> on 10/17/01. See also *Initial Reports of States Parties*.

⁹⁸³ There are only two inspectors at the Ministry of Labor and no investigators to follow up on claims or reports. Inspections are scheduled once a year, although these inspections are not always carried out. The police department has no mandate to stop child labor practices. See unclassified telegram 756.

⁹⁸⁴ ILOLEX database.

NOTE: Hard copies of all Web citations are on file.

Gabon

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

In 2000, Gabon and eight other African countries began working with the ILO-IPEC on a project on combating the trafficking of children in West and Central Africa, funded by the USDOL.⁹⁸⁵ The government hosted a regional conference on trafficking in February 2001, created an inter-ministerial committee to work with UNICEF and the ILO to address the issue, and designated focal points in each ministry with relevant responsibilities.⁹⁸⁶ Gabon is also considering amending its national legislation to deal directly with trafficking, and is developing a plan to rehabilitate victims of trafficking.⁹⁸⁷ In November 2001, Gabon, UNICEF and several nongovernmental organizations announced a campaign to increase awareness about child labor and child trafficking.⁹⁸⁸

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 14.9 percent of children between the ages of 10 and 14 in Gabon were working.⁹⁸⁹ Children work on commercial farms, in marketplaces, as street vendors, child beggars, domestic workers, and in prostitution.⁹⁹⁰ Children are trafficked into the country from Benin, Togo, Nigeria, Burkina Faso, and Mali for the purposes of labor and sexual exploitation.⁹⁹¹

⁹⁸⁵ ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (Phase II), Executive Summary* (Geneva).

⁹⁸⁶ *Country Reports on Human Rights Practices for 2000—Gabon* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=793>.

⁹⁸⁷ “UNICEF and Partners Against Child Trafficking,” UN Integrated Regional Information Networks, November 8, 2001 [hereinafter “UNICEF and Partners”], in allAfrica.com, <http://allafrica.com/stories/200111080486.html> on 12/5/01.

⁹⁸⁸ *Ibid.*

⁹⁸⁹ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*]. See also *Country Reports 2000; Lutte Contre le Trafic des Engants a des fins d'exploitation du Travail*, Synthese du 29 Janvier 2001, Ministre du Travail, de l'Emploi et de la Formation Professionnelle, Republique Gabonaise [hereinafter *Lutte Contre le Trafic des Engants*]; and International Confederation of Free Trade Unions, *Report for the World Trade Organization General Council Review of Trade Policies of Gabon* (Geneva, June 2001) [hereinafter *Review of Trade Policies of Gabon*].

⁹⁹⁰ U.S. Embassy— Libreville, unclassified telegram no. 1540, November 2001 [hereinafter unclassified telegram 1540]. See also *Lutte Contre le Trafic des Engants*; “UNICEF and Partners”; and “Robbed of Youth and Lost to a Bondage Hell,” *The Age* (Australia), April 17, 2001 [hereinafter “Robbed of Youth”], at <http://www.theage.com.au/news/2001/04/17/FFX9WJX3LLC.html> on 12/5/01.

⁹⁹¹ “UNICEF and Partners.” See also “Robbed of Youth” and “Descent into Lives of Silent Servitude,” *Sydney Morning Herald* [Australia], June 6, 2001.

Education is compulsory and free until age 16, but parents must pay for expenses such as books and school supplies.⁹⁹² In 1998, the gross primary enrollment rate was 132 percent and the net primary enrollment rate was 82.6 percent.⁹⁹³ According to the government, over 60 percent of students drop out before they complete the last year of primary school.⁹⁹⁴ Problems in the education system include poor management, planning and oversight, a shortage of teaching material, poorly qualified teachers and overcrowded classes.⁹⁹⁵ Gabon allocates nearly one tenth of the annual state budget to national education.⁹⁹⁶

Child Labor Laws and Enforcement

The Labor Code prohibits children below the age of 16 from working without the express consent of the Ministries of Labor, Education, and Public Health.⁹⁹⁷ Children between 16 years and 18 years of age are prohibited from working in industries that necessitate continuous work hours, such as iron, sugar and paper factories. Children under 18 years are prohibited from working at night, except in family enterprises.⁹⁹⁸ No laws specifically prohibit trafficking, but traffickers can be prosecuted under laws that prohibit exploitation, abandonment, and mistreatment of women.⁹⁹⁹

While the Labor Code is intended to cover all children, in practice it is enforced only in situations involving Gabonese, not foreign born, children.¹⁰⁰⁰ Gabon has 35 labor investigators but none are explicitly tasked with investigating violations of the child labor laws.¹⁰⁰¹ In practice, the government has neither investigated nor prosecuted cases of trafficking.¹⁰⁰² Gabon has not ratified ILO Convention 138, but ratified ILO Convention 182 on March 28, 2001.¹⁰⁰³

⁹⁹² *Country Reports 2000* at Section 5.

⁹⁹³ UNESCO, *Education For All (EFA) 2000 Assessment*, (Paris, 2000) [CD-ROM].

⁹⁹⁴ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Initial Reports of States Parties Due in 1996, Addendum, Gabon CRC/C/41/Add. 10* (June 21, 2000) [hereinafter *Initial Reports of States Parties*], paras. 214, 218.

⁹⁹⁵ In Libreville, classes average over 100 students in size, and rural area 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 *Initial Reports of States Parties* at para. 217/8.

⁹⁹⁶ *Initial Reports of States Parties* at para. 213, p. 42.

⁹⁹⁷ *Country Reports 2000* at Section 6d.

⁹⁹⁸ Unclassified telegram 1540.

⁹⁹⁹ U.S. Department of State, *Trafficking in Persons Report for 2001: Gabon* (Washington, D.C., 2001) [hereinafter *Trafficking in Persons Report*], at <http://www.state.gov/g/inl/rls/tiprpt/2001/>.

¹⁰⁰⁰ *Country Reports 2000* at Section 6c.

¹⁰⁰¹ U.S. Embassy— Libreville, unclassified telegram no. 1365, July 2000.

¹⁰⁰² *Trafficking in Persons Report*.

¹⁰⁰³ ILO, Table of Ratifications of Fundamental ILO Conventions, at http://www.ilo.org/public/french/standards/norm/sources/rats_pri.htm.

NOTE: Hard copies of all Web citations are on file.

The Gambia

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

In 1988, the Government of The Gambia began a major education initiative which included a 15-year plan that has emphasized increasing gross enrollment rates, lowering school entry age from 8 to 7, developing basic education curricula, and improving teacher training.¹⁰⁰⁴ Many of these goals have been met. The gross primary enrollment rate increased from 62.2 to 77.1 percent from 1989 to 1995; the entry age was lowered to seven years; more textbooks were made available for students; and 1,200 unqualified teachers in the system received training.¹⁰⁰⁵ The major goal The Gambia has set for itself for the remainder of the plan is to enroll 90 percent of children in schools for the full cycle of basic education by 2005.¹⁰⁰⁶ Over the 1990s, spending on education increased from 15 to 21 percent of government expenditure and 2.6 percent to 4.3 percent of GNP, while the share of the education budget devoted to primary education increased from 38 percent to 45 percent.¹⁰⁰⁷

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 34.5 percent of the children between the ages of 10 and 14 in The Gambia were working.¹⁰⁰⁸ Children in rural areas help their families on farms and with housework, and children in urban areas often work as street vendors and taxi and bus assistants.¹⁰⁰⁹ Some children become involved in prostitution, which is engendered by The Gambia's thriving tourist industry.¹⁰¹⁰ Many girls in rural areas leave school to work, and some migrate to urban areas seeking domestic or other employment.¹⁰¹¹ According to a press report, The Gambia

¹⁰⁰⁴ 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*, August 7, 1998, 17903-GM [hereinafter *World Bank Project Appraisal*]. See also *World Development Indicators 2001* and The World Bank, *Education and Health in Sub-Saharan Africa: A Review of Sector-Wide Approaches*, Annex 7, "The Gambia Education Case Study" [hereinafter "The Gambia Education Case Study"], January 2001.

¹⁰⁰⁵ World Bank *Project Appraisal* and *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

¹⁰⁰⁶ "The Gambia Education Case Study."

¹⁰⁰⁷ *Ibid.*

¹⁰⁰⁸ *World Development Indicators 2001*.

¹⁰⁰⁹ *Country Reports on Human Rights Practices for 2000—The Gambia* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=799>.

¹⁰¹⁰ Two brothels in Banjul, the capital of the Gambia, reportedly keep young girls to serve foreign tourists. See UNICEF, *Country Profile: UNICEF in The Gambia, Programme Cycle: 1999-2003* [hereinafter *Country Profile*], at <http://www.un.gm/unicef/profile.html> on 11/28/01. See also *Country Reports 2000* at Section 6d and Saihou Mballow, "Sex Trafficking in Gambia, West Africa," ECPAT News, March 2000 [hereinafter Mballow, "Sex Trafficking"], at <http://www.dreamwater.net/ecpatusa/enews1.html> on 11/28/01.

¹⁰¹¹ *Country Profile*.

is also a destination for children trafficked from West and Central African countries, some of whom are purchased for as little as USD 10 in Benin, Togo, Mali, Niger and Nigeria.¹⁰¹²

The Constitution mandates free and compulsory primary education, but a lack of resources and educational infrastructure has made implementation difficult.¹⁰¹³ In 1995, the gross primary enrollment rate was 77.1 percent and the net primary enrollment rate was 64.7 percent.¹⁰¹⁴ School fees long prevented many children from attending school, but in February 1998 the President of The Gambia ordered the termination of fees for the first six years of schooling.¹⁰¹⁵ Girls make up about 40 percent of primary school students, though the figure is much lower in rural areas where cultural factors and poverty prevent parents from sending girls to school.¹⁰¹⁶ Approximately 20 percent of school-age children attend Koranic schools, which usually have a restricted curriculum.¹⁰¹⁷

Child Labor Laws and Enforcement

The Gambia's minimum age for employment is set at 18 years.¹⁰¹⁸ All employers must file labor cards that list employees' ages with the Labor Commissioner, but few inspections are conducted.¹⁰¹⁹ The Gambia has arrested and deported child traffickers, although the practice continues.¹⁰²⁰ The Gambia ratified both ILO Convention 138 on September 4, 2000 and ILO Convention 182 on July 3, 2001.¹⁰²¹

¹⁰¹² Matthias Muindi, "West Africa: The Bitter Taste of Chocolate: Child Labour in Cote d'Ivoire and Ghana," *AfricaNews*, July 2001, at <http://www.globalmarch.org/child-trafficking/news-articles/thebittertasteofchocolate.htm> on 11/28/01.

¹⁰¹³ Information on the length of compulsory education in the Gambia is not available. See *Country Reports 2000* at Section 5.

¹⁰¹⁴ *World Development Indicators 2001*. According to United Kingdom statistics, in 1999/2000 the gross enrollment rate for primary school was 72 percent and for girls was 47 percent. See United Kingdom, Department for International Development, *The Gambia: The Gambian ICT Distance Education Programme*, at <http://www.imfundo.org/projects/gambia.htm> on 11/28/01.

¹⁰¹⁵ *Country Reports 2000* at Section 5

¹⁰¹⁶ *Ibid.*

¹⁰¹⁷ *Country Profile*.

¹⁰¹⁸ *Country Reports 2000* at Section 6d.

¹⁰¹⁹ *Ibid.*

¹⁰²⁰ For example, one English tourist was arrested and extradited for having sex with girls ages 8 to 18 in the Gambia. See Mballow, "Sex Trafficking." Several Nigerians trafficking women into Gambia were expelled in November 2001. See "Banjul Deports Three Foreigners Over Girl Trafficking," *This Day (Lagos)*, November 8, 2001.

¹⁰²¹ ILO, International Labour Standards: Gambia, at <http://ilolex.ilo.ch:1567/english/iloquery.htm> on 11/27/01.

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Georgia

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

The Government of Georgia is conducting a national child labor survey with technical assistance from ILO-IPEC's SIMPOC.¹⁰²² The UNDP is also working to strengthen the capacity of the State Department of Statistics, in order to conduct a national child labor survey, as a part of a national Poverty Reduction and Social-Economic Development Program.¹⁰²³ In addition, the Ministry of Education joined with UNESCO in 1999 to implement the Education For All initiative to improve the country's educational system. With its limited budget, the Ministry's efforts aim to improve existing institutions, support teacher training, and establish new curricula and education standards.¹⁰²⁴ The World Bank recently provided Georgia with a loan to work toward several of these objectives in the education sector.¹⁰²⁵ Save the Children-US is also collaborating with local NGOs to promote children's rights, and specifically to assist street children who do not have access to education.¹⁰²⁶

Incidence and Nature of Child Labor

In 1999, UNICEF estimated that 30 percent of children between the ages of 5 and 15 years in Georgia were working.¹⁰²⁷ There is limited information on the specific sectors in which children work. However, there are reports of children as young as nine working on the streets of Tbilisi,¹⁰²⁸ in markets and sometimes at night, carrying or loading wares.¹⁰²⁹ Children as young as 5 years of

¹⁰²² ILO-IPEC, *Child Labor Statistics: SIMPOC Countries*, at <http://www.ilo.org/public/english/standards/ippec/simpoc/countries.htm> on 1/29/02.

¹⁰²³ "Project Summary: Child Labor Survey Module in Georgia," UNDP in Georgia, at <http://www.undp.org.ge/programme/ongoing/laborchild.pdf> on 10/15/01.

¹⁰²⁴ UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports—Georgia*, at <http://www2.unesco.org/wef/countryreports/georgia/contents.html> on 10/15/01.

¹⁰²⁵ "Education System Realignment and Strengthening Credit Project," World Bank Group, at <http://www.worldbank.org/sprojects/Project.asp?pid'P055173> on 12/11/01.

¹⁰²⁶ "Child Rights Promotion and Advocacy/Children in Crisis in Georgia," Assistance Georgia, at <http://www.assistancegeorgia.org.ge> on 12/11/01 [document on file].

¹⁰²⁷ 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 during the period cited. See *MICS 2: Understanding Children's Work* at <http://www.ucw-project.org/resources/index.html> on 12/11/01. See also *MICS, 1999: Republic of Georgia*, State Department of Statistics, National Center for Disease Control, UNICEF (Tbilisi, 2000), table 37, at <http://www.childinfo.org/MICS2/Gj99306k.htm> on 12/11/01.

¹⁰²⁸ 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* [hereinafter *Implementation of the Convention on Children's Rights*] (Tbilisi, December 1999).

¹⁰²⁹ *Implementation of the Convention on Children's Rights* at 26. See also "Irregular Migration and Trafficking in Migrants—the Case of Georgia," *Trafficking in Migrants*, no. 22 (autumn 2000).

age work as beggars.¹⁰³⁰ Other reports indicate that children from Turkey and Greece are trafficked to Georgia for the purpose of prostitution.¹⁰³¹ Homeless and street children are often vulnerable to sexual exploitation.¹⁰³²

Education in Georgia is free of charge and compulsory from the age of 6 or 7 until 16 years.¹⁰³³ In 1996, the gross primary enrollment rate was 88.2 percent, and the net primary enrollment rate was 87 percent.¹⁰³⁴ Although the Constitution mandates that education is “free,” related expenses that include books prevent some children from attending.¹⁰³⁵

Child Labor Laws and Enforcement

The law sets the minimum age for employment at 16 years. Children who are 15 years old, however, 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.¹⁰³⁶ In general, children under 18 years of age may not be hired for unhealthy or underground work, and children between the ages of 16 and 18 years have reduced working hours.¹⁰³⁷ The Criminal Code prohibits keeping brothels, procuring women for prostitution, lewd conduct involving minors, and sexual relations with a person under 16. Although there are no laws that specifically address trafficking, related offenses can be prosecuted under the Criminal Code.¹⁰³⁸ Georgia ratified ILO Convention 138 on September 23, 1996, but has not ratified ILO Convention 182.¹⁰³⁹

¹⁰³⁰ *Implementation of the Convention on Children's Rights*.

¹⁰³¹ Trafficking arrangements through Georgia and into Turkey may be facilitated by the visa-free arrangement between the two countries. See *Country Reports on Human Rights Practices 2000—Georgia* (Washington, D.C.: U.S. Department of State, 2000) [hereinafter *Country Reports 2000*], Section 6f. See also Dr. Louise I. Shelley statement at Hearing on Sex Trade: Trafficking of Women and Children in Europe and the United States, before the Commission on Security and Cooperation in Europe (Helsinki Commission), June 28, 1999.

¹⁰³² *Implementation of the Convention on Children's Rights* at 27.

¹⁰³³ The Constitution guarantees free primary education for all citizens and states that primary education is mandatory for all. See Constitution of Georgia [hereinafter Constitution of Georgia], Article 35, at http://www.parliament.ge/GOVERNANCE/parl/L_A/S_P/CONSTITUTION/consen.html on 10/12/01. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Initial Reports of States Parties Due in 1996, Addendum, Georgia*, CRC/C/41/Add. 4, May 26, 1997 [hereinafter *Initial Reports of States Parties*].

¹⁰³⁴ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

¹⁰³⁵ Constitution of Georgia at Article 35 and *Country Reports 2000* at Section 5.

¹⁰³⁶ *Initial Reports of States Parties*.

¹⁰³⁷ *Ibid.*

¹⁰³⁸ These offenses are punishable by a prison sentence of up to 3 years. See Republic of Georgia Criminal Code, Chapter 12, Articles 118, 119, 133, 230 as cited in The Protection Project Database. See also *Initial Reports of States Parties* and *Country Reports 2000* at Section 5.

¹⁰³⁹ ILOLEX database: Georgia at <http://www.ilolex.ilo.ch> on 12/11/01.

NOTE: Hard copies of all Web citations are on file.

Ghana

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

In 1999, the USDOL funded a national program on the prevention and elimination of child labor in Ghana, and the Government of Ghana has been a member of ILO-IPEC since 2000.¹⁰⁴⁰ The Government of Ghana is in the process of formulating a national policy and plan of action to combat child labor with a focus on the worst forms of child labor.¹⁰⁴¹ Ghana also participates in a nine-country ILO-IPEC regional project in West and Central Africa, funded by the USDOL. It is designed to prevent and halt the practice of trafficking children and rehabilitate victims of trafficking.¹⁰⁴² The Ghana Statistical Service is also conducting a national survey on child labor with funding from USDOL and technical assistance from the ILO-IPEC's SIMPOC.¹⁰⁴³

In 1996, Ghana initiated its Free Compulsory and Universal Basic Education (FCUBE) program to serve as the focal point for all domestic and internationally funded initiatives to improve basic education.¹⁰⁴⁴ The goals of the FCUBE are to improve the quality of teaching and learning, access to basic education facilities, and management efficiency.¹⁰⁴⁵ The enrollment, retention and provision of various educational services to girls is specially emphasized.¹⁰⁴⁶ International donors are assisting Ghana to construct new classroom facilities, conduct school feeding programs, provide training to teachers and educational administrators, and help families defray the cost of children's school fees and other expenses.¹⁰⁴⁷ To attract teachers to rural areas and supplement low salaries, the government has offered accelerated promotions and incentives such as

¹⁰⁴⁰ ILO-IPEC, *National Program on the Elimination of Child Labor in Ghana*, project document (Geneva, 1999) [on-file].

¹⁰⁴¹ ILO-IPEC, *Summary of Individual Country Programs—National Program on the Elimination of Child Labor in Ghana*, August 1999 [hereinafter *Summary of Individual Country Programs*], 7.

¹⁰⁴² ILO-IPEC, *Combating the Trafficking of Children for Labor Exploitation in West and Central Africa (Phase II)*, *Country Annex: Ghana* [hereinafter *Combating the Trafficking of Children (Phase II)*], 6.

¹⁰⁴³ The survey is currently in the data processing stage. See USDOL-Funded ILO-IPEC Projects/Programs, *Technical Progress Report: Statistical Programme for Advocacy on the Elimination of Child Labour and the Protection of Working Children in Ghana*, no. 4 (November 2001). See also *Summary of Individual Country Programs*.

¹⁰⁴⁴ Harry Sawyerr, "Successful African Experiences: Country-Led Coordination of Aid in Ghana," *Association for the Development of Education in Africa Newsletter*, vol. 9, no. 3, at <http://www.adeanet.org/newsletter/Vol9No3/ghana-eng.html> on 12/11/01.

¹⁰⁴⁵ Ghana, Ministry of Education, "Implementation," The Ghana Education Website [hereinafter "Implementation"], at <http://www.ghana.edu.gh/present/implementation.html> on 12/11/01.

¹⁰⁴⁶ "Implementation."

¹⁰⁴⁷ Plan International, World Vision, and the European Union have helped with the provision of classroom facilities. See Emmanuel Acquaye, Director of Basic Education, Ghana Education Service, interview by USDOL official, August 1, 2000 [hereinafter Acquaye interview], and U.S. Embassy—Accra, unclassified telegram no. 3474, June 2000 [hereinafter unclassified telegram 3474].

bicycles to teachers willing to work in rural areas.¹⁰⁴⁸ Ghana has also initiated a Needy Child Fund that helps up to fifty children in each of Ghana's 110 districts qualify for help with basic school needs, and programs on girls' education.¹⁰⁴⁹

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 12.3 percent of children between the ages of 10 and 14 in Ghana were working.¹⁰⁵⁰ Deteriorating economic conditions have led to an increase in the number of children who earn a living for themselves or supplement family income.¹⁰⁵¹ The majority of working children are unpaid family workers, involved in family farms and family enterprises.¹⁰⁵² Children as young as 7 years old work as porters, domestic servants, street vendors, rock breakers in quarries, farmers, in small-scale mines and in various jobs in the fishing industry.¹⁰⁵³ Increased migration to urban areas, particularly Accra, has led to an increase in the numbers of street and working children in urban areas.¹⁰⁵⁴

Some girls who migrate from rural areas to urban centers serve as *kayayooos*—self-employed girl porters who carry goods on their heads for petty traders.¹⁰⁵⁵ Some *kayayooos* reportedly

¹⁰⁴⁸ Acquaye interview.

¹⁰⁴⁹ The government has allocated two million cedis (approximately USD 276) to each District for this program. See Acquaye interview and *Country Reports 2000* at Section 5. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 2/7/02.

¹⁰⁵⁰ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM]. In 1997, the Core Welfare Indicators Survey estimated that 9.2 percent of children between ages 6 and 14 in Ghana were working. See Ghana, Core Welfare Indicators Survey, 1997, as found in Understanding Children's Work, at <http://www.ucw-project.org/cgi-bin/ucw/Survey/> on 12/5/01.

¹⁰⁵¹ The Ghana National Commission on Children, *The First Decade of the Ghana National Commission on Children (1979-1989)* (Accra, 1990).

¹⁰⁵² Sudharshan Canagarajah and Harold Coulombe, *Child Labor and Schooling in Ghana*, background paper for World Bank Economic and Sector Work (Washington D.C., 1997) [hereinafter Canagarajah and Coulombe, *Child Labor and Schooling*], 10.

¹⁰⁵³ *Country Reports on Human Rights Practices for 2000—Ghana* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=803>.

¹⁰⁵⁴ In August 2000, Ghana's Ministry of Employment and Social Welfare reported that 18,000 children were working in Accra and 800,000 were working nationwide. Seventy percent of these working children are estimated to receive no schooling, while 21 percent complete only their primary education. See Margaret Sackey, Executive Director, Ghana National Children's Commission, interview by DOL official, August 4, 2000 [hereinafter Sackey interview]. See also *Country Reports 2000*.

¹⁰⁵⁵ Seema Agarwal et al., "Bearing the Weight: The Kayayoo—Ghana's Working Girl Child" (Legon: Centre for Social Policy Studies, University of Ghana, May 1997), 1.

practice prostitution to add to their earnings.¹⁰⁵⁶ Ghana is also a source and a destination for trafficked children,¹⁰⁵⁷ many of whom are girls between the ages of 10 to 15 years.¹⁰⁵⁸

Under FCUBE, the government is striving to provide nine years of free and compulsory education to all children by 2005. Currently, school expenses amount to about 35,000 cedis a year (USD 6.77).¹⁰⁵⁹ In 1997, the gross primary attendance rate was 72 percent.¹⁰⁶⁰ Schools in rural areas are often inadequate due to a shortage of teachers.¹⁰⁶¹ School taxes and associated costs, such as books and uniforms, make education costly and preclude some children from attending school.¹⁰⁶²

Child Labor Laws and Enforcement

The Children's Act sets the minimum age for general employment at 15 years, although 13 years is the minimum age for light work, defined as work that is not harmful to the health or development of a child and does not affect the child's attendance at school.¹⁰⁶³ The Children's Act

¹⁰⁵⁶ Nana Araba Apt and Ebenezer Q. Blavo, "Street Children and AIDS" (Legon: Centre for Social Policy Studies, University of Ghana, May 1997), 9.

¹⁰⁵⁷ *Country Reports 2000* at Section 6f.

¹⁰⁵⁸ African Centre for Human Development, *Ghana Country Study: Combating the Trafficking in Children for Labour Exploitation in West and Central Africa* (Accra, April 2000), 6. Cross-border trafficking and abduction have been reported between Ghana and Togo, Benin, Burkina Faso, Côte d'Ivoire, and Nigeria, where both boys and girls are lured into prostitution or hard labor. See *Combating the Trafficking of Children (Phase II)*.

¹⁰⁵⁹ Acquaye interview. See also unclassified telegram 3474.

¹⁰⁶⁰ Net enrollment statistics for Ghana are unavailable. See Sudharshan Canagarajab and XiaoYe, *Public Health and Education Spending in Ghana in 1992-98, Issues of Equity and Efficiency*, policy research working paper 2579, The World Bank, Country Director Groups, Ghana Country Department and Africa Technical Families, Macroeconomics 1, April 2001.

¹⁰⁶¹ Teachers' salaries are considered inadequate, and it is difficult to attract teachers to rural areas. See Acquaye interview.

¹⁰⁶² Acquaye interview and Canagarajan and Coulombe, *Child Labor and Schooling*, at 11.

¹⁰⁶³ Government of Ghana, Act 560, The Children's Act, 1998, Part V, Employment of Children, Sub-Part I, Child Labour.

prohibits children under 18 years from engaging in hazardous labor, including work in mines and quarries, manufacturing industries, at sea, where machines are used, in bars, and in any job that necessitates carrying heavy loads.¹⁰⁶⁴ Children may serve as apprentices at the age of 15 years, so long as their employers provide a safe and healthy work environment.¹⁰⁶⁵ Ghana's Constitution prohibits slavery and forced or bonded labor.¹⁰⁶⁶

Inspectors from the Ministry of Labor and Social Welfare inspect worksites annually and make spot checks when violations are alleged.¹⁰⁶⁷ Although trafficking is a problem, no laws specifically address trafficking.¹⁰⁶⁸ The Government of Ghana has not ratified ILO Convention 138, but ratified ILO Convention 182 on June 13, 2000.¹⁰⁶⁹

¹⁰⁶⁴ Ibid.

¹⁰⁶⁵ Violation of any sub-part pertaining to child labor of the Children's Act may result in a fine not to exceed 10 million cedis (USD 1,420) or to imprisonment for a term not to exceed 2 years or both. See *Country Reports 2000* at Section 6d. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 1/29/02.

¹⁰⁶⁶ *Country Reports 2000* at Section 6c.

¹⁰⁶⁷ Ibid. at Section 6d.

¹⁰⁶⁸ Ibid. at Section 6f.

¹⁰⁶⁹ ILOLEX database: Ghana at <http://ilolex.ilo.ch:1567/english/newratframeE.htm> on 11/27/01.

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Grenada

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

The Government of Grenada has indicated a desire to determine the extent of poverty in Grenada and possible solutions to this problem.¹⁰⁷⁰ In 1990, under the auspices of the WFP, the government began a school meals program throughout the nation's pre-primary and primary schools, a textbook program, and a program to upgrade some of the country's pre-schools. Under the school meal program, children pay a minimal fee to their school for a daily meal. The textbook program helps children from low-income families obtain the necessary tools to enhance their educational opportunities.¹⁰⁷¹

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Grenada are unavailable. Child labor is reportedly not a significant problem in Grenada, although some children help with the periodic harvesting of family spice or banana fields.¹⁰⁷²

Education is free and compulsory in Grenada between the ages of 6 and 14 years.¹⁰⁷³ In 1998, the gross primary enrollment rate was 125.5 percent, while the net primary enrollment rate was 97.5 percent.¹⁰⁷⁴ Despite the high enrollment rate, poverty, poor school facilities, and the periodic need to help with family farm harvests have resulted in approximately a 7 percent absenteeism rate among primary school children.¹⁰⁷⁵

¹⁰⁷⁰ Grenada's GDP is one of the lowest per capita in the region. See U.S. Embassy–Bridgetown, unclassified telegram no. 1126, June 2000 [hereinafter unclassified telegram 1126].

¹⁰⁷¹ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports of States Parties Due in 1992, Addendum, Grenada*, CRC/C/3/Add. 55, [hereinafter *Initial Reports of States Parties*], p. 5, para. 24, at <http://www.hri.ca/fortherecord2000/documentation/tbodies/crc-c-3-add55.htm> on 11/5/01.

¹⁰⁷² Unclassified telegram 1126.

¹⁰⁷³ *Initial Reports of States Parties*, p. 6, para. 31.

¹⁰⁷⁴ An explanation for the high net primary enrollment rate in 1991 was unavailable. See UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM].

¹⁰⁷⁵ Unclassified telegram 1126.

¹⁰⁷⁶ Employment of Women, Young Persons and Children Act, 1999, Article 32, p. 132 [copy on file].

Child Labor Laws and Enforcement

Under the Employment of Women, Young Persons and Children Act, the minimum age for employment in Grenada is 16 years.¹⁰⁷⁶ The Constitution prohibits forced labor and slavery.¹⁰⁷⁷ There are no laws that specifically address trafficking in persons and there were no reports that children were trafficked to, from, within or through the country.¹⁰⁷⁸ The Ministry of Labor enforces child labor laws in the formal sector through periodic checks.¹⁰⁷⁹ Grenada has not ratified ILO Convention 138 or ILO Convention 182.¹⁰⁸⁰

¹⁰⁷⁷ The Grenada Constitution Order, 1973, Chapter 1, Section 4, at <http://www.georgetown.edu/pdba/Constitutions/Grenada/gren/73eng.html>.

¹⁰⁷⁸ *Country Reports on Human Rights Practices for 2000—Grenada* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6f, at <http://www.state.gov/g/drl/rls/hrpt/2000/wha/index.cfm?docid=757>.

¹⁰⁷⁹ *Ibid* at 6d.

¹⁰⁸⁰ ILO, International Labour Standards and Human Rights Department, at <http://webfusion.ilo.org/public/db/standards/normes/appl-ratif&conv.cfm?Lang=EN>.

NOTE: Hard copies of all Web citations are on file.

Guatemala

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

The Government of Guatemala has been a member of ILO-IPEC since 1996.¹⁰⁸¹ In 2001, the government implemented the National Plan for the Prevention and Eradication of Child Labor and the Adolescent Worker.¹⁰⁸² In its 2000-2004 agenda for social programs, the Government of Guatemala set a goal to reduce the number of child workers by 10 percent by the year 2004. The Ministry of Labor has also taken steps to establish a national committee to eradicate child labor.¹⁰⁸³ The Government of Guatemala is collaborating with ILO-IPEC on several USDOL-funded projects aimed at combating child labor in the fireworks, stone quarrying, coffee, and broccoli sectors.¹⁰⁸⁴ Guatemala is also collaborating with ILO-IPEC's SIMPOC to collect data on child labor.¹⁰⁸⁵

The Ministry of Education addresses child labor by providing scholarships to children in need, implementing school feeding programs in rural areas, and administering extra-curricular programs.¹⁰⁸⁶ Extra-curricular programs use modified school hours, flexible course offerings and correspondence courses to provide children with access to basic education outside formal education classrooms.¹⁰⁸⁷ The Ministry of Education has also implemented a bilingual education project since the 1980s and has tried to reduce the indirect costs of an education by providing a bag of school supplies to all children in primary school and eliminating their matriculation fees.¹⁰⁸⁸

¹⁰⁸¹ ILO-IPEC, *Progressive Eradication of Child Labor in Gravel Production in Retalhuleu, Guatemala*, summary outline (Geneva, 2001), 1 [hereinafter *Child Labor in Gravel Production*] [on file].

¹⁰⁸² Ministerio de Trabajo y Previsión Social, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil y Protección a la Adolescencia Trabajadora, Guatemala, 2001* [hereinafter *Plan Nacional*]. See also U.S. Embassy—Guatemala City, unclassified telegram no. 2895, October 2001.

¹⁰⁸³ *Child Labor in Gravel Production* at 2.

¹⁰⁸⁴ See the following ILO-IPEC project documents: *Combating Child Labour in the Fireworks Industry in Guatemala* (Geneva, 1999), *Child Labor in Gravel Production; Prevention and Elimination of Child Labour in the Coffee Industry in Guatemala* (Geneva, 1999); and *Progressive Elimination of Child Labour in the Broccoli Sector* (Geneva, 2001) [on file].

¹⁰⁸⁵ ILO-IPEC, *Statistical Information and Monitoring Programme on Child Labor* (Geneva, 2001) [on file].

¹⁰⁸⁶ *Plan Nacional* at 19.

¹⁰⁸⁷ Nery Macz, Guatemalan Ministry of Education, and Demetrio Cojti, Vice Minister of Education, interview by USDOL official, August 16, 2000.

¹⁰⁸⁸ *Ibid.*

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 14.6 percent of children between the ages of 10 and 14 in Guatemala were working.¹⁰⁸⁹ Three out of four working children in Guatemala work in rural areas and child labor rates are highest in areas with a large indigenous population.¹⁰⁹⁰ Children work on family farms and helping harvest commercial crops such as coffee and sugarcane.¹⁰⁹¹ Children are also employed as domestic servants, shoeshine boys, beggars, street performers, construction workers, in the fireworks industry, and in quarries where they chip and carry stones to make gravel.¹⁰⁹²

Child prostitution is a problem in Guatemala's capital and in the towns of Escuintla, Tecúm Umán, and Cobán. Children from El Salvador, Honduras, Mexico and Nicaragua were also reportedly working in Guatemala's commercial sex industry.¹⁰⁹³

Education is free and compulsory in Guatemala for six years.¹⁰⁹⁴ In 1997, the gross primary enrollment rate was 88.1 percent and the net primary enrollment rate was 73.5 percent.¹⁰⁹⁵ However, only 30 percent of students who begin primary school in Guatemala complete this level of education.¹⁰⁹⁶ Children who do not attend school are concentrated in rural areas, and a disproportionate number of them are indigenous.¹⁰⁹⁷

¹⁰⁸⁹ *World Development Indicators 2001* (Washington, DC: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

¹⁰⁹⁰ *Plan Nacional*, 5, 6.

¹⁰⁹¹ *Country Reports on Human Rights Practices for 2000—Guatemala* (Washington, D.C.: U.S. Department of State, 2001 [hereinafter *Country Reports 2000*]), Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/775.htm>.

¹⁰⁹² Between 3,000 and 5,000 children are reportedly employed in the fireworks industry. *Ibid.* See also *Child Labor in Gravel Production*.

¹⁰⁹³ UN Commission on Human Rights, *Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Ms. Ofelia Calcetas-Santo, Addendum, Report on the Mission to Guatemala*, E/CN.4/2000/73/Add. 227 (Geneva, 1998), 47, 107 [on file].

¹⁰⁹⁴ Free and compulsory primary education is restricted to citizens and residents of Guatemala. See UN Commission on Human Rights, *Annual Report the Special Rapporteur on the Right to Education, Katarina Tomasevski, Submitted in Accordance with Commission on Human Rights Resolution 2000/9*, E/CN.4/2001/52, January 9, 2001 [on file].

¹⁰⁹⁵ *World Development Indicators 2001*.

¹⁰⁹⁶ *Country Reports 2000* at Section 5.

¹⁰⁹⁷ *Ibid.*

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.¹⁰⁹⁸ 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 in some way.¹⁰⁹⁹ Children are prohibited from working at night, overtime and in places that are unsafe and dangerous.¹¹⁰⁰ Children may not work in bars or in other establishments where alcoholic beverages are served.¹¹⁰¹

Article 188 of the Penal Code prohibits child pornography and prostitution.¹¹⁰² Procuring and inducing a person into prostitution are crimes that can result in either fines or imprisonment, with heavier penalties if minors are involved.¹¹⁰³ Trafficking in persons is not prohibited, unless the trafficking involves entry into or departure from the country for the purpose of prostitution.¹¹⁰⁴ Guatemala ratified ILO Convention 138 on April 27, 1990 and ILO Convention 182 on October 11, 2001.¹¹⁰⁵

¹⁰⁹⁸ Código de Trabajo de la República de Guatemala (Guatemala City: Ministerio de Trabajo y Prevision Social, 1996) [hereinafter Código de Trabajo], Article 148, and Article 2, footnote 108. [hard copy on file].

¹⁰⁹⁹ Ibid. at 44, 51-53.

¹¹⁰⁰ Between 1995 and 1999, the Ministry of Labor granted only 507 permits to underage workers. See Código de Trabajo at 44, 51-53, Article 148.

¹¹⁰¹ Ibid.: Article 148.

¹¹⁰² U.S. Embassy— Guatemala City, unclassified telegram no. 2507, August 2000.

¹¹⁰³ *Country Reports 2000* at Section 6f.

¹¹⁰⁴ Ibid.

¹¹⁰⁵ ILO, Ratifications of ILO Fundamental Conventions, at <http://www.ilolex.ilo.ch:1567/english/>.

NOTE: Hard copies of all Web citations are on file.

Guinea

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

In 1990, the Government of Guinea initiated an education sector reform program to increase enrolment, particularly for girls, and to improve education services.¹¹⁰⁶ The reform program is on going, and the government is continuing to commit funds for educational improvements.¹¹⁰⁷ UNICEF and USAID are working with the government to implement youth programs and education initiatives. UNICEF is coordinating with the Ministries of Education and Social Affairs to provide refugee children and other war-affected youth with access to education,¹¹⁰⁸ while USAID is assisting the Ministry of Education to implement its primary education reforms.¹¹⁰⁹ UNICEF worked with the government's Children's Protection Division to compile a study on the situation of women and children in Guinea.¹¹¹⁰

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 31.7 percent of children between the ages of 10 and 14 years in Guinea were working.¹¹¹¹ Children begin working beside their parents at a young age, often at 7 years.¹¹¹² The majority of child labor in Guinea takes place in the domestic or informal sectors, and includes such activities as subsistence farming, petty commerce, family work, fishing,

¹¹⁰⁶ Government of Guinea, Secteur de L'Education, at "http://www.guinee.gov.gn/6_Politiques/education.htm" http://www.guinee.gov.gn/6_Politiques/education.htm on 10/11/01. See also UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports—Guinea*, at http://www2.unesco.org/wef/countryreports/guinea/rapport_1.html on 10/11/01.

¹¹⁰⁷ U.S. Embassy-Conakry, unclassified telegram no. 2368, July 2001 [hereinafter unclassified telegram 2368].

¹¹⁰⁸ UNICEF, *Donor Update: Guinea*, July 27, 2001, at <http://www.unicef.org/emerg/Guinea27Jul01.PDF> on 10/11/01.

¹¹⁰⁹ USAID projects include an effort to boost female enrollment rates and a popular interactive radio program, among others. See "Education," USAID-Guinea, at <http://www.usaid.gov/gn/education/background/index.htm> on 10/11/01.

¹¹¹⁰ Unclassified telegram 2368.

¹¹¹¹ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM]. In 1997, the Ministry of Planning estimated that about 48 percent of children under the age of 15 were employed, accounting for approximately 20 percent of the total working population and 26 percent of agricultural workers. The Ministry of Planning estimates also suggested that child labor is much more prevalent in rural than urban areas. The Ministry estimated that in rural areas, approximately 66 percent of children between ages 7 and 14 and 91 percent between ages 15 and 19 were working. In urban areas, the numbers were approximately 19 percent and 50 percent, respectively. See *Country Reports on Human Rights Practices for 2000—Guinea* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid'806>.

¹¹¹² Republique de Guinee, *Situation Des Enfants et Des Femmes, Programme De Cooperation 2002-2006* (UNICEF-Conakry, November 2000) [hereinafter *Programme De Cooperation*], 35.

and small-scale mining.¹¹¹³ Children also work in gold, diamond, granite and sand mines and as apprentices to mechanics, electricians, and plumbers, among others professions.¹¹¹⁴

There are no statistical data available on the number of street children in Guinea, although children work in the streets selling cheap goods for traders, carrying baggage, or shining shoes.¹¹¹⁵ Child sexual exploitation occurs and is on the rise. Guinea is reported to be an origin and destination country for trafficking in persons for prostitution and illegal labor. Children are trafficked internationally to Senegal. Most victims of trafficking come from Mali and Benin. Internal trafficking occurs from rural to urban areas.¹¹¹⁶ Children may also serve in armed conflict, but the reports cannot be fully corroborated, because the Government of Guinea does not have a reliable birth registration system and children often do not know their exact ages.¹¹¹⁷

Primary education is compulsory for 8 years.¹¹¹⁸ In 1997, the gross primary enrollment rate was 54.4 percent and the net primary enrollment rate was 41.8 percent.¹¹¹⁹ Enrollment remains substantially lower among girls than boys. In 1997, gross female enrollment was 40.7 percent, compared to 67.7 percent for boys.¹¹²⁰ In 1999, primary school attendance was 40 percent.¹¹²¹ According to USAID, one girl attends school for every two boys.¹¹²² Children, particularly girls,

¹¹¹³ U.S. Embassy— Conakry, unclassified telegram no. 1857, March 1998 [hereinafter unclassified telegram 1857]. See also *Programme De Cooperation* at 83.

¹¹¹⁴ *Programme De Cooperation* at 84.

¹¹¹⁵ Unclassified telegram 2368. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports Awaited From the States Parties for 1992, Addendum, Guinea*, CRC/C/3/Add. 48, June 17, 1997 [hereinafter *Initial Reports Awaited*], para. 117. See also “Trafficking,” ECPAT International Database: Guinea, at http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp on 12/18/01.

¹¹¹⁶ *Initial Reports Awaited* at para. 131. See also *Country Reports 2000* at Section 6f and *Programme De Cooperation* at 85. See also unclassified telegram 2368.

¹¹¹⁷ Military recruits often do not know their exact age or do not have documentation of their age, which makes it nearly impossible to monitor the use of children as soldiers. Because members of the armed forces go into combat if their unit is called, regardless of age, the State Department report notes that underage soldiers have undoubtedly been used in combatant groups. See U. S. Embassy - Conakry, unclassified telegram no. 2704, September 2001 [hereinafter unclassified telegram 2704].

¹¹¹⁸ *Country Reports 2000* at Section 3.

¹¹¹⁹ *World Development Indicators 2001*.

¹¹²⁰ *Ibid.*

¹¹²¹ *Schooling in Guinea, Findings from the GDHS-II 1999* (Conakry, Guinea: Ministère de l'Enseignement Pre-Universitaire et de l'Education Civique), January 2001, 17.

¹¹²² “Speaking Up For Girls’ Education,” USAID-Guinea, February 1, 2000, at <http://www.usaid.gov/gn/education/news/girls/index.htm> on 10/11/01.

are kept out of school in order to assist their parents with domestic work or agriculture.¹¹²³ Government resources for education are limited, there are not enough school facilities to adequately serve the population of school-age children, and the availability of school supplies and equipment is poor.¹¹²⁴

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 a parent or guardian.¹¹²⁵ Based on the Labor Code, apprentices may begin to work at 14 years of age, with the provision that workers and apprentices under the age of 18 are not permitted to work at night or work more than 12 consecutive hours.¹¹²⁶ The Labor Code also prohibits forced or bonded labor and hazardous work by children under 18 years.¹¹²⁷ The government has acknowledged that the implementation and enforcement of labor legislation remains weak.¹¹²⁸ Guinea's Penal Code prohibits trafficking of persons, as well as the exploitation of vulnerable persons for unpaid or underpaid labor.¹¹²⁹ The official age for voluntary recruitment or conscription into the armed forces is 18 years, although insufficient birth registration practices make the law difficult to enforce.¹¹³⁰ Guinea has not ratified ILO Convention 138 or ILO Convention 182.¹¹³¹

¹¹²³ *Programme De Cooperation* at 70.

¹¹²⁴ *Ibid.* at 68.

¹¹²⁵ Code du Travail de la Republique de Guinee (1988) [hereinafter Code du Travail], Article 5 (Republique de Guinee: Ministere des Affaires Sociales et De L'Emploi).

¹¹²⁶ The penalty for an infraction of the law is a fine of 30,000 to 600,000 GFN (USD 16 to 315). *See* Code du Travail at Articles 13, 148, 149, 167. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 1/29/02.

¹¹²⁷ 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 the exact jobs that are considered hazardous. Punishment for infractions of the law range from a fine to imprisonment of no more than 2 months. *See* Code du Travail at Articles 186, 187, 205.

¹¹²⁸ *Initial Reports Awaited* at para. 119.

¹¹²⁹ The penalty for trafficking is 5 to 10 years of imprisonment, and the penalty for exploitation is 6 months to 5 years of imprisonment and a fine. *See* unclassified telegram 2368.

¹¹³⁰ Unclassified telegram 2704. *See also* Coalition to Stop the Use of Child Soldiers, *Global Report 2001: Guinea*, at http://www.child-soldiers.org/report2001/global_report_contents.html on 10/17/01.

¹¹³¹ ILOLEX database: Guinea at <http://ilolex.ilo.ch:1567/english/> on 10/11/01.

NOTE: Hard copies of all Web citations are on file.

Guinea-Bissau

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

The Government of Guinea-Bissau has developed a national education plan, which will improve both access to schools and the quality of education, and which relies upon the work of the general population, the private sector, and contributions by NGOs.¹¹³² The World Bank is assisting the government to achieve these goals through a Basic Education Support loan project. The World Bank Project also has a girls' schooling component.¹¹³³ In addition, UNICEF is working with the Ministry of Education to operate primary education projects in war-affected areas in order to rebuild houses and to provide teacher training and classroom supplies.¹¹³⁴

Incidence and Nature of Child Labor

In 1999, UNICEF estimated that 65.4 percent of children between the ages of 5 and 14 years in Guinea-Bissau were working.¹¹³⁵ Children work in street trading, farming, and domestic labor.¹¹³⁶ Reports also indicate that children as young as 14 years of age fought on both sides of the civil conflict in 1998 and 1999.¹¹³⁷

¹¹³² UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports—Guinea-Bissau*, at http://www2.unesco.org/wef/countryreports/guinea_bissau/contents.html on 10/17/01.

¹¹³³ Basic Education Support Project, World Bank Project Data, at <http://www.worldbank.org/sprojects/Project.asp?pid'P001015> on 12/11/01.

¹¹³⁴ In the past, UNICEF also implemented its Global Girls' Education Program in Guinea-Bissau, specifically targeting girls' enrollment, although the country project was recently put on hold. See *UNICEF's Humanitarian Response*. See also UNICEF, *Global Girls' Education Program, Guinea-Bissau*, at http://www.unicefusa.org/girls_ed/global.html#GuineaBissau on 10/17/01.

¹¹³⁵ In a 2000 study, 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; and, overall, 65.4 percent of children are working in some capacity. 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 *Multiple Indicator Cluster Survey (MICS) 2*, available at Understanding Children's Work, at <http://www.ucw-project.org/resources/index.html> on 12/11/01. See also UNICEF, *MICS: Guinea-Bissau*, December 2000, at <http://www.childinfo.org/MICS2/Gj99306k.htm> on 12/11/01.

¹¹³⁶ *Country Reports on Human Rights Practices for 2000—Guinea-Bissau* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid'828>.

¹¹³⁷ Amnesty International, *Annual Report 2000: Guinea-Bissau*, at <http://www.web.amnesty.org/web/ar2000web.nsf> on 10/16/01.

Education is compulsory from the age of 7 to 13.¹¹³⁸ In 1998, the gross primary enrollment rate was 53.5 percent, with higher enrollment ratio for males (67.7 percent) compared to females (40 percent).¹¹³⁹ Guinea-Bissau is continuing to recover from the civil conflict of 1999, which displaced one-third of the population, destroyed many schools, and prevented most young children from attending school for at least half a year.¹¹⁴⁰

Child Labor Laws and Enforcement

The General Labor Act sets the minimum age for employment at 14 years for factory work and 18 years for heavy or dangerous labor, including work in mines.¹¹⁴¹ The law prohibits forced labor.¹¹⁴² Twenty-four months of military service is compulsory for all citizens between 18 and 25 years old.¹¹⁴³ There are no specific laws protecting children from commercial sexual exploitation.¹¹⁴⁴ The Ministry of Justice and the Ministry of Civil Service and Labor generally enforce minimum age laws in the formal sector, but do not enforce these requirements in other sectors.¹¹⁴⁵ Guinea-Bissau has not ratified ILO Convention 138 or ILO Convention 182.¹¹⁴⁶

¹¹³⁸ Youth at the UN, *Country Profiles on the Situation of Youth: Guinea-Bissau*, at <http://esa.un.org/socdev/nyin/countrya.asp?countrycode=gw> on 10/16/01.

¹¹³⁹ Net enrollment statistics on Guinea-Bissau are not available. See UNESCO, *Education for All (EFA): Year 2000 Assessment* (Paris, 2000) [hereinafter *EFA Assessment*] [CD-ROM].

¹¹⁴⁰ According to the U.S. Department of State, by the end of 1999, most internally displaced persons had returned to their homes. See UNICEF, *UNICEF's Humanitarian Response to Children, January–December 1999, Guinea-Bissau* [hereinafter *UNICEF's Humanitarian Response*], at <http://www.unicef.org/cap/gbissau.pdf> on 10/16/01. For year of conflict, see also *Country Reports 2000* at the Introduction.

¹¹⁴¹ *Country Reports 2000* at Section 6d.

¹¹⁴² *Ibid.* at Section 6c.

¹¹⁴³ There is no information available on the minimum age for voluntary recruitment in Guinea-Bissau. See Coalition to End the Use of Child Soldiers, *Global Report 2001: Guinea-Bissau*, at "http://www.child-soldiers.org/report2001/countries/guinea_bissau.html" http://www.child-soldiers.org/report2001/countries/guinea_bissau.html on 11/29/01.

¹¹⁴⁴ The specific law prohibiting forced labor is not named. See "CSEC Overview," ECPAT International Database, at http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online/database/ on 0/30/01.

¹¹⁴⁵ *Country Reports 2000* at Section 6d.

¹¹⁴⁶ ILOLEX database: Guinea-Bissau at <http://ilolex.ilo.ch:1567/english/> on 10/16/01.

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Guyana

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

The Government of Guyana seeks to discourage children from joining the workforce by offering school welfare subsidies to poor families.¹¹⁴⁷ The government drafted a five-year National Educational Plan that includes improving strategies for access to education, and several government education projects target rural populations.¹¹⁴⁸ UNICEF is also implementing an education development program that includes teacher training.¹¹⁴⁹

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Guyana are unavailable. However, children work in agriculture (mainly on family farms), domestic service, saw-mills, street vending, river mining, and textile factories.¹¹⁵⁰ The prostitution of children also occurs, particularly in tourist areas.¹¹⁵¹

Primary education is free and compulsory for 6 years, beginning at the age of 5 years, 9 months.¹¹⁵² In 1996, the gross primary enrollment rate was 96.4 percent, and in 1995, the net primary enrollment rate was 87.3 percent.¹¹⁵³ Attendance rates are slightly lower among rural populations.¹¹⁵⁴

¹¹⁴⁷ Earl Boatwain, Guyana Ministry of Education, interview by USDOL official.

¹¹⁴⁸ *Guyana Human Development Report 1996*, UNDP, at <http://www.sdn.org.gy/undp-docs/ghdr/> on 10/18/01. Projects include the Parent Education Participation Project and the Escuela Nueva Project. The government also implemented a Primary Education Improvement Project with a loan from the IDB. See also UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports—Guyana* [hereinafter *EFA 2000 Assessment*], at http://www2.unesco.org/wef/countryreports/guyana/rapport_2html on 10/18/01.

¹¹⁴⁹ *The Education for Development News Bulletin*, November 1999, vol. 10, no. 2, at http://www.unicef.org/pdeduc/education/pdf/edev_nov99_ccrc_eng.pdf on 10/18/01.

¹¹⁵⁰ UN Committee on Economic, Social and Cultural Rights, *Implementation of the International Covenant on Economic, Social and Cultural Rights, Initial Reports Submitted by States Parties Under Articles 16 and 17 of the Covenant, Addendum, Guyana, para 62*, E/1990/5/Add. 27, June 7, 1995.

¹¹⁵¹ *Human Rights Report on the Trafficking of Women and Children: Guyana*, The Protection Project Database [hereinafter *Human Rights Report*], at <http://www.protectionproject.org>. See also “CSEC Overview: Guyana,” ECPAT Database, at http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp on 10/18/01.

¹¹⁵² Guyana, *National Development Strategy, Vol. 3: The Social Sectors*, at <http://www.guyana.org/NDS/NDS.htm> on 10/18/01.

¹¹⁵³ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

¹¹⁵⁴ UNESCO reported that attendance rates in the “hinterland” regions are about 10 to 15 percent lower than the national average, which is attributable to inaccessibility of schools, particularly during the rainy season. See *EFA 2000 Assessment*.

Child Labor Laws and Enforcement

The Employment of Young Persons and Children Act of 1999 sets the minimum age for employment at 15 years. Children under the age of 18 are prohibited from work that could jeopardize their health, safety, or morals.¹¹⁵⁵ The Constitution prohibits forced labor.¹¹⁵⁶ While there are no laws that specifically prevent trafficking in persons or prostitution, the Criminal Code of Guyana prohibits procuring a female for the purpose of prostitution.¹¹⁵⁷ The Criminal Law Offenses Act establishes a relatively young age of consent for sexual relations at 13 years.¹¹⁵⁸ The Ministry of Labor is responsible for the enforcement of child labor legislation through inspections.¹¹⁵⁹ Guyana ratified ILO Convention 138 on April 15, 1998 and ILO Convention 182 on January 15, 2001.¹¹⁶⁰

¹¹⁵⁵ U.S. Embassy— Georgetown, unclassified telegram no. 999, October 2001 [hereinafter unclassified telegram 999].

¹¹⁵⁶ Constitution of Guyana (1980), Article 140(2), at <http://www.guyanaguide.com/constitution/> on 10/18/01.

¹¹⁵⁷ Criminal Code, Article 73, as cited in *Human Rights Report*.

¹¹⁵⁸ Criminal Law Offences Act at Chapter 8:01, Section 61, as cited in Interpol, “Sexual Offences Laws: Guyana,” at <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaGuyana.asp> on 10/18/01.

¹¹⁵⁹ Unclassified telegram 999.

¹¹⁶⁰ ILOLEX database: Guyana at <http://ilolex.ilo.ch:1567/english/> on 10/18/01.

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Haiti

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

The Government of Haiti has been a member of ILO-IPEC since 1999.¹¹⁶¹ With funding from USDOL, ILO-IPEC is coordinating a three-year country program in Haiti for children working as domestic servants. The government and ILO-IPEC are also planning to collaborate with NGOs to conduct a national survey on child domestic work.¹¹⁶² The Ministry of Social Affairs implements a program called *SOS Timoun*, under which the Ministry's Institute of Welfare and Research (IBESR) works in collaboration with the "Service de la Protection de Mineurs" to withdraw children from abusive households.¹¹⁶³ The program has withdrawn 240 children thus far, including children in domestic work,¹¹⁶⁴ and overall, the media campaign against child labor has resulted in the removal of 760 children from abusive households.¹¹⁶⁵ UNICEF and the Ministry of Social Affairs are also implementing a project to assist child domestic workers through the provision of vocational training.¹¹⁶⁶

Haiti has launched a program called "Ed 2004" with funding from USAID, to improve the quality of primary education for children and young adults. The Ed 2004 program also aims to address the needs of orphans and other at-risk children, improve non-formal education, and improve access to information and communications technology.¹¹⁶⁷ In addition, the Ministry of Education works with NGOs to implement alternative education initiatives.¹¹⁶⁸

¹¹⁶¹ As part of Haiti's participation in ILO-IPEC, the government intends to establish a National Steering Committee on child labor, which will be charged with preparing a national plan of action on child labor. See ILO-IPEC, *Technical Report No. 3: Combating the Exploitation of Child Domestic Workers, September 2001* [hereinafter *Exploitation of Child Domestic Workers*]. See also ILO-IPEC, *All About IPEC: Fact Sheet 20, Haiti and IPEC Launch Programme to Combat Child Domestic Labour* [hereinafter *Programme to Combat Child Domestic Labour*], at www.ilo.org/public/English/standards/ipecc/about/factsheet/facts20.htm on 5/4/01.

¹¹⁶² *Exploitation of Child Domestic Workers*. See also *Programme to Combat Child Domestic Labour*.

¹¹⁶³ Madame Mathilde Flambert, Minister of Social Affairs, and Pierre Richard Painson, Chef du Cabinet, interview by USDOL official, August 3, 2000. Since its inception, the program has registered 250 calls from institutions, police commissariats, distressed children, individuals, and radio and television stations. See also U.S. Department of State official electronic correspondence to USDOL official dated October 13, 2000 [hereinafter Department of State electronic correspondence] [on file].

¹¹⁶⁴ Of the child domestic servants withdrawn from abusive situations, 19 were sent to a receiving home or shelter, while 14 were reunited with their parents. See Department of State electronic correspondence.

¹¹⁶⁵ U.S. Embassy—Port Au Prince, unclassified telegram no. 1203, May 2001. See also U.S. Embassy—Port au Prince, unclassified telegram no. 3160, June 1997 and U.S. Embassy—Port au Prince, unclassified telegram no. 2570, October 2001 [hereinafter unclassified telegram 2570].

¹¹⁶⁶ Unclassified telegram 2570.

¹¹⁶⁷ The Ed 2004 program has established a public-private partnership commission to reform national educational policy in order to foster increased collaboration between private and public schools and promote resource sharing among schools. See USAID, Activity Data Sheet for FY 2002: Haiti, at <http://www.usaid.gov/country/lac/ht/521-004.html> on 10/01/01.

¹¹⁶⁸ Paul Bien-Aime, Minister of Education, interview by USDOL official, August 1, 2000 [hereinafter

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 23.3 percent of children between the ages of 10 and 14 years in Haiti were working.¹¹⁶⁹ Children work as domestic servants and in street trades, and assist their families in subsistence agriculture. A 1997 UNICEF study estimated that there were some 250,000 to 300,000 child domestic servants, 80 percent of whom were girls under the age of 14.¹¹⁷⁰ Child domestics in Haiti are commonly referred to as *restaveks*, a Creole word meaning “to stay with.” They are among the most vulnerable and exploited of all children in Haiti. According to UNICEF, most *restaveks* work without compensation, reach the age of 15, 16, or 17 without ever having been to school, and may undergo physical or sexual abuse.¹¹⁷¹ UNICEF estimated that there are 5,000 street children in Haiti, including those who escaped from domestic servitude, or moved to Haitian cities seeking work.¹¹⁷² Some street children engage in prostitution.¹¹⁷³ In the neighboring Dominican Republic, Haitian children are contracted annually to work in the sugarcane industry, particularly in the Barahona province.¹¹⁷⁴

According to the Constitution, primary schooling is free and compulsory.¹¹⁷⁵ Education is required from the age of 6 to 15 years.¹¹⁷⁶ In 1997, the gross primary enrollment rate was 126 percent, while the net primary enrollment rate was only 42.2 percent.¹¹⁷⁷ Some 500,000 children in Haiti do not attend school,¹¹⁷⁸ and only 23 percent of children who do attend finish secondary school.¹¹⁷⁹

Bien-Aime interview].

¹¹⁶⁹ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

¹¹⁷⁰ “The State of the World’s Children, 1997,” UNICEF (New York, 1996), 30. *See also* “Haiti Faces Major Education Challenge,” UNICEF Information Newslines [hereinafter “Major Education Challenge”], at <http://www.unicef.org/newsline/99pr16.htm>. Child labor in Haiti is generally nonexistent in the industrial and commercial agriculture sectors because of high adult unemployment and cultural prohibitions. *See* unclassified telegram 2570.

¹¹⁷¹ “Helping Child Servants Who are Virtual Slaves—Haiti,” UNICEF, National Coalition for Haitian Rights (updated 11/30/00), at <http://www.unicef.org/media/storyideas/946.htm> on 10/26/01.

¹¹⁷² “Major Education Challenge.”

¹¹⁷³ Jean Robert Cadet, “Restavek Servitude,” statement before the UN Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights, Working Group on Contemporary Forms of Slavery, 25th Session (Geneva, June 14-23, 2000) [document on file].

¹¹⁷⁴ Agustin Vargas-Saillant, Domingo Jimenez, and Rufino Alvarez, Unitary Confederation of Workers (CTU and Futrazona), Dominican Republic, interview by USDOL official, August 29, 2000.

¹¹⁷⁵ Constitution of Haiti, 1987, Articles 32-1, 32-3, at <http://www.right-to-education.org/consguarant/haiti.html> on 10/25/01.

¹¹⁷⁶ Le Projet de Loi d’Orientation de l’Education, as cited in UNESCO, *The Education for All (EFA) 2000 Assessment: Haiti* [hereinafter *EFA 2000 Assessment*], at http://www2.unesco.org/wef/countryreports/haiti/rapport_1.html on 1/14/02.

¹¹⁷⁷ UNESCO, *Education for All (EFA): Year 2000 Assessment* (Paris, 2000) [CD-ROM].

¹¹⁷⁸ Bien-Aime interview.

¹¹⁷⁹ Lyne Godmaire, responsible for the Education Section, UNICEF, interview by USDOL official, August 2, 2000.

Child Labor Laws and Enforcement

The 1984 Labor Code prohibits children under 15 years of age from working in industrial, agricultural, or commercial enterprises, and establishes 12 years as the minimum age for domestic work and 14 as the minimum age for apprenticeships.¹¹⁸⁰ The Labor Code prohibits hazardous work for minors and night-work in industrial jobs for children under 18 years, and additional provisions regulate the employment of children between 15 and 18 years of age.¹¹⁸¹ The Labor Code also prohibits forced labor.¹¹⁸² The law does not specifically prohibit trafficking, although the Criminal Code prohibits prostitution or the corruption of a young person under the age of 21.¹¹⁸³

The Ministry and Social Affairs is responsible for enforcing all child labor legislation, and the IBESR coordinates the implementation of child labor laws with other government agencies.¹¹⁸⁴ IBESR conducted just over 120 child labor inspections a year between 1996 and 2000, all for cases involving child domestic workers who were subsequently removed from abusive households and placed in shelters or in the care of nongovernmental organizations. However, none of the inspections resulted in fines, penalties, or convictions.¹¹⁸⁵ Haiti has not ratified either ILO Convention 138 or ILO Convention 182.¹¹⁸⁶

¹¹⁸⁰ Decret du 24 fevrier 1984 actualisant le Code du Travail du 12 septembre 1961 [hereinafter Code du Travail], Articles 73, 335, 341, as found on Natlex database at <http://www.natlex.ilo.org/txt/F61HTI01.htm> on 11/20/01.

¹¹⁸¹ Children under age 18 are required to undergo a medical examination before working in an enterprise. Also, children between ages 15 and 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* Code du Travail at Articles 333, 334, 336-339.

¹¹⁸² Code du Travail at Article 4.

¹¹⁸³ *Country Reports on Human Rights Practices for 2000—Haiti* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6f, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid=795>. The punishment for violation of this law is six months to two years of imprisonment. *See also* Criminal Code, Article 282, in “Human Rights Reports: Haiti,” The Protection Project Database, at <http://protectionproject.org>.

¹¹⁸⁴ Unclassified telegram 2570.

¹¹⁸⁵ Unclassified telegram 2570.

¹¹⁸⁶ ILOLEX database: Haiti at <http://ilolex.ilo.ch:1567/english/newratframeE.htm> on 11/20/01.

NOTE: Hard copies of all Web citations are on file.

Honduras

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

The Government of Honduras has been a member of ILO-IPEC since 1996.¹¹⁸⁷ In 1998, the National Commission for the Gradual and Progressive Eradication of Child Labor was established by the government to coordinate all activities to combat child labor, and to mainstream working minors into educational programs.¹¹⁸⁸ The Commission is currently working with ILO-IPEC project with funding from USDOL to prevent and remove children from full-time work in the melon sector of Choluteca and in commercial coffee farms in Santa Barbara.¹¹⁸⁹ A similar ILO-IPEC program in the tobacco sector coordinates in El Paraiso with the Honduras Committee for Human Right.¹¹⁹⁰ The Honduras National Institute of Statistics, in consultation with the Ministry of Labor and Social Security (MOL), is beginning fieldwork to conduct a national child labor survey, with funding from the USDOL and assistance from ILO-IPEC's SIMPOC, to determine the number of working children between the ages of 5 and 17 in the country.¹¹⁹¹ In September 2001, the MOL implemented an education campaign, in collaboration with the Honduran Private Business Council, to increase industry awareness of the worst forms of child labor.¹¹⁹²

The government is also collaborating with the Spanish Agency for International Cooperation on child labor public awareness and information collection strategies, with UNICEF on capacity building and public awareness activities, and with Save the Children–UK on activities related to its national plan of action and child labor in the diving sector.¹¹⁹³

The government has initiated several programs in order to improve children's access to quality, basic education. The Ministry of Education provides very poor families with stipends for

¹¹⁸⁷ ILO-IPEC, *Prevention and Elimination of Child Labor in the Melon Plantations in Honduras*, project proposal (Geneva 2000) [hereinafter *Child Labor in the Melon Plantations*], 5.

¹¹⁸⁸ In June 2000, the Ministry of Labor and Social Security published a report on its efforts and focus on inspection, capacity building, surveys, awareness raising, and coordination between agencies. See U.S. Embassy – Tegucigalpa, unclassified telegram no. 2157, June 2000. See also *Informe Trabajo Infantil en Honduras*, (Secretaria de Trabajo y Seguridad Social, 2000) [hereinafter *Informe Trabajo Infantil*] [document on file].

¹¹⁸⁹ *Child Labor in the Melon Plantations*. See also ILO-IPEC, *Prevention and Progressive Elimination of Child Labor in the Coffee Industry in Honduras*, project proposal (Geneva, 1999).

¹¹⁹⁰ U.S. Embassy–Tegucigalpa, unclassified telegram 2159, June 2000 [hereinafter unclassified telegram 2159].

¹¹⁹¹ ILO-IPEC, *SIMPOC: Central America*, project proposal (Geneva, 1999).

¹¹⁹² U.S. Embassy–Tegucigalpa, unclassified telegram no. 3211, October 2001 [hereinafter unclassified telegram 3211].

¹¹⁹³ *Informe Trabajo Infantil*.

school supplies and makes available radio and long distance learning for children in distant rural areas with few schools.¹¹⁹⁴ Regional committees of child defense volunteers also try to convince parents to send their children to school.¹¹⁹⁵

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 17.3 percent of children between the ages of 10 and 14 were working in Honduras.¹¹⁹⁶ According to a study undertaken by the Ministry of Labor and Social Security, in association with UNICEF and the Honduran Institute for Childhood and the Family, nearly half of all working children work in agriculture, cattle farming, or fishing.¹¹⁹⁷ Twenty percent work in manufacturing, mining, electricity, gas, and construction. The remaining 30 percent work in commerce, transportation, finance, or service industries. Two-thirds of working children work without compensation to supplement family incomes derived from family farms or for small businesses.¹¹⁹⁸

According to ILO-IPEC, the worst forms of child labor in Honduras include: prostitution (particularly in the tourist sector along the North Coast); fireworks manufacturing (in Copan); marine diving (on lobster boats in the Mosquito coast); work in limestone quarries and garbage dumps (in the two large cities of Tegucigalpa and San Pedro Sula); and agricultural work (in the coffee and melon industries).¹¹⁹⁹ Children have also been used to sell drugs in Olancho and Comayagua.¹²⁰⁰

Education is free and compulsory in Honduras for six years.¹²⁰¹ In 1999, the gross primary enrollment rate was 97.3 percent and the net primary enrollment rate was 85.7 percent.¹²⁰² Among working children, an estimated 34 percent complete primary school.¹²⁰³ A lack of schools prevents

¹¹⁹⁴ Unclassified telegram 3211.

¹¹⁹⁵ Ibid.

¹¹⁹⁶ According to the ILO, 142,170 children were working. ILO, *Yearbook of Labour Statistics 2000*, Geneva [document on file].

¹¹⁹⁷ Unclassified telegram 2159.

¹¹⁹⁸ Ibid.

¹¹⁹⁹ See unclassified telegram 3211.

¹²⁰⁰ Comisión Nacional para la Erradicación del Trabajo Infantil, *Diagnóstico y Plan Nacional Para La Erradicación Gradual y Progresiva del Trabajo Infantil* (Tegucigalpa, 2000), 17.

¹²⁰¹ *Country Reports on Human Rights Practices for 2000—Honduras* (Washington, D.C.: U.S. State Department, 2001) [hereinafter *Country Reports 2000*], Section 5, at <http://www.state.gov/g.drl/rls/hrrpt/2000/wha/index.cfm?docid=801>.

¹²⁰² UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports—Honduras*, at http://www.unesco.org/wef/countryreports/honduras/rapport_2.html.

¹²⁰³ *Child Labor in the Melon Plantations*, 2.

¹²⁰⁴ Ibid.

many children in Honduras from receiving an education, as do costs such as enrollment fees, school uniforms, and transportation costs.¹²⁰⁴ In 1998, Hurricane Mitch damaged more than 3,000 schools nationwide.¹²⁰⁵ The poor quality of education and the lack of vocational education are other education concerns.¹²⁰⁶

Child Labor Laws and Enforcement

The Constitution and the Labor Code set the minimum age for employment at 16 years, with the exception that a child who is 15 years of age is permitted to work with parental consent and Ministry of Labor permission.¹²⁰⁷ An employer who legally hires a 15-year-old must certify that the child has finished, or is finishing, compulsory schooling.¹²⁰⁸ Children under the age of 16 are prohibited from night work and from working in clubs, theatres, circuses, cafes, cantinas, and in establishments that serve alcoholic beverages.¹²⁰⁹ Children under age 16 are limited to working six hours a day and 30 hours a week.¹²¹⁰ The Children's Code prohibits a child of 14 years of age or younger from working, even with parental permission, and establishes prison sentences of three to five years for individuals who allow children to work illegally.¹²¹¹

Article 148 of the Minor's Code criminalizes child prostitution. Children 18 years of age and younger are protected under this law against sexual exploitation, child prostitution and child pornography.¹²¹² The Penal Code also includes provisions that prohibit trafficking in persons.¹²¹³

¹²⁰⁵ U.S. Department of State, Background Notes: Honduras (Washington, D.C., 1999) at http://www.state.gov/www/background_notes [document on file].

¹²⁰⁶ *Child Labor in the Melon Plantations* at 2.

¹²⁰⁷ *Country Reports 2000* at Section 6d.

¹²⁰⁸ *Country Reports 2000* at Section 6d

¹²⁰⁹ Oficina Regional para America Latina y el Caribe, Programa Internacional para la Erradicación del Trabajo Infantil, *Honduras* (San Jose, 1999), 20.

¹²¹⁰ Constitution of the Republic of Honduras, 1982 [hereinafter Constitution of the Republic of Honduras], Chapter 5, Article 128, No. 7, at <http://www.georgetown.edu.pdba/Constitutions/Honduras/honduras.html>.

¹²¹¹ *Country Reports 2000* at Section 6d.

¹²¹² U.S. Embassy–Tegucigalpa, unclassified telegram no. 2902, August 2000.

¹²¹³ *Country Reports 2000* at Section 6f.

The Ministry of Labor and Social Security is responsible for conducting child labor inspections.¹²¹⁴ The Ministry has less than 50 inspectors for the entire country,¹²¹⁵ and is not able to effectively enforce laws in rural areas or in small companies.¹²¹⁶ Despite these problems, in 2001, the Ministry opened a regional office and re-initiated inspections on lobster boats in the Mosquito area, where boat captains illegally employ boy divers. Early in 2001, the Minister of Labor conducted a special inspection of the melon industry in order to uncover the incidence of child labor in that sector.¹²¹⁷ Honduras ratified ILO Convention 138 on June 9, 1980 and ILO Convention 182 on October 25, 2001.¹²¹⁸

¹²¹⁴ *Informe Trabajo Infantil*.

¹²¹⁵ Unclassified telegram 3211.

¹²¹⁶ *Country Reports 2000* at Section 6d.

¹²¹⁷ Unclassified telegram 3211.

¹²¹⁸ ILO, Ratifications of ILO Conventions, IOLEX database, at <http://www.iloex.ilo.ch:1567/english/>.

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Hungary

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

The Government of Hungary has agreements with 10 European countries to facilitate improved police cooperation in order to combat trafficking.¹²¹⁹ In 1997, Hungary implemented a program for border guards that had a particular emphasis on preventing trafficking in children and young adults.¹²²⁰ IOM launched an information campaign in 1999 to address suspected increases in the trafficking of women and girls.¹²²¹ In 1999, the government amended the Act of Public Education to implement an educational improvement project, which included measures to increase access to schools.¹²²²

Incidence and Nature of Child Labor

In 1999, the ILO estimated that less than 1 percent of children between the ages of 10 and 14 in Hungary were working.¹²²³ Children are reported to work in family businesses, on farms, as beggars on the streets, and as prostitutes. Hungary is a source and destination country for the trafficking of children, some as young as 12 or 13 years, for the purposes of forced labor.¹²²⁴

¹²¹⁹ *Country Reports on Human Rights Practices for 2000—Hungary* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6f, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/index.cfm?docid=774>.

¹²²⁰ Council of Europe. Implementation of Recommendation No. R(91)11 on sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults, March 15, 1997, as cited in *Trafficking in Women Working Paper*, 69.

¹²²¹ “IOM Launches Information Campaign to Raise Awareness About Trafficking in Women in Bulgaria and Hungary,” IOM News Release, November 12, 1999, no. 842, at <http://www.uri.edu/dignity/iomnov99.htm> on 10/19/01.

¹²²² Ministry of Education, Comenius 2000 Programme for Quality Improvement in Public Education, *The New Approach to Quality in Public Education*, at http://www.om.hu/j430_english.html on 10/19/01.

¹²²³ The study found that 0.04 percent of children between ages 10 and 14 are economically active. See *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM]. More children in the ethnic Roma population work because of their tendency to drop out of primary school. See also U.S. Embassy-Budapest, unclassified telegram no. 1920, March 1998 [hereinafter unclassified telegram 1920]; and International Confederation of Free Trade Unions, *Internationally Recognized Core Labor Standards in Hungary, Report for the World Trade Organization General Council Review of the Labor Policies of Hungary* (Geneva, July 1998).

¹²²⁴ Unclassified telegram 1920. See *Country Reports 2000*, Section 6f. See also “Hungary Considers Legalized Prostitution,” Agence-France Presse, December 1, 1997, at http://www.archive.nandotimes.com/newsroom/ntn/health/120197/health10_6874_noframes.html on 10/19/01; European Parliament, Directorate-General for Research, *Trafficking in Women Working Paper* (Brussels, March 2000) [hereinafter *Trafficking in Women Working Paper*]; and *Human Rights Reports on Trafficking of Women and Children, Hungary*, The Protection Project Database [hereinafter *Human Rights Reports*], at <http://www.protectionproject.org> on 12/11/01.

Women are trafficked to Western and Eastern European countries, including Russia, Ukraine, and Romania, are trafficked into Hungary for the purposes of commercial sexual exploitation.¹²²⁵

Education is free and compulsory between the ages of 6 and 16 years.¹²²⁶ In 1995, the gross primary enrollment rate was 103 percent and the net primary enrollment rate was 96.7 percent.¹²²⁷ Schools in ethnic Roma communities are in markedly poorer condition, and in 1992, less than 2 percent of Roma children graduated from high school.¹²²⁸

Child Labor Laws and Enforcement

The 1992 Labor Code states that children may only be employed when they have finished their compulsory education, which effectively sets the minimum age at 16 years.¹²²⁹ However, children who are 14 years old are permitted to work if the work does not interfere with schooling or if they are exempt from attending school.¹²³⁰ All children under age 16 must obtain the consent of a legal guardian before entering into an employment contract.¹²³¹ The Labor Code specifically prohibits children under the age of 18 from working in jobs that may be detrimental to their physical well-being or development, in night work, or in overtime work.¹²³² Forced labor is prohibited by law.¹²³³ According to the 1999 Act of Offenses, persuading or soliciting another to engage in prostitution is illegal, as is working in a brothel under the age of 18.¹²³⁴ There are no

¹²²⁵ According to one estimate, one third of the female prostitutes in Hungary are from the Ukraine, Romania, and Russia. See *Trafficking in Women Working Paper and Country Reports 2000* at Section 6f. See also Coalition Against Trafficking in Women, *Factbook on Global Sexual Exploitation: Hungary*, at <http://www.uri.edu/artsci/wms/hughes/catw/hungary.htm> on 10/19/01.

¹²²⁶ U.S. Embassy–Budapest, unclassified telegram no. 3455, September 2000 [hereinafter unclassified telegram 3455]. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports of States Parties Due in 1993, Addendum, Hungary*, CRC/C/8/Add.34 (Geneva, September 24, 1996) [hereinafter *Initial Reports of States Parties*], para. 66.

¹²²⁷ *World Development Indicators 2001*.

¹²²⁸ Roma children are often placed in remedial education programs designed for children with mental disabilities or low academic performance, and in September 1999, the Minister of Education and the parliamentary Ombudsman for Minority Rights acknowledged that there is segregation in the country's educational system. See *Country Reports 2000* at Section 5.

¹²²⁹ Hungary Labour Code [hereinafter Hungary Labour Code], Act No. 22 of 1992, Part III, Section 72(1), at <http://www.natlex.ilo.org/txt/E92HUN01.htm> on 11/2/01. See also unclassified telegram 3455.

¹²³⁰ Hungary Labour Code at Part III, Section 72(4).

¹²³¹ *Ibid.* at Part III, Section 72(2).

¹²³² *Ibid.* at Part III, Sections 75, 121, 128(2).

¹²³³ The law that prohibits forced labor is not specified. See *Country Reports 2000* at Section 6c.

¹²³⁴ Act of Offenses (Act LXIX of 1999), Sections 143, 205-207, as cited in *Human Rights Report*.

specific laws that address trafficking, but the Criminal Code has provisions against kidnapping and violations of personal freedom.¹²³⁵

Labor, education, and child welfare authorities monitor and address complaints relating to child labor through spot-check inspections and labor courts.¹²³⁶ Hungary ratified ILO Convention 138 on May 28, 1998 and ILO Convention 182 on April 20, 2000.¹²³⁷

¹²³⁵ *Initial Reports of States Parties* at paras. 101, 103.

¹²³⁶ The National Work Safety and Labor Affairs Supervision Office (OMMF) has 20 county and local offices to enforce the labor code. OMMF inspectors respond to complaints and conduct random spot checks. Complex cases may be presented to the labor courts. Violations of labor regulations are misdemeanors punishable by a fine ranging from approximately USD 160 to 9,000. *See* unclassified telegram 3455.

¹²³⁷ ILOLEX database: Hungary at <http://ilolex.ilo.ch:1567/english/> on 10/19/01.

NOTE: Hard copies of all Web citations are on file.

India

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

In 1987, the Government of India adopted a National Policy on Child Labor, under which National Child Labor Projects were initiated in 12 states with a high proportion of working children.¹²³⁸ The main components of the projects include non-formal education, health, nutrition and poverty alleviation.¹²³⁹ Projects are implemented by NGOs, and the government provides up to 75 percent of project costs.¹²⁴⁰ Under these, some 1,800 non-formal schools have opened, and approximately 105,000 children have been enrolled.¹²⁴¹

In 1992, India became one of the six original countries to participate in ILO-IPEC. The program has created broad-ranging and multi-sectoral efforts to rescue, remove and rehabilitate children from child labor. The ILO-IPEC program, which has reached more than 90,000 children in India since its inception, was renewed for a further two years in January 2000.¹²⁴² In 2001, USDOL collaborated with the Government of India to fund a USD 40 million ILO-IPEC project to eliminate child labor in 10 hazardous sectors in the states of Madhya Pradesh, Maharashtra, Tamil Nadu and Uttar Pradesh.¹²⁴³ The Government of India is also planning to conduct a national child labor survey in 2004 with technical assistance from ILO-IPEC's SIMPOC.¹²⁴⁴

¹²³⁸ Child Labor and India, Embassy of India, Washington, D.C., at http://www.indianembassy.org/policy/Child_Labor/childlabor.htm on January 2, 2002. According to the government, 94 child labor projects were established by February 2001, as stated in "Social Sectors—Labour and Employment," *Economic Survey 2000-2001* (India: Ministry of Finance, February 2001), at <http://www.indiabudget.nic.in/es2000-01/social.htm>.

¹²³⁹ National Policy on Child Labor, 1987, Embassy of India, Washington, D.C., at http://www.indianembassy.org/policy/Child_Labor/childlabor.htm on January 2, 2002.

¹²⁴⁰ Embassy of India written submission for 5th International Child Labour Study by the Bureau of International Affairs, USDOL, Embassy of India (Washington, D.C., February 25, 1998) [hereinafter 5th International Child Labour Study], at 9, 10.

¹²⁴¹ Lakshmidhar Mishra, *Child Labour in India* (London: Oxfam University Press, April 2000), 200.

¹²⁴² U.S. Embassy—New Delhi, unclassified telegram no. 4282, June 2000 [hereinafter unclassified telegram 4282].

¹²⁴³ 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. Each government is contributing USD 20 million to the project, which will target 80,000 children. Project activities are expected to begin in early 2002. Child labor prevention and withdrawal activities will be implemented through the government's National Child Labor Program. See ILO-IPEC, *Preventing and Eliminating Child Labor in Identified Hazardous Sectors*, project document (Geneva, 2001) [on file].

¹²⁴⁴ ILO-IPEC official, E-mail correspondence to USDOL official, January 18, 2001 [on file]. See also ILO-IPEC, *Child Labor Statistics: SIMPOC Countries*, at <http://www.ilo.org/public/english/standards/ipecc/simpoc/countries.htm> on January 29, 2002.

The Ministry of Human Resource Development operates programs that target pre-school aged children in nine states with low education statistics, facilitate universal primary education focusing on improving the quality, and provide non-formal education programs for children with special needs, including working children.¹²⁴⁵ The Ministry of Education manages the Sarva Shiksha Abhiyan (SSA) Program, which aims to achieve universal elementary education for all children between the ages of 6 and 14 by 2010.¹²⁴⁶

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 12.5 percent of the children between the ages of 10 and 14 in India were working.¹²⁴⁷ There are reports of bonded child labor in the carpet manufacturing industry,¹²⁴⁸ in agriculture (particularly in small-scale, rural operations),¹²⁴⁹ and in the construction industry.¹²⁵⁰ Children are reported to work in hazardous conditions in numerous industries: glass

¹²⁴⁵ UN Committee on the Rights of the Child, *Country Report—India* (New Delhi: Ministry of Human Resource Development's Department of Women and Child Development, February 1997), Sections 8.5-8.8, at <http://wcd.nic.in/CRCFEbmr.htm>.

¹²⁴⁶ The Ministry of Education is collaborating with the Indian Ministry of Labor on the USDOL-funded ILO-IPEC project and will provide educational services to working children in the 10 targeted hazardous sectors through its SSA Program. See ILO, *Preventing and Eliminating Child Labor in Identified Hazardous Sectors* (Geneva, 2001) [hereinafter *Preventing and Eliminating Child Labor*], 47, [on file].

¹²⁴⁷ *World Development Indicators 2001* (Washington, D.C., World Bank, 2001) [CD-ROM]. Estimates of the number of working children in India vary greatly. India's 1991 national census found that of the country's 210 million children between ages 5 and 14, 11.3 million children worked. Because half of all children ages 5 to 14 are reportedly not enrolled in school (105 million children), many NGOs and international organizations place the number of working children at 44 million to 55 million. See U.S. Embassy - New Delhi, unclassified telegram no. 1401, February 1998. See also D.P. Chaudhri, "A Dynamic Profile of Child Labour in India," cited in "Child Labour in India," press release, UNICEF Information Service (New Delhi, 1996), 1, 2. Some NGOs, like the Bangalore Centre for Concern for Working Children, developed estimates that take into account the official number of children out of school, as stated in S. Sinha, "Collection and Dissemination of Data on Child Labour in Asia," ILO-IPEC (Bangkok, 1998), Table 1, 107 [draft on file]. For example, in 2000, the Chamber of Commerce and Industry (CCI) estimated child labour in the organized and unorganized and household sectors to be over 100 million. See S. Mahendra Dev, "Editorial: Eradicating Child Labour," *The Hindu*, World Reporter, August 15, 2000.

¹²⁴⁸ *Country Reports on Human Rights Practices for 2000—India* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6c, at <http://www.state.gov/g/drl/rls/hrrpt/2000/sa/717.htm>. See also USDOL, *By the Sweat and Toil of Children* [hereinafter *Sweat and Toil of Children*], vol. II, 85-94, and vol. IV, 19-22.

¹²⁴⁹ *Sweat and Toil of Children*, vol. V, at 21.

¹²⁵⁰ Isabel Austin, State Representative for UNICEF for Tamil Nadu and Kerala, interview by USDOL official, May 5, 1998 [hereinafter Austin interview]. A 1996 Human Rights Watch report found bonded child labor in the silk industry; in the production of bidis, carpets, silver, synthetic gemstones, and leather products; and in agriculture. See Human Rights Watch, *The Small Hands of Slavery: Bonded Child Labor in India* (United States, September 1996), at <http://www.hrw.org/hrw/reports/1996/India3.htm>.

manufacturing, leather tanning,¹²⁵¹ footwear,¹²⁵² hand-knotted carpet,¹²⁵³ stone quarries,¹²⁵⁴ construction,¹²⁵⁵ gemstones,¹²⁵⁶ and fireworks.¹²⁵⁷ Children also work as domestic servants.¹²⁵⁸

The commercial sexual exploitation of children is widespread in India.¹²⁵⁹ Children reportedly engage in prostitution in major commercial centers where they can be bought and sold at brothels or at wholesale clandestine markets, known as *mandi*.¹²⁶⁰ There are also reports of sexual exploitation among indigenous populations, by young girls who are sold to temples, and in

¹²⁵¹ “Children in Hazardous Work,” fact sheet from *Abolishing Extreme Forms of Child Labour* (Geneva: ILO, 1998) [hereinafter “Children in Hazardous Work” fact sheet]. See also *By the Sweat and Toil of Children: Consumer Labels and Child Labor*, vol. 4 (Washington, D.C.: U.S. Department of Labor, 1995), 70-73 [hereinafter *By the Sweat and Toil of Children*, vol. 4].

¹²⁵² Abhinay Prasad, Secretary, AADHAR (Welfare Society), and R.K. Pandey, Regional Director, Council for Leather Exports, interview by USDOL official, May 17, 1998. Children are reportedly not employed by companies producing shoes directly for the export market, although it is unclear whether shoes and shoe parts produced under subcontracting arrangements in the cottage industry are destined for the domestic or export market. Agra is located in the state of Uttar Pradesh, south of New Delhi. See also *Preventing and Eliminating Child Labor*, 6, 7.

¹²⁵³ *Sweat and Toil of Children*, vol. II at 85-94 and vol. IV at 19-22.

¹²⁵⁴ S.P. Gnanamoni, Secretary of the Quarry Workers Development Society, Dindigal, interview by USDOL official, May 7, 1998. See *Preventing and Eliminating Child Labor* at 6. See also “Children in Hazardous Work,” fact sheet from *Abolishing Extreme Forms of Child Labour* (Geneva: ILO, 1998).

¹²⁵⁵ Austin interview.

¹²⁵⁶ ILO and the Universal Alliance of Diamond Workers, *Precious Lives: Child Labour and Other Labour Rights Violations in the Diamond and Gemstone Industry* (Geneva, last updated June 16, 1998), at <http://www.ilo.org/public/english/dialogue/actrav/child/proj/childdiam.htm>, within the fact sheet “Child Labour in the Diamond Industry.” India is a large producer of processed diamonds, which are typically mined in other countries and exported to India for processing. See also Amar Nath, Director of Inter Gold (India) Limited, et al., interview by USDOL official, May 12, 1998, and notes on eyewitness accounts of conditions in the gemstone workshops from the site visit by USDOL officials to Jaipur, May 15, 1998.

¹²⁵⁷ Jill McGivering, “A Festival of Lights Without Fireworks,” *BBC News*, at <http://news6.thdo.bbc.co.uk/hi/english/world/south%5FAsia/newsid%5F990000/990606.stm> on 10/25/00. See also *Preventing and Eliminating Child Labor* at 6, 7.

¹²⁵⁸ “Future in Chains,” *Pioneer*, New Delhi, at <http://www.globalmarch.org/cl-around-the-world/index.html> on 12/31/99. A study in Tamil Nadu showed that 26.5 percent of child domestic workers are employed by government staff. See Ramya Kannan, “India: Study Shows Lack of Follow-up Action,” *The Hindu*, Source: World Reporter (TM) - Asia Intelligence Wire, September 20, 2000.

¹²⁵⁹ 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* (Bangkok, Thailand, 2000) [hereinafter *Looking Back, Thinking Forward*], 91.

¹²⁶⁰ *Ibid.* at 92. See also “Human Rights Reports: India,” The Protection Project Database, at <http://www.protectionproject.org>.

relation to the tradition of tawiffs, or dancing girls, in certain regions of the country.¹²⁶¹ Children are trafficked to countries in Asia, the Middle East and the West, and into India from neighboring Nepal or Bangladesh, often for the purposes of sexual exploitation.¹²⁶²

Primary education is not compulsory in India and the national government does not provide free or universal primary education. Legislation at the state and/or provincial level establishes compulsory primary education in 14 of the 24 states and 4 Union territories.¹²⁶³ Approximately 59 percent of children between the ages of 5 and 14 attend school.¹²⁶⁴ In 1997, the gross primary enrollment rate was 90.3 percent, while the net primary enrollment rate was 71.1 percent.¹²⁶⁵

Child Labor Laws and Enforcement

The Child Labor (Prohibition and Regulation) Act prohibits the employment of children under 14 years old in 13 occupations and 51 processes,¹²⁶⁶ and bars children from working in hazardous processes or dangerous operations, as identified by the Child Labor Act or by Section 67 of the Factories Act of 1948.¹²⁶⁷ In 1996, India's Supreme Court established a penalty of 20,000 rupees (USD 415) 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.¹²⁶⁸ The enforcement of child labor laws falls under the jurisdiction of state-level labor ministries.

¹²⁶¹ *Looking Back, Thinking Forward* at 92.

¹²⁶² *Ibid.* See also *Trafficking in Persons Report for 2000: India* (Washington, D.C.: U.S. Department of State, 2001).

¹²⁶³ 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 5th International Child Labour Study, 11. In December 2001, the lower house of Indian Parliament passed a bill making the right to education a basic fundamental right for all children between ages 6 and 14. The bill will go to the upper house in 2002 for passage. See also U.S. Department of State official, U.S. Embassy New Delhi, India, electronic correspondence to Sudha Haley, USDOL official, December 19, 2001.

¹²⁶⁴ *Country Reports 2000* at Section 5.

¹²⁶⁵ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

¹²⁶⁶ Unclassified telegram 4282. The occupations and processes where children cannot work were expanded from 7 to 13 and 18 to 51, respectively. The Act was passed in 1986 and amended in 1999.

¹²⁶⁷ *Sweat and Toil of Children*, vol. V, at 177, 178.

¹²⁶⁸ "Child Labor in India," IPEC India briefing note, 2, 3 [on file]. The 1996 Supreme Court decision established a fund to be created from the proceeds of this fine to provide supplemental income to parents and guardians of child workers on the condition that the children would be sent to school. The Court also ordered that a survey of the child labor situation in the country be conducted. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 1/25/02.

The Bonded Labor Abolition Act of 1986 has only draft regulations and the Child Labor Abolition Act of 1984 has no implementing regulations.¹²⁶⁹ The Prevention of Immoral Trafficking Act of 1986 is the principle law applied to trafficking in children and prostitution. India has not ratified ILO Convention 138 or ILO Convention 182.¹²⁷⁰

¹²⁶⁹ Garimella Subramaniam, “India: Recent Social Laws an ‘Eyewash,’” *The Hindu*, Source: World Reporter (TM) - Asia Intelligence Wire, October 30, 2000. In 2000, the Labor Department proposed legislation to ban child labor totally to remove the difficulties of enforcing laws regulating child labor on account of partial permission for employment of children in some trades. The Law Department returned the proposed legislation with several questions, including whether it would be constitutional to ban child labor entirely. See Roy Mathew, “India: Total Ban on Child Labour Likely,” *The Hindu*, Source: World Reporter (TM)—Asia Intelligence Wire, October 6, 2000.

¹²⁷⁰ ILO, Table of Ratifications and Information Concerning the Fundamental Conventions of the ILO, at http://www.ilo.org/public/french/standards/norm/sources/rats_pri.htm.

NOTE: Hard copies of all Web citations are on file.

Indonesia

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

In 1992, the Government of Indonesia became one of the six original countries to participate in ILO-IPEC, establishing a national steering committee and developing a draft National Plan of Action for addressing exploitative child labor, and launching various child labor projects.¹²⁷¹ In 1999, the USDOL funded projects in Indonesia to combat child labor in the fishing and footwear industries.¹²⁷² The Government of Indonesia is also collaborating with ILO-IPEC on a regional level to address children working in industries and trafficking.¹²⁷³ In 1999, Indonesia's Central Planning and Development Board earmarked 10 percent of educational safety net funds for working children to alleviate the growing trend of children dropping out of school for economic reasons.¹²⁷⁴

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 8.2 percent of children between the ages of 10 and 14 in Indonesia were working.¹²⁷⁵ Children work in various industries, including rattan and wood furniture, garments, footwear, food processing, toy-making, and small mining. More children are reportedly working in informal sectors, selling newspapers, shining shoes, parking cars, or working beside their parents in family businesses and on commercial farms.¹²⁷⁶

¹²⁷¹ Pandji Putranto, ILO-IPEC, electronic correspondence to USDOL official, March 18, 2001. See also ILO-IPEC, *All About IPEC: Programme Countries*, at http://www.ilo.org/public/English/standards/ipec/about/countries/t_country.htm on 11/27/01.

¹²⁷² See the following ILO project documents: *Programme to Combat Child Labor in the Fishing Sector in Indonesia and the Philippines (Phase 1)* (Geneva, 1999) and *Programme to Combat Child Labor in the Footwear Industry in Indonesia and the Philippines (Phase 1)* (Geneva, 1999).

¹²⁷³ "IPEC in Action: Asia, Progress and Challenge in East and South-East Asia," ILO-IPEC Web site, at <http://www.ilo.org/public/English/standards/ipec/publ/field/asia/progchalpr.htm> on 12/28/01.

¹²⁷⁴ Esther Duflo, *Schooling and Labor Market Consequences of School Construction in Indonesia: Evidence from an Unusual Policy Experiment*, *B NBER Working Paper Series* (Massachusetts: National Bureau of Economic Research Working Paper 7860, 2000), 2.

¹²⁷⁵ *World Development Indicators 2001* (Washington, D.C., World Bank, 2001) [CD-ROM]. In 1996, a Labor Force Survey by the Indonesian Central Bureau of Statistics (BPS) estimated that 8.5 percent (1.9 million) of children between ages 10 and 14 in Indonesia were working. See Nafsiah Mboi and Irwanto, *Indonesian Experience With Child Labor: Looking for Best Practices* (Jakarta: ILO-IPEC, 1998), 20, 21. A 1999 National Socioeconomic Survey found that 10 percent of children between ages 10 and 14 worked. However, given the percentage of children out of school, some analysts suggest that 20 percent is a more likely figure. See P. Irwan, H. Hendriati and Y. Hestyani, "Alternative Education Strategies for the Young Disadvantaged Groups in Indonesia" (Jakarta: UNESCO, 1999), as cited in Peter Stalker, "Beyond Krismon: The Social Legacy of Indonesia's Financial Crisis" (Florence: UNICEF Innocenti Research Centre, 2000) [hereinafter Stalker, "Beyond Krismon"], 20.

¹²⁷⁶ *Country Reports on Human Rights Practices for 2000—Indonesia* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eap/707.htm>.

A 2000 report by the Government of Indonesia and UNICEF found that more children are working in exploitative and hazardous activities such as garbage scavenging, street peddling, domestic servitude, and prostitution.¹²⁷⁷ In North Sumatra, boys work on fishing platforms called *jermals* for 12 to 13 hours per day for up to three months, often in dangerous conditions.¹²⁷⁸ In addition, children have allegedly been recruited as child soldiers in armed conflicts.¹²⁷⁹ An estimated 30 percent of all sex workers are under the age of 18 (between 40,000 to 70,000 children).¹²⁸⁰ Trafficking of children is a growing problem.¹²⁸¹ Children, primarily girls, are trafficked for sexual exploitation and forced labor both within Indonesia and to international locations.¹²⁸²

In 1994, compulsory basic education was extended from six to nine years, but this measure has not been fully implemented because of the lack of legal mechanisms for enforcement.¹²⁸³ Education is not free. Families must pay tuition fees, cover the cost of uniforms and supplies, and pay fees for parent-teacher associations.¹²⁸⁴ In 1997, the gross primary enrollment rate was 113.6 percent, and the net primary enrollment rate was 95 percent, roughly similar for boys and girls.¹²⁸⁵ In 2000, UNICEF reported that 20 percent of children fail to complete their primary education, and 30 percent of children ages 13 to 15 years old are not in school.¹²⁸⁶ The number of school age dropouts rose from three million in 1997 to eight million at the end of 1998, mainly because the

¹²⁷⁷ Government of Indonesia and UNICEF, *Challenges for a New Generation: The Situation of Children and Women in Indonesia, 2000* (Jakarta, 2000) [hereinafter *Challenges for a New Generation*], vi.

¹²⁷⁸ ILO-IPEC, *Programme to Combat Child Labor in the Fishing Sector in Indonesia and the Philippines (Phase 1)*, project document (Geneva, 1999), 2, 3.

¹²⁷⁹ Children have been reported in militia groups that formed in East Timor, in the separatist region of Aceh, and in the Maluku Islands. Reports from the Malukus indicate that children between ages 7 and 12 have participated in both sides of the conflict. See Coalition to Stop the Use of Child Soldiers, *Asia Report: Indonesia and East Timor*, May 2000 [hereinafter *Asia Report*], 27, at http://www.child-soldiers.org/reports_asia/indon_and_et.html. According to this report, sources within the churches in the region said that at least 200 boys had been forcibly recruited and trained as fighters.

¹²⁸⁰ Mohammad Farid, "Sexual Abuse, Sexual Exploitation, and the Commercial Sexual Exploitation of Children," in Irwanto, Mohammad Farid, and Jeffry Anwar, *Situational Analysis of Children in Need of Special Protection in Indonesia* (Jakarta: CSDS Atma Jaya, Department of Social Affairs, and UNICEF, 1998), 96, 97.

¹²⁸¹ *Country Reports 2000* at Section 6f. See also *Challenges for a New Generation: The Situation of Children and Women in Indonesia, 2000* (Jakarta: Government of Indonesia and UNICEF, 2000) [hereinafter *Challenges for a New Generation*], vi.

¹²⁸² Destinations for women and girls trafficked from Indonesia include Hong Kong, Singapore, Taiwan, Malaysia, Brunei, the Persian Gulf countries, Australia, Korea, and Japan. See *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report, Indonesia* (Washington, D.C.: U.S. Department of State, 2001), at <http://www.state.gov/g/inl/rls/tiprpt/2001/> on 12/28/01.

¹²⁸³ *Challenges for a New Generation* at 98. See also Darmastuti Soetrisno, Director of Kindergarten and Primary Education of the Ministry of Education, interview by USDOL official, October 13, 2000.

¹²⁸⁴ Stalker, *Beyond Krismon*, at 19.

¹²⁸⁵ UNESCO, *Education For All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

¹²⁸⁶ Stalker, *Beyond Krismon*, at 19.

children had to work and they could not afford school fees and related expenses.¹²⁸⁷ According to the Indonesian Ministry of Education and ILO data, close to 12 million school age children did not attend school in 1999.¹²⁸⁸

Child Labor Laws and Enforcement

In April 1999, Indonesian law raised the minimum age for employment from 14 to 15 years.¹²⁸⁹ Enforcement of this law, however, is reportedly rare.¹²⁹⁰ The Protection of Children Forced to Work Law Regulation of 1987 allows children under the age of 14 to engage in certain types of work, and requires employers to report the number of children working.¹²⁹¹ A 1998 Circular Letter from the Governor of North Sumatra set the minimum age for employment on *jermals* at 18 years.¹²⁹² Prostitution is not illegal, although the Penal Code prohibits using violence or threats to force someone to engage in an obscene act.¹²⁹³ The Penal Code also prohibits trafficking of women and immature boys.¹²⁹⁴ The Law on National Defense of 1982 sets the minimum age for voluntary recruitment into the armed forces at 18 years.¹²⁹⁵

Due in part to a lack of resources, the government does not enforce child labor laws in an effective or thorough manner.¹²⁹⁶ The Government of Indonesia ratified ILO Convention 138 on June 7, 1999 and ILO Convention 182 on March 28, 2000.¹²⁹⁷

¹²⁸⁷ U.S. Embassy–Jakarta, unclassified telegram no. 3129, June 1999 [hereinafter unclassified telegram 3129].

¹²⁸⁸ *Country Reports 2000* at Section 5.

¹²⁸⁹ U.S. Embassy–Jakarta, unclassified telegram no. 4679, September 2000 [hereinafter unclassified telegram 4679].

¹²⁹⁰ The Department of Manpower includes 1,300 labor inspectors responsible for enforcing all labor laws, including those related to child labor. The size of the force is reportedly inadequate for the effective monitoring or response to child labor. Training specifically on child labor issues is provided to labor inspectors. See unclassified telegram 3129. See also ILO, *Indonesia Country Report*, The ILO-Japan Asian Meeting on the Trafficking of Children for Labour and Sexual Exploitation, Manila, 2001 [CD-ROM].

¹²⁹¹ *Country Reports 2000* at Section 6d. See also unclassified telegram 4679.

¹²⁹² “Implementation of the Convention on the Rights of the Child: Experience in Handling Child Labor in North Sumatra,” *Child Workers in Asia*, vol. 15, no. 3 (September-December 1999), at <http://www.cwa.tnet.co.th/V15-3/indonesia.htm>.

¹²⁹³ Penal Code [hereinafter Penal Code], Article 289, as cited in “Human Rights Reports: Indonesia,” The Protection Project Database, at <http://www.protectionproject.org> on December 28, 2001.

¹²⁹⁴ Penal Code at Article 297.

¹²⁹⁵ *Asia Report*.

¹²⁹⁶ Unclassified telegram 3129.

¹²⁹⁷ ILOLEX databases at <http://ilolex.ilo.ch:1567/scripts/ratifce.pl?C182> and <http://ilolex.ilo.ch:1567/scripts/ratifce.pl?C138>.

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Jamaica

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

In September 2000, the Government of Jamaica became a member of ILO-IPEC. With funding from USDOL, the Government of Jamaica, in cooperation with ILO-IPEC, recently began a two-year comprehensive national program on child labor to collect baseline information on the extent of child labor in the country, and to provide a range of services to address the problem of child labor in the fishing, tourism, and informal urban sectors.¹²⁹⁸ Under this project, USDOL is also funding a national child labor survey to be conducted by the Statistical Institute of Jamaica (STATIN) with technical assistance from ILO-IPEC's SIMPOC.¹²⁹⁹

In 1996, the government launched a National Plan of Action for Children, to provide universal access to basic education, reintegrate street children into school, and develop a comprehensive national policy statement.¹³⁰⁰ The Ministry of Education has instituted a cost-sharing program to help parents pay school fees at the secondary level.¹³⁰¹

In 1997, the government signed an agreement with the World Bank and other donors for a Social Investment Fund to support social assistance and income generation activities.¹³⁰² That same year, the government began collaborating with UNICEF on the Child and Youth At Risk Program designed to address child labor issues and increase school attendance through poverty alleviation and a public-awareness campaign. However, it is reported that these efforts have been less effective due to poor economic conditions, few resources, and lack of information about the full extent of the country's child labor problem.¹³⁰³

During the mid-to-late-1990s, the government implemented several reforms to its educational systems designed to correct inequities in access to quality education and to improve educational achievement. These included curriculum revisions, construction of more classroom space, a grade four literacy test, provision of textbooks and school meals, and other efforts.¹³⁰⁴

¹²⁹⁸ ILO-IPEC, *National Programme for the Prevention and Elimination of Child Labour in Jamaica and SIMPOC Survey*, project document (Geneva, June 2001) [hereinafter *National Programme*], 13.

¹²⁹⁹ *Ibid.* at Annex 1.

¹³⁰⁰ *Ibid.* at 11.

¹³⁰¹ U.S. Embassy–Kingston, unclassified telegram, no. 2589, October 2001 [hereinafter unclassified telegram 2589].

¹³⁰² *National Programme* at 13.

¹³⁰³ U.S. Embassy–Kingston, unclassified telegram no. 1622, June 2000.

¹³⁰⁴ *National Programme* at 13.

Incidence and Nature of Child Labor

In 1994, a labor force survey conducted by STATIN, in collaboration with UNICEF, estimated that 5 percent of children between the ages of 6 and 16 were working in Jamaica.¹³⁰⁵ While child labor is not reported to be a significant problem in Jamaica's industrial sector,¹³⁰⁶ children are found working in the informal sector, and in fishing, agriculture and tourism.¹³⁰⁷

In urban areas, children work as shop assistants, beggars, vendors of newspapers and cigarettes, cart pushers, windshield washers and domestic servants.¹³⁰⁸ In some villages, children catch, scale and gut fish¹³⁰⁹ while in agriculture, children help on family farms and with the cultivation and harvesting of *ganja* (marijuana).¹³¹⁰ In tourist towns, children are reported to work in kitchens, hotels, recreational and cultural activities, in pornography, and as prostitutes, go-go dancers, and masseuses.¹³¹¹

Under the Education Act of 1965, school is free and compulsory for children between the ages of 6 and 11.¹³¹² In 1999, the gross primary enrollment rate was rate was 96.6 percent.¹³¹³ In spite of high enrollment rates, many Jamaican children (between 19 and 25 percent) fail to attend primary school regularly.¹³¹⁴ Some families keep their children home because they cannot afford to pay school expenses.¹³¹⁵ Although schooling is free at the primary level, one report indicated that some local schools and parent teacher organizations nonetheless collected fees.¹³¹⁶ Other reports

¹³⁰⁵ According to the survey, 22,000 children were working. *National Programme*, 7.

¹³⁰⁶ Unclassified telegram 2589.

¹³⁰⁷ *National Programme* at 7, 8.

¹³⁰⁸ *Ibid.* at 8.

¹³⁰⁹ Claudette Richardson-Pious, Executive Director, Children First, interview by USDOL official, July 2000 [on file].

¹³¹⁰ *National Programme* at 7.

¹³¹¹ *Ibid.* See generally Sian Williams, "Sexual Violence and the Exploitation of Children in Latin America and the Caribbean: The Case of Jamaica," Caribbean Development Center, July 1999.

¹³¹² *Country Reports on Human Rights Practices for 2000—Jamaica* (Washington, D.C.: U.S. Department of State) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid=805>. See also unclassified telegram 2589.

¹³¹³ *National Programme* at 10.

¹³¹⁴ UNICEF, *Changing the Future for Jamaica's Children* (Kingston, August 1999) [hereinafter *Changing the Future*], 5, 6.

¹³¹⁵ *Ibid.* See also UN, *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 Labor Office*, GB277/3/2 (Geneva, March 2000), 299.

¹³¹⁶ Unclassified telegram 2589.

attribute low school attendance to the lack of relevance of the curriculum, the lack of space in schools (especially at the secondary level) and the low quality of instruction.¹³¹⁷

Child Labor Laws and Enforcement

The Juveniles Act of 1951 prohibits the employment of children under the age of 12, except in family domestic, agricultural or horticultural work.¹³¹⁸ Children under 15 may not be employed in industrial work. They are also prohibited from working on a ship, except where only family members are employed.¹³¹⁹ Children under 16 are prohibited from night work and from begging. The Constitution does not specifically prohibit forced child labor¹³²⁰ but child prostitution is prohibited for girls under 18.¹³²¹ There is no comprehensive law prohibiting trafficking in persons.¹³²² Children can join the armed forces at age 17 with parental consent.¹³²³

Jamaica's police are responsible for addressing child labor related complaints, while the Ministry of Health places children in a safe locations once they are withdrawn from work.¹³²⁴ Under the Juveniles Act, child labor violators can be subject to a fine or imprisonment. Criminal, immigration or customs penalties can be applied in situations of child trafficking.¹³²⁵ Enforcement of child labor laws in the informal sector is inadequate.¹³²⁶

Jamaica has not ratified ILO Convention 138 or ILO Convention 182.¹³²⁷

¹³¹⁷ *National Programme* at 9-11. See also *Changing the Future* at 6.

¹³¹⁸ Juveniles Act of 1951 [hereinafter Juveniles Act], Part 8, Section 71 [hard copy on file].

¹³¹⁹ *Ibid.* at Part 8, Section 72.

¹³²⁰ *Country Reports 2000* at Section 6d.

¹³²¹ *Ibid.* at Section 5.

¹³²² *Ibid.* at Section 6f.

¹³²³ Seth Vaughn, U.S. Embassy Jamaica, electronic correspondence to USDOL official, October 30, 2001.

¹³²⁴ Unclassified telegram 2589.

¹³²⁵ *Country Reports 2000* at Section 6f.

¹³²⁶ Unclassified telegram 2589.

¹³²⁷ ILO, International Labour Standards and Human Rights Department, at <http://webfusion.ilo.org/public/db/standards/normes/appl-ratif8conv.cfm?Lang=EN>.

NOTE: Hard copies of all Web citations are on file.

Jordan

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

In July 1995, Queen Noor established the National Task Force for Children (NTFC) to monitor the condition and status of Jordanian children. Through its National Coalition for Children, the NTFC has brought together governmental, nongovernmental, and international organizations to develop initiatives which enhance the rights and well-being of the country's children.¹³²⁸ In 1998, the NTFC drafted a plan of action to assist working children. As a result, the Ministry of Labor created a Child Labor Division to receive and address child labor complaints and related issues.¹³²⁹

In 2000, Jordan became a member of ILO-IPEC, and in that same year, ILO-IPEC provided funding to the Government of Jordan to conduct a national child labor survey, covering both the formal and informal sectors of the economy, and to build a national database on child labor.¹³³⁰ Presently, the Ministry of Education is conducting a five-year education reform plan, focusing on pre-school education and education for children with special needs.¹³³¹ Queen Rania also has established the National Team for Early Childhood Development to address the issues of development and education of children from birth to age 8.¹³³² The National Team's first task assessed preschool education, which led to its call for expanded kindergarten provisions.¹³³³ Consequently, kindergarten was made compulsory in 2000.¹³³⁴

¹³²⁸ NTFC projects include the 1997 pilot study on child labor in Jordan and the drafting of the law on the rights of the child. The NTFC, in coordination with UNICEF, also has established a training and child rights advocacy program, with emphasis on child labor. *See* National Task Force for Children at <http://www.noor.gov.jo/main/ntfc.htm>.

¹³²⁹ The Ministry of Labor created a Child Labor Unit (CLU) in 1999. The CLU was responsible for conducting national research on child labor, establishing preventive and remedial measures, and training and monitoring labor inspectors on child labor. In 2000, the Ministry of Labor established a new Child Labor Division, with the added duties of receiving, investigating, and addressing child labor complaints. At present, only five employees are in the Child Labor Division, so enforcement responsibilities remain with the general labor inspectors. *See* U.S. Embassy Amman, unclassified telegram 3340, June 2000 [hereinafter unclassified telegram 3340]. *See also* U.S. Embassy Amman, unclassified telegram 4670, October 2001 [hereinafter unclassified telegram 4670].

¹³³⁰ Unclassified telegram 4670. *See also* ILO-IPEC, *All About IPEC: Programme Countries*, at http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

¹³³¹ The 1998-2002 education reform plan also covers upgrading teachers' skills, school administration, and educational information systems. The first education plan was from 1988 to 1998, and its goal was to enhance student achievement while reducing the number of dropouts. For these reasons, the Government of Jordan implemented evening, summer, and home studies programs. *See* unclassified telegram 3340, and "Education in Jordan: A Commitment to Excellence" [hereinafter "Education in Jordan"] at http://www.kingabdullah.jo/about_jordan/education_in_jordan.html.

¹³³² "Core Issues—Early Childhood Development," Queen Rania Al-Abdullah, at <http://209.41.172.238/coreissues.edc.cfm>.

¹³³³ *Ibid.*

¹³³⁴ Unclassified telegram 3340.

Incidence and Nature of Child Labor

In 1999, the ILO estimated that less than 1 percent of children between the ages of 10 and 14 were working in Jordan.¹³³⁵ Children are employed in agriculture and in small businesses.¹³³⁶ Child vendors work on the streets of Amman, selling newspapers, tissues, cigarettes, food, and gum.¹³³⁷ Children from East Amman and the adjoining refugee camps are trucked daily into West Amman to cull through dumpsters for recyclables.¹³³⁸

Education in Jordan is compulsory until age 16.¹³³⁹ While the Education Act states that basic schooling for primary and secondary students is free, families are responsible for education-related expenses, including transportation and books, and tuition is required for public schools.¹³⁴⁰ The Government of Jordan grants a 20 percent tuition fee reduction to underprivileged families and also provides food and transportation supplements to poor families and families with many chil-

¹³³⁵ The ILO estimated that 0.14 percent of children between the ages 10 and 14 were working in 1999. See *World Development Indicators 2001* (Washington, DC: World Bank, 2001) [hereinafter *World Development Indicators 2000*] [CD-ROM].

¹³³⁶ In 1998, the National Task Force for Children (NTFC) presented the major findings of its pilot study on child labor in Jordan. The NTFC reported that the majority of working children in Jordan were employed on the farm, in crafts, and in trade and noted that 42 percent of employed children worked over 49 hours per week. The NTFC estimated that 75 percent of these children worked only during the summer but indicated that they were exposed to occupational hazards and physical abuse. See U.S. Embassy–Amman unclassified telegram no. 1460, February 1998 [hereinafter unclassified telegram 1460]. See also “Queen Chairs Round Table on Child Labour in Jordan,” *Jordan Times*, February 14, 1998, at <http://www.jordanembassyus.org/021498005.htm>, and UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Periodic Reports of States Parties Due in 1998, Addendum, Jordan CRC/C/70/Add. 4*, September 13, 1999 [hereinafter *Periodic Reports Submitted by States Parties*].

¹³³⁷ Children also have been reported working on the streets of Zarqa and Irbid. In many of these cases, the children provide the only means of income for the family. See U.S. Embassy–Amman unclassified telegram no. 4578, June 1999 [hereinafter unclassified telegram 4578]. See also *Country Reports on Human Rights Practices for 2000—Jordan* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/nea/836.htm>, and 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, Jordan, CRC/C/15/Add. 125*, June 2, 2000.

¹³³⁸ Unclassified telegram 4578.

¹³³⁹ In 1988, education was made compulsory for citizens ages 6 to 16. Beginning in the 2000-2001 school year, kindergarten education also was made mandatory in both government and private schools. However, the Government of Jordan has refused to allow Iraqi children to attend school unless they are legal residents or are recognized as refugees by the United Nations High Commissioner for Refugees. See unclassified telegram 3340. See also *Country Reports 2000* at Section 5.

¹³⁴⁰ Unclassified telegram 3340. See also “Education in Jordan”; *Periodic Reports Submitted by States Parties*; and “IWRAP Country Reports: Jordan,” IWRAP Publications, at <http://www.igc.org/iwraw/publications/countries/jordan.html>.

dren in order to make education more affordable.¹³⁴¹ In 1997, the gross primary enrollment rate was 70.6 percent, and in 1995, the net primary enrollment rate was 67.5 percent.¹³⁴²

Child Labor Laws and Enforcement

In 1996, the Labor Code was amended to raise the minimum legal working age from 13 to 16.¹³⁴³ According to the Labor Code, children under 17 are prohibited from working in dangerous and hazardous jobs.¹³⁴⁴ Children under the age of 18 are not allowed to work more than six hours per day, and they may not work during evenings, weekends, or holidays.¹³⁴⁵ Before hiring a minor, a prospective employer must obtain a guardian's written approval, the minor's birth certificate, and a health certificate.¹³⁴⁶ An employer found in violation of the above requirements must pay a fine ranging from 100 to 500 dinars (USD 142 to 710), with a doubling of the fine for repeat offenses.¹³⁴⁷ The Criminal Code bans the procurement of females under the age of 20 for the purpose of prostitution.¹³⁴⁸ A 1926 law specifically prohibits the trafficking of children.¹³⁴⁹ Jordan ratified ILO Convention 138 on March 23, 1998 and ILO Convention 182 on April 20, 2000.¹³⁵⁰

¹³⁴¹ *Country Reports 2000* at Section 5 and unclassified telegram 3340.

¹³⁴² *World Development Indicators 2001*.

¹³⁴³ Labour Code [hereinafter Labour Code], Law No. 8 of 1996, Chapter VIII, Section 73, at <http://www.natlex.ilo.org/txt/E96JOR01.htm>.

¹³⁴⁴ *Ibid.* at Section 74.

¹³⁴⁵ *Ibid.* at Section 75.

¹³⁴⁶ *Ibid.* at Section 76.

¹³⁴⁷ At present, the Government of Jordan has 85 general labor inspectors who are also tasked with investigating child labor investigations. *See* Labour Code at Chapter VIII, Section 77. *See also* unclassified telegram 4670. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 1/25/02.

¹³⁴⁸ *The Protection Project, Commercial Sexual Exploitation of Women and Children: A Human Rights Report—Jordan*, The Protection Project, at <http://www.protectionproject.org>.

¹³⁴⁹ *Country Reports 2000* at Section 6d.

¹³⁵⁰ ILOLEX database: Jordan at <http://ilolex.olo.ch:1567>.

NOTE: Hard copies of all Web citations are on file.

Kazakhstan

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

As mandated in the 1999 Education Law, the Government of Kazakhstan is focusing on providing education to all children through the “AGuaranteed School Network”. Under the program, the government must open a school in every settlement or provide free transportation to schools farther away. The government also has a “Universal Education” program through which the Ministry of Education must conduct a bi-monthly national attendance review.¹³⁵¹ UNICEF and UNESCO have also implemented programs aimed at improving the education system.¹³⁵²

Incidence and Nature of Child Labor

In 1999, the ILO estimated that less than 1 percent of children between the ages of 10 and 14 in Kazakhstan was working.¹³⁵³ Homeless and abandoned children are found working on the streets selling newspapers, begging, or working in bazaars.¹³⁵⁴ Children also work on family farms, and parents bring their children to work alongside them in bazaars or markets.¹³⁵⁵ Although the scope of the problem is unknown, local media reports indicate that the prostitution and trafficking of children occurs.¹³⁵⁶

¹³⁵¹ U.S. Embassy–Almaty, unclassified telegram no. 8731, September 2000 [hereinafter unclassified telegram 8731].

¹³⁵² S. Bereshev and J. Windell, *Child Labour in Kazakstan*, report prepared for ILO-IPEC, 19, September 1997 [hereinafter Bereshev and Windell, *Child Labour*]. UNICEF is implementing a public awareness campaign on the rights of the child, in addition to running a major health and education program in Kazakstan, Turkmenistan, and Uzbekistan. See A. Bauer, N. Boschmann, D. Jay Green, and K. Kuehnast, “A Generation at Risk, Children in the Central Asian Republics of Kazakstan and Kyrgyzstan” (Asian Development Bank, April 1998) [hereinafter Bauer et al., “A Generation at Risk”], at 128.

¹³⁵³ The 1999 ILO *Yearbook of Labor Statistics* reported that 0.1 percent of the population between ages 10 and 14 were working. According to the ILO, 1,278 children were working. See ILO, *Yearbook of Labor Statistics, 1999: Kazakhstan* (Geneva, 1999).

¹³⁵⁴ Bauer et al., “A Generation at Risk”, 39 and 108. See also Bereshev and Windell, *Child Labour*, and unclassified telegram 8731.

¹³⁵⁵ Bauer et al., “A Generation at Risk,” at 39.

¹³⁵⁶ A survey of school-age girls in Almaty suggested that prostitution is regarded as an acceptable profession given serious economic problems in the family. See Bauer et al., “A Generation at Risk,” 114-115. Regionally, child prostitution and trafficking for sexual exploitation are of concern, but there are no official reports of such activity. In 2001, the Kazakhstan Today News Agency reported on a medical investigation revealing venereal diseases in children as young as ages 10 to 11, who were confirmed victims of sexual exploitation under the cover of tourism. See Cheryl Eichorn, U.S. Department of State, electronic correspondence to USDOL official, October 23, 2001 [correspondence on file].

School is free and compulsory through the secondary level, from grades one through nine, or up to the age of 14 years, under the Education Law.¹³⁵⁷ In 1996, the gross primary enrollment rate was 97.8 percent.¹³⁵⁸ However, since 1991, government resources for education have declined by over 50 percent. In 1994-95, a lack of funds, mainly for transportation, led to the closure of 558 schools.¹³⁵⁹

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 14 years during non-school hours with the authorization of a parent or guardian.¹³⁶⁰ Children over the age of 16 years may independently sign work contracts.¹³⁶¹ Children under 18 years old are prohibited from working in dangerous conditions, overtime work, night work, and for excessive hours.¹³⁶² The government has published a list of over 2,000 occupations considered to be harmful or hazardous, and thereby prohibited for children under 18 years old.¹³⁶³ State labor inspectors are responsible for following up on labor-related complaints, conducting random inspections, and levying steep fines for labor law violations, but reports indicate that regulations are inadequately enforced.¹³⁶⁴ The Constitution prohibits forced labor, except upon the sentence of a court or in a state of emergency.¹³⁶⁵ Involving a minor in prostitution, begging, or maintaining a brothel is illegal under the Criminal Code.¹³⁶⁶ Kazakhstan ratified ILO Convention 138 on May 18, 2001, but has not ratified ILO Convention 182.¹³⁶⁷

¹³⁵⁷ Secondary school runs through grade nine, or age 14, at which point high school commences for grades 10 and 11, finishing when students are age 15 or 16. *See* unclassified telegram 8731. *See also* the Constitution of the Republic of Kazakhstan [hereinafter Constitution of the Republic of Kazakhstan], Article 30, at http://www.president.kz/articles/state/state_container.asp?Ing'eng&art'constitution on 10/22/01.

¹³⁵⁸ *World Development Indicators 2001* (Washington, D.C.: World Bank Group, 2001) [CD-ROM].

¹³⁵⁹ Bauer et al., "A Generation at Risk," at 48.

¹³⁶⁰ Bereshev and Windell, Labour Code, Article 210, as cited in *Child Labour*, Appendix IV. *See also* U.S. Embassy–Almaty, unclassified telegram no. 6573, October 2001 [hereinafter unclassified telegram 6573].

¹³⁶¹ Unclassified telegram 6573.

¹³⁶² Children between ages 16 and 18 may not work more than 35 hours per week. Children between ages 15 and 16 (or 14 and 16 years during non-school periods) may not work over 21 hours per week. *See* Labour Code, Articles 211-217, as cited in Bereshev and Windell, *Child Labour*, Appendices III and IV. *See also* unclassified telegram 6573.

¹³⁶³ Bereshev and Windell, *Child Labour*,. *See also* unclassified telegram 6573.

¹³⁶⁴ According to the Administrative and Criminal Codes, fines for violations of labor codes range from 50 MCU (USD 250) to 5,000 MCU (USD 25,000) and/or imprisonment, depending on damages to a worker's health. *See* unclassified telegram 6573. *See also* Bereshev and Windell, *Child Labour*.

¹³⁶⁵ Constitution of the Republic of Kazakhstan at Article 24.

¹³⁶⁶ *Human Rights Report on Trafficking of Women and Children: Kazakhstan*, The Protection Project, at <http://www.protectionproject.org>. *See also* unclassified telegram 8731.

¹³⁶⁷ ILOLEX database: Kazakhstan at <http://ilolex.ilo.ch:1567/english/> on 10/22/01.

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Kenya

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

In 1992, the Government of Kenya became one of the six original countries to participate in ILO-IPEC. Since then, 67 action programs on child labor have been launched targeting domestic service, cross-border trade, quarries and mines, fishing, construction, and the hotel and tourism industries. Kenya is also a part of an ILO-IPEC regional program funded by USDOL to prevent, withdraw, and rehabilitate children engaged in hazardous work in the commercial agriculture sector in East Africa.¹³⁶⁸ In all, some 7,000 children have received assistance through ILO-IPEC child labor programs.¹³⁶⁹ In 2000, the government conducted a child labor survey with technical assistance from ILO-IPEC's SIMPOC.¹³⁷⁰

UNICEF is also active in Kenya, working to help formulate policy on issues affecting children, and monitoring and evaluating public sector and civil society child labor efforts. Since 1999, UNICEF and the Government of Kenya have implemented a project for children in need of special protection, focusing on street children.¹³⁷¹

To promote girls' education, in 1995 the government created a gender unit within the Ministry of Education that works with other ministries within the government, with NGOs, and community leaders. In addition, the Ministry of Education has worked with UNICEF on a girl child program, which aims to close the gender gap in education.¹³⁷²

Incidence and Nature of Child Labor

In 2000, a child labor survey conducted by the Kenyan Central Bureau of Statistics in cooperation with ILO-IPEC estimated that 18 percent of children between the ages of 5 and 17 in Kenya were working.¹³⁷³ According to the ILO, 57.6 percent of child laborers work in commercial or subsistence agriculture and fishing, and 17.9 percent as domestic workers.¹³⁷⁴ Children also

¹³⁶⁸ ILO-IPEC, *Regional Programme on the Prevention, Withdrawal and Rehabilitation of Children Engaged in Hazardous Work in the Commercial Agriculture Sector in Africa*, project document (Geneva, 2000) [on-file].

¹³⁶⁹ ILO-IPEC, *Kenya Country Program 1992-2001*, at *Introduction: Brief Profile of Activities* (Nairobi, May 2001) [hereinafter *Profile of Activities*] at 1.

¹³⁷⁰ *Ibid.*

¹³⁷¹ UNICEF-Kenya, *Country Project Proposals, 1999-2003* (Nairobi: UNICEF, October 1998), 31-44.

¹³⁷² *Education for All (EFA 2000) Assessment of Progress, Kenya Country Report* (Nairobi: Ministry of Education and Human Resource Development, 1999) [hereinafter *EFA Assessment*], at 30.

¹³⁷³ *Profile of Activities*.

¹³⁷⁴ *Ibid.*, at *Introduction*.

work in construction, wholesale and retail trade, mining, and manufacturing, particularly in textile mills and chemical factories.¹³⁷⁵ Children employed in the hotel industry and street children are often drawn into commercial sex work.¹³⁷⁶ Street children are often engaged in odd jobs in the informal sector, prostitution, or various illegal activities often under the control of organized criminal groups.¹³⁷⁷ Nearly half of the jobs that children perform are in the informal sector. Cases of forced labor, in which children are loaned out to creditors to pay off family debt, have also been documented in Kenya.¹³⁷⁸

Education is compulsory for eight years, between the ages of 6 and 14.¹³⁷⁹ In 1989, it replaced its free system of education with a “cost sharing” system in which students pay both tuition and other associated schooling costs.¹³⁸⁰ In 1995, the gross primary enrollment rate was 84.9 percent.¹³⁸¹ There is gender parity in terms of enrollment and attendance in Kenya. Of students enrolled in primary school in 1997, 46 percent completed the fifth grade, and 45 percent of those completing primary school transitioned to secondary school.¹³⁸²

Child Labor Laws and Enforcement

The Employment Act of 1976 sets the minimum age for employment in industrial undertakings at 16 years; however, the law does not apply to children working in the agriculture sector or to children serving as apprentices.¹³⁸³ The Employment Act prohibits the employment of children in mines, quarries and other works for the extraction of any substance from or under the surface of the earth, factories, construction sites, the transportation of passengers or goods, and open cast or sub-surface employment. The Employment (Children) Rules of 1977 sets establish

¹³⁷⁵ Republic of Kenya, Ministry of Education, and ILO-IPEC, *Action Program on Child Labor: Capacity Building for the Ministry of Education to Address the Problem of Child Labor Related Drop Out in Primary Schools in Kenya*, final report (Nairobi: Ministry of Education, 1997) [hereinafter *Action Program on Child Labor*], 60-71.

¹³⁷⁶ *Ibid.* at 69, 70.

¹³⁷⁷ *Ibid.* at 70.

¹³⁷⁸ *Country Reports on Human Rights Practices for 2000—Kenya* (Washington, DC: U.S. Department of State, January 2000) [hereinafter *Country Reports 2000*], Section 6e, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=841>.

¹³⁷⁹ UNESCO, “Kenya—Education System: Structure of Education System,” at www.unesco.org/iau/cd-data/ke.rtf on 3/18/01.

¹³⁸⁰ *Country Reports 2000* at Section 5.

¹³⁸¹ *World Development Indicators 2001* (Washington D.C.: World Bank, 2000) [CD-ROM].

¹³⁸² *EFA Assessment*, 27, 28.

policies for the employment of children in permissible sectors and industries.¹³⁸⁴ Industrial child labor is also prohibited by the Employment of Women, Young Persons and Children Ordinance of 1948, which establishes procedures for prohibiting child labor in industrial sectors.¹³⁸⁵ The Constitution prohibits slavery, servitude and forced labor.¹³⁸⁶

The Ministry of Labor and Human Resource Development's Child Labor Unit and District Children's Advisory Committees, are involved in administering child labor laws.¹³⁸⁷ There are more than 80 Directorate of Occupational Health and Safety Services inspectors and 140 Ministry of Labor officers who have been trained in the detection and reporting of child labor. However, the number of inspectors is reported to be insufficient, and fines are not high enough to effectively deter employers from utilizing children under the minimum age.¹³⁸⁸ Kenya ratified ILO Convention 138 on April 9, 1979 and ILO Convention 182 on May 7, 2001.¹³⁸⁹

¹³⁸⁴ Federation of Kenya Employers (FKE), "FKE Guidelines on Employment of Children" (Nairobi: Federation of Kenya Employers, 1996). *See also* Benson Oyuga, Collette Suda, and Afia Mugambi, *A Study of Action Against Child Labour in Kenya: Towards a Best Practice Guide on Sustainable Action Against Child Labour for Policy Makers* (Nairobi: ILO-IPEC, 1997), 27. *See also* U.S. Embassy–Nairobi, unclassified telegram no. 7028, November 2001 [hereinafter unclassified telegram 7028].

¹³⁸⁵ *Sweat and Toil*, vol. V, 9, 10.

¹³⁸⁶ Constitution of Kenya, Revised Edition 1998, Article 73, at <http://kenya.rcbowen.com/constitution/> on 1/17/01.

¹³⁸⁷ *Profile of Activities* at 1.

¹³⁸⁸ Unclassified telegram 7028.

¹³⁸⁹ ILOLEX database: Kenya at <http://ilolex.ilo.ch:1567/scripts/ratifce.pl?C182>.

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Kiribati

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

The Government of Kiribati developed the National Development Strategy for 2000-2003 to promote access to education, which includes the provision of universal education at little or no direct cost to parents throughout Kiribati, including the outer islands of Teraina and Tabuaeran.¹³⁹⁰ UNICEF is also active in Kiribati implementing child and youth advocacy projects.¹³⁹¹

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Kiribati are not available. Some children who are not in school are reported to work in the informal sector, either in small-scale enterprises or in their homes.¹³⁹²

Education is free and compulsory from age 6 to 14, which includes primary school through grade six, and Junior Secondary School for three additional grade levels.¹³⁹³ In 1998, the gross primary enrollment rate was 84.4 percent, and net primary enrollment rate was 70.7 percent.¹³⁹⁴ School quality and access to education are better in urban areas; schools in small communities on isolated islands are expensive to maintain.¹³⁹⁵

Child Labor Laws and Enforcement

The minimum age for employment is 14 years, and children under 16 years are prohibited from industrial employment or jobs aboard ships.¹³⁹⁶ The Constitution prohibits forced labor,¹³⁹⁷

¹³⁹⁰ “Kiribati Education Policy: National Development Strategies 2000-2003” at http://www.janeresture.com/kiribati_edupolicy on 12/3/01.

¹³⁹¹ “UNICEF Assistance to Pacific Island Countries, Kiribati,” at http://www.undp.org/fj/un/UNICEF/UNICEF_PIC.htm on 12/3/01.

¹³⁹² 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 *Pacific Human Development Report 1999: Creating Opportunities*, UNDP Document [hereinafter *Pacific Report*], 42, 80-81, at <http://www.undp.org/fj/phdr/> on 12/3/01.

¹³⁹³ Jennifer L. Brush, Deputy Chief of Mission, U.S. Embassy–Majuro, electronic correspondence to ICLP official, December 5, 2001, 6.

¹³⁹⁴ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

¹³⁹⁵ *Pacific Report* at 41.

¹³⁹⁶ *Country Reports on Human Rights Practices for 2000—Kiribati* (Washington, D.C.: U.S. Department of State, 2000) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eap/index.cfm?docid=718>.

and the Penal Code criminalizes the procurement of girls under 18 years of age for the purpose of sexual relations.¹³⁹⁸ The Penal Code also bans parents or guardians from prostituting children under 15 years old.¹³⁹⁹ The Penal Code prohibits the procurement of girls under the age of 18, and establishes a penalty of two years imprisonment for offenses.¹⁴⁰⁰ Child labor laws are enforced by the Ministry of Commerce, Industry, and Employment.¹⁴⁰¹ Kiribati has not ratified either ILO Convention 138 or ILO Convention 182.¹⁴⁰²

¹³⁹⁷ Constitution of Kiribati, Chapter 2, Article 6, at http://www.vanuatu.usp.ac.fj/paclawmat/Kiribati_legislation/Kiribati_Constitution.htm on 11/28/01.

¹³⁹⁸ Kiribati Penal Code (1977) [hereinafter Penal Code], Article 136, at http://www.vanuatu.usp.ac.fj/Paclawmat/Kiribati_legislation/Consolidation_1977/Kiribati_Penal_Code.html1 on 11/28/01.

¹³⁹⁹ Penal Code at Articles 141, 143.

¹⁴⁰⁰ Criminal Code, Article 136, as cited in *Human Rights Report: Kiribati*, The Protection Project Database at www.protectionproject.org.

¹⁴⁰¹ *Ibid.*

¹⁴⁰² ILOLEX database: Kiribati at <http://ilolex.ilo.ch:1567/english/newratframeE.htm> on 12/3/01.

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Kyrgyzstan

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

The Government of Kyrgyzstan has made efforts to improve the educational sector through various national programs. The Asian Development Bank supported the *Bilim* project, which included measures to ensure access to schools among poor populations and rehabilitate school facilities,¹⁴⁰³ and *Araket* and *Jetkincheck* are government education programs that provide school supplies or other educational benefits for low income families.¹⁴⁰⁴ The IOM, with funding from USAID, is implementing an anti-trafficking program in cooperation with government ministries to raise awareness, educate potential victims, and initiate a preventive action plan.¹⁴⁰⁵

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Kyrgyzstan are unavailable. Children are reportedly found selling newspapers, cigarettes and candy, washing cars, or working in bazaars.¹⁴⁰⁶ In southern rural areas, children work in mines; they are pulled out of school to harvest cotton; and during the summer, when school is out, they work on commercial tobacco farms.¹⁴⁰⁷ Child labor is also found on family farms and in family enterprises such as shepherding or selling products at roadside kiosks.¹⁴⁰⁸ Children are reported to work as prostitutes in Bishkek, and girls as young as 13 years are trafficked to countries including the United Arab Emirates, Turkey, China, Russia, Germany, and Kazakhstan, to name a few.¹⁴⁰⁹

¹⁴⁰³ A. Bauer, N. Boschmann, D. Jay Green, and K. Kuehnast, "A Generation at Risk, Children in the Central Asian Republics of Kazakstan and Kyrgyzstan" (Asian Development Bank, April 1998) [hereinafter Bauer et al., "A Generation at Risk"], at 120.

¹⁴⁰⁴ UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports—Kyrgyz Republic* [hereinafter *EFA 2000 Assessment*] at <http://www2.unesco.org/wef/countryreports/kyrgyz/contents.html> on 10/22/01. See also *Country Reports on Human Rights Practices for 2000—Kyrgyzstan* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/index.cfm?docid=807>.

¹⁴⁰⁵ "Selected USAID Anti-Trafficking Efforts in Central Europe and the Former Soviet Union," USAID's Women in Development Publications, September 2001, at <http://www.genderreach.com/pubs/trafficking/ee.htm> on 10/23/01.

¹⁴⁰⁶ *Country Reports 2000*, Section 6d. See also "Kyrgyzstan: IRIN Focus on Street Children in Bishkek," Integrated Regional Information Networks, July 6, 2001 [hereinafter "IRIN Focus on Street Children"], at <http://www.reliefweb.int/IRIN/asia/countrystories/kyrgyzstan/200010706.phtml> on 10/22/01.

¹⁴⁰⁷ *Country Reports 2000* at Section 6d and 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, Kyrgyzstan*, CRC/C/15/Add. 127 (Geneva: August 9, 2000) [hereinafter *Concluding Observations*], para. 55. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports of States Parties Due in 1996, Kyrgyzstan*, CRC/C/41/Add. 6 (Geneva, December 20, 1999) [hereinafter *Initial Reports of States Parties*], para. 81.

¹⁴⁰⁸ *Country Reports 2000* at Section 6d.

¹⁴⁰⁹ "Kyrgyzstan: Poverty Fuels Trafficking in Women and Girls," Integrated Regional Information

The Constitution establishes free and compulsory education up to the secondary level, which is generally completed by the age of 14.¹⁴¹⁰ In 1995, the gross primary enrollment rate was 104.1 percent, and the net primary enrollment rate was 94.6 percent.¹⁴¹¹ The current economic crisis and declining family incomes has led to an increase in the number of children who drop out of school and take up work.¹⁴¹²

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 16 years. However, work may begin at age 14, so long as children obtain the consent of parents or guardians and the work does not interfere with school attendance or pose a threat to their health and development.¹⁴¹³ The Labor Code prohibits children under 18 years from working overtime hours or at night.¹⁴¹⁴ Hazardous work is prohibited for children under 18 years of age.¹⁴¹⁵ Both the Constitution and the Labor Law prohibit forced labor.¹⁴¹⁶ The Criminal Code prohibits the recruitment of individuals for exploitation, trading or selling of children, and coercion into prostitution.¹⁴¹⁷

According to the IOM, weak legislation and a lack of coordination between government ministries results in the prosecution of few crimes related to the trafficking of people.¹⁴¹⁸ Compli

Networks, February 5, 2001, at <http://www.reliefweb.int/IRIN/asia/countrystories/kyrgyzstan/20010205.phtml> on 10/22/01. IOM, *Trafficking in Women and Children from the Kyrgyz Republic* (Bishkek, November 2000) [hereinafter *Trafficking in Women and Children*]. See also Kubat Otorbaev, "Kyrgyz Sex Trade Flourishes," International Eurasian Institute for Economic and Political Research, June 1, 2001, at http://www.iicas.org/english/enlibrary/libr_04_06_01kg.htm on 10/23/01.

¹⁴¹⁰ *EFA 2000 Assessment*. See also Constitution of the Kyrgyz Republic (February 17, 1996) [hereinafter Constitution of the Kyrgyz Republic], Article 32, at <http://www.kyrgyzinvest.org/en/state/constitution.htm#gl2> on 10/22/01.

¹⁴¹¹ *World Development Indicators 2000* (Washington, D.C.: World Bank, 2000) [CD-ROM].

¹⁴¹² *Concluding Observations* at para. 55.

¹⁴¹³ Labor Code of the Kyrgyz Republic (September 18, 1997) [hereinafter Labor Code], Article 317, at http://www.kyrgyzinvest.org/en/state/legal_e_lrt_lc.htm on 10/22/01.

¹⁴¹⁴ Labor Code at Article 321. See also *Initial Reports of States Parties* at para. 262.

¹⁴¹⁵ Article 319 prohibits "labor of persons under 18 years of age on hard works, works with harmful for health and/or dangerous labor conditions, underground works or work undermining their proper moral development (casino business, night clubs, and production, transportation and marketing of alcohol, tobacco, narcotic and toxic products)." See Labor Code at Article 319.

¹⁴¹⁶ 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 at Article 12. See also Constitution of the Kyrgyz Republic at Article 28.

¹⁴¹⁷ 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* (Bishek, November, 2000) [hereinafter *Trafficking in Women and Children*], 59. See also *Initial Reports of States Parties* at paras. 270-273.

¹⁴¹⁸ *Trafficking in Women and Children*.

ance with labor legislation is monitored by state health agencies, trade unions, government departments, and commissions for minors.¹⁴¹⁹ The Government of Kyrgyzstan ratified ILO Convention 138 on March 31, 1992, but has not ratified ILO Convention 182.¹⁴²⁰

¹⁴¹⁹ Labor Code at Article 321. See also *Initial Reports of States Parties* at para. 262.

¹⁴²⁰ ILOLEX database: Kyrgyzstan at <http://ilolex.ilo.ch:1567/english/> on 10/22/01.

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Latvia

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

The Government of Latvia has initiated a National Program for Preventing Sexual Violence Against Children for 2000-2004,¹⁴²¹ and it is cooperating with the Baltic and Eastern European governments to combat regional organized crime groups that engage in trafficking or prostitution.¹⁴²² In 1995, the Ministry of Education and Science established a Children's Rights Protection Center to coordinate regional children's assistance centers and provide teaching and informative materials on legal instruments pertaining to the rights of children.¹⁴²³ In addition, several international organizations have programs that support children. The UNDP has a Project for the Prevention of Adolescent Trafficking to promote a coordinated government strategy to prevent trafficking,¹⁴²⁴ and the World Bank Group is providing the Government of Latvia with a loan to implement an Education Improvement Project.¹⁴²⁵

¹⁴²¹ 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, Latvia*, CRC/C/15/Add. 142 at para. 5, (Geneva, January 26, 2001) [hereinafter *Concluding Observations*].

¹⁴²² Latvia is involved with the Special Task Force of the Baltic Sea States, which combats regional organized crime, holds training on related issues, and coordinates the protection of witnesses and victims. Latvia has also signed bilateral agreements with Belarus, Estonia, Lithuania, Kyrgyzstan, Russia, Moldova, Poland, Ukraine, and Uzbekistan to implement mutual legal assistance measures. See Kamenska, "Trafficking in Women," at 14.

¹⁴²³ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports of States Parties Due in 1994, Latvia*, CRC/C/11/Add. 22 (Geneva, March 22, 2000) [hereinafter *Initial Reports of States Parties*], para. 30.

¹⁴²⁴ Although their awareness-raising effort does not have a direct connection to government agencies, UNICEF is working throughout Latvia to educate teachers about children's rights and to provide them with training materials for their students. See *Project for the Prevention of Adolescent Trafficking*, project document submitted in electronic correspondence from Laura Kauppila, UNDP Latvia Project Manager, to USDOL official. See also UNDP, *Project for the Prevention of Adolescent Trafficking*, at http://www.bctest.deac.lv/undp/proj_en.php?SUBACT'SHOW&ID'52 on 11/16/01, and UNICEF, *UN Convention on the Founding Principles of Child Rights for the Education System in Latvia*, at http://www.un.lv/unicef/English/Projects/Konv_eng.htm on 11/16/01.

¹⁴²⁵ The World Bank's 5-year, USD 40 million project will provide school building and structural repairs, improve the quality of education, and strengthen the capacity of the Ministry of Education and Science. See "Latvia—Education Improvement Project," World Bank Group Project Information Document [hereinafter "Education Improvement Project"], at <http://www.wds.worldbank.org> on 11/16/01.

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Latvia are unavailable. However, the commercial sexual exploitation of children is known to exist.¹⁴²⁶ Prostitution by both boys and girls is a significant problem, particularly in rural areas, near borders, and in Riga.¹⁴²⁷ An estimated 12 to 15 percent of prostitutes in Latvia are between the ages of 8 and 18.¹⁴²⁸ Girls from Latvia are trafficked to countries in Western Europe, including Germany, Switzerland, Denmark, Spain, Greece, Italy, and UK for the purposes of sexual exploitation.¹⁴²⁹ There are also reports of child involvement in the production of pornography.¹⁴³⁰ A 1997 UNICEF study estimated that 24 percent of children who live on the streets do so in order to make money through various activities, including begging.¹⁴³¹

Education is free and compulsory until the age of 15, or through the completion of primary school.¹⁴³² In 1996, the gross primary enrollment rate was 95.8 percent, while the net primary enrollment rate was 89.5 percent.¹⁴³³ The number of children who do not attend primary school is increasing.¹⁴³⁴ In rural areas, a number of schools have been closed.¹⁴³⁵

¹⁴²⁶ *Concluding Observations*. See also *Country Reports on Human Rights Practices for 2000—Latvia* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*] at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/> and Swedish International Development Agency, *Looking Back, Thinking Forward: Fourth Annual Report on the Implementation of the Agenda for Action Adopted at the First World Congress against Commercial Sexual Exploitation of Children in Stockholm, Sweden, August 28, 1996* [hereinafter *Looking Back, Thinking Forward*], 131.

¹⁴²⁷ *Looking Back, Thinking Forward*, 132.

¹⁴²⁸ *Country Reports 2000* at Section 5.

¹⁴²⁹ There are no official estimates of the number of trafficking cases. However, Swiss police reported that nearly half of the registered prostitutes in one of the country's 27 cantons were Latvian. In addition, a Swedish foundation reported that the majority of trafficked women in both Sweden and Denmark were from the Baltic States. See Kamenska, "Trafficking in Women", 13, 14. See also Gillian Caldwell, Steven Galster, and Nadia Steinzor, "Crime and Servitude: An Exposé of the Traffic in Women for Prostitution From the Newly Independent States," *Global Survival Network*, 1997, 10.

¹⁴³⁰ *Looking Back, Thinking Forward*, 132.

¹⁴³¹ An undetermined number of children live in the streets in Latvia. According to a government report, research indicates that about 15 percent of child beggars were forced to work by their parents. See *Concluding Observations* at para. 49. See also "Street Children Program," King Baudouin Foundation, at <http://www.ielasberni.lv/english/> on 11/16/01, and *Initial Reports of States Parties*, para. 237.

¹⁴³² *Initial Reports of States Parties* at para. 38.

¹⁴³³ *World Development Indicators for 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

¹⁴³⁴ *Initial Reports of States Parties* at para. 202. See also *Country Reports 2000* at Section 5

¹⁴³⁵ School infrastructure has severely deteriorated. Few investments have been made in teacher training. The financial burden of maintaining and improving schools has fallen heavily on municipalities rather than on the central government, which is burdening local communities with excessive costs. See *Concluding Observations* at para. 43. See also "Education Improvement Project".

Child Labor Laws and Enforcement

The Latvian Labor Code establishes 15 years as the minimum age for general employment, although children over 13 years of age may work in light jobs that are not harmful to their health and morals, if they do not interfere with school, and if the child has permission from a parent or guardian.¹⁴³⁶ According to the Labor Code, children under 18 years may not be employed in jobs requiring heavy labor, night-time or overtime work, or under conditions that are hazardous to health or morals.¹⁴³⁷ The Constitution prohibits forced labor, unless it is required by a court order or in the case of a disaster.¹⁴³⁸ Approved in May 2000, Article 165 of the Criminal Code prohibits sending a person to a foreign country for the purpose of sexual exploitation and serves as Latvia's primary anti-trafficking legislation.¹⁴³⁹ The Cabinet of Ministers also adopted Regulations on the Restriction of Prostitution in 1998, which prohibits juveniles from engaging in prostitution.¹⁴⁴⁰ Additionally, the Criminal Code prohibits the procuring, inducing, or compelling of a minor to commit prostitution.¹⁴⁴¹

Latvia has not ratified ILO Convention 138 or ILO Convention 182.¹⁴⁴²

¹⁴³⁶ The Council of Ministers approves a list of jobs that are prohibited for children under age 15. *See* Latvia Labour Code, amended March 17, 1992 [hereinafter Latvia Labour Code], Section 180, as found on Natlex database at <http://www.natlex.ilo.org/txt/E94LVA01.htm> on 11/16/01.

¹⁴³⁷ The Council of Ministers also approves the list of heavy or hazardous jobs. A state labor inspectorate was established by the government to monitor work conditions. If a violation of child labor laws should occur, the government agency will investigate the report and, if necessary, forward the case to state courts. *See* Latvia Labour Code at Sections 182, 184, 186. *See also* U.S. Embassy–Riga, unclassified telegram no. 1381, October 2001.

¹⁴³⁸ Constitution of Latvia, February 15, 1922, Article 106, at http://www.uni-wuerzburg.de/law/lg00000_.html#C008 on 11/15/01.

¹⁴³⁹ Because it is relatively new, the effectiveness of Latvia's trafficking legislation has not yet been tested. In general, fear of retribution from traffickers makes victims extremely reluctant to testify. In addition, victims report dissatisfaction with police handling of cases, which often prevents them from seeking immediate police assistance. Article 152, which prohibits illegal deprivation of liberty, and Article 153, which prohibits kidnapping, can also be used to prosecute trafficking. *See* Latvia Criminal Code, Articles 152, 153, 165, as cited in Kamenska, "Trafficking in Women," at 3, 4, 6, 18.

¹⁴⁴⁰ Anhelita Kamenska, "Trafficking in Women—Latvia," Latvian Center for Human Rights and Ethnic Studies (IOM: 2001) [hereinafter Kamenska, "Trafficking in Women"], at 4.

¹⁴⁴¹ Latvia Criminal Code, Articles 164, 165, as cited in Kamenska, "Trafficking in Women," at 5.

¹⁴⁴² ILOLEX database: Latvia at <http://ilolex.ilo.ch:1567/english/newratframeE.htm> on 11/19/01.

Lebanon

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

In 2000, the Government of Lebanon became a member of ILO-IPEC to cooperate in the elimination of child labor.¹⁴³⁴ The Ministry of Labor and UNICEF also have prepared a manual on the rights of the child and his/her rights at work, which currently is being distributed.¹⁴³⁵ In 1994, the Ministry of Social Affairs established the Higher Council for Childhood to coordinate efforts among government and NGO bodies concerning children. In October 1998, the Council developed a national strategy and plan of action to limit child labor in Lebanon.¹⁴³⁶

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 45 percent of children between the ages of 5 and 14 were working in Lebanon.¹⁴³⁷ Children are employed in the assembly of electrical and electronic equipment, in the production of textiles, in the preparation of food products, in the furniture trade, and in the fashion industry.¹⁴³⁸ Working children also serve as miners, stone cutters, fishermen, and agricultural laborers.¹⁴³⁹ There are no indications that children served in the government armed forces. However, before the Israeli withdrawal from South Lebanon in June 2000, the armed militias of both sides, Hezbollah and the South Lebanese Army, reportedly conscripted youth

¹⁴³⁴ ILO-IPEC, *International Programme on the Elimination of Child Labour: Programme Countries*, at http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

¹⁴³⁵ U.S. Embassy–Beirut, unclassified telegram no. 3532, September 2000 [hereinafter unclassified telegram 3532].

¹⁴³⁶ The National Plan focuses on preventing children from entering the labor market at an early age, protecting children who entered the labor market from exploitation and harm, and raising awareness of the issue. See UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Second Periodic Reports of States Parties Due in 1998, Addendum, Lebanon*, CRC/C/70/Add. 8 (Geneva, September 2000) [hereinafter *Second Periodic Reports*], at 54. See also unclassified telegram 3532, and ILO, *The Effective Abolition of Child Labour* (Geneva, 2000) [hereinafter *Effective Abolition of Child Labour*], 306.

¹⁴³⁷ *Preliminary Report on the Multiple Cluster Survey on the Situation of Children in Lebanon* (Lebanon: Central Bureau of Statistics and UNICEF, February 2001). See also *Multiple Indicator Cluster Survey 2* at <http://www.ucw-project.org>.

¹⁴³⁸ *Second Periodic Reports*, 126.

¹⁴³⁹ The Union of Southern Tobacco Growers estimates that roughly 25,000 children ages 7 to 14 work in the tobacco fields during cultivation and harvesting. Ninety percent of these child agricultural laborers work for their families. See *Second Periodic Reports* at 118, 126.

under 18 as soldiers.¹⁴⁴⁰ There also have been reports of child prostitution,¹⁴⁴¹ as well as bonded child labor.¹⁴⁴²

On March 16, 1998, the Government of Lebanon adopted legislation providing compulsory primary school education, which is currently to the age of 12.¹⁴⁴³ The cost of education at the primary and secondary levels is problematic for the lower and middle classes in Lebanon. Tuition fees range from USD 40 to 80 per year for public schools, USD 500 in semi-private schools, and USD 1,000 to 6,000 in private schools.¹⁴⁴⁴ The Government of Lebanon provides poor families with an allowance of 10,000 Lebanese pounds (USD 7) to cover part of the public school fees.¹⁴⁴⁵ In 1996, the gross primary enrollment rate was 110.7 percent, and the net primary enrollment rate was 76.1 percent.¹⁴⁴⁶ Roughly 3 percent of Lebanese children aged 10 to 17 are illiterate, and 3 percent are semi-illiterate.¹⁴⁴⁷

¹⁴⁴⁰ The minimum age for official military service is 18. Hezbollah allegedly recruited children as young as 10 years old into its organization. Witnesses have stated that youth between ages 14 and 17 joined the South Lebanese Army (SLA) voluntarily or by force. Many families allegedly were expelled from South Lebanon when their children tried to desert the SLA. Since the Israeli withdrawal, the SLA has disbanded, and Hezbollah supposedly has ceased child recruitment. See Coalition to Stop the Use of Child Soldiers, *Global Report 2001: Lebanon* (London, May 2001), at <http://www.child-soldiers.org>. See also Human Rights Watch, *Persona Non Grata: The Expulsion of Civilians from Israeli-Occupied Lebanon* (New York, July 1999), at <http://www.hrw.org/reports/1999/lebanon/index.htm>.

¹⁴⁴¹ Between 1993 and 1996, Internal Security Forces reported 23 cases of solicitation and prostitution of minors under age 18. A report by *Deutsche Presse—Agentur* asserted that runaway Lebanese children, as young as 12 years old, were being forced into prostitution. See *Second Periodic Reports* at 148. See also *Human Rights Report on Trafficking of Women and Children, Lebanon*, The Protection Project Database [hereinafter *Human Rights Report*], at <http://www.protectionproject.org>.

¹⁴⁴² *Country Reports on Human Rights Practices for 2000—Lebanon* (Washington, DC: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6c, at <http://www.state.gov/g/drl/rls/hrrpt/2000/nea/800.htm>.

¹⁴⁴³ Decree No. 686, as cited in *Second Periodic Reports* at 60.

¹⁴⁴⁴ Unclassified telegram 3532. See also *Second Periodic Reports* at 61.

¹⁴⁴⁵ Unclassified telegram 3532. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 1/29/02.

¹⁴⁴⁶ *World Development Indicators 2001* (Washington, DC: World Bank, 2001) [CD-ROM]. The 1996 Survey of Population and Housing placed the gross primary enrollment rate at 97 percent, with intermediate and secondary gross enrollment figures at 88 percent and 58 percent, respectively. The net primary enrollment rate was 83 percent. In addition, the 1996 Survey and Population and Housing found that 25,354 children between ages 6 and 18 never attended school, including 11,953 children in the 6 to 11 age group. See also *Second Periodic Reports* at 62.

¹⁴⁴⁷ *Second Periodic Reports* at 69, 70.

Child Labor Laws and Enforcement

The Labor Code of 1996 sets the minimum age for employment at 13 years.¹⁴⁴⁸ Children under 15 are prohibited from working in industrial enterprises, which are physically demanding or detrimental to their health, and youth below the age of 16 may not participate in dangerous work or work which may endanger their life, health, or morals.¹⁴⁴⁹ Children under age 18 are not allowed to work more than 6 hours a day and are prohibited from working overtime.¹⁴⁵⁰ In addition, children under 18 may not work in the evenings, during daily or weekly rest periods, or during holidays.¹⁴⁵¹ Adolescents between ages 13 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 identity card of the child to verify his/her age.¹⁴⁵² The Penal Code bans the procurement of females under the age of 21 for prostitution, with a penalty of imprisonment for at least 1 year and a fine of no less than 200,000 Lebanese pounds (USD 137).¹⁴⁵³

¹⁴⁴⁸ Code du Travail [hereinafter Code du Travail], Titre Premier, Chapitre 2, Article 22, at <http://www.natlex.ilo.org/txt/F93LBN01.htm>.

¹⁴⁴⁹ Decree No. 700 of May 25, 1999, lists the types of work that could endanger adolescents' lives, health, or morals. Children under age 16 may not work in the following areas: cold storage factories; stove ash removal; storage and stowage in the maritime industry; textile industry; tapestry weaving; aluminum industry; and mechanical carpentry. All children under age 17 are banned from the following work: bomb manufacturing; power generation and transmission; reinforcements in railways; demolition; crystal or glass industry; match manufacturing; underground work in mines and stone quarries; tanneries; transportation; handling of poisoning material; working with firemen; using derricks and digging machines; working with dangerous or wild animals; and employment that entails working close to fire, such as in bakeries. Employment that could jeopardize the health of adolescents is in the following areas: tobacco manufacturing, manufacturing and use of agro-chemicals, papers and printing, the soap industry, and the rubber industry. In addition, work in the following sectors has been determined to be harmful to the morals of children: street commerce; courts and prisons; production or sale of alcoholic beverages; serving as a receptionist in night clubs; bars; criminal acts; household service; and service in entertainment venues such as nightclubs, casinos, circuses, and gambling. *See* Code du Travail at Titre Premier, Chapitre 2, Article 23. *See also* unclassified telegram 3532.

¹⁴⁵⁰ Decree No. 91 of June 14, 1999 amended Article 23 of the Labor Code. *See* unclassified telegram 3532. Also, per Decree No. 91, children under age 18 are not allowed to work between 7 p.m. and 7 a.m.

¹⁴⁵¹ Unclassified telegram 3532.

¹⁴⁵² Code du Travail at Titre Premier, Chapitre 2, Articles 22, 24.

¹⁴⁵³ Article 525 of the Penal Code further provides for imprisonment of from 2 months to 2 years and a fine from 50,000 to 500,000 pounds (USD 34 to 343) if an individual keeps a person against his/her will in a brothel or has coerced him/her to practice prostitution. Article 503 of the Penal Code calls for 5 years of forced labor for anyone using force or intimidation and thereby causing the victim to commit a sexual act before marriage; the penalty is 7 years of forced labor if the victim is under age 15. *See* Penal Code of Lebanon, Articles 503 and 524, as cited in "Legislation of Interpol Member States on Sexual Offences Against Children: Lebanon," Interpol, at <http://www.interpol.int/Public/Children/SexualAbuse/National>

The provisions of the Labor Code do not apply to domestic workers in private homes, workers in enterprises held by their family, agricultural unions with no ties to commerce and industry, and daily or temporary workers of government departments and municipal services.¹⁴⁵⁴ Forced labor is not prohibited by law.¹⁴⁵⁵ Employers and parents or guardians are to be held responsible for any violations of labor laws concerning children,¹⁴⁵⁶ and convictions of anyone violating such laws result in fines between 2,500 and 25,000 Lebanese pounds (USD 2 to 17).¹⁴⁵⁷ Lebanon has not ratified ILO Convention 138, but ratified ILO Convention 182 on September 11, 2001.¹⁴⁵⁸

Laws/csaLebanon.asp. *See also* Penal Code of Lebanon, Article 525, as cited in The Protection Project Database at <http://www.protectionproject.org>, and *Human Rights Report*. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 1/29/02.

¹⁴⁵⁴ *Effective Abolition of Child Labour*, 303.

¹⁴⁵⁵ *Country Reports 2000* at Section 6c.

¹⁴⁵⁶ Sentences are usually light, as it is viewed as unrealistic to impose severe penalties on families who depend on income earned by children. However, efforts are being made to increase civil fines. *See* Code du Travail at Titre Premier, Chapitre 2, Article 30. *See also* unclassified telegram 3532.

¹⁴⁵⁷ U.S. Embassy–Beirut, unclassified telegram no. 2920, November 2001. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 1/29/02.

¹⁴⁵⁸ ILOLEX database: Lebanon at <http://ilolex.ilo.ch:1567>.

NOTE: Hard copies of all Web citations are on file.

Lesotho

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

The Government of Lesotho has established a national child labor support group including representatives from the Ministries of Labor, Education, Social Welfare, and Youth Affairs, members of NGOs, and trade union officials. The group is developing an action plan to address child labor in the country.¹⁴⁵⁹ The Ministry of Labor and Employment recently applied to become a member of ILO-IPEC.¹⁴⁶⁰

The government and UNICEF have several educational initiatives benefiting employed youth and children who have dropped out of school, including the Non-Formal Education Project, which provides literacy courses for herdboys and unemployed miners; the Early Childhood Education Project; and the Primary Education Project, which introduced measures in 2000 to provide free primary school education throughout Lesotho. In addition, UNICEF and the Ministry of Education are studying the practice of livestock herding among young boys in order to develop a strategy to address their basic education needs.¹⁴⁶¹ Save the Children Fund (UK) is also working with the Ministry of Education to support the goal of free primary school education,¹⁴⁶² and the World Bank has an on-going Education Sector Development loan project through the Ministry of Education to increase access to schools and provide non-formal education assistance.¹⁴⁶³

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 21 percent of children between the ages of 10 and 14 in Lesotho were working.¹⁴⁶⁴ According to a 1997 national labor force survey, boys are far more likely to work than girls, and the majority of child labor takes place in rural areas.¹⁴⁶⁵ Young boys are frequently employed in hazardous conditions as livestock herders, either for their family or through an arrangement whereby parents hire out boys to earn money or increase the family herd

¹⁴⁵⁹ U.S. Embassy–Johannesburg, unclassified telegram no. 1406, November 2001 [hereinafter unclassified telegram 1406].

¹⁴⁶⁰ U.S. Embassy–Maseru, unclassified telegram no. 422, June 2000 [hereinafter unclassified telegram 422].

¹⁴⁶¹ *Ibid.*

¹⁴⁶² *Ibid.*

¹⁴⁶³ The World Bank Group, *Projects and Operations: Education Sector Development Project (02)*, at <http://www.worldbank.org/sprojects/> on 11/15/01.

¹⁴⁶⁴ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

¹⁴⁶⁵ The government survey found that 19,000 children between ages 10 and 14 were working. Boys account for 16,000 of those economically active children, compared with slightly over 2,700 girls. In addition, the survey found that over 82 percent of working children between ages 10 and 14 were employed in rural areas. See Ministry of Labour and Employment, Bureau of Statistics, *Labour Force Survey 1997* (Maseru: Employment Policy Formulation and Labour Market Analysis, LES/004/94, 1998), 32-34.

stock.¹⁴⁶⁶ According to the National University of Lesotho and UNICEF, approximately 11.4 percent of boys between 6 and 15 years, one-third of whom are under 10 years of age, work as full-time herdboys.¹⁴⁶⁷ Many young girls reportedly move to urban areas to work as domestic servants or in the commercial sex industry,¹⁴⁶⁸ and urban street children wash cars, sell newspapers, carry luggage, or perform other informal tasks.¹⁴⁶⁹ It is reported that children work from home in the footwear sector by stitching leather.¹⁴⁷⁰ In addition, children orphaned because of the HIV/AIDS epidemic may be hired out to work by their guardians, or become susceptible to other forms of exploitation.¹⁴⁷¹

Education is not compulsory or free in Lesotho.¹⁴⁷² In 1996, the gross primary enrollment rate was 107.7 percent, while the net primary enrollment rate was 69.9 percent, with higher rates for girls than boys.¹⁴⁷³ Many young boys involved in herding forgo even the most basic levels of primary education.¹⁴⁷⁴

¹⁴⁶⁶ Boys often work at cattle posts, where they may be at risk of hunger, extreme weather, and armed cattle rustlers. There are no formal schools at cattle posts. See *Country Reports on Human Rights Practices for 2000—Lesotho* (Washington, D.C.: U.S. Department of State, 2000) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid'843>. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports of States Parties Due in 1994, Addendum, Lesotho*, CRC/C/11/Add. 20 (Geneva, July 20, 1998) [hereinafter *Initial Reports of States Parties*], para. 234. See also unclassified telegram 1406.

¹⁴⁶⁷ Unclassified telegram 1406. See also *Initial Reports of States Parties* at para. 235.

¹⁴⁶⁸ Esther Sakoane, Lesotho Association of Non-Formal Education, interview by USDOL official, August 1, 2000, and UNICEF-Lesotho official interview by USDOL official, July 31, 2000.

¹⁴⁶⁹ *Initial Reports of States Parties* at para. 231.

¹⁴⁷⁰ Makatleho Nyabela, Marake Makhetha, and Elliot Ramochela, Lesotho Federation of Democratic Unions, interview by USDOL official, August 1, 2000.

¹⁴⁷¹ According to a 2000 report by UNAIDS, there were nearly 30,000 HIV/AIDS orphans living in Lesotho at the end of 1999. See *Complementary Report on the Implementation of the UN Convention on the Rights of the Child in Lesotho* (NGO Coalition for the Rights of the Child/Save the Children U.K., June 2000) [hereinafter *Complementary Report on the Implementation*], 18, 25. See also unclassified telegram 1406 and UNAIDS/WHO, *Epidemiological Facts Sheets on HIV/AIDS and Sexually Transmitted Infections: Lesotho, 2000*, at http://www.unaids.org/hivaidsinfo/statistics/fact_sheets/pdfs/Lesotho_en.pdf on 2/8/02.

¹⁴⁷² In 2000, a draft plan was submitted to the Ministry of Law, Constitutional and Parliamentary Affairs, to develop a law that would prosecute parents who failed to send their children to school. See *Country Reports 2000* at Section 3. See also unclassified telegram 422 and unclassified telegram 1406.

¹⁴⁷³ In 1996, the gross primary enrollment rate for boys was 101.8 percent, and 113.7 percent for girls, while the net primary enrollment rate for boys was 64.3 percent but 75.6 percent for girls. See *World Development Indicators 2001*.

¹⁴⁷⁴ *Complementary Report on the Implementation* at 11. See also *World Development Indicators 2001*.

Child Labor Laws and Enforcement

The Labor Code of 1992 establishes 15 years as the minimum age for employment for industrial work or private undertakings involving family members, although children between the ages of 13 and 15 may perform light work if it is done in a technical school or institution approved by the Department of Education.¹⁴⁷⁵ The Labor Code establishes 18 years as the minimum age for hazardous work,¹⁴⁷⁶ and the Constitution provides a general prohibition against the employment of children or young persons in work that is harmful to their health or development.¹⁴⁷⁷ The Labor Code prohibits children under 18 years of age from mine or quarry work and children under 16 years of age from engaging in industrial or commercial work during night hours. The Labor Code also states that no person under 16 years of age may work for over four consecutive hours without a one hour break, or for more than eight hours in one day.¹⁴⁷⁸ The Labor Code, the 1987 Employment Act, and the Constitution prohibit forced labor.¹⁴⁷⁹ There are no laws that specifically outlaw child prostitution or trafficking, although Proclamation 14 of 1949 prohibits procuring women or girls for carnal acts, and abduction of children is illegal.¹⁴⁸⁰

The Ministry of Labor and Employment is responsible for enforcing labor laws through inspections of industrial and commercial enterprises. Monitoring of hazardous or dangerous working conditions is reportedly lax, however, and the Ministry is understaffed, with only 15 inspectors responsible for monitoring adherence to the full range of labor laws throughout the country.¹⁴⁸¹ In addition, the employment restrictions in the Labor Code do not apply to the agricultural sector, including the employment of children for herding.¹⁴⁸² Lesotho ratified ILO Convention 138 and ILO Convention 182 on June 14, 2001.¹⁴⁸³

¹⁴⁷⁵ Article 3 of the Labor Code defines a “child” as a person under age 15. *See* Lesotho Labour Code Order No. 24 of 1992 [hereinafter Labour Code], Article 124, as cited on Natlex database at <http://www.natlex.ilo.org/txt/E92LSO01.htm> on 11/14/01.

¹⁴⁷⁶ Article 3 of the Labour Code defines a “young person” as a person between ages 15 and 18. *See* Lesotho Labour Code Order at Articles 125, 127

¹⁴⁷⁷ Constitution of Lesotho [hereinafter Constitution of Lesotho], Article 32 (Maseru: Government Printer), 44.

¹⁴⁷⁸ The Labor Commissioner may authorize night work for apprenticeship or training purposes and also for children who are age 16. *See* Labour Code at Articles 125, 126.

¹⁴⁷⁹ Labour Code at Article 7. *See also Country Reports 2000* at Section 6c and Constitution of Lesotho at Article 9, p. 21.

¹⁴⁸⁰ *Initial Reports of States* at paras. 238, 240. *See also Country Reports 2000* at Section 6f.

¹⁴⁸¹ L. Mandoro, Labor Commissioner, interview by USDOL official, August 1, 2000.

¹⁴⁸² Unclassified telegram 422.

¹⁴⁸³ ILOLEX database: Lesotho at <http://ilolex.ilo.ch:1567/english/newratframeE.htm> on 11/15/01.

NOTE: Hard copies of all Web citations are on file.

Lithuania

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

The Government of Lithuania initiated the National Program Against Commercial Sexual Exploitation and Sexual Abuse of Children in 2000 to support and rehabilitate victims of sexual crimes.¹⁴⁸⁴ In the same year, the Parliament created the position of Child Ombudsman to centralize advocacy efforts for children's rights.¹⁴⁸⁵ The government is implementing a National Poverty Reduction Strategy with funding and assistance from the World Bank in order to assist vulnerable populations, including children.¹⁴⁸⁶ UNICEF is providing advisory support to Lithuanian authorities on education, health care, and children's welfare, and approximately 100 NGOs and foundations throughout the country represent the interests of children.¹⁴⁸⁷

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 years in Lithuania are unavailable. Children are reported to beg on the streets or perform odd jobs, such as cleaning cars or selling newspapers.¹⁴⁸⁸ There are reports of children as young as 11 years old working as prostitutes in brothels, and according to UNICEF, between 20 to 50 percent of Lithuanian prostitutes are believed to be minors.¹⁴⁸⁹ Organized crime figures are reported to use coercive means to lure Lithuanian girls into prostitution abroad, particularly to Western European countries.¹⁴⁹⁰

¹⁴⁸⁴ Valdas Rupsys, State Secretary of the Ministry of Social Security and Labor, letter to Maureen Jaffe, ICLP, September 2000 [hereinafter Rupsys letter] [letter on file].

¹⁴⁸⁵ Ibid.

¹⁴⁸⁶ The World Bank is also preparing to implement an Education Project that will improve educational facilities and reduce the costs of schooling, among other aims. See Rupsys letter. See also World Bank, *Structural Adjustment Loan Project*, at <http://www.worldbank.lt/P068706.htm> on 10/30/01, and World Bank, *Education Project*, at <http://www.worldbank.lt/P070112.htm> on 10/30/01.

¹⁴⁸⁷ Lithuanian National Committee for UNICEF at <http://www.un.lt/UNICEF/index.htm> on 10/30/01. See also *Initial Reports of States Parties*.

¹⁴⁸⁸ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports of States Parties Due in 1994, Addendum, Lithuania, CRC/C/11/Add. 21* (Geneva, November 24, 1998) [hereinafter *Initial Reports of States Parties*], para. 253.

¹⁴⁸⁹ UNICEF, "Profiting From Abuse: An Investigation into the Sexual Exploitation of our Children" (New York, 2001), 7, at <http://www.unicef.org/pubsgen/profitting/index.html> on 01/11/01.

¹⁴⁹⁰ Germany, the Netherlands, Denmark, Austria, and Israel are major trafficking destinations, according to figures of women deported from these countries to Lithuania. There are also reports of women trafficked to Lithuanian cities from Belarus, Russia, Latvia, and parts of the Lithuanian countryside. *Country Reports on Human Rights Practices for 2000—Lithuania* (Washington, D.C.: U.S. Department of State,

According to the Law on Education, school is free of charge and compulsory from the age of 6 or 7 to 16 years.¹⁴⁹¹ In 1996, the gross primary enrollment rate was 98 percent.¹⁴⁹² Primary school attendance rates are unavailable for Lithuania. While enrollments rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁴⁹³

Child Labor Laws and Enforcement

According to the Law on Employment Contracts, the minimum age for employment is 14 years, but only in certain government-approved categories.¹⁴⁹⁴ The law also stipulates that children from 14 to 16 years must have the consent of a parent in order to be employed, and work hours may not conflict with school.¹⁴⁸⁵ The Law on Fundamentals of Protection of the Rights of the Child sets the minimum age for all other work at 16 years.¹⁴⁹⁶ The Law on Labor Protection prohibits children under 18 years old from working in hazardous conditions, night work, or overtime, and mandates shortened work hours for children between 14 and 18 years.¹⁴⁹⁷

2001) [hereinafter *Country Reports 2000*], Section 6f, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/index.cfm?docid=69>. 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, Lithuania*, CRC/C/15/Add. 146 (Geneva, January 26, 2001), para 53. See also 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*.

¹⁴⁹¹ Republic of Lithuania Law on Education, Articles 13, 19(1), 21(2), at <http://www.litlex.lt/Litlex/Eng/Frames/Laws/Documents/77.htm> on 10/29/01.

¹⁴⁹² There are no statistics available on net primary school enrollment. See *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

¹⁴⁹³ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

¹⁴⁹⁴ Republic of Lithuania Law on Education, Articles 13, 19(1), 21(2), at <http://www.litlex.lt/Litlex/Eng/Frames/Laws/Documents/77.htm> on 10/29/01.

¹⁴⁹⁵ Article 58 of the Law on Labor Protection states, however, that children under age 14 may participate in cultural or art festivals, provide communication services, or work in other activities that do not negatively affect health, morals, or studies, with the consent of parents and a doctor. See Law of Employment Contract of the Republic of Lithuania [hereinafter Law of Employment Contract], as cited in *Initial Reports of States Parties*. See also Law on Labor Protection, October 7, 1993 [hereinafter Law on Labor Protection], Article 58, at http://www.litlex.lt/Litlex/Eng/Frames/Laws/Fr_laws.htm on 10/29/01.

¹⁴⁹⁶ Law of Employment Contract.

¹⁴⁹⁷ Republic of Lithuania, Law on Fundamentals of Protection of the Rights of the Child [hereinafter Law on Fundamentals of Protection], Chapter VI, Article 39, as cited on NATLEX database at <http://www.natlex.ilo.org/> on 11/2/01. In 1996, the government approved Regulation 1055, which includes a list of jobs and conditions that are considered dangerous for children under age 18. Children between ages 14 and 16 may work 24 hours per week, and children between ages 16 and 18 may work 36 hours per week.

Law No. I-1418 and the Law on Fundamentals of Protection of the Rights of the Child prohibit prostitution by children, and the Criminal Code prohibits trafficking in persons.¹⁴⁹⁸ Forced labor is prohibited by the Constitution.¹⁴⁹⁹ Lithuania ratified ILO Convention 138 on June 22, 1998, but has not ratified ILO Convention 182.¹⁵⁰⁰

See Law on Labor Protection at Articles 41, 59, 16 *See also* Regulation No. 1055 of 11 September 1996, *Vedomosti*, 1996-10-31. No. 30, 42-48, as cited in NATLEX database at <http://www.natlex.ilo.org/scripts/natlexcgi.exe?lang'E1> on 10/29/01.

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. *See also Country Reports on Human Rights Practices for 2000—Lithuania* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6f, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/index.cfm?docid'69>.

¹⁴⁹⁸ *Human Rights Reports on Trafficking of Women and Children, Lithuania*, The Protection Project Database, at <http://ww.protectionproject.org>, and Law on Fundamentals of Protection at Chapter VII, Article 47.

¹⁴⁹⁹ Constitution of Lithuania, Article 48, October 25, 1992, at “http://www.uni-wuerzburg.de/law/lh00000_.html” http://www.uni-wuerzburg.de/law/lh00000_.html on 10/29/01.

¹⁵⁰⁰ ILOLEX database: Lithuania at <http://ilolex.ilo.ch:1567/english/> on 10/29/01.

NOTE: Hard copies of all Web citations are on file.

Macedonia

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

The Government of Macedonia established an Ombudsperson for the Rights of Children in 1999. This office is charged with monitoring the actions of public authorities in order to uphold children's rights.¹⁵⁰¹ The government signed a trans-border crime agreement as part of an effort to prevent trafficking and enhance border control.¹⁵⁰² In 1996, the Ministry of Labor and Social Policy developed a plan of action against trafficking and the commercial sexual exploitation of children. The Ministry cooperates with international organizations and NGOs to hold educational seminars, raise awareness of the issue, and gather information.¹⁵⁰³ A Police Trafficking Taskforce was also established as part of a broader police training effort.¹⁵⁰⁴ In addition, OSCE and IOM are implementing prevention, protection, and law enforcement projects to combat trafficking.¹⁵⁰⁵ UNICEF is working to increase access to schools by implementing projects that improve the overall quality of education.¹⁵⁰⁶

Incidence and Nature of Child Labor

In 1999, the ILO estimated that less than 1 percent of children between the ages of 10 and 14 in Macedonia was working.¹⁵⁰⁷ In rural areas, it is reported to be common for children to leave school early to assist with domestic agricultural duties.¹⁵⁰⁸ Children work in the informal sector

¹⁵⁰¹ U.S. Embassy–Skopje, unclassified telegram no. 2616, November 2001 [hereinafter unclassified telegram 2616].

¹⁵⁰² Macedonia ratified the Southeast European Cooperative Initiative “Agreement on Co-operation to Prevent and Combat Transborder Crime,” which links regional governments in information-sharing and planning programs. Macedonia also signed an agreement with the Government of Bulgaria to take similar cooperative anti-trafficking measures. See UNICEF, “Trafficking in Human Beings in Southeastern Europe,” Area Office for the Balkans, August 15, 2000 [hereinafter “Trafficking in Human Beings in Southeastern Europe”], 12.

¹⁵⁰³ “Trafficking in Human Beings in Southeastern Europe,” 95. See also *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: 1999-2000* (Bangkok: ECPAT International, 2000) [hereinafter *Looking Back, Thinking Forward*], 125.

¹⁵⁰⁴ “Trafficking in Human Beings in Southeastern Europe,” 95.

¹⁵⁰⁵ OSCE is the leading agency with regard to trafficking in Macedonia. In conjunction with IOM, its programs include government negotiations, a working group on the subject, and the development of a shelter for women. IOM is also establishing repatriation processes for trafficked women. See *Ibid.* at 97.

¹⁵⁰⁶ UNICEF, “UNICEF’s Priority: Education Objectives,” Macedonia, at www.unicef.org/macedonia/education/educationContent.htm on 11/1/01.

¹⁵⁰⁷ The ILO reported that 0.02 percent of children in the age group were economically active in the formal sector. See *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*].

¹⁵⁰⁸ *Initial Reports of States Parties Due in 1993: The Former Yugoslav Republic of Macedonia*, Committee on the Rights of the Child, UN Document CRC/C/8/Add. 36 (Geneva, July 27, 1997) [hereinafter *Initial Reports of States Parties*], para. 202.

and in illegal small businesses.¹⁵⁰⁹ Children work in the streets and markets selling cigarettes and other small items.¹⁵¹⁰ Trafficking of girls for prostitution and pornography is a growing concern.¹⁵¹¹ The country is a destination for girls forced into prostitution from Bulgaria, Montenegro and Serbia, as well as a transit and source country for trafficking of children to Greece, Albania, Kosovo, and Western Europe.¹⁵¹²

The Constitution mandates free and compulsory primary education, and the Law on Primary Education specifies that all children from 7 to 15 years of age attend school for a compulsory 8 years.¹⁵¹³ In 1996, the gross primary enrollment rate was 99.1 percent and the net primary enrollment rate was 95.3 percent.¹⁵¹⁴ Dropout rates for girls in primary and secondary school are high, particularly among ethnic Roma or Albanian children.¹⁵¹⁵

¹⁵⁰⁹ Unclassified telegram 2616.

¹⁵¹⁰ *Initial Reports of States Parties* at para. 246. See also *Concluding Observations of the Committee on the Rights of the Child: The Former Yugoslav Republic of Macedonia*, Committee on the Rights of the Child, UN Document CRC/C/15/Add. 118 (Geneva, February 23, 2000) [hereinafter *Concluding Observations of the Committee on the Rights of the Child*].

¹⁵¹¹ *Country Reports on Human Rights Practices for 2000—Macedonia* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6f, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/867.htm>.

¹⁵¹² It is also reported that women are trafficked from Bulgaria, Albania, Romania, Moldova, the Czech Republic, Montenegro, and Serbia. One study indicated that at least 20 percent of prostitutes detained for working illegally in Macedonia were minors. See “Trafficking in Human Beings in Southeastern Europe”. See also *Country Reports 2000* and *Looking Back, Thinking Forward*, 124.

¹⁵¹³ Tuition is free but families must provide children with their own books and supplies. 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 Constitution of Macedonia, Article 44, Nov. 17, 1991 [hereinafter Constitution of Macedonia], at www.uni-wuerzburg.de/law/mk00000_.html on 10/29/01. See also *Initial Reports of States Parties*, para. 20, and unclassified telegram 2616.

¹⁵¹⁴ *World Development Indicators 2001*.

¹⁵¹⁵ *Concluding Observations of the Committee on the Rights of the Child*. See also unclassified telegram 2616 and *Country Reports 2000* at Section 5.

Child Labor Laws and Enforcement

The Constitution and Labor Relations Act sets the minimum age for employment at 15 years.¹⁵¹⁶ The Labor Relations Act prohibits overtime work by children as well as work that may be harmful or threatening to their health or life.¹⁵¹⁷ The Constitution prohibits forced labor.¹⁵¹⁸ The Criminal Code prohibits various acts of sexual exploitation against children, including the recruitment or solicitation of children for prostitution and procurement of a child, and trafficking can be prosecuted through regulations prohibiting the abduction of children and sales in persons.¹⁵¹⁹ The Ministry of Labor and Social Policy is responsible for enforcing the child labor laws, but there are no comprehensive reports on the effectiveness of enforcement mechanisms.¹⁵²⁰ Macedonia ratified ILO Convention 138 on November 17, 1991, but has not ratified ILO Convention 182.¹⁵²¹

¹⁵¹⁶ Constitution of Macedonia at Article 42(1). In addition, the minimum age for work in mines is 18. *See* Labour Relations Act, Section 7, December 27, 1993 [hereinafter Labour Relations Act], at www.natlex.ilo.org/txt/E93MKDO2.htm on 11/2/01.

¹⁵¹⁷ Children under 18 are prohibited from working at night for industrial jobs. *See* Labour Relations Act at Sections 63, 66, and 67.

¹⁵¹⁸ Constitution of Macedonia at Article 42(1).

¹⁵¹⁹ *Initial Reports of States Parties* at paras. 259 and 263. *See also* Criminal Code of Macedonia, Articles 192 and 193, as cited in the Protection Project Database at www.protectionproject.org.

¹⁵²⁰ Labour Relations Act at Section 139. According to the government, no cases of child labor are filed with the Ministry. In regard to the effectiveness of enforcement mechanisms, UNICEF observed that punishments are mild, which contributes to the continuing exploitation of children, and the State Department noted that authorities are reluctant to enforce labor laws in Roma populations. No other information is available. *See also* *Country Reports 2000* at Section 6d; letter from Oliver Krliu, Embassy of the Republic of Macedonia, to Kevin Willcutts, ICLP official, September 14, 2000 [letter on file]; and UNICEF, “The Former Yugoslav Republic of Macedonia: Situation Analysis of Children and Women ” at www.unicef.org/macedonia/ on 11/1/01.

¹⁵²¹ ILO, ILOLEX database, Former Yugoslav Republic of Macedonia at <http://ilolex.ilo.ch:1567/english/> on 10/29/01.

NOTE: Hard copies of all Web citations are on file.

Madagascar

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

The Government of Madagascar has been a member of ILO-IPEC since 1998. Madagascar has implemented three ILO-IPEC programs to remove children from working in quarries, through prevention and education efforts.¹⁵²² In May 2000, over 20 labor inspectors representing all six provinces received training on the worst forms of child labor.¹⁵²³ By August 2000, ILO-IPEC programs had reintegrated some 300 children into schools in the Diego Suarez area, half of whom had been working in mines.¹⁵²⁴

The Government of Madagascar is preparing a new action plan to eliminate the worst forms of child labor. The previous plan included programs to remove child workers from the informal sector in the major cities.¹⁵²⁵ The government is also working with ILO-IPEC to compile all laws and texts governing child labor and make them more widely available.¹⁵²⁶ The Ministry of Labor is collaborating with ILO-IPEC to conduct a survey of child prostitution and children working in quarries.¹⁵²⁷ The government is also planning a national child labor survey for 2004 with technical assistance from ILO-IPEC's SIMPOC.¹⁵²⁸

The government has created a national inter-ministerial steering committee to coordinate and supervise all activities related to child labor and to provide support in the implementation of child labor action plans.¹⁵²⁹ Child labor issues are included in conferences, in-service workshops, and training curriculum for labor inspectors.¹⁵³⁰ The Ministry of Tourism is collaborating with UNICEF to conduct a survey on child prostitution and has conducted a television awareness-raising campaign on child labor.¹⁵³¹ The Ministry of Labor has also collaborated with NGOs and faith-based groups to address child prostitution and return children involved in prostitution to school or vocational training.¹⁵³²

¹⁵²² Activities have included awareness-raising campaigns in the major port city of Tamatave and photo exhibits in all six provinces of Madagascar. U.S. Embassy–Antananarivo, unclassified telegram no. 1787, October 2001 [hereinafter unclassified telegram 1787].

¹⁵²³ U.S. Embassy–Antananarivo, unclassified telegram no. 1800, August 2000.

¹⁵²⁴ Ibid.

¹⁵²⁵ Unclassified telegram 1787.

¹⁵²⁶ Ibid.

¹⁵²⁷ Ibid.

¹⁵²⁸ ILO-IPEC, *Child Labor Statistics: SIMPOC Countries*, at <http://www.ilo.org/public/english/standards/ipecc/simpoc/countries.htm> on 1/29/02.

¹⁵²⁹ Unclassified telegram 1787.

¹⁵³⁰ Ibid.

¹⁵³¹ Ibid.

¹⁵³² “Answers to the Questionnaire Relating to Child Labor in the Africa Bill Framework,” submitted by Minister of Industrialisation and Handicraft, September 4, 2000 [hereinafter “Answers to the Questionnaire Relating to Child Labor”].

The Ministry of Education's Education of Girls Office has implemented an assisted home study program that provides non-traditional education for working children.¹⁵³³ The Ministry of Education has also promoted educational opportunities through a safety net program for public primary schools that loans books to primary schools, renovates and expands schools, and increases staff.¹⁵³⁴

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 34.4 percent of children between the ages of 10 and 14 in Madagascar were working.¹⁵³⁵ Most child labor occurs in the agricultural sector, where children work as unpaid laborers on family farms,¹⁵³⁶ while a small number of children work in the commercial and industrial sectors.¹⁵³⁷ In urban areas, children work as domestic workers, petty traders, casual transport workers, and beggars.¹⁵³⁸ Some children are also employed under hazardous conditions in quarries and mines.¹⁵³⁹

The sexual exploitation of children occurs and is on the rise in Madagascar, particularly in tourist areas and coastal fishing areas.¹⁵⁴⁰ In 1999, there were reports that women and girls were trafficked to Reunion, a French overseas *département*, and Mauritius for the purpose of prostitution,¹⁵⁴¹ but there were no reports of trafficking in 2000.¹⁵⁴²

¹⁵³³ Unclassified telegram 1787.

¹⁵³⁴ *Ibid.*

¹⁵³⁵ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*].

¹⁵³⁶ According to a 1993/94 labor force survey, 94 percent of working children between 7 and 14 years of age engage in agricultural activities. Nine times out of 10, family work is unpaid. Francois Roubaud and Diane Coury, *Le travail des enfants au Madagascar: Un état des lieux*, MAG/97/M01/FRA (Geneva: International Labor Organization, International Program on the Elimination of Child Labor (ILO-IPEC), 1997) [hereinafter *Le travail des enfants au Madagascar*].

¹⁵³⁷ The 1993/94 survey reported that 3 percent of working children are employed in services; 2 percent work in the commercial sector; and 1 percent work in the industrial sector. See *Le travail des enfants au Madagascar*.

¹⁵³⁸ *Le travail des enfants au Madagascar*. See also . See also *Country Reports on Human Rights Practices for 2000—Madagascar* (Washington, D.C.: U.S. Department of State, February 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=848>.

¹⁵³⁹ Unclassified telegram 1787.

¹⁵⁴⁰ According to the Ministry of Tourism, 25 percent of prostitutes in the tourist area of Tulear are under 18 years of age. See ECPAT database: Madagascar, *CSEC Overview: Child Prostitution*, at http://www.222.ecpat.net/eng/Ecpat_Inter/projects/monitoring/online_database on 11/29/01. See also unclassified telegram 1787.

¹⁵⁴¹ *Country Reports 2000* at Section 6f.

¹⁵⁴² *Ibid.*

Primary education is compulsory and free up to the age of 14.¹⁵⁴³ Enforcement of compulsory education laws is generally weak.¹⁵⁴⁴ In 1995, the gross primary enrollment rate was 91.6 percent, and the net primary enrollment rate was 60.6 percent.¹⁵⁴⁵ The percentage of students who began school in 1995 and reached grade two was 77 percent, while 39.8 percent reached grade 5.¹⁵⁴⁶

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years.¹⁵⁴⁷ Decree 62-152 prohibits children under the age of 18 from engaging in work that could endanger their health, safety, or morals.¹⁵⁴⁸ Children under the age of 18 are also prohibited from performing night work.¹⁵⁴⁹ Prostitution is not criminalized, but Ordinance 60-161 does prohibit the procurement of prostitutes with a sentence of imprisonment for two to five years and a fine of 750,000 to 7,500,000 Malagasy francs (USD 121 to 1,210) if the crime involves a minor under the age of 18. The same punishment can be imposed on any person who “occasionally incites, furthers, or facilitates the corruption” of a child under the age of 16.¹⁵⁵⁰ The minimum age for either conscription or voluntary recruitment into the military is 18 years.¹⁵⁵¹ Forced or bonded labor by children is prohibited.¹⁵⁵²

¹⁵⁴³ Constitution of Madagascar, Article 24, August 19, 1992 [document on file]. See also *Country Reports 2000* at Section 5.

¹⁵⁴⁴ Unclassified telegram 1787.

¹⁵⁴⁵ See *World Development Indicators 2001*.

¹⁵⁴⁶ *World Education Report 2000: The Right to Education, Towards Education for All throughout Life* (Geneva: UNESCO Publishing, 2000), 144.

¹⁵⁴⁷ *Country Reports 2000* at Section 6d. See also “Answers to the Questionnaire Relating to Child Labor”.

¹⁵⁴⁸ See unclassified telegram 1787. The decree was issued in 1962. See also “Answers to the Questionnaire Relating to Child Labor.”

¹⁵⁴⁹ Unclassified telegram 1787.

¹⁵⁵⁰ Article 334 *bis* (Ordinance 60-161 of 10/3/60). For currency conversion as of January 25, 2002, see <http://www.carosta.de/frames/convert.htm>.

¹⁵⁵¹ U.S. Embassy-Antananarivo, unclassified telegram no. 1567, September 2001.

The Ministry of Civil Service, Labor, and Social Laws enforces child labor laws through unannounced inspections.¹⁵⁵³ Violations of labor laws are punishable with fines, imprisonment, or closure of the workplace, if it poses an imminent danger to workers. The government has not earmarked resources for investigations of exploitative child labor cases, and the Ministry of Labor does not have an adequate number of trained inspectors.¹⁵⁵⁴ There are approximately 40 labor inspectors who do general inspections—none focus solely on child labor issues.¹⁵⁵⁵ When violations are found, the fines reportedly are low and employers are not jailed.¹⁵⁵⁶ Labor inspectors cover only wage earners in the formal economy and cover only the capital region effectively.¹⁵⁵⁷ The enforcement of child labor laws in the informal sector is pursued through the court system.¹⁵⁵⁸ Madagascar ratified ILO Convention 138 on May 31, 2000 and ILO Convention 182 on October 4, 2001.¹⁵⁵⁹

¹⁵⁵² *Country Reports 2000* at Section 6c.

¹⁵⁵³ *Ibid.* at Section 6d. *See also* “Answers to the Questionnaire Relating to Child Labor.”

¹⁵⁵⁴ Unclassified telegram 1787.

¹⁵⁵⁵ Unclassified telegram 1787.

¹⁵⁵⁶ *Ibid.*

¹⁵⁵⁷ *Country Reports 2000* Sections 6d and 6e.

¹⁵⁵⁸ *Ibid.* at Section 6c.

¹⁵⁵⁹ ILOLEX database: Madagascar at <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

NOTE: Hard copies of all Web citations are on file

Malawi

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

The Government of Malawi is in the process of becoming a member of ILO-IPEC. Malawi is part of an ILO-IPEC regional program funded by USDOL to prevent, withdraw, and rehabilitate children engaged in hazardous work in the commercial agriculture sector in East Africa.¹⁵⁶⁰ In April 2001, the Ministry of Labour and Vocational Training (MOLVT) signed an agreement with ILO-IPEC's SIMPOC to conduct a USDOL-funded national household survey on child labor.¹⁵⁶¹ As of October 2001, the survey questionnaires had been completed, and 12 employees from the MOLVT had been trained in the study methodology; the study is expected to begin in spring 2002.¹⁵⁶² Survey results will be used as the basis of drafting an action plan to implement ILO Convention 182.¹⁵⁶³ In November 2000, a public-private child labor task force made up of representatives from government, business, and labor was established to promote awareness of child labor and formulate strategies to eliminate it.¹⁵⁶⁴

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 32.2 percent of children between the ages of 10 and 14 in Malawi were working.¹⁵⁶⁵ Children are rarely employed in the formal manufacturing sector, but work in the informal sector, in micro industries that include street-side welding, bicycle repair, and furniture making, and as domestic servants.¹⁵⁶⁶ Children also work in the agricultural sector, often

¹⁵⁶⁰ ILO-IPEC, *Regional Programme on the Prevention, Withdrawal and Rehabilitation of Children Engaged in Hazardous Work in the Commercial Agriculture Sector in Africa* (Geneva, 2000).

¹⁵⁶¹ ILO-IPEC, *SIMPOC: Malawi*, programme document, March 12, 2001.

¹⁵⁶² U.S. Embassy–Lilongwe, unclassified telegram no. 1873, October 2001 [hereinafter unclassified telegram 1873].

¹⁵⁶³ *Country Reports on Human Rights Practices for 2000—Malawi* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=851>.

¹⁵⁶⁴ U.S. Embassy–Lilongwe, unclassified telegram no. 0390, February 2001) [hereinafter unclassified telegram 0390].

¹⁵⁶⁵ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM] [hereinafter *World Development Indicators 2001*].

¹⁵⁶⁶ *Country Reports 2000*, Section 6d. See also unclassified telegram 0390.

alongside their parents on commercial farms.¹⁵⁶⁷ Child labor is used in crop production, including tea and maize,¹⁵⁶⁸ and on commercial tobacco farms, where the incidence of child labor is particularly high.¹⁵⁶⁹ Children frequently perform domestic work to allow adults to work longer hours in the fields.¹⁵⁷⁰ Young girls in urban areas reportedly work as domestic servants for little or no wages and in a state of indentured servitude.¹⁵⁷¹ Children are reportedly trafficked to Western Europe and South Africa for the purposes of sexual exploitation.¹⁵⁷²

Primary education is not compulsory.¹⁵⁷³ The government established free primary education for all children in 1994, which increased attendance rates, according to UNICEF.¹⁵⁷⁴ In 1994, the gross primary enrollment rate was 133.9 percent, and the net primary enrollment rate was 102.6 percent.¹⁵⁷⁵ In 1995, 62 percent of students entering primary school reached grade two, and 34 percent reached grade five.¹⁵⁷⁶ The dropout rate is higher among girls than boys.¹⁵⁷⁷

¹⁵⁶⁷ Unclassified telegram 1873 and unclassified telegram 0390. See also Line Eldring, Sabata Nakanyane, and Malehoko Tshoaeidi, *Child Labour in the Tobacco-Growing Sector in Africa*, report prepared for the IUF/ITGA/BAT Conference on the Elimination of Child Labour, FAFO, Nairobi, October 8-9, 2000 [hereinafter *Child Labour in the Tobacco-Growing Sector in Africa*], 38.

¹⁵⁶⁸ Unclassified telegram 0390. See *Country Reports 2000* at Section 6d. It is believed that children working on tea farms also work on a daily basis. See also ILO, “Child Labour in Commercial Agriculture in Africa,” technical workshop on “Child Labour in Commercial Agriculture in Africa,” ILO, August 27-30, 1996, Dar es Salaam [hereinafter “Child Labour in Commercial Agriculture in Africa”], para. 35.

¹⁵⁶⁹ A study on the tobacco sector in Malawi revealed that 78 percent of children between the ages of 10 and 14 worked with their parents on tobacco estates on a full-time or part-time basis, and it also noted that children under the age of 10 were found working with their parents as full-time workers on the estates. See W. C. D. Kamkondo and K. Wellard, *Women and Children in the Smallholder and Estate Subsector in Malawi*, supplementary report to Estate Extension Service Trust (Lilongwe: Rural Development Department, Bunda College of Agriculture, 1994), as cited in *Child Labour in the Tobacco-Growing Sector in Africa* at 40.

¹⁵⁷⁰ *Child Labour in the Tobacco-Growing Sector in Africa* at 39.

¹⁵⁷¹ *Country Reports 2000* at Section 6c.

¹⁵⁷² *Human Rights Reports: Malawi*, Protection Project Database, at www.protectionproject.org.

¹⁵⁷³ *Country Reports 2000* at Section 5. The Constitution of the Republic Malawi states that all people are entitled to education and that primary education would be of at least 5 years’ duration. See also Constitution of the Republic of Malawi [hereinafter Constitution of the Republic of Malawi], Chapter IV, Section 25 (1-2), at www.sas.upenn.edu/African_Studies/Govern_Political/mlwi_const.html.

¹⁵⁷⁴ UNICEF, *The State of the World’s Children 2002* (Geneva, 2001), 26.

¹⁵⁷⁵ In 1994, the gross primary enrollment rate was 140.6 percent for boys and 127 percent for girls. The net primary enrollment rate was 101.6 percent for boys and 103.6 percent for girls. The available net enrollment statistic is higher than 100 percent, although this is theoretically impossible. The World Bank attributes this abnormality to discrepancies between estimates of the school-age population and reported enrollment data. See *World Development Indicators 2001*.

¹⁵⁷⁶ *World Education Report 2000: The Right to Education, Towards Education for All throughout Life* (Geneva: UNESCO Publishing, 2000), 144.

¹⁵⁷⁷ *Country Reports 2000* at Section 5.

Child Labor Law and Enforcement

The Employment Act No. 6 of 2000 sets the minimum age for employment at 14 years, but does not apply to work done in vocational technical schools, other training institutions, or unpaid work in homes.¹⁵⁷⁸ The Employment Act also allows children between the ages of 14 and 18 to engage in non-hazardous work that is not prejudicial to their attendance at school or any other vocational or training program.¹⁵⁷⁹ Employers are required to keep a register of all employees under the age of 18, and violation of this law can result in a fine of MK 20,000 (USD 306) and five years of imprisonment.¹⁵⁸⁰ There are no legal restrictions on children's work hours.¹⁵⁸¹ The Constitution and the Employment Act prohibit forced and compulsory labor, and violators are liable for penalties of MK 10,000 (USD 153) and two years of imprisonment.¹⁵⁸² The trafficking of persons is not prohibited by law.¹⁵⁸³

MOLVT is charged with enforcement of child labor laws, but enforcement has been minimal due to a lack of resources.¹⁵⁸⁴ Malawi ratified both ILO Convention 138 and ILO Convention 182 on November 19, 1999.¹⁵⁸⁵

¹⁵⁷⁸ Employment Act. No. 6, Section 21, as cited in *Child Labour in the Tobacco-Growing Sector in Africa* at 37.

¹⁵⁷⁹ Employment Act. No. 6, Section 22, as cited in *Child Labour in the Tobacco-Growing Sector in Africa* at 37.

¹⁵⁸⁰ Employment Act. No. 6, Section 23, as cited in unclassified telegram 0390. See also *Child Labour in the Tobacco-Growing Sector in Africa* at 37. For currency conversion, see <http://www.carosta.de/frames/convert.htm> on 1/30/02.

¹⁵⁸¹ *Country Reports 2000* at Section 6d.

¹⁵⁸² Constitution of the Republic of Malawi. See also unclassified telegram 0390.

¹⁵⁸³ *Country Reports 2000* at Section 6f.

¹⁵⁸⁴ *Ibid.* at Section 6d.

¹⁵⁸⁵ ILO, ILOLEX database, International Labour Standards at <http://ilolex.ilo.ch:1567/english/index.htm> on 11/29/01.

NOTE: Hard copies of all Web citations are on file.

Mali

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

The Government of Mali has been a member of ILO-IPEC since 1998.¹⁵⁸⁶ Since joining the program, Mali has cooperated with ILO-IPEC in launching direct interventions to assist children working in mines, in woodworking and metalworking, as mechanics, and girls working in service sector establishments and as domestic workers.¹⁵⁸⁷ In 1999 Mali joined eight other countries in an ILO-IPEC project funded by USDOL to address child trafficking for exploitative labor. In September 2001, the Malian and the Ivorian Governments signed a cooperative agreement to control cross-border trafficking, whereby the two countries agreed to strengthen and enforce child trafficking laws, raise awareness about trafficking, implement bilateral and national programs to combat child labor, identify child traffickers, and develop programs to address child labor and trafficking issues.¹⁵⁸⁸ Several efforts have been made to reduce child begging, including campaigns using school teachers and a vocational training program aimed at child beggars.¹⁵⁸⁹ The Government of Mali also plans to conduct a national child labor survey in 2004 with technical assistance from ILO-IPEC's SIMPOC.¹⁵⁹⁰

The Government of Mali recently implemented a "Ten-Year Program for the Development of Education" that aims to establish recruitment and enrollment parity between boys and girls and improve the overall quality of education.¹⁵⁹¹ Working with international donors, the government has also established programs to promote girls' education, to allow pregnant schoolgirls to continue their education, to introduce or revitalize school canteens in economically disadvantaged communities and to build and refurbish new schools and classrooms.¹⁵⁹²

¹⁵⁸⁶ Government of Mali, Ministry of Labor, *Etat d'Execution du Programme National de Lutte contre le Travail des Enfants au Mali* (Bamako: Ministere de l'Emploi de la Fonction Publique et du Travail, 2000).

¹⁵⁸⁷ *Ibid.*

¹⁵⁸⁸ Cooperation Agreement between the Republic of Mali and the Republic of Cote d'Ivoire to Control Cross-Border Trafficking of Children. *See also* ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (Phase II): Mali Country Annex* (Geneva, December 2000) [hereinafter *Combating the Trafficking of Children*].

¹⁵⁸⁹ *Concluding Observations of the Committee on the Rights of the Child: Mali*, UN Document No. CRC/C/15/Add. 113, paras. 6, 33. (Geneva: United Nations Committee on the Rights of the Child, September 28, 1999) [hereinafter *Concluding Observations of the Committee on the Rights of the Child*].

¹⁵⁹⁰ SIMPOC countries, electronic correspondence from ILO-IPEC to USDOL official, January 18, 2002. *See also* ILO-IPEC, *Child Labor Statistics: SIMPOC Countries* at <http://www.ilo.org/public/english/standards/ipecc/simpoc/countries.htm> on 1/29/02.

¹⁵⁹¹ *Concluding Observations of the Committee on the Rights of the Child*.

¹⁵⁹² *Ibid.*

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 51.8 percent of children between the ages of 10 and 14 in Mali were working.¹⁵⁹³ Children work in the agricultural sector, in wood and metalworking, in mining and gold panning, as mechanics, and as domestic servants and street vendors in urban areas.¹⁵⁹⁴ In some cases, children work as street beggars at the urging of Koranic teachers who require students to beg before coming to school.¹⁵⁹⁵

Mali is a source of trafficked children, most of whom are sold into forced labor in Cote d'Ivoire; for commercial coffee, cotton, and cocoa farms; or to work as domestic servants.¹⁵⁹⁶ Organized networks of traffickers, claiming to parents that they will provide paid employment for their children, reportedly sell the children to commercial farm owners for between 10,000 to 20,000 CFA (USD 14 to 27).¹⁵⁹⁷

Primary education is compulsory and free through the sixth grade,¹⁵⁹⁸ but just 58 percent of school-age children receive an education (only 48 percent among girls).¹⁵⁹⁹ In 1997, the gross primary enrollment rate was 48.9 percent, and in 1995, the net primary enrollment rate was 31.3 percent.¹⁶⁰⁰ In 1996, the gross primary attendance rate was 41 percent and the net primary atten

¹⁵⁹³ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*].

¹⁵⁹⁴ *Concluding Observations of the Committee on the Rights of the Child*, para. 32. See also *Committee on Rights of the Child Begins Consideration of Report of Mali*, UN Document No. HR/CRC/99/48 (Geneva: United Nations Committee on Rights of the Child, September 28, 1999). See also Government of Mali, Ministry of Labor, *Etat d'Execution du Programme National de Lutte contre le Travail des Enfants au Mali* (Bamako: Ministere de l'Emploi de la Fonction Publique et du Travail, 2000). See also Electronic Correspondence from Mr. Claude Sama Tounkara, Embassy of the Republic of Mali, to USDOL Official, February 10, 1998.

¹⁵⁹⁵ *Concluding Observations of the Committee on the Rights of the Child* at para. 33.

¹⁵⁹⁶ U.S. Department of State, *Trafficking in Persons Report*, July 2001, Mali. See also *Country Reports on Human Rights Practices for 2000—Mali* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], 6f, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=853>. According to a national report, 1,500 children between the ages of 7 and 10 years were living in work encampments in Côte d'Ivoire. See Sory Ibrahim Guindo, "Rapport d' etape sur le trafic d'enfants maliens: Plus de 1,500 mineurs recensés en Côte d'Ivoire," *Liberté*, December 21, 1998.

¹⁵⁹⁷ *Country Reports 2000* at 6f.

¹⁵⁹⁸ *Country Reports 2000* at 5.

¹⁵⁹⁹ USAID, "Mali: The Development Challenge," Mali FY 2002 congressional budget justification, at www.usaid.gov/country/af/ml on 12/5/01.

¹⁶⁰⁰ *World Development Indicators 2001*.

dance rate was 29 percent.¹⁶⁰¹ A significant gender disparity exists for primary school students; in 1996, the gross primary attendance rate was 48 percent for boys and 34 percent for girls.¹⁶⁰² In 1997, the government allocated 2 percent of GNP to education.¹⁶⁰³

Child Labor Laws and Enforcement

The Labor Code, adopted in 1996, sets the basic minimum age at 14 years.¹⁶⁰⁴ However, children ages 12 to 14 may work up to two hours per day during school vacations with parental approval. Children ages 14 to 16 years may work up to four and a half hours per day with the permission of the labor inspectorate (but not during nights, holidays, or Sundays) and children ages 16 to 18 years may work in jobs that are not physically demanding.¹⁶⁰⁵ The Constitution prohibits forced labor by children.¹⁶⁰⁶ Articles 187, 188, and 189 of the Malian criminal code prohibit the trafficking of children.¹⁶⁰⁷ Labor inspectors conduct surprise and complaint-based inspections but operate only in the formal sector due to lack of resources for enforcement.¹⁶⁰⁸ Mali has not ratified ILO Convention 138, but ratified ILO Convention 182 on July 14, 2000.¹⁶⁰⁹

¹⁶⁰¹ USAID, Demographic and Health Survey, Mali [on file].

¹⁶⁰² *Ibid.*

¹⁶⁰³ *World Development Indicators 2001.*

¹⁶⁰⁴ ILO-IPEC, *Child Labor in Africa: Targeting the Intolerable* (Geneva, 1998), 36.

¹⁶⁰⁵ *Country Reports 2000* at Section 6d.

¹⁶⁰⁶ *Ibid* at 6c.

¹⁶⁰⁷ *Combating the Trafficking of Children*, 2.

¹⁶⁰⁸ *Ibid.*

¹⁶⁰⁹ ILO, "Table of Ratifications and Information Concerning the Fundamental Conventions of the ILO," at http://www.ilo.org/public/french/standards/norm/sources/rats_pri.htm on 5/5/01.

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Mauritania

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

In 1999, the Government of Mauritania announced its current educational plan, which is intended to run for 15 years and 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. New emphasis will be placed on pre-school education that prepares children for basic education and on creating incentives to encourage private education.¹⁶¹⁰ The goals for elementary school education are to achieve universal access by 2005, raise the retention rate by 2010, eliminate gender and regional disparities, improve the quality and relevance of education, and lower the pupil-teacher ratio.¹⁶¹¹ Mauritania is also aiming to raise the share of education spending to 5.4 percent of GDP by 2015.¹⁶¹² A French-funded ILO program is currently charged with investigating the extent of slavery practices in Mauritania and recommending possible actions.¹⁶¹³

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 22.4 percent of children between the ages of 10 and 14 in Mauritania were working.¹⁶¹⁴ Young children in rural areas regularly work in herding, farming, fishing, and other activities.¹⁶¹⁵ Many children serve as apprentices in small industries and in the informal sector.¹⁶¹⁶ Mauritania abolished slavery in 1980 but there are persistent allegations that vestiges of slavery and slavery-like practices continue to exist.¹⁶¹⁷ According to the *Washington*

¹⁶¹⁰ 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), at <http://www.adeanet.org/newsletter/latest/06.html> on December 3, 2001.

¹⁶¹¹ *Ibid.*

¹⁶¹² *Ibid.*

¹⁶¹³ ILO, *Stopping Forced Labor: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, International Labour Conference, 89th Session, Report I (B), Geneva, 2001.

¹⁶¹⁴ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*].

¹⁶¹⁵ *Country Reports on Human Rights Practices for 2000—Mauritania* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=855>.

¹⁶¹⁶ *Ibid.*

¹⁶¹⁷ Kevin Bales, *Disposable People* (Berkeley and Los Angeles: University of California Press, 1999), Chapter 3, “World: Africa Award for Mauritanian Anti-Slavery Activist,” *BBC News Online*, at http://news.bbc.co.uk/1/hi/english/world/africa/newsid_216000/216539.stm. See also Douglas Farah, “Despite Legal Ban, Slavery Persists in Mauritania,” *Washington Post*, October 21, 2001 [hereinafter “Despite

Post, however, anti-slavery activists estimate that the number of persons living in these conditions has fallen to a few thousand in recent years.¹⁶¹⁸

Mauritania made school attendance compulsory in July 2001.¹⁶¹⁹ In 1996, the gross primary enrollment rate was 79 percent.¹⁶²⁰ Low enrollment and dropout rates among girls are caused by extreme poverty, lack of school infrastructure, traditionally low priority placed on girls' education, unequal treatment in class, and discriminatory stereotypes conveyed by teachers and instruction materials.¹⁶²¹ Spending on education has declined from 5 percent of GDP in 1985 to 3.5 percent in 1998.¹⁶²²

Child Labor Laws and Enforcement

Labor law specifies that no child under the age of 13 may be employed in the agricultural sector without the permission of the Minister of Labor, nor under the age of 14 in the nonagricultural sector.¹⁶²³ Forced and bonded labor by children is prohibited.¹⁶²⁴ The government reportedly lacks the resources to effectively enforce child labor laws.¹⁶²⁵ Mauritania ratified both ILO Convention 138 and ILO Convention 182 on December 3, 2001.¹⁶²⁶

Legal Ban, Slavery Persists in Mauritania”]; National Public Radio, “Slavery Lives on in Mauritania: Tradition Thrives Thanks to a Confluence of Cultures,” August 21, 2001, at <http://www.npr.org/programs/specials/racism/010828.mauritania.html>, as cited December 4, 2001; Kendall Wilson, “Slavery Thrives in African Nation,” *Philadelphia Tribune*, June 25, 1999, 1A.; “Mauritania: Paradise under the Master’s Foot: An 800-Year-Old System of Black Chattel Slavery Thrives in Mauritania,” as cited December 4, 2001; and *Country Reports 2000*.

¹⁶¹⁸ “Despite Legal Ban, Slavery Persists in Mauritania.”

¹⁶¹⁹ UNDP, “Mauritania Helps Girls by Making Education Compulsory,” July 25, 2001 [hereinafter “Mauritania Helps Girls by Making Education Compulsory”], as cited in Human Rights Internet (HRI) at <http://www.hri.ca/children/texts/mauritiana25july.html> on December 3, 2001.

¹⁶²⁰ *World Development Indicators 2001*.

¹⁶²¹ “Mauritania Helps Girls by Making Education Compulsory.”

¹⁶²² World Bank, *Project Appraisal Document on a Proposed Credit*, Report No. 22529-MAU, September 26, 2001, at 4.

¹⁶²³ *Country Reports 2000*.

¹⁶²⁴ *Ibid.*

¹⁶²⁵ *Ibid.*

¹⁶²⁶ ILO, Table of Ratifications and Information Concerning the Fundamental Conventions of the ILO, at http://www.ilo.org/public/french/standards/norm/sources/rats_pri.htm.

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Mauritius

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

The Government of Mauritius is currently in consultation with relevant social partners to develop a comprehensive policy on child labor.¹⁶²⁷ The Ministry of Women's Rights, Child Development, and Family Welfare and the Ministry of Labor's Education and Training branch have programs to inform and sensitize the public on labor legislation and the prevention of child employment.¹⁶²⁸

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 2.2 percent of children between the ages of 10 and 14 in Mauritius were working.¹⁶²⁹ The Ministry of Women's Rights, Child Development, and Family Welfare reports that in 1998, 2,000 children between the ages of 12 and 14 were either employed or looking for work.¹⁶³⁰ Child labor is usually found in street trade, small businesses, and in agriculture.¹⁶³¹ On the island of Rodrigues, children are found working in homes, on farms, and in shops.¹⁶³² There are reports of girls being sexually exploited as prostitutes, some as young as 13 years old. In 1999, reports indicated that children from Madagascar were trafficked to Mauritius for prostitution.¹⁶³³

According to the Education Act, primary schooling is compulsory and free.¹⁶³⁴ In 1997, the gross primary enrollment rate was 106 percent, and the net primary enrollment rate was 97.6 percent.¹⁶³⁵

¹⁶²⁷ Responses to child labor questionnaire by the Ministry of Labour and Industrial Relations for the Republic of Mauritius, September 13, 2001 [hereinafter Child labor questionnaire].

¹⁶²⁸ Ibid.

¹⁶²⁹ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM] [hereinafter *World Development Indicators 2001*].

¹⁶³⁰ *Country Reports on Human Rights Practices 2000—Mauritius* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=857>.

¹⁶³¹ Child labor questionnaire.

¹⁶³² *Country Reports 2000* at Section 6d.

¹⁶³³ Ibid.

Child Labor Laws and Enforcement

The Labor Act of 1975 sets the minimum age for employment at 15 years.¹⁶³⁶ Under the Occupational Safety, Health and Welfare Act of 1989, children between the ages of 15 and 18 are allowed to work in hazardous work settings provided they are trained to operate machinery and are supervised by another individual who also has training in using the same machinery.¹⁶³⁷ The Criminal Code as amended in 1998 contains provisions prohibiting child prostitution, and the sale, trafficking and abduction of children. Penalties for persons operating brothels are fines not to exceed 100,000 rupees (USD 3,340) and imprisonment up to 5 years, and penalties for persons convicted of the sale, trafficking, or abduction of a child are at least 10,000 rupees (USD 334) or a prison sentence up to 5 years.¹⁶³⁸ Forced labor outside the Export Processing Zone is also illegal.¹⁶³⁹

The Ministry of Labor and Industrial Relations is the government agency that oversees the enforcement of child labor laws. There are 39 labor inspectors and 8 labor officers whose duties include investigating child labor practices. In 2000, 5,277 child labor inspections were conducted. From January to June 2001, 2,421 child labor inspections were conducted.¹⁶⁴⁰

Mauritius ratified ILO Convention 138 on July 30, 1990, and ILO Convention 182 on June 8, 2000.¹⁶⁴¹

¹⁶³⁴ Child labor questionnaire. Children begin primary school at the age of 5 and are expected to complete primary education at age 12.

¹⁶³⁵ *World Development Indicators 2001*.

¹⁶³⁶ Child labor questionnaire. The country's child labor laws cover all sectors.

¹⁶³⁷ *Ibid.* Children are not required to clean machinery if this would expose them to the risk of injury.

¹⁶³⁸ *Ibid.* For currency conversion, see <http://www.carosta.de/frames/convert.htm> on 1/30/02.

¹⁶³⁹ *Country Reports 2000* at Section 6c.

¹⁶⁴⁰ Child labor questionnaire.

¹⁶⁴¹ ILOLEX database: Mauritius at <http://ilolex.ilo.ch:1567/cgi-lex/ratifce.pl?C138> and <http://ilolex.ilo.ch:1567/cgi-lex/ratifce.pl?C182>.

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Moldova

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

The Government of Moldova is beginning to take steps to prevent trafficking.¹⁶⁴² Moldova participates in the Southeast European Cooperative Initiative Human Trafficking Task Force, which is intended to coordinate regional efforts by governments to combat trafficking in persons.¹⁶⁴³ The Government of Moldova is also working with IOM and OSCE to launch an information campaign on the issue, strengthen reintegration programs for victims of trafficking, and improve the capacity of law enforcement officials.¹⁶⁴⁴ The UNDP is operating an anti-trafficking center in the capital city of Chisinau to assist victims and educate law enforcement officials and other Moldovan authorities.¹⁶⁴⁵ UNICEF coordinates with the government to assist vulnerable children and to promote children's rights.¹⁶⁴⁶

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 37.1 percent of children between the ages of 5 and 14 in Moldova were working.¹⁶⁴⁷ Moldova is a primarily agricultural country, and child labor often involves work with parents on family farms.¹⁶⁴⁸ Increasing numbers of street children in urban areas are reported to be vulnerable to commercial sexual exploitation.¹⁶⁴⁹ Moldova is a source country for

¹⁶⁴² *Country Reports on Human Rights Practices for 2000—Moldova* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6f, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/index.cfm?docid=870>.

¹⁶⁴³ “Stability Pact for Southeastern Europe: Task Force on Trafficking in Human Beings” at www.osce.org/odihr/attf/index.php3?sc=Introduction on November 7, 2001.

¹⁶⁴⁴ IOM, “Moldova: Counter-Trafficking Initiatives Launched This Spring,” *IOM in Eastern Europe and Central Asia*, no. 3 (April-June), 2001.

¹⁶⁴⁵ “UNDP-Moldova: List of On-Going Projects” at www.un.md/UNDP/proj/projects-ongoing.htm on 11/1/01. See also U.S. Department of State, “Fact Sheet: State Department Programs to Combat Trafficking in Persons,” at www.usinfo.state.gov/topical/global/traffic/01060101.htm on October 4, 2001.

¹⁶⁴⁶ The UN Development Assistance Framework, “The UN in Moldova,” February 2001, at www.un.md/resident/UNDAF_feb2001.doc on November 1, 2001.

¹⁶⁴⁷ 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 4 hours of housekeeping chores in the household or who did other family work.” Ten percent of children between the ages of 5 and 14 had unpaid jobs for someone other than a household member, and 2 percent were engaging in paid work. See Republic of Moldova, Multiple Indicator Cluster Survey (MICS2) (UNICEF, 2000), 24, at http://www.childinfo.org/MICS2/natlMICSrepz/Moldova/MICS_Mol.pdf on December 12, 2001.

¹⁶⁴⁸ U.S. Embassy—Chisinau, unclassified telegram no. 1400, September 2001 [hereinafter unclassified telegram 1400].

¹⁶⁴⁹ *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, 1999-2000* (Bangkok: ECPAT International, 2000), 131.

trafficking of girls for purposes of prostitution into Turkey, Greece, Italy, Israel, and Kosovo.¹⁶⁵⁰

Education for children is compulsory for nine years, beginning at age 7.¹⁶⁵¹ While the Constitution guarantees free public education, families face significant additional expenses, including textbooks and transportation costs.¹⁶⁵² In 1996, the gross primary enrollment rate was 97.4 percent.¹⁶⁵³ While the enrollment rate is high, agricultural labor is reported to interfere with school attendance in rural areas.¹⁶⁵⁴ Primary school attendance rates are unavailable for Moldova.

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 16 years, and children under 18 years are prohibited from participating in hazardous work, including work underground, and work related to alcoholic beverage production, transportation, and sales.¹⁶⁵⁵ In addition, children who are 15 can work with the consent of the Trade Union Committee.¹⁶⁵⁶ However, the Law on Children's Rights allows minors to work at age 14 with the permission of a parent or guardian, if the employment does not interfere with school.¹⁶⁵⁷ According to the Criminal Code, the sale and trafficking of children are illegal,¹⁶⁵⁸ and the Law on Children's Rights protects children under 18 years of age from prostitution or sexual exploitation.¹⁶⁵⁹ Forced labor is prohibited by the Constitution.¹⁶⁶⁰

The Ministry of Labor, Social Protection, and the Family is responsible for enforcing child labor legislation.¹⁶⁶¹ The Government of Moldova ratified ILO Convention 138 on September 21, 1999, but has not ratified ILO Convention 182.¹⁶⁶²

¹⁶⁵⁰ *Country Reports 2000*, Section 6f.

¹⁶⁵¹ UNESCO, *Education for All: Year 2000 Assessment*, Statistical Document (Paris, 2000), at www2.unesco.org/wef/countryreports/moldova/rapport_2.html on October 29, 2001.

¹⁶⁵² Constitution of the Republic of Moldova, Article 35, July 29, 1994 [hereinafter Constitution of the Republic of Moldova], at <http://confinder.richmond.edu/moldova3.htm#T1> on October 26, 2001. See also unclassified telegram 1400.

¹⁶⁵³ Net enrollment and gross and net attendance statistics for Moldova are not available. See *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001).

¹⁶⁵⁴ *Country Reports 2000*. Section 5

¹⁶⁵⁵ Article 183 of the Labor Law, as cited in unclassified telegram 1400.

¹⁶⁵⁶ Article 181 of the Labor Law, as cited in unclassified telegram 1400.

¹⁶⁵⁷ Article 11 of the Law on Children's Rights, as cited in unclassified telegram 1400.

¹⁶⁵⁸ The punishment for selling or trafficking children is three to eight years in prison. Article 113/1 of the Criminal Code, as cited in unclassified telegram 1400.

¹⁶⁵⁹ Unclassified telegram 2236.

¹⁶⁶⁰ Constitution of the Republic of Moldova.

¹⁶⁶¹ In 2000, the Ministry of Labor finalized a proposal to restructure the labor protection inspectorate. The proposal was adopted by Parliament in 2001. Under the new system, which went into effect January 1, 2002, the inspection office will have expanded responsibilities, including monitoring working conditions of children. See *Country Reports 2000*, Section 6d. See also unclassified telegram 1400.

¹⁶⁶² ILO, ILOLEX database at <http://ilolex.ilo.ch:1567/english/> on October 29, 2001.

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Mongolia

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

The Government of Mongolia has been a member of ILO-IPEC since 1999. A Child Labor Unit was established under the Ministry of Social Welfare and Labour (MOSWL) to address child labor issues. The National Council for Children, established in 1994 and led by the Prime Minister, reviews policies for the protection of children.¹⁶⁶³ In 1999, an ILO-IPEC country program funded by USDOL began to build capacity among institutions to combat child labor, raise awareness, and sponsor activities to remove children from work in coal mining, prostitution, the informal sector (including scavenging in dump sites), and livestock herding.¹⁶⁶⁴ UNICEF provides funds to the National Children's Committee to assist young children working in outdoor food markets by providing non-formal education and healthcare and reducing their workloads.¹⁶⁶⁵

In 1997, the Ministry of Education, Culture and Science established a Non-formal Education Center to provide assistance and training on non-formal education techniques, materials and curricula.¹⁶⁶⁶ In 1992, the government established a fund to assist children from poor families with free clothing and school materials.¹⁶⁶⁷ The Asian Development Bank is supporting an education sector program to make the sector more effective, cost efficient and sustainable.¹⁶⁶⁸ 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 that provides skills geared to the local context.¹⁶⁶⁹

¹⁶⁶³ ILO-IPEC, Mongolmaa, "Update of the Situational Analysis on Child Labour in Mongolia" (draft) (Ulaan Baatar, 2001) [hereinafter "Situational Analysis on Child Labour in Mongolia"], 26-27.

¹⁶⁶⁴ *Ibid.* at 46. The project began in November 1999.

¹⁶⁶⁵ *Ibid.* at 48, 49. *See also* Save the Children, Country Report, Mongolia, 2000 [hereinafter Save the Children], at http://www.savethechildren.org.uk/functions/indx_search.html.

¹⁶⁶⁶ "Situational Analysis on Child Labour in Mongolia", at 38, 40-42. Under the Non-formal Education Center, approximately 190 learning centers throughout the country provide training and education to people of various ages. Vocational education facilities have been decreasing since the transition to a market economy and far fewer students are now able to access those resources. Tuition is charged to meet budget shortfalls, tending to exclude children from poorer families.

¹⁶⁶⁷ *Fourth Periodic Report of States due in 1995: Mongolia*, 14/06/00, CCPR/C/103/Add.7 (UN, June 14, 1999), at www.hri.ca/fortherecord2000/documentation/tbodies/ccpr-c-103-add7.htm.

¹⁶⁶⁸ Asian Development Bank, "Second Education Development," project brief, at www.adb.org/Documents/Profiles/PPTA/31214012.ASP, and Asian Development Bank, "Country Assistance Plans: Mongolia," Section III.C.2., "Education," item 70, at www.adb.org/Documents/CAPs/MON/0103.asp?p'trymon.

¹⁶⁶⁹ Asian Development Bank, "Mongolia: Second Education Sector Development," loan no. MON31213-

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 1.5 percent of children between the ages of 10 and 14 in Mongolia were working.¹⁶⁷⁰ Children sometimes work in small enterprises or family businesses such as food or repair shops.¹⁶⁷¹ Working children herd livestock, sell goods, polish shoes, act as porters, scavenge (in dumpsites or on the streets), and process animal materials.¹⁶⁷² Children also work in informal coal mining, either in the mines or scavenging for coal outside,¹⁶⁷³ as well as in informal gold mining.¹⁶⁷⁴ To a lesser extent, children are engaged in prostitution, begging, and grave digging, and work as domestic servants.¹⁶⁷⁵ There is increasing concern about trafficking due to factors such as weak border controls and low public awareness, but comprehensive information about the nature and extent of trafficking in Mongolia is not available.¹⁶⁷⁶

Article 16 of the Mongolian Constitution provides free basic education, and the Educational Law and the Law on Primary and Secondary Education establish eight years of compulsory education.¹⁶⁷⁷ Most children enroll in primary school at age 8, but children can legally begin school at an earlier age.¹⁶⁷⁸ In 1996, the gross primary enrollment rate was 88.4 percent, and the net

01, at www.adb.org/Documents/Profiles/LOAN/3123013.ASP. See Jonathan Addleton, USAID, mission director for Mongolia, interview with USDOL official, October 29, 2001. See also “Situational Analysis on Child Labour in Mongolia” at 49, and Save the Children.

¹⁶⁷⁰ *World Development Indicators 2001* (Washington, DC: World Bank, 2000) [CD-ROM] [hereinafter *World Development Indicators 2001*].

¹⁶⁷¹ “Situational Analysis on Child Labour in Mongolia”, 26-27.

¹⁶⁷² Ts. Ariuntungalag, “Child Labour in Mongolia” (Ulaan Baatar: Save the Children Fund, 1998) [hereinafter “Child Labour in Mongolia”], as quoted in “Situational Analysis on Child Labour in Mongolia” at 14, 23-25.

¹⁶⁷³ “Situational Analysis on Child Labour in Mongolia” at 18-19. The mines were legally closed by the government, but since most of the openings still exist, in practice coal mining continues.

¹⁶⁷⁴ “Situational Analysis on Child Labour in Mongolia” at 20-22. 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 or in legal mines when they are not in actual operation, such as during winter months.

¹⁶⁷⁵ “Child Labour in Mongolia” as quoted in “Situational Analysis on Child Labour in Mongolia” at 14.

¹⁶⁷⁶ “Situational Analysis on Child Labour in Mongolia” at 26. The extent to which children are victims of trafficking is uncertain.

¹⁶⁷⁷ Constitution of Mongolia (Ulaan Baatar, January 13, 1992) [hereinafter Constitution of Mongolia], at www.indiana.edu/~mongsoc/mong/constttn.htm. See also “Situational Analysis on Child Labour in Mongolia” at 40.

¹⁶⁷⁸ The Educational Law recognizes both formal and informal education as part of the educational system. See “Situational Analysis on Child Labour in Mongolia” at 40.

primary enrollment rate was 81.4 percent.¹⁶⁷⁹ Young boys are often taken out of school to assist their families with livestock.¹⁶⁸⁰ Because Mongolia has largely rural terrain, the government subsidizes dormitories to allow children to stay near schools. However, costs associated with dormitories, such as requiring enough meat to feed a child over a year, may be prohibitively expensive for some families.¹⁶⁸¹

Child Labor Laws and Enforcement

Article 109 of the Labor Law sets the minimum age of employment at 16 years, although children aged 15 may work with the permission of a parent/guardian, and those aged 14 may be engaged in vocational training/employment with the permission of both the parent/guardian and

MOSWL. The Labor Law prohibits minors under age 18 from being required to work overtime or on holidays or weekends and limits the hours of legal employment based on the age of the minor.¹⁶⁸² In 1999, the government developed a list of hazardous employment activities in which minors are prohibited from working.¹⁶⁸³ Article 16 of the Constitution prohibits forced

¹⁶⁷⁹ Both gross and net primary enrollment rates are lower for males (86.3 percent and 79.4 percent, respectively) than for females (90.7 percent and 83.4 percent, respectively). See *World Development Indicators 2001*.

¹⁶⁸⁰ Asian Development Bank, “Country Assistance Plans: Mongolia,” Section I.C.1, “Gender Issues,” item 19, at www.adb.org/Documents/CAPs/MON/0103.asp?p'ctrymon. According to the report, “young males are taken out of school to contribute labor to livestock production in family herds, and in a modernizing society, this poses a problem for males who will risk lacking the knowledge and skills necessary to adapt to a rapidly evolving market economy. Boys comprise about 40 percent of the student population in secondary schools and only 20 percent at the tertiary level.”

¹⁶⁸¹ UNESCO, *The Education for All 2000 Assessment, Country Report—Mongolia*, Section II, Chapter 2, at www2.unesco.org/wef/countryreports/Mongolia/rapport_1.htm. According to the Government of Mongolia, “Survey on the Secondary School Dropouts” (Ulaan Baatar, October 10, 2001) [document on file], statistics show that more than 130,000 children between the ages of 8 and 17 are not in school.

¹⁶⁸² Government of Mongolia, Labor Law (Ulaan Baatar: “Bit Service” Co., Ltd., with permission of the Ministry of Justice, May 5, 1999), Articles 71, 109-110, and 141. Children aged 14 and 15 may not work more than 30 hours, and children aged 16 and 17 may not work more than 36 hours. Article 141.1.6 assesses the penalty for violation of child labor laws at between 15,000 and 30,000 tughriks (USD 14 to 27). For currency conversion, see <http://www.carosta.de/frames/convert.htm> on 2/7/02.

¹⁶⁸³ Order No. A/204, “List of Prohibited Jobs for Minors/People under 18,” August 13, 1999 [document on file].

labor.¹⁶⁸⁴ The Criminal Code of Mongolia prohibits prostitution below the age of 16, and penalties apply to organizers, customers, and providers of prostitution. The production and dissemination of pornographic materials is also illegal under the Criminal Code.¹⁶⁸⁵

The State Labor and Social Welfare Inspection Agency under MOSWL is responsible for enforcing child labor laws.¹⁶⁸⁶ However, labor inspectors rarely inspect medium and small enterprises.¹⁶⁸⁷ In November 2000, the U.S. Customs Service issued a detaining order against clothing manufactured by a foreign-owned factory in Mongolia, alleging that the factory had used forced child labor in the manufacture of its products.¹⁶⁸⁸ The factory was requiring children 16 to 18 years old to work more hours than Mongolian law allows.¹⁶⁸⁹

Mongolia has not ratified ILO Convention 138, but ratified ILO Convention 182 on February 26, 2001.¹⁶⁹⁰

¹⁶⁸⁴ Constitution of Mongolia. However, the U.S. Department of State notes that some military forces are required to work in rural areas, and some prisoners work to support their prison facilities or perform menial tasks to fulfill sentences. See *Country Reports on Human Rights Practices for 2000—Mongolia* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6c, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eap/index.cfm?docid=748>.

¹⁶⁸⁵ Criminal Code of Mongolia, Articles 110-111, 125, in Project Protection Database, at www.protectionproject.org. Individuals who sexually exploit children under the age of 16 are subject to 3 years imprisonment or 1.5 years of correctional work; purveyors of prostitution of children under the age of 16 are subject to up to 5 years in jail or between 50,000-100,000 tugriks (approximately USD 45 to 91).

¹⁶⁸⁶ “Situational Analysis on Child Labour in Mongolia” at 37.

¹⁶⁸⁷ *Ibid.* at 34.

¹⁶⁸⁸ *Washington File*, “U.S. Customs Commissioner Issues Detention Order on Clothing Produced in Mongolia with Forced Child Labor,” press release, Washington, D.C., November 28, 2000, at www.usis-australia.gov/hyper/2000/1128/epf203.htm. The order was issued pursuant to U.S. law (19 U.S.C. 1307) after a determination that the factory manufactured textiles using forced labor. Factory working conditions were allegedly substandard, and management was failing to pay overtime correctly.

¹⁶⁸⁹ *Country Reports 2000* at Section 6d.

¹⁶⁹⁰ ILOLEX database: Mongolia at <http://ilolex.ilo.ch:1567/english/>.

NOTE: Hard copies of all Web citations are on file.

Morocco

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

In October 1999, the Government of Morocco established a national action plan to combat child labor, especially its worst forms.¹⁶⁹¹ Morocco became a member of ILO-IPEC in 2000.¹⁶⁹² The government is currently participating in an ILO-IPEC project to develop institutional capacity and provide direct support for combating child labor.¹⁶⁹³ In March 2001, the Ministry of Labor held awareness-raising and training sessions on child labor laws for 35 labor inspectors. Additional training is being provided for about 215 labor and occupational health and safety inspectors. In April 2001, inspectors began their own child labor awareness-raising and training sessions for employers.¹⁶⁹⁴ In 2000, the government produced a sectoral plan focusing on girls working as domestic servants and began a pilot program to provide them with education, health care, and recreation.¹⁶⁹⁵ Another program in Casablanca set up five centers to provide educational, health care, and recreational services to girls identified as child maids.¹⁶⁹⁶ The government has also established a National Observatory for Children's Rights, headed by Princess Lalla Meryem.¹⁶⁹⁷

The Ministry of Labor is working with the Ministry of National Education and local NGOs to eradicate child labor through public awareness campaigns and by increasing school attendance.¹⁶⁹⁸ The Ministry of Education, in cooperation with the Ministry of Health and with the support of UNICEF, is pursuing a strategy to ensure basic education and healthcare for child workers.¹⁶⁹⁹ In September 2000, authorities in the city of Fez began a program to open four centers for the protection of child handicraft workers. Centers will provide children's rights education to child workers, their families and employers.¹⁷⁰⁰

¹⁶⁹¹ U.S. Consulate–Casablanca, unclassified telegram no. 1157, October 2001 [hereinafter unclassified telegram 1157]. See also Royaume du Maroc, *Plans National et Setoriels d'Action de la Lutte Contre le Travail des Enfants au Maroc* (October 1999).

¹⁶⁹² ILO-IPEC, "All About IPEC: Programme Countries," at http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm on 11/30/01.

¹⁶⁹³ Unclassified telegram 1157.

¹⁶⁹⁴ Ibid.

¹⁶⁹⁵ Ibid.

¹⁶⁹⁶ Ibid.

¹⁶⁹⁷ Royaume du Maroc, *Observatoire National des Droits de L'Enfant*, CD Rom.

¹⁶⁹⁸ U.S. Embassy–Casablanca, unclassified telegram no. 0761, July 2001 [hereinafter unclassified telegram 0761].

¹⁶⁹⁹ *Country Reports on Human Rights Practices for 2000—Morocco* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], at Section 6d.

¹⁷⁰⁰ Ibid.

The government has taken steps to improve the quality of primary education in Morocco by reforming the curriculum, training teachers, hiring more teachers, and assigning teachers to serve in their hometowns to reduce teacher absenteeism.¹⁷⁰¹ The Ministry of National Education is implementing a World Bank-funded program to strengthen the Ministry's institutional capacity, improve teaching quality, and build or rehabilitate schools in rural regions.¹⁷⁰² The government has also instituted flexible school calendar policies and provided toilet facilities for children, especially girls, in an effort to encourage student attendance and retention.¹⁷⁰³ It is also developing pilot initiatives for out-of-school children under the Ministry of Education's Non-Formal Education Program.¹⁷⁰⁴ In 1996, public expenditure on education represented 5 percent of the GNP and 25 percent of total government expenditures.¹⁷⁰⁵

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 5.5 percent of children between the ages of 7 and 14 in Morocco were working.¹⁷⁰⁶ The majority of child labor is found in the agricultural sector.¹⁷⁰⁷ Boys and girls work as shepherds and are paid with cash or in kind.¹⁷⁰⁸ Children also work as weavers in the carpet industry; in small family-run workshops that produce ceramics, woodwork, and leather goods; and as mechanics, porters, tourist guides, street vendors, and beggars.¹⁷⁰⁹ Many children work as apprentices before they reach 12 years of age, particularly in the informal handicraft industry where they traditionally are not considered workers but trainees learning a skill or trade.¹⁷¹⁰

¹⁷⁰¹ Unclassified telegram 1157 and unclassified telegram 0761.

¹⁷⁰² World Bank, "Morocco: Education Reform Support Project," World Bank project information document at www.worldbank.org.

¹⁷⁰³ Unclassified telegram 0761.

¹⁷⁰⁴ Royaume du Maroc. Ministère de l'Éducation Nationale. "Éducation Non-Formelle: L'École de la Deuxième Chance." [n.d.]

¹⁷⁰⁵ *World Education Report 2000: The Right to Education, Towards Education for All throughout Life* (Geneva: UNESCO Publishing, 2000) [hereinafter *World Education Report 2000*], at 164.

¹⁷⁰⁶ According to the ILO, 514,694 children are working. See ILO, *Yearbook of Labour Statistics* (2000) (Geneva: ILO, 2000) Table 1A. In 1995, a survey conducted by the government of Morocco, in collaboration with the ILO-IPEC estimated that 6.5 percent of children under the age of 15 in Morocco were working. Royaume du Maroc et le Bureau International du Travail, *Le Travail des Enfants au Maroc: Diagnostic et Propositions de Plan National et de Plans Sectoriels d'Action* (Rabat, October 1999).

¹⁷⁰⁷ Unclassified telegram 1157.

¹⁷⁰⁸ Girls also feed and milk animals, fetch water, and collect firewood. See International Working Group on Child Labour, *Forgotten on the Pyjama Trail: A Case Study of Young Garment Workers in Méknès (Morocco) Dismissed from Their Jobs Following Foreign Media Attention* (International Working Group on Child Labour, 1998) [hereinafter *Forgotten on the Pyjama Trail*], 15. See also unclassified telegram 0761.

¹⁷⁰⁹ *Country Reports 2000*. See Nicolas Pelham, "Fine Crafts from Too-Tiny Hands," *Christian Science Monitor*, January 11, 2001, at www.csmonitor.com/durable/2001/01/11/pls3.htm. See, Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/nea/804.htm>. See also *Forgotten on the Pyjama Trail* at 15.

¹⁷¹⁰ A study of the artisan sector in the city of Fez found that 45 percent of workers were less than 15 years

In urban areas, girls can be found working as domestic servants, often in situations of “adoptive servitude,”¹⁷¹¹ whereby girls, often from rural areas, are trafficked, “sold” by their parents, or offered by orphanages and “adopted” by wealthy urban families to work in their homes.¹⁷¹² In urban areas, teenagers are reported to engage in prostitution.¹⁷¹³

Education is compulsory for six years, or between the ages of 7 and 13 years.¹⁷¹⁴ Primary education is free.¹⁷¹⁵ The government does not enforce the compulsory education law.¹⁷¹⁶ In 1996, the gross primary enrollment rate was 86 percent, and the net primary enrollment rate was 73.4 percent.¹⁷¹⁷ Girls attend school at a lower rate than boys, particularly in rural areas where household chores often prevent girls from attending school.¹⁷¹⁸ The percentage of students who entered primary school in 1995 and reached grade 2 was 92 percent, and the percentage that reached grade 5 was 75 percent.¹⁷¹⁹

Child Labor Laws and Enforcement

The minimum age of employment is 15 years. In January 2001, the adoption ILO Convention 138 led to a change in the minimum age from 12 to 15 years.¹⁷²⁰ The minimum age law applies to all sectors and includes apprentices and children working in family businesses. The minimum age for hazardous and night work is 18 years.¹⁷²¹ A royal decree prohibits forced or compulsory labor, which particularly affects children in “adoptive servitude.”¹⁷²²

of age, as cited in unclassified telegram 1157. See also *Country Reports 2000* at Section 6d. See also *Forgotten on the Pyjama Trail* at 15.

¹⁷¹¹ *Country Reports 2000* at Section 5.

¹⁷¹² Unclassified telegram 1157. See also *Country Reports 2000* at Section 5 and U.S. Department of State, *Trafficking in Persons Report*, July 2001, Morocco.

¹⁷¹³ Wafa Bennani, “Morocco Street Children,” excerpted from Reuters, September 24, 1996, at www.pangaea.org/street_children/africa/morocco.htm. See also *Country Reports 2000* at Section 5.

¹⁷¹⁴ *Country Profiles on the Situation of Youth: Morocco*, Youth at the United Nations, at <http://esa.un.org/socdev/unyin/country3b.asp?countrycode'ma>.

¹⁷¹⁵ Unclassified telegram 1157 and *Country Reports 2000* at Section 5.

¹⁷¹⁶ *Country Reports 2000* at Section 5.

¹⁷¹⁷ The gross primary enrollment rate was 97.3 percent for boys and 74.2 percent for girls. The net primary enrollment rate was 82.6 percent for boys and 64.7 percent for girls. See *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001).

¹⁷¹⁸ *Country Reports 2000* at Section 5.

¹⁷¹⁹ *World Education Report 2000*, 144.

¹⁷²⁰ Unclassified telegram 1157.

¹⁷²¹ *Ibid.*

¹⁷²² *Country Reports 2000* at Section 6c.

The Ministry of Labor is responsible for implementing and enforcing child labor laws and regulations.¹⁷²³ Legal remedies to enforce child labor laws include criminal penalties, civil fines, and withdrawal of licenses. However, the small number of labor inspectors and the lack of resources limit the application of these remedies, and they are generally insufficient to punish and deter violators.¹⁷²⁴ Morocco ratified ILO Convention 138 on January 6, 2000 and ILO Convention 182 on January 26, 2001.¹⁷²⁵

¹⁷²³ Unclassified telegram 1157. See also *Country Reports 2000* at Section 6d.

¹⁷²⁴ Unclassified telegram 1157.

¹⁷²⁵ ILO, ILOLEX database, International Labour Standards, at <http://ilolex.ilo.ch:1567/english/index.htm> on 11/30/01.

NOTE: Hard copies of all Web citations are on file.

Mozambique

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

In 1999, the government began working with UNICEF to implement a rapid assessment survey of child labor in Mozambique.¹⁷²⁶ Following the completion of the survey, the Ministry of Labor worked with UNICEF to develop a Draft Strategy for the Eradication of Child Labor.¹⁷⁰⁶ The government is currently collaborating with UNICEF and ILO-IPEC to implement a plan of action developed at a national child labor conference held in July 2001. The plan calls for the prevention of child labor, and the protection and rehabilitation of child workers. The government is also creating a national coordinating committee for the elimination of child labor. The Ministry of Labor will serve as the central point on child labor.¹⁷⁰⁷

Since 1997, the government has worked on a campaign against child prostitution and sexual abuse, including such activities as disseminating pamphlets and flyers and issuing public service announcements.¹⁷⁰⁸ The government has trained the police about child prostitution and pornography; and began a rehabilitation program for children in prostitution, providing education referrals and training opportunities.¹⁷⁰⁹ In June 2000, the Ministry of Women and Social Action began a campaign against the sexual exploitation of children and is educating hotel employees about child prostitution.¹⁷¹⁰ In addition, the government is working with international donors to expand the primary school network.¹⁷¹¹

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 32.7 percent of children between the ages of 10 and 14 in Mozambique were working.¹⁷¹² A rapid assessment child labor survey conducted by the Ministry of Labor and UNICEF estimated that approximately 50 percent of children begin working before

¹⁷²⁶ Government of Mozambique, Ministry of Labour, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)* (Geneva: UNICEF, 1999/2000) [hereinafter *Child Labour Rapid Assessment*], at 11.

¹⁷⁰⁶ *Ibid.* at 96. The Ministry of Labor is currently undertaking a global review of all relevant laws and regulations for future consolidation, harmonization, and modernization. The Ministry is also drafting new regulations prohibiting most street and market vending activities by children. *See also* U.S. Embassy—Maputo, unclassified telegram no. 2817, October 2001 [hereinafter unclassified telegram 2817].

¹⁷⁰⁷ Unclassified telegram 2817.

¹⁷⁰⁸ *Ibid.*

¹⁷⁰⁹ *Ibid.*

¹⁷¹⁰ *Country Reports on Human Rights Practices for 2000—Mozambique* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=859>.

¹⁷¹¹ Unclassified telegram 2817.

¹⁷¹² ILO statistics as cited in *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

the age of 12.¹⁷¹³ Children work in the informal sector on family farms, in factories, forestry, and small-scale mining.¹⁷¹⁴ There are also reports of the growing incidence of children working in construction.¹⁷¹⁵ In urban areas children wash and guard cars, collect scrap metal, hawk food and other goods on streets, and beg.¹⁷¹⁶ In rural areas, they work on commercial farms alongside their parents or as independent workers, often picking cotton or tea.¹⁷¹⁷ Children, mostly girls, also work as domestic servants.¹⁷¹⁸ In some cases, children are forced to work in order to settle family debts.¹⁷¹⁹ The number of children in prostitution is growing in both urban and rural regions.¹⁷²⁰

Education is compulsory and free through the age of 12, but there is a matriculation fee for each child, and children are responsible for purchasing books and school supplies.¹⁷²¹ Enforcement of compulsory education laws is inconsistent, because of the lack of resources and the lack of schools in the upper grades.¹⁷²² In 1995, the gross primary enrollment rate was 60.2 percent, and the net primary enrollment rate was 39.8 percent.¹⁷²³ In 1995, 86 percent of students who entered primary school reached grade two, and 46 percent reached grade five.¹⁷²⁴ Girls have lower enrollment rates and higher dropout rates than boys.¹⁷²⁵ Floods in February and March 2000 destroyed a

¹⁷¹³ *Child Labour Rapid Assessment*, 36.

¹⁷¹⁴ Unclassified telegram 2817. See also *Country Reports 2000*, Section 6d, and *Child Labour Rapid Assessment* at 58.

¹⁷¹⁵ *Country Reports 2000*, Section 6d.

¹⁷¹⁶ Unclassified telegram 2817. See also *Country Reports 2000* at Section 6d and *Child Labour Rapid Assessment* at 54, 78.

¹⁷¹⁷ *Country Reports 2000* at Section 6d. See also Line Eldring, Sabata Nakanyane, and Malehoko Tshoaedi, *Child Labour in the Tobacco-Growing Sector in Africa*, report prepared for the IUF/ITGA/BAT Conference on the Elimination of Child Labour, FAFO, Nairobi, October 8-9, 2000 [hereinafter *Child Labour in the Tobacco-Growing Sector in Africa*], 48, and *Child Labour Rapid Assessment* at 61-76.

¹⁷¹⁸ *Country Reports 2000* at Section 6d. See also *Child Labour Rapid Assessment* at 47.

¹⁷¹⁹ *Country Reports 2000* at Section 5. See also *Child Labour in the Tobacco-Growing Sector in Africa* at 48.

¹⁷²⁰ *Country Reports 2000* at Sections 5, 6d.

¹⁷²¹ Unclassified telegram 2817.

¹⁷²² *Ibid.*

¹⁷²³ *World Development Indicators 2001*.

¹⁷²⁴ *World Education Report 2000: The Right to Education, Towards Education for All throughout Life* (Geneva: UNESCO Publishing, 2000), 144.

¹⁷²⁵ In 1995, the gross primary enrollment rate was 70.2 percent for boys and 50.2 percent for girls, and the net primary enrollment rate was 45.2 percent for boys and 34.4 percent for girls. Ninety percent of boys who entered primary school in 1995 reached grade two, and 52 percent reached grade five. The rates for girls were 79 and 39 percent, respectively. See *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM]. See also *World Education Report 2000: The right to education, towards education for all throughout life* (Geneva: UNESCO, 2000) 144.

¹⁷²⁶ *Country Reports 2000* at Section 5.

number of schools, and other schools were converted into emergency shelters.¹⁷²⁶

Child Labor Laws and Enforcement

Law 8/98 sets the minimum age for employment at 15 years, but in exceptional cases, allows for children under 15 to work with the joint approval of the Ministries of Labor, Health, and Education.¹⁷²⁷ It 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.¹⁷²⁸ 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.¹⁷²⁹ The Constitution prohibits forced labor, except in the context of penal law.¹⁷³⁰

Laws do not criminalize the offering or procuring of children for prostitution or for child pornography. 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 children prostitution.¹⁷³¹ Some provisions of the Penal Code can also help protect minors against exploitation, incitement, or compulsion to engage in illegal sexual practices.¹⁷³² The age for conscription and voluntary recruitment into the military is 18 years.¹⁷³³ In times of war, however, the minimum age for military conscription may be changed.¹⁷³⁴

The Ministry of Labor has the authority to enforce and regulate child labor laws in both the formal and informal sectors.¹⁷³⁵ Labor inspectors may obtain court orders and use the police to enforce compliance with child labor legislation.¹⁷³⁶ There has not been any specialized training for labor inspectors on child labor. The police are responsible for investigating complaints relating to

¹⁷²⁷ Unclassified telegram 2817. See also *Country Reports 2000* at Section 6d.

¹⁷²⁸ Unclassified telegram 2817. See also *Country Reports 2000* at Section 6d.

¹⁷²⁹ Unclassified telegram 2817.

¹⁷³⁰ Constitution of Mozambique, Article 88(3), November 1990, at <http://confinder.richmond.edu/MOZ.htm>.

¹⁷³¹ *Country Reports 2000* at Section 5.

¹⁷³² *Child Labour Rapid Assessment* at 80.

¹⁷³³ U.S. Embassy–Maputo, unclassified telegram no. 2544, September 2001.

¹⁷³⁴ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report* (London, May 2001).

¹⁷³⁵ Both the labor inspectorate and the police are understaffed, under-funded, and lack training, which limits their ability to effectively enforce child labor laws. Unclassified telegram 2817. See also *Country Reports 2000* at Section 6d.

¹⁷³⁶ Unclassified telegram 2817.

child labor offences punishable under the Penal Code.¹⁷³⁷ The Labor Inspectorate at the Ministry of Labor is responsible for investigating complaints about violations of child labor laws, but according to the Ministry, no such investigations have been conducted in the formal sector. In theory, violators of child labor laws would be subject to fines ranging from one to 10 times the minimum wage.¹⁷³⁸ Mozambique has not ratified ILO Convention 138 or ILO Convention 182.¹⁷³⁹

¹⁷³⁷ Ibid.

¹⁷³⁸ Ibid.

¹⁷³⁹ ILO, ILOLEX database of International Labour Standards, at <http://ilolex.ilo.ch:1567/english/index.htm>, on 11/30/01. Ratification was promised in a July 2001 conference, and the Ministry of Labor has forwarded the convention to the National Assembly. *See* unclassified telegram 2817.

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Namibia

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

The Government of Namibia collaborated with ILO-IPEC and UNICEF to issue the *Namibia Child Activities Survey 1999* in December 2000.¹⁷⁴⁰ The government is currently revamping a national labor law to improve child labor enforcement.¹⁷⁴¹ The Labor Advisory Council, a tripartite board comprised of representatives from the government, unions, and the private sector, sponsored a series of workshops in 2001 to raise awareness on child labor regulations among employers.¹⁷⁴² The Ministry of Health and Social Services is implementing a street children program that places street children in shelters and vocational training programs and registers the parents of street children in income-generating programs.¹⁷⁴³

In the 1999-2000 fiscal year, the government built 691 new school facilities. The Ministry of Basic Education, Sport and Culture has introduced a number of programs to improve access to basic education for children from marginalized groups, such as community-based curricula, mobile schools, and school meal programs.¹⁷⁴⁴

Incidence and Nature of Child Labor

In 1999, a child labor survey conducted by the Namibia Ministry of Labor, in cooperation with ILO-IPEC, estimated that 16.3 percent of children between the ages of 6 and 18 in Namibia were working.¹⁷⁴⁵ The majority of children lives in rural areas and work in occupations requiring

¹⁷⁴⁰ Government of Namibia, Ministry of Labour, *Namibia Child Activities Survey 1999: Report of Analysis* (Windhoek: Ministry of Labour, December 2000) [hereinafter *Namibia Child Activities Survey 1999*] at <http://www.ilo.org/public/english/standards/ipecc/simpoc/namibia/report/namibia.pdf> on 1/29/02.

¹⁷⁴¹ U.S. Embassy–Windhoek, unclassified telegram no. 1890, September 2001 [hereinafter unclassified telegram 1890].

¹⁷⁴² Ibid.

¹⁷⁴³ 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: ILO, March 2001) [hereinafter *The Effective Abolition of Child Labour*], 321.

¹⁷⁴⁴ Government of the Republic of Namibia, “Ministry of Basic Education, Sport and Culture,” at <http://www.op.gov.na> on 12/7/01.

¹⁷⁴⁵ The survey found that 72,405 children between 6 and 18 were working in 1999. The labor force participation rates of boys and girls were similar: 15.4 percent of girls and 17.2 percent of boys. See *Namibia Child Activities Survey 1999*, 34.

minimal skill or education.¹⁷⁴⁶ Children tend livestock, and work on commercial farms and in the communal agriculture and fishing sectors.¹⁷⁴⁷ Children also work in the informal sector.¹⁷⁴⁸

Education is compulsory for 10 years between the ages of 6 and 16.¹⁷⁴⁹ The Constitution directs the government to provide free primary education; however, families must pay fees for uniforms, books, hostels, and school improvements.¹⁷⁵⁰ In 1997, the gross primary enrollment rate was 130.6 percent, and the net primary enrollment rate was 91.2 percent.¹⁷⁵¹ According to the Ministry of Labor's child labor survey, 80 percent of working children between the ages of 6 and 18 continue to attend school while they are employed.¹⁷⁵²

Child Labor Laws and Enforcement

The Labor Act sets the minimum age for employment at 14 years, stipulates that children under the age of 15 may not be employed in any industrial undertaking or mine, and prohibits children under the age of 16 from working underground.¹⁷⁵³ The Labor Act also places an extensive set of restrictions on the employment of children 14 to 15 years of age, and children under 18 years are prohibited from performing night work.¹⁷⁵⁴

The Constitution states that children—defined as persons under the age of 16—are entitled to be protected from economic exploitation and prohibits the employment of children in work that is hazardous, interferes with their education, or is harmful to their health or physical, mental, spiritual, moral, or social development.¹⁷⁵⁵ The Constitution also prohibits the employment of children under the age of 14 in any factory or mine except under regulated conditions.¹⁷⁵⁶ The

¹⁷⁴⁶ *Namibia Child Activities Survey 1999* at 38.

¹⁷⁴⁷ Unclassified telegram 1890. See also *Namibia Child Activities Survey 1999* at 38.

¹⁷⁴⁸ *Country Reports on Human Rights Practices for 2000—Namibia* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=666>.

¹⁷⁴⁹ UNESCO, Institute for Statistics, "Statistics: National Education Systems," at <http://unesco.state.unesco.org> on 11/21/01. See also Article 20(2)-(3) of the Constitution of the Republic of Namibia [hereinafter *Constitution of Namibia*], at www.uni-wuerzburg.de/law/wa00000_.html on 12/7/01.

¹⁷⁵⁰ Constitution of Namibia at Article 20(1) on 12/7/01. See also *Country Reports 2000* at Section 5.

¹⁷⁵¹ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

¹⁷⁵² *Namibia Child Activities Survey 1999* at 37.

¹⁷⁵³ Labour Act 1992, Section 42, as cited in *Namibia Child Activities Survey 1999* at 22.

¹⁷⁵⁴ *The Effective Abolition of Child Labour*, 320.

¹⁷⁵⁵ Constitution of the Republic of Namibia at Article 15(2) on 12/7/01.

¹⁷⁵⁶ *Ibid.* at Article 15(3).

Constitution prohibits slavery and forced labor.¹⁷⁵⁷ The 1960 Children's Act criminalizes the sexual exploitation of children under 18 years of age.¹⁷⁵⁸ The 1980 Combating of Immoral Practices Act also protects girls under the age of 16 from being solicited for immoral acts.¹⁷⁵⁹

The Ministry of Labor is responsible for enforcing the Labor Act and conducts inspections to monitor compliance with labor laws.¹⁷⁶⁰ Labor inspectors at the Ministry of Labor are not trained specifically in child labor issues,¹⁷⁶¹ and inspectors sometimes have problems gaining access to large, family-owned, commercial farms to investigate possible violations.¹⁷⁶² As of March 2001, the Ministry of Labor had employed 24 labor inspectors.¹⁷⁶³ The government can use criminal penalties and court orders to enforce child labor laws.¹⁷⁶⁴

Namibia ratified ILO Convention 138 and ILO Convention 182 on November 15, 2000.¹⁷⁶⁵

¹⁷⁵⁷ *Ibid.* at Article 9.

¹⁷⁵⁸ *Country Reports 2000* at Section 6d.

¹⁷⁵⁹ Combating of Immoral Practices Act, Act No. 21, 1980, Section 13(2) and 14(1)(a)-(c) [document on file].

¹⁷⁶⁰ *The Effective Abolition of Child Labour* at 321.

¹⁷⁶¹ Unclassified telegram 1890.

¹⁷⁶² *Country Reports 2000* at Section 6c.

¹⁷⁶³ *The Effective Abolition of Child Labour* at 322.

¹⁷⁶⁴ *Country Reports 2000* at Section 6d.

¹⁷⁶⁵ ILO, ILOLEX database, International Labour Standards at <http://ilolex.ilo.ch:1567/english/index.htm> on 11/30/01.

NOTE: Hard copies of all Web citations are on file.

Nepal

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

The Government of Nepal has been a member of ILO-IPEC since 1994. Since then, a national child labor survey was conducted in 1996 with technical assistance from the ILO's Bureau of Statistics. Almost 12,000 working children and their families have benefited from more than 100 ILO-IPEC child labor programs in four specific areas: policy formulation by government and nongovernmental organizations; direct intervention programs with child workers; awareness raising and community mobilization; and legislation and enforcement.¹⁷⁶⁶ In 1999, Nepal was part of a three-country Asia sub-regional project to combat trafficking.¹⁷⁶⁷ A follow-up national child labor survey is also being planned by the Government for 2002 with technical assistance from ILO-IPEC's SIMPOC.¹⁷⁶⁸

In 2001, with funding from USDOL, Nepal became one of three countries to launch a comprehensive ILO-IPEC Time-Bound Program, to eliminate the worst forms of child labor, emphasizing on porters, rag pickers, domestic workers, labor in the carpet industry and in mines, bonded labor, and trafficking for sexual or labor exploitation. The project will be ongoing from 2000-2004.¹⁷⁶⁹ The Government of Nepal has also drawn up a proposal for immediate action to rescue and rehabilitate recently freed bonded laborers, including vocational training and counseling services.¹⁷⁷⁰ The government has a National Plan of Action to Combat Trafficking and is in the process of developing legislation that addresses trafficking as well as sexual abuse of children.¹⁷⁷¹ In its Ninth Year Plan, the government aims to make primary education easily accessible and compulsory and is currently implementing a pilot program to test compulsory primary education.¹⁷⁷²

¹⁷⁶⁶ ILO-IPEC, *Country Profile: Nepal* (Geneva, 2001), 1-2.

¹⁷⁶⁷ ILO-IPEC, *Elimination of Trafficking in South Asia*, project document (Geneva, 1999) [document on file].

¹⁷⁶⁸ ILO-IPEC, *Child Labor Statistics*, SIMPOC countries, at <http://www.ilo.org/public/english/standards/ipecc/simpoc/countries.htm> on 1/29/02.

¹⁷⁶⁹ ILO-IPEC, *Supporting the Time-Bound Programme in Nepal: The IPEC Core TBP Project*, project document [hereinafter *Supporting the Time-Bound Programme in Nepal*], 12-14.

¹⁷⁷⁰ ILO-IPEC, "Sustainable Elimination of Bonded Labor in Nepal" (Geneva, December 2000) [hereinafter "Sustainable Elimination of Bonded Labor in Nepal"], 1.

¹⁷⁷¹ U.S. Embassy–Kathmandu, unclassified telegram no. 1216, June 2000 [hereinafter unclassified telegram 1216].

¹⁷⁷² ILO-IPEC, "Project on Sustainable Elimination of Bonded Labour in Nepal" (draft), Technical Progress Report No. 4, October-December 2001, [hereinafter "Sustainable Elimination of Bonded Labour in Nepal"], at 2.

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 42.7 percent of children between the ages of 10 and 14 were working.¹⁷⁷³ The majority of working children participate in family-based subsistence agriculture, while a small percentage work in manufacturing facilities.¹⁷⁷⁴ According to ILO-IPEC, more than 80 percent of working children do not receive wages.¹⁷⁷⁵ They are often forced to work under exploitative and hazardous conditions.¹⁷⁷⁶ Although forced labor is not widespread, an ILO-IPEC study has estimated that 33,000 children work as bonded laborers.¹⁷⁷⁷ Children as young as 16 years old are found working prostitutes.¹⁷⁷⁸ It is believed that 20 percent of the prostitutes in Nepal are younger than 16 years old. Local NGOs estimate that, annually, 5,000 to 7,000 Nepali girls between 10 and 18 years old are forced into prostitution.¹⁷⁷⁹ Women and girls are trafficked to India for the purposes of sexual exploitation.¹⁷⁸⁰

Although education is not compulsory, the government provides free primary education for all children between the ages of 6 and 12. Still, public primary schools commonly charge non-tuition fees to offset their expenses,¹⁷⁸¹ and families frequently do not have the money to pay for school supplies and clothing.¹⁷⁸² In 1997, the gross primary enrollment rate was 122.1 percent, and the net primary enrollment rate was 69.6 percent.¹⁷⁸³ Most children (roughly 60 percent) who work also attend school. More working boys (70 to 75 percent) go to school than working girls (50 to 60 percent).¹⁷⁸⁴

¹⁷⁷³ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001).

¹⁷⁷⁴ Unclassified telegram 1216. Nepali people are heavily dependent on agriculture, which accounts for almost 42 percent of the country's gross domestic product. See "Sustainable Elimination of Bonded Labor in Nepal", 1

¹⁷⁷⁵ ILO-IPEC, "Child Labor Situation in Nepal," fact sheet, 9.

¹⁷⁷⁶ Geir Myrstad, David Clarkson, and H. S. S. Fonseka, "Strategic Plan for 2000-2007: Nepal" (Kathmandu: ILO-IPEC, 2000), 3.

¹⁷⁷⁷ ILO-IPEC, "IPEC Country Profile: Nepal" at <http://www.ilo.org/public/english/standards/ipecc/timebound/nepal.pdf> on 2/14/02.

¹⁷⁷⁸ South Asian Sub-Regional Programme to Combat the Trafficking of Children for Exploitative Employment in Bangladesh, Nepal and Sri Lanka, project document (Geneva: ILO-IPEC, February 2000) [hereinafter South Asian Sub-Regional Programme], Section 1.2.3.

¹⁷⁷⁹ *Country Reports on Human Rights Practices for 2000—Nepal* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6f, at <http://www.state.gov/g/drl/rls/hrrpt/2000/sa/index.cfm?docid=711>.

¹⁷⁸⁰ South Asian Sub-Regional Programme at Section 1.2.3.

¹⁷⁸¹ "Sustainable Elimination of Bonded Labor in Nepal", 1.

¹⁷⁸² *Country Reports 2000* at Section 5.

¹⁷⁸³ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2001) [CD-ROM].

¹⁷⁸⁴ ILO, Migration and Employment Survey of Nepal, Central Department of Population Studies, Tribhuvan University, 1995-96, Table 5.

Child Labor Laws and Enforcement

The Labor Act of 1999 and the Children's Act of 1992 set the minimum age for employment at 14 years.¹⁷⁸⁵ On July 17, 2000, the Government of Nepal made a landmark decision to outlaw the *Kamaiya* system, one form of bonded labor, and the government drafted a Bonded Labour Prohibition Act, which is intended to provide comprehensive legislation prohibiting bonded labor.¹⁷⁸⁶ The Constitution of Nepal (Article 20) prohibits the employment of minors in factories, mines or other hazardous work.¹⁷⁸⁷ The restrictions on child labor do not apply to non-organized business sectors with ten or less employees.¹⁷⁸⁸ The Constitution (Article 20) and the Civil Code of 1990 prohibit trafficking.¹⁷⁸⁹ The Children's Act of 1992 also prohibits the sexual exploitation of children.¹⁷⁹⁰

Enforcement and effective implementation of child labor laws are weak, due to inadequacies with child labor procedures and penalties, and ambiguities pertaining to jurisdiction for enforcement. The Labor Act entrusts labor offices with enforcement of child labor laws, while the Children's Act gives the responsibility to the District Children Welfare Board.¹⁷⁹¹ The Government of Nepal ratified ILO Convention 138 on May 30, 1997, and ratified ILO Convention 182 on January 3, 2002.¹⁷⁹²

¹⁷⁸⁵ The Labor Act defines a minor as anyone between the ages of 14 and 18, and the Children's Act identifies a child as below the age of 16 years, as cited in Government of Nepal, National Planning Commission, *Situation Analysis of Child Labor in Nepal*, July 1997 [hereinafter *Situation Analysis of Child Labor in Nepal*], 70-71. See also Yubaraj Sangroula, "Child Labor: Legislation and Enforcement Situation" (Kathmandu: Faculty of Law, Tribhuvan University, 1997), 8-10.

¹⁷⁸⁶ While the new bonded labor legislation exists in draft form only, it is hoped that it will be the first comprehensive piece of legislation on bonded labor in Nepal. See *Supporting the Time-Bound Programme in Nepal*, 12-14.

¹⁷⁸⁷ The Constitution of Nepal does not define the term "hazardous work" or the word "minor." See "Situation Analysis of Child Labor in Nepal" at 71.

¹⁷⁸⁸ "Situation Analysis of Child Labor in Nepal" at 71, 73.

¹⁷⁸⁹ *Human Rights Reports: Nepal*, Protection Project Database, at www.protectionproject.org on 12/30/01.

¹⁷⁹⁰ *Ibid.*

¹⁷⁹¹ Yubaraj Sangroula, "Child Labor: Legislation and Enforcement Situation" (Kathmandu: Faculty of Law, Tribhuvan University, 1997), 15.

¹⁷⁹² In September 2001, the Nepalese Parliament ratified ILO Convention No. 182, but the Government of Nepal has not deposited the required instruments with the ILO for full recognition of the ratification. See ILOLEX database: Nepal at www.ilolex.ilo.org on 12/30/01. See also "Sustainable Elimination of Bonded Labour in Nepal".

Nicaragua

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

The Government of Nicaragua has been a member of ILO-IPEC since 1996.¹⁷⁹³ ILO-IPEC is currently working with the Ministry of Labor on several USDOL-funded projects to eliminate child labor. An ILO-IPEC project targets children working in garbage dumps.¹⁷⁹⁴ A second project addresses the problem of children in prostitution in León, while a third project targets children working in coffee farms in the rural areas of Matagalpa and Jinotega.¹⁷⁹⁵ A fourth ILO project aims to eliminate child labor in farming and stockbreeding in the Department of Chontales. Finally, the Ministry of Labor (MITRAB), with technical assistance from ILO-IPEC's SIMPOC, is undertaking a national child labor survey.¹⁷⁹⁶

Through the National Commission for the Eradication of Child Labor, the government of Nicaragua, in collaboration with international organizations, NGOs, and the private sector, has developed a strategic plan for addressing child labor in the country.¹⁷⁹⁷ The National Commission has also identified forms of work which are among the worst forms of child labor, initiated policies to end the exploitation of children, provided alternatives for working minors to receive formal schooling, and increased protections for children in the workplace. The current plan of action includes a national campaign, "Study First, Work Later," as well as initiatives aimed at the progressive elimination of child labor in the indigenous community of Subtavia, Leon, on the streets of Managua, and in the market of Santos Barcenás.¹⁷⁹⁸

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 10.8 percent of children between the ages of 10 and 14 in Nicaragua were working.¹⁷⁹⁹ Children work in the production of export crops such as coffee,

¹⁷⁹³ "Prevention and Progressive Elimination of Child Labour in the Coffee Industry in Nicaragua," project document, 1999 [hereinafter "Prevention and Progressive Elimination of Child Labour in the Coffee Industry"], 3 [document on file].

¹⁷⁹⁴ "Elimination of Child Labor at la Chureca Dump Yard, Department of Managua," project document, 2000 [hereinafter "Elimination of Child Labor at la Chureca"], p. 13 [document on file].

¹⁷⁹⁵ "Elimination of Child Labor and the Risk of Sexual Exploitation of Girls and Teenagers in the Bus Station in the Municipality of Leon," project document, 1998 [document on file], and "Prevention and Progressive Elimination of Child Labour in the Coffee Industry"], 3.

¹⁷⁹⁶ ILO-SIMPOC Project Document—Central America, 21 September 1999.

¹⁷⁹⁷ "Plan estratégico nacional para la prevención y erradicación del trabajo infantil y protección del adolescente trabajador: Nicaragua, 2001-2005" (Comisión Nacional para la Erradicación Progresiva del Trabajo Infantil y la Protección del Menor Trabajador, 2000) [hereinafter "Plan estratégico nacional para la prevención y erradicación del trabajo infantil"], 30-31 [document on file].

¹⁷⁹⁸ Ministerio do Trabajo, "Actividades Realizadas Para Erradicar El Trabajo Infantil en Nicaragua" (Managua, April 1999) [document on file].

¹⁷⁹⁹ ILO, *Yearbook of Labour Statistics* (Geneva, 2000). According to the ILO, 74,180 children were working.

bananas, tobacco, and rice, as well as in fishing and stockbreeding.¹⁸⁰⁰ Some children are forced by their parents to work as beggars and vendors, and some are “rented” by their parents to organizers of beggars.¹⁸⁰¹ Children in several areas of the country are involved in the trafficking of drugs.¹⁸⁰² Child prostitution has increased in Nicaragua, particularly in Managua, port cities, rural areas, and along the Honduran and Costa Rican borders.¹⁸⁰³ Children are also trafficked from Nicaragua to Mexico and Guatemala for the purpose of prostitution.¹⁸⁰⁴

Education is free and compulsory through the sixth grade (age 12) in Nicaragua.¹⁸⁰⁵ In 1997, the gross primary enrollment rate was 101.6 percent and the net primary enrollment rate was 77.3 percent.¹⁸⁰⁶

Child Labor Laws and Enforcement

The Labor Code of 1996 sets the minimum age for employment at 14. Parental consent is required for children ages 14 to 16 to be employed.¹⁸⁰⁷ Under the Labor Code, children between the ages of 14 and 17 cannot work at night or for over six hours a day.¹⁸⁰⁸ Children under the age of 18 are prohibited from work that endangers their health and safety, such as work in mines, garbage dumps, and night entertainment venues.¹⁸⁰⁹ The Constitution prohibits any employment of children that could adversely affect normal childhood development or interfere with schooling. The Constitution also prohibits slavery and servitude and provides protection from any type of eco-

¹⁸⁰⁰ “Plan estratégico nacional para la prevención y erradicación del trabajo infantil”, 30-31. *See also* “Prevention and Elimination of Child Labor in the Farming and Stockbreeding Sectors in the Department of Chontales,” project document, 2000 [hereinafter “Prevention and Elimination of Child Labor in the Farming and Stockbreeding Sectors”] [document on file].

¹⁸⁰¹ U.S. Embassy–Managua, unclassified telegram no. 1991, July 17, 2000.

¹⁸⁰² “Plan estratégico nacional para la prevención y erradicación del trabajo infantil at 30-31 [document on file].

¹⁸⁰³ *Country Reports on Human Rights Practices for 2000—Nicaragua* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/813.htm>.

¹⁸⁰⁴ *Country Reports 2000* at Section 6f.

¹⁸⁰⁵ Free and compulsory primary education is restricted to citizens and residents of Nicaragua. *Annual Report of the Special Rapporteur on the Right to Education, Katarina Toasevaki*, submitted in accordance with the Commission on Human Rights Resolution 2000/9 (UN Commission on Human Rights, E/CN.4/2001/52, January 9, 2001). *See also* “Elimination of Child Labor at la Chureca”, 2.

¹⁸⁰⁶ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001). Although primary education is compulsory in Nicaragua, some children drop out or repeat grades, particularly in the early years.

¹⁸⁰⁷ *Country Reports 2001* at Section 6f.

¹⁸⁰⁸ *Ibid.*

¹⁸⁰⁹ U.S. Embassy–Managua, unclassified telegram no. 3202, October 2001 [hereinafter unclassified telegram 3202].

nomic or social exploitation.¹⁸¹⁰ The legal age for voluntary enlistment into the armed forces is age 17.¹⁸¹¹

Article 76 of the Children and Adolescents' Code of 1998 calls for the different sectors of society—government, private institutions, family, community and schools—to share responsibility for ensuring the welfare of children who are in difficult circumstances, including those who are abused, exploited, or working.¹⁸¹² The Penal Code prohibits individuals from promoting or engaging in the prostitution of children. Articles 200 and 201 of the Code provide for a penalty of four to 10 years in prison for a person who entices or forces a child under the age of 12 to engage in sexual activities. Individuals who sexually exploit persons between the ages of 12 and 18 years may be sentenced to between one and five years in prison.¹⁸¹³ In addition, Article 69 of the Children and Adolescents' Code forbids any person from promoting, filming, or selling child pornography.¹⁸¹⁴

The Ministry of Labor has a child labor office that responds to complaints related to children working illegally.¹⁸¹⁵ The Ministry conducts periodic child labor inspections and integrated inspections, which look at occupational safety and health, working conditions, wage and other labor violations. In recent years, the number of child labor complaints received by the Ministry has risen dramatically, from 14 in 1998 to 1,700 in the first three months of 2001.¹⁸¹⁶

Nicaragua ratified ILO Convention 138 on November 2, 1981 and ILO Convention 182 on November 6, 2000.¹⁸¹⁷

¹⁸¹⁰ Constitución de Nicaragua, Articles 40 and 84, at <http://www.asamblea.gob.ni/constitución/constitu.htm>.

¹⁸¹¹ *Global Report on Child Soldiers*, Nicaragua, at <http://www.child-soldiers.org/report2001/countries/nicaragua.html>.

¹⁸¹² Código de la Niñez y la Adolescencia, Gobierno de Nicaragua [hard copy on file].

¹⁸¹³ U.S. Embassy—Managua, unclassified telegram no. 2462, September 2000.

¹⁸¹⁴ Código de la Niñez y la Adolescencia, Gobierno de Nicaragua [hard copy on file].

¹⁸¹⁵ Unclassified telegram 3202.

¹⁸¹⁶ *Ibid.*

¹⁸¹⁷ ILOLEX, Ratifications of Conventions, at <http://ilolex.ilo.ch:1567/>.

NOTE: Hard copies of all Web citations are on file.

Niger

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

The Government of Niger has been a member of ILO-IPEC since 2000.¹⁸¹⁸ Since then, ILO-IPEC has launched two projects aimed at ending child labor on grain farms and at the Niamey slaughterhouse, and reintegrating child workers into schools. Two additional ILO-IPEC programs are being planned in Niger which will target street children and children working in gold mines.¹⁸¹⁹ In 1998, ILO-IPEC carried out a survey on working children to provide the basis for a government action plan against child labor.¹⁸²⁰ The government is conducting a study on trafficking as part of a legal modernization effort.¹⁸²¹ UNICEF is implementing a social policy program that supports government efforts against the worst forms of child labor.¹⁸²²

The Government of Niger is also working with various agencies and NGOs to improve its primary education sector. Education is also expected to be a cornerstone of the country's poverty reduction initiative under the International Monetary Fund.¹⁸²³ The government has set aside USD 4.2 million for the purchase of school supplies to promote schooling.¹⁸²⁴ UNICEF is also supporting government education efforts through its Basic Education and African Girls' Education Initiative programs, which aim to improve school enrollment rates, promote literacy, and improve the quality of education, particularly among girls.¹⁸²⁵

¹⁸¹⁸ ILO/IPEC, "All About IPEC: Program Countries," at http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm on 12/4/01.

¹⁸¹⁹ Five hundred underage workers, half of them girls, are targeted in the grain farm project, and about 350 working minors will be beneficiaries through the slaughterhouse project. See IRIN News, "Niger: Child Labour Project Launched," UN Office for the Coordination of Humanitarian Affairs, September 13, 2001 [hereinafter "Niger: Child Labour Project Launched"], at www.irinnews.org/ on 11/29/01.

¹⁸²⁰ ILO/IPEC, "Francophone Africa: New IPEC Initiatives Make Significant Inroads," at [222.ilo.org/public/English/standards/ipecc/about/factsheet/facts14.htm](http://www.ilo.org/public/English/standards/ipecc/about/factsheet/facts14.htm) on 11/29/01.

¹⁸²¹ *Country Reports on Human Rights Practices for 2000—Niger* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6f, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=689>.

¹⁸²² UNICEF, "Programmes in Niger," Country Profiles [hereinafter "Programmes in Niger"], at www.unicef.org/programme/countryprog/wacro/niger/support.htm on 11/29/01.

¹⁸²³ U.S. Embassy—Niamey, unclassified telegram no. 1645, October 2001.

¹⁸²⁴ IRIN News, "Niger: Over USD 4.2 Million for School Supplies," UN Office for the Coordination of Humanitarian Affairs, October 3, 2001, at www.irinnews.org/ on 11/29/01.

¹⁸²⁵ "Programmes in Niger."

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 70.1 percent of children between the ages of 5 and 14 in Niger were working.¹⁸²⁶ Child labor occurs mainly in remote villages where children work on family farms gathering water or firewood, pounding grain, tending animals, or working in the fields.¹⁸²⁷ Children as young as 6 years old are reported to work on grain farms in the southwest.¹⁸²⁸ Children are also employed as apprentices to artisans, as domestic laborers, and as street beggars.¹⁸²⁹ Gold mines in Tillaberi and the main slaughterhouse in Niamey also employ children.¹⁸³⁰

Child prostitution is a present and growing problem in Niger, and it sometimes occurs with the permission of family members.¹⁸³¹ Children from Niger are also trafficked to other African countries, including Algeria,¹⁸³² and there are reports of children from Benin being trafficked to Niger.¹⁸³³

¹⁸²⁶ According to the UNICEF survey, 61 percent of children between the ages of 5 and 9, and 83 percent of children between the ages of 10 and 14 work. The statistics includes children working only, children working and studying, and children that carry out household chores for more than 4 hours per day. Republic of Niger and UNICEF, *Enquête a indicateurs multiples de la fin de la décennie* (draft) (MICS2), November 2000 [hereinafter *Enquête a indicateurs multiples de la fin de la décennie*], at www.ucw-project.org/resources/index.html on 11/29/01). In 1999, the ILO estimated that 44 percent of children between the ages of 10 and 14 years were working. See *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM] [hereinafter *World Development Indicators 2001*].

¹⁸²⁷ U.S. Embassy–Niamey, unclassified telegram no. 2219, July 2000 [hereinafter unclassified telegram 2219]. See also U.S. Embassy–Niamey, unclassified telegram no. 0822, February 1998 [hereinafter unclassified telegram 0822].

¹⁸²⁸ “Niger: Child Labour Project Launched”.

¹⁸²⁹ Unclassified telegram 0822.

¹⁸³⁰ “Niger: Child Labour Project Launched.”

¹⁸³¹ Among some ethnic groups, marriages for girls as young as 10 or 12 years are arranged, and the girls are then sent to join their husband’s family under the guardianship of the mother-in-law, who may then force them into prostitution. See ECPAT International Database, *CSEC Overview: Niger*, at www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/ on 11/29/01. See also *Country Reports 2000*. See also *Human Rights Report: Niger*, as cited in the Protection Project Database [hereinafter *Human Rights Report*], at www.protectionproject.org on 12/3/01.

¹⁸³² *Human Rights Report*.

¹⁸³³ Dr. Rima Salah, *Child Trafficking in West and Central Africa: An Overview*, paper presented by the UNICEF Regional Director for West and Central Africa at the First Pan African Conference on Human Trafficking in Abuja, February 19-23, 2001, at www.unicef.org/media/newsnotes/africchildtraffick.pdf on 11/29/01.

Primary education is compulsory for six years. The primary school enrollment and attendance rates are low, particularly for girls.¹⁸³⁴ In 1997, the gross primary enrollment rate was 29.3 percent, and in 1996, the net primary enrollment rate was 24.5 percent.¹⁸³⁵ About 60 percent of children who finish primary schools are boys, as the majority of girls are rarely attend school for more than a few years.¹⁸³⁶ Children are often forced to work rather than attend school, particularly during planting or harvest periods. In addition, nomadic children in the north of the country often do not have access to schools.¹⁸³⁷

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 between the ages of 14 and 18 years may not work for more than 4.5 hours per day or in industrial jobs.¹⁸³⁸ The Labor Code prohibits forced labor, except for work by convicted prisoners.¹⁸³⁹ Nigerienne law does not specifically prohibit child prostitution or trafficking, although the Penal Code criminalizes the procurement of a minor for the purpose of prostitution.¹⁸⁴⁰ Niger ratified ILO Convention 138 on December 4, 1978 and ILO Convention 182 on October 23, 2000.¹⁸⁴¹

¹⁸³⁴ *Enquête a indicateurs multiples de la fin de la décennie* at 26. See also *Country Reports on Human Rights Practices for 2000: Niger* (Washington, D.C.: U.S. Department of State, 2001), Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=689>.

¹⁸³⁵ In 1997, the gross primary enrollment rate was 22.6 percent for girls and 36 percent for boys. In 1996, the net primary enrollment rate was 18.6 for girls and 30.4 percent for boys. *World Development Indicators 2001*.

¹⁸³⁶ The female literacy rate is 7 percent, compared with a rate of 18 percent for boys. See *Country Reports 2000* at Section 5.

¹⁸³⁷ Unclassified telegram 2219.

¹⁸³⁸ Unclassified telegram 0822.

¹⁸³⁹ *Country Reports 2000*, Section 6c.

¹⁸⁴⁰ The penalty for procuring a minor is 2 to 5 years imprisonment and a fine of 50,000 to 5,000,000 francs (USD 68 to 6,757). See Criminal Code, Article 292, as cited in the Protection Project Database, Niger, January 2001, at www.protectionproject.org on 12/3/01. See also *Country Reports 2000*, Section 5. See also currency conversion at <http://www.carosta.de/frames/convert.htm> on 2/20/02.

¹⁸⁴¹ ILOLEX database: Niger at www.ilolex.ch on 11/29/01.

NOTE: Hard copies of all Web citations are on file.

Nigeria

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

The Government of Nigeria became a member of ILO-IPEC in August 2000. The government is currently participating in a USDOL funded ILO-IPEC regional project to eliminate trafficking and in a national program funded in 1999. Working in concert with ILO-IPEC, the government established a National Steering Committee that includes representatives from the government, labor, industry groups, and NGOs. The committee is responsible for developing and overseeing implementation of a national plan of action on child labor. In addition, Nigerian Federal Office of Statistics (FOS) and the Federal Ministry of Employment, Labor, and Productivity (FMELP) are carrying out a national child labor survey with funding from the USDOL and technical assistance from ILO-IPEC's SIMPOC.¹⁸⁴²

Nigeria also participates in an ILO-IPEC regional project funded by the USDOL to combat the trafficking of children for labor exploitation in West and Central Africa, and a national plan of action to combat trafficking has been developed by the Federal Ministry of Women's Affairs and Youth Development with support from ILO-IPEC and UNICEF.¹⁸⁴³ In 1999, the Government established a police anti-trafficking task force that has helped repatriate over 400 women and girls who have been trafficked during the past two years.¹⁸⁴⁴ UNICEF has also established a series of programs for street children in Nigeria and launched a collaborative project with the ILO Regional Office specifically targeting *almajirai* children,¹⁸⁴⁵ and UNESCO funded a study on street children in 1995 that was implemented by a local Nigerian NGO.¹⁸⁴⁶

¹⁸⁴² ILO-IPEC, *National Program on Elimination of Child Labour in Nigeria*, Report No. 3, July-September 2001 (Geneva, September 6, 2001) [hereinafter *National Program on Elimination of Child Labour*]. See also ILO-IPEC, *National Program on the Elimination of Child Labor in Nigeria* (Geneva, 1999) [hereinafter *Elimination of Child Labor in Nigeria*], 2.

¹⁸⁴³ The first phase of the regional project involved an assessment of the trafficking problem in nine African countries, including Nigeria. In July 2001, a second phase of this project began that focuses on direct action to assist children who are victims of trafficking. The second phase will also seek to raise awareness, strengthen local capacity to address the problem, and enhance regional cooperation to address trafficking. See ILO-IPEC, "Combating the Trafficking of Children for Labor Exploitation in West and Central Africa (Phase II)" (Geneva, 2000), 3-4.

¹⁸⁴⁴ U.S. Department of State, *Trafficking in Persons Report*, July 2001, Nigeria [hereinafter *Trafficking in Persons Report*], at 62.

¹⁸⁴⁵ *Elimination of Child Labour in Nigeria*. In the north, *almajirai* is term for child beggars.

¹⁸⁴⁶ UNESCO, *Education for All: Year 2000 Assessment, Country Reports-Nigeria* at <http://www2.unesco.org/wef/countryreports/nigeria/contents.html>, [hereinafter *Education for All: Year 2000 Assessment*].

The government's new basic education plan, entitled "Universal Basic Education," aims to improve the relevance, efficiency, and quality of schools and to create programs to address the basic education needs of nomadic and out-of-school children, youth and adults.¹⁸⁴⁷ In addition, the Federal Ministry of Women's Affairs and Social Welfare has worked in collaboration with UNICEF and the Centre for Non-Formal Education and Training on a non-formal education curriculum for girls, children without access to schools, and school dropouts.¹⁸⁴⁸

Incidence and Nature of Child Labor

In 1999, the ILO estimated 24.2 percent of children between the ages of 10 and 14 in Nigeria were working.¹⁸⁴⁹ Children work predominantly in the informal economy.¹⁸⁵⁰ In cottage industries and small, industrial workshops, children work as apprentices in various crafts such as weaving, tailoring, catering, hairdressing, and auto repair.¹⁸⁵¹ In rural areas, children are found working on family farms.¹⁸⁵² Children are commonly employed as domestic servants, and in urban areas and towns, children work in markets, bus stations and roadside businesses.¹⁸⁵³ In northern areas, children known as *almajirai* survive on the street by begging.¹⁸⁵⁴

Nigeria is a source, transit, and destination country for trafficked persons, including children.¹⁸⁵⁵ Children as young as 7 years of age are smuggled from town to town, to neighboring African countries, as well as to Western Europe and the Middle East, and forced to work on commercial farms, in restaurants, or as prostitutes or street vendors.¹⁸⁵⁶

¹⁸⁴⁷ *Elimination of Child Labour in Nigeria*.

¹⁸⁴⁸ These efforts have contributed to an increase in enrollment, particularly among girls, and enhanced opportunities for non-formal and nomadic education. In a pilot project in Sokoto state in northern Nigeria, enrollment in basic education rose from 914 pupils in 1996 to 115,525 pupils in 2000, of which 73,291 had passed their exams. The project recorded a less than 0.2 percent dropout rate. Fewer girls drop out than boys. See *Elimination of Child Labour in Nigeria* at 3.

¹⁸⁴⁹ World Bank, *World Development Indicators 2001* (Washington, D.C., World Bank, 2001) [CD-ROM].

¹⁸⁵⁰ Children are seldom employed by state-owned commercial agriculture farms, and official U.S. Government visits to formal industrial settings in Lagos and Kano have not revealed the use of child labor in manufacturing establishments, including textile plants, tanneries, and sawmills. See U.S. Embassy-Lagos, unclassified telegram 2617, August 2000 [hereinafter unclassified telegram 2617]. See also U.S. Embassy-Lagos, unclassified telegram no. 3774, April 1995 [hereinafter unclassified telegram 3774].

¹⁸⁵¹ *Elimination of Child Labor in Nigeria*, 2.

¹⁸⁵² Unclassified telegram 2617.

¹⁸⁵³ *Country Reports on Human Rights Practices for 2000—Nigeria* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=700>. See also unclassified telegram 2617.

¹⁸⁵⁴ In 1996, it was reported that in Lagos alone there were 100,000 boys and girls living and working on the streets. See *Elimination of Child Labor in Nigeria*. See also *Child Welfare League of Nigeria: Alternative Report on the Implementation of CRC*, submission to the CRC, September-October 1996, as cited in *The Worst Forms of Child Labor: Country-wise Data* (New Delhi: The Global March Against Child Labour, October 2000).

¹⁸⁵⁵ *Trafficking in Persons Report*, 62.

¹⁸⁵⁶ Nigerians are trafficked to countries such as Gabon, Cameroon, Equatorial Guinea, Benin, the

The Constitution calls for the Government, “when practical” to provide free, compulsory and universal primary education.¹⁸⁵⁷ In September 1999, the President of Nigeria launched a new basic education plan making the first nine years of schooling free and compulsory.¹⁸⁵⁸ Nonetheless, compulsory education is rarely provided, particularly in the north of the country.¹⁸⁵⁹ In 1996, the gross primary enrollment rate was 70.3 percent, with 65.1 percent of girls and 75.4 percent of boys enrolled.¹⁸⁶⁰ A traditional bias exists among parents and families against girls’ education, particularly in rural and northern areas.¹⁸⁶¹ This bias is more pronounced in rural areas. It is estimated that only 42 percent of rural girls are enrolled in school.¹⁸⁶²

Child Labor Laws and Enforcement

The Nigerian Labor Act establishes 12 years as the minimum age for employment and apprenticeships, except in the case of light agricultural or domestic work performed for the family.¹⁸⁶³ It also prohibits children under 12 years from lifting or carrying any load likely to cause physical injury, and establishes a minimum age of 15 years for industrial work and employment aboard a vessel.¹⁸⁶⁴ In addition, according to the Labor Act, children under 16 years may not work underground, on machines, at night, or for more than four consecutive hours or eight hours in any one-day period.¹⁸⁶⁵ The Labor Act prohibits young people from any employment that is dangerous or immoral.¹⁸⁶⁶ The law does not apply to domestic service, and separate provisions for domestic

Netherlands, the Czech Republic, Spain, France, Italy, and countries in the Middle East. See Peter O. Ebigo, “Child Trafficking in Nigeria: The State of the Art,” Country Study (ILO-IPEC, April 2000), 10-12. See also *Trafficking in Person Report* at 62 and BBC News, “Trafficking Nightmare for Nigerian Children,” January 10, 2001.

¹⁸⁵⁷ *Country Reports 2000*, at Section 5.

¹⁸⁵⁸ *Education for All: Year 2000 Assessment*. See also IPEC Summary of Individual Country Programs, Nigeria (Geneva: ILO/IPEC, 2001).

¹⁸⁵⁹ *Country Reports 2000*, at Section 5.

¹⁸⁶⁰ *Education for All: Year 2000 Assessment*.

¹⁸⁶¹ *Country Reports 2000*, at Section 5.

¹⁸⁶² *Country Reports 2000*, at Section 5.

¹⁸⁶³ Nigeria Labour Act, Articles 49, 59a, in NATLEX database at www.natlex.ilo.org/txt/ on 11/14/01 [hereinafter Labour Act].

¹⁸⁶⁴ Labour Act at Articles 59, 59b, 61.

¹⁸⁶⁵ *Ibid.* at Articles 59, 60.

¹⁸⁶⁶ *Ibid.* at Article 59. See also Criminal Code Act, Articles 22A, 223, as cited in the Protection Project Database at www.protectionproject.org on 3/19/02. The Criminal Code Act establishes a penalty of two

servants are determined by the Ministry of Labor and Productivity.¹⁸⁶⁷ Forced labor is prohibited by the Labor Act and the Nigerian Constitution.¹⁸⁶⁸

The Ministry of Labor and Productivity's Inspections Department is responsible for enforcing legal provisions relating to conditions of work and protection of workers. However, there are fewer than 50 inspectors, and inspections are only conducted in the formal business sector.¹⁸⁶⁹ Nigeria has not ratified ILO Convention 138 or ILO Convention 182.¹⁸⁷⁰

years imprisonment for both causing or encouraging the prostitution of a girl under 16 years of age and procuring a girl under 18 years of age for sexual relations.

¹⁸⁶⁷ Ibid. at Article 65, which states that the minister may make regulations providing for the “engagement, repatriation or supervision of domestic servants,” as well as “the employment of women and young persons as domestic servants.”

¹⁸⁶⁸ Ibid. at Article 73. *See also* Constitution of the Federal Republic of Nigeria, Article 34, 1999.

¹⁸⁶⁹ *Country Reports 2000*, at Section 6d.

¹⁸⁷⁰ ILO, ILOLEX database: Nigeria at <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

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Oman

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

UNICEF is working with various government agencies to establish a National Plan of Action for Children to promote children's rights and improve the quality of education in the country.¹⁸⁷¹ The Ministry of Education is implementing a basic education program intended to extend the length of primary education until the age of 16 years.¹⁸⁷² The Ministry of Education is also working to increase net enrollment among children and improve the education curriculum.¹⁸⁷³

Incidence and Nature of Child Labor

In 1999, the ILO estimated that less than 1 percent of children between the ages of 10 and 14 in Oman was working.¹⁸⁷⁴ Children are reported to work in small family businesses, particularly in the agriculture and fishing sectors.¹⁸⁷⁵ It has been reported that some children work as camel jockeys.¹⁸⁷⁶

Education is free but not compulsory in Oman.¹⁸⁷⁷ In 1997, the gross primary enrollment rate was 97.5 percent,¹⁸⁷⁸ and in 1996 the net primary enrollment rate was 68.7 percent.¹⁸⁷⁹

¹⁸⁷¹ As part of the National Plan of Action for Children, Oman established a National Committee for the Care of the Child, which is authorized to conduct studies and research related to children. See "Youth in the UN," Country Profiles, Oman [hereinafter "Youth in the UN"], at www.esa.un.org/socdev/unyin/countrya.asp?countrycode=om on 11/8/01. See also UN Committee on the Rights of the Child, *Initial Reports of States Parties Due in 1999: Oman*, UN Document CRC/C/78/Add. 1 (Geneva, July 18, 2000) [hereinafter *Initial Reports of States Parties*], at paras. 25, 28, and 86.

¹⁸⁷² Government of Oman, Ministry of Information, "Oman 2000" (Muscat, 2000), at www.omanet.com/oman2000/oman2000.htm on 11/8/01. See also *Initial Reports of States Parties*.

¹⁸⁷³ "Youth in the UN: Oman," at <http://esa.un.org/socdev/unyin/country>.

¹⁸⁷⁴ According to the ILO, 0.1 percent of children between 10 and 14 were working in 1999. *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*].

¹⁸⁷⁵ *Country Reports on Human Rights Practices for 2000 – Oman* (Washington, D.C.: U.S. Department of State, 2001) at Section 6d [hereinafter *Country Reports 2000*].

¹⁸⁷⁶ UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Oman*, UN Document CRC/C/15/Add. 161, October 12, 2001 [hereinafter *Concluding Observations of the Committee on the Rights of the Child*], para. 51.

¹⁸⁷⁷ *Concluding Observations of the Committee on the Rights of the Child* at para. 172.

¹⁸⁷⁸ UNESCO, *The Education for All 2000 Assessment: Country Reports—Oman*, at http://www.unesco.org/wef/countryreports/oman/rapport_2_2.html.

¹⁸⁷⁹ *World Development Indicators 2001*.

Child Labor Laws and Enforcement

The 1973 Labor Law sets the minimum age for employment at 13 years.¹⁸⁸⁰ The Labor Law also prohibits the employment of children between the ages of 13 and 16 in arduous, night, or overtime work without the authorization of the Ministry of Social Affairs and Labor.¹⁸⁸¹ The Labor Law and the 1996 Basic Charter prohibit forced labor.¹⁸⁸² Prostitution caused by coercion or intimidation is illegal under the Penal Code,¹⁸⁸³ and while no laws specifically criminalize trafficking in children, the Penal Code prohibits abduction as well as deportation of any person for the purposes of forced labor or slavery.¹⁸⁸⁴ The Ministry of Social Affairs and Labor is responsible for enforcing child labor legislation.¹⁸⁸⁵ Oman has not ratified ILO Convention 138, but ratified ILO Convention 182 on June 11, 2001.¹⁸⁸⁶

¹⁸⁸⁰ The government is in the process of increasing the minimum age for employment to 16 years to coincide with the Basic Education Plan, which will provide schooling for children until age 16. See “The Effective Abolition of Child Labor: Oman,” *Review of Annual Reports under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, ILO Document GB.277/3/2 (Geneva, March 2000) [hereinafter “The Effective Abolition of Child Labor”], 327. See also *Initial Reports of States Parties*, paras. 23, 51.

¹⁸⁸¹ “The Effective Abolition of Child Labor” at 327.

¹⁸⁸² See *Country Reports 2000* at Section 6c. See also Basic Charter, Article 12, November 6, 1996, at www.uni-wuerzburg.de/law/mu00000_.html on 11/8/01.

¹⁸⁸³ If the law is violated against a person less than 18 years of age, the punishment is imprisonment for at least 5 years. See Omani Penal Code, Article 220, as cited in “Sexual Offences Laws,” Oman, Interpol, at www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaOman.asp on 11/8/01. See also *Initial Reports of States Parties* at para. 235b.

¹⁸⁸⁴ Omani Penal Code, Articles 256-261, as cited in *Initial Reports of States Parties* at para. 238.

¹⁸⁸⁵ See *Country Reports 2000* at Section 6d.

¹⁸⁸⁶ ILO, ILOLEX database: Oman at www.iloex.ch on 11/8/01.

NOTE: Hard copies of all Web citations are on file.

Pakistan

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

The Government of Pakistan has been a member of ILO-IPEC since 1994.¹⁸⁸⁷ Pakistan developed an action plan formalizing activities against child labor and seeking to coordinate efforts by the government, NGOs, trade unions, employers' organizations, and other bodies. In March 1998, the government established a Task Force on Child Labor to formulate policies and strategies for the elimination of child and bonded labor in Pakistan.¹⁸⁸⁸ In May 2000, the Federal Cabinet approved the National Policy and Action Plan to Combat Child Labour.¹⁸⁸⁹

In collaboration with the Government of Pakistan and NGOs, ILO-IPEC initiated several major projects to remove and rehabilitate child workers in Pakistan from hazardous and exploitative work in such sectors as soccer ball manufacture (with the involvement of UNICEF and the Sialkot Chamber of Commerce and Industry),¹⁸⁹⁰ carpet weaving (with funding from USDOL),¹⁸⁹¹ surgical instrument manufacture, and the trafficking of children.¹⁸⁹² Pakistan Bait-ul-Mal, a government welfare agency created in 1992, operates 33 rehabilitation centers throughout the country, targeting children (aged 8 to 14) who have been exposed to hazardous labor and providing the children and their families with training and stipends for income generation activities.¹⁸⁹³

The Government of Pakistan signed collaborative education agreement with USDOL on January 23, 2002. Under the agreement, the government will work with USDOL on a USD 5 million project targeted at child laborers and children at risk of entering exploitative work in the Punjab Province.¹⁸⁹⁴

¹⁸⁸⁷ Initially, the MOU had been valid only until the end of 1996, but it was extended up to the end of 2001.

¹⁸⁸⁸ Government of Pakistan, Ministry of Labour, Manpower and Overseas Pakistanis, Child Labour Unit, *National Policy and Action Plan to Combat Child Labour* (Islamabad, May 2000) [hereinafter *National Policy and Action Plan*], 9.

¹⁸⁸⁹ *Ibid.* at 7, 19-20. The *National Policy and Action Plan to Combat Child Labour* calls for immediate withdrawal and rehabilitation of children from hazardous and exploitative situations. The strategy notes that girls are particularly vulnerable to exploitation and lists forced labor, including debt bondage and work in illicit activities, as among the worst forms of child labor.

¹⁸⁹⁰ ILO-IPEC, "Elimination of Child Labour in the Soccer Ball Industry in Sialkot (Phase II)" (Geneva, 2000), 7.

¹⁸⁹¹ ILO-IPEC, "Combating Child Labor in the Carpet Industry in Pakistan" (Geneva, 1999), Section III.

¹⁸⁹² "IPEC in Action: Asia, ILO-IPEC Programme in Pakistan," at <http://www.ilo.org/public/english/standards/ipecc/action/31asia/pakist98.htm> on 6/16/00. *See also* "Child Labour in the Surgical Instruments Industry in Sialkot" [hereinafter "Child Labour in the Surgical Instruments Industry in Sialkot"] at <http://www.dolpunjab.gov.pk/r13.htm>, on 4/6/00.

¹⁸⁹³ *Ibid.* *See also National Policy and Action Plan to Combat Child Labour* at 45. Center graduates are guaranteed full assistance if they want to continue their higher education at any level within or outside the country.

¹⁸⁹⁴ USDOL Web-site at <http://www.dol.gov/dol/ilab/> on 2/27/02.

In its national strategy to combat child labor, the Government of Pakistan set a goal of 90 percent enrollment in primary schools by 2002-2003. The government's policy emphasizes vocational training and technical education, as well as the creation of literacy programs for school dropouts and new programs targeted to working children.¹⁸⁹⁵ The government has also established a fund dedicated to the education of working children.¹⁸⁹⁶ The Asian Development Bank supports a project by the Ministry of Education to improve primary school facilities, increase the relevance of educational opportunities, and provide incentives to keep girls in school. The World Bank provided assistance to a project targeting the improvement of primary education in the north and in Azad Jammu and Kashmir.¹⁸⁹⁷

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 15.9 percent of children between the ages of 10 to 14 in Pakistan were working.¹⁸⁹⁸ According to a 1996 national child labor survey conducted by Pakistan's Federal Bureau of Statistics, the majority of working children are boys.¹⁸⁹⁹ A majority of working children are involved in the agricultural sector, although the manufacturing, trade, and services sectors also utilize child labor.¹⁹⁰⁰ Children are also engaged in the manufacturing of soccer balls, surgical instruments, textiles and bricks, and work in automobile workshops, and tanneries.¹⁹⁰¹ There are reports that some children and their families suffer under a system of debt bondage in the brick kilns.¹⁹⁰² Children also engage in garbage scavenging and carpet weaving, and

¹⁸⁹⁵ *National Policy and Action Plan to Combat Child Labour* at 18.

¹⁸⁹⁶ U.S. Embassy-Islamabad, unclassified telegram no. 5996, October 2001 [hereinafter unclassified telegram 5996]. The initial investment in the fund was 100 million rupees (USD 1.5 million). For currency conversion, see <http://www.carosta.de/frames/convert.htm> on 2/7/02.

¹⁸⁹⁷ World Bank, Northern Education Project, fact sheet, at www4.worldbank.org/projects/Project.asp?pid=P037834.

¹⁸⁹⁸ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

¹⁸⁹⁹ An estimated 8 percent (3.2 million) of children between the ages of 5 and 14 were working, most on a full-time basis. Boys accounted for 73 percent (2.4 million) of working children in this age group, and girls accounted for 27 percent (0.8 million) of working children in the same age group. See Government of Pakistan, *Child Labour Survey 1996: Excerpt from Main Report*, vol. 1, 1996, Summary Results and Tables [hereinafter *Child Labour Survey 1996*], 3, at www.statpak.gov.pk/Childlab2.doc.

¹⁹⁰⁰ *Child Labour Survey 1996*.

¹⁹⁰¹ "Project to Eliminate Child Labour from the Soccer Ball Industry in Sialkot" at <http://www.dolpunjab.gov.pk/r12.htm>, on 4/6/00. See also "Child Labour in the Surgical Instruments Industry in Sialkot". In 1996, the United States partially removed GSP trade benefits from Pakistan due to child labor concerns in three sectors: surgical instruments, sporting goods, and specific hand-knotted carpets. See *Kantor Recommends Partial GSP Suspension of Pakistan*, press release no. 96-21 (Washington, D.C.: Executive Office of the President, Office of the United States Trade Representative, March 7, 1996). Significant efforts have been under way since the 1996 Punjab Labor Department survey was taken to reduce the incidence of child labor in the soccer ball industry. See <http://www.ustr.gov/releases/1996/03/96-21.html>. See also *Activities for 1998: Surveys of Child Labour* at <http://www.dolpunjab.gov.pak/r4.htm> on 4/6/00.

¹⁹⁰² Kevin Bales, *Disposable People: New Slavery in the Global Economy* (Berkeley and Los Angeles: University of California Press, 1999), 71-150. See also All Pakistan Federation of Labour (APFOL),

the smuggling of contraband and drugs.¹⁹⁰³

Pakistan is a source, transit and destination country for child trafficking victims. Children are trafficked through Pakistan from East Asia and Bangladesh to the Middle East for the purposes of sexual exploitation, bonded labor, and domestic service, and boys are trafficked to the Gulf States to work as camel jockeys.¹⁹⁰⁴

Two of the four provinces of Pakistan currently have compulsory primary education laws in force. In December 1994, the Punjab Assembly passed the Punjab Compulsory Primary Education Act, making primary education compulsory throughout the province. In October 1996, the Government of the North-West Frontier Province (NWFP) passed the NWFP Compulsory Primary Education Act of 1996.¹⁹⁰⁵ In 1997, the gross primary enrollment rate was 81.3 percent, and the net primary enrollment rate was 72.4 percent.¹⁹⁰⁶ According to Pakistan's Federal Bureau of Statistics, in 1996, 36 percent of children between the ages of 5 and 19 did not attend school (43 percent in rural areas, as opposed to 21 percent in urban areas), and in 1997, the primary school dropout rate for children between 10 and 18 years was 16 percent.¹⁹⁰⁷

Bonded Brick Kiln Workers: 1989 Supreme Court Judgment and After (Rawalpindi: APFOL, 1998) for more information on bonded labor in Pakistan.

¹⁹⁰³ Dr. Zafar Mueen Nasir, senior research economist, Pakistan Institute of Development Economics, interview with USDOL official, July 24, 2000.

¹⁹⁰⁴ U.S. Department of State, *Trafficking in Persons Report*, July 2001, Pakistan, 92.

¹⁹⁰⁵ Anees Jillani and Zarina Jillani, *Child Rights in Pakistan* (Islamabad: Society for the Protection of the Rights of the Child, Friedrich-Naumann-Stiftung, January 2000), 126. The West Pakistan Primary Education Ordinance was enacted in 1962, but it never came into force by proper ratification of the law.

¹⁹⁰⁶ The gross and net primary enrollment rates for females are significantly lower (66.6 percent and 60 percent, respectively) than for males (95 percent and 83.8 percent, respectively). See UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

¹⁹⁰⁷ Government of Pakistan, Federal Bureau of Statistics, *Education Sector Performance in the 1990s: Analysis from the Pakistan Integrated Household Survey (PIHS)* (Islamabad, February 1998), Table 4.4, 27. Rural dropout rates were more than double those for urban areas. See Government of Pakistan, Federal Bureau of Statistics, *Pakistan Integrated Household Survey, Round 2: 1996-97*, 2nd ed. (Islamabad, September 1999) [hereinafter *Integrated Household Survey, Round 2*], Table 2.17. In general, rates for primary school completion were higher for males than for females and higher for urban areas than for rural areas. See *Integrated Household Survey, Round 2*, at Table 2.5.

¹⁹⁰⁸ Prohibited occupations relate to railway transport, including operation and service of the premises of railway stations and port authorities as well as the sale of fireworks. Processes prohibited for children are *bidi* making; carpet weaving; cement manufacture and bagging; cloth weaving, dyeing, and printing; manufacture of matches, explosives, and fireworks; cutting and splitting of mica; manufacture of shellac and soap; tanning; wool cleaning; building and construction industry; manufacture and packing of slate pencils; manufacture of products from agate; and manufacturing processes using toxic metals and substances such as lead, mercury, manganese, chromium, cadmium, benzene, pesticides, or asbestos. See The Employment of Children Act of 1991 (Act. No. V) [hereinafter *Employment of Children Act*], Section 3, Schedules, Parts I-II, as cited in Anees Jillani, *Child Labor: The Legal Aspects*, vol. 2 (Islamabad: Society for the Protection of the Rights of the Child, October 1997) [hereinafter *Child Labor: The Legal Aspects*], 183-96. Other laws restricting the employment of children include the Constitution of the Islamic Repub

Child Labor Laws and Enforcement

The Employment of Children Act of 1991 prohibits the employment of children less than 14 years of age in specified occupations and processes that are dangerous or hazardous to the health of child workers, but excludes children employed in family operations and government-recognized schools.¹⁹⁰⁸ The Act regulates the hours of work for children and adolescents to no more than seven hours of work per day and bans work after 7 p.m. and overtime. Employers are required to maintain a register of child workers.¹⁹⁰⁹

The Bonded Labor System (Abolition) Act of 1992 abolished the bonded labor system, terminated all obligations of a bonded laborer to repay any debt or any remaining part of an unsatisfied bonded debt and prohibited creditors from accepting any payment against any bonded debt.¹⁹¹⁰ The Provincial Suppression of Prostitution Ordinance of 1961 outlaws prostitution. The Punjab Children Ordinance of 1983 and the Sindh Children Act of 1955 specifically outlaw the prostitution of girls under the age of 16 in those provinces.¹⁹¹¹

Pakistan has not ratified ILO Convention 138, but ratified ILO Convention 182 on October 11, 2001.¹⁹¹²

lic of Pakistan of 1973; the Tea Plantations Labor Ordinance of 1962; the Mines Act of 1923; the Factories Act of 1934; West Pakistan Shops and Establishments Ordinance of 1969; Road Transport Workers Ordinance 1961; and the Merchant Shipping Act of 1923. For the text of the laws, see *Child Labor: The Legal Aspects*.

¹⁹⁰⁹ Employment of Children Act, as cited in *Child Labor: The Legal Aspects* at 183-96. Penalties under the act include terms of imprisonment and fines, or both, of up to 1 year and/or up to 20,000 rupees (USD 349) for a person who employs a child in a prohibited occupation or process and up to 1 month and/or up to 10,000 rupees (USD 175) for failing to comply with child worker registration and notice-posting requirements. For currency conversion, see <http://www.carosta.de/frames/convert.htm> on 2/1/02.

¹⁹¹⁰ The Bonded Labor System (Abolition) Act of 1992 (Act. No. III), as cited in *Child Labor: The Legal Aspects* at 167-79. Penalties under this act include fines and terms of imprisonment. The Children (Pledging of Labor) Act of 1933 voids all agreements allowing the labor of children less than 15 years of age in any employment in return for any payment or benefits. See The Children (Pledging of Labor) Act of 1933 (Act. No. II), as cited in *Child Labor: The Legal Aspects* at 180-82.

¹⁹¹¹ Umar Ali, Country Report, Pakistan, presented at the ILO/Japan Asian Meeting on Trafficking of Children for Labour and Sexual Exploitation (Manila, the Philippines, October 10-12, 2001). Although basic legislation is in place to address many child labor issues, there are concerns about the implementation and enforcement. The Punjab Labor Department, for example, has found that the district-level Vigilance Committees, established under the Bonded Labor System (Abolition) Act of 1992 to advise district administrations on the laws related to child labor or bonded labor and to assist in the rehabilitation of freed bonded laborers, have not performed well. See Government of the Punjab, Department of Labour, "Performance of the Vigilance Committees," at <http://www.dolpunjab.gov.pk/r10.htm> on 4/6/00. During 2000 there were 5,040 prosecutions and 1,564 convictions or cases decided under the Child Labor Act of 1991; the total amount of fines levied was 765,800 rupees (USD 13,376). See unclassified telegram 5996. For currency conversion, see <http://www.carosta.de/frames/convert.htm> on 2/1/02.

¹⁹¹² ILO, ILOLEX database: Pakistan at <http://ilolex.ilo.ch:1567/scripts/ratifce.pl?C182>.

NOTE: Hard copies of most Web citations are on file.

Panama

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

The Government of Panama has been a member of ILO-IPEC since 1996.¹⁹¹³ With funding from USDOL, the Panama Department of Statistics and Census of the General Audit Office is conducting a national child labor survey with technical assistance from ILO-IPEC's SIMPOC,¹⁹¹⁴ and with additional USDOL funding, is supporting baseline surveys on child labor in the sugar and coffee sectors in Panama.¹⁹¹⁵

In 1997, the government established the Committee for the Eradication of Child Labor and Protection for Working Minors in order to establish a National Plan for the Progressive Elimination of Child Labor.¹⁹¹⁶ The Ministry of Youth, Women, Childhood and Family has created Training and Assistance Centers for children living in urban areas such as Panama City and Colon, and for those living in the rural areas including Chiriqui, Veraguas, and Cocolé. The centers provide health care, education opportunities, vocational training and social skills to children and their families in an effort to prevent child labor.¹⁹¹⁷

In the area of education, the government is striving, through its Education for All efforts, to provide greater opportunity, access and services to groups such as indigenous populations and disabled.¹⁹¹⁸ In 2000, the World Bank approved a loan of USD 35 million to help the government improve the quality of basic education in a project that is expected to benefit about 60 percent of Panama's children attending primary and secondary school. The funds will be used to upgrade, expand and rehabilitate run-down or inadequate school buildings to accommodate a growing number of students in primary and secondary schools.¹⁹¹⁹

¹⁹¹³ "Programa de eliminación progresiva del trabajo infantil en la Zona Cafetalera de Chiriqui-Boquete," project document (Geneva: ILO, 1999) [hereinafter "Programa de eliminación progresiva del trabajo infantil"] [document on file].

¹⁹¹⁴ Statistical Information and Monitoring Program on Child Labor, project document for Central America (Geneva: ILO, 1999) [document on file].

¹⁹¹⁵ USDOL, *Preparation and Design of IPEC Project Documents: Budget FY 2001* (Geneva: ILO, 2001) [document on file].

¹⁹¹⁶ "Programa de eliminación progresiva del trabajo infantil," 9.

¹⁹¹⁷ "Programas y proyectos contra el trabajo infantil" at 10-19.

¹⁹¹⁸ UNESCO, *Education for All (EFA) 2000 Assessment, Country Reports-Panama* [hereinafter *EFA 2000 Assessment*], at http://www2.unesco.org/wef/countryreports/panama/rapport_2.html.

¹⁹¹⁹ M2 Presswire, "World Bank Supports Better Education for Panama's Rural and Indigenous Children," September 11, 2000 [document on file].

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 2.7 percent of children between the ages of 10 and 14 in Panama were working.¹⁹²⁰ Child labor is particularly common in rural areas during the harvesting periods for sugar cane, coffee, bananas and tomatoes.¹⁹²¹ While agricultural work by children, especially among the indigenous population, is significant, it may be dismissed as part of the local culture.¹⁹²² Children in Panama also work as domestic servants.¹⁹²³ A 1998 study of Panama's juvenile detention center found that the vast majority of detainees had been working as street vendors, car washers, and supermarket packers when they were arrested for delinquency.¹⁹²⁴ Sexual violence against children and child prostitution has also been reported.¹⁹²⁵

In Panama, education is free and compulsory through grade six.¹⁹²⁶ In 1994, the gross primary enrollment rate was 103.7 percent and the net primary enrollment rate was 91 percent.¹⁹²⁷ Children from poor families often do not attend school due to lack of transportation and the need to migrate with their families during the harvesting season.¹⁹²⁸ School attendance is a particular problem in the Darien province and in indigenous communities.¹⁹²⁹ According to the Ministry of Youth, Women, Children and Family, 82 percent of the children in rural areas are absent from school during the harvest season.¹⁹³⁰

¹⁹²⁰ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

¹⁹²¹ *Country Reports on Human Rights Practices for 2000—Panama* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid=818>.

¹⁹²² U.S. Embassy-Panama City, unclassified telegram no. 1934, May 2000 [hereinafter unclassified telegram 1934], and unclassified telegram no. 4656, December 2000. See also *Country Reports 2000*.

¹⁹²³ *Condición del trabajo infantil y juvenil en las cañaverales de las provincias Cocle y Veraguas* (Panama City: Comisión de los Asuntos de la Mujer, Derechos del Niño, la Juventud y la Familia, 2000) [hereinafter *Condición del trabajo infantil y juvenil en las cañaverales*], 16.

¹⁹²⁴ Unclassified telegram 1934.

¹⁹²⁵ “Programas y proyectos contra el trabajo infantil”(Panama City: Ministerio de la Juventud, la Mujer, la Niñez y la Familia, 2000) [hereinafter “Programas y proyectos contra el trabajo infantil”], 2 [document on file].

¹⁹²⁶ *El Barometer: Latin America* at <http://www.ei-ie.org/pub/english/BarometreLatinAmerica.html> on 11/6/01.

¹⁹²⁷ *EFA 2000 Assessment*.

¹⁹²⁸ *Country Reports 2000* at Section 5, 6d. See also *Condición del trabajo infantil y juvenil en las cañaverales* at 27.

¹⁹²⁹ *Country Reports 2000* at Section 5.

¹⁹³⁰ “Programas y proyectos contra el trabajo infantil” at 8.

Child Labor Laws and Enforcement

The Labor Code and the Constitution set the minimum age for employment at 14 years of age. Exceptions in the Labor Code allow children less than 15 to work only if they have completed primary school.¹⁹³¹ Further, Article 119 of the Labor Code permits minors between the ages of 12 and 15 to perform farm or domestic labor as long as the work is light and does not interfere with schooling.¹⁹³² Also, according to the Labor Code, minors under the age of 18 are prohibited from working in nightclubs, bars, or other places where the consumption of alcoholic beverages is allowed, as well as in other sectors such as transportation and electric energy, underground work, and the handling of explosives and flammables.¹⁹³³ With the exception of work in nightclubs, these provisions may be waived if a minor performs the job as part of vocational training and work is conducted under the supervision of competent authorities.¹⁹³⁴ Children younger than 16 may work no more than six hours a day or 36 hours per week, and children under 18 may work no more than seven hours a day or 42 hours per week.¹⁹³⁵ Minors under the age of 18 may not work between the hours of 6 p.m. to 8 a.m.¹⁹³⁶

The Labor Code also prohibits forced labor by children.¹⁹³⁷ Article 501 of the Family Code and Article 215C of the Penal Code criminalize child prostitution and child pornography for minors.¹⁹³⁸ Trafficking in children is prohibited under the Penal Code.¹⁹³⁹

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.¹⁹⁴⁰ The Ministry of Labor responds to child labor complaints and

¹⁹³¹ Government of Panama Labor Code, Article 117, Panama Ministry of Labor website [hereinafter Labor Code], at <http://www.mitrabs.gob.pa/codtrabajo2.htm>. See also Constitution of Panama, Chapter 3, Article 66, 1994, at www.georgetown.edu/pdba/Constitutions/Panama/panama1994.html.

¹⁹³² Labor Code, Articles 119 and 123.

¹⁹³³ Ibid. at Article 118.

¹⁹³⁴ Ibid.

¹⁹³⁵ Ibid. at Article 122.

¹⁹³⁶ Ibid. at Article 120.

¹⁹³⁷ *Country Reports 2000* at Section 6c.

¹⁹³⁸ U.S. Embassy-Panama, unclassified telegram no. 3133, August 2000.

¹⁹³⁹ *Country Reports 2000* at Section 6f.

¹⁹⁴⁰ Ibid. at Section 5.

has the authority to order the termination of unauthorized employment.¹⁹⁴¹ 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 imprisonment.¹⁹⁴² Although Panama has developed a strong legal framework to combat the worst forms of child labor, and the government conducted several child labor inspections in the coffee, sugar, melon and tomato sectors in 2001, child labor violations continue to occur, especially on commercial coffee and sugar farms and in the informal sector.¹⁹⁴³

Panama ratified ILO Convention 138 and ILO Convention 182 on October 31, 2000.¹⁹⁴⁴

¹⁹⁴¹ *Country Reports 2000*.

¹⁹⁴² U.S. Embassy-Panama City, unclassified telegram no. 3286, October 2001.

¹⁹⁴³ *Ibid.* and unclassified telegram no. 3615, November 2001.

¹⁹⁴⁴ ILO, ILOLEX database, "Ratifications of ILO Conventions," at www.ilolex.ilo.ch:1567/english/.

NOTE: Hard copies of all Web citations are on file.

Papua New Guinea

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

The government has efforts underway through the National Education Plan to reform the country's educational system through the provision of universal elementary school access, and by increasing the number of students who continue into primary and secondary schools.¹⁹⁴⁵ The World Bank is also implementing an Education Development Loan project that provides textbooks in schools and increases educational opportunities for girls.¹⁹⁴⁶

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 17.6 percent of children between the ages of 10 and 14 years in Papua New Guinea were working.¹⁹⁴⁷ Child labor in the agricultural sector is a growing problem,¹⁹⁴⁸ and children under 12 years old are employed on commercial tea and coffee farms.¹⁹⁴⁹ Although it is not reported to be widespread, children are said to engage in prostitution, and there are allegations of men selling their young female relatives to work as prostitutes.¹⁹⁵⁰ It is unknown whether child soldiers are currently working, children under 18 years of age fought with the Bougainville Revolutionary Army, an armed opposition group, during the secessionist war on Bougainville in the late 1990s.¹⁹⁵¹

¹⁹⁴⁵ The National Education Plan was developed in 1995-96. The plan covers all sectors of the formal education system and introduces a new grade-level structure. See *Education in Papua New Guinea* at 11. See also Asian Development Bank, *Country Operational Strategy Study: Papua New Guinea*, March 1999, at www.adb.org/Documents/COSSs/png.pdf on 12/5/01.

¹⁹⁴⁶ World Bank, "Educational Development Project," at www4.worldbank.org/projects/Project.asp?pid'P004392 on 12/5/01.

¹⁹⁴⁷ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001).

¹⁹⁴⁸ *Internationally Recognized Core Labor Standards in Papua New Guinea*, International Confederation of Free Trade Unions (ICFTU), report for the WTO General Council Review of the Trade Policies of Papua New Guinea (Geneva, November 15, 17, 1999) at www.icftu.org/displaydocument.asp?Index'991209325&Language'EN on 12/5/01.

¹⁹⁴⁹ Post-Courier/PINA Nius Online, "Child Labor Claimed at PNG Highlands Tea and Coffee Plantations," March 22, 2000, in *Pacific Islands Report*, at <http://166.122.164.43/archive/2000/March/03-23-14.htm> on 12/5/01.

¹⁹⁵⁰ *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* (Bangkok: ECPAT International, 2000), Section 7.1.

¹⁹⁵¹ Children under 18 years of age fought in the ranks of the Bougainville Revolutionary Army (BRA), and children as young as 13 and 14 years old were reported to have been recruited. The BRA has since announced that it will review its recruitment policies and refrain from admitting children under 18 years old. See Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2001: Papua New Guinea*, at www.child-soldiers.org/report2001/countries/papua_new_guinea.html on 12/5/01.

Education is not compulsory or free in Papua New Guinea.¹⁹⁵² In 1997, the gross primary enrollment rate was 62.7 percent, with 66.4 percent of girls enrolled as opposed to 59.9 percent of boys.¹⁹⁵³ Primary school attendance rates are unavailable for Papua New Guinea. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁹⁵⁴ Primary school dropout rates are high, particularly in rural areas, and less than 50 percent of children complete primary school.¹⁹⁵⁵

Child Labor Laws and Enforcement

The Employment Act sets the minimum age for employment at 18 years, but children between the ages of 11 and 18 may work in family businesses with parental permission, a medical clearance, and a work permit from the labor office.¹⁹⁵⁶ The Constitution prohibits forced labor.¹⁹⁵⁷ The Summary Offences Act bans child prostitution, and the Criminal Code prohibits procuring or abducting women or girls for sexual relations.¹⁹⁵⁸

Papua New Guinea ratified both ILO Convention 138 and ILO Convention 182 on June 2, 2000.¹⁹⁵⁹

¹⁹⁵² *Education in Papua New Guinea*, Voluntary Service Organization [hereinafter *Education in Papua New Guinea*], 3, at www.vso.org.uk/png/education.pdf on 12/5/01.

¹⁹⁵³ UNESCO does not provide net enrollment statistics for Papua New Guinea, but the database includes a 1989 net primary enrollment rate of 73 percent from the UNESCO Institute of Statistics. See UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

¹⁹⁵⁴ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

¹⁹⁵⁵ Asian Development Bank, *Country Operational Strategy Study: Papua New Guinea*, March 1999, 4, at www.adb.org/Documents/COSs/png.pdf on 12/5/01. See also *Education in Papua New Guinea* at 3.

¹⁹⁵⁶ Information on the enforcement of child labor legislation is not available. See *Country Reports on Human Rights Practices for 2000—Papua New Guinea* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eap/index.cfm?docid=759>.

¹⁹⁵⁷ Constitution of Papua New Guinea at www.vanuatu.usp.ac.fj/Paclawmat/PNG_legislation/Constitution.htm on 12/5/01.

¹⁹⁵⁸ *Human Rights Report: Papua New Guinea*, Protection Project Database, at www.protectionproject.org on 12/5/01. See also ECPAT, "Protection: Papua New Guinea," ECPAT Database at www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/.

¹⁹⁵⁹ ILOLEX database: Papua New Guinea at www.ilolex.ilo.ch on 12/5/01.

NOTE: Hard copies of all Web citations are on file.

Paraguay

Government Polices and Programs to Eliminate the Worst Forms of Child Labor

The Government of Paraguay has been a member of ILO-IPEC since 1998 and created the National Commission on Child Labor in 1999.¹⁹⁶⁰ In 2001, ILO-IPEC began implementing two projects to address the domestic servant population and the sexual exploitation of children and adolescents on the Brazilian border.¹⁹⁶¹ The Secretariat of Social Action runs an ongoing program for children and adolescent street workers.¹⁹⁶²

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 6.3 percent of children between the ages of 10 and 14 in Paraguay were working.¹⁹⁶³ According to the Ministry of Labor and Justice, 23 percent of children work in urban areas, while 44 percent work in rural areas.¹⁹⁶⁴ Children sell newspapers and sundries, clean car windows, and work in markets and alongside their parents in fields.¹⁹⁶⁵ 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.¹⁹⁶⁶ In 1999, a trafficking ring reportedly lured teenage girls from Paraguay to Argentina to work as domestic servants, then forced the girls into prostitution.¹⁹⁶⁷ There were also allegations that children were forced to enlist in the armed forces.¹⁹⁶⁸

¹⁹⁶⁰ Ministerio de Justicia y Trabajo, Viceministro del Trabajo y Seguridad Social, Dirección del Servicio Nacional de Empleo, Asuntos Internacionales, *Information on Efforts by Paraguay to Eliminate the Worst Forms of Child Labor*, October 24, 2001 [hereinafter *Information on Efforts by Paraguay to Eliminate the Worst Forms of Child Labor*], 2.

¹⁹⁶¹ ILO-IPEC, *Prevention and Elimination of Child Domestic Labour in South America*, project document, March 12, 2000 [document on file].

¹⁹⁶² ILO-IPEC, Oficina Regional para America Latina y el Caribe, *Paraguay*, at <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/paraguay.shtml>, ultima modificacion 10/2/01, as cited on 10/29/2001.

¹⁹⁶³ ILO statistics as cited in *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM] [hereinafter *World Development Indicators 2001*].

¹⁹⁶⁴ *Information on Efforts by Paraguay to Eliminate the Worst Forms of Child Labor* at 1.

¹⁹⁶⁵ *Country Reports on Human Rights Practices for 2000—Paraguay* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid=823>.

¹⁹⁶⁶ *Ibid.* at Section 6c.

¹⁹⁶⁷ *Ibid.* at Section 6f.

¹⁹⁶⁸ *Ibid.* at Section 6c.

The General Education Law establishes free and compulsory basic education for 9 years.¹⁹⁶⁹ In 1997, the gross primary enrollment rate was 110.9 percent, and in 1996 the net primary enrollment rate was 91.2 percent.¹⁹⁷⁰ Primary school attendance rates are unavailable for Paraguay. While enrollment rates indicate a level of commitment to education, they do not always reflect a child's participation in school.¹⁹⁷¹ However, the Ministry of Labor and Justice reports that only 50 percent of children who start the first grade complete the primary level, and in rural areas, the completion rate drops to 10 percent.¹⁹⁷²

Child Labor Laws and Enforcement

The Child and Adolescent's Code of 2001 sets the minimum age for employment at 14. The Code prohibits children between the ages of 14 and 18 from working underground, underwater or under any other conditions that might be physically, mentally or morally dangerous or harmful to their well-being.¹⁹⁷³ Children between the ages of 14 and 16 may not work in excess of four hours a day and 24 hours a week. Children ages 16 to 18 may not work more than six hours a day and 36 hours a week.¹⁹⁷⁴ The Code also makes it unlawful to contract children for domestic work outside of Paraguay.¹⁹⁷⁵

The Constitution prohibits any form of slavery, repression or trade in human beings.¹⁹⁷⁶ The commercial sexual exploitation of children and adolescents, and the production or distribution of pornographic publications are prohibited under the Child and Adolescent's Code.¹⁹⁷⁷ The Penal

¹⁹⁶⁹ Legislación Juvenil en Paraguay, Ley General de Educación, Título III, Educación de Régimen General, Capítulo II: Educación Formal, Sección III, Educación Escolar Básica, Artículo 32.10-33, at <http://www.cinterfor.org.uy/public/Spanish/region/ampro/cinterfor/temas/youth/mi.../indes.ht>. See also U.S. Embassy-Asunción, unclassified telegram no. 1276, September 2001.

¹⁹⁷⁰ *World Development Indicators 2001*.

¹⁹⁷¹ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

¹⁹⁷² *Information on Efforts by Paraguay to Eliminate the Worst Forms of Child Labor* at 1.

¹⁹⁷³ Código de la Niñez y la Adolescencia, Ley No. 1680, Título II, de la Protección a los Adolescentes Trabajadores, Capítulo I, de las Disposiciones Generales, Artículo 54, de los Trabajos Prohibidos.

¹⁹⁷⁴ Compendio Niñez, Marcos Normativos de los Derechos de la Niñez y la Adolescencia en Paraguay, Tomo II, Instrumentos Jurídicos Nacionales (UNICEF, CDIA) [n.d.] [document on file], 47.

¹⁹⁷⁵ Título II, de la Protección a los Adolescentes Trabajadores, Capítulo III, Del Adolescente Trabajador Doméstico, Artículo 67, De la Prohibición de Salir del País at <http://www2.paraguaygobierno.gov.py/1680-b.doc>. on 11/5/01.

¹⁹⁷⁶ Constitución Nacional, Parte I, Título II, De los Derechos, de los Deberes y de las Garantías, Sección III, Capítulo II, De la Libertad, Artículo 10, De la Proscripción de la Esclavitud y Otras Servidumbres, at <http://www.senado.gov.py/constitu.html> on 11/5/01.

¹⁹⁷⁷ Código de la Niñez y la Adolescencia, Ley No. 1680, Libro I, De los Derechos y Deberes, Título Único, Capítulo II, De la Prevención a las Transgresiones a los Derechos y de las Medidas de Protección al Niño o Adolescente, Artículo 31, De la Prohibición de Utilizar al Niño o Adolescente en el Comercio Sexual.

Code prohibits any individual from putting the life or liberty of another individual in danger by forcing, tricking, or coercing a person to leave the country, and it prescribes legal punishments for individuals who prostitute children under the age of 18.¹⁹⁷⁸

The Ministry of Labor and Justice's Director General for the Protection of Minors is responsible for enforcing child labor laws. The government does not have the resources to effectively enforce regulations on the minimum age for employment.¹⁹⁷⁹ Paraguay has not ratified ILO Convention 138, but ratified ILO Convention 182 on March 3, 2001.¹⁹⁸⁰

¹⁹⁷⁸ The Penal Code calls for a jail sentence of up to 10 years. Código Penal, Ley No. 1160, Libro Segundo, Título I, Capítulo 4, Artículo 125, Extrañamiento de Personas, Artículo 139, Proxenetismo, at http://www.itacom.com.py/ministerio_publico/codigo_penal/libro2_titulo1_capitulo4.html on 11/5/01.

¹⁹⁷⁹ *Country Reports 2000* at Section 6d.

¹⁹⁸⁰ ILO, ILOLEX database: Paraguay at <http://ilolex.ilo.ch:1567/scripts/ratifce.pl?C182>.

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Peru

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

The Government of Peru has been a member of ILO-IPEC since 1996.¹⁹⁸¹ ILO-IPEC programs in which Peru is involved include a regional program to eliminate child labor in the small-scale, traditional mining sectors of Bolivia, Ecuador and Peru, and a regional program to eliminate child domestic labor in Brazil, Paraguay, Colombia and Peru.¹⁹⁸² In 2000, Peru implemented a child labor survey with technical assistance from ILO-IPEC's SIMPOC, and participation from the Ministry of Labor, the National Institute of Statistics, and the Ministry of Women's Advancement and Human Development (PROMUDEH).¹⁹⁸³

In 1997, Peru put in place its first National Plan of Action for Children and Adolescents to promote and ensure the complete protection of children's rights.¹⁹⁸⁴ In 1997, PROMUDEH created the National Steering Committee on the Eradication of Child and Adolescent Labor to carry out the strategies and goals stated in the National Plan of Action.¹⁹⁸⁵

The Ministry of Education is implementing programs that reinforce curricula, make lessons more pertinent to the lives of working children,¹⁹⁸⁶ promote good school performance, prevent the early insertion of children into the work force,¹⁹⁸⁷ and improve the quality and infrastructure of education throughout the country.¹⁹⁸⁸ The Ministry of Health's School Insurance program decreases school dropout numbers by providing medical coverage to children between the ages of 3 and 17 years in exchange for proof from teachers that students are continuously attending classes.¹⁹⁸⁹ The National Institute of Family Well-Being has a program that provides a variety of

¹⁹⁸¹ Patricia Crosby, coordinator of children, infant and adolescent policy (PROMUDEH), interview with USDOL official, November 15, 2000.

¹⁹⁸² USDOL and ILO-IPEC, "Prevention and Elimination of Child Domestic Labour in South America: Program to Prevent and Progressively Eliminate Child Labor in Small-Scale Traditional Gold Mining in South America" [documents on file].

¹⁹⁸³ Eliseo Cuadrao, Director of IPEC, South America Regional Office, interview with USDOL official, November 13, 2000.

¹⁹⁸⁴ OAS, Comisión Interamericana de Derechos Humanos, Capítulo VIII, "Derechos del Niño," at www.cidh.org/countryrep/Peru2000sp/capitulo8.htm.

¹⁹⁸⁵ U.S. Embassy-Lima, unclassified telegram no. 3383, June 1999.

¹⁹⁸⁶ Dra. Ballardo, Ministry of Education, Lima, Peru, interview with USDOL official, November 15, 2000.

¹⁹⁸⁷ Ibid.

¹⁹⁸⁸ Ministerio de Educación, *Programa de educación básica para todo*, at www.minedu.gob.pe/web/el_ministerio/el_ministerio/Administr/poryect/educ_basic.html, on 10/16/01. See also Ministerio de Educación. Plan Huascarán: Moderna Tecnología para Escuelas Rurales, 700 Colegios los Primeros Beneficiarios, 5 Mil Estarán Enlazados el 2004, at www.minedu.gob.pe/prensa_comunica/notas/octubre-2001/dir.php?obj'13-10-2001_02.htm.

¹⁹⁸⁹ Dr. Cecilia Costa, director of People's Health, Ministry of Health, Lima, Peru, interview with USDOL official, November 15, 2000.

services to working youth, including school support, housing, reinsertion into the government school system, reinsertion into the family, and vocational training.¹⁹⁹⁰

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 5.5 percent of children between the ages of 10 and 14 in Peru were working.¹⁹⁹¹ The majority of working children are active in the country's informal economy.¹⁹⁹² Children work in the agricultural sector, in fireworks factories, in stone quarries,¹⁹⁹³ and in mining sites.¹⁹⁹⁴ They shine shoes, load and unload produce in markets, collect garbage, carry heavy loads of bricks, and perform unpaid domestic work for their families.¹⁹⁹⁵ Children also engage in prostitution.¹⁹⁹⁶

The Constitution establishes free and compulsory education through secondary school.¹⁹⁹⁷ In 1997, the gross primary enrollment rate was 122.8 percent and the net primary enrollment rate

¹⁹⁹⁰ Instituto Nacional de Bienestar Familiar. INABIF, *Nuestros Servicios*, at www.inabif.gov.pe/servicio/servicio2.htm on 10/16/01. During the first 6 months of 2001, the program provided services to approximately 7,000 children and adolescents a month in 17 provinces. Instituto Nacional de Bienestar Familiar (INABIF), Oficina de Planeamiento y Desarrollo, Area de Estadística, *INABIF en Cifras I y II Trimestres 2001*, Boletín I y II Trimestres 2001, at <http://www.inabif.gov.pe/publica/encifras/uno/BOLETIN%20I%20TRIMESTRE-OK.pdf> Boletín I y II Trimestres 2001, and <http://www.inabif.gov.pe/publica/encifras/dos/boletin2.pdf>.

¹⁹⁹¹ Slightly fewer than half of these working children were boys (46,921), while girls accounted for just more than half (53,712). See ILO, *Yearbook of Labour Statistics* (Geneva, 2000), Table 1A.

¹⁹⁹² U.S. Embassy-Lima, unclassified telegram no. 3672, June 2000.

¹⁹⁹³ *Country Reports on Human Rights Practices for 2000—Peru* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfl?docid'849>.

¹⁹⁹⁴ Maria del Carmen Piazza, *Children Working in Small-Scale Traditional Gold Mining in Peru: National Baseline Study for the Project for Prevention and Progressive Elimination of Child Labor in Small-Scale Traditional Gold Mining in South America* (ILO-IPEC, March 2001), 80-83.

¹⁹⁹⁵ Jesus V. Astete and Isabel R. Baufume, *Trabajando en las calles de mi ciudad*, Asociación Qosqo Maki (Cuzco, Peru, April 1998), 28. See also AIDECA Peru, *Eliminating Child Labor in the Brickworks of Huachipa, Peru: Changing the Economic Equation* [document on file]. See also *Country Reports 2000* at Section 6d.

¹⁹⁹⁶ ECPAT International Database, "Child Prostitution," at http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. See also *Country Reports 2000* at Section 5.

¹⁹⁹⁷ Constitution of the Republic of Peru, Article 17, at [http://confinder.richmond.edu/Peru\(eng\).html](http://confinder.richmond.edu/Peru(eng).html) on 11/23/01. In 2001, basic education consisted of 2 years at the pre-primary level, 6 years at the primary level, and 4 years at the secondary level. As part of the Education for All initiative in 1999, Peru began to experiment by uniting the secondary and primary levels to form a basic education requirement of 10 years. The reform will add an additional year of pre-primary to the basic education requirement until it reaches 13 years in 2002. Children will be required to start school at the age of 3. At the beginning of the 1990s,

was 91 percent.¹⁹⁹⁸ School attendance is lowest in rural areas, and girls attend at a lower rate than boys.¹⁹⁹⁹ Indigenous children and those from rural areas lack access to the education system.²⁰⁰⁰

Child Labor Laws and Enforcement

In 2001, new legislation was passed that modified the Child and Adolescent's Code of 2000 and raised the legal minimum age for employment from 12 to 14 years.²⁰⁰¹ According to the Code, the minimum age for the hazardous industrial, commercial or mining sectors is 15 years, while in the fishing sector, the legal minimum age is 16.²⁰⁰² Work that might harm a child's physical, mental and emotional health and development, including underground work or work that involves heavy lifting and carrying, or work that might serve as an obstacle to continued school attendance is prohibited for youth under the age of 18.²⁰⁰³ The Code prohibits extreme forms of child labor such as forced and bonded labor, economically exploitative labor, prostitution and trafficking.²⁰⁰⁴ Children between 12 and 14 years are prohibited from working more than four hours a day, or over to 24 hours a week, and adolescents between 15 and 17 years may not work more than six hour a days, or over 36 hours a week.²⁰⁰⁵ The Code further stipulates that all working

basic education was only required for a 6-year period. See UNESCO, *The Education for All 2000 Assessment: Country Reports-Peru*, at www2.unesco.org/wef/countryreports/peru/rapport_1.htm.

¹⁹⁹⁸ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

¹⁹⁹⁹ *Country Reports 2000* at Section 5.

²⁰⁰⁰ ICFTU, "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), at [Http://www.icftu.org](http://www.icftu.org).

²⁰⁰¹ Ley que Modifica el Artículo 51 de la Ley No. 27337, Código de los Niños y Adolescentes, at <http://www.cajpe.org.pe/rj/bases/legisla/peru/27571.htm>. Children between the ages of 12 and 14 may obtain special permission from the Ministry of Labor to work legally up to 4 hours a day to help support their families. Ministerio de Trabajo y Promoción Social, Resolución Ministerial No 033-2000-TR.9, *Requisitos y formalidades para la contratación laboral de adolescente* [hereinafter *Requisitos y formalidades para la contratación laboral de adolescente*], at www.mtps.gov.pe/normas/033-2000-tr.htm. The aforementioned special permission from the Ministry of Labor certifies that the children are attending school regularly. See Ministerio de Trabajo y Promoción Social, *Síntesis Legal: 7.5. Beneficios de los Adolescentes*, at www.mtps.gov.pe/sintesis.htm. As of August 2001, 2,228 special permission requests had been approved for 2001. See also U.S. Embassy-Lima, unclassified telegram no. 5240, September 2001 [hereinafter unclassified telegram 5240].

²⁰⁰² *Requisitos y formalidades para la contratación laboral de adolescente: Edades mínimas para el trabajo*.

²⁰⁰³ *Requisitos y formalidades para la contratación laboral de adolescente: Trabajos prohibidos y facilidades y beneficios*.

²⁰⁰⁴ Comisión Andina de los Juristas, Red de Información Judicial Andina, Ley no. 27337, Ley que Aprueba el Nuevo Código de los Niños y Adolescentes [hereinafter Comisión Andina de los Juristas], *Libro primero: Derechos y libertades*, Capítulo I: Derechos Civiles, Artículo IV, at <http://www.cajpe.org.pe/rj/bases/legisla/peru/ley1.html>. Other prohibited work includes mining underground and carrying excessive loads or toxic substances.

²⁰⁰⁵ Ministerio de Trabajo y Promoción Social, *Síntesis Legal. 7.1.3, Jornadas especiales de trabajo adolescentes*, at www.mtps.gov.pe/sintesis.htm.

adolescents must obtain special certification from the Ministry of Labor, which is also the entity responsible for guaranteeing that they are attending school.²⁰⁰⁶ Working children must be paid at the same rate as adult workers.²⁰⁰⁷

Prostitution is legal in Peru, but laws prohibit individuals from profiting by prostituting others. 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 labor.²⁰⁰⁸

The Ministry of Labor is responsible for enforcing labor laws. The Ministry has 150 labor inspectors, and inspections are primarily conducted in the formal sector.²⁰⁰⁹ The Directorate of Children and Adolescent Affairs, an office within the Ministry of Women's Advancement and Human Development (PROMUDEH), is charged with protecting the rights of children and adolescents.²⁰¹⁰ At the municipal level, the Municipal Child and Adolescent Defender Centers (DEMUNAs) work with local governments to supervise and apply punishments.²⁰¹¹

Peru has not ratified ILO Convention 138, but ratified ILO Convention 182 on January 10, 2002.²⁰¹²

²⁰⁰⁶ Ministerio de Trabajo y Promoción Social, *Síntesis Legal: 7.3.1, Formación laboral juvenil*, at www.mtps.gob.pe/sintesis.htm. Working adolescents are not required to register with the Ministry of Labor if they are performing domestic or unpaid family work; however, the head of the household for which they work must register them in the municipal labor records. See Comisión Andina de los Juristas at Capítulo IV, *Regimen para el adolescente trabajador*, Artículo 50.

²⁰⁰⁷ Comisión Andina de los Juristas at Artículo 59.

²⁰⁰⁸ *Country Reports 2000* at Section 6f.

²⁰⁰⁹ Unclassified telegram 5240.

²⁰¹⁰ *Ibid.*

²⁰¹¹ Comisión Andina de los Juristas at Capítulo V, *Contravenciones y Sanciones*, Artículo 70.

²⁰¹² "C182 Worst Forms of Child Labour Convention, 1999," at <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

NOTE: Hard copies of all Web citations are on file.

Philippines

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

The Government of the Philippines has been a member of ILO-IPEC since 1994, and as part of the program, has established the National Child Labor Committee (NCLC) with the support of ILO-IPEC and UNICEF to oversee the implementation and monitoring of child labor programs.²⁰¹³ With funding from USDOL and technical assistance from ILO-IPEC, a national child labor survey was conducted by the Philippine National Statistics Office (NSO) in 1995 to help identify the extent and nature of child labor in the Philippines.²⁰¹⁴ A follow-up national child labor survey was also funded by USDOL in 2001, and is being conducted by the Philippine NSO in consultation with ILO-IPEC's SIMPOC.²⁰¹⁵

In cooperation with ILO-IPEC, community and direct action initiatives are being implemented in the Philippines to target specific occupations utilizing the worst forms of child labor.²⁰¹⁶ These initiatives include programs funded by USDOL in 1999 to focus on the withdrawal of children engaged in deep-sea fishing, and a regional project to combat child labor in the footwear sector in Laguna.²⁰¹⁷ The government is also in the process of developing an ILO-IPEC Time-Bound Program that will seek to eliminate specified worst forms of child labor within a 5 to 10 year period.²⁰¹⁸

²⁰¹³ The NCLC includes government, trade union and NGO members; ILO-IPEC members; and the Employers Confederation of the Philippines, and functions as a steering committee for national child labor programs. *See* unclassified telegram 5853. *See also* ILO-IPEC Programme in the Philippines, Field Publication [hereinafter ILO-IPEC Programme], at <http://www.ilo.org/public/english/standards/ipecc/publ/field/asia/philip98pr.htm>.

²⁰¹⁴ 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 [document on file].

²⁰¹⁵ ILO-IPEC, *Statistical Information and Monitoring Programme on Child Labour in the Philippines*, project document, 2001 [document on file].

²⁰¹⁶ Under the Philippine-ILO Indicative Framework for Action, the priority target groups are child victims of trafficking, children in mining and quarrying, children in home-based enterprises, children trapped in prostitution, children in domestic service, children in the deep-sea diving and fishing industry, and children in commercial farm agriculture, including sugar and vegetable production. *See* ILO-IPEC Programme.

²⁰¹⁷ ILO-IPEC, *Programme to Combat Child Labour in the Fishing Sector in Indonesia and the Philippines*, project document [document on file]. *See also* *Programme to Combat Child Labour in the Footwear Sector in Southeast Asia: Indonesia, the Philippines, and Thailand*, project document [document on file].

²⁰¹⁸ In a May 2001 speech, President Arroyo committed the government to “undertake effective and time-bound measures to eliminate the worst forms of child labor in our midst and prevent future generations from engaging in the same.” The DOLE has integrated the Time-Bound Program implementation under its National Programme Against Child Labour (NPACL) for 2001-4. USDOL is funding the ILO-IPEC preliminary work on the Time-Bound program. *See* Gloria Macapagal-Arroyo, president of the Philip-

Since 1994, the Department of Labor and Employment (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. In the first half of 2001, SBM conducted 34 operations involving 98 minors.²⁰¹⁹ In addition, the 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,²⁰²⁰ and the Department of Social Welfare and Development provides social welfare support for demobilized child soldiers and victims of prostitution and trafficking.²⁰²¹ The Philippines participates in the Asian Regional Initiative Against Trafficking and the Regional Action Plan, which includes cooperative strategies for combating trafficking throughout the Asia-Pacific region.²⁰²² Both independently and with UNICEF assistance, the government launched national information and awareness-raising campaigns against child labor.²⁰²³

The Department of Education, Culture, and Sports is implementing functional education and literacy programs that provide working children with basic education and skills training.²⁰²⁴ In addition, the government is working in consultation with community groups to implement the National Project on Street Children that provides street children with the financial support to continue their education.²⁰²⁵ UNICEF is also working actively with the government to promote children’s rights, assist children in need of special protection, including working children, and support educational improvements.²⁰²⁶

pires, statement read by Department of Labor and Employment Secretary Patricia Aragon Santo Tomas at the 21st National Convention of the Federation of Free Workers, May 25, 2001. *See also* statement by Secretary Aragon Santo Tomas at ILO Special High-Level Session, June 12, 2001, and “Philippines: Preparatory Activities for Time-Bound Program,” Technical Progress Report, USDOL-funded IPEC projects/programs, November 6, 2001, 4.

²⁰¹⁹ U.S. Embassy-Manila, unclassified telegram no. 4103, June 23, 2000, [hereinafter unclassified telegram 4103]. *See also* unclassified telegram 5990 .

²⁰²⁰ The Working Youth Center assisted more than 6,000 young workers in 2000. The BWYW has conducted training for government officials who enforce child labor laws as well as 770 companies nationwide. *See* unclassified telegram 5990.

²⁰²¹ *Country Reports 2000*, Section 3, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eap/index.cfm?docid=764>. *See also* unclassified telegram 4103.

²⁰²² *Country Reports 2000*, Section 6f, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eap/index.cfm?docid=764>.

²⁰²³ The Philippine Information Service (PIA) campaign includes posters, comic page inserts, and radio and television announcements that are aimed at children, parents and employers. PIA also holds workshops with the assistance of UNICEF, and it works locally to collect baseline data on people’s attitudes and perceptions on child labor. *See* unclassified telegram 4103.

²⁰²⁴ DECS offers basic education and skills training to children who have dropped out of school. In addition, the Bureau of Nonformal Education within DECS offers nonformal education accreditation to help children over the age of 15 who drop out of school to gain school accreditation. *See* unclassified telegram 4103.

²⁰²⁵ Unclassified telegram 4103.

²⁰²⁶ *CPC V S Programme of Cooperation for Child Survival, Protection, Development and Participation in the Philippines: Master Plan of Operations between the Government of the Philippines and UNICEF*,

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 5.96 percent of children between the ages of 10 and 14 in the Philippines were working.²⁰²⁷ Child labor is more prevalent in rural areas.²⁰²⁸ Roughly half of all child workers are employed in agriculture,²⁰²⁹ while other children work in manufacturing, dynamite production, mining and quarrying, pearl farming, fishing, domestic work, and prostitution.²⁰³⁰ Children are reported to work as domestic servants or bonded laborers, and children living on the streets engage in informal labor activities such as scavenging or begging. Children are also involved in the commercial sex industry,²⁰³¹ and they are reportedly trafficked for purposes of prostitution.²⁰³² 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.²⁰³³

1999-2000 (Manila: Government of the Philippines and UNICEF, February 1999) 99-101, 125-28. See also “UNICEF in the Philippines” at <http://www.unicef.org/philippines/> on 11/13/01.

²⁰²⁷ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001). A child labor survey conducted in 1995 by the Philippine National Statistics Office in cooperation with ILO-IPEC estimated that 11 percent (1.9 million) of children between the ages of 5 and 14 in the Philippines were working. The survey found that of the country’s 22.3 million children between the ages of 5 and 17, 3.7 million children (16 percent) work, and 2.2 million work under hazardous conditions. See National Statistics Office, *Children of the Philippines* and *Working Children and Their Environment*, fact sheets on the Survey of Children 5-17 Years Old, July 1995 [hereinafter *Children of the Philippines*] [documents on file].

²⁰²⁸ Within the specified age group, 1.3 million children worked in rural areas as opposed to 0.6 million in urban areas. See *Children of the Philippines*.

²⁰²⁹ Agricultural work includes work on commercial pineapple, rubber, and sugar farms. See ILO, *Report on National Survey of Working Children in the Philippines* (Manila, 1997), 17. See also Alejandro W. Apit, Kamalayan Development Foundation, interview with USDOL official, Manila, April 6, 2000.

²⁰³⁰ Hazardous work conditions persist in many of these sectors and occupations. For example, children manufacturing footwear from home are exposed to dangerous glue and kerosene fumes; working in mines and quarries involves blasting rocks and carrying heavy loads; and working on docks in ports exposes children to harmful dust and chemicals. Deep-sea fishing is another hazardous and common form of child labor, and an estimated 7 percent of Filipino children from 5 to 15 years old work in the sector. See Juan Escandor, Jr., “Child Labor Extensive in Gold Rush Site,” *Philippine Daily Inquirer*, July 6, 2000. See also Sonia Rosen, Solidarity Center, electronic correspondence to staff of the International Child Labor Program, October 31, 2001, and Alejandro W. Apit, *Child Recruitment and Some Most Hazardous Forms of Child Labor in the Philippines: A KDF’s Experience* (Manila: Kamalayan Development Foundation, Inc., January 1998), 145-46.

²⁰³¹ This figure is estimated to rise by 3,200 children per year. There are specific reports of girls working as prostitutes on ships in Batangas Bay, a practice said to be increasing dramatically. See Save the Children, *Country Report: The Philippines*, 2001 [hereinafter Save the Children], 6. See also Commission on Human Rights, *Report of the Working Group on Contemporary Forms of Slavery on Its Twenty-Sixth Session*, UN Document E/CN.4/Sub.2/2001/30, Geneva, July 16, 2001, paras. 51-52.

²⁰³² *Country Reports on Human Rights Practices for 2000—Philippines* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=849>. See also ILO, “The ILO-Japan Asian Meeting on the Trafficking of Children for Labour and Sexual Exploitation,” *Country Report, Philippines*, (Manila, 2001) [CD-ROM].

²⁰³³ Coalition to End the Use of Child Soldiers, *Child Soldiers: Global Report 2001: Philippines*, at http://www.child-soldiers.org/report2001/global_report_contents.html on 12/19/01. See also *Country Reports*

Philippine law mandates six years of compulsory primary education for children between the ages of 6 and 11.²⁰³⁴ Primary and secondary schools are free of tuition, although families must cover peripheral costs, such as transportation and supplies.²⁰³⁵ The compulsory education age (11 years old) in the Philippines does not coincide with the minimum age (15 years old) for employment. Statistics indicate educational improvements over the past decade. The gross primary enrollment rate was 118.8 percent in 1998, and the net primary enrollment rate rose from 85.1 percent in 1991 to 95.7 percent in 1998.²⁰³⁶ The gross primary attendance rate in 1998 was 121.1 percent, and the net primary attendance rate was 90.8 percent.²⁰³⁷ However, according to Save the Children, one-third of all villages cannot provide schools for the requisite six years of primary education.²⁰³⁸

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 for a parent and when the work does not interfere with schooling.²⁰³⁹ Additionally, it is permissible for a child to work as an apprentice at age 14.²⁰⁴⁰ The Labor Code gives the Secretary of Labor and Employment the authority to limit working hours for children between 15 and 18 years, and prohibits hazardous work for children under 18 years.²⁰⁴¹ Policy Instruction No. 23 of 1977 prohibits night work for children under the

2000, Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eap/index.cfm?docid'764>.

²⁰³⁴ The Philippine Constitution, Article XIV (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, December 1995), 2.

²⁰³⁵ *Country Reports 2000*.

²⁰³⁶ UNESCO, *Education for All: Year 2000 Assessment* [hereinafter *Education for All: Year 2000 Assessment*] (Paris, 2000) [CD-ROM].

²⁰³⁷ USAID, GED 2000: Global Education Database (Washington, D.C., 2000) [CD-ROM] at http://www.usaid.gov/educ_training/ged.html

²⁰³⁸ Save the Children at 5.

²⁰³⁹ Philippines Labour Code, Article 139, as cited in Natlex database at www.natlex.ilo.org/txt/E98PHL01.htm on 11/9/01. See also Rosario del Rosario and Melinda A. Bonga, *Child Labor in the Philippines: A Review of Selected Studies and Policy Papers* (Manila: University of the Philippines, 2000) [hereinafter *Child Labor in the Philippines*], 175-77.

²⁰⁴⁰ Philippines Labour Code, Article 59, as cited in Natlex database at www.natlex.ilo.org/txt/E98PHL01.htm on 11/9/01.

²⁰⁴¹ The Department of Labor and Employment's Order No. 4 of 1999 includes in the definition of "hazardous work" the handling of dangerous substances (e.g., adhesives used in footwear manufacture); work hazardous to morals (e.g., employment in dance halls); work that entails exposure to extreme elements of cold, heat, noise, or pressure (e.g., deep-sea diving and underground work); and work that is hazardous by its nature (e.g., mining, logging, and pyrotechnics production). See Philippines Labour

age of 16 years from 6 p.m. to 6 a.m. and forbids children ages 16 to 18 from working after 10 p.m.²⁰⁴² Forced labor is prohibited,²⁰⁴³ and the Constitution and the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act protects children from all forms of abuse, cruelty, and exploitation.

The Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act also prohibits child prostitution and child trafficking.²⁰⁴⁴ The DOLE is responsible for enforcing child labor laws through a core group of 250 nationwide inspectors.²⁰⁴⁵ However, child labor enforcement is weak due to a lack of resources, inadequate judicial infrastructure and a low rate of convictions, as well as legislative shortcomings such as absence of coverage in the informal sector.²⁰⁴⁶ Philippines ratified ILO Convention 138 on June 4, 1998, ILO Convention 182 on November 28, 2000.²⁰⁴⁷

Code, Article 139, as cited in Natlex database at www.natlex.ilo.org/txt/E98PHL01.htm on 11/9/01. See also *Child Labor in the Philippines* at 173-75 and Government of the Philippines, Department of Labor and Employment, "Hazardous Work and Activities to Persons Below 18 Years of Age," Department Order No. 04, Series 1999.

²⁰⁴² *Opening Doors: A Presentation of Laws Protecting Filipino Child Workers*, rev. ed. (Makati City: Ateneo Human Rights Center and ILO, 1997) [hereinafter *Opening Doors*], 71-72.

²⁰⁴³ *Country Reports 2000, Section 6c*.

²⁰⁴⁴ Special Protection of Children against Child Abuse, Exploitation and Discrimination Act (Republic Act No. 7610 of 1992), as cited in Natlex database at www.natlex.ilo.org/txt/E92PHL01.htm on 11/9/01, Sections 2, 5, 7. See also ILO-IPEC, *To Learn and to Earn: Education and Child Labor in the Philippines*, Working Paper Series on Child Labor (Manila:, December 1995), 2.

²⁰⁴⁵ In 2000, the Department of Labor and Employment (DOLE) officers inspected 35,002 establishments nationwide. Of these, 31 companies were found to employ a total of 50 workers under the age of 18. Penalties for violating Philippine child labor laws range from fines of 1,000 to 10,000 pesos (USD 20 to 196), imprisonment ranging from 3 months to 3 years, or both. Businesses that repeatedly violate these laws may have their operating licenses revoked. See U.S. Embassy-Manila, unclassified telegram no. 5853, September 2000 [hereinafter unclassified telegram 5853]; U.S. Embassy-Manila, unclassified telegram no. 5990, October 2001 [hereinafter unclassified telegram 5990]; and *Opening Doors* at 75. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 2/7/02.

²⁰⁴⁶ Unclassified telegram 5853.

²⁰⁴⁷ ILO, IOLEX database, Philippines, at www.ilolex.ilo.ch on 11/9/01.

Poland

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

An Ombudsman for Children's Rights was created in January 2000 to guard the rights of children as provided in the Constitution, the Convention on the Rights of the Child, and other laws.²⁰⁴⁸ These rights include the defense against violence, cruelty, exploitation and actions that undermine a child's moral sense.²⁰⁴⁹ The Ombudsman has been active in a public information campaign on the hazards of children working in agriculture.²⁰⁵⁰ The Ministry of Agriculture, the Ministry of Education, the State Labor Inspectorate (PIP), and the Roman Catholic Church are working together to increase awareness of the hazards of child labor in rural communities.²⁰⁵¹

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Poland are unavailable. However, the Polish Ombudsman for Children's Rights estimates that roughly 4 percent of children under the age of 15, and 60 percent of rural children under age 18 work.²⁰⁵² Children are found working in the agricultural sector, primarily on family farms.²⁰⁵³ In urban areas, children are found working in restaurants, bakeries, and stores, passing out leaflets, and cleaning.²⁰⁵⁴ Children are reported to engage in prostitution.²⁰⁵⁵ There are also reports that girls are trafficked from Poland to Western European countries, including the Netherlands, Belgium, and Switzerland, for the purpose of sexual exploitation.²⁰⁵⁶

²⁰⁴⁸ *Dziennik Ustaw* (Journal of Laws), no. 6, item 69, Law on the Ombudsman for Children, as cited in Republic of Poland, Office of the Ombudsman for Children, at <http://www.brpd.gov.pl/law.html><http://www.brpd.gov.pl/law.html>.

²⁰⁴⁹ Constitution of Poland, Chapter 2, Article 72 [hereinafter Constitution of Poland], at http://www.uni-wuerzburg.de/law/pl100000_.html. www.uni-wuerzburg.de/law/pl100000.html An English-language version of the Constitution of Poland can be found on the Web site of the Sejm (the lower house of Parliament) of the Republic of Poland at <http://www.sejm.gov.pl/english/konstytucja/kon1.htm><http://www.sejm.gov.pl/english/konstytucja/kon1.htm>.

²⁰⁵⁰ U.S. Embassy-Warsaw, unclassified telegram no. 4446, October 4, 2001 [hereinafter unclassified telegram 4446].

²⁰⁵¹ *Ibid.*

²⁰⁵² Unclassified telegram 4446 at 1, 3.

²⁰⁵³ *Ibid.*

²⁰⁵⁴ *Ibid.*

²⁰⁵⁵ Helena Karlen and Christina Hagner, *Commercial Sexual Exploitation of Children in Some Eastern European Countries* (Bangkok: ECPAT International, March 1996), 11. *See also* Carmen Galiana, European Parliament, Working Paper, Trafficking in Women, Civil Liberties Series, March 2000, 71.

²⁰⁵⁶ U.S. Department of State, *Trafficking in Persons Report*, July 2001, Poland [hereinafter *Trafficking in Persons Report*], 64.

Education in Poland is compulsory to 18 years of age, and is free in public schools.²⁰⁵⁷ In 1995, the gross primary enrollment rate was 96.4, and the net primary enrollment rate was 94.5 percent.²⁰⁵⁸ Primary school attendance rates are unavailable for Poland. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁰⁵⁹

Child Labor Laws and Enforcement

The Labor Code sets the minimum age of employment at 13 years.²⁰⁶⁰ Children 13 to 15 years of age may work under temporary, limited contracts with permission from their parents. Minors between 15 and 18 years have wider employment possibilities, but they may only be employed upon completion of primary school and under non-hazardous work conditions. Polish children below the age of 16 are banned from mining and most types of construction.²⁰⁶¹ The Criminal code bans work by children under the age of 16 in the production of pornographic films.²⁰⁶²

Polish law prohibits forced and bonded child labor.²⁰⁶³ Engaging in a sex act with a person under the age of 15 is a criminal offense in Poland, and carries a penalty of one to 10 years imprisonment. Leading an individual into prostitution by means of force, threat, or by taking advantage of the dependence of a person is prohibited by Article 203 of the Criminal Code. Encouraging or promoting the prostitution of a person with the purpose of pecuniary gain is also considered criminal.²⁰⁶⁴ Efforts to combat trafficking include the implementation of revised anti-trafficking criminal statutes in 1998, with penalties of up to 10 years imprisonment.²⁰⁶⁵ However, foreigners trafficked into Poland have no legal status or public resources available to them, and they are often

²⁰⁵⁷ Constitution of Poland, Chapter 2, Article 70.

²⁰⁵⁸ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

²⁰⁵⁹ For a more detailed discussion on the relationship between education statistics and work, see Introduction to this report.

²⁰⁶⁰ Unclassified telegram 4446. The Constitution of Poland sets the minimum age of *permanent* employment at 16 and allows for the types and nature of employment to be determined by statute. *See* Constitution of Poland at Section IV, Article 65, 3.

²⁰⁶¹ Unclassified telegram 4446.

²⁰⁶² *Ibid.* *See also* Criminal Code, Article 200, as cited in the Protection Project Database [hereinafter Criminal Code] at <http://www.protectionproject.org>.

²⁰⁶³ *Country Reports on Human Rights Practices for 2000—Poland* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/index.cfm?docid%27879>.

²⁰⁶⁴ Criminal Code at Articles 200, 203, and 204.

²⁰⁶⁵ *Trafficking in Persons Report* at 64. *See also* Criminal Code at Article 204, para. 4.

quickly deported to minimize the expense of keeping them in detention.²⁰⁶⁶ The PIP is responsible for all labor-related complaints, including those related to child labor, and PIP inspectors receive training in handling child labor issues.²⁰⁶⁷ Of the 1,494 investigations of charges of underage employment that were conducted by the PIP in 1999, the PIP levied fines in 417 cases and sent 358 cases to an administrative tribunal which can levy steeper fines.²⁰⁶⁸

Poland ratified ILO Convention 138 on March 22, 1978, but has not ratified ILO Convention 182.²⁰⁶⁹

²⁰⁶⁶ *Trafficking in Persons Report* at 64.

²⁰⁶⁷ Unclassified telegram 4446.

²⁰⁶⁸ *Country Reports 2000* at Section 6d.

²⁰⁶⁹ ILO, ILOLEX database: Poland, at <http://ilolex.ilo.ch:1567/english/index.htm><http://ilolex.ilo.ch:1567/english/index.htm>. For the text of ILO C105, *see* <http://ilolex.ilo.ch:1567/scripts/convde.pl?C105><http://www.ilolex.ilo.ch:1567/scripts/convde.pl?C105>.

NOTE: Hard copies of all Web citations are on file.

Romania

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

The Government of Romania has been a member of ILO-IPEC since 2000 and has launched a National Action Program to Eliminate Child Labor. A National Steering Committee (NSC) was established as a coordinating body to oversee national program activities.²⁰⁷⁰ Following the signing of the MOU between the Government and ILO-IPEC in June 2000, Child Labor Units were formed within the Ministry of Labor and Social Protection's (MLSS) Labour Inspectorate and the National Authority for Child Protection and Adoption (NACPA). In May 2001, police officers at the General Inspectorate of Police began training to act against the worst forms of child labor, and the first 25 MLSS labor inspectors were trained as trainers to increase inspectors' abilities to investigate and monitor child labor activities.²⁰⁷¹ The NACPA Child Labor Unit and the NSC adopted the National Strategy for Child Protection for 2001-2004 and the Operational Plan for the Implementation of the Strategy, which includes children exploited by labor as a special target group.²⁰⁷² With funding from USDOL and technical assistance from ILO-IPEC's SIMPOC, the National Institute of Statistics and Economic Studies began implementation of a national survey on child labor in 2000.²⁰⁷³

Incidence and Nature of Child Labor

In 1999, the ILO estimated that fewer than 1 percent of children between the ages of 10 and 14 in Romania were working.²⁰⁷⁴ The majority (93 percent) of these children worked in agriculture, another 6.5 percent in trade/services, and 0.5 percent worked outside the family home.²⁰⁷⁵ In 2000,

²⁰⁷⁰ As of September 2001, the NSC consists of representatives of the NACPA; MLSS's Labor Inspectorate, the Ministry of Education and Research, the Ministry of Health and Family, the Ministry of European Integration, the General Inspectorate of the Police, workers' and employers' organizations, NGOs active in child protection, and representatives from academia. See ILO-IPEC, *National Action for the Prevention and Elimination of Child Labour in Romania*, Technical Progress Report No. 3 (Geneva, September 2001) [hereinafter *National Action*], 3. See also ILO/IPEC, *Midterm Review: Country Program on Child Labor in Romania* (Bucharest, July 2001) [hereinafter *Midterm Review*].

²⁰⁷¹ *National Action* at 7, Annex 2, and *Midterm Review*.

²⁰⁷² Government of Romania, National Authority for the Protection for the Child and Adoption, *Government Strategy Concerning the Protection of the Child in Difficulty (2001-2004)* (Bucharest, May 2001), 15. The plan recommends improving the national legislation on the exploitation of children, diversifying the rehabilitation services provided for children, setting up monitoring mechanisms for children in difficult circumstances, implementing action programs to combat child labor, and providing training for the professionals working with children in difficulty. See *Midterm Review*.

²⁰⁷³ ILO-IPEC, SIMPOC Progress Report No. 3 (Geneva, September 2001).

²⁰⁷⁴ According to the ILO, 0.04 percent of children were working. See *World Development Indicators 2000* (Washington, D.C.: World Bank, 2000) [CD-ROM]. A 1997 survey by Save the Children revealed that among children living with their families, 8.3 percent of children who attend primary school also work. See Save the Children Romania, *Child Labor in Romania*, 1997, 1.

²⁰⁷⁵ *Child Labor in Romania* at 1.

the NACPA estimated that there were 2,500 to 3,500 street children in 2000.²⁰⁷⁶ Urban street children are found begging, washing/parking cars, selling merchandise, performing household work, collecting waste products, and loading and unloading merchandise. To a much lesser extent, children engage in prostitution, work in construction, or work in factories.²⁰⁷⁷ Some girls as young as 14 have been trafficked.²⁰⁷⁸

The Romanian Constitution states that a child has a right to a free public education.²⁰⁷⁹ In July 1999, compulsory education was increased to nine years.²⁰⁸⁰ In 1998, the gross primary enrollment rate was 99.8 percent, and the net primary enrollment rate was 91.6 percent.²⁰⁸¹ School participation is lower among ethnic Roma children.²⁰⁸²

Child Labor Laws and Enforcement

The Romanian Constitution states that children under the age of 15 may not be employed in paid labor, and the exploitation and employment of children in activities that might be physically or morally unhealthy or put their lives or normal development at risk are prohibited.²⁰⁸³ Young persons ages 15 and 16 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.²⁰⁸⁴ According to Article 155 of the General Norms of Labor Protec

²⁰⁷⁶ The National Agency for Protection of Children's Rights (NAPCR) was reorganized in 2001 and is now the National Authority for Child Protection and Adoption (NACPA). See UNDP and Research Institute for the Quality of Life: Saracia in Romania, Poverty in Romania, *Poverty in Romania: Causes, Anti-Poverty Policies, Recommendations for Action*, 2001 [hereinafter *Poverty in Romania*], 16. See also ILO-IPEC, "Romania: Working Street Children in Bucharest: A Rapid Assessment" (draft) (Bucharest, July-August, 2001) [hereinafter "Working Street Children in Bucharest"], 27, 28.

²⁰⁷⁷ "Working Street Children in Bucharest" at 28.

²⁰⁷⁸ Of 401 cases of trafficked victims receiving assistance from IOM between January 2000 and December 2001, 83 were children between the ages of 15 and 17 years, and 6 were 14 years old or younger. Anecdotal evidence suggests a rise in economic and sexual exploitation of children. See IOM, "Romania: Trafficking in Women," press release (Bucharest, July 6, 2001). See also "Cases Assisted by IOM Bucharest" (Bucharest, July 2, 2001) at www.oiro.ro/en/trafic_stat.php.

²⁰⁷⁹ Constitution of Romania, Article 32, December 8, 1991 [hereinafter Constitution of Romania], at http://www.uni-wuerzburg.de/law/ro00000_.html.

²⁰⁸⁰ Government of Romania, Ministry of Education, Institute for Sciences of Education, *Education for All (EFA) Assessment*, Section 3.2, 1999. See also UNESCO, *The Education for All 2000 Assessment: Country Reports—Romania*, at <http://www2.unesco.org/wef/countryreports/romania/contents.html>.

²⁰⁸¹ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

²⁰⁸² The Roma constitute a large ethnic minority in Romania. Pop and Voicu, 2000, as cited in *Poverty in Romania* at 30. See also *Country Reports on Human Rights Practices for 2000—Romania* (Washington, D.C.: U.S. Department of State, 2001), Section 5.

²⁰⁸³ Constitution of Romania at Article 45 (4).

²⁰⁸⁴ Government of Romania, Ministry of Labour and Social Solidarity, Labor Inspection, "National Legislation on Child Labor," 2001, published as part of the Labor Inspection's National Campaign on the Elimination of Child Labor.

tion, children under the age of 16 cannot be used for loading, unloading, and handling operations.²⁰⁸⁵ Employed children under the age of 18 may not be placed in hazardous work places and may not be made to work at night or beyond the legal duration of a working day (8 hours) except in emergencies.²⁰⁸⁶

Article 191 of the Romanian Criminal Code outlaws the act of submitting a person to labor against his or her will or to mandatory labor.²⁰⁸⁷ It also prohibits individuals from prostituting children.²⁰⁸⁸ In December 2001, the government passed Law 678, which, among other stipulations, protects children under the age of 19 years from trafficking and applies enhanced punishments in the case that the child is under 15 years of age. Article 18 of Law 678 also criminalizes child pornography,²⁰⁸⁹ and Article 325 of the Criminal Code prohibits the selling, spreading, manufacturing, and possession of obscene materials with the purpose of dissemination to children.²⁰⁹⁰ Enforcement of labor laws that protect children falls under the mandate of the MLSS, Labor Inspection (established under Law No. 108/1999).²⁰⁹¹ The MLSS, the Ministry of Health and Family, the Ministry of Education and Research, and the NACPA are responsible for supervising the observance of norms regarding child protection.²⁰⁹² Romania ratified ILO Convention 138 on November 19, 1975, and ILO Convention 182 on December 13, 2000.²⁰⁹³

²⁰⁸⁵ Ibid.

²⁰⁸⁶ National Agency for the Protection of Children's Rights on the Romanian Government, "Romania's Periodic Progress Report on the Implementation of the UN Convention on the Rights of the Child," Section 8.3, at <http://www.copii.ro/htm/english/rd/1.htm> on 9/27/01.

²⁰⁸⁷ Ibid.

²⁰⁸⁸ Criminal Code of Romania, Article 329, as cited in the Protection Project Database, Country Report, Romania, January 2001, at <http://www.protectionproject.org>.

²⁰⁸⁹ Article 13 establishes the provisions against trafficking of children. See Electronic Correspondence, U.S. Department of State Official, Eric Barboriak, to U.S. Department of Labor Official, May 2, 2002.

²⁰⁹⁰ Ibid.

²⁰⁹¹ Government of Romania, Ministry of Labor and Social Protection, report on Romanian laws, actions, and programs concerning *Combating the Worst Forms of Child Labor* (facsimile), September 25, 2000.

²⁰⁹² "Working Street Children in Bucharest" at 13.

²⁰⁹³ ILO, ILOLEX database: Romania, at <http://ilolex.ilo.ch:1567/english/>.

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Russian Federation

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

In January 2000, the government collaborated with ILO-IPEC on a project to assess the situation of street children in St. Petersburg.²⁰⁹⁴ During the project, a “Working Street Children Action Committee” was established in the city, and families were directed toward appropriate educational, health, psychological, and social assistance services.²⁰⁹⁵ In 2001, the government began working with the World Bank on a 5-year project to improve vocational education²⁰⁹⁶ and signed an agreement with UNESCO to cooperate on rehabilitating the educational system in the Chechen Republic.²⁰⁹⁷

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Russia are unavailable. Reports indicate that children work principally in small businesses (such as in garages, kiosks, cafes, and laundries), as beggars, in commercial sexual exploitation, in the sale of drugs, and as street vendors.²⁰⁹⁸ In general, child welfare in Russia has deteriorated in recent years, especially for those children who are orphans, homeless, or working on the streets.²⁰⁹⁹ A study in 2000 by ILO-IPEC, in collaboration with the government, found between 10,000 and 16,000 working street children in the city of St. Petersburg.²¹⁰⁰

Prostitution and the trafficking in girls and boys to brothels in Western Europe are reported to be increasing,²¹⁰¹ and reports from NGOs allege that Russian organized crime is increasingly

²⁰⁹⁴ U.S. Embassy–Moscow, unclassified telegram no. 3884, November 2001 [hereinafter unclassified telegram 3884].

²⁰⁹⁵ In June 2001, the Moscow office of the ILO, in collaboration with the Ministry of Labor, held a tripartite workshop entitled “The Worst Forms of Child Labor in Russia: ILO Convention 182.” As a follow-up to the workshop, the local ILO office plans to organize a nationwide conference on combating child labor in early 2002. See unclassified telegram 3884.

²⁰⁹⁶ World Bank, *Education Reform Project*, “Projects and Operations,” at <http://www.worldbank.org/sprojects/Project.asp?pid'PO50474www4.worldbank.org/sprojects/Project.asp?pid'P050474> on 12/6/01, updated 11/26/01.

²⁰⁹⁷ UNESCO, “Russia and UNESCO Sign Agreement on Cooperation in Education for Chechen Republic,” at <http://www.unesco.org/opi/eng/unescopress/2001/01-109e.shtml> <http://www.unesco.org/opi/eng/unescopress/2001/01-109e.shtml> on 12/6/01.

²⁰⁹⁸ *ICFTU Online*, “World Union Calls for Immediate Action to Prevent Explosion of Child Labour in Russia,” at <http://www.icftu.org/english/ps/1999/eprol70-990915-dd.html>. See also *BBC News*, “World: Europe Eyewitness—Russia: A Child’s Eye View,” at http://www.news.bbc.co.uk/hi/english/world/europe/newsid_489000/489283.stm, and *Vancouver Sun*, “No Place to Call Home for a Million Russian Kids,” at <http://www.vancouversun.com/cgi-bin/newsite.pl?adcode'w-mm&modulename>.

²⁰⁹⁹ Unclassified telegram 3884.

²¹⁰⁰ *Ibid.*

²¹⁰¹ *Human Rights Report—Russian Federation*, the Protection Project, www.protectionproject.org January 2001.

involved in the trafficking of children²¹⁰² Russian law enforcement acknowledges that the trafficking of pornographic images of children via the Internet is a growing problem.²¹⁰³ Children are not used as soldiers in government armed forces in Russia, but there are reports that armed groups in Chechnya use child soldiers extensively and that Islamic separatists in Daghestan have offered money to children to join their ranks²¹⁰⁴

Primary education is free and compulsory until age 15 or 9th grade.²¹⁰⁵ It is common, however, for teachers to ask parents to help pay several dollars each month for books, supplies, and furniture.²¹⁰⁶ In 1994, the gross primary enrollment rate was 107.2 percent, and the net primary enrollment rate was 92.7 percent.²¹⁰⁷ Primary school attendance rates are unavailable for Russia. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²¹⁰⁸ Although school enrollment is high in Russia, truancy is reported to be a growing problem, especially in lower income areas.²¹⁰⁹ Access to education is also frequently denied to children of unregistered persons, asylum seekers, and migrants because of residency registration requirements.²¹¹⁰

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years. Children age 14 can work on a temporary basis with the permission of a parent or guardian, if their jobs will not interfere with their education.²¹¹¹ Children under the age of 18 are prohibited from dangerous,

²¹⁰² *Country Reports on Human Rights Practices for 2000—Russia* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/index.cfm?docid=877>.

²¹⁰³ *Ibid.*

²¹⁰⁴ Coalition to End the Use of Child Soldiers, *Global Report 2001: Russian Federation* at http://www.child-soldiers.org/report2001/countries/russian_federation.html on 12/4/01 <http://www.child-soldiers.org/report2001/countries/russian-federation.html>.

²¹⁰⁵ There is no minimum age for admission to schools in the Russian Federation. The age of admission is set by the statutes of the educational establishment. See *Periodic Reports of States Parties Due in 1997: Addendum, Russia*, CRC/C/65/Add. 5, UN Committee on the Rights of the Child, United Nations, Geneva, November 20, 1998, 20, 27.

²¹⁰⁶ Unclassified telegram 3884.

²¹⁰⁷ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

²¹⁰⁸ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

²¹⁰⁹ Unclassified telegram 3884.

²¹¹⁰ *Country Reports 2000* at Section 5.

²¹¹¹ Boris Marchuck, Embassy of the Russian Federation, letter to USDOL official, September 27, 2000 [hereinafter Marchuck letter].

night, and overtime work; work that would prevent them from an education; work that is harmful to their health and moral development;²¹¹² work in cabarets, night-clubs, gambling establishments, and places where the production, transportation, and sale of liquors, tobacco products, drugs, and toxic substances can occur. Children ages 16 to 18 may not work more than 36 hours per week or during school hours.²¹¹³ Children ages 14 to 16, may work only during school breaks and may not work more than 24 hours a week.²¹¹⁴ Children of working age can be employed only after a medical examination and are required to pass annual medical examinations until the age of 18.²¹¹⁵

There is no comprehensive law that prohibits trafficking in persons.²¹¹⁶ Forced labor is prohibited under the Constitution,²¹¹⁷ and the Criminal Code contains provisions that prohibit the violation of Russian borders by an organized group using either violence or the threat of violence.²¹¹⁸ The Criminal Code also prohibits the coercion of a minor to engage in prostitution.²¹¹⁹ There is no law specifically prohibiting child pornography in Russia; however, this offense can be prosecuted under the general pornography provision in the Criminal Code.²¹²⁰

The Ministry of Labor can impose administrative penalties or file criminal charges against employers who violate children's labor rights. The Criminal Code provides a penalty of up to 2 years of imprisonment for labor safety violations, including those involving children. There are also local commissions on youth labor rights that assist with the monitoring process. The Procurator's Office has general supervision over compliance with labor legislation, including responsibility for protecting children from economic exploitation and making checks to ensure that labor laws are enforced.²¹²¹ Although the government has stated that child labor enforcement

²¹¹² Ibid.

²¹¹³ Ibid. *See also* unclassified telegram 3884.

²¹¹⁴ Marchuck letter.

²¹¹⁵ Ibid.

²¹¹⁶ *Country Reports 2000* at Section 6f.

²¹¹⁷ Constitution of the Russian Federation, Section 1, Chapter 2, Article 37 [document on file].

²¹¹⁸ *Country Reports 2000* at Section 6f.

²¹¹⁹ Unclassified telegram 3884.

²¹²⁰ "Commercial Sexual Exploitation of Women and Children: A Human Rights Report—Russian Federation," The Protection Project Database, January 2001, at <http://www.protectionproject.org> [document on file].

²¹²¹ Marchuck letter.

checks are regular,²¹²² one report indicated that investigations are entirely complaint driven.²¹²³ The government investigates and prosecutes cases involving the trafficking of children and has collaborated with the United States and other countries to develop its expertise on trafficking.²¹²⁴

Russia ratified ILO Convention 138 on May 3, 1979, but has not ratified ILO Convention 182.²¹²⁵

²¹²² Ibid.

²¹²³ *Country Reports 2000* at Section 6d.

²¹²⁴ U.S. Department of State, *Trafficking in Persons Report*, July 2001, Russian Federation.

²¹²⁵ ILO, ILOLEX database, "Ratifications of ILO Conventions," at <http://www.ilolex.ilo.chhttp://www.ilolex.ilo.ch:1567/English/>.

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Rwanda

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

The Government of Rwanda is participating in a regional program to prevent the participation of children in armed conflicts in Central Africa, which is sponsored by ILO-IPEC and funded by USDOL.²¹²⁶ UNICEF is also sponsoring a rehabilitation program for child soldiers with the WFP, the International Red Cross, the International Rescue Committee, and Save the Children to provide health care, food and water, psycho-social counseling, and reunification for children.²¹²⁷

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 41.4 percent of children between the ages of 10 and 14 in Rwanda were working.²¹²⁸ Most child labor occurs in the agricultural sector.²¹²⁹ As recently as August 2001, children have been rescued from forced recruitment in domestic fighting, where they have been working either as soldiers or as servants for the armed forces.²¹³⁰ Reports indicate that children as young as ages 10 to 18 have been recruited by government armed forces.²¹³¹ Because of the genocide of 1994, many households are being run by children, creating extreme pressure for them to provide for their families.²¹³²

Primary education in Rwanda is compulsory from the ages of 7 to 12 years.²¹³³ Families must pay fees to enroll their children in school.²¹³⁴ In 1991, the gross primary enrollment rate was 81.3 percent and the net primary enrollment rate was 75.4 percent.²¹³⁵ In 2000, the net primary attendance rate was 65.6 percent for children between the ages of 7 and 12 and 73.7 percent for

²¹²⁶ ILO, *Phase I: Regional Programme on the Prevention and Reintegration of Children Involved in Armed Conflicts in Central Africa* (Geneva, 2001).

²¹²⁷ Ibid.

²¹²⁸ ILO labor force statistics as cited in *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

²¹²⁹ *Country Reports on Human Rights Practices for 2000—Rwanda* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index/cfm?docid=720>.

²¹³⁰ UNICEF, press release, at <http://unicef.org/newsline/01pr69.htm>.

²¹³¹ Ibid. The genocide killed 800,000 Rwandans.

²¹³² *BBC World Service*, “Children of Conflict: Child-Headed Households,” at <http://www.bbc.co.uk/worldservice/people/features/childrights/conflict/headed.shtml>.

²¹³³ *Enquete à Indicateurs Multiples (MICS2) Rapport Preliminaire: Rwanda*, Ministère des Finance et de la Planification Economique B.P 46 Kigali, January 11, 2000 [hereinafter *Enquete à Indicateurs Multiples*] 8.

²¹³⁴ *Country Reports 2000* at Section 5.

²¹³⁵ *World Development Indicators 2001*.

children ages 8 to 13.²¹³⁶ Of the children who enter the first grade, 76 percent reach the fifth grade.²¹³⁷ There is a high dropout and repetition rate among primary school children.²¹³⁸ 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. School fees are regularly waived for orphans.²¹³⁹

Child Labor Laws and Enforcement

The minimum age for employment is 15 years. However, children between the ages of 13 and 14 can work, with Ministry of Labor approval, if the work will not have a negative effect on their health, development, or education.²¹⁴⁰ With the exception of subsistence agriculture, children under age 16 are prohibited from working at night or in unhealthy, strenuous, noxious, or dangerous conditions.²¹⁴¹ Forced or bonded labor by children is not specifically prohibited.²¹⁴² Under Article 374 of the Criminal Code, trafficking is an aggravated offense, with a doubled penalty for delivering a minor into prostitution upon entering or exiting the country.²¹⁴³ Legislation from 1977 sets the minimum voluntary age for military service at age 16.²¹⁴⁴

The Ministry of Public Service and Labor does not effectively enforce these laws in part because of the large number of children who are heads of household.²¹⁴⁵ Rwanda ratified ILO Convention 138 on April 15, 1981, and ILO Convention 182 on May 23, 2000.²¹⁴⁶

²¹³⁶ *Enquete à Indicateurs Multiples*.

²¹³⁷ *Ibid* at 8.

²¹³⁸ *Ibid* at 4.

²¹³⁹ *Country Reports 2000* at Section 5.

²¹⁴⁰ U.S. Department of State, electronic correspondence from U.S. Embassy-Rwanda to USDOL official, November 30, 2001.

²¹⁴¹ *Country Reports 2000* at Section 6d. *See also* Electronic Correspondence from U.S. Department of State Official Mark J. Wildermuth to U.S. Department of State Official, Amy S. Radetsky, November 30, 2001. An ILO committee report indicates that the draft revision of the Rwandan labor code will extend the minimum age to the agricultural sector. *See* CEACR: Individual Observation Concerning Convention No. 138, Minimum Age, 1973, Rwanda (ratification: 1981, published: 2001).

²¹⁴² *Country Reports 2000* at Section 6d. *See also* The UN Human Rights System, "For the Record 2000: Rwanda" [hereinafter "For the Record 2000"], at <http://www.hri.ca/fortherecord2000/vol2/rwandatr.htm>.

²¹⁴³ The Protection Project, *Commercial Exploitation of Women and Children: A Human Rights Report on Rwanda*. According to the Protection Project, prostitution and compelling another person to become engaged in prostitution are prohibited by Articles 363-365 of the Criminal Code. Punishment for these crimes is imprisonment for up to 5 years and a fine.

²¹⁴⁴ The Global March Against Child Labor, "The Worst Forms of Child Labour: Rwanda," at <http://www.globalmarch.org/worstformsreport/world/rwanda.html>.

²¹⁴⁵ *Country Reports 2000* at Section 6d. *See also* "For the Record 2000."

²¹⁴⁶ ILO: Ratifications of the Fundamental Human Rights Conventions by Country at <http://ilolex.ilo.ch:1567/english/index.htm>.

NOTE: Hard copies of all Web citations are on file.

Saint Kitts and Nevis

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

The Government of St. Kitts and Nevis has an extensive childcare and early childhood program to prevent children from being withdrawn from school to look after younger siblings.²¹⁴⁷ The government to relieve some of the financial burden of attending school has implemented a school meals program and a school fee subsidy.²¹⁴⁸ The government has also worked with UNICEF to promote children's rights and offer workshops and training for government personnel dealing with children.²¹⁴⁹

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in St. Kitts and Nevis are unavailable. In rural areas, children assist with subsistence agriculture activities on family plots, including livestock farming and vegetable production.²¹⁵⁰ Children, particularly girls, perform domestic labor for their families as well as for other households.²¹⁵¹

Pursuant to the Education Act of 1976, education is compulsory between the ages of 5 and 16.²¹⁵² In 1997, the gross primary enrollment rate was 97.6 percent, and the net primary enrollment rate was 88.6 percent.²¹⁵³ Primary school attendance rates are unavailable for St. Kitts & Nevis. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²¹⁵⁴

²¹⁴⁷ U.S. Department of State, unclassified telegram no. 1791, September 2001 [hereinafter unclassified telegram 1791].

²¹⁴⁸ *Ibid.*

²¹⁴⁹ *Initial Reports of States Parties Due in 1992*, Committee on the Rights of the Child, UN Document CRC/C/3/Add.51 (Geneva, May 5, 1997) [hereinafter *Initial Reports of States Parties*], para. 5(e).

²¹⁵⁰ Unclassified telegram 1791.

²¹⁵¹ Agriculture, domestic service, and illicit activities have been acknowledged by the government as sectors in which children could find work in high-risk jobs. *See* unclassified telegram 1791.

²¹⁵² Leroy Richards, Labor officer, Government of St. Kitts and Nevis, Department of Labor, interview with USDOL official, November 29, 2001 [hereinafter Richards interview]. *See also* *Initial Reports of States Parties* at para. 40.

²¹⁵³ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

²¹⁵⁴ For a more detailed discussion on the relationship between education statistics and work, *see Introduction* to this report.

Child Labor Laws and Enforcement

The Employment of Children Restriction Act prohibits full- or part-time employment for children under 16 years of age.²¹⁵⁵ The same law protects children under the age of 14 from hazardous work situations. to their health and development.²¹⁵⁶ The Constitution prohibits forced labor except when fulfilling a court sentence or during a period of public emergency.²¹⁵⁷ Procurement of women or girls for sexual relations and the abduction of girls under 16 years of age for sexual exploitation are prohibited by the Criminal Law Amendment.²¹⁵⁸

The Department of Labor in St. Kitts and Nevis is responsible for investigating child labor complaints, although no cases of child labor violations have been brought before the Department to date.²¹⁵⁹ The Government of St. Kitts & Nevis has not ratified ILO Convention 138, but it did ratify ILO Convention 182 on October 12, 2000.²¹⁶⁰

²¹⁵⁵ Richards interview. See also *Initial Reports of States Parties* at para. 13.

²¹⁵⁶ Unclassified telegram 1791.

²¹⁵⁷ Constitution of St. Kitts and Nevis, Article 2, 1983, at <http://www.georgetown.edu/LatAmerPolitical/Constitutions/Kitts/stkitts-nevis.html> on 10/24/01.

²¹⁵⁸ Criminal Law Amendment Act, Chapter 19, Articles 2-4, 6, as cited in the Protection Project Database at <http://www.protectionproject.org>

²¹⁵⁹ Unclassified telegram 1791.

²¹⁶⁰ ILOLEX database: Saint Kitts and Nevis at <http://ilolex.ilo.ch:1567/english/newratframeE.htm> on 10/25/01.

NOTE: Hard copies of all Web citations are on file.

Saint Lucia

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

In order to ensure access to educational facilities, the government has meal subsidization programs in a number of schools and has a program that includes the building of new schools.²¹⁶¹ In addition, the UNDP, along with the Caribbean Development Bank, is implementing poverty reduction projects in St. Lucia.²¹⁶²

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in St. Lucia are unavailable. Children are reportedly found working alongside family members harvesting bananas and selling food or commercial products on urban sidewalks or at food stalls.²¹⁶³ These activities reportedly take place on non-school days and during holidays.²¹⁶⁴

The Education Act provides for free and compulsory education from the ages of 5 to 15.²¹⁶⁵ Provisions in the Education Act pertaining to the minimum age for employment are intended to serve as the country's primary legislation on child labor.²¹⁶⁶ In 1999, the gross primary enrollment rate was 115.1 percent.²¹⁶⁷ Primary school attendance rates are unavailable for St. Lucia. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²¹⁶⁸

²¹⁶¹ Schools are built within a 3-mile radius of each other in order to ensure that educational facilities are accessible to all. See U.S. Embassy-Bridgetown, unclassified telegram no. 1792, September 2001 [hereinafter unclassified telegram 1792].

²¹⁶² UNDP, *Poverty Strategies Initiative: Latin America and the Caribbean*, at <http://www.undp.org/poverty/initiatives/> on 10/25/01.

²¹⁶³ Ibid.

²¹⁶⁴ Unclassified telegram 1792. See also U.S. Embassy-Bridgetown unclassified telegram no. 452, February 1998.

²¹⁶⁵ St. Lucia Education Act [hereinafter St. Lucia Education Act], Article 27, as cited in electronic correspondence from the Commissioner of Labor of St. Lucia to USDOL official, November 29, 2001. See also *Country Reports on Human Rights Practices for 2000—St. Lucia* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*] at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid=830>.

²¹⁶⁶ According to an official at the St. Lucia Department of Labor, based on the Education Act 16, years is generally recognized as the minimum age for employment. See St. Lucia Education Act.

²¹⁶⁷ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

²¹⁶⁸ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

Child Labor Laws and Enforcement

Education Act No. 41 of 1999 sets the minimum age for employment at 16 years during the school year.²¹⁶⁹ The Employment of Women, Young Persons and Children Law sets 14 years as the minimum age for employment in industrial work, and night work is prohibited for children under 16 years.²¹⁷⁰ The Constitution prohibits forced labor except when fulfilling a court sentence, serving in the military, working as an alternative when a conscientious objection to military service exists, or working during a period of public emergency.²¹⁷¹ The Criminal Code bans the procurement of women for prostitution, as well as the abduction of any female for the purposes of forced sexual relations.²¹⁷²

The Department of Labor of the Ministry of Legal Affairs, Home Affairs and Labor enforces all labor laws and regulations through workplace inspections.²¹⁷³ St. Lucia has not ratified ILO Convention 138, but it did ratify ILO Convention 182 on December 6, 2000.²¹⁷⁴

²¹⁶⁹ St. Lucia Education Act.

²¹⁷⁰ Employment of Women, Young Persons and Children Act, Chapter 100, Article 3, as cited in electronic correspondence from the Commissioner of Labor of St. Lucia to USDOL official, November 29, 2001.

²¹⁷¹ Constitution of Saint Lucia, Article 4(2), 1979, at <http://www.georgetown.edu/LatAmerPolitical/Constitutions/Lucia/stlucia.html> on 10/24/01.

²¹⁷² Criminal Code, Articles 103, 225, as cited in the Protection Project Database at <http://209.190.246.239/protectionproject/statutesPDF/St.Lucia.pdf>.

²¹⁷³ Penalties for violations of child labor legislation do not exceed USD 200, and imprisonment does not exceed 3 months. *See* unclassified telegram 1792.

²¹⁷⁴ ILOLEX database: St. Lucia at <http://ilolex.ilo.ch:1567/english/newratframeE.htm> on 10/24/01.

NOTE: Hard copies of all Web citations are on file

Saint Vincent and the Grenadines

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

The UNDP, along with the Caribbean Development Bank, implements poverty reduction loan projects in St. Vincent and the Grenadines.²¹⁷⁵ UNICEF and other organizations participate in the poverty reduction strategy by implementing programs specifically aimed at improving economic activities for youth.²¹⁷⁶

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in St. Vincent and the Grenadines are unavailable. Children are known to work in family-owned enterprises, particularly on commercial banana farms. Children usually leave school after the primary level and are frequently absorbed into the labor force to work as apprentices.²¹⁷⁷

Education is neither compulsory nor free, although children are usually in school until the age of 15.²¹⁷⁸ In 1998, the gross primary enrollment rate was 90.5 percent, and the net primary enrollment rate was 83.5 percent.²¹⁷⁹ Primary school attendance rates are unavailable for St.

²¹⁷⁵ UNDP, *Poverty Strategies Initiative: Latin America and the Caribbean*, at <http://www.undp.org/poverty/initiatives/> on 10/25/01. See also *Statement by the Governor for St. Vincent and the Grenadines*, by The Hon. Dr. Ralph Gonsalves at the 31st Annual Board of Governor's Meeting, Hyatt Regency, St. Lucia, May 22-23, 2001.

²¹⁷⁶ U.S. Embassy-Bridgetown, unclassified telegram no. 1758, September 2001 [hereinafter unclassified telegram 1758].

²¹⁷⁷ *Country Reports on Human Rights Practices for 2000—St. Vincent and the Grenadines* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid=831>. See also *Internationally Recognized Core Labour Standards in the WTO Members of the Organization of East Caribbean States*, International Confederation of Free Trade Unions (Geneva, 2001), at <http://www.icftu.org/displaydocument.asp?Index=991212900&Language=EN> on 10/24/01.

²¹⁷⁸ *Country Reports 2000* at Section 5. See also Saint Vincent and the Grenadines Treaties and Reports to Treaty Bodies, "For the Record 1997: The UN Human Rights System," at <http://www.hri.ca/fortherecord1997/vol4/stvincent.htm> on 12/12/01.

²¹⁷⁹ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

Vincent and the Grenadines. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²¹⁸⁰ According to the government, cases in which children leave school before the age of 16 are investigated.²¹⁸¹

Child Labor Laws and Enforcement

The 1990 Employment of Women, Young Persons and Children's Act of 1990 sets the minimum age for employment at 16 years, although children may work as apprentices at age 15 as long as the employment is not dangerous to the children's life, health, or morals.²¹⁸² The Constitution prohibits forced labor except when individuals are required to work to fulfill court sentences or military service obligations or to fill a need during a period of public emergency.²¹⁸³ According to the Criminal Code, causing, encouraging, or procuring a girl under 15 years of age for the purpose of engaging in prostitution is illegal.²¹⁸⁴ There are no laws that specifically address trafficking in persons.²¹⁸⁵

The Ministry of Labor's inspection office is responsible for enforcing child labor legislation, and no violations have been reported through annual inspections. According to the Act of Offenses and Penalties, any person who employs a child in an industrial undertaking is liable to a fine of up to USD 250.²¹⁸⁶ St. Vincent and the Grenadines has not ratified ILO Convention 138 but did ratify ILO Convention 182 on December 4, 2001.²¹⁸⁷

²¹⁸⁰ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

²¹⁸¹ *Country Reports 2000* at Section 5.

²¹⁸² Unclassified telegram 1758.

²¹⁸³ Constitution of Saint Vincent and the Grenadines, Article 4, 1979, at <http://www.georgetown.edu/LatAmerPolitical/Constitutions/Vincent/stvincent.html> on 10/24/01.

²¹⁸⁴ Criminal Code, Chapter VIII, Articles 130, 131, in *Human Rights Reports: St. Vincent and the Grenadines*, Protection Project Database, at www.protectionproject.org.

²¹⁸⁵ *Country Reports 2000* at Section 6f.

²¹⁸⁶ Unclassified telegram 1758. See also *Country Reports 2000* at Section 6d.

²¹⁸⁷ ILO, ILOLEX database, at <http://ilolex.ilo.ch:1567/english/newratframeE.htm> on 10/25/01.

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Samoa

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

In September 2000, the Asian Development Bank approved a loan for USD 7 million to finance an Education Sector Project in Samoa.²¹⁸⁸ The objectives of this project are to rehabilitate and expand 25 to 30 schools, develop the curriculum, and improve teachers' skills.²¹⁸⁹

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Samoa are unavailable. However, child labor is often seen in rural areas where schools are not available and is thought to be concentrated in the sale of agricultural products at road-side stands.²¹⁹⁰ Children are also reported to work selling goods and food on the streets of the capital city of Apia.²¹⁹¹ There are no reports of bonded labor by children, but some children are forced by community leaders to work for their village, most frequently on village farms.²¹⁹²

Education in Samoa is compulsory through age 16.²¹⁹³ The duration of compulsory education is eight years.²¹⁹⁴ It is reported, however, that these requirements are rarely enforced in rural areas.²¹⁹⁵ Primary and secondary education is free, although additional expenses for books and transportation are paid by families.²¹⁹⁶ In 1996, the gross primary enrollment rate was 100.3 percent, and the net primary enrollment rate was 96.5 percent.²¹⁹⁷ Primary school attendance rates are unavailable for Samoa. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²¹⁹⁸

²¹⁸⁸ Asian Development Bank at <http://www.adb.org>.

²¹⁸⁹ Ibid.

²¹⁹⁰ U.S. Embassy-Apia, unclassified telegram no. 195, October 2001 [hereinafter unclassified telegram 195].

²¹⁹¹ *Country Reports on Human Rights Practices for 2000—Samoa* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eap/index.cfm?docid=767>.

²¹⁹² *Country Reports 2000* at Section 6d.

²¹⁹³ Unclassified telegram 195.

²¹⁹⁴ *Preliminary Report of the Special Rapporteur on the Right to Education, Ms. Katarina Toma-evski*, UN Document E/CN.4/1999/4913 (Geneva: UN Commission on Human Rights, January 1999).

²¹⁹⁵ Unclassified telegram 195.

²¹⁹⁶ Ibid.

²¹⁹⁷ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

²¹⁹⁸ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

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.²¹⁹⁹ A child under the age of 15 is not permitted to work under conditions that are likely to harm physical or moral health or to work on a vessel that is not under the personal charge of his or her parent or guardian.²²⁰⁰ The Constitution of Samoa prohibits forced or bonded labor, including labor by children.²²⁰¹ However, work or service that is required by Samoan custom or fulfills a “normal civic obligation” is not considered “forced labor” and is therefore not prohibited.²²⁰² Community leaders may compel residents, including minors, to perform work for the village.²²⁰³

The Criminal Code makes the prostitution of persons illegal in Samoa, and the law protects both adults and children.²²⁰⁴ The sexual exploitation of females is a criminal offense, and the maximum penalty is higher for assault on younger victims.²²⁰⁵ Boys under the age of 16 are protected from indecent assault by male adults.²²⁰⁶ The abduction of an individual with the intent to transport the individual out of Samoa is a crime and is punishable by up to 10 years imprison-

²¹⁹⁹ Labour and Employment Act (No. 12), 1972, Section 32, at http://www.vanuatu.usp.ac.fj/Paclawmat/Samoa_legislation/Samoa_Labour.html.

²²⁰⁰ *Ibid.*

²²⁰¹ Constitution of the Independent State of Western Samoa, Section 8, at http://www.vanuatu.usp.ac.fj/Paclawmat/Samoa_legislation/Samoa_Constitution.html.

²²⁰² *Ibid.* at Section 8 (2)d.

²²⁰³ *Country Reports 2000* at Section 6c. For legislation text, see Village Fono Act (No. 3), 1990, at http://www.vanuatu.usp.ac.fj/Paclawmat/Samoa_legislation/Samoa_Village_Fono.html.

²²⁰⁴ Receiving income from the prostitution of another person or soliciting for a prostitute regardless of whether compensation is received, is illegal under the Samoan Criminal Code. *See* Samoa Criminal Ordinance, Section 58L, 1961 [hereinafter Samoa Criminal Ordinance], at http://www.vanuatu.usp.ac.fj/Paclawmat/Samoa_legislation/Samoa_Crimes.html.

²²⁰⁵ Samoan law specifies that sexual intercourse or indecency is illegal if committed with a girl under the age of 12. For girls between the ages of 12 and 16, sexual intercourse and indecency is illegal, given that the girl is not married to the offender. *See* Samoa Criminal Ordinance [hereinafter Samoa Criminal Ordinance], Sections 51-58, at http://www.vanuatu.usp.ac.fj/Paclawmat/Samoa_legislation/Samoa_Crimes.html.

²²⁰⁶ Samoa Criminal Ordinance at Section 58.

ment.²²⁰⁷ In addition, it is against the law to abduct a child under the age of 16 regardless of whether the intent to transport the child out of Samoa is present.²²⁰⁸ The Commissioner of Labor is responsible for addressing complaints about illegal child labor.²²⁰⁹ These complaints are referred to the Attorney General for enforcement.²²¹⁰

Samoa is not a member of the ILO and therefore has not ratified ILO Conventions pertaining to child labor.²²¹¹

²²⁰⁷ *Ibid.* at Section 83A.

²²⁰⁸ *Ibid.* at Sections 83 and 83B.

²²⁰⁹ Unclassified telegram 195.

²²¹⁰ *Country Reports 2000*.

²²¹¹ ILO List of Member Countries at <http://www.ilo.ch/public/english/standards/reln/ctry-ndx.htm>.

NOTE: Hard copies of all Web citations are on file.

São Tomé and Príncipe

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

São Tomé and Príncipe's current educational development program was developed from the structural adjustment program implemented by the government and the International Monetary Fund (IMF). While the IMF has placed sharp spending constraints on the government, it has urged the São Tomé and Príncipe Government to increase the share of total spending allocated to education from 14 percent in 1998 to 21 percent by 2002. Emphasizing the need to improve access to education and training, especially for the poor and women, the plan calls on the government to: adopt an overall education development plan; improve its educational planning capacity; provide school supplies for the 4,000 poorest students; and, increase the share of elementary school spending in the overall education budget from 22 percent in 1998 to 30 percent in 2002.²²¹² School enrollment may have been affected by the suspension of a school meals program operated by the WFP in 1995-96.²²¹³ The program, which is scheduled to provide a mid-day meal to over 31,000 children in primary schools and kindergartens over a period of 180 days per year, was resumed in May 2000.²²¹⁴

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in São Tomé and Príncipe are unavailable, and there is limited information on the incidence of child labor. Children, sometimes at early ages, reportedly work in subsistence agriculture, on commercial farms, and in informal commerce.²²¹⁵

²²¹² Specific targets for the period 2000-2002 are to build or rehabilitate 60 primary school classrooms annually, hire and train 90 new primary school teachers annually, train and retrain 300 primary school teachers, extend the school day from four to seven hours, narrow disparities between rural and urban areas, increase the gross enrollment ratio from 70 to 90 percent, and lower the primary school dropout rate from 31 to 15 percent. See "São Tomé and Príncipe: Matrix of Policy Actions and Measures: 2000-2002," in International Monetary Fund, São Tomé and Príncipe, Interim Poverty Reduction Strategy Paper [hereinafter "Matrix of Policy Actions and Measures"], at <http://www.imf.org/external/NP/prsp/2000/stp/01/stptable.pdf> on 11/30/01.

²²¹³ UN House in São Tomé and Príncipe, *Education*, at http://www.educationplanet.com/search/redirect?id'62903&mfcoun't'9&mfw'sao_tome_and_principe&startval'0 on 11/30/01.

²²¹⁴ "Projected 2002 Needs for WFP Projects and Operations," São Tomé and Príncipe, in *World Food Program*, Country Brief, São Tomé and Príncipe, at <http://www.wfp.org/countrybrief/indexcountry.asp?country'79#> on 11/30/01.

²²¹⁵ *Country Reports on Human Rights Practices for 2000—São Tomé and Príncipe* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid'734>.

Education is compulsory for four years.²²¹⁶ Primary school enrollment and attendance rates are unavailable for São Tomé and Príncipe. The educational system has a shortage of classrooms, insufficiently trained and underpaid teachers, inadequate textbooks and materials, high rates of repetition, poor educational planning and management, and a lack of community involvement in school management.²²¹⁷ Domestic financing of the school system is lacking, leaving the system highly dependent on foreign financing.²²¹⁸

Child Labor Laws and Enforcement

The minimum age for employment is 18 years and is generally respected by employers.²²¹⁹ The Ministry of Justice and Labor is responsible for enforcing labor laws.²²²⁰ Forced and bonded labor, including by children, is prohibited and not known to exist.²²²¹ São Tomé and Príncipe has not ratified either ILO Convention 138 or ILO Convention 182.²²²²

²²¹⁶ Plans to extend primary school education from 4 to 6 years have yet to be implemented. See *Preliminary Report of the Special Rapporteur on the Right to Education, Ms. Katarina Toma-evski*, UN Document E/CN.4/1999/4913 (Geneva: UN Commission on Human Rights, January 1999). See also Common Country Assessment, prepared by the UN agencies in São Tomé and Príncipe, UN House in São Tomé and Príncipe [hereinafter Common Country Assessment], at http://www.educationplanet.com/search/redirect?id'62903&mfcount'9&mfkw'sao_tome_and_principe&startval'0 on 11/30/01.

²²¹⁷ Common Country Assessment.

²²¹⁸ Ibid.

²²¹⁹ *Country Reports 2000* at Section 6d.

²²²⁰ Ibid.

²²²¹ Ibid.

²²²² ILO, ILOLEX database on International Labour Standards, São Tomé and Príncipe, at <http://www.ilolex.ilo.ch:1567/english/iloquery.htm> on 11/27/01.

NOTE: Hard copies of all Web citations are on file.

Senegal

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

The Government of Senegal has been a member of ILO-IPEC since 1997. The ILO-IPEC program in Senegal is designed to enhance the country's ability to design and implement policies aimed at preventing child labor and eliminating the worst forms of child labor. Working primarily with child domestic workers, apprentices, independent workers, and rural working children, the program has implemented activities designed to remove these children from the work force and place them into schools or training programs that will enable them to attain better paying jobs upon graduation.²²²³ ILO-IPEC is also working with the Government of Senegal to revise the child labor laws so that they are compatible with international standards and to provide education about child labor to employers, teachers, and students.²²²⁴ The Government of Senegal is planning to conduct a national child labor survey in 2004 with technical assistance from ILO-IPEC's SIMPOC.²²²⁵

Senegal's Ten Year Education and Training Program (PDEF) 1999-2008, supported by the World Bank, is designed to achieve universal enrollment in primary education, reform technical and vocational training, and work more closely with the private sector.²²²⁶ The PDEF plan calls for Senegal to achieve a primary enrollment rate of 70 percent by 2000 and 75 percent in 2001 and to attain universal enrollment by 2008.²²²⁷ It also seeks to increase enrollment rates of girls and to improve the quality of teaching.²²²⁸ USAID is also helping Senegal develop programs that increase the access of girls and young women to education, improve retention rates of girls in primary schools, and improve non-formal and vocational education for girls and women.²²²⁹

²²²³ U.S. Embassy-Dakar, unclassified telegram no. 3552, August 2000 [hereinafter unclassified telegram no. 3552].

²²²⁴ Ibid.

²²²⁵ SIMPOC Countries, electronic correspondence from ILO-IPEC to USDOL official, January 18, 2001 [document on file]. See also ILO-IPEC, *Child Labor Statistics: SIMPOC Countries*, at <http://www.ilo.org/public/english/standards/ipecc/simnoc/countries.htm> on 1/29/02.

²²²⁶ 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, June 4, 1999.

²²²⁷ Ibid.

²²²⁸ Ibid.

²²²⁹ USAID, *USAID Assistance to Senegal*, fact sheet, Washington, D.C., at http://www.usaid.gov/press/releases/2001/01fs_senegal.html on 10/16/01.

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 28.11 percent of children between the ages of 10 and 14 in Senegal were working.²²³⁰ They work mainly on family farms, as domestic servants, as street vendors, and in small businesses.²²³¹ Some children are also involved in prostitution.²²³²

Education is compulsory up to the age of 12.²²³³ In 1997, the gross primary enrollment rate was 71.3 percent and the net primary enrollment rate was 60.4 percent.²²³⁴ Primary school attendance rates are unavailable for Senegal. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²²³⁵ The majority of girls leave school before third grade and a large majority of women are illiterate.²²³⁶ Dropout rates are high, facilities are poor, and the number of learning hours per pupil has declined by 12 percent in recent years.²²³⁷ Senegal does not have an adequate number of school facilities, as 36 percent of children attend schools offering less than five grades.²²³⁸ Other problems are a high student-teacher ratio and large disparities in enrollment between urban and rural areas.²²³⁹

²²³⁰ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

²²³¹ Many girls, some as young as 8, work as domestic servants and work 7 days per week, 12 hours per day. See unclassified telegram 3552. See also *Country Reports on Human Rights Practices for 2000—Senegal* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=737>, and *Child Labor: "Italy Comes to the Rescue of Senegalese Children,"* newsletter archives, July-December 2000 [hereinafter "Italy Comes to the Rescue"], at <http://www.childlabor.org/archives.html> on 10/15/01.

²²³² "Italy Comes to the Rescue."

²²³³ *Country Reports 2000* at Section 5.

²²³⁴ *World Development Indicators 2001*.

²²³⁵ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

²²³⁶ USAID, Budget Justification for FY 2002, *Senegal: Activity Data Sheet*, at <http://www.usaid.gov/country/afr/sn/685-008.html> on 10/16/01.

²²³⁷ World Bank, "Senegal: Quality Education for All," Project Information Document, Report No. PID8013, July 31, 1999 [hereinafter "Senegal: Quality Education for All"], at http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/1999/08/18/000094946_99081506041883/Rendered/PDF/multi_page.pdf on 12/13/01.

²²³⁸ World Bank, Project Appraisal Document on a Proposed Credit in the Amount of SDR 36.7 Million to the Republic of Senegal for a Quality Education for All Program in Support of the First Phase of the Ten-Year Education and Training Program, March 20, 2000, 5.

²²³⁹ "Senegal: Quality Education for All."

Child Labor Laws and Enforcement

The minimum age for employment as an apprentice is 16 years of age and 18 for all other types of work.²²⁴⁰ The Ministry of Labor has responsibility for the enforcement of child labor laws and monitors and enforces the restrictions in the formal sector.²²⁴¹ However, the law is not enforced in the informal sector, where all of Senegal's working children are frequently employed.²²⁴² Senegal's constitution prohibits forced and bonded labor.²²⁴³ Senegal ratified ILO Convention 138 on December 15, 1999 and Convention 182 on June 1, 2000.²²⁴⁴

²²⁴⁰ *Country Reports 2000*.

²²⁴¹ *Ibid.*

²²⁴² *Country Reports 2000*. See also unclassified telegram 3552.

²²⁴³ *Country Reports 2000*.

²²⁴⁴ Unclassified telegram 3552.

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Seychelles

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

The Government of Seychelles has established inter-sectoral mechanisms to ensure effective collaborative action on child welfare issues. The National Commission for Child Protection is responsible for overall policy-making on child protection, and the National Council for Children plays a key role in advocating and protecting the interests of children.²²⁴⁵ In 1995, the government created an institutional framework for aiding children.²²⁴⁶ In June 1998, the National Assembly established an 18-member family tribunal to hear and determine all matters relating to the care, custody, access, and maintenance of children.²²⁴⁷

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Seychelles are unavailable, and information is not available on the incidence and nature of child labor.

The Education Act provides for free and compulsory education through the secondary level until age 18.²²⁴⁸ Education is compulsory for 10 years, from 6 to 16 years of age.²²⁴⁹ In 1999, the gross primary enrollment rate was 100.8 percent and the net primary enrollment rate was 99.9 percent.²²⁵⁰ Primary school attendance rates are unavailable for Seychelles. While enrollment rates

²²⁴⁵ Government of Seychelles, Ministry of Social Affairs and Manpower Development, “Seychelles: Putting Children First,” *African Newsletter on Occupational Health and Safety*, vol. 10, no. 2 (August), 2000 [hereinafter “Putting Children First”].

²²⁴⁶ *Country Reports on Human Rights Practices for 2000—Seychelles* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/750.htm>.

²²⁴⁷ *Ibid.*

²²⁴⁸ “Putting Children First.” See also *Country Reports 2000* at 5.

²²⁴⁹ UNESCO, Institute for Statistics, “National Education Systems,” at <http://unesco.org/en/stats/stats0.htm>.

²²⁵⁰ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

indicate a level of commitment to education, they do not always reflect children's participation in school.²²⁵¹ It is a punishable offense to allow children to be truant or to keep children out of school.²²⁵² Girls, however, are not allowed to attend school when they are pregnant, and many girls do not return to school after giving birth.²²⁵³

Child Labor Laws and Enforcement

The Constitution sets the minimum age for work at 15. Children under the age of 15 may perform light work on a part-time basis as long as it is not detrimental to their health, morals, or education.²²⁵⁴ The Constitution also provides for a higher minimum age of employment for occupations that are dangerous, unhealthy, or likely to impair the normal development of a child.²²⁵⁵ Forced or compulsory labor is prohibited under the Constitution.²²⁵⁶

The Ministry of Employment and Social Affairs is responsible for enforcing child labor laws through inspections and investigating abuses of child labor.²²⁵⁷ Seychelles ratified ILO Convention 138 on March 7, 2000, and was the first country to ratify ILO Convention 182 on September 28, 1999.²²⁵⁸

²²⁵¹ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

²²⁵² "Putting Children First."

²²⁵³ *Country Reports 2000* at 5.

²²⁵⁴ Constitution of the Republic of Seychelles, Chapter 3, Article 31(a).

²²⁵⁵ *Ibid.*

²²⁵⁶ *Ibid.*

²²⁵⁷ *Country Reports 2000* at 6d.

²²⁵⁸ ILO, ILOLEX database, International Labour Standards, at <http://ilolex.ilo.ch:1567/english/index.htm> on 11/29/01.

NOTE: Hard copies of all Web citations are on file

Sierra Leone

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

The Government of Sierra Leone has started a program to introduce universal free primary education (classes 1 to 6) in all government-owned and government-assisted schools and is receiving assistance for the program from the World Bank and other donors.²²⁵⁹ UNICEF is engaged in projects to renovate schools, distribute teaching material, and provide equipment for schools.²²⁶⁰

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 71.6 percent of children between ages 5 and 14 in Sierra Leone were working.²²⁶¹ The same survey estimated that 2 percent of children between ages 5 and 14 perform paid work, while 48 percent of children in Sierra Leone perform unpaid work for someone other than a household member.²²⁶² Teenage prostitution has reportedly become a significant problem because of migration from rural areas to Freetown during the civil war.²²⁶³ Other children in Sierra Leone work on a seasonal basis on family subsistence farms, in family businesses, and as petty vendors.²²⁶⁴

Rebel forces of the Revolutionary United Front (RUF) and other military groups have forced children into their ranks, where they have served as porters, soldiers, sexual slaves, or have been forced to dig for diamonds in mines.²²⁶⁵ In 2000 the ILO estimated that 5,400 children served

²²⁵⁹ International Monetary Fund and International Development Association, *Sierra Leone: Joint Staff Assessment and the Interim Poverty Reduction Strategy Paper*, July 16, 2001, at <http://www.imf.org/external/np/jsa/2001/sle/eng/071601.pdf> on 10/18/01.

²²⁶⁰ Integrated Regional Information Networks, *Sierra Leone: Army Recruits Trained in Child Protection*, November 3, 2000.

²²⁶¹ Multiple Indicator Cluster Survey 2 (MICS2), “Understanding Children’s Work,” Sierra Leone, 2000.

²²⁶² Most of this is domestic work such as cooking, shopping, cleaning, washing clothes, getting water, and caring for children. See Government of Sierra Leone, Ministry of Development and Economic Planning, Central Statistics Office, *The Status of Women and Children in Sierra Leone: A Household Survey Report*, MICS2, Final Report, November 2000, 61.

²²⁶³ 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, on 28 August 1996, 1999-2000*, at <http://www.ecpat.net/Blueboo2000/index.html> on 10/28/01.

²²⁶⁴ *Country Reports on Human Rights Practices for 2000—Sierra Leone* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=755>.

²²⁶⁵ *Country Reports 2000* at Section 6c, Child Soldiers Global Report, Republic of Sierra Leone, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=755>. See also Douglas Farah, “Rebels in Sierra Leone Mine Diamonds in Defiance of UN Captured Children and Conscripts Used as Laborers,” *Washington Post*, August 19, 2001, p. A1.

as soldiers.²²⁶⁶ Child soldiers forced into military service by the RUF were given cocaine and amphetamines; were armed with pistols, rifles, and machetes; and were forced to engage in combat, massacres, and other acts of brutality.²²⁶⁷ In May 2001, following reconciliation talks between the Government and the RUF, the RUF began to release child soldiers.²²⁶⁸

The law requires mandatory primary school education, but a shortage of schools and teachers has made implementation impossible.²²⁶⁹ According to the International Monetary Fund, the civil war resulted in the destruction of 1,270 primary schools, and 67 percent of all school-age children are currently out of school.²²⁷⁰

Child Labor Laws and Enforcement

Sierra Leone sets the minimum age for employment at age 18, although children between the ages of 12 and 18 may be employed in some non-hazardous occupations with the consent of their parents. The law is not enforced in practice, as there is no government agency charged with enforcement.²²⁷¹ The Constitution prohibits forced and bonded labor, including that performed by children; however, under the Chiefdom's Council Act, individual chiefs may impose compulsory labor and may require village members to work to improve common areas. This practice exists only in rural areas.²²⁷² Sierra Leone has not ratified ILO Convention No. 138 on the Minimum Age for Employment or ILO Convention No. 182 on the Worst Forms of Child Labor.²²⁷³

²²⁶⁶ ILO, *Sierra Leone: The Terrible Price of Poverty and Unemployment*, World of Work, no. 33 (February), 2000 [hereinafter *The Terrible Price of Poverty and Unemployment*], at <http://www.ilo.org/public/english/bureau/inf/magazine/33/sleone.htm> on 10/17/01. Human rights groups estimate that 4,500 to 10,000 children under 16 years of age were forcibly abducted into military service during the war. See Douglas Farah, "Children Forced to Kill," *Washington Post*, April 10, 2000 [hereinafter "Children Forced to Kill"].

²²⁶⁷ "Children Forced to Kill."

²²⁶⁸ UNICEF, "UNICEF Encouraged by the Release Today of 150 Child Soldiers in Sierra Leone," press release, Freetown, New York, June 4, 2001, at <http://www.unicef.org/newsline/01prjune4cs.htm> on 10/17/01. During 2001, armed groups released more than 3,800 child soldiers and camp followers. According to UNICEF, as of October 2001, approximately 1,500 children reported as missing during the war had yet to be located. See Electronic correspondence, U.S. Department of State Official, Eric Barboriak, to U.S. Department of Labor Official, April 22, 2002.

²²⁶⁹ *Country Reports 2000* at Section 5.

²²⁷⁰ Enrollment and attendance rates for Sierra Leone are unavailable. See Republic of Sierra Leone, *Interim Poverty Reduction Strategy Paper*, Freetown, June 2001, 18-19, at <http://www.imf.org/external/np/prsp/2001/sle/01/063101.pdf> on 10/18/01.

²²⁷¹ *Country Reports 2000* at Section 6d.

²²⁷² *Ibid.* at Section 6c.

²²⁷³ ILOLEX database: Sierra Leone at <http://ilolex.ilo.ch:1567/english/>.

Slovak Republic

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

The Slovak Republic established a Commission on the Rights of the Child and created departments within its Ministries of Education and Social Affairs to protect children's rights.²²⁷⁴ In collaboration with UNESCO, the government has developed an Education for All Plan,²²⁷⁵ sponsored a media campaign to encourage school attendance, and developed a pre-school program to teach Roma children the Slovak language.²²⁷⁶

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in the Slovak Republic are unavailable.²²⁷⁷ Some children from Ukraine, Iraq, Afghanistan, Lebanon, and Turkey are known to be trafficked through the Slovak Republic into Germany for purposes of prostitution.²²⁷⁸

Education is free and compulsory for nine years or until the age of 15.²²⁷⁹ In 1996, the gross primary enrollment rate was 101.8 percent.²²⁸⁰ Primary school attendance rates are unavailable for the Slovak Republic. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²²⁸¹ Although official statistics are unavailable, it is believed that fewer Roma than Slovak children attend primary school.²²⁸² Roma children are also disproportionately placed in special schools for the mentally retarded, often because they lack sufficient knowledge of the Slovak language.²²⁸³

²²⁷⁴ U.S. Embassy-Bratislava, unclassified telegram no. 2752, September 2001 [hereinafter unclassified telegram 2752].

²²⁷⁵ UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports—Slovakia*, at <http://www.unesco.org/wef/countryreports/slovakia/rapport-1.html>.

²²⁷⁶ Unclassified telegram 2752.

²²⁷⁷ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

²²⁷⁸ *Human Rights Report—Slovakia*, Protection Project Database [hereinafter *Human Rights Report—Slovakia*], at <http://www.protectionproject.org>, on 2/20/02.

²²⁷⁹ *County Reports on Human Rights Practices for 2000—Slovak Republic* (U.S. Department of State: Washington, D.C., 2001) [hereinafter *County Reports 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/index.cfm?docid=868>.

²²⁸⁰ *World Development Indicators 2001*.

²²⁸¹ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

²²⁸² Unclassified telegram 2752.

²²⁸³ The Roma constitute the second largest ethnic minority in the Slovak Republic. See *County Reports 2000* at 5.

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years. Children under the age of 15 may perform light work in cultural or artistic performances, sports events, and advertising activities as long as the work does not affect their health, safety, further development or full-time schooling. Permission to work in these areas must be obtained from the labor inspectorate with the agreement of a health protection body.²²⁸⁴ Children under the age of 16 may not work underground or perform work that is inappropriate for their age or is detrimental to their health.²²⁸⁵ Children under 16 may not work more than 30 hours per week, and children over age 16 are limited to 37.5 hours per week.²²⁸⁶

Articles 204 and 246 of the Criminal Code prohibit the sale and trafficking of women, and these crimes can be penalized more severely when the victim is under the age of 18. Under Article 204, a person convicted of selling a child under the age of 15 for the purpose of prostitution can receive a penalty of 12 years imprisonment.²²⁸⁷ Article 18 of the Constitution prohibits forced labor.²²⁸⁸

The inspection section of the Ministry of Labor enforces the country's child labor laws.²²⁸⁹ Child labor complaints are first received and investigated by the Ministry's district inspection units. If a violation of a child labor law is found to have occurred, the case is turned over to the national inspection unit. The government provides specific training to its inspectors on child labor laws and has published and distributed fliers explaining child labor laws and dangers and risks involved in employing minors.²²⁹⁰

The Slovak Republic ratified ILO Convention 138 on September 29, 1997, and ILO Convention 182 on December 20, 1999.²²⁹¹

²²⁸⁴ Government of the Slovak Republic, Labor Code Act, Part 1, Article 11, 2001, at http://www.employment.gov.sk/en/international_relations/labour_code_311_2001.html.

²²⁸⁵ *Ibid.* at Part 7, Article 175.

²²⁸⁶ *Ibid.* at Part 3, Article 85.

²²⁸⁷ Article 205 of the Criminal Code prohibits the distribution, production, presentation, and transmission of indecent material, including pornographic material that depicts sexual intercourse with a child under the age of 15. See *Human Rights Report—Slovakia*.

²²⁸⁸ Constitution of the Slovak Republic, Article 18, 1992.

²²⁸⁹ Unclassified telegram 2752.

²²⁹⁰ *Ibid.*

²²⁹¹ ILO, ILOLEX database, "Ratifications of ILO Conventions," at <http://www.ilolex.ilo.ch:1567/> English.

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Solomon Islands

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

The Solomon Islands 1997 Draft National Education Master Plan for 1999-2010 includes provisions to increase primary education enrollment and to increase the number of teachers over the same period.²²⁹²

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 25.1 percent of children in the Solomon Islands between the ages of 10 and 14 were working.²²⁹³ Children under the age of 15, some as young as 11, reportedly work as prostitutes.²²⁹⁴ In the conflict between the dominant Malatians and the Guadalcanalese, the militant Guadalcanalese Isatabu Freedom Movement (IFM) has reportedly included about 100 child soldiers ages 12 to 17 in its ranks. According to Amnesty International, children between 12 and 17 made up at least a quarter of the IFM fighters manning roadblocks visited by its observers east of the town of Honiara in September 1999.²²⁹⁵

Education in the Solomon Islands is not compulsory and only 60 per cent of school-age children have access to primary education.²²⁹⁶ From 1990 to 1994, the gross primary school enrollment rose from 84.5 percent to 96.6 percent.²²⁹⁷ Primary school attendance rates are unavailable for the Solomon Islands. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²²⁹⁸ Efforts and plans made by the

²²⁹² UNESCO, *The Education for All (EFA) Assessment 2000: Country Report—Solomon Islands* [hereinafter *EFA 2000*], at http://www2.unesco.org/wef/countryreports/solomon_islands/rapport_1.html on 11/27/01.

²²⁹³ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

²²⁹⁴ PACNEWS/SIBC, "Pre-Teens Involved in Solomon Islands Prostitution," January 20, 1999, reprinted in *Pacific Islands Report*, cited in Global March Against Child Labor, "Worst Forms of Child Labor Data: Solomon Islands," at <http://www.globalmarch.org/worstformsreport/world/solomon-islands.htm> on 11/27/01.

²²⁹⁵ Amnesty International, *Solomon Islands: A Forgotten Conflict*, September 2000, AI-index: ASA 43/005/2000, July 9, 2000, at <http://web.amnesty.org/ai.nsf/Index/ASA430052000?OpenDocument&of=COUNTRIES\SOLOMON+ISLANDS> on 11/27/01, p. 3.

²²⁹⁶ UN Committee on Economic, Social and Cultural Rights, *Review of the Implementation of CERD: Solomon Islands, 5/14/99, E/C.12/1/Add.33, (Concluding Observations/Comments)* [hereinafter *Review of the Implementation of CERD: Solomon Islands*], at

[http://www.unhchr.ch/tbs/doc.nsf/\(symbol\)/E.C.12.1.Add.33.En?opendocument](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/E.C.12.1.Add.33.En?opendocument) on 11/27/01.

²²⁹⁷ *World Development Indicators 2001*.

²²⁹⁸ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

Department of Education and Human Resource Development to expand educational facilities and increase enrollment have been hindered by a lack of government funding, misguided teacher training programs, poor coordination of programs, and a failure of the government to pay teachers.²²⁹⁹ The percentage of the government's budget allocated to education was 9.7 percent in 1998, down from 13.2 percent in 1990.²³⁰⁰

Child Labor Laws and Enforcement

Children under the age of 12 are prohibited from heavy work, but they may participate in light agricultural or domestic labor (work performed in the company of their parents).²³⁰¹ Children under the age of 15 are prohibited from working in industry or on ships, and children under the age of 18 may not work underground or in mines.²³⁰² The Constitution prohibits forced labor, including forced and bonded labor by children.²³⁰³ The Labor Division of the Ministry of Commerce, Trade, and Industry is responsible for enforcing child labor laws.²³⁰⁴ The Solomon Islands has not ratified ILO Convention 138 or ILO Convention 182.²³⁰⁵

²²⁹⁹ *Ibid.*

²³⁰⁰ *EFA 2000.*

²³⁰¹ *Review of the Implementation of CERD: Solomon Islands.* See also *Country Reports on Human Rights Practices for 2000—Solomon Islands* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eap/index.cfm?docid=772>.

²³⁰² *Review of the Implementation of CERD: Solomon Islands.*

²³⁰³ *Country Reports 2000* at Section 6c. See also *Review of the Implementation of CERD: Solomon Islands.*

²³⁰⁴ *Country Reports 2000* at Section 6d.

²³⁰⁵ ILO, ILOLEX database: Solomon Islands, at <http://www.ilolex.ilo.org>.

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Somalia

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

Since 1996, the international effort towards education in Somalia has been coordinated by the Education Sectoral Committee of the Somalia Aid Coordination Body.²³⁰⁶ UNICEF has provided assistance to more than 600 schools under its Basic Education Program by furnishing textbooks and school supplies, developing school curricula, and training teachers.²³⁰⁷ The United Nations High Commissioner for Refugees, UNESCO, and various international NGOs also have given aid.²³⁰⁸ In 1999, the Somaliland authority drafted guidelines for its “national” education policy.²³⁰⁹

Incidence and Nature of Child Labor

In 1999, UNICEF estimated that 42 percent of children between the ages of 5 and 14 were working in Somalia.²³¹⁰ Children are engaged in herding, agriculture, and domestic labor.²³¹¹ In addition, children under age 15 have been recruited by the militias, with boys as young as 10 years old serving as bodyguards for faction leaders.²³¹² There also are reports of Somalian children being trafficked for the purpose of forced labor.²³¹³

²³⁰⁶ Eighty-nine percent of schools in the northwest and 83 percent in the northeast charge fees. In the central-south, only 41 percent of schools require the payment of fees. See UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports—Somalia*, [hereinafter *EFA 2000*], at http://www2.unesco.org/wef/countryreports/somalia/rapport_2.html.

²³⁰⁷ UNICEF, “Somalia: Country Programme,” Overview, at <http://www.unicef.org/somalia/programme/98-99/activeed.html>.

²³⁰⁸ *EFA 2000*.

²³⁰⁹ *Country Reports on Human Rights Practices for 2000—Somalia* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=780&CFNoCache=TRUE&pri>.

²³¹⁰ Multiple Indicator Cluster Survey 2 (MICS2) [hereinafter MICS2] at <http://www.ucw-project.org>. See also “Somalia: List of Tables” [hereinafter “List of Tables”] at <http://www.childinfo.org/MICS2/natlMICSrepz/Somalia/TablesFinal150101.pdf>.

²³¹¹ *Country Reports 2000*.

²³¹² *Ibid.* at Section 6d.

²³¹³ *Ibid.* at Section 6c.

Primary education is compulsory between the ages of 6 and 14.²³¹⁴ The Transitional National Charter guarantees a free basic education up to secondary school;²³¹⁵ however, 62 percent of schools in Somalia require families to pay fees, which average out to USD 15.60 per year for each child.²³¹⁶ In addition, schools lack textbooks, as well as running water.²³¹⁷ In 2000, the gross primary enrollment rate was 9 percent, with 11.8 percent for boys and 6.3 percent for girls.²³¹⁸ In 1999, 58.4 percent of primary school-age children attended school, and 72.5 percent of children who had entered first grade actually reached the fifth grade.²³¹⁹

Child Labor Laws and Enforcement

Somalia has been without a national government since 1991 and has no means for enforcing labor laws.²³²⁰ Somalia has not ratified ILO Convention 138 or ILO Convention 182.²³²¹

²³¹⁴ UNESCO, Somalia—Education System, at <http://www.unesco.org/iau/cd-data/so.rtf> on 3/120/02.

²³¹⁵ Transitional National Charter, Article 14, Section 3, at <http://somaligov.com/axdi/axdi2.doc>.

²³¹⁶ *EFA 2000*.

²³¹⁷ *Country Reports 2000* at Section 5.

²³¹⁸ The enrollment figures came from responses to questionnaires for UNICEF's 1998-99 school survey data. In this study UNESCO defines a primary school as one for children ages 6 to 14. See *EFA 2000*.

²³¹⁹ The MICS2 study looked at children ages 5 and older in regard to education. 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 "List of Tables@ and MICS2.

²³²⁰ *Country Reports 2000*.

²³²¹ ILOLEX database: Somalia at <http://iloles.ilo.ch:1567>.

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South Africa

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

The Government of South Africa has been a member of ILO-IPEC since 1998.²³²² In 1996, in response to a request from the South African Department of Labor (SADOL), ILO-IPEC began a program supporting SADOL and Statistics South Africa with funding from USDOL to implement a comprehensive national survey on the nature and extent of child labor in South Africa.²³²³ In 1999, the survey was conducted with technical assistance from ILO-IPEC's SIMPOC.²³²⁴ USDOL is also funding a national program to eliminate child labor in South Africa.²³²⁵

In 1997, the government established a national stakeholders forum, the Child Labor Intersectoral Group (CLIG), which coordinates and monitors services provided by the government and NGOs, raises awareness about child labor and the enforcement of child labor laws, and trains labor inspectors.²³²⁶ The CLIG adopted the South African Child Labor Action Program, which was developed in February 1998 and calls for the withdrawal of children from child labor and their integration into formal education.²³²⁷ Other ministries and NGOs have taken an active role in child labor initiatives as well.²³²⁸ The Department of Welfare is a member of the CLIG and administers

²³²² See *Implementation of the Convention on the Rights of the Child: South Africa's Supplement to the Initial Country Report* (Pretoria: Office of the President, 2000) [hereinafter *Implementation of the Convention*], 56.

²³²³ U.S. Embassy–Johannesburg, unclassified telegram no. 655, June 2000 [hereinafter unclassified telegram 0655].

²³²⁴ Statistics South Africa, *Child Labor in South Africa: Surveys of Activities of Young People 1999* (Draft), tables [hereinafter *Surveys of Activities of Young People 1999*], at <http://www.ilo.org/public/english/standards/ipecc/simpoc/southafrica/report/index.htm> on 12/18/01.

²³²⁵ ILO-IPEC Programme, *National Program to Eliminate Child Labor in South Africa*, project document (Geneva: ILO, 2000).

²³²⁶ Before and after promulgating the BCEA, the government coordinated ad hoc meetings with stakeholders involved in child labor issues. The CLIG formally developed from these ad hoc meetings. SADOL convenes the CLIG, and there are 10 CLIG offices located in the provinces. See *Implementation of the Convention*, 56. See also Network Against Child Labor, *Documents to be Discussed at the Meeting of 17 January 2000* (Johannesburg: Department of Social Services and Population Development, 2000) [hereinafter Network Against Child Labor], and Fatima Bhyat, Director of Minimum Standards, South Africa Department of Labor, interview with USDOL official, July 26, 2000 [hereinafter Bhyat interview].

²³²⁷ "Background Section" in Network Against Child Labor. See also unclassified telegram 655 and Bhyat interview.

²³²⁸ The government has developed a close working relationship with several NGOs to address the problem of child labor. The Network Against Child Labor (NACL) is made up of about 50 member organizations and was established to feed into structures set up by the CLIG. The aim of the NACL is to end the economic exploitation of children through their labor by awareness raising, advocacy, policymaking, research, networking, and legal and intersectoral interventions. Other NGOs work with specialized child protection units of the police to remove children from the streets and provide them with a safe, nonexploitative environment. See "Network Against Child Labour (NACL): Background" in Network Against Child Labor. See also unclassified telegram 655.

social safety net programs that help prevent children from entering the workforce.²³²⁹ The Minister of Welfare also set up a task force to develop a plan of action against the sexual exploitation of children,²³³⁰ and the Government of South Africa created training for the police and judiciary on the commercial sexual exploitation of children.²³³¹

Since the transition to a democratically elected government in 1994, South Africa has engaged in fundamental reforms designed to increase access to and the quality of education by reforming expenditure patterns and reallocating funds to poorer provinces and to predominantly black schools.²³³² The National Curriculum 2005 Framework helps to bridge the gap in educational opportunities between privileged and underprivileged children by providing learning support materials to schools in a more equitable fashion, and by standardizing the content of training courses for teachers in all districts.²³³³

Incidence and Nature of Child Labor

In 1999, a child labor survey conducted by the South Africa Statistical Agency, in cooperation with ILO-IPEC, estimated that 36 percent of children between the ages of 5 and 17 in South Africa were working.²³³⁴ Child labor occurs most often in the rural agricultural sector and the informal economy. Children work in commercial agriculture and on subsistence farms,²³³⁵ as

²³²⁹ “Submission to the Departmental Committee on Developmental Social Services” in Network Against Child Labor at 3.

²³³⁰ Unclassified telegram 655.

²³³¹ *Country Reports on Human Rights Practices for 2000—South Africa* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=788>.

²³³² In 1998, the government announced new funding norms to further these goals. The new procedures require education departments to direct 60 percent of their non-personnel and non-capital recurrent expenditures toward the most deprived 40 percent of schools in their provinces. From 1991 to 1996, the government increased its expenditures on education by 89 percent. After 1996, government expenditures on education continued to increase but at a much lower rate. In 1995-1996, the total expenditure on education was 21.7 percent of the total government budget and 6.7 percent of GDP. The estimated total expenditure in 1999-2000 was 21.3 percent of the total government budget and 6.6 percent of GDP. See Government of South Africa, Department of Education, *Education for All: The South African Assessment Report* (Pretoria, 2000) [hereinafter *The South African Assessment Report*], 26, 27, 32. See also *Country Reports 2000* at Section 5.

²³³³ *Implementation of the Convention* at 45.

²³³⁴ This statistic includes children who work at least 3 hours per week in economic activities (gathering wood and/or water; performing unpaid domestic work; or performing economic activities for pay, profit, or family gain), 5 hours per week in school labor (performing school maintenance, cleaning, or performing school improvement activities), and 7 hours for household chores (working in the family home where the child’s parent, grandparent, or spouse is present). See “Key Findings: The definitions and extent of child labor” in *Surveys of Activities of Young People 1999*.

²³³⁵ Unclassified telegram 655.

well as on small farms planting and harvesting vegetables, picking and packing fruit, and cutting flowers.²³³⁶ Children are also found working as domestic servants in rural areas, especially on farms. Many of these children come from migrant populations.²³³⁷ In urban areas, children work as street hawkers, especially around taxi stands and where public transportation is used.²³³⁸ There are reports that commercial sexual exploitation of children is growing. As South Africa becomes an increasingly popular tourist destination, cities like Cape Town and Durban are becoming destinations for tourists seeking sex with minors.²³³⁹ South Africa is a destination country for trafficking in children for the purposes of prostitution.²³⁴⁰

The Constitution states that every person has a right to basic education.²³⁴¹ The South African Schools Act of 1996 asserts that everyone has a right to access basic and quality education and may not be discriminated against on the basis of race. The Act makes school compulsory for children between the ages of 7 and 15, or a total of nine years,²³⁴² and prohibits public schools from refusing admission to any child on the grounds that the parent is unable to pay or has not paid school fees.²³⁴³ The National Education Policy Act of 1996 also prohibits schools from denying admission or discriminating against a student for not paying school fees.²³⁴⁴ There are additional costs, however, such as for transportation and school uniforms that prevent many children from

²³³⁶ Ibid.

²³³⁷ Ibid.

²³³⁸ Ibid.

²³³⁹ Child prostitutes are particularly sought after because they are believed to be free of disease or because of the belief that having sex with a virgin cures diseases such as HIV/AIDS. Children are also allegedly exploited sexually in return for the liquidation of family debts or to raise income for the family. See 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, on 28 August 1996: 1999-2000* (Bangkok: ECPAT International, 2000) [hereinafter *Looking Back, Thinking Forward*], Section 3.4. See also *Country Reports 2000* at Sections 5, 6c, and South Africa National Council for Child and Family Welfare, *Report on the Commercial Sexual Exploitation of Children in South Africa*, June 9, 2000, 11.

²³⁴⁰ *Country Reports 2001* at Section 6f.

²³⁴¹ From 1948 until the abolition of apartheid and resulting change in government policy (including the passage of a new Constitution), a succession of apartheid-driven policies resulted in social inequalities along racial lines, and black South Africans particularly were deprived of opportunities to access basic social services, including education. See Government of the Republic of South Africa, Constitution of the Republic of South Africa, Act 200 of 1993 [hereinafter *Constitution of the Republic of South Africa*], Section 29(1)(a), January 25, 1994. See also *The South African Assessment Report* at 6-10.

²³⁴² Government of the Republic of South Africa, South African Schools Act 84 of 1996, Section 3(1), November 6, 1996.

²³⁴³ Ibid. at Section 5(3)(a).

²³⁴⁴ Many schools continue to face significant infrastructure and other problems that have a negative impact on the quality of education. See *Government Gazette* 19377, "Admission Policy for Ordinary Public Schools," National Education Policy Act 27 of 1996, as promulgated by General Notice 2432 of October 19, 1998, Section 10.

attending school.²³⁴⁵ In 1997, the gross primary school enrollment rate was 96.5 percent, and the net primary enrollment rate was 87.1 percent.²³⁴⁶ The gross enrollment rate was higher for boys (98.3 percent) than for girls (86.3 percent), and the net enrollment rate was relatively equal between boys and girls (87.9 percent and 86.3 percent, respectively).²³⁴⁷ Primary school attendance rates are unavailable for South Africa. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²³⁴⁸

Child Labor Laws and Enforcement

The BCEA sets the minimum age of work at 15 years.²³⁴⁹ For children over age 15 and no longer subject to compulsory schooling, the BCEA allows for the Minister of Labor to set additional prohibitions or conditions on their employment.²³⁵⁰ It also prohibits people from employing a child in work that is "inappropriate" for the child's age or that places at risk the child's well-being; education, physical, or mental health; or spiritual, moral, or social development.²³⁵¹ The Constitution and the BCEA prohibit all forms of forced labor.²³⁵² The Constitution provides that every child, defined as a person under 18 years of age, has the right to be protected from exploitative labor practices. It also protects children from performing work or providing services that are inappropriate for that child's age or risk the child's well-being. Additionally, it prohibits the use of children under the age of 18 in armed conflicts.²³⁵³ The Child Care Act and the South Africa Schools Act make it an offence to prevent a child under 15 years of age from attending school in order to work, and both may be used to enforce minimum age laws among children who are engaged in employment in the informal sector.²³⁵⁴

²³⁴⁵ U.S. Embassy–Johannesburg, unclassified telegram no. 1245, October 2001 [hereinafter unclassified telegram 1245].

²³⁴⁶ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

²³⁴⁷ *Ibid.*

²³⁴⁸ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

²³⁴⁹ Republic of South Africa, Basic Conditions of Employment Act, Act No. 75 (Cape Town: Creda Communications for the Government Printer, December 1997) [hereinafter Basic Conditions of Employment Act], Sections 43(1)(a)(b), 43(3), 44(2), 93.

²³⁵⁰ *Ibid.* at Section 44(1).

²³⁵¹ *Ibid.* at Section 43(2)(a)(b).

²³⁵² In general, the BCEA does not apply to informal work unless it constitutes forced labor. See *Ibid.* at Section 48. See also Constitution of the Republic of South Africa at Section 13.

²³⁵³ Constitution of the Republic of South Africa at Section 28(1)(e)(f)(k).

²³⁵⁴ Government of the Republic of South Africa, Child Care Act 74 of 1983 [hereinafter Child Care Act 74 of 1983], Section 52A(5), June 15, 1983, 12, 14. See also ILO-IPEC, "Green Paper on a National Child Labour Action Program" (Draft) (Geneva, October 20, 2000).

Sexual Offences Act No. 23 of 1957 makes prostitution a criminal offense.²³⁵⁵ However, in 1999, the government passed legislation to amend the Child Care Bill and prohibit the commercial sexual exploitation of children in a more comprehensive manner than the Sexual Offences Act of 1957.²³⁵⁶ Trafficking is not specifically prohibited by law.²³⁵⁷

The passage of the BCEA made SADOL the primary government entity responsible for monitoring compliance with and enforcing South Africa's labor laws, including provisions on child labor. SADOL effectively enforces the minimum age law in the formal nonagricultural sector but less effectively in other sectors.²³⁵⁸ The maximum penalty for illegally employing a child, according to the BCEA, is three years of imprisonment.²³⁵⁹ Enforcement of laws against child sexual exploitation appears lax, and there are problems in investigating, charging, and sentencing offenders.²³⁶⁰ South Africa ratified ILO Convention 138 on March 30, 2000, and ILO Convention 182 on June 7, 2000.²³⁶¹

²³⁵⁵ Because the Sexual Offences Act No. 23 of 1957 makes prostitution an offense regardless of age, children who are victims of commercial sexual exploitation can be arrested for prostitution. The approach of the Office of the National Director of Public Prosecutions, however, is to refer such matters to a children's court to determine whether the child is in need of care and to pursue the prosecution of persons exploiting children. In addition, the South African Law Commission project committee on sexual offenses is drafting a new Sexual Offences Act, which reportedly recommends a complete prohibition on the commercial sexual exploitation of children. *See* Child Care Act 74 of 1983 at 15.

²³⁵⁶ Government of the Republic of South Africa, Child Care Amendment Bill (B 14-99), Section 50A.

²³⁵⁷ U.S. Department of State, *Trafficking in Persons Report*, July 2001, South Africa [hereinafter *Trafficking in Persons Report*], 68.

²³⁵⁸ There are approximately 450 labor inspectors for the entire country. According to an SADOL report, there have been few child labor cases. *See* unclassified telegram 1245; *Country Reports 2000* at Section 6d; and South Africa Department of Labor, "Integrated Labour Inspection Checklist," August 2000.

²³⁵⁹ Basic Conditions of Employment Act at Sections 43(1)(a)(b), 43(3), 44(2), 93.

²³⁶⁰ *Looking Back, Thinking Forward* at Section 3.4.

²³⁶¹ ILO, ILOLEX database: South Africa, at <http://ilolex.ilo.ch:1567/english/newratframeE.htm> on 11/19/01.

NOTE: Hard copies of all Web citations are on file.

Sri Lanka

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

The Government of Sri Lanka has been a member of ILO-IPEC since 1996.²³⁶² In 1998, National Child Protection Authority (NCPA) Act No. 50 was enacted to create an oversight agency for the protection of children against any form of abuse,²³⁶³ and a child labor survey was conducted in 1999 by the Sri Lanka Department of Census and Statistics with technical assistance from ILO-IPEC's SIMPOC.²³⁶⁴ The NCPA is working in consultation with the ILO, UNICEF, Save the Children UK, and other NGOs to address the problem of child labor. In cooperation with the Ministry of Labor, the NCPA conducts training programs for judicial, labor, probation, and police officers to educate authorities dealing with child labor issues.²³⁶⁵ Sri Lanka is part of an ILO-IPEC sub-regional project funded by USDOL to combat trafficking in South Asia. The government is also working with ILO-IPEC to identify the worst forms of child labor. A rehabilitation center established by the NCPA provides vocational training and counseling services to child victims of trafficking.²³⁶⁶

Incidence and Nature of Child Labor

In 1999, a child activity survey conducted by the Sri Lanka Department of Census and Statistics, in cooperation with ILO-IPEC, estimated that 15 percent of children between the ages of 5 and 14 were working.²³⁶⁷ According to the survey, the majority of working children appear in the

²³⁶² The ILO-IPEC programs focus on (1) capacity building and research; (2) policy, law, and enforcement; (3) awareness raising; and (4) the direction action for prevention, withdrawal, rehabilitation, and protection of children from child labor. Government of Sri Lanka, Ministry of Labor, and ILO-IPEC at <http://www.labour.gov.lk/documents/3ilotpec.htm> on 10/19/01.

²³⁶³ Government of Sri Lanka, Ministry of Labor, National Child Protection Authority Act No. 50 of 1998, at http://www.labour.gov.lk/documents/10_Chap.htm on 10/18/01.

²³⁶⁴ Government of Sri Lanka, Department of Census and Statistics, "Summary of Findings of Child Labor Survey in Sri Lanka," 1999 [hereinafter "Summary of Findings of Child Labor Survey"], at <http://www.ilo.org/public/english/standards/ipecc/simpoc/srilanka/report/srilan99/indexpr.htm> or <http://www.statistics.gov.lk/Documents/BulletineCH/ChA1.htm> on 10/17/01.

²³⁶⁵ Unclassified telegram no. 1719, September 2001 [hereinafter unclassified telegram 1719].

²³⁶⁶ *Ibid.*

²³⁶⁷ In 1999, the Sri Lankan Department of Census and Statistics, under the Ministry of Finance and Planning, in collaboration with ILO-IPEC conducted the Child Activity Survey 1999 to measure the extent of child labor in Sri Lanka. Approximately 7.5 percent (69,064) of the 926,038 working children were in full-time employment, while an estimated 67.1 percent (621,705) of working children combined work with school and household activity. *See* "Summary of Findings of Child Labor Survey."

agricultural sector.²³⁶⁸ Children are also found working in the manufacturing and hotel industries, and working as craft workers, street peddlers, and domestic servants.²³⁶⁹

The trafficking of children for exploitative work and prostitution are recognized forms of child labor in Sri Lanka. Children are primarily trafficked internally to work as domestic laborers or for the purposes of sexual exploitation, especially at tourist destinations.²³⁷⁰ Conscripting of youths under 18 years into the armed forces also occurs in Sri Lanka. Reports indicate that children have been forcibly recruited to serve as child soldiers by the Liberation Tigers of Tamil Eelam (LTTE).²³⁷¹

Under the Compulsory Attendance of Children at School Regulation No.1 of 1997, primary education is compulsory and free for children between the ages of 5 and 14.²³⁷² In 1998, the gross primary enrollment rate was 107.4 percent, and the net primary enrollment rate was 89.5 percent.²³⁷³ Primary school attendance rates are unavailable for Sri Lanka. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²³⁷⁴

Child Labor Laws and Enforcement

Gazette No. 1116/5 sets the minimum age for employment in domestic work at 14 years.²³⁷⁵ The Shop and Office Employees Act of 1954 prohibits the employment of children under the age of 14 in shops and offices.²³⁷⁶ Forced labor is prohibited under the Abolition of Slavery

²³⁶⁸ Sixty-four percent of working children are found in the agricultural sector. Children working in the agricultural sector include child employees on farms or unpaid child workers helping in family enterprises. See "Summary of Findings of Child Labor Survey."

²³⁶⁹ "Summary of Findings of Child Labor Survey."

²³⁷⁰ ILO, *The ILO-Japan Asian Meeting on the Trafficking of Children for Labour and Sexual Exploitation*, Country Report, Sri Lanka (Manila, 2001) [hereinafter *ILO-Japan Asian Meeting*] [CD-ROM]. See also U.S. Department of State, *Trafficking in Persons Report*, July 2001, Sri Lanka [hereinafter *Trafficking in Persons Report*].

²³⁷¹ *Country Reports on Human Rights Practices for 2000—Sri Lanka* (Washington, D.C.: U.S. Department of State, 2001), [hereinafter *Country Reports for 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/sa/index.cfm?docid=704>. See also Sonia Rosen, Solidarity Center, "Sri Lanka: Recent Reports on Child Labor Problems Which Violate ILO Convention 182." See also unclassified telegram 1719.

²³⁷² Government of Sri Lanka, Ministry of Labor, Education Ordinance of 1997, "Compulsory Attendance of Children at Schools," Regulation No. 1 of 1997, at http://www.labour.gov.lk/documents/9_1_Chap.htm on 10/18/01. See also UNESCO, *The Education for All 2000 Assessment: Country Reports—Sri Lanka* at http://www2.unesco.org/wef/countryreports/sri_lanka/contents.html on 10/18/01.

²³⁷³ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

²³⁷⁴ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

²³⁷⁵ Embassy-Sri Lanka, submission to USDOL official, September 21, 2000.

²³⁷⁶ Government of Sri Lanka, Ministry of Labor, Shop and Office Employees Act No. 19 of 1954, at http://www.labour.gov.lk/documents/4_4_Chap.htm on 10/18/01.

Ordinance of 1844.²³⁷⁷ The Employment of Women, Young Persons, and Children Act No. 47 of 1956 prohibits work by children that may be injurious, the work of children under the age of 12 during school hours, and the night work of children under 18 years in industrial settings.²³⁷⁸ The Code of Criminal Procedure and the Penal Code contain provisions prohibiting sexual violations against children, particularly with regard to child pornography, child prostitution, and the trafficking of children.²³⁷⁹ The minimum age for entering the armed forces is 18; however, parental consent is required if a recruit is under the age of 21.²³⁸⁰

The NCPA is the central agency for coordinating and monitoring action on the protection of children,²³⁸¹ but the Department of Labor, the Department of Probation and Child Care Services and the Police Department are responsible for the enforcement of child labor laws that are under their respective jurisdictions.²³⁸² In 2000, a total of 194 complaints were filed on child labor violations, of which seven were prosecuted and 79 were dismissed because of lack of evidence or faulty grievances.²³⁸³

The Government of Sri Lanka ratified ILO Convention 138 on February 11, 2000, and ILO Convention 182 on March 1, 2001.²³⁸⁴

²³⁷⁷ Embassy-Sri Lanka, submission to USDOL, November 8, 2001 [hereinafter November 8, 2001, submission to USDOL]. *See also Country Reports for 2000.*

²³⁷⁸ Government of Sri Lanka, Ministry of Labor, Employment of Women, Young Persons, and Children Act No. 47 of 1956, at http://www.labour.gov.lk/documents/4_5_Chap.htm on 10/18/01. Persons in violation of this act may be subject to fines of up to 1,000 rupees (USD 11), a period of imprisonment not to exceed 6 months, or some combination of both. Special provisions under this act are applied to children working at sea. Except in the case of family work or apprenticeship programs, children are not allowed to work at sea. The Children and Young Persons Ordinance of 1956 also has similar provisions that address the employment of children. For currency conversion, *see* <http://www.carosta.de/frames/convert.htm> on 2/7/02.

²³⁷⁹ Penal Code Act No. 22 of 1995 as cited in the Protection Project Database at www.protectionproject.org. *See also* Code of Criminal Procedure (Amendment) Act No. 19 of 1997 and Penal Code (Amendment) Act No. 22 of 1995, as cited in ILO, NATLEX Database, at <http://natlex.ilo.org/Scripts/natlexcgi.exe?lang'E&doc'query&ctry'LKA&llx'12.01>.

²³⁸⁰ Electronic correspondence from Theresa Manlowe, U.S. Embassy-Colombia, to U.S. Department of Labor official (April 11, 2002).

²³⁸¹ *ILO-Japan Asian Meeting*. *See also* unclassified telegram 1719.

²³⁸² November 8, 2001, submission to USDOL.

²³⁸³ Unclassified telegram 1719.

²³⁸⁴ ILO, ILOLEX database: Sri Lanka, at <http://www.ilolex.ilo.ch>.

NOTE: Hard copies of all Web citations are on file.

Suriname

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

In 1998, the Government of Suriname conducted a broad survey in order to collect information on the extent, nature, conditions, and causes of child labor in Suriname.²³⁸⁵ The government's Bureau for Children's Rights works with UNICEF to address the violation of children's rights and to promote educational opportunities.²³⁸⁶

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Suriname are unavailable. However, reports indicate that children work in agriculture, mining, street vending, family businesses, gas stations and construction, and prostitution and, in the informal sector, wash cars and sell newspapers and other items.²³⁸⁷

Child trafficking and sexual exploitation reportedly occur in Suriname. Girls are brought from the interior of the country to Paramaribo, the capital city, or to gold mining locations to work as prostitutes.²³⁸⁸ In addition, Suriname is a transit country for smuggling Chinese children to the United States—in some cases, to enter into bonded labor situations.²³⁸⁹

Under the Compulsory School Attendance Act, children in Suriname must be provided with the opportunity to attend school between ages 7 and 12.²³⁹⁰ Although most of the costs of

²³⁸⁵ Ambassador Arnold Halfhide, Embassy of the Republic of Suriname, Washington, D.C., letter to USDOL official, November 29, 2000 [hereinafter Halfhide letter].

²³⁸⁶ U.S. Embassy-Paramaribo, unclassified telegram no. 810, October 2001 [hereinafter unclassified telegram 810].

²³⁸⁷ ILO, *Review of Annual Reports Under the Follow-Up to the ILO Declaration on Fundamental Principles and Rights at Work: Compilation of Annual Reports by the International Labor Office*, Part II, UN Document No. GB. 277/3/2 (Geneva, 2000), 359. See also unclassified telegram 810 and Halfhide letter.

²³⁸⁸ The government acknowledges that in recent years child prostitution has become a problem. See *Country Reports on Human Rights Practices for 2000—Suriname* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid=832>. See also Halfhide letter.

²³⁸⁹ *Country Reports 2000* at Section 6f.

²³⁹⁰ UN Committee on the Rights of the Child, *Initial Report of States Parties Dues in 1995: Suriname*, CRC/C/28/Add.11 Section III A (Geneva, September 1998).

primary schooling are covered by the government, parents must pay school registration fees and provide school supplies and uniforms, which are barriers to education for poor and large families.²³⁹¹ Some school-age children are unable to attend school because they lack transportation, school facilities, or teachers.²³⁹² In 2000, 77.5 percent of primary school-age children in Suriname were attending primary school. School attendance in the rural interior, which was 61.2 percent, is significantly lower than in the rest of the country.²³⁹³

Child Labor Laws and Enforcement

The law sets the minimum age for employment of children at 14 years.²³⁹⁴ Under Article 18 of the Labor Act, children who have reached age 12 may work if the work is necessary for training or is specifically designed for children, does not require much physical or mental exertion, and is not dangerous.²³⁹⁵ Article 20 of the Labor Act prohibits children from performing night work or work that is dangerous to their health, life, or morals.²³⁹⁶ The Constitution prohibits forced labor.²³⁹⁷

The country's Labor Inspection Unit, in cooperation with the Juvenile Police Division, enforces child labor laws.²³⁹⁸ Although the government has enacted laws to combat child labor, the legal provisions for implementation of all child labor laws are not yet in place,²³⁹⁹ and enforcement remedies are not adequate, partly because there are too few labor inspectors and too small penalties to deter employers.²⁴⁰⁰ About 200 labor inspections are conducted in Suriname annually, but only "warnings" about child labor violations have been issued.²⁴⁰¹

The Government of Suriname has not ratified ILO Convention 138 or ILO Convention 182.²⁴⁰²

²³⁹¹ Unclassified telegram 810.

²³⁹² *Country Reports 2000* at Section 5.

²³⁹³ Multiple Indicator Cluster Survey 2 (MICS2), Suriname, Final Report (draft), at <http://www.childinfo.org/MICS2/natlMICSrepz/MICSnatrep.htm>.

²³⁹⁴ Unclassified telegram 810.

²³⁹⁵ Halfhide letter.

²³⁹⁶ *Ibid.*

²³⁹⁷ Constitution of Suriname, 1987, with 1992 reforms, Article 15.

²³⁹⁸ Unclassified telegram 810.

²³⁹⁹ According to government sources, the mechanisms for enforcing Articles 18 and 20 are not yet in place. *See* Halfhide letter.

²⁴⁰⁰ Unclassified telegram 810.

²⁴⁰¹ *Ibid.*

²⁴⁰² ILO, International Labour Standards and Human Rights Department, at <http://webfusion.ilo.org/public/db/standards/normesappl/appl-ratif8conv.cfm?Lang'EN>.

NOTE: Hard copies of all Web citations are on file.

Swaziland

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

In 1992, Swaziland produced a National Program of Action for the Children of Swaziland, 1993-2000, which addressed most articles of the Convention on the Rights of the Child, including child labor.²⁴⁰³ The Ministry of Education is also involved in improving the quality of schooling by assessing the need for new teachers, constructing new schools, and improving the schools currently in existence.²⁴⁰⁴

Incidence and Nature of Child Labor

In 1999, UNICEF estimated that 12 percent of children between the ages of 5 and 14 in Swaziland were working.²⁴⁰⁵ Children work in agriculture, particularly in the eastern cotton growing region, domestic service, herding, street work, and prostitution. Street children in the capital city of Mbabane are subjected to physical and sexual abuse.²⁴⁰⁶ The trafficking of children for prostitution is a problem throughout the Southern Africa region.²⁴⁰⁷

Education is neither free nor compulsory in Swaziland. The Ministry of Education pays teacher salaries, while student fees and money raised from the community pay for costs such as building upkeep and teacher housing.²⁴⁰⁸ In 1996, the net primary school enrollment rate was 90.8 percent, with gender parity at the primary level.²⁴⁰⁹ In 1998, 80.5 percent of children reached grade

²⁴⁰³ Government of Swaziland, Ministry of Education, and UNICEF, *African Girls Education Initiative: Baseline Data* (Mbabane, 1993), as cited in M. D. McDermott, *Common Country Assessment—Swaziland* (Mbabane: Environmental Consulting Services, 1997) [hereinafter *Common Country Assessment*], at <http://www.ecs.co.sz/cca/>.

²⁴⁰⁴ *Swaziland Business Yearbook 2001*.

²⁴⁰⁵ UNICEF, *Multiple Indicator Cluster Surveys: End of Decade Databases*, at <http://www.childinfo.org/eddb/work/database.htm> on 12/5/01. According to the ILO, in 1999, 12.6 percent of children between the ages of 10 and 14 were working. See *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

²⁴⁰⁶ *Country Reports on Human Rights Practices for 2000—Swaziland* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=863>. See also *Common Country Assessment* and 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, on 28 August 1996, 1999-2000* (Bangkok: ECPAT International, 2000) [hereinafter *Looking Back, Thinking Forward*], 38.

²⁴⁰⁷ *Looking Back, Thinking Forward* at 38.

²⁴⁰⁸ *Country Reports 2000* at Section 5.

²⁴⁰⁹ *World Development Indicators 2001*.

5.²⁴¹⁰ Primary school attendance rates are unavailable for Swaziland. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁴¹¹ In 1996, 91.3 percent of the teachers were certified to teach according to national standards, and the pupil to teacher ratio was 33:9.²⁴¹²

Child Labor Laws and Enforcement

The Employment Act of 1980 establishes a minimum age of 15 years for employment in non-hazardous industrial work, although children may begin working in the commercial sector at 13 years of age.²⁴¹³ Children under the minimum age may be hired in enterprises that employ only family members and may work at technical schools under the supervision of a teacher or authorized person.²⁴¹⁴ Children may not work more than 6 hours a day and 33 hours a week, with restrictions on night work during the school year.²⁴¹⁵ Employment of children under 18 years is not permitted in mines, quarries, or underground work or in any sector that is dangerous to their safety, health, and morals.²⁴¹⁶ The Ministry of Labor is responsible for the enforcement of the Employment Act and other labor legislation; however, its effectiveness is hampered by a shortage of personnel.²⁴¹⁷

Article 42 of the Criminal Code of Swaziland makes procuring girls and women for prostitution punishable by 5 years in prison or a fine of 1000 Rand (USD 89), and conspiracy to defile a girl or woman is punishable by 2 years in prison or a 600 Rand (USD 54) fine.²⁴¹⁸ Swaziland has not ratified either ILO Convention 138 or ILO Convention 182.²⁴¹⁹

²⁴¹⁰ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM] [hereinafter *EFA 2000*].

²⁴¹¹ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

²⁴¹² *EFA 2000*.

²⁴¹³ ILO, *Child Labour: Targeting the Intolerable*, Report 6 (1) (Geneva: ILO-IPEC, 1998) [hereinafter *Targeting the Intolerable*] at <http://www.ilo.org/public/english/comp/child/publ/target/target.pdf>. See also International Confederation of Free Trade Unions, *Internationally Recognized Core Labour Standards in the Five Countries of the Southern African Customs Union*, report for the WTO General Council Review of the Trade Policies of the Five Countries of the Southern African Customs Union, paper presented at the ILO, Geneva, April 21-23, 1998 [hereinafter *Internationally Recognized Core Labour Standards*].

²⁴¹⁴ *Country Reports 2000* at Section 6d. See also *Targeting the Intolerable*.

²⁴¹⁵ *Internationally Recognized Core Labour Standards*.

²⁴¹⁶ *Targeting the Intolerable*.

²⁴¹⁷ *Internationally Recognized Core Labour Standards*.

²⁴¹⁸ The Protection Project: Swaziland at <http://www.protectionproject.org/> on 12/7/01. For currency conversion, see <http://www.carosta.de/frames/convert.htm> on 1/25/01.

²⁴¹⁹ ILO, Table of Ratifications and Information Concerning the Fundamental Conventions of the ILO, at http://www.ilo.org/public/french/standards/norm/sources/rats_pri.htm on 12/20/01.

Note: Hard copies of all Web citations are on file.

Tanzania

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

The Government of Tanzania became a member of ILO-IPEC in 1994. Since 1995, ILO-IPEC has implemented 40 action programs in Tanzania to address child labor.²⁴²⁰ At the community level, Child Labor Monitoring Committees identify and monitor cases of child labor.²⁴²¹ In 2000, Tanzania joined four other countries participating in an ILO-IPEC program, funded by USDOL, to remove children from exploitative work in commercial agriculture.²⁴²² The government in 2000 also conducted a child labor survey with technical assistance from ILO-IPEC's SIMPOC.²⁴²³ In June 2001, the Government of Tanzania announced that it would initiate an ILO-IPEC Time-bound Project, a comprehensive, national level project to eliminate the worst forms of child labor over a defined period. Phase 1 of this project aims to eliminate child labor in the commercial sex sector, mining, abusive forms of domestic work, and commercial agriculture by 2010.²⁴²⁴

Tanzania's Basic Education Master Plan aims to achieve universal access to basic education, increase primary school gross enrollment, and ensure that at least 80 percent of children complete primary education by the age of 15.²⁴²⁵ The Ministry of Education and Culture, with support from UNICEF, has launched a 3-year program to help reintegrate children who have dropped out of the system into schools and has made it illegal to expel students because of pregnancy.²⁴²⁶ The Ministry of Education has launched a Community Education Fund with World Bank support to improve the school infrastructure. The Ministry of Education is working to improve pre-primary education, in collaboration with ILO-IPEC.²⁴²⁷ In 1997, Tanzania joined ILO-IPEC's Action Against Child Labor through the Education and Training Project, which has

²⁴²⁰ ILO-IPEC, *Tanzania: Focusing on the Worst Forms of Child Labour* (Geneva, 2001) [hereinafter *Tanzania: Focusing on the Worst Forms of Child Labour*].

²⁴²¹ ILO-IPEC, *Supporting the Time-Bound Programme on the Worst Forms of Child Labor in Tanzania (Phase I)*, project document, January 1, 2002, 18 [document on file].

²⁴²² ILO-IPEC, *Prevention, withdrawal and rehabilitation of children engaged in hazardous work in the commercial agricultural sector in Africa*, programme document, November 1, 2000.

²⁴²³ ILO-IPEC, *SIMPOC Countries*, at <http://www.ilo.org/public/english/standards/ipec/simpor/countries.htm> on 2/26/02.

²⁴²⁴ ILO-IPEC, "Labour Force Survey Preliminary Results (Quarter 1)," *Time-Bound Program: Tanzania, RAP Reports* (Tanzania, 2001) [CD-ROM] [hereinafter *Time-Bound Program: Tanzania*]. See also Benjamin Mkapa, president of the United Republic of Tanzania, "Special High-Level Session on the Launch of the Time-Bound Programme on the Worst Forms of Child Labour," speech at the International Labour Conference, Provisional Record, Eighty-ninth Session, June 12, 2001, Geneva.

²⁴²⁵ *The Education for All (EFA) 2000 Assessments: Country Reports—Tanzania*, at <http://www2.unesco.org/wef/countryreports/country.html> on 4/2/01.

²⁴²⁶ *Time-Bound Program: Tanzania*.

²⁴²⁷ *Ibid.*

mobilized teachers, educators, and their organizations, and the general public to launch campaigns against child labor at the local and national levels.²⁴²⁸

Incidence and Nature of Child Labor

In 2001, a child labor survey conducted by the Tanzania Ministry of Labor, Youth Development and Sports, in cooperation ILO-IPEC, estimated that 40 percent of children between the ages of 5 and 17 in Tanzania were working.²⁴²⁹ Approximately 27 percent of working children are between the ages of 5 and 9, and 44 percent are between the ages of 10 and 14.²⁴³⁰ In rural areas, 34 percent of children work, while in urban areas, 11 percent of children work.²⁴³¹

Children work on commercial tea, coffee, sugar cane, sisal, cloves, cut-flower, and tobacco farms and in the production of corn, green algae (seaweed), pyrethrum, rubber, and wheat.²⁴³² In mining regions, children work in surface and underground mines. In gemstone mines, children, known as “snake boys,” crawl through narrow tunnels hundreds of meters long to help position mining equipment and ignite and assess the effectiveness of explosions.²⁴³³ Children also work as domestic servants, often for 18 hours per day and for low pay.²⁴³⁴ Others work as barmaids, street vendors, car washers, shoe shiners, carpenters, and auto repair mechanics.²⁴³⁵ They also work in skilled crafts such as carpentry and auto repair as “apprentices,” where they receive little pay for their work.²⁴³⁶ Girls as young as 9 years old reportedly engage in prostitution.²⁴³⁷

²⁴²⁸ ILO, “Action Against the Worst Forms of Child Labour through Education and Training,” outline paper (Geneva: ILO-IPEC, January 1999), 6, 7.

²⁴²⁹ Statistics on the number of working children refer to “usual” work activities for children who worked during the 12-month reference period. See *Time-Bound Program: Tanzania*.

²⁴³⁰ Statistics on the number of working children refer to “current” work activities for children who worked during the last week of the reference period. The number of children who were currently working was 3.4 million. Statistics measuring “usual” work activities during the 12-month reference period by age or location are unavailable. See *Time-Bound Program: Tanzania*.

²⁴³¹ *Time-Bound Program: Tanzania*.

²⁴³² USDOL, *By the Sweat and Toil of Children: Efforts to Eliminate Child Labor*, vol. 5 (Washington, D.C., 1998) [hereinafter *Sweat and Toil of Children*], 165. See also *Tanzania: Focusing on the Worst Forms of Child Labour* at 15.

²⁴³³ ILO-IPEC, *Situation Analysis Report on Hazardous Child Labor in the Three Sectors: Plantations and Agriculture, Domestic and Allied Workers Union, and Tanzania Mining and Construction Workers Union* (Dar es Salaam: Federation of Free Trade Unions, 1997), 10. See also Linda Diebal, “Small Mines Huge Hazard for Child Labor,” *Toronto Star*, May 17, 1999.

²⁴³⁴ *Ibid.* at 14.

²⁴³⁵ *By the Sweat and Toil of Children* at 165.

²⁴³⁶ ILO, *Child Labour in Tanzania* (Geneva, 1992), 12.

²⁴³⁷ Alakok Mayombo, “Rights: Tanzania—Children Drawn into Sex Trade,” Tanzania Media Women

Education in Tanzania is compulsory for seven years, until the age of 15; however, education is not free, and costs include enrollment, books, and uniforms.²⁴³⁸ In 1997, the gross primary enrollment rate was 66.5 percent, and the net primary enrollment rate was 48.4 percent.²⁴³⁹ In 1996, Tanzania's gross primary attendance rate was 78.1 percent.²⁴⁴⁰ Forty-eight percent of working children attend school.²⁴⁴¹

Child Labor Laws and Enforcement

The Employment Ordinance of 1956 sets the minimum age for employment at 15 years and prohibits children from using, working near machinery, or engaging in underground work. Current laws do not restrict children from working in agriculture.²⁴⁴² Under the Employment Ordinance, employers are obliged to keep registers that indicate the age of workers, working conditions, the nature of employment, and commencement and termination dates.²⁴⁴³ The Sexual Offences Special Provisions Act of 1998 criminalizes child sexual assault or abuse, and the Penal Code prohibits procuring a female under the age of 21 for prostitution.²⁴⁴⁴

Association (TAMWA), *Associated Press*, April 27, 1998, as cited in *Factbook on Global Sexual Exploitation* (Amherst, Mass.: Coalition Against Trafficking in Women, 1999).

²⁴³⁸ *Country Reports on Human Rights Practices for 2000—Tanzania* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/839.htm>.

²⁴³⁹ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

²⁴⁴⁰ USAID, GED 2000: Global Education Database (Washington, D.C., 2000) [CD-ROM] and at http://www.usaid.gov/educ_training/ged.html.

²⁴⁴¹ *Time-Bound Program: Tanzania*.

²⁴⁴² The Employment Ordinance states that any employer found to be in violation of child labor laws is subject to a fine of 2,000 to 4,000 shillings (USD 2.15 to 4.30) and/or 3 to 6 months of imprisonment. See *Report of the Commission on the Law Relating to Children in Tanzania* (Dar es Salaam: Law Reform Commission of Tanzania, 1996) [hereinafter *Commission on the Law Relating to Children*], 131, Cap. 366, Sections 77, 85.

²⁴⁴³ *Commission on the Law Relating to Children* at 131, Cap. 366, Section 85.

²⁴⁴⁴ *Country Reports 2000* at Section 5. See also *Human Rights Reports: Tanzania*, Protection Project Database, at <http://www.protectionproject.org>.

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 and Youth Development (MLYD). A Child Labor Unit within MLYD serves as a liaison between the various government ministries and stakeholders. It is responsible for child labor-related projects, conducts the child labor component of the labor inspector training, and gathers and disseminates data on child labor.²⁴⁴⁵ At the community level, Child Labor Monitoring Committees have been established in areas with a high frequency of child labor. The committees are reported to be effective in their initial efforts to raise awareness, withdraw and rehabilitate children from child labor, protect working children, and provide support to families. However, over time, the motivation of the committees often wanes and their effectiveness lessens.²⁴⁴⁶ Tanzania ratified ILO Convention 138 on December 16, 1998, and ILO Convention 182 on September 12, 2001.²⁴⁴⁷

²⁴⁴⁵ IPEC, "Time-Bound Program on the Worst Forms of Child Labor in Tanzania: Summary of the Institutional and Policy Study," National Roundtable Discussion on the Time-Bound Program on the Worst Forms of Child Labor, Dar es Salaam, April 23-25, 2001, at 12.

²⁴⁴⁶ Ibid.

²⁴⁴⁷ ILOLEX database, International Labour Standards and Human Rights Department, at <http://ilolex.ilo.ch:1567/english/>.

NOTE: Hard copies of all Web citations are on file.

Thailand

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

In 1982, the Government of Thailand established the Child Labor Protection Committee, composed of representatives from industrial organizations, labor unions, and child labor experts, to develop policy suggestions and draft child labor laws.²⁴⁴⁸

In 1992, the government became one of the six original countries to participate in ILO-IPEC.²⁴⁴⁹ The government has adopted national plans of action to address both child labor²⁴⁵⁰ and the commercial sexual exploitation of children.²⁴⁵¹ In 1995, USDOL funded a program to prevent prostitution in Thailand.²⁴⁵² Thailand is also currently involved in a 3-year ILO-IPEC Sub-Regional Project in the Mekong to combat trafficking of children and women for exploitative labor.²⁴⁵³ In February 2000, the Ministry of Labor and Social Welfare's (MOLSW's) Department of Public Welfare created the National Secretariat on Trafficking in Women and Children in the Mekong Sub-region.²⁴⁵⁴

MOLSW's Department of Labor Protection and Welfare (DLPW) has established a hotline for individuals to report incidences of child labor. DLPW has also initiated a public awareness campaign that focuses on providing information about child labor laws, encouraging reporting, and

²⁴⁴⁸ U.S. Embassy-Bangkok, unclassified telegram no. 6420, September 2000 [hereinafter unclassified telegram 6420].

²⁴⁴⁹ Chantana Banpasirichot, "The Situation of Child Labour in Thailand: An Overview," IPEC Thailand Paper No. 1, Chulalongkorn University and ILO-IPEC, December 1996, 16. *See also* ILO-IPEC, "All About IPEC: Programme Countries," at http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm, 3/27/02.

²⁴⁵⁰ ILO-IPEC, *National Child Labor Prevention and Solution Plan (1997-2001)* [translation] (Bangkok: Ministry of Labour and Social Welfare, April 1997).

²⁴⁵¹ U.S. Embassy-Bangkok, unclassified section 1 of 3, telegram no. 7225, June 1999 [hereinafter unclassified telegram 7225]. *See* the National Plan of Action for the Prevention and Eradication of the Commercial Sexual Exploitation of Children. Thailand's Eighth National Economic and Social Development Plan (1997-2001) also contains special measures related to child labor and prostitution. *See Concluding Observations of the Committee on the Rights of the Child*, Thailand, UN Document No. CRC/C/15/Add.97, October 26, 1999, Concluding Observations/Comments, Geneva, October 26, 1998, Point 5.

²⁴⁵² ILO-IPEC, *Program to Prevent Child Labor and Forced Child Prostitution* (Geneva, 1995).

²⁴⁵³ ILO, "ILO Mekong Sub-Regional Project to Combat Trafficking in Children and Women," International Labor Organization (Bangkok: ILO), u.d. [pamphlet on file].

²⁴⁵⁴ Unclassified telegram 6420. The Secretariat contains a national project committee to coordinate with government agencies and NGOs focused on anti-trafficking and to address the issues related to trafficked women and children.

promoting guidelines for education on labor laws in schools.²⁴⁵⁵ The Department of Social Welfare has established shelters for street children.²⁴⁵⁶

The Government of Thailand, NGOs, and international financial institutions support a number of innovative education initiatives. A Ministry of Education program, initiated in 1994, provided a total of 145,000 scholarships through mid-2000 to disadvantaged girls, including those at risk of prostitution, in order to continue their secondary education and supported the development of a targeted education module for at-risk girls.²⁴⁵⁷ Another scholarship program was initiated in 1998.²⁴⁵⁸ In 1999, UNICEF began a program to provide scholarships and raise awareness among school dropouts and their families to encourage children to return to school.²⁴⁵⁹

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 13 percent of children between the ages of 10 and 14 in Thailand were working.²⁴⁶⁰ Children work in the agriculture, construction, and fishing sectors.²⁴⁶¹

²⁴⁵⁵ Unclassified telegram 6420.

²⁴⁵⁶ Ibid. During the Asian financial crisis, the MOLSW provided free occupational training and small daily stipends to women and children who were unemployed because of the economic conditions. *See also* unclassified telegram 7225.

²⁴⁵⁷ Savitri Suwansathit, Inspector General, Thailand Ministry of Education, speaking at the U.S. Department of Labor conference “Advancing the Global Cause Against Child Labor: Progress Made and Future Actions,” Washington, D.C., May 17, 2000 (Draft). The project also provided counseling and guidance to students and their mothers and assisted selected students in staying in boarding schools while they receive their education.

²⁴⁵⁸ Unclassified telegram 6420. Partly funded by the Asian Development Bank, the program’s initial estimates were that it reached 140,000 students. *See also* UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports—Thailand* [hereinafter *EFA 2000*], Section 2.4.1, at http://www2.unesco.org/wef/countryreports/thailand/rapport_2.html.

²⁴⁵⁹ Unclassified telegram 6420. Aside from the UNICEF program, a separate NGO-run initiative called the “Daughters Education Program” provides support for primary and secondary education and vocational training to young girls at risk of prostitution or of being drawn into exploitative labor in northern Thailand. *See* DEPDC Web site at http://www.depdc.org/english/about_us1.htm.

²⁴⁶⁰ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM] [hereinafter *World Development Indicators 2001*].

²⁴⁶¹ *Xinhua News Agency*, “Thailand to Ratify UN Convention to Eliminate Child Labor,” November 15, 2000. *See also* Simon Baker and Sudarat Sereewat, Secretary General of FACE Coalition to Fight against Child Exploitation, interview with USDOL official, October 26, 2000, for information on children’s involvement in agricultural production. *See also* ILO-IPEC, *The Situation of Child Labour in Thailand: An Overview* (Bangkok, 1996), 7, 8, as cited in USDOL, *By the Sweat and Toil of Children: Efforts to Eliminate Child Labor*, vol. 5 (Washington, D.C.: U.S. Department of Labor, 1998) [hereinafter *Sweat and Toil of Children*], 35, and Kerry Richter and Orathai Ard-am, *Child Labor in Thailand’s Fishing Industry* (Salaya: Institute for Population and Social Research, Mahidol University, 1995), 18-19, as cited in *Sweat and Toil of Children* at 22.

Children also work as domestic servants.²⁴⁶² Reports also indicate that children are involved in the trafficking of drugs in Thailand.²⁴⁶³ Moreover, according to 1994 estimates from Thailand's Office of the National Commission on Women's Affairs, between 22,500 and 40,000 children were involved in the country's commercial sex industry.²⁴⁶⁴ Children are trafficked into Thailand from other Asian countries such as Burma, Cambodia, and Laos, and to international destinations, including Japan, Taiwan, Australia, Europe, and the United States. Internal trafficking occurs principally from the North and Northeast regions to Bangkok.²⁴⁶⁵ Reports from domestic NGOs indicate that girls ages 12 to 18 are trafficked from Burma, China and Laos to work in Thailand in the commercial sex industry, some in conditions of debt bondage.²⁴⁶⁶ Children are also trafficked into Thailand to work as beggars or in areas such as agriculture, fishing, factories, or construction.²⁴⁶⁷

Under the Primary Education Act of 1980, education is compulsory for children between the ages of 8 and 15, or until the successful completion of grade six.²⁴⁶⁸ The National Education Act of 1999, which will take full effect in 2002, extends this compulsory period to nine years of schooling.²⁴⁶⁹ In 1998, the gross primary enrollment rate was 91.3 percent, and the net primary enrollment rate was 80.4 percent.²⁴⁷⁰ Primary school attendance rates are unavailable for Thailand. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁴⁷¹

²⁴⁶² "Behind Closed Doors: Child Domestic Workers—The Situation and the Response," *Child Workers in Asia*, 40-42, at www.cwa.tnet.co.th/domestic/pages40-42.htm. See also Dr. Lae Dilokvidhyarat, Director, Labor and Management Development Center, Chulalongkorn University, interview with USDOL official, October 26, 2000.

²⁴⁶³ Somphong Chitradub, *Child Labour in the Trafficking of Drugs in Thailand* (Bangkok: ILO-IPEC, 1999), 2-3.

²⁴⁶⁴ Herve Berger and Hans van de Glind, "Children in Prostitution, Pornography and Illicit Activities: Thailand" (Bangkok: ILO-IPEC, August 1999), 7.

²⁴⁶⁵ U.S. Department of State, *Trafficking in Persons Report*, July 2001, Thailand.

²⁴⁶⁶ *Country Reports on Human Rights Practices for 2000—Thailand* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6f, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eap/index.cfm?docid=776>.

²⁴⁶⁷ "Fresh Hope for Child Laborers," *Bangkok Post*, November 19, 2000. See also Ratjai Adjayutpokin, Gaysorn Chanya, and Piyaphan Chanya, *Survey Report on Cambodian Migrant Working Children* (Redd Barna and Child Workers in Asia, 1998), 1. For a recent report on trafficking from Thailand to Japan, including allegations on trafficking of Thai children under the age of 18, see *Owed Justice: Thai Women Trafficked into Debt Bondage in Japan* (Washington, D.C.: Human Rights Watch, Asia/Women's Rights Divisions, September 2000).

²⁴⁶⁸ *EFA 2000* at Section 4.1.3.

²⁴⁶⁹ *Ibid.* at Part 1, Introduction, at <http://www2.unesco.org/wef/countryreports/thailand/contents.html>.

²⁴⁷⁰ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

²⁴⁷¹ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

Child Labor Laws and Enforcement

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 restricts the number of hours a child between the ages of 15 and 18 may work per day and prohibits work after 10 p.m. Children under age 18 may not be employed in hazardous work, which is defined by the Act to include any work involving hazardous chemicals, harmful temperatures or noise levels, or exposure to toxic micro-organisms; driving heavy equipment; and working underground.²⁴⁷²

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 19.²⁴⁷³ Fines and terms of imprisonment under the Act are based on the age of the child involved, with more severe terms established for prostitution involving children under the age of 16.²⁴⁷⁴ The Prevention and Suppression of Trafficking in Women and Children Act of 1997 increased both the trafficking penalties and provisions to search for and assist victims.²⁴⁷⁵ The Penal Code Amendment Act of 1997 also provides penalties for traffickers of children under the age of 18, regardless of nationality.²⁴⁷⁶ The Money Laundering Act of 1999 allows authorities to confiscate the assets of persons who either are convicted of trafficking or work in prostitution.²⁴⁷⁷

²⁴⁷² Labour Protection Act of 1998, in ILO, NATLEX Database [translation], Sections 22, 44-52, and 148, at <http://natlex.ilo.org/txt/E98THA01.htm#c17>. The maximum penalties for violation of the child labor sections of the Labor Protection Act are up to 1 year of imprisonment and fines of up to 200,000 baht (USD 4,560). For currency conversion, see <http://www.carosta.de/frames/convert.htm> on 2/7/02.

²⁴⁷³ Prevention and Suppression of Prostitution Act B.E. 2539 (1996), in ILO, NATLEX Database [translation] [hereinafter Prevention and Suppression of Prostitution Act], Sections 8-12, at <http://natlex.ilo.org/txt/E96THA01.htm>.

²⁴⁷⁴ Individuals who engage in prostitution with children ages 16 to 18 are subject to jail terms of 5 to 15 years and fines of 100,000 to 300,000 baht (USD 2,282 to 6,845). The range of penalties is nearly twice as much for those patronizing children ages 15 and under. Government officials in violation of the act face penalties of 15 to 20 years of imprisonment and/or substantial fines ranging between 300,000 and 400,000 baht (USD 6,845 to 9,126). If fraud or coercion on the part of the patron is involved, penalties also increase. Owners, managers, and supervisors of prostitution businesses or establishments, government administrative or police officials, as well as parents who knowingly permit their children to become engaged in prostitution, face steep fines and jail terms if found guilty of violating the terms of the act. See Prevention and Suppression of Prostitution Act at Sections 8-12. For currency conversion, see <http://www.carosta.de/frames/convert.htm> on 1/29/02.

²⁴⁷⁵ The Prevention and Suppression of Trafficking in Women and Children Act of 1997, as cited in *Country Reports 2000* at Section 6f.

²⁴⁷⁶ The Penal Code Amendment Act (no. 4) of 1997, as cited in *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 U.S. Embassy-Thailand, September 2000, 6.

²⁴⁷⁷ *Country Reports 2000* at Section 6f.

Four government agencies are responsible for enforcing child labor laws: the Royal Thai Police, the Office of the Attorney General, the Ministry of Justice, and the MOLSW.²⁴⁷⁸ 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.²⁴⁷⁹ However, in practice, the labor inspection system tends to be more reactive than proactive, with inspectors usually responding to public complaints or newspaper reports rather than conducting random inspections.²⁴⁸⁰ Thailand has not ratified ILO Convention 138 but ratified ILO Convention 182 on February 16, 2001.²⁴⁸¹

²⁴⁷⁸ Unclassified telegram 6420. MOLSW's Department of Labor Protection and Welfare employs several specific enforcement tools to deal with child labor, such as regulations for inspection of establishments suspected of using child labor.

²⁴⁷⁹ Unclassified telegram 6420.

²⁴⁸⁰ *Country Reports 2000* at Section 6d. The MOLSW tends to focus its inspection 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* unclassified telegram 6420.

²⁴⁸¹ ILO, ILOLEX database, at <http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN>.

NOTE: Hard copies of all Web citations are on file.

Togo

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

With the assistance of ILO-IPEC, the Government of Togo formulated a national child trafficking action plan, gathered data, began a community awareness program, and took steps to enhance its institutional capabilities to combat trafficking.²⁴⁸² Togo is one of nine countries participating in a regional project sponsored by ILO-IPEC and funded by USDOL to combat the trafficking of children in West and Central Africa.²⁴⁸³

Togo's education goals are to make education more accessible, to raise the quality and relevance of the curriculum, and to strengthen vocational and non-formal education.²⁴⁸⁴ The national education plan, devised in 1995 and implemented in 1998 with assistance from the World Bank and UNICEF, focuses on increasing the number of qualified teachers and administrators, improving enrollment and retention rates, and making education more relevant to local needs.²⁴⁸⁵ The World Bank also supports programs designed to support the construction and repair of schools and the provision of textbooks to primary schools.²⁴⁸⁶ UNICEF is assisting Togo to raise the low attendance rates among girls.²⁴⁸⁷

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 27.2 percent of children between the ages of 10 and 14 in Togo were working.²⁴⁸⁸ Child labor is found mainly in the informal sector, particularly in agriculture and petty trading.²⁴⁸⁹ Many children, especially girls, work as child domestics, some as young as 7 years old.²⁴⁹⁰ In remote parts of the country, a form of bonded labor occurs in the traditional

²⁴⁸² ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (Phase II): Executive Summary* (Geneva, 1999).

²⁴⁸³ *Ibid.*

²⁴⁸⁴ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

²⁴⁸⁵ *Ibid.*

²⁴⁸⁶ UN, *Summary Record of the 422nd Meeting: Togo*, UN Document No. CRC/C/SR.422 (Geneva: UN Committee on Rights of the Child, February 3, 1998) [hereinafter *Summary Record of the 422nd Meeting: Togo*].

²⁴⁸⁷ UNICEF, "Costs of Education," at http://www.unicefusa.org/girls_ed/cost.html. See also "Summary Record of the 422nd Meeting: Togo."

²⁴⁸⁸ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*].

²⁴⁸⁹ *Country Reports on Human Rights Practices for 2000—Togo* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=842>.

²⁴⁹⁰ One survey on child domestic workers found that 96 percent of the domestics working full time were

practice known as *trokosi*, where young girls become slaves to religious shrines for offenses allegedly committed by a member of their family.²⁴⁹¹ Children are trafficked from Togo to Cote d'Ivoire, Gabon, Nigeria, and other African countries, as well as to the Middle East, Asia, and Europe, where they work in indentured or domestic servitude or as farm laborers or are sexually exploited.²⁴⁹²

Education is compulsory for six years.²⁴⁹³ In 1996, the gross primary enrollment rate was 119.6 percent, and the net primary enrollment rate was 81.3 percent.²⁴⁹⁴ Primary school attendance rates are unavailable for Togo. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁴⁹⁵ The education system has suffered from teacher shortages, lower educational quality in rural areas, and high repetition and dropout rates.²⁴⁹⁶ In the north part of the country, 41 percent of the primary school teachers are remunerated by the parents compared with only 17 percent in Lome, where incomes are substantially higher.²⁴⁹⁷

between 7 and 17 years old; another survey found that 16 percent of domestics were 10 years of age or younger. See ILO, *Child Domestic Workers*, at <http://www.ilo.org/public/english/standards/ipecc/action/36actaga/domestic.htm> on 11/29/01, and ILO, *Tolerating the Intolerable*, at <http://www.ilo.org/public/english/standards/ipecc/publ/clrep96.htm> on 11/29/01. Children between 6 and 18 years of age reportedly do menial work as domestic servants in military barracks. See Coalition to End the Use of Child Soldiers, *Global Report 200–Togo*, at http://www.child-soldiers.org/report2001/global_report_contents.html.

²⁴⁹¹ Jesse Sage, American Anti-Slavery Group, electronic correspondence to GMIS, November 6, 2000, as cited in "The Worst Forms of Child Labour: Country-wise Data," Togo, October 2000, *The Global March Against Child Labor*.

²⁴⁹² U.S. Department of State, *Trafficking in Persons Report: Togo*, July 2001. See also *Country Reports 2000* at Section 6f. In one month, January 1998, 199 trafficked children from the border between Togo and Benin were repatriated and returned to their families. See Africa News Service, "Child Peddling Serious Problem in Togo and Benin," March 23, 1998, at <http://www.captive.org/Information/WorldBeat/Africa/articlesafrica1.htm>.

²⁴⁹³ See also *Preliminary Report of the Special Rapporteur on the Right to Education, Katatina Toma evski*, submitted in accordance with Commission on Human Rights Resolution 1998/33, UN Document No. E/CN.4/Sub.2/1998/12 (Geneva: Office of the High Commissioner on Human Rights, 1999), Table 6.

²⁴⁹⁴ The disparity between boys and girls is significant: The net primary enrollment rate is 93 percent for boys and 69 percent for girls. See *World Development Indicators 2001*.

²⁴⁹⁵ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

²⁴⁹⁶ M. Egnonto Koffi-Tessio, "Human Resource Development for Poverty Reduction and Household Food Security: Situation of Education and Training in Togo" (Lome, Togo: University of Lome, Advanced School of Agronomy, 2000). See also *Summary Record of the 420th Meeting: Togo*, and World Bank, *Togo Country Assistance Evaluation*, Operations Evaluation Department, Report No. 21410, November 20, 2000 [hereinafter *Togo Country Assistance Evaluation*], 5.

²⁴⁹⁷ *Togo Country Assistance Evaluation* at 5.

Child Labor Laws and Enforcement

The Labor Code sets the minimum age of employment in any enterprise at 14 and a minimum age of 18 for certain industrial and technical jobs.²⁴⁹⁸ The Ministry of Labor enforces the law only in the urban, formal sector.²⁴⁹⁹ Article 78 of the Penal Code prohibits the corruption, abduction, or transfer of children against the will of a child's guardian but does not cover cases that are consensual.²⁵⁰⁰ Legislation prevents foreign consulates based in Togo from issuing visas to minors without first consulting a social worker.²⁵⁰¹ Articles 91 to 94 of the Penal Code prohibit the solicitation and procurement of minors.²⁵⁰²

Togo ratified ILO Convention 138 on March 16, 1984, and ILO Convention 182 on September 19, 2000.²⁵⁰³

²⁴⁹⁸ *Country Reports 2000* at Section 6d.

²⁴⁹⁹ *Ibid.*

²⁵⁰⁰ *Summary Record of the 422nd Meeting: Togo* at para. 37.

²⁵⁰¹ *Ibid* at para. 35.

²⁵⁰² *Summary Record of the 422nd Meeting: Togo* at para. 37.

²⁵⁰³ ILOLEX database: Togo at <http://www.ilolex.ilo.org> on 12/11/01.

NOTE: Hard copies of all Web citations are on file

Tonga

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

The Ministry of Education has set goals to further improve upon the educational system by providing universal access to quality basic education up to form 6, restructuring the Ministry of Education, expanding and developing vocational education, establishing formal pre-school programs, and establishing a national university by the year 2010.²⁵⁰⁴

Incidence and Nature of Child Labor

Statistics on the number of working children in Tonga under age 15 are unavailable. There is also no information available on the incidence of child labor.²⁵⁰⁵

Education is compulsory for children through the end of high school.²⁵⁰⁶ In 1995, the gross primary enrollment rate was 122.2 percent, and the net primary enrollment rate was 95.3 percent.²⁵⁰⁷ Primary school attendance rates are unavailable for Tonga. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁵⁰⁸

²⁵⁰⁴ Pacific Human Development, "Broadening Opportunities for Education," 1999, 40.

²⁵⁰⁵ *Country Reports on Human Rights Practices for 2000—Tonga* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eap/index/.cfm?docid=808>.

²⁵⁰⁶ *Ibid.*

²⁵⁰⁷ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM]. See also *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

²⁵⁰⁸ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

Child Labor Laws and Enforcement

Legislation prohibits forced or bonded labor of children; violations of these regulations are not known.²⁵⁰⁹ Although there is no specific law regarding trafficking or child prostitution, the Criminal Code of Tonga prohibits any person from procuring or attempting to procure any girl under the age of 21 for the purposes of unlawful sexual exploitation.²⁵¹⁰ The punishment for this offense is to be any term of imprisonment not to exceed 5 years.²⁵¹¹ The Government of Tonga is not a member of the ILO and has not ratified ILO Conventions on child labor.²⁵¹²

²⁵⁰⁹ *Country Reports 2000* at Section 6d.

²⁵¹⁰ The Criminal Code of Tonga, Article 126, at http://www.vanuatu.usp.as.fj/Paclawmat/Tonga_legislation/Consolidation_1988/Tonga_Criminal_Offences.html.

²⁵¹¹ *Ibid.*

²⁵¹² ILO, ILOLEX database, Ratifications of the ILO Fundamental Conventions, at <http://webfusion.ilo.org/public/db/stqandards/normes/appl/appl-ratif8conv.cfm?lang'EN>.

NOTE: Hard copies of all Web citations are on file

Trinidad and Tobago

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

The Government of Trinidad and Tobago and NGOs are working together to conduct a systematic study of the child labor issue, and the government has recently moved to strengthen legislation.²⁵¹³ In 2000, the government pledged to begin providing universal and free access to secondary school education.²⁵¹⁴ There has also been an ongoing program to build up to 16 more secondary schools and to pay for textbooks for schoolchildren from low-income families.²⁵¹⁵

Incidence and Nature of Child Labor

Statistics on the number of working children in Trinidad and Tobago under the age of 15 are unavailable. Reports indicate that children work as beggars, street vendors, and in family businesses.²⁵¹⁶ The prostitution of children and the use of children for trafficking drugs are not widespread, but there is evidence that children are involved in these activities.²⁵¹⁷ There are no reports of trafficking in children.²⁵¹⁸

Primary education is free and compulsory between ages 6 and 12.²⁵¹⁹ Gross and net primary enrollment rates are unavailable. Reports indicate that absenteeism and school dropouts are problems; some parts of the school system suffer from overcrowding and substandard physical facilities.²⁵²⁰

²⁵¹³ ILO, ILOLEX database [hereinafter ILOLEX database], at <http://www.iloex.ilo.ch>.

²⁵¹⁴ U.S. Embassy-Port of Spain, unclassified telegram no. 1604, September 2001 [hereinafter unclassified telegram telegram 1604].

²⁵¹⁵ *Ibid.*

²⁵¹⁶ *Ibid.* See also UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child, Trinidad and Tobago*, CRC/C/15/Add.82 (Geneva, October 10, 1997).

²⁵¹⁷ Unclassified telegram 1604.

²⁵¹⁸ *Country Reports on Human Rights Practices for 2000—Trinidad and Tobago* (Washington, D.C.: U.S. Department of State, 2000) [hereinafter *Country Reports 2000*], Sections 6d, 6f, at <http://www.state.gov/g/drl/rls/hrrp/2000/wha/index.cfm?docid=833>.

²⁵¹⁹ UN Committee on the Rights of the Child, *Initial Reports of States Parties Due in 1994, Trinidad and Tobago*, CRC/C/11/Add.10, June 17, 1996 [hereinafter *Initial Reports of States Parties*], Section 7, No. 113, and Section 2, No. 27.

²⁵²⁰ In 1995-1996, 21 percent of youth ages 5 to 16 years were absent from the formal school system. See World Bank Group, "Memorandum of the President of the International Bank for Reconstruction and Development to the Executive Directors on a Country Assistance Strategy of the World Bank Group for the Republic of Trinidad and Tobago," at [http://lnweb18.worldbank.org/external/lac/lac.nsf/cfl747ccd6587ff952567d6006bdadc/a8ed\(...\)](http://lnweb18.worldbank.org/external/lac/lac.nsf/cfl747ccd6587ff952567d6006bdadc/a8ed(...)). See also unclassified telegram 1604.

Child Labor Laws and Enforcement

Under the Children Act, the minimum age for employment in Trinidad and Tobago is 12 years.²⁵²¹ Children from 12 to 14 years of age may work only in family businesses. Children under the age of 18 are prohibited from night work, with the exception of 16- to 18-year-olds, who may work at night in sugar factories.²⁵²² There are no laws that specifically address the sale or trafficking of children, serfdom, debt bondage, or compulsory labor or the use of children in illicit activities such as drug trafficking; however, the government does have criminal codes that prohibits prostitution and the use in pornography of those under age 16.²⁵²³

The Ministry of Social Development and Family Services and the Ministry of Labor are responsible for the enforcement of child labor laws. Those found in violation may be subject to a combination of fines and imprisonment; however, there is a lack of enforcement of child labor laws particularly for street vending and begging.²⁵²⁴ Occupational safety and health laws do not include provisions for children in the workplace.²⁵²⁵ Trinidad and Tobago has not ratified ILO Convention 138 or ILO Convention 182.²⁵²⁶

²⁵²¹ *Initial Reports of States Parties* at Section 2, No. 28.

²⁵²² *Country Reports 2000* at Section 6d.

²⁵²³ Unclassified telegram 1604. See also *The Commercial Sexual Exploitation of Women and Children: A Human Rights Report: Trinidad and Tobago*, The Protection Project, at <http://www.protectionproject.org> on 11/6/01.

²⁵²⁴ Unclassified telegram 1604.

²⁵²⁵ *Ibid.*

²⁵²⁶ ILOLEX database.

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Tunisia

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

The Government of Tunisia recently implemented a series of educational reforms aimed at decreasing the dropout rate and keeping children in school until age 16. The government's education initiative promotes school attendance, particularly in rural areas, by constructing new schools, improving roads and transportation to increase access to schools, and improving overall family living conditions.²⁵²⁷ In 2000, the World Bank approved a USD 99 million loan for the Education Quality Improvement Project, which will facilitate the government's efforts to promote basic education.²⁵²⁸ UNICEF is implementing educational projects, including gender-based initiatives, and promoting children's rights.²⁵²⁹

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Tunisia are unavailable. While child labor is not reported in the industrial sector, children in rural areas are employed in the agricultural sector, often during school vacations, and underage girls are recruited to work as domestic laborers in Tunis and other cities.²⁵³⁰ In addition, child "apprentices" are legal in Tunisia, although this title is reportedly used to disguise child labor in the informal sector, such as in handicraft or auto-repair work.²⁵³¹

Education is compulsory and free from the ages of 6 to 16.²⁵³² Law No. 91-65 establishes penalties when a child is not enrolled in primary school or a child is withdrawn from school before the age of 16.²⁵³³ In 1997, the gross primary enrollment rate was 118 percent, and in 1996, the net

²⁵²⁷ U.S. Embassy-Tunis, unclassified telegram no. 2148, May 1999 [hereinafter unclassified telegram 2148]. *See also* U.S. Embassy-Tunis, unclassified telegram no. 2732, September 2000 [hereinafter unclassified telegram 2732]. *See also* Noureddine Mejdoub, ambassador of Tunisia, letter to USDOL official, February 2, 1998 [hereinafter Mejdoub letter].

²⁵²⁸ World Bank, *Education Quality Improvement Project*, World Bank Group project information document, April 28, 2000, at <http://www4.worldbank.org/projects/Project.asp?pid'P050945> on 11/8/01.

²⁵²⁹ UNICEF's 1997-2001 program includes health, education, and children's rights components. The UNICEF Global Girls' Education Program is implemented in specific regions of Tunisia to assist teachers to reduce gender disparities in learning achievement. *See* UNICEF, "UNICEF Country Profiles—Tunisia," at <http://www.unicef.org/programme/countryprog/mena/tunisia/mainmenu.htm> on 11/8/01. *See also* UNICEF's Global Girls' Education Program at http://www.unicefusa.org/girls_ed/global.html#Oman on 11/8/01.

²⁵³⁰ Unclassified telegram 2148. *See also* Abdelmajid Bejar, "Modern-Day Slavery Found in Middle-Class Homes," *Inter-Press Service*, September 26, 1994.

²⁵³¹ Unclassified telegram 2148.

²⁵³² Mejdoub letter. *See also* Committee on the Rights of the Child, "Committee on Rights of the Child Takes Up Report of Tunisia," UN press release, June 11, 1995. *See also* UNESCO, "Tunisia – Education System," (UNESCO: February 25, 2002) at <http://www.unesco.org/iau/cd-data/tn.rtf>.

²⁵³³ La Loi no. 91-65, Article 32, July 29, 1991, as cited in Mejdoub letter.

primary enrollment rate was 97.6 percent.²⁵³⁴ Primary school attendance rates are unavailable for Tunisia.

Child Labor Laws and Enforcement

The Labor Code of 1966 establishes the minimum age for employment, conditions for work, and enforcement provisions. The minimum age for industrial work is 16 years and 13 years for agricultural work, as well as for non-industrial work that is not a health hazard. Under the Labor Code, children may work as apprentices or through vocational training programs at age 14.²⁵³⁵ In addition, children under 16 years of age may work in family-run businesses as long as the work does not interfere with school or pose a threat to the child's health.²⁵³⁶ In addition, the Labor Code sets 18 years as the minimum age for hazardous, underground, or night work, and hours of work are restricted for children under the age of 18.²⁵³⁷ The Penal Code prohibits prostitution and institutes stricter penalties for offenders who solicit minors, and although trafficking is not specifically prohibited by the Code, kidnapping or abducting persons is illegal.²⁵³⁸ 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.²⁵³⁹ Forced or bonded labor is prohibited in Tunisia.²⁵⁴⁰

²⁵³⁴ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

²⁵³⁵ The Labor Code defines industrial work to include the following: mines; enterprises in which products are manufactured or prepared for sale; demolition; craft-work; work related to electricity and motorization; and transport. The Labor Code also provides a list of agriculture-related professions that are considered to be industrial or commercial for legal purposes. *See Tunisie Code du Travail, La Loi no. 66-27, Articles 2, 3, 53, 55, April 30, 1966 [hereinafter Tunisie Code du Travail]*, as cited in NATLEX Database [hereinafter Code du Travail], at <http://www.natlex.ilo.org/txt/F96TUN01.htm> on 11/8/01. The minimum age for maritime work is 18 as stated in the Maritime Labor Law. *See Code du Travail Maritime, La Loi no. 67-52, December 7, 1967, as cited in Mejdoub letter.*

²⁵³⁶ Tunisie Code du Travail at Article 54, as cited in Code du Travail.

²⁵³⁷ Article 58 prohibits work that is a danger to the health, safety, or morality of children, and authorizes the Ministry of Social Affairs to determine the jobs that fall in this category. Article 65 prohibits children under 14 years of age from working in nonagricultural jobs between 8 p.m. and 8 a.m. Article 66 prohibits children between 14 and 18 years of age from working in nonagricultural jobs from 10 p.m. to 6 a.m. For agricultural work, Article 74 states that children under 18 years must have fixed rest periods and cannot work between 10 p.m. and 5 a.m. *See Tunisie Code du Travail at Articles 58, 65, 74, 77, as cited in Code du Travail.*

²⁵³⁸ Code Penal, La Loi no. 89-23, February 27, 1989, Articles 232, 234, 237, at <http://www.recherche.legisnet.com/FMPro> on 11/8/01.

²⁵³⁹ Tunisie Loi no. 95-92, November 9, 1995, relative a la publication de la Protection de L'Enfant, Articles 2, 18, 20, as cited in Code du Travail.

²⁵⁴⁰ *Country Reports on Human Rights Practices for 2000—Tunisia* (Washington, D.C.: U.S. Department of State, 2001), Section 6c, at <http://www.state.gov/g/drl/rls/hrrpt/2000/nea/index.cfm?docid=821>.

Labor inspectors from the Ministry of Social Affairs, with the assistance of the Judicial Police, are responsible for enforcing child labor laws.²⁵⁴¹ Tunisia ratified ILO Convention 138 on October 19, 1995, and ILO Convention 182 on February 28, 2000.²⁵⁴²

²⁵⁴¹ As one example of effective enforcement, reports indicate that government social services and enforcement officers are aware of the use of young girls as domestic laborers and have taken action against their employers in these situations. *See* Tunisie Code du Travail at Article 170, as cited in Code du Travail. *See also* unclassified telegram 2732.

²⁵⁴² ILO, ILOLEX database, at <http://ilolex.ilo.ch:1567/english/> on 11/14/01.

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Turkey

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

In 1992, Turkey became one of the six original countries to participate in ILO-IPEC and established a Child Labor Unit (CLU), under the Ministry of Labor and Social Security (MLSS), to chair an interagency committee formed from government ministries, employer organizations, trade unions, universities, and other United Nations agencies.²⁵⁴³ The CLU is also responsible for reviewing and ensuring the enforcement of child labor laws, proposing new programs, and raising awareness with the public.²⁵⁴⁴ The State Institute of Statistics, with technical assistance from the ILO's statistical agency, conducted a child labor survey that formed the basis for identifying and creating programs for children most at risk. Some of these programs have included awareness-raising activities on child labor for workers, employers, and labor inspectors; non-formal education for working children in rural communities; vocational training for working migrant and street children; and healthcare for youths working in the metal, automotive, leather, and shoe-making industries.²⁵⁴⁵

In cooperation with the Ministry of National Education (MONE), UNICEF conducts "Child-to-Child" training to educate working youths on how to identify and handle risks at work.²⁵⁴⁶ UNICEF has also been working with the MONE to promote universal primary education. With funds from the World Bank and assistance from UNICEF, the Basic Education Pilot Program has expanded access of primary education to children in rural communities.²⁵⁴⁷

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 13.3 percent of children between the ages of 12 and 14 in Turkey were working.²⁵⁴⁸ Children work in agriculture, auto repair shops, the production of

²⁵⁴³ Embassy of Turkey, submission to USDOL official, *The Implemented Programs and Measures Taken Against Child Labour in Turkey*, November 9, 2001 [hereinafter *Implemented Programs and Measures*]. See also ILO-IPEC, "IPEC in Action: Turkey," at <http://www.ilo.org/public/english/standards/ipecc/publ/field/europe/index.htm> on 11/15/01, and ILO, "Country Programme: Turkey" [hereinafter "Country Programme"], at <http://www.ilo.org/public/english/region/eurpro/ankara/programme/> on 11/15/01.

²⁵⁴⁴ *Implemented Programs and Measures*.

²⁵⁴⁵ Turkish Confederation of Employer Associations, *Child Labour in Turkey* (Ankara: ILO, 1997) [hereinafter *Child Labour in Turkey*], 26, 27. See also "Country Programme" and ILO-IPEC, Bilikent University, Child Labour Unit, at <http://www.ug.bcc.bilikent.edu.tr/~cib/main.htm> on 11/15/01.

²⁵⁴⁶ UNICEF, CRC Child-to-Child Training in Apprenticeship Centers Project, at http://www.unicef.org/turkey/u_in_tr/apptraining.htm on 11/15/01.

²⁵⁴⁷ UNICEF in Turkey, 1999 [hereinafter UNICEF in Turkey], at http://www.unicef.org/turkey/u_in_tr/pdf/unicefinturkey-e.pdf on 11/15/01.

²⁵⁴⁸ ILO, *Yearbook of Labour Statistics* (Geneva, 2000). A child labor survey conducted in 1994 by the Turkey State Institute of Statistics in cooperation with ILO-IPEC estimated that 32 percent (3.8 million) of children between the ages of 6 and 14 were engaged in either economic activity or domestic labor. See *Child Labour in Turkey* at 10.

clothing and textiles, leather and metal work, and in personal and domestic services.²⁵⁴⁹ Street children in the cities of Diyarbak'yr, Adana, and Istanbul collect trash, pick garbage at dumpsites, shine shoes, and sell various goods.²⁵⁵⁰

In 1998, 3,000 children worked as soldiers in the opposition group Kurdistan Workers Party (PKK).²⁵⁵¹ Children under the age of 18 in the PKK have been forced to serve in the armed conflict against the Turkish Security Forces in the Southeastern Anatolia.²⁵⁵² Turkey is also a destination and transit country for girls who are trafficked for the purpose of prostitution from Romania, Russia, Ukraine, Moldova, Armenia, Azerbaijan, Bulgaria and Georgia.²⁵⁵³

Primary education is compulsory for eight years for children between the ages of 6 and 14 under the Basic Education Act.²⁵⁵⁴ However, expenses for school still include uniforms, books, and voluntary contributions, costs that affect low-income families.²⁵⁵⁵ In 1996, the gross primary enrollment rate was 107.4 percent, and the net primary enrollment rate was 99.3 percent.²⁵⁵⁶ 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.²⁵⁵⁷

²⁵⁴⁹ UNICEF, *The Situation of Children and Women in Turkey: An Executive Summary* (1998) [hereinafter "The Situation of Children and Women"].

²⁵⁵⁰ Bahattin Ak'it, Nuray Karanc'y, and Ay'e Gunduz-Ho'g'or, "Turkey: Working Street Children in Three Metropolitan Cities: A Rapid Assessment" (Geneva: ILO, October 2001), 4, 5.

²⁵⁵¹ Coalition to Stop the Use of Child Soldiers, *Global Report 2001: Turkey* [hereinafter *Global Report 2001*], at <http://www.child-soldiers.org/report2001/countries/> on 11/15/01.

²⁵⁵² Ibid. See also UNICEF, "The State of Children and Women in Turkey: Perspectives in the Context of the CRC and CEDAW" (Ankara, 2000) [hereinafter "Perspectives in the Context of the CRC and CEDAW"], at <http://www.die.gov.tr/CIN/got-unicef/Sowc2000/cover.html>.

²⁵⁵³ U.S. Department of State, *Trafficking in Persons Report*, July 2001, Tier 3: Turkey, 98. See also Swedish International Development Agency, *Looking Back, Thinking Forward: 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, on 28 August 1996* (Bangkok: ECPAT International, 2000), 124. See also *Country Reports on Human Rights Practices for 2000—Turkey* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6f, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur>.

²⁵⁵⁴ "The Situation of Children and Women." In 1997, compulsory education in Turkey was extended from 5 to 8 years under the Basic Education Act. See also ILO, *ILO/Turkish Confederation of Employer Associations*, (Geneva: 1997) [hereinafter *Child Labour in Turkey*], 22. See also UNICEF in Turkey.

²⁵⁵⁵ UNICEF in Turkey.

²⁵⁵⁶ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

²⁵⁵⁷ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

Child Labor Laws and Enforcement

There are numerous and sometimes contradictory laws relating to working children and the worst forms of child labor in Turkey.²⁵⁵⁸ The Labor Law (Article 67) sets the minimum age for employment at 15 years, but allows children at least 13 years of age to perform light work that does not harm their health or interfere with their education.²⁵⁵⁹ The Labor Law prohibits underground work and night work for children under the age of 18 and precludes children under 16 years from working in heavy and hazardous work.²⁵⁶⁰ General Health Care Act No. 1593 prohibits the work of children under the age of 12 at industrial sites, mining works and in factories and manufacturing shops, and it proscribes the work of children under 18 years in bars, coffee houses, dance halls, cabarets, casinos, and public baths. The Code of Obligation limits the work hours of children between the ages of 12 and 16,²⁵⁶¹ and it covers children working in economic activities and sectors not included under the Labor Law (e.g., agriculture, domestic servants, home-based establishments, and enterprises with three or fewer workers).²⁵⁶² Apprenticeship and Vocational Training Act No. 3308 allows children between the ages of 13 and 18 to be employed as an apprentices.²⁵⁶³

References to other worst forms of child labor are also found in military and criminal laws. Law on Military Service No. 1111 requires all males in Turkey to undergo military training despite their age, but boys and adolescents are not allowed to be recruited into the armed services until they reach 19 years of age.²⁵⁶⁴ However, in the event of a war, Law on National Defense Liability No. 3634 allows the drafting of children at least 15 years of age.²⁵⁶⁵ The Criminal Law forbids the sexual exploitation and trafficking of children.²⁵⁶⁶ Sexual offences committed against children 15 years or younger are subject to heavier sentences than offences committed against individuals over 15 years, particularly crimes committed by family members or guardians of the child.²⁵⁶⁷

²⁵⁵⁸ “Perspectives in the Context of the CRC and CEDAW.”

²⁵⁵⁹ Labor Act, Article 67, as cited in “Perspectives in the Context of the CRC and CEDAW.” See also Child Information Network in Turkey, *Child Rights in Turkey*, at <http://www.die.gov.tr/CIN/childrights.html> on 11/15/001. The Constitution also protects against individuals being required to work in situations unsuitable to their development. See Constitution of the Republic of Turkey, Article 50, at http://www.turkey.org/politics/p_consti.htm on 11/15/01.

²⁵⁶⁰ Labor Act, Articles 68, 69, and 79, as cited in “Perspectives in the Context of the CRC and CEDAW.”

²⁵⁶¹ Children in this age range may work only 8 hours per day and no later than 8 p.m. See Labor Act, Articles 173, 174, and 176, Annex 2, as cited in *Child Labour in Turkey*, 31.

²⁵⁶² “Perspectives in the Context of the CRC and CEDAW.”

²⁵⁶³ *Child Labour in Turkey* at 29.

²⁵⁶⁴ *Global Report 2001*. See also “Perspectives in the Context of the CRC and CEDAW.”

²⁵⁶⁵ “Perspectives in the Context of the CRC and CEDAW.”

²⁵⁶⁶ Articles 435 and 436 of the Criminal Law protect children and youth under the age of 21 from prostitution. Articles 429 through 434 of the Criminal Law concern the abduction of children for sexual intentions and/or marriage. Article 436 of the Criminal Law specifically deals with the trafficking of children under the age of 21 for sexual purposes. See “Perspectives in the Context of the CRC and CEDAW.”

²⁵⁶⁷ *Ibid.*

The MLSS Labor Inspection Board is the government agency tasked with enforcing child labor laws in Turkey. The MLSS has been unable to effectively enforce many of the child labor laws because of a lack of inspectors trained in child labor issues and the numerous field establishments falling under their jurisdiction. There are approximately 70 trained inspectors to handle child labor issues and nearly 4 million establishments subject to be inspected.²⁵⁶⁸ The Government of Turkey ratified ILO Convention 138 on October 30, 1998,²⁵⁶⁹ and ILO Convention 182 on August 2, 2001.²⁵⁷⁰

²⁵⁶⁸ Ibid. See also *Implemented Programs and Measure*.

²⁵⁶⁹ ILO, ILOLEX database: Turkey, at <http://ilolex.ilo.ch:1567/cgi-lex/>.

²⁵⁷⁰ Ibid. at <http://ilolex.ilo.ch:1567/cgi-lex/ratifice.pl?C182>.

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Tuvalu

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

The government receives assistance from UNDP and UNICEF for a variety of national and regional programs that benefit children.²⁵⁷¹ UNDP provides technical assistance to strengthen the capacities of local governments on the Tuvalu islands and implements regional Basic Education, Non-Formal Education, and Poverty Strategy Initiatives in the Pacific.²⁵⁷² UNICEF's programs specifically address children's health and education.²⁵⁷³

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Tuvalu are unavailable. Employment of children outside of the traditional economy rarely occurs.²⁵⁷⁴

Education is free of charge and compulsory between the ages of 6 and 15 years.²⁵⁷⁵ In 1998, the gross and net primary school enrollment rates were 100 percent.²⁵⁷⁶ Primary school attendance rates are unavailable for Tuvalu. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁵⁷⁷

²⁵⁷¹ UNDP, "Program Info: Tuvalu" [hereinafter "Program Info: Tuvalu"], at <http://www.undp.org.fj/tuv/tuvaluprog.htm> on 11/8/01. See also UNICEF, "UNICEF's Programme of Assistance to Pacific Island Countries" [hereinafter "UNICEF's Programme of Assistance"], at http://www.undp.org.jf/un/UNICEF/UNICEF_PIC.htm on 10/10/01.

²⁵⁷² "Youth Profile: Tuvalu," Youth at the UN Country Profiles, at <http://www.esa.un.org/socdev/unyin/countrya.asp?countrycode'tv> on 11/8/01. See also "Program Info: Tuvalu."

²⁵⁷³ "UNICEF's Programme of Assistance."

²⁵⁷⁴ According to U.S. Department of State Pacific Desk Officer, "traditional economy" refers to informal work that takes place in the home or on a family farm. See *Country Reports on Human Rights Practices for 2000—Tuvalu* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eap/index.cfm?docid'811>.

²⁵⁷⁵ UNESCO, Pacific Subregion Statistical Indicators at <http://www.unesco.org/focus/statpacedu.html> on 11/13/01. See also UNESCO, *The Education for All (EFA) 2000 Assessment: Country Report—Tuvalu*, at "http://www2.unesco.org/wef/countryreports/tuvalu/rapport_2.htm" http://www2.unesco.org/wef/countryreports/tuvalu/rapport_2.htm on 12/14/01.

²⁵⁷⁶ UNESCO, *Education for All: Year 2000 Assessment*, (Paris, 2000) [CD-ROM].

²⁵⁷⁷ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

Child Labor Laws and Enforcement

The Employment Law sets the minimum age for employment at 14 years, although a child must be 18 years old to sign a formal work contract.²⁵⁷⁸ The Employment Law also prohibits industrial labor or work on any ship by children less than 15 years of age.²⁵⁷⁹ In addition, the Constitution and the Penal Code prohibit forced labor.²⁵⁸⁰ The Penal Code criminalizes the procurement of a child less than 18 years of age for prostitution, and although the law does not specifically address trafficking in children, kidnapping or abducting children is illegal under the Code.²⁵⁸¹ Tuvalu is not a member of the ILO and therefore has not ratified any ILO Conventions pertaining to child labor.²⁵⁸²

²⁵⁷⁸ *Country Reports 2000*.

²⁵⁷⁹ *Ibid.*

²⁵⁸⁰ Constitution of Tuvalu, 1978, Article 18(f), at http://www.vanuatu.usp.ac.fj/paclawmat/Tuvalu_legislation-/Tuvalu_Constitution.html on 11/8/01. *See also* Tuvalu Penal Code, 1978, Article 249 [hereinafter Tuvalu Penal Code], at www.vanuatu.usp.ac.fj/Paclawmat/Tuvalu_legislation/Consolidation_1978/Tuvalu_Penal_Code.html on 11/8/01.

²⁵⁸¹ Tuvalu Penal Code at Articles 136, 242, 246, and 247.

²⁵⁸² Alphabetical list of ILO member countries at <http://www.ilo.org/public/english/standards/relm/country.htm> on 11/13/01).

NOTE: Hard copies of all Web citations are on file.

Uganda

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

The Government of Uganda has been a member of ILO-IPEC since 1998.²⁵⁸³ In 1999, with funding from USDOL, Uganda launched a National Program to Eliminate Child Labor, which focuses on children working in commercial agriculture, construction, street children, commercial sex and domestic workers, fishing, and cross-border smuggling/drug trafficking.²⁸⁴ The Ministry of Gender, Labour and Social Development (MGLSD) established a Child Labor Unit to develop policy on child labor and promote coordination and networking among the key stakeholders.²⁵⁸⁵ In 2000, the Uganda Bureau of Statistics (UBOS), with funding from the USDOL and technical assistance from the ILO-IPEC's SIMPOC, conducted a national survey on child labor.²⁵⁸⁶ Uganda is also one of five countries participating in a USDOL-funded ILO-IPEC regional program to combat child labor in the commercial agricultural sector.²⁵⁸⁷

The Universal Primary Education program was launched in 1997 to improve access to education, improve the quality of education, and ensure that it is affordable, particularly for children in nomadic areas.²⁵⁸⁸ The Alternative Basic Education for Karamoja program brings literacy programs into the homes of children not attending formal school, and the Complementary Opportunities for Primary Education initiative is for children ages 10 to 16 years that never attended school or dropped out before acquiring basic literacy and numerical skills.²⁵⁸⁹

²⁵⁸³ ILO-IPEC, "Programme Countries," at http://www.ilo.org/public/english/standards/ippec/about/countries/t_country.htm.

²⁵⁸⁴ Regina Mbabzi, ILO-IPEC coordinator, interview with USDOL official, August 14, 2000. *See also* ILO-IPEC, *National Programme on the Elimination of Child Labor in Uganda*, project document (Geneva, October 1998), rev. 1999 [hereinafter *Elimination of Child Labor in Uganda*], 3 [document on file].

²⁵⁸⁵ *Children in Domestic Service: A Survey in Kampala District* (Kampala, Uganda: FIDA, 2000), 14.

²⁵⁸⁶ The Uganda Bureau of Statistics was preparing a child labor report that was expected to be completed by the end of 2001. *See SIMPOC* (Geneva, September 1999) [document on file].

²⁵⁸⁷ Among the institutions anticipated to play an active role in the project are the Federation of Uganda Employers, the National Organization of Trade Unions, the National Union of Plantation and Agricultural Workers, the World Food Program, UNICEF, Save the Children Norway, various government ministries, and other nongovernmental and community-based organizations providing direct services to child laborers. *See* ILO-IPEC, *Targeting the Worst Forms of Child Labor in the Tea, Tobacco and Coffee Sectors in Uganda* (Geneva, September 2000) [document on file].

²⁵⁸⁸ Government of Uganda, Ministry of Education and Sports, *The Ugandan Experience of Universal Primary Education (UPE)* (Kampala, July 1999) [hereinafter *The Ugandan Experience of Universal Primary Education*] at 10.

²⁵⁸⁹ These are two examples of how the Government of Uganda works with international and multinational agencies to provide education to the country's children. *See* UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports—Uganda*, at <http://www2.unesco.org/wef/countryreports/uganda/contents.html>.

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 44.1 percent of children between the ages of 10 and 14 were working in Uganda.²⁵⁹⁰ In urban areas, children are employed in garages and metal workshops.²⁵⁹¹ Children also sell small items on the streets, beg, wash cars, and scavenge.²⁵⁹² Children work on commercial farms, including tea, coffee, and tobacco.²⁵⁹³ The Government of Uganda reports that some of the worst forms of child labor in the country include heavy domestic work, commercial sex and sexual slavery, smuggling of merchandise across borders, and involvement in military operations, and the work of children living on the streets.²⁵⁹⁴ Children have reportedly been abducted by rebel groups from northern Uganda and forced into armed conflict in Uganda and the Sudan.²⁵⁹⁵ They are used as human shields or hostages and are sometimes coerced into sexual activity.²⁵⁹⁶

The Constitution states that a child is entitled to basic education, which is the responsibility of the State and the child's parents.²⁵⁹⁷ However, education is not compulsory.²⁵⁹⁸ The Government of Uganda waives the school fees for four children per family and provides free textbooks.²⁵⁹⁹

²⁵⁹⁰ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

²⁵⁹¹ *Elimination of Child Labor in Uganda* at 3.

²⁵⁹² Sopia Kyagulanyi, legal assistant for the Foundation for Human Rights Initiative, Kampala, Uganda, electronic correspondence to USDOL official, September 29, 2000 [hereinafter Kyagulanyi correspondence].

²⁵⁹³ Kyagulanyi correspondence. According to a survey conducted by the Federation of Uganda Employers, of 115 enterprises involved in tea, coffee, sugar, and tobacco production, children perform a variety of tasks, including harvesting tea and tobacco (25 percent), picking coffee beans (23 percent), weeding (14 percent), slashing (9 percent), spraying (9 percent), and sorting tobacco (5 percent). See also *The Employers' Effort in Eliminating Child Labour within the Formal Agricultural Sector in Uganda: A Study Conducted by the Federation of Uganda Employers*, April 1999, 22.

²⁵⁹⁴ Government of Uganda, Ministry of Labour and Social Welfare, *Uganda's Report and Position on Child Labour*, prepared for the OUA/ILO African Regional Tripartite Conference on Child Labour (Kampala, January 1998), 6.

²⁵⁹⁵ Tom Barton, Alfred Mutiti, and the Assessment Team for Psycho-Social Programmes in Northern Uganda, *Northern Uganda Psycho-Social Needs Assessment* (Kisubi, Uganda: Marianum Press, 1998) [hereinafter *Northern Uganda Psycho-Social Needs Assessment*], vii, viii. The Lord's Resistance Army in the north and the Allied Democratic Forces in the southwest are reported to abduct children. There are reports that the Government of Uganda recruited children to work as soldiers during the 1980s, but there are no recent reports of such activity. See Coalition to Stop the Use of Child Soldiers, *Global Report 2001: Uganda* [hereinafter *Global Report 2001*], at <http://www.child-soldier.org/report2001/countries/uganda/html>.

²⁵⁹⁶ *Northern Uganda Psycho-Social Needs Assessment* at vii-viii. See also U.S. Department of State, *Trafficking in Persons Report*, July 2001, Uganda.

²⁵⁹⁷ Constitution of the Republic of Uganda, Article 34 (2) [hereinafter Constitution of the Republic of Uganda], at <http://www.government.go.ug/constitution/chapt4.htm> on 8/14/01.

²⁵⁹⁸ U.S. Embassy-Luanda, unclassified telegram 2989, September 2001 [hereinafter unclassified telegram 2989].

²⁵⁹⁹ *The Ugandan Experience of Universal Primary Education* at 10.

In 1995, the gross primary attendance rate was 95.8 percent, and the net primary attendance rate was 68.4 percent.²⁶⁰⁰ An estimated 94 percent of children reached grade five.²⁶⁰¹ Primary school attendance rates are unavailable for Uganda. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁶⁰²

Child Labor Laws and Enforcement

The Employment Decree of 1975, Section 50, sets the minimum age for employment at 12 years, except for light work as proscribed by the Minister of Labor by statutory order.²⁶⁰³ The decree prohibits young persons from employment in dangerous and hazardous jobs and bans children under age 16 from work at night or underground.²⁶⁰⁴ The Constitution of Uganda states that children under 16 years have the right to be protected from social and economic exploitation and that they should not be employed in hazardous work or work that would otherwise endanger their health, physical, mental, spiritual, moral, or social development or that would interfere with their education.²⁶⁰⁵ Children's Statute No. 6 of 1996 also prohibits the employment of children under 18 in work that may be harmful to their health, education, or mental, physical, or moral development.²⁶⁰⁶

Article 125 of the Penal Code prohibits individuals from soliciting females for prostitution; violation of this code is punishable by up to 7 years of imprisonment.²⁶⁰⁷ 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.²⁶⁰⁸ Under Article 123 of the Penal Code, rape of a girl under the age of 18 is an offense punishable by imprisonment with or without corporal punishment.²⁶⁰⁹ The minimum

²⁶⁰⁰ UNESCO, *Education for All (EFA) 2000 Assessment* (Paris: 2000) [CD-ROM].

²⁶⁰¹ *Ibid.*

²⁶⁰² For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

²⁶⁰³ Government of Uganda, Ministry of Labour and Social Welfare, *Uganda's Report and Position on Child Labour*, prepared for the OUA/ILO African Regional Tripartite Conference on Child Labour (Kampala, January 1998) [hereinafter *Uganda's Report and Position on Child Labour*], 25.

²⁶⁰⁴ *Ibid.* at 25, 26.

²⁶⁰⁵ Constitution of the Republic of Uganda, Articles 34 (4) (5).

²⁶⁰⁶ *Uganda's Report and Position on Child Labour* at 25.

²⁶⁰⁷ Penal Code of Uganda, Article 125, as cited in the Protection Project Database, Country Report, Uganda, January 2001, at <http://www.protectionproject.org>.

²⁶⁰⁸ *Ibid.*

²⁶⁰⁹ Deborah Serwada, Program Director, Hope after Rape, "Defilement," paper presented at Report of the Policy-Makers' Seminar on Child Abuse, Uganda, June 7, 2000, 6.

age for military service is set at 18 years per the Armed Forces (Conditions of Service) Regulations, although children age 13 and older may enroll with the permission of a parent or guardian.²⁶¹⁰ The Ministry of Gender, Labor and Social Development is the primary institution responsible for investigating and addressing complaints related to child labor.²⁶¹¹ Uganda has not ratified ILO Convention 138 but did ratify ILO Convention 182 on June 21, 2001.²⁶¹²

²⁶¹⁰ *Global Report 2001..*

²⁶¹¹ Unclassified telegram 2989.

²⁶¹² ILO, ILOLEX database, International Labour Standards and Human Rights Department, at <http://ilolex.ilo.ch:1567>.

NOTE: Hard copies of all Web citations are on file.

Uruguay

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

In December 2000, the Government of Uruguay created a National Committee for the Eradication of Child Labor, and the government is in the process of becoming a member of ILO-IPEC.²⁶¹³ The National Child and Adolescent Institute (INAME), in collaboration with a local NGO, provides parents of working children with monthly payments to cover the costs of schooling in exchange for regular class attendance by their children.²⁶¹⁴ Project Projovent, an initiative created by the National Employment Council, the Ministry of Labor and Social Security, and the Sport and Youth Ministry, encourages adolescents to improve their employment opportunities by offering them skills training in non-hazardous work.²⁶¹⁵ In May 2000, the Uruguayan Minister of Labor and Social Security joined with labor ministers from other countries in the region to discuss regional policies to fight child labor.²⁶¹⁶

The National Food Institute implements projects to prevent and protect at-risk children from early entrance into the labor market by offering them daycare services and healthy meals and by providing their families with courses in nutrition.²⁶¹⁷ The ILO's Inter-American Center for Research and Documentation on Professional Formation funds a number of projects to socially integrate youth into schools and the greater community.²⁶¹⁸ The National Administration of Public Education (ANEP), an autonomous government agency, has developed a project to train teachers and educate students on children's rights.²⁶¹⁹

²⁶¹³ *Country Reports on Human Rights Practices for 2000—Uruguay* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/htpt/2000/wha/index.cfm?docid=834>. See also ILO-IPEC, *All About IPEC: Programme Countries*, at http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

²⁶¹⁴ U.S. Embassy - Montevideo, unclassified telegram 1824, September 2000 [hereinafter unclassified telegram 1824].

²⁶¹⁵ Programa de Capacitación e Inserción Laboral de Jóvenes, Uruguay, *Oportunidades para los jóvenes*, at <http://www.projovent.gub.uy> on 11/13/01.

²⁶¹⁶ The meetings included members of the Southern Cone Common Market (MERCOSUR). See unclassified telegram 1824.

²⁶¹⁷ Asociación Uruguaya de Protección a la Infancia (AUPI), Centro de Atención a la Infancia y a la Familia (CAIF), Servicio de Asistencia Alimentaria Colectivizada (SAAC), Ministerio de Trabajo y Seguridad Social. Instituto Nacional de Alimentación, Asistencia, Educación y Vigilancia Alimentaria Nutricional, at <http://www.inda.gub.uy/caif.htm> on 11/13/01.

²⁶¹⁸ ILO, *Observatorio de experiencias: Uruguay*, programas y proyectos ejecutados por el Instituto de Educación Popular el Abrojo, at <http://www.cinterfor.org.uy/public/spanish/region/ampro/cinterfor/temas/youth/exp/uru/abrojo/index.htm> on 11/07/01.

²⁶¹⁹ Administración Nacional de Educación Pública (ANEP), *Derechos del niño: Derechos deberes y garantías*, una propuesta pedagógica hacia un indicador de logro actitudinal, segunda parte del proyecto, at <http://www.anep.edu.uy/primaria/InformacionInstitucional/ProyectosCEP/Derechos1.htm> on 11/13/01.

Incidence and Nature of Child Labor

In 1999, a survey conducted by the National Statistics Institute estimated that 12.7 percent of children ages 12 to 17 in Uruguay were working.²⁶²⁰ Children work in agriculture, commerce, and family-run businesses and as domestic servants.²⁶²¹ Children as young as age 11 or 12 reportedly engage in prostitution.²⁶²² More children work in the interior of the country than in Montevideo, the capital city.²⁶²³

Education is compulsory for a total of nine years, beginning at the primary level, and is free from the pre-primary through the university level.²⁶²⁴ In 1996, the gross primary enrollment rate was 111.7 percent, and the net primary enrollment rate was 92.9 percent.²⁶²⁵ Primary school attendance rates are unavailable for Uruguay. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁶²⁶

Child Labor Laws and Enforcement

The Children and Adolescents' Code sets the minimum age for employment at 14 years.²⁶²⁷ However, in most cases, children must complete compulsory education in order to obtain a work permit. The government permits some children over the age of 12 to work in family businesses and children over the age of 13 to work in light, non-industrial work such as messengers, newspaper deliverers, and fruit and flower pickers. Children under the age of 14 are prohib

²⁶²⁰ Instituto Nacional de Estadísticas, *Indicadores de empleo y desempleo: Módulo de trabajo infantil*, cuadro 1, Oct. 3, 2000, at <http://www.ine.gub.uy/bancodedatos/bdech%5Fmódulo%5Ftrab%5Finfant.htm>. The incidence of working boys is greater than that of working girls, and this ratio increases in rural areas. See Oficina Internacional de Trabajo, *Trabajo infantil en los países del MERCOSUR: Argentina, Brasil, Chile, Paraguay, Uruguay*, Chapter 5, "Uruguay" (Lima, Peru, 1998) [hereinafter *Trabajo infantil en los países del MERCOSUR*], 99.

²⁶²¹ *Trabajo infantil en los países del MERCOSUR* at 99.

²⁶²² http://www.ecpat.net/eng/Ecpat_inter/projects/monitorin/online_database/.

²⁶²³ *Trabajo infantil en los países del MERCOSUR* at 99.

²⁶²⁴ Unclassified telegram 1824.

²⁶²⁵ UNESCO, *Education for All: Year 2000 Assessment*, (Paris, 2000) [CD-ROM].

²⁶²⁶ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

²⁶²⁷ ILO, NATLEX database, 1934-04-06, Ley núm. 9342, por la que se dicta el Código del niño, at <http://natlex.ilo.org/Scripts/natlexcgi.exe?lang'S&doc'query&ctry'URY&llx'12.01>.

ited from working more than 2 hours per day.²⁶²⁸ Adolescents between the ages of 15 and 18 are prohibited from working more than six hours daily and 36 hours weekly in the industrial sector.²⁶²⁹ All working children under the age of 18 must obtain a work card issued by the National Child and Adolescent Institute and must provide it to their employers.²⁶³⁰ A draft Code of the Child, intended to harmonize the Children and Adolescent's Code to the stipulations of the UN Convention on the Rights of the Child has been introduced into the legislative process.²⁶³¹ Article 294 of the Uruguayan Penal Code prohibits procuring a person for prostitution.²⁶³² The trafficking of children and child pornography are criminal offenses in Uruguay.²⁶³³

The Ministry of Labor and Social Security is responsible for enforcing labor laws.²⁶³⁴ Uruguay ratified ILO Convention 138 on June 2, 1977, and ILO Convention 182 on August 3, 2001.²⁶³⁵

²⁶²⁸ Ministerio de Educación y Cultura, Instituto Nacional de la Juventud, *Trabajo de Menores*, 5, Capacidad para Contratar a Menores, 1, Edad minima, at <http://www.mec.gub.uy/inju/trabajo.htm> on 10/05/00.

²⁶²⁹ An exception to this regulation is that adolescents 16 years of age and older may work 8 hours daily in industrial activities that do not compromise their physical or moral health.

²⁶³⁰ Work cards must contain a medical certificate reflecting the child's good health and parental authorization. During the first 9 months of 2000, National Institute for Children (INAME) issued approximately 1,445 work cards to children between the ages of 14 and 18, with three-fourths of these going to boys. See unclassified telegram 1824.

²⁶³¹ *Country Reports 2000* at Section 5. In the new code, the INAME, along with the Ministries of Health, Labor and Social Security, and the National Security Bank, would be responsible for periodically establishing a list of the worst forms of child labor. See also untitled article, Hace 9 años que las Naciones Unidas aprobaron la convencion sobre los derechos del niño, el mayor derecho, el de los niños, at <http://www.140/buscador/1998/11noviembre/981120/soci2.html>.

²⁶³² If the victim is younger than 14 years, the punishment is 4 years of imprisonment. See PNUD contra violencia: Leyes, Uruguay, at <http://www.undp.org/rblac/gender/campaign-spanish/uruguay.htm> on 11/7/01.

²⁶³³ Unclassified telegram 1824.

²⁶³⁴ *Trabajo infantil en los países del MERCOSUR* at 101.

²⁶³⁵ ILO, ILOLEX database, at <http://ilolex.ilo.ch:1567/scripts/ratifce.pl?C182> on 11/14/01.

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Uzbekistan

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

An education reform program began in 1997 that includes provisions for increasing the length of compulsory education and improved pre-professional training.²⁶³⁶ UNICEF is implementing education sector projects that particularly benefit children with disabilities and aim to create safe school environments.²⁶³⁷

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 23.4 percent of children between the ages of 5 and 15 in Uzbekistan were working.²⁶³⁸ Children work in agriculture in rural areas, where large-scale, compulsory mobilization of children to help with cotton harvests has been reported.²⁶³⁹ Schools allegedly close in rural areas to allow for child labor during the cotton harvest.²⁶⁴⁰ Various nongovernmental organizations have reported that incidents of sexual exploitation of young women are increasing, although exact numbers are not available.²⁶⁴¹ Girls and young women are trafficked within Uzbekistan, and to Turkey, the Persian Gulf, and South Korea, for the purposes of sexual exploitation.²⁶⁴²

²⁶³⁶ UNICEF, Multiple Indicator Cluster Survey, Republic of Uzbekistan, December 5, 2000 at http://www.childinfo.org/MICS2/natlMICSrepz/Uzbekistan/UZBA_MICS_REPORT_Final%20%20.pdf on 1/4/02 at 11.

²⁶³⁷ UNICEF, *Sub-Regional Programme for Afghanistan, Pakistan, Tajikistan, Turkmenistan, Uzbekistan and Iran*, October 2001-March 2002, at <http://www.unicef.org/emerg/Country/Afghanistan/SubReg0110.htm> on 10/24/01.

²⁶³⁸ Multiple Indicator Cluster Survey 2, 2000 as cited in Understanding Children's Work at www.ucw-project.org/resources/index.html on 1/4/02.

²⁶³⁹ There has been an increase in the number of street children in Tashkent and other cities, although there are no reports on their work in the informal sector. See *Country Reports on Human Rights Practices for 2000—Uzbekistan* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6c, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/858.htm>. See also Ministry of Public Education letter regarding forced cotton-picking practices, August 30, 2000 [document on file], and UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child*, Uzbekistan, UN Document CRC/C/15/Add.168 (Geneva, October 12, 2001) [hereinafter *Concluding Observations of the Committee on the Rights of the Child*], para. 63.

²⁶⁴⁰ *Country Reports 2000* at Section 6c.

²⁶⁴¹ International Helsinki Federation for Human Rights, *Women 2000: An Investigation into the Status of Women's Rights: Uzbekistan* (Vienna, 2000) [hereinafter *Women 2000*], 505-6. See also *Country Reports 2000* at Section 5.

²⁶⁴² *Women 2000* at 505-6. See also *Country Reports 2000* at Section 6f.

Education is compulsory for nine years.²⁶⁴³ In 1998, the gross primary enrollment rate was 99.6 percent, and the net primary enrollment rate was 87.8 percent.²⁶⁴⁴ Primary school attendance rates are unavailable for Uzbekistan. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁶⁴⁵ Declining enrollment and high dropout, repetition, and absenteeism rates in both primary and secondary schools have been reported.²⁶⁴⁶

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 16 years, although students at age 14 may perform light work after school hours in limited, non-hazardous occupations.²⁶⁴⁷ The Labor Code also prohibits children less than 18 years of age from working under unfavorable labor conditions and establishes limited work hours for minors.²⁶⁴⁸ The Constitution prohibits forced labor except when fulfilling a court sentence.²⁶⁴⁹ The Criminal Code prohibits the abduction and recruitment of children for the purposes of exploitation.²⁶⁵⁰ Prostitution is punishable under the Administrative Code.²⁶⁵¹ Uzbekistan has not ratified either ILO Convention 138 or ILO Convention 182.²⁶⁵²

²⁶⁴³ *Country Reports 2000* at Section 5b.

²⁶⁴⁴ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

²⁶⁴⁵ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

²⁶⁴⁶ *Concluding Observations of the Committee on the Rights of the Child* at para. 57.

²⁶⁴⁷ With the consent of a parent or guardian, children may be admitted to employment at the age of 15. See UN Committee on the Rights of the Child, *Initial Reports of States Parties Due in 1996: Uzbekistan*, UN Document CRC/C/41/Add.8 (Geneva, February 19, 2001) [hereinafter *Initial Reports of States Parties*], para. 314.

²⁶⁴⁸ The government issued a list of jobs that fall into the category of "unfavorable labor conditions," which include drilling, chemical production, construction, and working underground. Children between 16 and 18 years of age may not work more than 36 hours a week, and children between 15 and 16 years of age (and school children between 14 and 16 years of age working during holidays) may not work more than 24 hours a week. See *Resolution of the Ministry of Labor and the Ministry of Health Care on Approval of the List of Works with Unfavorable Labor Conditions* [document on file]. See also *Initial Reports of States Parties* at paras. 315, 318, and 324.

²⁶⁴⁹ Constitution of the Republic of Uzbekistan, December 8, 1992, at <http://www.ecostan.org/Laws/uzb/uzbekistancon.html> on 10/24/01. See also *Country Reports 2000*.

²⁶⁵⁰ *Initial Reports of States Parties* at para. 150. Penalties vary depending on the crime, ranging from fines to imprisonment of up to 5 years. See Articles 135 and 137 of the Criminal Code, as cited in *Women 2000* at 505-6.

²⁶⁵¹ U.S. Embassy-Tashkent, unclassified telegram no. 3065, August 2000.

²⁶⁵² ILO, ILOLEX database: Uzbekistan, at <http://ilolex.ilo.ch:1567/english/newratframeE.htm> on 10/24/01.

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Vanuatu

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

In 1997, the Government of Vanuatu created a Comprehensive Reform Program (CRP) concentrating mainly on education. A major goal of the CRP program was to introduce a mandatory 10 years of compulsory education for all children by the year 2010.²⁶⁵³ UNICEF is working with the Ministry of Health, other governmental departments, NGOs, and Pacific Island Regional Organizations to address the issues of early childhood education.²⁶⁵⁴

Incidence and Nature of Child Labor

Statistics on the number of working children in Vanuatu under age 15 are unavailable, but there are no indications that abusive child labor exists, nor have there been any reports of bonded, forced, or compulsory labor involving children in the Pacific Island nation.²⁶⁵⁵

Access to school is very limited,²⁶⁵⁶ and there is no regulation or constitutional guarantee mandating that education be either compulsory or free.²⁶⁵⁷ In 1998, the gross primary enrollment rate was 97.3 percent, and the net primary enrollment rate was 90.1 percent.²⁶⁵⁸ Primary school attendance rates are unavailable for Vanuatu. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁶⁵⁹ The educational system is complicated by the use of two official languages and over one hundred vernaculars spread out over many islands.²⁶⁶⁰ A 1999 report published by the UNDP stated that 24 percent of all primary school teachers in Vanuatu are untrained, and projections have been made that at the current high growth rate of school age children, primary school enrollment will double by the year 2010.²⁶⁶¹

²⁶⁵³ "Broadening Opportunities for Education," Pacific Human Development Report, 1999 [hereinafter "Broadening Opportunities for Education"], at 44.

²⁶⁵⁴ UNICEF, "Assistance to Pacific Island Countries," at http://www.undp.org/fj/un/UNICEF/UNICEF_PIC.htm.

²⁶⁵⁵ *Country Reports on Human Rights Practices for 2000—Vanuatu* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eap/index.cfm?docid=814>.

²⁶⁵⁶ *Ibid.* at Section 5.

²⁶⁵⁷ "The Situation of Youth," UN Country Profiles, Vanuatu, at <http://www.righttoeducation.org/unreports.unreport5prt3.html>.

²⁶⁵⁸ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

²⁶⁵⁹ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

²⁶⁶⁰ "Broadening Opportunities for Education" at 42.

²⁶⁶¹ *Ibid.* at 40, 45.

Child Labor Laws and Enforcement

Under the Labor Code, children below the age of 12 are prohibited from working outside of family-owned operations involved in agricultural production. Children between the ages of 12 and 18 are restricted from working at night or in the shipping industry.²⁶⁶² Forced labor is also prohibited by law.²⁶⁶³ Vanuatu is not a member of the ILO and has not ratified ILO Conventions on child labor.²⁶⁶⁴

²⁶⁶² *Country Reports 2000* at 6d.

²⁶⁶³ *Ibid* at 6c.

²⁶⁶⁴ ILO, Ratifications of Fundamental ILO Conventions, at <http://webfusion.ilo.org/public/db/st>.

NOTE: Hard copies of all Web citations are on file.

²⁶⁶⁵ IPEC, "All About IPEC: Programme Countries," at http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

²⁶⁶⁶ UN Committee on the Rights of the Child, *Initial Reports of States Parties Due in 1992*, supplementary report, addendum, Venezuela, UN Document CRC/C/3/add.59 (Geneva, 1999) [hereinafter *Initial Reports of States Parties*], 69-75.

²⁶⁶⁷ Comisión Andina de Juristas, "España ayuda a Venezuela a erradicar trabajo infantil," March 22, 2000

Venezuela

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

The Government of Venezuela has been a member of ILO-IPEC since 1996.²⁶⁶⁵ In 1997, the government created the National Commission for the Eradication of Child Labor and Protection of Child Workers with responsibilities for collaborating with ILO-IPEC on child labor elimination projects and encouraging and strengthening coordination among national and international public and private institutions in an effort to combat child labor.²⁶⁶⁶ In 2000, ILO-IPEC, with the support of the Spanish government, implemented a project to eliminate the commercial sexual exploitation of girls in Venezuela.²⁶⁶⁷ The Ministry of Labor and the Ministry of Social Development are currently working together on a government study of the child labor situation in the country.²⁶⁶⁸

The government has collaborated with UNESCO to develop an Education for All plan to increase primary school enrollment and completion rates, improve educational achievement, and expand basic education services and training in essential skills for youth.²⁶⁶⁹ 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 social risk.²⁶⁷⁰

[hereinafter “España ayuda a Venezuela a erradicar trabajo infantil”], at <http://www.caj.../bdescriptor.in> [document on file].

²⁶⁶⁸ The government is also planning to collaborate on a child labor survey with ILO-IPEC’s SIMPOC in 2002. See U.S. Embassy-Caracas, unclassified telegram no. 3537, December 2001.

²⁶⁶⁹ UNESCO, *Education for All (EFA) 2000 Assessment, Country Report, Venezuela* [hereinafter *EFA 2000*], at [venezuela/contents_2html](http://www.unesco.org/wef/countryreports/venezuela/contents_2html)” http://www2unesco.org/wef/countryreports/venezuela/contents_2html.

²⁶⁷⁰ *Initial Reports of States Parties* at 69-75.

²⁶⁷¹ ILO statistics as cited in *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

²⁶⁷² U.S. Embassy-Caracas, unclassified telegram no. 2626, April 1996 [hereinafter unclassified telegram 2626].

²⁶⁷³ *Ibid.* See also “España ayuda a Venezuela a erradicar trabajo infantil.”

Incidence and Nature of Child Labor

In 1999, the ILO estimated that less than 1 percent of children between the ages of 10 and 14 in Venezuela work.²⁶⁷¹ Children are engaged in selling goods on the streets, shining shoes, bagging groceries at supermarkets, guarding and washing cars, guiding the blind, and helping in family businesses (including family farms).²⁶⁷² Children are also involved in begging, petty theft on the streets, prostitution, and drug trafficking.²⁶⁷³ Although child labor is not reported to be a significant problem in the manufacturing sector, some girls work in their homes helping their mothers sew garments on a piecework basis.²⁶⁷⁴

There are reports that children from Venezuela have been abducted and used as child soldiers by the Fuerzas Armadas Revolucionarias de Colombia (FARC) in Colombia.²⁶⁷⁵ Some children are trafficked from other South American countries to work in the capital as street vendors and domestic servants.²⁶⁷⁶

Education is free and compulsory up to grade nine.²⁶⁷⁷ In 1996, the gross primary enrollment rate was 91.3 percent, and the net primary enrollment rate was 83.8 percent.²⁶⁷⁸ Primary school attendance rates are unavailable for Venezuela. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁶⁷⁹ Although primary education is universal in Venezuela, school dropout and repetition rates are high.²⁶⁸⁰ Children in some regions of the country do not have access to schools and have limited access to materials and textbooks.²⁶⁸¹ There are insufficient well-trained teachers in some areas.²⁶⁸²

²⁶⁷⁴ Unclassified telegram 2626.

²⁶⁷⁵ Coalition to End the Use of Child Soldiers, *Global Report 2002: Venezuela*, at <http://www.child-soldiers.org/report2001/countries/venezuela.html>.

²⁶⁷⁶ *Country Reports 2000* at Section 6f. See also "Commercial Sexual Exploitation of Women and Children."

²⁶⁷⁷ *EFA 2000*.

²⁶⁷⁸ *World Development Indicators 2001*.

²⁶⁷⁹ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

²⁶⁸⁰ UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child*, Venezuela, UN Document No. CRC/C/15/Add.109 (Geneva, February 11, 1999), D.7.

²⁶⁸¹ *Ibid.*

²⁶⁸² *Ibid.*

²⁶⁸³ *Ley orgánica de trabajo*, Title V, Chapter 2, Article 254, 1997 [hereinafter *Ley orgánica de trabajo*], at <http://natlex.ilo.org/txt/S97VEN01.htm>. For information about the Ley Tutelar de Menores, see IPEC-Government of Venezuela, "Programa internacional para la erradicación del trabajo infantil" (SRITI, 1995) [hereinafter "Programa internacional para la erradicación del trabajo infantil"], 25.

²⁶⁸⁴ *Ley orgánica de trabajo* at Title V, Chapter 1, Article 247.

Child Labor Laws and Enforcement

The Labor Code of 1997 and the Minor's Protection Law set the minimum age for employment at 14 years.²⁶⁸³ Children under the age of 14 are prohibited from working in businesses, establishments, and industrial, mining, and commercial enterprises.²⁶⁸⁴ Children between the ages of 12 and 14 can work under certain circumstances with the permission of the National Children's Institute and the Ministry of Labor, provided that they are employed in work suited to their physical capacity and are guaranteed an education.²⁶⁸⁵ Children ages 14 to 16 can work only with the permission of their parent or legal guardian or another appropriate authority.²⁶⁸⁶ In most cases, children under the age of 16 are not permitted to work more than 6 hours a day (in two shifts of no more than 4 hours each) and 30 hours a week. Children under the age of 18 cannot work at night.²⁶⁸⁷ Forced labor is prohibited under Article 32 of the Labor Code.²⁶⁸⁸

Articles 388 and 389 of the Criminal Code prohibit inducing the prostitution of minors and the corruption of minors.²⁶⁸⁹ There are no laws that specifically prohibit child pornography, although laws protecting minors from abuse may be used to prosecute cases of child pornography.²⁶⁹⁰ The Constitution prohibits trafficking in persons.²⁶⁹¹ The Ministry of Labor, the National Institute for Minors, and the Prosecutor General's office enforce child labor laws. These laws are enforced effectively in the formal sector but are not well enforced in the informal sector.²⁶⁹²

Venezuela ratified ILO Convention 138 on July 15, 1987, but has not ratified ILO Convention 182.²⁶⁹³

²⁶⁸⁵ Ibid.

²⁶⁸⁶ Ibid. at Title V, Chapter 1, Article 248.

²⁶⁸⁷ Ibid. at Title V, Chapter 1, Articles 254 and 257. The same restriction for children is also included in "Programa internacional para la erradicación del trabajo infantil" at 25.

²⁶⁸⁸ *Ley orgánica de trabajo* at Title V, Chapter 3, Article 32.

²⁶⁸⁹ "Commercial Sexual Exploitation of Women and Children."

²⁶⁹⁰ Ibid.

²⁶⁹¹ *Country Reports 2000*.

²⁶⁹² Ibid. at Sections 6d, 6f.

²⁶⁹³ ILO, Ratifications of the ILO Fundamental Conventions, at <http://www.ilolex.ilo.ch:1567/english/>

²⁶⁹⁴ ILO-IPEC, *National Program on the Elimination of Child Labor in Yemen*, project document [hereinafter *National Program on the Elimination of Child Labor*], at 13-15.

²⁶⁹⁵ Ibid. at 14.

²⁶⁹⁶ U.S. Embassy-Sanaa, unclassified telegram no. 1092, March 2001.

Yemen

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

The Government of Yemen became a member of ILO-IPEC in June 1999. In 2000, USDOL funded an ILO-IPEC country program in Yemen. The program aims to withdraw and rehabilitate 3,000 child workers, provide them with formal and non-formal educational opportunities, train labor inspectors, and assist families through the provision of alternative income sources.²⁶⁹⁴ The program specifically targets children working in hazardous conditions, children under the age of 12, and girls.²⁶⁹⁵ The World Bank is funding a basic education program that provides school supplies to girls in order to offset education costs and boost attendance.²⁶⁹⁶

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 19.2 percent of children between the ages of 10 and 14 were working in Yemen.²⁶⁹⁷ The majority of children work in the rural agricultural sector.²⁶⁹⁸ Children are also reported to work as domestic laborers and in the retail, fishing, construction, transport, and industrial sectors.²⁶⁹⁹ In urban areas, children work in stores and workshops, sell goods on the street, and beg.²⁷⁰⁰

Education is free and compulsory for nine years.²⁷⁰¹ According to the Constitution, educa-

²⁶⁹⁷ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

²⁶⁹⁸ The economic crisis within the country and lack of social security benefits force many families to push their children into subsistence agriculture. See Government of Yemen, *Children and Women in Yemen: A Situation Analysis* (UNICEF and Radda Barnen, 1998) [hereinafter *Children and Women in Yemen*], 107. See also Bjerne Grimsrud, *Working Children in Yemen: Who Are They? A Study of Child Labour in Yemen*, a report produced for the Yemen General Federation of Workers Trade Unions (ILO-FAFO, 1999) [hereinafter *Working Children in Yemen*], 19, and *Country Reports on Human Rights Practices for 2000—Yemen* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/nea/index.cfm?docid=826>.

²⁶⁹⁹ *Working Children in Yemen* at 18-21. See also *Children and Women in Yemen* at 104.

²⁷⁰⁰ *Children and Women in Yemen* at 107.

²⁷⁰¹ *Preliminary Report of the Special Rapporteur on the Right to Education, Ms. Katarina Toma_evski*, submitted in accordance with Commission on Human Rights Resolution 1998/33, UN Document E/CN.4/1999/4913 (Geneva: UN Economic and Social Council, January 1999), at <http://www.right-to-education.org/unreports/unreport1prt3.html#tabel6> on 12/26/01. See also Solita Sarwono, “Women of Yemen Still Denied Their Basic Rights,” *Jakarta Post*, March 13, 2000, at <http://users.bart.nl/~lisako/yemen.htm> on 12/26/01. See also *Country Reports 2000* at Section 5.

²⁷⁰² Constitution of Yemen, Article 53, 1994, at <http://www.al-bab.com/yemen/gov/con94.htm> on 12/21/01.

²⁷⁰³ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

²⁷⁰⁴ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

tion is a public right and basic education is obligatory.²⁷⁰² In 1998, the gross primary enrollment rate was 68 percent. Boys enrolled at a rate of 89.1 percent, while girls enrolled at only 45.1 percent.²⁷⁰³ Primary school attendance rates are unavailable for Yemen. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁷⁰⁴ The Ministry of Education reported that nearly 200,000 boys dropped out of school in 1999. Child labor is reported to interfere with school attendance, particularly in the agriculture and domestic service sectors.²⁷⁰⁵

Child Labor Laws and Enforcement

There is no clearly established minimum age for employment in Yemen.²⁷⁰⁶ The Labor Law of 1995 requires that children under 15 years of age obtain the consent of a parent in order to work, limits the number of hours children under 15 may work, and forbids overtime or night work.²⁷⁰⁷ The Labor Law also prohibits children from working in hard or hazardous conditions.²⁷⁰⁸ The Constitution of 1994 states that no citizen may be forced to do any work except within the law.²⁷⁰⁹ The Penal Code prohibits procuring another person for immoral purposes and prohibits a man from allowing a female under his guardianship to engage in prostitution.²⁷¹⁰ The Penal Code also criminalizes trafficking of persons.²⁷¹¹ The Ministry of Labor and Vocational Training is responsible for enforcing child labor laws,²⁷¹² but enforcement is reported to be weak, particularly in rural or remote areas.²⁷¹³ The Government of Yemen ratified ILO Convention 138 and ILO Convention 182 on June 15, 2000.²⁷¹⁴

²⁷⁰⁵ *National Program on the Elimination of Child Labor* at 7, 8.

²⁷⁰⁶ Labor Law No. 5 of 1995 defines a working child as an individual younger than 15 years old. However, the law does not specify a minimum age for employment. The 1995 Labor Law is a relaxation of the Labor Law of 1970, which set a minimum age of 12 years and established regulations for working children between 12 and 15 years old. See *National Program on the Elimination of Child Labor* at 4.

²⁷⁰⁷ *Children and Women in Yemen* at 110.

²⁷⁰⁸ *Ibid.* at 105.

²⁷⁰⁹ Constitution of Yemen, Article 29, 1994, at <http://www.al-bab.com/yemen/gov/con94.htm> on 12/21/01.

²⁷¹⁰ Penal Code, Articles 179, 180, as cited in UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties due in 1998: Yemen*, UN Document CRC/C/70/Add.1 (Geneva, July 23, 1998) [hereinafter *Second Periodic Reports of States Parties*], para. 91.

²⁷¹¹ Penal Code, Article 248, as cited in *Second Periodic Reports of States Parties* at para. 91.

²⁷¹² *National Program on the Elimination of Child Labor* at 11.

²⁷¹³ *Country Reports 2000* at Section 6d.

²⁷¹⁴ ILO, ILOLEX database: Yemen, at <http://ilolex,ilo.ch:1567/cgi-lex>.

NOTE: Hard copies of all Web citations are on file.

²⁷¹⁵ ILO-IPEC, "National Programme on the Elimination of Child Labour in Zambia" (Geneva, 1999) [hereinafter "Elimination of Child Labour in Zambia"], 5.

²⁷¹⁶ ILO-IPEC, *Prevention, Withdrawal and Rehabilitation of Children in Hazardous Work in the Commercial Agricultural Sector in Africa: Country Annex for Zambia*, (Geneva, 2000) [hereinafter *Prevention*,

Zambia

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

The Government of Zambia became a member of ILO-IPEC in 2000 and is establishing a national plan of action to address child labor.²⁷¹⁵ In 2000, Zambia also joined an ILO-IPEC regional project funded by USDOL to address child labor in commercial agriculture by withdrawing children from exploitative work and providing them with education and health care services.²⁷¹⁶ The USDOL also funded the national child labor survey conducted in 1999 by Zambia's Central Statistical Office with technical assistance from ILO-IPEC's SIMPOC.²⁷¹⁷

The government is also seeking to improve education alternatives. The "Educating Our Future" policy and the Basic Education Sub-Sector Investment Program aim to improve the quality of schooling, assist disadvantaged children and families who are unable to afford the costs of education, and achieve universal primary education by the year 2005.²⁷¹⁸ In addition, the Government of Zambia and UNICEF are cooperating to implement an education advocacy program, with prime focus on young girls and gender sensitivity in schools.²⁷¹⁹

Incidence and Nature of Child Labor

In 1999, a child labor survey conducted by the Zambia Central Statistical Office, in cooperation with ILO-IPEC, estimated that 58 percent of children under age 15 were working in Zambia.²⁷²⁰ About 96 percent of working children are engaged in agriculture-related activities in

Withdrawal and Rehabilitation of Children], 64.

²⁷¹⁷ ILO-IPEC, *Statistical Information and Monitoring Programme on Child Labour in Zambia*, project document, (Geneva, 1999).

²⁷¹⁸ 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. 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.

²⁷¹⁹ Government of the Republic of Zambia and UNICEF, "Master Plan of Operations and Programme Plans of Operation for a Programme of Cooperation between the Government of the Republic of Zambia and UNICEF for the Children and Women of Zambia, 1997-2001" (Lusaka, March 1997), 16, 17.

²⁷²⁰ This survey was carried out with technical support from the ILO's SIMPOC. For the same year, the World Bank estimated that 15.7 percent of children between the ages of 10 and 14 were working. See "1999 Child Labor Survey: Country Report" (Draft) (Lusaka: Republic of Zambia, Central Statistical Office, 2001) [hereinafter "1999 Child Labor Survey"], Section 4.1.1, and *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

²⁷²¹ "1999 Child Labor Survey" at Sections 4.1.1, 4.1.2.

²⁷²² Ibid. at Table 4.1. See also A. J. Cheraw, Permanent Secretary, Ministry of Labour and Social Security, letter to ICLP, June 6, 2001, *Orphans and Vulnerable Children (A Situation Analysis, Zambia*, a joint USAID, UNICEF, and Swedish International Development Agency (SIDA) Study Fund Project (Lusaka:

rural areas.²⁷²¹ Child labor is found in a variety of economic activities, including quarrying and mining, carpentry, street vending, food production, and trading.²⁷²² Children also work as domestic servants, and an increasing number of younger children are forced into exploitative work, such as prostitution, as a means of survival.²⁷²³ In addition, the spread of HIV/AIDS has led to a dramatic increase in the number of orphans and street children, many of who engage in various forms of child labor, such as carrying parcels or guarding cars.²⁷²⁴ According to UNICEF, more than 600,000 children have been orphaned because of HIV/AIDS in Zambia—the highest number in Africa.²⁷²⁵

Education is not free or compulsory in Zambia.²⁷²⁶ In 1998, the gross primary enrollment rate was 101 percent, and the net primary enrollment rate was 85.4 percent.²⁷²⁷ In 1996, primary school net attendance was 67.4 percent.²⁷²⁸ According to USAID, of those who enter grade one, one-third fail to complete their education through grade seven.²⁷²⁹ Girls' attendance tends to be lower than that of boys, especially in rural areas.²⁷³⁰

NHPP) [hereinafter *Orphans and Vulnerable Children*], Section 2, and “Elimination of Child Labour in Zambia” at 2.

²⁷²³ Deputy Permanent Secretary P. E. Mutant and Labor Commissioner E. J. Miranda, Ministry of Labor and Social Security, interview with USDOL official, August 4, 2000. See also “1999 Child labor Survey” at Section 4.1.1.

²⁷²⁴ Children are the heads of about 7 percent of all households in Zambia as a result of the death of both parents due to HIV/AIDS. See *Prevention, Withdrawal and Rehabilitation of Children* at 64. See also Line Eldring, Sabata Nakanyane, and Malehoko Tshoedi, *Child Labour in the Tobacco-Growing Sector in Africa*, report prepared for the IUF/ITGA/BAT conference on the Elimination of Child Labour, Nairobi, October 8-9, 2000 [hereinafter *Child Labour in the Tobacco-Growing Sector in Africa*], 79, and *Orphans and Vulnerable Children*.

²⁷²⁵ Peter McDermott, UNICEF, interview with USDOL official, Lusaka, August 4, 2000. See also *Child Labour in the Tobacco-Growing Sector in Africa* at 79.

²⁷²⁶ *Child Labour in the Tobacco-Growing Sector in Africa* at 79.

²⁷²⁷ UNESCO, *Education for All: Year 2000 Assessment*, (Paris, 2000) [CD-ROM].

²⁷²⁸ USAID, Global Education Database, Washington, D.C., 2000 [CD-ROM].http://www.usaid.gov/educ_training/ged.html

²⁷²⁹ 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 [hereinafter “USAID Basic Education Programs in Sub-Saharan Africa III”], 95

²⁷³⁰ Enrollment of girls is also lower than that of boys (approximately 10 percent lower in 1999), and this gender disparity appears to be growing. Dropout rates are also higher for girls. See “USAID Basic Education Programs in Sub-Saharan Africa III” at 95. See also UNICEF, “Children in Jeopardy: The Challenge of Freeing Poor Nations from the Shackles of Debt” (New York, 1999) [hereinafter “Children in Jeopardy”], 5.

²⁷³¹ Constitution of the Republic of Zambia, Article 14, August 1991 [hereinafter Constitution of the Republic of Zambia], on 11/6/01. The Constitution 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.”

Child Labor Laws and Enforcement

The Constitution (1991) prohibits forced labor and establishes legal protection from exploitative work for young persons, defined as under the age of 15.²⁷³¹ The Employment of Young Persons and Children Act (1933), Chapter 274, establishes 14 as the minimum age for employment.²⁷³² The Constitution also prohibits trafficking of children under 15 years old.²⁷³³ There have been no prosecutions for violations of child labor regulations since 1997.²⁷³⁴ The Ministry of Labor and Social Security (MLSS) is responsible for enforcing labor laws. Zambia ratified ILO Convention 138 on February 9, 1976, and ratified ILO Convention 182 on December 10, 2001.²⁷³⁵

²⁷³² The Employment of Young Persons and Children Act (1933), Chapter 274, as cited in *Prevention, Withdrawal and Rehabilitation of Children* at 65. 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 jeopardise the health, safety or morals of that young person.”

²⁷³³ Constitution of the Republic of Zambia.

²⁷³⁴ U.S. Embassy—Lusaka, unclassified telegram no. 3288, September 2001. See also *Prevention, Withdrawal and Rehabilitation of Children* at 65 and *Country Reports on Human Rights Practices for 2000—Zambia* (Washington, D.C.: U.S. Department of State, 2001), Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=849>.

²⁷³⁵ ILO, ILOLEX database: Zambia, at <http://www.iloex.ilo.ch:1567/english/newratframeE.htm> <http://iloex.ilo.ch:1567/cgi-lex> on 11/6/01.

NOTE: Hard copies of all Web citations are on file.

Zimbabwe

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

The Government of Zimbabwe is making efforts to incorporate child labor issues into the plans and policies of several government ministries, such as the Ministries of Health and Education.²⁷³⁶ The Government of Zimbabwe is in the preliminary stages of cooperating with ILO-IPEC²⁷³⁷ and has conducted a national child labor survey with technical assistance from ILO-IPEC's SIMPOC.²⁷³⁸

Zimbabwe has made progress in the education sector by promoting better access to schools and improving the quality of schooling.²⁷³⁹ Since 1980, overall primary school attendance has increased by over 4,000 percent.²⁷⁴⁰ The government plans to build more schools and expand existing schools to take on more students, provide scholarships or cover education costs for poor children through the Social Development Fund and other social safety nets, and continue training staff and improving school facilities. From 1990 to 1999, the number of training centers for out-of-school youth has increased from 3 to 15 nationwide.²⁷⁴¹

²⁷³⁶ The Ministry of Health included child labor in its 1992 portfolio *Child Welfare*, and it chaired the meeting to develop the National Action Plan for Children, which establishes child labor as a problem area and called for improved legal protection of working children. The Ministry of Education policy position supports the right of working children to attend school and warns that child labor should not undermine schooling. See *Child Labour in Commercial Agriculture in Africa*, technical workshop on child labor in commercial agriculture in Africa, August 27-30, 1996, Dar es Salaam, United Republic of Tanzania (Geneva: ILO, 1997), at <http://www.ilo.org/public/english/standards/ipecc/publ/policy/papers/africa/index.htm> on 11/30/01.

²⁷³⁷ LO-IPEC, "All About IPEC: Programme Countries," at http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm on 9/21/01.

²⁷³⁸ Government of Zimbabwe, Central Statistical Office, Ministry of Public Service, Labour, and Social Welfare, *National Child Labour Survey*, Country Report, Zimbabwe, 1999 (Harare: ILO, 1999) [hereinafter *National Child Labour Survey*], 53, at <http://www.ilo.org/public/english/standards/ipecc/simpoc/zimbabwe/report/index.htm>.

²⁷³⁹ Line Eldring, Sabata Nakanyane, and Malehoko Tshoaeadi, *Child Labour in the Tobacco Growing Sector in Africa*, report prepared for the IUF/ITGA/BAT conference on Elimination of Child Labor, October 8-9, 2000, (Nairobi: FAFO, 2000) [hereinafter *Child Labour in the Tobacco Growing Sector*], 84.

²⁷⁴⁰ *Country Reports on Human Rights Practices for 2000—Zimbabwe* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=852>.

²⁷⁴¹ UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports—Zimbabwe*, at <http://www2.unesco.org/wef/countryreports/zimbabwe/contents.html>.

Incidence and Nature of Child Labor

In 1999, a child labor survey conducted by the Zimbabwe Central Statistics Office, in cooperation with ILO-IPEC, estimated that 33 percent of children between the ages of 5 and 14 in Zimbabwe were working.²⁷⁴² Over 90 percent of working children reside in rural areas.²⁷⁴³ Children work in a variety of sectors including traditional and commercial farming, domestic work, small-scale mining and gold panning, micro industries, and informal economic activities.²⁷⁴⁴ According to the 1992 census, an estimated 800,000 children in Zimbabwe live on large-scale commercial farms, and children as young as 10 to 12 years of age have been reported to work on cotton, tea, and tobacco farms. Many children on commercial farms work for long hours in the fields, often in exchange for education at farm boarding schools.²⁷⁴⁵

In 1999, there were a reported 12,000 street children in Harare, and the number is said to be increasing across the country.²⁷⁴⁶ Street children are found selling wares or watching cars.²⁷⁴⁷ A rising number of children under 17 years are engaged in prostitution, and children are reportedly trafficked to South Africa for purposes of prostitution and forced labor.²⁷⁴⁸ The traditional practice of offering a young girl as payment in an inter-family feud continues to occur in Zimbabwe.²⁷⁴⁹ The child labor situation is also affected by the prevalence of HIV/AIDs, which has left nearly one million children orphaned and reliant on informal work to supplement lost family income.²⁷⁵⁰

²⁷⁴² Fourteen percent of children between ages 5 and 17 were found to work over 3 hours per day. See *National Child Labour Survey* at 53.

²⁷⁴³ In rural areas, 53 percent of working children are boys. In urban areas, the percentages of working boys and girls are equal. See *National Child Labour Survey* at xii.

²⁷⁴⁴ *Child Labour in the Tobacco Growing Sector* at 87.

²⁷⁴⁵ Commercial farming accounts for 40 percent of Zimbabwe's foreign exchange earnings and 15 percent of the national GDP. While it is unknown how many children work on the farms, child labor is reported to be widespread. Children work after school during the planting and harvesting seasons and full time during holidays. Special boarding schools on the farms allow children to work during busy seasons. See *Child Labour in the Tobacco Growing Sector* at 87. See also *Country Reports 2000*, Section 6d, and USDOL, *By the Sweat and Toil of Children: Child Labor in Commercial Agriculture*, vol. 2 (Washington, D.C.: U.S. Department of Labor, 1995), 39-44.

²⁷⁴⁶ *Country Reports 2000* at Sections 5. See also U.S. Embassy-Harare, unclassified telegram no. 2971, October 2001 [hereinafter unclassified telegram 2971].

²⁷⁴⁷ A University of Zimbabwe study in 1991 surveyed children working in the streets in five areas of Zimbabwe and found that 85 percent spent part of their time in trading centers and returned home at the end of the day, while 15 percent worked and lived in the streets. See unclassified telegram 2971. See also *National Child Labour Survey* at 9.

²⁷⁴⁸ Unclassified telegram 2971.

²⁷⁴⁹ *Ibid.*

²⁷⁵⁰ *Ibid.* See also *Country Reports 2000* at Section 5.

Education is not free or compulsory.²⁷⁵¹ Primary and secondary school fees were reintroduced under the country's Economic Structural Adjustment Program of 1991.²⁷⁵² In 1997, gross primary school enrollment was 112.4 percent.²⁷⁵³ In 1994, the gross primary attendance rate was 108.9 percent, and the net primary attendance rate was 84.6 percent.²⁷⁵⁴ Certain segments of the educational system are particularly weak, including schools in the suburbs, on large-scale farms, and in refugee camps.²⁷⁵⁵ Few commercial farms have schools, and landowners have reportedly suspended children from attending if the children refuse to work for them.²⁷⁵⁶

²⁷⁵¹ *Country Reports 2000* at Section 5.

²⁷⁵² *Child Labour in the Tobacco Growing Sector* at 84. See also World Bank, "Structural Adjustment and Zimbabwe's Poor," Operations Evaluation Department, at <http://wbIn0018.worldbank.org/oed/oeddoelib.nsf/e90210f184a4481b85256885007b1724/15a937f6b215a053852567f5005d8b06?OpenDocument> on 1/10/01.

²⁷⁵³ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

²⁷⁵⁴ In 1994 the gross primary enrollment rate was 111 percent. See USAID, GED 2000: Global Education Database (Washington, D.C., 2000), at http://www.usaid.gov/educ_training/ged.html.

²⁷⁵⁵ *Child Labour in the Tobacco Growing Sector* at 84.

²⁷⁵⁶ *Child Labour in the Tobacco Growing Sector* at 84. See also Rene Loewenson, *Child Labour in Commercial Agriculture in Zimbabwe: Report of a Case Study* (Harare: ILO-IPEC, March 1995), 7. According to an April 2001 report in the *Daily News*, 125,000 children living on farms in Zimbabwe do not attend classes because there are no schools. See *IRIN News*, "Zimbabwe: 125,000 Children on Farms Not Attending School," UN Office for the Coordination of Humanitarian Affairs (Johannesburg, April 18, 2001), at <http://www.irinnews.org/> on 12/6/01.

²⁷⁵⁷ Light work is defined as anything that will not infringe upon a child's education, health, safety, rest, or social, physical, or mental development. See *Child Labour in the Tobacco Growing Sector* at 86. See also unclassified telegram 2971.

Child Labor Laws and Enforcement

The Employment of Children and Young Persons Regulation of 1997 sets 12 years as the minimum age for general employment and 16 years as the minimum age for activities other than light work, apprenticeships, or vocational training.²⁷⁵⁷ Children under 18 years may not be employed during school terms without the approval of the Ministry of Labor or in hazardous, overtime, or night work.²⁷⁵⁸ Additional protection is provided by the Labor Relations Act, which stipulates that any employment contract for a child under 16 years cannot be considered legally valid.²⁷⁵⁹ The Children's Protection and Adoption Act of 1972 protects children's right to education, should they work, and prohibits certain types of street vending and trading by children under 16 years.²⁷⁶⁰ Forced labor is also prohibited.²⁷⁶¹

Pursuant to the 2001 Sexual Offenses Act, prostituting children under the age of 12 or the procurement of any person for prostitution are criminal offenses and punishable by fines of up to USD 167 or up to 10 years of imprisonment.²⁷⁶² No laws specifically address trafficking in persons.²⁷⁶³ Labor regulations, and specifically child labor laws, are poorly enforced because of weak interpretations of the laws themselves, a lack of labor inspectors, and a poor understanding among affected workers of basic legal rights.²⁷⁶⁴ Zimbabwe ratified ILO Convention 138 on June 6, 2000, and ILO Convention 182 on December 11, 2000.²⁷⁶⁵

²⁷⁵⁸ *Child Labour in the Tobacco Growing Sector* at 86.

²⁷⁵⁹ *Child Labour in the Tobacco Growing Sector* at 85.

²⁷⁶⁰ *Ibid.*

²⁷⁶¹ *Country Reports 2000* at Section 6c.

²⁷⁶² Unclassified telegram 2971.

²⁷⁶³ *Country Reports 2000* at Section 6f.

²⁷⁶⁴ *Child Labour in the Tobacco-Growing Sector* at 85, 86. In coordination with organized labor, women's groups, and other advocates, the Government of Zimbabwe is currently drafting legislation to expand national child protection laws. Several proposed provisions in the draft legislation deal with strengthening child labor monitoring and inspection services. *See* unclassified telegram 2971.

²⁷⁶⁵ ILO, ILOLEX database: Zimbabwe, at <http://www.ilolex.ilo.ch> on 11/30/01. Although ILO Convention No. 182 has been ratified by Parliament, it has not yet been incorporated into national law. *See* unclassified telegram 2971.

NOTE: Hard copies of all Web citations are on file.

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 areas generally are not eligible to become members of the ILO, and Convention 138 and Convention 182 do not apply to any of them.²⁷⁶⁶

Anguilla (territory of the United Kingdom)

Statistics on the number of working children under the age of 15 in Anguilla are unavailable. Information is unavailable on the incidence and nature of child labor. Education is compulsory between the ages of 5 and 17.²⁷⁶⁷ In 1998, the gross primary enrollment rate was 100.7 percent, and the net primary enrollment rate was 98.9 percent.²⁷⁶⁸ The government has collaborated with UNESCO to develop an Education for All plan that aims to raise educational achievement levels, improve access to quality special education services and provide human resource training for teachers and education managers.²⁷⁶⁹

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, but children reportedly work occasionally during the afternoons and on weekends in family-owned businesses, supermarkets and hotels.²⁷⁷⁰ Under the Education Ordinance, children must attend school until the age of 14.²⁷⁷¹ The Labor Standards set the minimum age for employment at 14 years.²⁷⁷²

²⁷⁶⁶ Natan Elkin, ILO, electronic correspondence 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.

²⁷⁶⁷ Access to primary education focuses on children aged 5-11. See UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports-Anguilla* [hereinafter *EFA 2000*], at http://www2.unesco.org/wef/countryreports/anguilla/rapport_1.html.

²⁷⁶⁸ *EFA 2000*.

²⁷⁶⁹ *Ibid.*

²⁷⁷⁰ Sheila Brathwaite, permanent secretary, Ministry of Natural Resources and Labour, Government of the British Virgin Islands, letter to USDOL official, September 14, 2000.

²⁷⁷¹ *Ibid.*

²⁷⁷² *Ibid.*

Cayman Islands (territory of the United Kingdom)

Statistics on the number of working children under the age of 15 in the Cayman Islands are unavailable, but children reportedly work bagging groceries in supermarkets. According to the government, there are also subcultures within the islands where it is acceptable for children to work instead of attending school.²⁷⁷³ Children under the age of 16 may not work during school hours,²⁷⁷⁴ and children of school age are prohibited from lifting, carrying, or moving anything heavy that may cause them injury.²⁷⁷⁵ Children cannot work at night between the hours of 10 p.m. and 7 a.m, for more than eight hours on a non-school day, or for more than two hours after school.²⁷⁷⁶ The Department of Social Services is responsible for child labor laws and issues.²⁷⁷⁷

Education in the Cayman Islands is free and compulsory for 10 years.²⁷⁷⁸ In 1995, the gross primary enrollment rate was 113.5 percent and the net primary enrollment rate was 100 percent.²⁷⁷⁹ The government developed an Education Development Plan for 1995-1999 to support strategies designed to improve the quality of its schools. The plan included strategies to establish a national standards-based curriculum, develop and implement a personal education plan for every student, establish individual and school accountability, strengthen the relationship between parents, students and teachers, and ensure continuous staff development.²⁷⁸⁰

Cook Islands (self-governing in free association with New Zealand)

Statistics on the number of working children under the age of 15 in the Cook Islands are unavailable, but children are reported to assist with domestic chores, work as performers on a part-time basis in cultural dance groups, and work in shops.²⁷⁸¹ Under the Education Act of 1986-1987, schooling is compulsory for children between the ages of 5 and 15.²⁷⁸²

²⁷⁷³ Deanna Look Loy, director of social services, Department of Social Services, Cayman Islands, British West Indies, letter to USDOL official, September 23, 2000 [hereinafter Loy letter].

²⁷⁷⁴ Douglas Banks, chief labor officer, Cayman Islands, interview with USDOL official, September 13, 2000 [hereinafter Banks interview].

²⁷⁷⁵ Loy letter

²⁷⁷⁶ Ibid.

²⁷⁷⁷ Banks interview.

²⁷⁷⁸ Ibid. See also UNESCO statistics [hereinafter UNESCO statistics] at http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.html.

²⁷⁷⁹ UNESCO, *Education for All: Year 2000 Assessment*, [CD-ROM] [hereinafter *Education for All: Year 2000 Assessment*].

²⁷⁸⁰ UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports-Cayman Islands*, at http://www2.unesco.org/wef/countryreports/cayman/rapport_1.html.

²⁷⁸¹ Andrew Young, U.S. Embassy-Auckland, electronic correspondence to U.S. Department of State official, October 1, 2001.

²⁷⁸² Ibid.

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.²⁷⁸³ Children under the age of 18 may not work in dangerous occupations, unless they have been trained to handle dangerous machinery.²⁷⁸⁴ The Labor and Consumer Affairs Division of the Ministry of Internal Affairs is responsible for monitoring the implementation of child labor laws.²⁷⁸⁵

Falkland Islands (territory of the United Kingdom)

Statistics on the number of working children in the Falkland Islands under the age of 15 are unavailable. Information is also unavailable on the incidence and nature of child labor. Education is free and compulsory up to the end of the academic year when a child reaches 16 years of age.²⁷⁸⁶ In 2000, the government reported that all children in the capital were enrolled in primary or secondary schools.²⁷⁸⁷

The Employment of Children Ordinance of 1966 prohibits the employment of children under the age of 14.²⁷⁸⁸ The Employment of Women, Young Persons and Children Ordinance of 1967 prohibits children under the age of 18 from working in industrial establishments.²⁷⁸⁹ Due to high school enrollment rates, the government does not consider the worst forms of child labor to be a problem and does not have programs or policies to address this issue.²⁷⁹⁰

Gibraltar (territory of the United Kingdom)

Statistics on the number of working children under the age of 15 in Gibraltar are unavailable. Information is also unavailable on the incidence and nature of child labor. Education is free and compulsory between the ages of 4 and 15.²⁷⁹¹

Montserrat (territory of the United Kingdom)

Statistics on the number of working children under the age of 15 in Montserrat are unavailable. Information is also unavailable on the incidence and nature of child labor. Education is compulsory for children between the ages of 5 and 14, and free up to the age of 17.²⁷⁹² The Gov

²⁷⁸³ Ibid.

²⁷⁸⁴ Ibid.

²⁷⁸⁵ Ibid.

²⁷⁸⁶ Rosalind Cheek, crown counsel, Falkland Islands, electronic correspondence to USDOL official, December 21, 2000 [hereinafter Cheek correspondence].

²⁷⁸⁷ Cheek correspondence.

²⁷⁸⁸ Ibid.

²⁷⁸⁹ Ibid.

²⁷⁹⁰ Ibid.

²⁷⁹¹ Government of Gibraltar, *Education and Training*, at http://www.gibraltar.gov/gi/gov_depts/education_index.htm.

²⁷⁹² Alex Ackie, clerical officer, Government of Montserrat, electronic correspondence to USDOL official, January 23, 2001.

ernment of Montserrat developed an Education in the Country Policy Plan for 1998-2002 in conjunction with the United Kingdom. Under this plan, the government is supporting initiatives in the areas of curriculum development, student assessment and evaluation, professional development for teachers, post-secondary education expansion, and educational infrastructure and information technology.²⁷⁹³

Niue (self-governing in free association with New Zealand)

Statistics on the number of working children under the age of 15 in Niue are unavailable. Information is also unavailable on the incidence and nature of child labor. Education is free and compulsory for 8 years.²⁷⁹⁴ Niue has one primary school, and in 1995, the gross and net primary enrollment rates were both 100 percent.²⁷⁹⁵ The government has collaborated with UNESCO to develop an Education for All plan to improve learning achievements and provide better educational opportunities for children with special needs.²⁷⁹⁶

Pitcairn Islands (territory of the United Kingdom)

In 2000, the government reported that there were no working children in the Pitcairn Islands. Children under the age of 15 are prohibited from engaging in paid government work.²⁷⁹⁷ Education is free and compulsory between the ages of 5 and 15.²⁷⁹⁸ All of the island's seven children were enrolled in school in 2000.²⁷⁹⁹ The government does not believe that child labor is a problem and does not have policies or programs to address this issue.²⁸⁰⁰

St. Helena (territory of the United Kingdom)

In 2000, the government reported that there were no working children in St. Helena.²⁸⁰¹ The minimum age for employment is 15 years.²⁸⁰² Education is free and compulsory between the ages of 5 and 15.²⁸⁰³

²⁷⁹³ UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports-Montserrat*, at http://www2.unesco.org/wef/countryreports/montserrat/rapport_1.html.

²⁷⁹⁴ UNESCO statistics.

²⁷⁹⁵ UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports-Niue*, [hereinafter *EFA 2000: Niue*], at http://www2.unesco.org/wef/countryreports/niue/rapport_1.html.

²⁷⁹⁶ *EFA 2000: Niue*.

²⁷⁹⁷ Leon Salt, commissioner, Pitcairn Islands, electronic correspondence to USDOL official, November 7, 2000.

²⁷⁹⁸ *Ibid.*

²⁷⁹⁹ *Ibid.*

²⁸⁰⁰ *Ibid.*

²⁸⁰¹ Gillian Francis, assistant secretary, Government of St. Helena, electronic correspondence to USDOL official, November 24, 2000.

²⁸⁰² *Ibid.*

²⁸⁰³ *Ibid.*

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. In 1999, the gross primary enrollment rate was 113.1 percent, and the net primary enrollment rate was 112.7 percent.²⁸⁰⁴

West Bank and Gaza Strip

Statistics on the number of children working under the age of 15 in the West Bank are unavailable, but reports indicate that many Palestinian children under the age of 16 work.²⁸⁰⁵ Many of these children work on family farms, in family shops, and as street vendors. Some children also work in small manufacturing enterprises, such as shoe and textile factories.²⁸⁰⁶ Education is compulsory until the age of 12.²⁸⁰⁷ However many girls marry early and do not complete the mandatory level of schooling.²⁸⁰⁸ Closures to the area imposed by Israel impeded some children and teacher access to schooling in 2000. Classes were also cancelled in areas under curfew.²⁸⁰⁹

The Palestinian Authority is responsible for enforcing the area's labor laws. The Authority has limited capacity to enforce labor laws because it only has only 40 labor inspectors.²⁸¹⁰ The Palestinian Authority has been collaborating with ILO-IPEC to improve child labor law enforcement, and to conduct a child labor survey to determine the extent and nature of child labor in the West Bank and Gaza Strip with technical assistance from ILO-IPEC's SIMPOC.²⁸¹¹

²⁸⁰⁴ UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports-Turks and Caicos Islands*, at http://www2.unesco.org/wef/countryreports/turks_caicos/rapport_1.html.

²⁸⁰⁵ *Country Reports on Human Rights Practices for 2000—Occupied Territories* (U.S. Department of State: Washington, D.C., 2001), Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/nea/index.cfm?docid=882>.

²⁸⁰⁶ *Ibid.*

²⁸⁰⁷ *Ibid.* at Section 5.

²⁸⁰⁸ *Ibid.*

²⁸⁰⁹ *Ibid.*

²⁸¹⁰ *Ibid.* at Section 6d.

²⁸¹¹ *Ibid.* See also ILO-IPEC, *Child Labor Statistics: SIMPOC Countries*, at <http://www.ilo.org/public/english/standards/ipecc/simpoc/countries.htm> on 1/29/02.

Western Sahara

Statistics on the number of working children under the age of 15 in Western Sahara are unavailable, but reports indicate that the few remaining nomadic children work as shepherds.²⁸¹² Residents of Western Sahara are subject to Moroccan labor laws that set the minimum age for employment at 15 years, and prohibit children under the age of 18 from working in hazardous occupations or at night.²⁸¹³ Education is compulsory for 8 years.²⁸¹⁴ 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 policies 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), Christmas Islands, (territory of Australia) Cocos (Keeling) Islands (territory of Australia), Heard Island and MacDonal Islands (territory of the United Kingdom), Norfolk Island (territory of Australia), Tokelau (territory of Australia), and Wallis and Futuna (territory of France).²⁸¹⁵

²⁸¹² *Country Reports on Human Rights Practices for 2000—Western Sahara* (Washington, D.C.: U.S. Department of State, 2001), at <http://www.state.gov/g/drl/rls/hrrpt/2000/nea/index.cfm?docid=825>.

²⁸¹³ *Ibid.* See also Lawrence Connell, U.S. Embassy-Casablanca, electronic correspondence to USDOL official, January 29, 2002.

²⁸¹⁴ UNESCO statistics.

²⁸¹⁵ A Central Intelligence Agency fact sheet states that Heard Island and MacDonal Island are currently uninhabited.

Appendix: Data Source Descriptions

Statistics on Working Children

Statistics measuring the incidence of child labor in the individual profiles vary by age ranges and the definition used to measure child labor. There is no internationally endorsed definition on working children, or universally prescribed methodology for collecting data on child labor. The lack of concepts and methods for collecting child labor data has made it difficult to obtain comparable and reliable statistics across countries on working children. Therefore, estimates on the number of working children presented in this report come from government household surveys and international agencies that use varied age ranges and different definitions to construct child labor statistics. 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 worst forms of child labor.

Resources used in this report for child labor statistics that use household surveys such as national census or labor force surveys come from ILO's *Yearbook of Labor Statistics* and World Bank's *World Development Indicators*. Estimates on the number of working children from these sources are generally based on the definition of the "economically active population" which restricts the labor force activity of children to "paid" or "unpaid" employment, military personnel, and the unemployed. The definition does not include children in informal work settings, non-economic activities, or "hidden" forms of work such as domestic service, prostitution, or armed conflict.

Other sources on child labor statistics come from ILO-IPEC's SIMPOC and UNICEF's Multiple Indicator Cluster Surveys (MICS) that are specifically designed to measure the extent of child labor in a country. Although these surveys also employ the definition of "economically active", the universe for working children is extended to include work activities outside the definition, which would capture children working in the informal sector and domestic work. However, the methods for collecting data on the worst forms of child labor are also still inadequate.

Another main source used in this report is from country statistics on child labor provided by the Inter-Agency Research Cooperation Project on "Understanding Children's Work" (UCW) from the ILO, UNICEF, and the World Bank. The UCW project has compiled statistics from 32 countries that use both traditional household surveys and child labor surveys. Estimates on the number of working children from this source also vary by age ranges and definitions.

In determining which source to use in presenting estimates on child labor for the individual profiles, priority is given to statistics collected from child labor surveys such as the ILO-IPEC SIMPOC survey or the UNICEF MICS survey. In instances where data is not available specifically from a child labor survey, estimates based on household survey data from the UCW project are presented to reflect the number of children working, children who combine school and work, and children who work in household chores for a specified amount of time. Finally, countries that do not have data on working children from a child labor survey or the UCW project draw on estimates from ILO's *Yearbook of Labor Statistics* or the World Bank's *World Development Indicators*. In some cases, recent statistics from child labor surveys do not exist, and estimates from other more recent sources are presented along with estimates from the child labor survey.

Sources of Child Labor Data

Child labor statistics in this report were obtained from the following four main sources:

1. ILO-IPEC Sponsored Child Labor Surveys

Since 1992, ILO-IPEC and ILO-STAT have worked in close collaboration with national statistical agencies and other institutions in several countries to design and implement specialized surveys on child labor.²⁸¹⁶ Eleven child labor surveys were conducted under the direction ILO-STAT, and administered either as a stand-alone survey or a child labor module as a part of a country's existing labor force surveys. In 1998, ILO-IPEC launched SIMPOC in which 34 countries either have completed or are in the process of collecting child labor data.²⁸¹⁷ The population of working children generally includes children between the ages of 5 and 17 who are employed, unemployed, or domestic workers in their own household. Children who are working are either salaried, self-employed, unpaid family workers, or apprentices. Unlike traditional labor force surveys, the SIMPOC child labor surveys collect data on some work activities in the informal sector.²⁸¹⁸

2. UNICEF's Multiple Indicator Cluster Surveys (MICS)

In 1998, UNICEF began a process to assist countries assess progress in meeting their goals for the "World Summit for Children" using the MICS questionnaire.²⁸¹⁹ The MICS questionnaire 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. Child labor measures consist of children between the ages of 5 and 14 who are paid, unpaid, and work at least 4 hours a day in domestic work.²⁸²⁰ About 49 developing countries included the child labor indicator in their MICS questionnaire,²⁸²¹ to date, 28 countries have submitted their national reports to UNICEF.²⁸²²

3. The Inter-Agency Research Cooperation Project on "Understanding Children's Work"

The "Inter-Agency Research Cooperation Project: Developing New Strategies for UCW is a group collaboration between ILO, UNICEF, and the World Bank to minimize the duplication of efforts on child labor statistics among the three agencies, and identify information gaps in the

²⁸¹⁶ ILO, *Child Labour Surveys: Results of Methodological Experiments in Four Countries* (Geneva, 1996) [hereinafter *Child Labour Surveys*].

²⁸¹⁷ ILO-IPEC SIMPOC: Facts and Figures, at <http://www.ilo.org/public/english/standards/ipecc/simpoc/factsheet.htm> on 01/31/02.

²⁸¹⁸ *Child Labour Surveys*.

²⁸¹⁹ UNICEF, *Statistics, End Decade Assessment: Multiple Indicator Cluster Survey, Background*, at <http://childinfo.org/MICS2/Gj99306m.htm> on 01/31/02.

²⁸²⁰ UNICEF, *Statistics, End Decade Assessment: Multiple Indicator Cluster Survey, Annex 1: Indicators for Monitoring Progress at End-Decade*, at <http://childinfo.org/MICS2/EDind/exdanx1.pdf> on 01/31/02.

²⁸²¹ UNICEF, *Statistics, End Decade Assessment: Multiple Indicator Cluster Survey, Child Work*, at <http://childinfo.org/eddb/work/index.htm> on 01/31/02.

²⁸²² UNICEF, *Statistics, End Decade Assessment: Multiple Indicator Cluster Survey, MICS2- National Reports*, at <http://childinfo.org/MICS2/natlMICSrepz/MICSnatrep.htm> on 01/31/02.

data on child labor. ILO contributes data from its SIMPOC surveys, UNICEF from the MICS questionnaire, and the World Bank from its Living Standards Measurement Survey. The UCW project has country statistics on child labor, schooling and health indicators from government census or household surveys sponsored by at least one of the three agencies.²⁸²³

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

Child labor force participation rates for 1999 from the ILO database Estimates and Projections of the Economically Active Population (EAP), 1950-2010 are taken from World Bank's World Development Indicators 2001. Statistics from the ILO's EAP database are different from statistics from ILO's SIMPOC child labor surveys. Labor force participation rates from the EAP database are based on the definition of the "economically active population" for children between the ages of 10 and 14.²⁸²⁴ Although the EAP is less accurate in estimating the number of children working below the age of 15, it does provide a useful indicator because it is the only available source for comprehensive and comparable data on working children 10 to 14 years old.²⁸²⁵

Sources of Primary School Education Data

Primary school education data for gross and net primary school enrollment were obtained from either the World Development Indicators 2001 or the Education For All 2000 Assessment. Gross and net primary school attendance rates were obtained from USAID's Global Education Database.

1. World Development Indicators 2001 (WDI 2001)

The WDI 2001 is an annual compilation by the World Bank on development data gathered from several international and government agencies and private and nongovernmental organizations around the world. The WDI 2001 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.²⁸²⁶

2. Education for All 2000 Assessment

The *Education for All (EFA) Year 2000 Assessment Statistical Document* is a collection of quantitative data based on an in-depth evaluation of basic education at global, regional, and national levels gathered by UNESCO Institute for Statistics (UIS). Data is available for 185 countries. Indicators examined in this assessment include the demand for education, early

²⁸²³ *Understanding Children's Work: An-Interagency Research Cooperation Project at Innocenti Research Centre* at <http://www.ucw-project.org> on 01/31/02.

²⁸²⁴ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001), 49.

²⁸²⁵ ILO, *Source and Methods: Labour Statistics, Vol. 10: Estimates and Projections of the Economically Active Population 1950-2010* (Geneva, 2000).

²⁸²⁶ *World Development Indicators 2001* [CD-ROM], Washington, D.C., 2000

childhood education and care, access and trends to primary education, public expenditure on primary education, teacher qualifications, and literacy rates.²⁸²⁷

3. Global Education Database 2000 (GED)

The GED provides education data compiled by UNESCO and from USAID Demographic and Health Survey (DHS) sources. Data include education measures on the performance of a specific country or groups of countries over time in areas such as school enrollments and attendance, public expenditure, and gender parity. For most of the 145 UNESCO indicators, data are for 1980, 1985, and for single years from 1990 through 1997 or 1998. DHS statistics are presented for the specific country and year in which surveys were conducted and are reported through 1999. With over 200 countries represented, the database is a useful tool for cross-country comparisons of education indicators.²⁸²⁸

²⁸²⁷ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

²⁸²⁸ USAID, *Global Education Database 2000* (Washington, D.C.) [CD-ROM]. Also available at http://www.usaid.gov/educ_training/ged.html.

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